

Naples Planning and Land Use Regular Meeting Minutes March 9, 2010

Commission Present: Chairman Dale Harrison, Vice Chairman Jim Richards, Walter Gale, Stanley Johnson, Cresta Slaugh, Lane Webb and Mark Partridge

Commission Absent: Kerry Kinney

Council Rep. Present: Kenneth Reynolds

Others Present: Chris Hoem and Brandy Salazar

Opening Ceremonies: Chairman Dale Harrison welcomes everyone out to the meeting and calls the meeting to order. Mark Partridge led the pledge of allegiance and Stanley Johnson offered the invocation.

Verification of Quorum: Chairman Dale Harrison verified a full quorum operating off of the bylaws of June 2009.

Approval of Agenda March 9, 2010

Stanley Johnson moved to approve the agenda for March 9, 2010, Lane Webb seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Disclosures

None

Approval of Minutes February 23, 2010

Stanley Johnson moved to approve the Regular Meeting Minutes for February 22, 2010 with the typo corrected in the last paragraph of the first page. Mark Partridge seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Planning Commission Bylaws
Discussion and Amendments

Chris Hoem: The City Attorney has advised the City that the bylaws have to be added to the Land Use Ordinance. I think we should add the entire document of the bylaws as its own chapter. He also states that it would be safer if we had an additional requirement that the Commission would need three affirmative votes for something to pass. For example, if there were only three members here and two voted aye while the other abstained or voted nay, the issue would have to come back before the Planning Commission? Chairman Dale Harrison: I agree. I don't feel like the Commission would be giving the issue a fair shot if an issue was decided on and passed by two members. Chris Hoem: Again, the Mayor stated that he wanted a minimum of three regular members to make up a quorum. He would also like to eliminate the option on page two of the bylaws that states: "Two regular members and one alternate member". Chairman Dale Harrison: I have a hard time with removing the alternates from any voting position. We ask the alternate members to attend meetings as often as a regular member so they are kept informed, then remove them from a decision making vote. If we take that away from them, what is the use of them coming to the meetings? Chris Hoem: One of the options you have is to have a seven member commission with one alternate. Vice Chairman Jim Richards: I agree with the Chairman. If the alternates are here, why not let them have a deciding vote. Stanley Johnson: If we were in a situation where we were calling an alternate when a regular member couldn't come, I can see the alternate not being able to participate in the vote but, if the alternates are at the meetings and they are kept informed, they should be able to have a deciding vote. I am in opposition of having number 2 on page two of the bylaws removed. Ken Reynolds: The Mayor worries that if there is a controversial issue, the regular members will stay home and have the alternates make the decisions. Stanley Johnson: Like Lane said, he won't vote on an issue that he doesn't feel informed about. If we change the bylaws, there is no reason for having alternates. Vice Chairman Jim Richards: We should remove the word "alternate" from the bylaws and add our alternate members to the Commission as regular members. After further discussion the Commission agreed to raise the Commission to a seven member board with a minimum of four voting members. Walter Gale: The original idea of alternates was to have people here learning and training so if a regular member left the commission, the alternate could step up and take the regular members place and already have the training and be knowledgeable about the current projects. Chairman Dale Harrison moved, with the approval of the City Attorney, to change the Commission to a seven member board plus the Chairman with a minimum of four votes for a motion, and have Chris Hoem bring the amended bylaws back to the Commission for review before taking it to the City Council. Vice Chairman would like the Mayor to know that the Commission has full confidence in the alternates. Vice Chairman Jim Richards seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Vice Chairman Jim Richards	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Land Use Ordinance
02-16 Sign Ordinance-
Recommendation

Chris Hoem: The City Council doesn't want any home occupation signs. Ken Reynolds: The Council will allow a sign on a building but not a sign in the yards and there should be a limit in area of the sign. After further discussion, the Commission decided: If a home-based business has a setback of fifty feet or less from the road, the sign should be no more than 4 square feet on building. If

the home-based business has more than a fifty foot set back from the road, a conditional use permit could be granted to allow a sign on the property directing customers to the home. Walter Gale: No signs allowed in the R3 zone. Chris Hoem reads the Home Occupation ordinance to the Commission. The Commission decides that the home occupation signs in the R3 zone should be a maximum of 4 square feet and following all other guidelines for conditional use per setbacks. Stanley Johnson: 02-16-002, A-1 should be removed from the guideline for no advertising signs of any kind. Chris Hoem: It will state that no off premise signs are allowed in the A-1 sign. Chris Hoem: 02-16-003, paragraph now reads, "Signs shall not restrict the safe traffic of pedestrians, bicyclists, or automobiles. All signs shall have a minimum direct distance of 12 feet between any overhead power lines and any part of the sign. All vertical distances are measured from the "ground level." All signs shall follow each of the following options: 1. No part of the sign shall be closer than 10 horizontal feet from any sidewalk, bicycle path, street curb, property line, or driveway/parking lot entrance. 2. The sign shall either have a maximum height of 5 feet, or a minimum height of fourteen feet between the ground level and the bottom of the sign." Chris Hoem: Both guidelines need to be followed to comply with the Fire Code. 02-16-010 needs to reflect the home-based business ordinance. Bring the edited version back to the commission. Chris Hoem will take the ordinance back to the City Attorney then to the Commission for a final reading.

R3 Zone-Discussion

Chris Hoem gave the Commission ideas for snow removal from other cities. Philadelphia requires 30 inch wide cleared path on sidewalks within six hours of the snow fall. The residents that don't clear the walkways get a \$50.00 ticket for each day that they are not cleared. Madison, Wisconsin states the snow should be cleared by noon the next day. The City also provides free sand to the residents and sends text messages to let the residents know the time line for removal. Montreal, Canada declares temporary no-parking zones, they use bobcats to push the snow off of the sidewalks then use bigger equipment to move the snow to the dumping areas. With our ambitious Downtown plan, we will need to haul snow off. Chairman Dale Harrison: We need to figure out whose responsibility is it to clear the sidewalks and parking lots in the R3 and the Downtown plan. Walter Gale: It would be good for the City to have a Snow Removal Ordinance but it wouldn't be enforced unless businesses/patrons neglect the ordinance. The ordinance would be there to protect the City. The Commission decided to mandate snow shall be cleared off of all walkways at least four feet wide by noon the day after the snow falls and for every day after there will be a \$50 fine for non compliance. The Commission agreed with the City providing the residents with free sand.

Walter Gale moved to recommend to the council to hire a consultant to assist in writing the Form Based Codes for the R3 zone. Cresta Slaugh seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Vice Chairman Jim Richards	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Chairman Dale Harrison moved to table the R3 zone until response from City Council on Form Based Codes. Walter Gale seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Vice Chairman Jim Richards	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Administrative Updates
Possible 2nd meeting in March

The Commission agreed to not have a 2nd meeting in March 2010 due to the lack of agenda items and pending a response from the City Council on the Bylaws. Chairman Dale Harrison moved to not have a second meeting in March 2010. Stanley Johnson seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Vice Chairman Jim Richards	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Adjourn

Chairman Dale Harrison moved to adjourn. Vice Chairman Jim Richards seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Vice Chairman Jim Richards	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye
Lane Webb	Aye
Mark Partridge	Aye

The motion passed with all voting Aye

Next Planning and Land Use Meeting will be held on April 13, 2010 at 7:00 p.m.