

MINUTES OF THE CITY COUNCIL MEETING HELD JUNE 13, 2006, AT 7:00 P.M., IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER

MEMBERS PRESENT: Mayor Pro Tem Bruce Jones, Councilman Don Antczak, Councilman Scott Bracken, Councilman Gordon Thomas

EXCUSED: Mayor Kelvyn Cullimore

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, City Recorder Linda Dunlavy, Community Development Director Kevin Smith, Finance Director David Muir, Planning Director Michael Black, Code Enforcement Officer Mike Dolan

OTHERS PRESENT: Robby Russo, Mike Watson, Corbett Ford, Ron Fullmer, Cathy McKittrick, Dave Clark, Mike Young, David Nance, Valley Journal representatives

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1.0 WELCOME/PLEDGE

1.1 Mayor Pro Tem Jones opened the meeting at 7:05 p.m. and welcomed those in attendance. He noted that Mayor Cullimore is out of town.

1.2 The Pledge of Allegiance was led by Councilman Thomas.

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2.0 CITIZEN COMMENTS

2.1 Dave Clark, Old Mill Estates Homeowners Committee, explained that they have been working with the City and Halophane Lighting on a proposal to put additional lighting in their neighborhood. The City is proposing a budget of \$33,000 for this lighting, but the preliminary proposals are more than expected. He asked the City to consider budgeting more for this project.

Community Development Director Kevin Smith said that there is a possibility that the County would install the lighting, instead of using a private contractor. The City would have to obtain a price per pole from the County.

Mayor Pro Tem Jones stated that the City supports lighting and there are many areas in the City that would like the same support. The City has adopted a Street Lighting Policy whereby the resources of the City could be shared and allocated among a number of areas.

Mr. Smith explained that the \$33,000 has been allocated as a separate line item for this project. There is also \$50,000 for city-wide lighting, specifically for spot locations and for neighborhoods that will participate in lighting needs. The Street Lighting Plan specifically stipulates where the City will participate on installation.

Mr. Clark said that the homeowners are asking the City to bridge the gap from \$33,000 to \$44,000.

Mayor Pro Tem Jones suggested the board of the homeowners association make sure there is a consensus and then work with Staff regarding the funding.

3.0 REPORTS/PRESENTATIONS

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3.1 Sheriff's Report – Detective Corbett Ford

- 3.1.1 Detective Ford stated that there were 1020 calls for service in May, resulting in 654 cases. He noted that domestics and assaults are the same as last month; but frauds and forgeries are up. He also told the Council that stolen vehicle reports are up and explained that this is a crime of opportunity and people should be careful about leaving their vehicles running.

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- 3.1.2 Councilman Thomas said that there is graffiti west of Highland Drive near the freeway and asked who to contact to have it removed.

Lt. Russo said that they are in the process of assigning the jail crew to remove the graffiti. He noted that spray cans of a chemical which removes graffiti very easily and can be obtained by the residents.

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- 3.1.3 August 1, 2006, is the national 'Night Out Against Crime'. This information will be placed on the City's web page.

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4.0 ACTION ITEMS

4.1 Consideration of Resolution No. 2006-23 Consenting to the Reappointment of Members of the Planning Commission

- 4.1.1 Mayor Pro Tem Jones reviewed Resolution 2006-23 which approves the reappointment of Geoff Armstrong, Gordon W. Nicholl, and Jim Keane as members of the Planning Commission effective July 1, 2006, for three year terms.
- 4.1.2 City Manager Liane Stillman explained that reappointment to a board or commission is not automatic. A peer review and an interview were done on each proposed reappointment.
- 4.1.3 **MOTION:** Councilman Bracken moved to approve Resolution No. 2006-23. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

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4.2 Consideration of Ordinance No. 52 restricting parking/storage of certain commercial vehicles, recreational vehicles, trailers and trucks in residential areas due to safety and neighborhood aesthetics concerns

- 4.2.1 Councilman Thomas said that the initial point of discussion on this matter originated in his district and expressed surprise that no one was in attendance to speak. He suggested the residents be given another opportunity to speak on this matter.

4.2.2 Mayor Pro Tem Jones said that there has been significant discussion on the proposed policy which has been revised several times based on those discussions. He said that this is a subject that does not have an answer that will please everyone and the City has attempted to find a balanced approach.

4.2.3 City Attorney Shane Topham said that since the incorporation of the City there has been an ordinance in effect that controlled the parking of commercial and agricultural vehicles, large trucks above one ton, and trailers on public streets and in residential areas. The City has been discussing modifying the Ordinance in response to situations that have risen in Councilman Thomas' area. He said that this is the sixth redraft of the ordinance and conveys the concepts that have been discussed while trying to balance the competing interests on this issue. Mr. Topham said that safety issues are of paramount concern to the City and 'clear view' issues where the height of objects in close proximity to intersections interferes with the ability of motorists to see what is coming have been discussed.

The ordinance defines the vehicles that are covered and states that controlled vehicles cannot be parked on any public street adjacent to a lot, next to a residential dwelling for longer than two hours during any 24 hour period; the controlled vehicle must be stored on a paved portion of the lot; the controlled vehicle cannot extend into the public right-of-way; and if a controlled vehicle is stored in the front yard of a residential lot it must be operable, and if licensable, must be licensed and registered. Mr. Topham said that the proposed Ordinance states that controlled vehicles cannot be stored within the required side yard setback next to the street on corner lots without the approval of the City's Development Review Committee. Controlled vehicles cannot be stored on any residential lot in violation of 'clear view' standards.

Mr. Topham said that the Ordinance specifies that no more than a total of two controlled vehicles per half-acre of lot size can be stored or parked on any lot in the city. This ordinance takes precedence over any conflicting provisions in the code that concern the parking or storage of the controlled vehicles.

4.2.4 Mr. Smith discussed various scenarios of 'clear view' standards on interior and corner lots.

4.2.5 Mayor Pro Tem Jones read a letter from Dennis and Sharon Pickett regarding the proposed ordinance into the public record. (See attached).

4.2.6 Mayor Pro Tem Jones asked if there is guidance given to the Development Review Committee in hearing this type of review.

Mr. Topham said they would rely on recognized standards.

Mayor Pro Tem Jones suggested that wording be added to the ordinance stating that the primary focus of the committee would be on safety concerns based on accepted standards.

That change will be made to the ordinance.

4.2.7 City Attorney Shane Topham said that the Council may want to consider continuing this item until June 27, 2006.

4.2.8 Ron Fullmer, said that there are a number of provisions in law dealing with hardship situations that cannot be delineated by statute and is left to administrative law through an appeals board.

4.2.9 City Attorney Shane Topham said that this would be an administrative decision of the City that would be appealable to the Board of Adjustments who would hear the matter de novo.

4.2.10 **MOTION:** Councilman Thomas moved to continue you this item to the June 27th business meeting and post the proposed ordinance on the City's web page. The motion was seconded by Councilman Bracken and passed unanimously on a voice vote.

5.0 **CONSENT CALENDAR**

5.1 **Approval of May 23, 2006 Minutes**

5.1.1 The minutes were approved as corrected.

6.0 **ADJOURN**

6.1 The business meeting adjourned at 8:27 p.m.