

**MINUTES OF A WORK AND REGULAR
VINEYARD CITY COUNCIL MEETING**
City Hall, 125 South Main Street, Vineyard, Utah
February 27, 2019 at 6:00 PM

Present

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Nate Riley

Absent

Staff Present: City Manager/Finance Director Jacob McHargue, Assistant City Engineer Chris Wilson, City Attorney David Church, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, Planning Commission Chair Cristy Welsh, City Planner Elizabeth Hart, Planning Technician McKenna Marchant, City Recorder Pamela Spencer, Building Official George Reid

Other Speaking: Residents Dan Stovall, Angela Reese, and David Lauret

CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

Mayor Fullmer opened the meeting at 6:01 PM. Councilmember Flake led the Pledge of Allegiance and gave the invocation.

Mayor Fullmer moved the open session to the beginning of the meeting.

OPEN SESSION – Citizens' Comments

Resident Dan Stovall living in the Providence subdivision felt that there was a safety issue with cars parking on 100 East, Vineyard Loop Road, and 500 North. He said that cars were partially blocking driveways, at the intersection, and causing line-of-sight issues. He suggested that the city could work with HOA West who managed the Lochs and Tucker Row to add additional parking. He also suggested that they temporarily lift the parking restrictions on Vineyard Loop Road.

Mayor Fullmer explained that the city was working with the HOAs on different options to alleviate their parking issues. Mr. Brim explained that they had added parking spaces throughout The Lochs and Tucker Row communities. He further explained that the developments had met the code requirements but had issues with the site plan, which relocated a strip of parking. He felt that it was a cross between education and code enforcement. He said that if the development were to add a parking lot, then they would lose open space and could create stormwater issues. Mayor Fullmer said that if residents saw parking issues, they should call the dispatch number for the Utah County Sheriff's Office and the deputies would have violators move their vehicles. Mr. Stovall stated that he did not want to call on his neighbors. He mentioned that he had contacted the management company. Mayor Fullmer suggested that the deputies could patrol more.

Resident Angela Reese from the Providence subdivision explained that The Springs subdivision had issued parking passes for their residents. She said that she had heard that there were five or six people living in one unit in The Lochs subdivision. Mayor Fullmer suggested that residents work with their HOAs to establish a parking permit process.

Ms. Reese asked what was being done about The Lochs subdivision having five to six people living in one unit. Mr. Church explained that they were breaking the city code and gave the definition of a family for occupancy purposes. He said that the difficulty was in choosing who was kicked out. He suggested that they work with the landlords/owners to make sure they were renting to no more than four unrelated individuals. He also suggested that if someone had the names of the renters and the exact unit, they should turn them into the city. He said that the problem with the parking was the six adults with six cars. There was a discussion about renting. Councilmember Judd asked if Ms. Reese had specific information about the renters. He said that they needed proof. The discussion continued.

Councilmember Judd felt that allowing temporary parking on a collector road would only solve the problem with a band-aid. Mayor Fullmer commented that when there were other violations in mass number, they send out a notification about the code. The discussion continued.

Ms. Reese asked if there was a way to have parking where The Lochs development met the overpass. Mayor Fullmer replied that they had been working on a solution. Mr. Brim explained that a portion of that area fell within the right-of-way. He said that the HOA was an approved project and the city could not force them to add parking, but they could put parking there as long as they met the open space requirements. Mr. Church mentioned that the HOA was in control of the owners. There was a discussion about an approved project.

Mr. Stovall stated that even if they only had four unrelated renters they would still run out of parking if they all had cars. He said the developers who built the townhomes and condominiums marketed to investors so there were only a small number of owner-occupied units. He felt that with how much it cost to rent the units, they could not rent to less than four people. Councilmember Judd explained that the Edgewater development had townhomes re-subdivided as homeowners had purchased them because of parking issues. He said that the city wanted to see more homeownership. Mr. McHargue said that staff had discussed how other cities had enacted good landlord programs and were looking into it. Mr. Church explained how the good landlord program worked. He stated that the city could allow only three renters if the community were next to a university campus. He felt that the issue was with the out of town owners who were leasing to as many people as they could get away with. Mr. McHargue mentioned that the city was receiving phone calls from owners who wanted to comply with the code.

