

CITY COUNCIL MINUTES – SPECIAL MEETING
January 22, 2020

The meeting was called to order by Mayor Berbee at 7:00 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Berbee.

INVOCATION: The Invocation was given by Mayor Berbee.

MEMBERS PRESENT: Alan Seymour, Deborah Groat, Donald Boerger, J.R. Rausch, Aaron J. Carpenter, Mark Reams and Henk Berbee.

OTHERS PRESENT: *City Manager Terry Emery, Law Director Tim Aslaner, Public Service Director Mike Andrako, City Engineer Jeremy Hoyt, City Planner Ashley Gaver, Zoning Administrator Ron Todd, Clerk of Council Rebecca Dible, Journal Tribune Mac Cordell, Union County Daily Digital Tom Stephens, Dave Carpenter, Lesley Phillips II, Dana Gehman, Jermaine Ferguson, Kathy Young, Scott Zwiezinski, Katie Crocco, Virginia Golan, Kim Wilson, Turk Michel, Julie Spain, Andrew Samara, Meg Michel, Nathan Young, Jay F.. Alexander Hanson, Bruce Limes, Robert Anderton, Todd Disbennett, Mike Williamson, Joel Allen, Matt Mason, Amanda Mason, Tony Eufinger, Julie Kramer, Crista Miller, Andrea White, J.W., Kristy Dearing, A. Michel, and George Michael.*

ADMINISTRATIVE REPORT:

City Manager Emery appointed Assistant Finance Director Sandra Hoover to Interim Finance Director.

Councilman Rausch moved to confirm the appointment, and the question put, stood:
Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES;
Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES.
Vote 7-0 in favor; Motion carried.

ORDINANCES:

3rd Reading TO AMEND PART ELEVEN PLANNING AND ZONING CODE OF THE CODIFIED
Public Hearing ORDINANCES

Administration Comments:

City Manager Emery thanked City Staff and the Ad Hoc Zoning Legislation Committee for their work during the three meetings that were held. OHM & Calfee had answered an abundance of questions and he appreciated everyone’s passion and interest on the subject. He stated the Ad Hoc Committee would continue to work on obtaining the best combination of consensus and balance possible.

Comments of Councilmen also on the Ad Hoc Committee:

Councilman Seymour:

He stated the Ad Hoc committee that former Mayor Rausch assembled had met three times to review the Zoning Code that was presently in front of City Council for approval. As a member of the Committee, he thought the involvement, input, and debate had been as impressive as any committee he'd been a part of. The discussions had been positive and constructive and had resulted in so far a number of changes that were agreeable not to all, as it never would, but to the majority of the members. Councilman Seymour estimated the Committee was over ¾ the way through the most concerning issues and believed the remaining concerns could be resolved in one to two more Ad Hoc meetings. With the final Committee edits, the new code will be a more complete product that would be more agreeable to most. Councilman Seymour further stated he didn't believe Council should take action on any proposed amendments to the legislation that evening, as it would be too difficult to sort out in the setting and because the Ad Hoc Committee was close to compiling all the rest. He asked that the Ad Hoc Committee stay intact and continue its work toward the new edited Zoning Code so it could be forwarded to the Planning Commission for approval and back to City Council to enact; the reason they were there that evening was to resolve the 45 day dilemma that Council had to take action on the Zoning Code as it had been presented to City Council.

Councilman Boerger:

He agreed with the majority of Councilman Seymour's comments and emphasized the necessity of a sustainable Zoning Code in relation to the substantial projected growth for the City. He urged all to be concerned with where development happens, what development was happening, and traffic. He stated he would support the continuation of the Ad Hoc Committee if there was agreement from Council, however he would also support the Planning Commission reworking the Zoning Code with citizen input for resubmittal to Council.

Citizen Comments:

Katie Crocco:

She stated this legislation had shown a massive flaw in the system: Planning Commission had been working on the proposed Zoning Code change, had passed it unanimously, and the revised version of the updated proposed code sent to Council less than 24 hours before had thousands of changes. She questioned what the rush was. Ms. Crocco stated she was pleased to hear Council planned to send it back for revisions, as it was important to get it right the first time, not perfect, but right.

Leslie Phillips:

She stated she appreciated Council considering to allow more time for citizens to go to the Planning Commission to express out-standing concerns.

