

**MINUTES OF THE HOLLADAY
CITY COUNCIL WORK MEETING**

Thursday, November 12, 2009

5:00 p.m.

City Hall – Mt. Olympus Room

4580 S 2300 E

Holladay, Utah 84117

ATTENDANCE

Mayor Dennis Webb

Council Members

Lynn Pace

Grant Orton

Pat Pignanelli

Jim Palmer

Barry Topham

City Staff

Randy Fitts, City Manager

Stephanie Carlson, City Recorder

Craig Hall, City Attorney

Paul Allred, Community Develop. Dir

Others: Council Member-elect Sabrina Petersen, Sharron Horsey, Raili Jacquet, Capt. Chris Bertram

1. Call to Order

Mayor Webb called the meeting to order at 5:21 pm.

2. Discussion on Land Use Issues

a. Proposed Amateur Radio Facilities

Mayor Webb reported that he met with David McPhie on this proposal. He had some concerns with a number of items but was very reasonable. Mr. Hall will meet with Mr. McPhie in the coming week to go over the ordinance and his concerns. The Council discussed that 64 ft seems to be the optimal height for frequency.

b. Amendments to the Home Occupation Ordinance

The Planning Commission forwarded their recommendation in July. The Council's concern is what is driving the proposed ordinance change? Ms. Hanson stated that in the past year, many of the applications for a business license are for home occupation and they would like an employee. Due to the economy they are looking to downsize and work out of their homes. The Planning Commission felt that there could be reasonable changes to the ordinance to allow some business to have an outside employee or use an accessory building upon their review and approval. The Council has concerns with employees, parking, signage, customers coming to the home and the use of accessory buildings.

The Council discussed the day care requirements. They are required by State law to have one employee or more depending on the age of the children they have so do they get treated differently than other home based businesses?

Council Member Pace feels that home occupations should be an invisible use in the neighborhood. Home occupations are best if they are phone, mail and internet only.

Under the proposed ordinance, for a Level 2 Home Occupation, before granting a license the Planning Commission will visit the site and the home. They are very thorough in their process. They look at the business itself, the parking and the physical impact it might have on the neighborhood. They may approve 8-16 customers per day because there is no measureable impact for some current businesses like the approved musical instrument repair shop. The Commission felt that there would be adequate protection for surrounding properties since these licenses are still reviewable upon complaint. Staff indicated that they rarely receive complaints about any of the home occupations in the City.

Council Member Orton expressed his concerns with larger daycares. He feels that these day cares should be restricted to commercial areas and comply with all State requirements.

Council Member Pignanelli agrees with both the comments by Council Members Orton and Pace. She also has concern with accessory buildings being used.

Council Member Topham does not want to commercialize or adversely affect the neighborhoods. He suggested running the ordinance by the Chamber to get their input.

Council Member Palmer struggles with large day care in a neighborhood. He is also concerned that the conditional use runs with the land, he would like to see it be by permit so it can be revoked. Once a daycare needs an additional employee, it is too large for a neighborhood. Regarding other home occupations, he is okay with having one employee because it does not impact the neighborhood, but the accessory building and customers is a concern and could become problematic.

Mayor Webb also feels that one employee is almost invisible, whereas customers have a much bigger impact. He suggested putting this on the agenda again in a few weeks after the Council has had time to ask constituents in their district regarding the impact of current home occupations.

Ms. Hanson commented that there are currently about 350 home occupation licenses. Less than 50 have customers and less than seven are daycares. The complaints received usually involve equipment that is brought home by the landscapers and contractors and parked in their driveways

3. Update on Good Landlord Program

Manager Fitts reported on the research and discussions he had with staff and other cities that have this program. This is a major program that takes a great deal of time, money and enforcement. The larger cities mainly have this program due to the high number of rental units. Currently, Holladay licenses units of four or more. The staff is currently working on an inventory of rental units in the city. The Council sees a need to license rental units for safety and fit premise but doesn't think this program is the way to go. There are some pieces of the program that the city could use.

Mayor Webb feels we need to use law enforcement, inspections and to be more proactive. We need to raise the quality of tenants and rental property.

Capt. Bertram stated the main issue is not with the larger units, but with single family home rentals.

Council Member Palmer commented that there are two reasons to have some type of program. One is to

deal with the safety issues of the property and secondly, to deal with problem tenants and absentee landlords. There needs to be a program to facilitate background checks.

Manager Fitts asked about the mechanisms needed to deal with this issue. Do we conduct yearly or bi-yearly inspections? Do we change the fee to cover the inspection costs? Do we start to fine the owner after so many police calls.

Mayor Webb suggested organizing a task force with two members of the Council, Capt. Bertram, our COP officer, Planning Dept., Manager Fitts and Mr. Hall to explore the objectives and to come back with a program that can be implemented in the city. We need to use all the tools available and to do this in conjunction with our RDA housing money. He asked the Council to come back in a week with a list of their objectives for a program.

4. Update of Fire Station Agreement

Manager Fitts received an email from Ann Ober at the County stating that there were a few minor details that are being worked out. Mayor Corroon wants to take the agreement to the County Council as an informational item. He will follow up with Ms. Ober.

5. Discussion Regarding Unified Police Dept. (UPD) Budget

Capt. Bertram reported that the \$2.75 salary reduction will not affect the UPD. The County is wrestling with budget issues and one way to help out is for the Police District to access a \$10 fee to residents of the unincorporated County. This does not affect Holladay because we are not part of the District. This is being done by three members of the County Council and Sheriff Winder is very opposed.

6. Discussion on Holladay Village

a. Follow up on plaza design & proposed monument

The pavers have been ordered for the plaza and the basic framework has been installed. The Council decided to put an article in January journal with the proposed design and hearing date. Mayor Webb asked the Council to look at the plaza in the context of the larger Village Center plan. What are the fundamental principles for the plaza and how do we make a decision? The Council Members each offered what he or she saw the plaza as. Council Member Pignanelli sees it as a gathering place. Council Member Palmer feels that if you build it they will come. It is a central gathering spot. Manager Fitts sees it as a public place that can be used for festivals. Council Member-elect Petersen commented it should have a Gardner Village type feel. It needs to be warm and inviting, a community gathering spot with which Council Members Orton and Topham agreed.

7. Discussion 2010 Legislative Issues

Council Member Pace reviewed some of the upcoming items for the Legislative Session and for the breakfast. We need to be prepared to take a position on key issues for the city.

8. Calendar

December 2 is the Legislative breakfast at 7:30 am. November 17 will be the Canvass for the General Election results at 4:30pm. Also on November 19 the Council will take a Christmas picture for the

newsletter. The Council will hold their Annual Planning session on January 9, 2010.

9. Other Business

Mr. Hall informed the Council that the Walker Development lawsuit has been dismissed. Also, we have had one application for the energy assistance relief program who qualifies for \$15. He will also meet with Mr. Oganov on his rezone request and go over the options.

10. Adjourn

Council Member Orton moved to adjourn. Council Member Topham seconded the motion and the meeting adjourned at 8:13pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council work meeting held Thursday, November 12, 2009

Stephanie N. Carlson, MMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes Approved: 11-19-09