Councilmember Judd suggested that the city do an outreach to the owners and the HOAs and have an education night about the code. Mr. Brim mentioned that staff was looking at doing a quarterly meeting with the management groups. Mayor Fullmer stated that the city would keep looking into the problem.

Resident David Lauret expressed appreciation to the staff and council for the work they were doing. He asked for an update on the Center Street overpass. Mayor Fullmer explained that Union Pacific (UP) had just responded to the city with changes they wanted to be made to the plans and those requirements had been given to JUB Engineers. Mr. Wilson explained that UP would only take written responses and there were some requests that staff felt were unreasonable. He said that one part was that UP wanted full clearance over the entire right-of-way and over the easement on the east side, which was a utility easement. He said that according

to UP's protocol, the city had to request a variance. Mayor Fullmer said that she had someone at UP who wanted her to contact them if there was a holdup on the approvals.

Councilmember Riley suggested that if UP denied the request then they open up the 400 North at-grade crossing. Mayor Fullmer mentioned that she had explained this to Nathan Anderson with UP and he would advance all of their commentaries. Council agreed that they should give UP formal notification that they would be opening up the 400 North crossing. Mayor Fullmer explained how UP worked. Councilmember Judd felt that they could run the 400 North crossing parallel with the overpass. There was a discussion about the 400 North crossing. Councilmember Riley stated that 400 North could always be closed after the overpass was completed.

Mr. Lauret felt that the intersection at 400 South and Vineyard Road was failing at rush hour. He suggested that they have unified lighting and flow patterns. There was a discussion about the intersections on 400 South and Vineyard Road and 400 South and Geneva Road. The intersection on 400 South and Vineyard Road was in Orem and the intersection on 400 South and Geneva Road was also in Orem, but Geneva Road was a UDOT road.

Mr. Lauret asked if the city could connect 400 South into Main Street. Mayor Fullmer explained that it was private property. Mr. Brim explained that the city would have to work out a deal with the property owner if they were to build it now. He explained that there were developers who were interested in that property. If they were to build then the infrastructure would be tied to that project. Mayor Fullmer explained that if the property was not sold to a developer then the use would continue to be agricultural. Mr. Lauret expressed concern with density on that property. Mayor Fullmer explained that the developers would have to request a change to the zoning and that the General Plan did not allow for high density in that area. Mr. McHargue stated that the infrastructure constraints would also not allow for high density. Councilmember Judd asked if the city could put a connector's agreement on the property if the owners were willing to sell the right-of-way. Mr. Church replied that they would have to do it through the impact fee system because it would benefit everyone in the city. Councilmember Riley asked if the road would be a major system improvement so they would not be reimbursing the developer. Mr. Church explained how the costs would work. Councilmember Judd explained that the RDA could not help fund the road. Mayor Fullmer said that in previous discussions with the owners, they were not open to selling the right-of-way to the city. Mr. Church explained that if the city decided that the road was important now, then they had the power to condemn the land and build the road. He said that this would affect the cost of the right-of-way. Mr. Lauret felt that the traffic was a significant problem on 400 South and that it was dangerous.

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Earnest reported that the 911 system had a 30-minute outage in the county. He said that they had used the last redundancy to bring the system back up. He mentioned that the Orem Outreach Community Health Board meeting had been canceled. He reported that the Utah County Sheriff's school safety program was underway. He said that there was a software program called SafeUT, which the high schools and some junior high schools were using. He said that he had reached out to SafeUT about getting the software into the elementary schools. He was hopeful that they would have it installed by the time school started in August. He explained that it was to help with suicide prevention. Councilmember Earnest reported that they were looking into the parvo health concerns at the Puppy Barn. He said that they were letting the owner fix and resolve the issues.