Meg Michel:

She questioned how the entire situation had come about; replying the systems itself isn't designed for code overhauls. Citizens being limited to 5 minute statements to the Planning Commission was one factor she mentioned. She asked Council to consider altering these rules when there were special circumstances, such as a code overhaul. Meg also stated that the information presented to the public over the last few years of meetings "the code will be discussed," didn't adequately inform the public the nature of the agenda items. She suggested that procedural improvements regarding communication to the public would help the public to become involved.

Mayor Berbee:

Clarified there were changes in 25 of the 31 chapters reviewed.

Scott Zwiezinski:

He stated in all his years of attending Council meetings, he'd never seen this many people attending; he was impressed and applauded the citizens. Mr. Zwiezinski stated the code would not please everyone, nor would they truly know what really works or doesn't work until about five years after its adoption to see the effects. He urged Council to listen to the citizens who say they have concerns about the city they love. He implored council to take the time needed, even if it took months, because it was important to get the zoning code as correct as possible, as it would have a huge impact on the City, so it was important to do what was right for the City.

Tony Eufinger:

Mr. Eufinger thanked Council for the opportunity to serve on the Ad Hoc Committee and thanked Administration and the Committee for all the time and work they had put in; he felt the work everyone was doing was important. He also appreciated the sentiments expressed that evening. Mr. Eufinger believed that the Committee needed more time to hash out specifics. He believed the goal of the zoning code was good, but at the same time he questioned how the zoning code sought to accomplish the goals. He believed it centralized regulation by giving the City too much control. He believed it important to find a balance between that was currently proposed and what businesses want, as it was too restrictive.

Councilmen Rausch & Reams:

Asked for a list of businesses for which the code was too restrictive, as they believed that rumors had gotten out of hand.

Joel Allen:

Mr. Allen believed that with the growth projection in the next few years, it was important to look at the City's Comprehensive Plan. He stated the importance of coordinating the Traffic Studies, Comprehensive Plan, and the Zoning Code, because it seemed as the City had been piecemealing it for the last few years. He quoted, "You can't fit 25 lbs. of potatoes in a 10 lb. bag."

Kathy Young:

Ms. Young thanked the Ad Hoc Committee for the work they had done. She also urged Council to do their due diligence, by researching and becoming very familiar with the code to make sure it was what they wanted, because her vote was in their hands.

Julie Cramer:

Ms. Cramer stated development was important, but it was also important to keep residents happy so they would stay in the City. She thanked Council for the creation of the Ad Hoc Committee in response to listening to the residents who were concerned about the zoning legislation. As things moved forward, Ms. Cramer encouraged Council to get a feel for how different residents felt as opposed to lumping developments together assuming they felt the same.

Matt Mason:

Mr. Mason asked if there was a discrepancy between the code text and the code map, which would take precedence. Administration stated they could meet with him to address any specific questions he had. Mr. Mason further stated there had been numerous changes to the proposed code within the last 24 hours, but he urged Council to realize the City would be dealing with the effects of the code for the next 30 years.

John Michel:

Mr. Michel gave an example of his concerns; he stated that in the proposed zoning code, the Stocksdale Townhouses were shown in the Hospital-Mixed-Use-District. He asked if these anomalies should be forced into the Comprehensive Plan map; he stated they had been told years ago the map was a visionary tool rather than a one-for-one adherence. He said every time he asks a question of how something will be handled, Administration replies, the resident would just need to come in and speak with Administration.

Jermaine Ferguson:

Mr. Ferguson emphasized that proactive communication was key. He stated the zoning legislation was embedded in a meeting packet, the Planning Commission Meeting agendas were vague and unfortunately the situation turned into citizens educating citizens regarding the legislation. He stressed that Administration's role is to control the communication from the start; Administration could easily gotten out ahead of this by releasing a short video clip explaining the proposed legislation and placing it as an easily accessible, stand-alone document. He stated Council had been elected to communicate with citizens and feared this process could turn into another two-year process, which would be unfortunate sense of urgency was necessary while producing the right product.

Comments of Council:

Councilman Seymour:

He stated it was every individual's responsibility to stay informed and be involved and to know what is happening within the City if they cared about the City. The meetings regarding zoning had been occurring for over one year and had been advertised.

Mayor Berbee:

He stated if Council decided not to pass the legislation and to continue to have the Ad Hoc Committee work on the code, he would hope to see something approved by the Planning Commission submitted to Council as early as April.