Councilmember Flake reported that the legislature had 10 more days. He said that 50 of the bills had to do with local authority.

- House Bill 228 – city’s authority to regulate parking and towing. Councilmember Flake said that it had not passed out of committee.
- House Bill 320 – bans the authority of the city to make any law or code about plastic bags, straws, cups, etc. He suggested that people call their senators to oppose to the bill.
- House Bill 78 – requires local governments to discuss with the legislature any dealings they had with the federal government.
- House Bill 101 – autonomous vehicles
- House Bill 208 - safe school program – would require the Utah Transportation Commission to pay for safe routes.
- House Bill - alternative voting (ranked choice voting) – changes the dates and adds other amendments. Mayor Fullmer explained that it changed the dates to allow cities to apply to participate at a later date and also to allow cities to opt out in August instead of May. Councilmember Flake felt that this bill would pass.
- Senate Bill 56 – requires a clear view of what the RDA was doing. The bill would require the that county or some government entity publish a report from the information the cities would give them. He said that no one wanted to pay to produce the report. Mr. McHargue explained that this was an unfunded mandate and Senator Henderson changed the language to disallow the entity producing the report to charge a city. He said that his concern was that the counties could go in retroactively and charge cities an administrative fee from the RDA. Mayor Fullmer explained that the city produced a November Report and the senator wanted the report to come from somewhere else. Mr. McHargue said that he had asked what the was problem was they were trying to solve. He felt that there were no transparency issues with the current report. There was a discussion about the bill.

Councilmember Riley expressed concern with Vineyard always being tagged with the south end of the county when it came to an election. He felt that they were not getting enough time from their elected Representatives and Senators. He felt that with the changes in Vineyard, the people’s vote would start to count and they would have to listen. Mr. McHargue explained that he and Mayor Fullmer had met with each of the representatives and they were willing to spend time with them. He felt that the power of the vote was being recognized. Mayor Fullmer mentioned that Senator Henderson made changes to the bill as they were talking to them. She added that there some things in the bill that Senator Henderson was not willing to change so they reached out to other legislators about it. Mayor Fullmer said that she had been reaching out and making connections at the legislature. She felt that if the city felt that something was important, people should make their voices heard. Councilmember Flake felt that this was a feel-good bill and that they needed to talk to other representatives.

Councilmember Flake mentioned that the tax bill would hit on Monday so some of the bills would slide through the legislature.

- Senate Bill 34 – Councilmember Flake stated that affordable housing would not be an issue this year. Mayor Fullmer stated that she would like to see this bill tied to a different type of transportation and would like to discuss it further with each councilmember. Councilmember Flake explained that this bill was tied to the transportation investment fund.
- Senate Bill 90 – Political Sign amendment – the bill failed.

- Senate Bill 184 – Code enforcement – allows someone to run a red light in the middle of the night. He clarified that if you saw no traffic and had done your due diligence, then you can run the red light.
- Senate Bill 107 – Nuisance code – this bill failed

Mayor Fullmer reported that the city had been working hard on a design to get the FrontRunner station in our city and was ready to start building the next phase. She said that the Utah Transit Authority (UTA) needed to do positive train control and needed a double track in Vineyard. She explained that this would put the building of the station behind and UTA would need more money. She said that the city had been involved in helping UTA acquire the money. She said that UTA was able to get \$3 million from the House Appropriations Committee, but it did not pass through the house. She explained that there was a possible delay of several years because of a protected flower and needed to see the viability of the area for the flower. She added that she spoke to a UTA employee about four different ways they could get the funding. She said that an unnamed employee stated that UTA would ask the legislature every year for the next three years, hoping to get the funding. Mayor Fullmer met with the lobbyist and the House Majority Whip Leader and the House Appropriations Committee re-appropriated money to pay for the double track in Vineyard. She added that if the flower was an issue then they would move the double track out of the city.

WORK SESSION

Economic Development for the City

The mayor, City Council, and staff will discuss economic development for the city.

Mayor Fullmer explained that they wanted to keep narrowing in on the types of industries and business they wanted to see in the city. She turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that this would be an extension of the RDA discussion held at the City Council Retreat held on January 25, 2019. He added that this was specific to incentives for business to come to Vineyard. He asked if the City Council wanted to continue to incentivize businesses, what types of industries to target, and if there were specific sites in the city to focus on.

Councilmember Riley felt that it was important to hear from Utah Valley University (UVU) about what emphasis in education they were going to concentrate on. He said that if the city knew what UVU was going to focus on, then they could go after those types of business, to give the city the best opportunity to help make it successful. Mayor Fullmer explained that the city would be holding a monthly economic development meeting, with Councilmember Judd as the liaison. She added that she would also be sitting on the committee but was willing to rotate out if other members of the council wanted to attend. She mentioned that they would be meeting with UVU and Orem City. Mr. McHargue explained that this would be a joint City Council and Planning Commission meeting and include UVU and Orem's City Council.

Councilmember Judd said that she wanted to know, in UVU's 50-year plan, what graduate degrees they planned to have at the Vineyard campus. Mr. McHargue felt that it went beyond the degrees, because of UVU's entertainment uses, and how they could collaborate with those uses as well. Councilmember Judd asked how they could partner with them, but not create a bunch of non-increment tax property value in Vineyard. He felt that it would not help the RDA and the city if they did that.

Mayor Fullmer said that Mr. Brim had met with the University of Utah's Research Park development team in Salt Lake City on how to collaborate with UVU. She said that in a meeting with UVU they had stated that they were still developing their vision. She suggested that as Vineyard was developing its vision, working with Collier Group and the county, they would be able to see what would work for Vineyard's market. She added that the UVU president mentioned that they were also looking at the technological industry. Councilmember Flake felt that they needed to find out what services UVU would need in the future, such as roads to accommodate the soccer stadium. He stated that he wanted UVU to work with the city. He said that he had no appetite for the type of payouts that the city had done in the past where they gave a lot away and got little, to nothing in return. He said that if he was going to give a business something to come here, it had to be a quid pro quo.

Councilmember Judd felt that they needed to do more due diligence on not only the viability of the business, but the expertise of the developer so that the City/RDA would have a return. He said that for the business that wanted to come in, there had better be a really good plan showing their experience, timeframe, benchmarks, etc. Mr. Brim suggested that they could build that into the application so that they had clear standards and expectations. Councilmember Flake stated that he would not have voted for the golf project if the accountant had not felt that it was a viable project.

Councilmember Judd felt that the city needed a grocery store. Mayor Fullmer said that she would be willing to incentivize infrastructure, not a buy-down. She felt that it should not include deed restrictions. She wanted to see any deed restrictions up front. Mr. McHargue suggested that they could include in the incentive agreements that a deed restriction would void the agreement. Mayor Fullmer commented about the types of deed restrictions and that they needed to look at them.

Councilmember Judd wanted the city to focus on businesses that would bring in sales tax and jobs. He added that there needed to be a variety of businesses to make it a diverse city. Mr. Brim said that on the industrial/manufacturing side, the city did not have to incentivize those businesses beyond the road already built. He said that they needed to look at those businesses that would give them the biggest bang for their buck. Councilmember Judd felt that the developer needed to show the RDA board what the benefits would be to the city. Councilmember Flake said that they also needed to show what the cost would be to the city.

Mayor Fullmer said that she wanted to go after high brand value companies. She said that The Forge wanted to go after unique nonchain businesses, but they needed an anchor to bring them in. She mentioned that the Shake Shack was coming to Utah, which was a high brand value to attract different types of companies. Councilmember Earnest stated that he would like to have a variety of restaurants. There was a discussion about the different types of restaurants such as Taco Bell. Councilmember Judd said that he liked those types but felt that they did not have to incentivize them.