Councilman Reams:

Councilman Reams agreed with the proposed timeline and reiterated the feeling of urgency, to allow the Planning Commission to give final recommendations to Council in order to move forward.

Councilman Carpenter:

He stated much work still needed to be done to build a strong consensus regarding the legislation; although it would never receive 100% approval, he felt the goal should be to build the strongest consensus possible. Councilman Carpenter acknowledged great attributes about the proposed zoning code, however he felt more time was needed. He stated the City needed to do better regarding frequent, high-quality, and effective communication. He agreed that the Ad Hoc Committee should continue to meet and he encouraged Planning Commission to increase the frequency of their meetings to move more quickly. He also recommended the new code maintain the Neighborhood Commercial District on the land just south of Mill Valley, next to Turkey Hill for traffic purposes.

Councilman Rausch:

He explained much thought had been placed into who would be appointed to the Ad Hoc committee and the purpose had been to get more citizen input. He was disappointed how it had become an "us vs. them" attitude on social media. Councilman Rausch stated Council hadn't been unreasonable and the goal has been to work as a team. He also supported placing an expected date on the legislation so it couldn't be unreasonably deferred.

Councilman Boerger:

He stated the reasoning behind the zoning code was to protect the neighborhoods as they are now and what characterized them now. He gave examples reinforcing the code's importance. Councilman Boerger stated the goal was to have the code in place to beat growth; it would protect the City as growth inevitably occurred.

Councilwoman Groat:

She reinforced "us" combines City staff, Council, and citizens. She greatly appreciated what staff had done and hoped they would continue working with the Ad Hoc Committee, tweaking the already excellent zoning code for the best product for "us."

Councilman Reams moved to pass the legislation, and the question put, stood:
Mrs. Groat NO; Mr. Boerger NO; Mr. Berbee NO; Mr. Rausch NO;
Mr. Reams NO; Mr. Carpenter NO; Mr. Seymour NO;
Vote 0-7 in favor; Motion failed.

Mayor Berbee:

Stated he planned to keep the Ad Hoc Committee in place. He also planned to appoint two additional citizen members to the Ad Hoc Committee. He asked interested Citizens to contact Clerk Dible if they were interested and willing to serve. He confirmed with City Manager Emery the Ad Hoc Committee would plan to meet the second week of February.

COMMENTS OF THE CITY MANAGER, COUNCILMEN, AND GENERAL DISCUSSION:

Councilman Rausch:

He invited all to attend the State of the City that will be held on March 19th at 5:30 pm at Union Rural Electric; discussions would include utilities and the new water plant.

Councilman Seymour:

He thanked all for their attendance and input regarding the zoning code; he stated it had been an excellent forum and he looked forward to it moving forward smoothly.

Councilman Reams:

Stated he'd been thinking about the comments regarding communication and the City's need to improve communication. He stated the first step in solving a problem is understanding the problem which he stressed Council needed to approach as a team. Councilman Reams stated the idea of streaming meetings didn't address the issue of communication, rather it created more problems if it wasn't addressed properly, noting some citizens may not want to be streamed on social media. He believed creating a video ahead of the meeting, explaining the topics in layman's terms would be one potential solution. Councilman Reams stressed the importance of Council working as a team.

Councilman Boerger:

Thanked City Planner Gaver and other City staff for their tireless efforts regarding the zoning legislation. He also thanked residents for expressing their thoughts and opinions on the proposed code.

Councilman Carpenter:

He thanked everyone for their attendance and stated he was pleased with the result of the vote, as he was happy to see all taking more time in further review by the Ad Hoc Committee and Planning Commission.

Mayor Berbee:

Said he hoped to see the Planning Commission send the zoning code recommendations to Council in legislation by the second meeting in May. He also stated he thoroughly enjoyed seeing democracy at work and greatly appreciated everyone's time and efforts to do so.

At 8:18 p.m. Councilman Reams moved to adjourn to executive session to consider confidential information related to specific business strategy of an applicant for economic development assistance, was seconded by Councilman Rausch, and the question put, stood:

Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES;
Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES.
Vote 7-0 in favor; Motion carried.

Council Adjourned to Open Session at 8:59 p.m.

ADJOURN: There being no further business to take before Council, Councilman Rausch moved to adjourn at 9:00 p.m.; the voice vote in favor was unanimous.