Councilmember Judd said that they needed to look at the zoning requirements and find similar cities who had already gone through this and find out which of those high brands were doing well. Mayor Fullmer said that they needed to find those businesses that were doing well, who was coming to the state, and who was expanding.

Mr. McHargue said that they could update the incentive application to include a lot of this information, which should help facilitate these discussions. He asked the council if there were other items they wanted to see on the application. Councilmember Judd suggested that he, Mr. McHargue, and Mr. Brim meet and go through the application.

Councilmember Judd asked how they find those businesses. Mr. McHargue replied that they had been looking into attending the retail convention held in Las Vegas in May. Mayor Fullmer explained that the city was building a demographic package to give to developers and brokers. She suggested that they could write a letter to these companies. She also suggested that they send recommendations to Mr. Brim to take to the city's economic committee for outreach.

Councilmember Judd asked if there were types of industries that had currently approached Vineyard that they were waiting on. Mr. Brim felt that they had done a good job of reaching out to companies. He said that last year at the retail convention, they were able to set up several meetings with businesses interested in coming to Vineyard. Councilmember Earnest stated that he was willing to go to the convention.

Mayor Fullmer said that the city had been approached by people who wanted to do residential businesses such as stores dispersed throughout the community. She suggested that they look at the zoning code if they wanted to explore it more.

Mr. Brim asked if there were small things that they could do with their home occupations. He mentioned that there were currently around 100 home occupations in the city. He asked if there were ways to help them expand into a commercial space and stay in the city. Councilmember Judd stated that he was willing to incentivize incrementally, depending on the business. Mayor Fullmer suggested that they start small by providing incubator meetings to help people find space.

Councilmember Judd asked if the city was getting a benefit from the Utah Valley Chamber of Commerce or if they needed to look at a Vineyard-type chamber. Mayor Fullmer said that from her experience with the chamber, it had been extremely helpful. She felt that it had changed their relationships with businesses. She said that she had spoken to residents who felt that they had benefited from the knowledge and connections they had gotten from the chamber.

Mr. Brim said that Cottonwood Heights had started a business association sponsored by the city. He explained that it was an avenue for people to get together monthly. He said that they hosted events and were a great way to network. Councilmember Judd felt that it was key to establishing relationships with the businesses in the city.

Mr. Brim said that EDCUtah had encouraged the city to retain the house on the Gammon Park or find space in the city for small businesses to grow. Councilmember Judd felt that they could also look at using space at UVU.

7:32 PM REGULAR SESSION

STAFF, COMMISSION, AND COMMITTEE REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue had no new items to report.

Public Works Director/Engineer – Don Overson – Mr. Overson was excused. Assistant City Engineer Chris Wilson gave a brief update on the recreation grant he and Ms. Hart were working on. He showed the exhibit they would be submitting.

City Attorney – David Church – Mr. Church had no new items to report.

Utah County Sheriff's Office – Sergeant Holden Rockwell – Sergeant Rockwell had no new items to report.

Community Development Director – Morgan Brim & Planning Commission Chair – Cristy Welsh – Mr. Brim reported that the city held their fourth General Plan workshop last week, which he felt was successful. He mentioned that they would be producing posters and conducting an online survey for those residents who were not able to attend the workshop. Mayor Fullmer said that there had been a lot of commentary on social media. She felt the residents were having a difficult time understanding what uses were permitted in each of the zones. She suggested that they have a short video that they could send out, highlighting each zone. Mr. Brim suggested that they also add information on how the General Plan related to the city. Councilmember Riley felt that it would be a great tool as they worked on economic development.

City Recorder – Pamela Spencer – Ms. Spencer had no new items to report.

Building Official – George Reid – Mr. Reid had no new items to report.

Water/Parks Manager Sullivan Love – Mr. Love had no new items to report.

Planning Technician – McKenna Marchant – Ms. Marchant gave a quarterly report on code enforcement. Highlights were:

Ms. Marchant explained how code enforcement worked before she was hired and her current plan. She said that her plan was broken down into phases. She explained that code enforcement was done on a complaint basis.

Phase 1 – Formalizing what code enforcement was and the process:

- A complaint is received and a case is opened. If the complaint pertains to another department, it is forwarded.
- The code enforcement officer conducts a site evaluation and letters are mailed to noncompliant parties.
- Violators are granted approximately 10 days to contact the code enforcement officer and to create a plan to comply with the city code.
- If the violator has not moved to compliance or has not contacted the city, enforcement steps will be taken, including fee assessment and/or legal action. If a fee notice is sent out, they will be charged \$100 and a daily \$25 civil penalty fee, until they reach a \$1,000 cap. Once the cap is reached, the city will take them to court.
- The case is closed when the compliance is referred, unfounded, or abated.

Mr. Brim explained that the process was designed to get compliance and was set up to give them plenty of time to comply. They would not be fined if they were showing that they were working with the city to come into compliance. Ms. Marchant mentioned that there was an appeals process. Councilmember Earnest asked if as long as those in violation were communicating with staff, then they would not be charged a fee. Ms. Marchant replied yes. Mayor Fullmer mentioned

that Ms. Marchant would take pictures to make sure everything was in compliance and would look at the whole neighborhood for compliance. Ms. Marchant said that the process was proactive.

- Business Licensing – Operating without a license
 - Determine that a business is operating without a license
 - Send a certified letter notifying them of penalty fee and to apply within 10 business days
 - Compliance
 - They submit a business license application, business license fee, and penalty fee
 - Noncompliance
 - Business Licensing Coordinator passes case to Code Enforcement Officer
 - Regular Code Enforcement process applies

Ms. Marchant mentioned that they would be doing what she called a spring cleaning in regards to sign code violations. Mayor Fullmer asked about facilitating a meeting for new businesses who were still going through the construction phase, about sharing a sign. Mr. Brim replied that they were working with The Yard area on a master sign permit for a monument sign at the entrance to the roundabout. Ms. Marchant explained the “spring cleaning” would deal more with temporary signs and signs that were not compliant with the sign code. She said that they would distribute public education materials first and move into code enforcement.

Statistics from the time the online platform for citizen requests was implemented in September 2017, until December 2018.

Complaints by department:

- 39% – Public Works – had the most requests because they were originally doing code enforcement.
- 34% – Planning and Zoning
- 19% – Police Department
- 8% – Building Department

Code Enforcement by Category

- 46% – Trailer
- 17% – Accessory Dwelling Unit
- 13% – Junked machinery
- 8% – Weeds
- 4% – Occupancy
- 4% – Operating without a Business License
- 4% – Dogs

Ms. Marchant explained that she had gone through all of the open citizen requests that had come in before she started and was able to bring them into compliance. She explained that there was a page on the website giving information about common code violations and how people could contact the city with concerns. She added that these informational pages could be used as public information in the newsletter and on social media sites.

Phase 2 –

- Neighborhood Block Captains/Designated Reporters – Mayor Fullmer mentioned that they had discussed this during the council retreat and how they would work with Sergeant Rockwell and the council’s vision for this program.
- Coordinate a quarterly meeting with apartment management and high density HOAs
- Consideration of employing a Full/Part-Time Code Enforcement Officer
- Other suggestions?

Councilmember Judd asked if there was a process to identify at what point a deputy should accompany the code enforcement officer. Mr. Brim replied that he had requested that Ms. Marchant take someone with her if she needed to visit someone on site or request an inspection. Councilmember Judd felt that it would be smart to create a policy to have a police presence at a certain point in the code enforcement process. Sergeant Rockwell responded that Ms. Marchant could have a deputy accompany her at any time she felt she needed them. He added that if they implemented a full or part-time code enforcement officer, they should be certified through the state or be a law enforcement officer. There was a discussion about the code enforcement process. Ms. Marchant explained that most of the code enforcement had not been face to face.

Sergeant Rockwell mentioned that they were scheduling a Neighborhood Watch meeting for March 25. He said that it would be held in the evening, at the city offices, in conjunction with the Bookmobile.

DISCUSSION ITEMS

No items were submitted.

CONSENT ITEMS

- 7.1 Approval of the January 25, 2019 City Council Retreat Minutes
- 7.2 Approval of the February 13, 2019 City Council Meeting Minutes

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE CONSENT ITEMS AS NOTED. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

MAYOR’S APPOINTMENTS

No names were submitted.

BUSINESS ITEMS

9.1 PUBLIC HEARING – Zoning Text Amendment, Ordinance #2019-01: Regulations for Golf Driving Ranges

Planning staff will present amendments to the Zoning Code allowing for golf safety netting height, standards for protection netting, requirements for site and building lighting and minimum buffering from residential uses. The City Council will take appropriate action. *(This item was continued from the February 13, 2019 City Council Meeting.)*

Mayor Fullmer called for a motion to open the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 7:57 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that the code would allow for increased height to cover the safety netting and lighting. He said it required that the lighting be restricted to the driving range. He said that that one benefit was that it was not located adjacent to residential. He mentioned that Edgewater Townhomes were located about 500 feet to the south, so there would be some requirements on the lighting. He explained that the Planning Commission would be the authority over approving this type of development. He added that there would be medical and retail buildings between the townhomes and the golf facility.

Mayor Fullmer asked about the lighting design. Mr. Brim replied that the code would allow them to place the lighting above 60 feet if it was required by state and federal codes. He said that he did not have details on the design for the lights. There was a discussion about the lighting.

Mr. Brim explained that the structure poles would be limited to 180 feet, but the developer thought that they would be about 170 feet. He added that there would be a distance requirement of 300 feet from the poles to any adjacent residential units. Mayor Fullmer asked if the development would meet the code requirements if their building was three levels. Mr. Brim replied yes, and that it was linear to the poles.

Mayor Fullmer called for public comment. Hearing none, she called for a motion to close the public hearing.

Motion: COUNCILMEMBER JUDD MOVED TO CLOSE THE PUBLIC HEARING AT 8:01 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Councilmember Judd asked if they should state in the motion that the boundary for the code was from 400 North on the south, 650 North on the north, Mill Road on the west, and Geneva on the east, restricting it to that location. Mr. Brim replied that they could.

Councilmember Riley asked why the developers were requesting to reduce residential spacing from 400 feet to 300 feet. He said that he was worried about the residents that would be impacted by the change. Mr. Brim replied that they could bump it back to 400 feet.

Councilmember Riley asked about the types of recreational uses that would be allowed on the poles. Mr. Brim replied that the developer had not provided a lot of definition for that use. He said that they could eliminate it. He said that they had mentioned interest in doing a large swing. Councilmember Flake stated that the developer wanted to put carnival-type rides on the poles.

Councilmember Judd felt that if there were items in the golf driving ranges code that had not been defined well, then they should strike them from the code and have them come in for a conditional use permit. He reminded the council that a conditional use permit would not be coming to the council for approval. He said that, because they were giving them a lot of money through the RDA, he wanted it to come back to the council. Mayor Fullmer suggested that they stipulate in the motion that the developer had to come to the council for approval. Mr. Brim suggested that they strike it from the code and have the developer apply for an amendment. The council agreed to strike it from the code.

Mayor Fullmer called for further comments. Hearing none, she called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO CONTINUE THIS ITEM TO THE FOLLOWING MEETING WHERE STAFF WOULD BE ABLE TO MAKE THESE AMENDMENTS AND COUNCIL COULD LOOK AT THEM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

CLOSED SESSION

No closed session was held.

ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 8:07 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is March 13, 2019.

MINUTES APPROVED ON: March 13, 2019

CERTIFIED CORRECT BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER