

**CARROLLTON CITY COUNCIL
REGULAR MEETING and WORKSESSION MINUTES**

JANUARY 8, 2008

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, January 8, 2008, at 5:45 p.m. with the following members present: Mayor Becky Miller, Mayor Pro Tem Matthew Marchant, Deputy Mayor Pro Terry Simons, Councilmembers Tim Hayden, John Mahalik, Pat Malone, Larry Williams and Herb Weidinger. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy and Bob Scott, Director of Managed Competition Tom Guilfooy, Workforce Services Director Erin Rinehart, City Attorney Clayton Hutchins and City Secretary Ashley D. Mitchell.

***** PRE-MEETING / EXECUTIVE SESSION *****

5:45 P.M. – COUNCIL BRIEFING ROOM

1. Dinner
2. Mayor and Council **reports and information sharing.**
3. Receive **supplemental staff information** and responses to questions.
4. Council **convened in Executive Session at 5:46 p.m.** pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.
 - **Section 551.072** to discuss certain matters regarding real property.
 - **Section 551.074** to discuss personnel matters.
 - **Section 551.087** to discuss Economic Development.
5. Council **reconvened in open session at 6:10 p.m.** to consider action, if any, on matters discussed in the Executive Session.

No action was taken.

***** WORKSESSION *****

6:00 P.M. – COUNCIL CHAMBERS

6. Briefing on **Dart Green Line Construction & Future Projects.**

Director of Engineering Cesar Molina stated that this agenda item is to introduce a briefing on the DART Northwest Corridor 4 (NW-4), light rail line set to open in the year 2010 in Carrollton, as well as on future DART projects. Mr. Molina introduces Ms. Kay Shelton with the DART Capital Planning & Development Department who will make the presentation.

Ms. Shelton stated that the DART NW-4 light rail line - or Green Line - is currently under construction and consists of approximately 4.4 miles of guideway inside the Carrollton City Limits. Much of the rail line parallels Broadway Street. Starting north of

Valwood Parkway and continuing to just south of Ismaili Center Circle, the guideway will be on an elevated section (with bridges) about 3 miles long. On the ground next to the DART line will remain the active freight tracks. There is another short bridge section north of PGB-tollway, and then the DART line ends just south of Frankford Road. Three DART stations will be built in the city, named Downtown Carrollton, Trinity Mills, and North Carrollton (Frankford). The DART Board adopted the current 2030 DART System Plan in October 2006.

Mayor Miller recessed the Worksession at 6:55 p.m.

INVOCATION by Bobby Fletcher, Director of Outreach-Covenant Church.

PLEDGE OF ALLEGIANCE by Mayor Pro Tem Marchant

PUBLIC FORUM

11. **Hearing of any citizen/visitor on items not listed on the regular meeting agenda.** Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed a maximum of 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

There were none.

CONSENT AGENDA (**All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.*)

Councilmember Williams moved approval of Consent Agenda Item No. 12 & 21 and removing item #22. Second by Councilmember Hayden. The vote was cast 7-0 in favor of the motion.

BIDS AND PURCHASES

- *12. Consider approval of Bid # 08-006-8 for **Traffic Signal Equipment From Various Vendors** in an amount not to exceed \$260,000.00.
- *13. Consider approval of Bid # 08-005 for **Chemical Plant Protection For The Parks Department from Various Vendors** in an amount not to exceed \$147,000.00.

CONTRACTS AND AGREEMENTS

- *14. Consider authorizing the City Manager to approve a **Contract With Circle C Construction For The Hutton Branch Sanitary Sewer Replacement Project** in an amount not exceed \$1,101,805.00.

ORDINANCES

- *15. Consider an **Ordinance Amending The Governance Policy And Rules Of Procedure Relating To Meeting Times.**
- *16. Consider an **Ordinance Amending The Governance Policy And Rules Of Procedure Relating To Placing Items On Agendas.**
- *17. Consider an **Ordinance Entering Into A Mutual Boundary Adjustment Agreement Between The City of Carrollton, The City Of The Colony And The Town Of Hebron** to adjust the boundary limits between the municipalities. Case No. 01-08MD4/City of Carrollton.

RESOLUTIONS

- *18. Consider a **Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With North Texas Tollway Authority (NTTA) To Provide Infrastructure Improvements Along Segment IV Of The President George Bush Turnpike.**
- *19. Consider a **Resolution Authorizing The City Manager To Accept Bid Price For The Sale Of Property At 1505 Rosemon Avenue.**
- *20. Consider a **Resolution Authorizing The City Manager To Enter Into A Tax Incentive Agreement With Hutton Branch Venture, LLC.**
- *21. Consider a **Resolution Casting A Vote For Scott Wheeler In The Run-Off Election For The Board Of Directors Of The Dallas Central Appraisal District.**
- ~~*22. Consider a **Resolution Authorizing The City Manager To Acquire Unimproved Tracts Of Property.**~~

PUBLIC HEARINGS - CONSENT AGENDA

(Items listed under the “Public Hearing Consent Agenda” have received a unanimous recommendation for approval by the Planning & Zoning Commission, and the city has received no written opposition to the cases at the date of the posting of the agenda. However, any person is welcome to speak on any of these agenda items by completing a “Request to Speak” card prior to the meeting. Otherwise, the items will be considered without deliberation. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately.)

Councilmember Weidinger moved to close and approve Public Hearing Consent Agenda Item No. 23. Second by Councilmember Malone. The vote was cast 7-0 in favor of the motion.

- *23. Hold a public hearing and consider an **Ordinance Approving An Amendment To PD-91 For The Metroplex Credit Union.** The 1.4-acre site is located at the northeast corner of Hebron Parkway and Marsh Ridge Road and is zoned PD-91 for the (LR-1) Local Retail District. Case No. 11-07Z4 Metroplex Credit Union/Chuck West.

OTHER BUSINESS

24. Consider **Redevelopment SubCommittee Recommendation Of Denial For Retail Rehabilitation Grant Application For Frankford Standridge, Ltd.**

Councilmember Marchant made a Motion moved for Denial of a Retail Rehabilitation Grant Application For Frankford Standridge, Ltd.. Second by Councilmember Williams. The vote was cast 7-0 in favor of the motion.

PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION

25. Hold a public hearing and consider a **Resolution Amending The Future Land Use Map** of the Comprehensive Plan to change a 36.1-acre site from High Intensity Commercial uses to Mixed-Uses. The site is located on the south side of Hebron Parkway, between S.H. 121 and Huffines Boulevard and is zoned PD-124 for the (LR-2) Local Retail District. Case No. 12-07MD1 The Collection (Comp Plan)/Daniel Zunker.

Lori Levy, Planning Manager presented the case in conjunction with an ordinance Approving An Amendment To PD-124 For Mixed Uses with modified development standards. The 36.1-acre site is located on the south side of Hebron Parkway, between S.H. 121 and Huffines Boulevard and is zoned PD-124 for the (LR-2) Local Retail District. Case No. 12-07Z1 The Collection/Daniel Zunker.

Mayor Pro Tem Marchant asked what the reasoning behind the developers not picking the mixed use which contains residential on top of the offices or restaurants housed below.

The applicant stated that the negatives in doing that type of development, smell, sounds and parking issues outweighed the positives. He believes that the type of set up requested in this development would work the best for all parties involved. In the Carrollton market, the stacking option was not a possible for them.

Mayor Pro Tem Marchant also stated that he would like to see the masonry wall extended on the southern section of the property to help with the separation between the existing residential and the new development. The applicant stated that they would be receptive to putting a type of wooden fence in that area if requested.

Councilmember Malone asked why the decision between renting the townhomes and selling the townhomes was made in the favor of renting.

The applicant stated that with renting the townhomes, they have more control over the maintenance, renters, landscaping standards, etc that will go on there. They can control those issues.

Deputy Mayor Pro Tem Simons asked if there were future plans to sell off the remaining tracts of land for other developers/investors.

The applicant stated they would be the ones dealing with the investors or retail developers that may buy into the development. They would have control over that since they are the master developers. Anyone buying into the development has to abide by the design standards that are set in the ordinance.

Mayor Miller opened the public hearing.

Madeline James, 1420 Ector Drive of Carrollton stated she is excited about the development and restaurants but opposed to the multifamily. She is concerned with the sustainability and the traffic congestion. She stated that there is no barrier between the proposed site and the park being built. She stated she is also concerned with the crime around the multifamily.

John Spindler, 1524 Bastrop of Carrollton stated he is opposed to the development and delivered a petition to Ms. Levy. Mr. Spindler stated that he is opposed to the development because the developer is focused on monetary gain, against additional multifamily and more careful planning of retail development.

Wendy Burrer, 3804 Leon Drive of Carrollton stated in favor of the land being developed but against the multifamily zoning. She is concerned that the City has been working on this for a year and just now notified.

Paul Burrer, 3804 Leon Drive of Carrollton stated he is concerned with the fact that the other properties are so nice because they are town homes for sale, not for rent. He requested that the item be tables so that the developer and the homeowners can meet and come to an agreement. The homeowners want the land developed but have some major issues. He stated that he is the President of the Indian Creek HOA and the board voted unanimously to oppose it.

Alan McIntyre, 3805 Zavala Court of Carrollton stated he is opposed to the multifamily development and concerned with the traffic congestion.

Susan Lightsey, 1557 Bastrop Drive of Carrollton stated she is opposed to the mixed use development. She stated that rezoning to multifamily will decrease her home value and impact the traffic and skyline and cause a strain on the public safety department.

The following people registered their opposition but did not wish to speak:

Hamid Mojdeh, 1508 Bastrop Drive, Carrollton.

Tara and Steve Rogers, 1536 Bastrop, Carrollton.

Councilmember Hayden asked for someone to address the law enforcement issue. Police Chief James stated that when you add more people in any area you will have more calls for service, but not necessarily more crime. He stated that the Police Department takes the residents concerns seriously. Regarding comments made at the Planning and Zoning Commission: the Police Department does patrol that area and Denton County does not answer calls for service for that area but we all assist other agencies. He stated that the goal of the Police Department is for all ongoing/in progress calls to be answered within 5 minutes and the times differ from there on other calls. The Police Department is averaging just under each goal at this time. He also stated that the neighborhood in question account for approximately 9 % of the calls in the beat. This was the next to lowest percentage in the entire city with 8 % being in the adjacent beat. He stated that the calls in beat 342 accounted for 10% of all calls. This puts that beat at .8% of calls for the entire city. He stated that there were not any unusual characteristics of these calls or the type of services needed. He wanted the neighborhood to know that the Police Department is available for meetings to go over concerns whenever needed.

Councilmember Malone asked if there were any certain characteristics that drive how many officers are assigned to an area.

Chief James stated that they took many things into consideration when looking at allocating officers. Service demand and the overall equity of crime across the city is looked at on a regular basis. The goal is to design the area to be equitable to each other so that the service demand is same throughout.

Councilmember Hayden stated that the three concerns he's heard are traffic, crime and rezoning from retail. He believes that other development there would produce more traffic than this proposed development. He stated that the traffic studies looked accurate and that highway 121 will only get busier with the population growth. He stated that this development reflects the future needs of this area. He also stated that to make this area work, mixed use is the best option. Sustainability-wise this option is better than a big box store coming into the area and then leaving only years later. He agreed with the need of a physical separation between the residential and the new development.

Councilmember Malone stated that this development allows the feature that the city is moving towards, being able to walk to certain retail areas or from your home to a retail/restaurant area.

Mayor Pro Tem Marchant stated that he struggled with this idea. He wants to make sure that this is the right type of development for this area. He believes that with the mixed use concept that this development will thrive. The office area will bring the daytime population so greatly needed and the townhomes will keep the nighttime population in Carrollton using Carrollton business for their needs. He agrees with Councilmember Hayden on the separation needed between the residential and retail.

Deputy Mayor Pro Tem stated that he could not support this development at this time.

Councilmember Williams stated that he was open to new ideas and ways of doing things. He believes that this offers cities new ideas and concepts to work with. He listened to the long presentation and it didn't give much information about the development itself and he can not support it at this time.

Councilmember Hayden moved to close the public hearing and approve Case No. 12-07MD1 The Collection (Comp Plan)/Daniel Zunker. Seconded by Mayor Pro Tem Marchant. The vote was cast 5-2, Councilmember Williams and Simons voted no.

26. Hold a public hearing and consider an **Ordinance Approving An Amendment To PD-124 For Mixed Uses** with modified development standards. The 36.1-acre site is located on the south side of Hebron Parkway, between S.H. 121 and Huffines Boulevard and is zoned PD-124 for the (LR-2) Local Retail District. Case No. 12-07Z1 The Collection/Daniel Zunker.

Councilmember Hayden moved to close the public hearing and approve Case No. 12-07Z1 The Collection/Daniel Zunker with the stipulation of continuing masonry screening wall on south property line connected to Tract 6 and continuing down to Huffines Blvd. and the artist rendering of Exhibit C to match the development as far as the paved stone, water feature and other architectural features noted do

become part of the development. Mayor Pro Tem also stipulated that the landscaping features and the ornamental rod iron be included in the masonry wall and other stipulations. Councilmember Hayden agreed to that amended motion. Seconded by Councilmember Mahalik. The vote was cast 5-2, Councilmember Williams and Simons voted no.

27. Hold a public hearing and **Introduce An Ordinance For The Proposed Annexation Of The Crow-Billingsley Air Park Property.** The 27.856-acre site is located on the southwest corner of Plano Parkway and Park Boulevard. Case No. 11-07MD5 Crow-Billingsley Air Park Annexation/Tom Holland.

Lori Levy, Planning Manager presented the case.

Mayor Miller opened the public hearing.

Dale and Gloria Burgdorf, 6345 Curtis Street of Plano stated that he represents the Home Owners Association and would like to go on the record as opposing the annexation. The residents have encumbered vested rights to a portion of the property, mainly the aircraft landing area. He stated that Mr. Billingsley has showed through planning and zoning meetings that he wants to bring in new commercial developments into that area. Mr. Burgdorf believes that this new development will bring only negative impacts to the area.

Margaret Pesnell, 2823 Prescott Drive of Carrollton stated that she wants Carrollton to provide appropriate zoning for this portion of land and would like the Council to delay the action until appropriate zoning is established.

David Ponder, 3700 Maywood Court of Carrollton stated He is opposed to the annexation of the property. He believes Carrollton is being used to close the runway and it is wrong for the city destroy the areas property values.

Paul Williamson, 1900 Glenrose Lane of Carrollton stated he is opposed to the annexation and the City has a chance to do something right and let the runway remain in use. He stated he has a lot invested in his plane and hanger and it is an asset to the community. He uses the airport to fly back and forth to his job site. He also stated that Billingsley Crowe is trying to leverage the City to take the property away from the residents.

John Black, 6370 W. Plano Parkway of Plano stated he lives on the property for 28 years and opposed to the annexation and doesn't want to have to start over.

James Barth, 6345 Fairchild Street of Plano stated issues that the Council should consider are: area was platted in 1965 with residential area and runway and available to property owners according to the said plat in the Collin county records. The said landing strip area would be owned, controlled and maintained by the Air Park Associates, their heirs or assigners at no cost for a minimum of 10 years and will continue thereafter until such time as the landing strip might cease to be economically feasible which then the landing strip and taxiways will be donated to the homeowners in exchange for access and usage privileges without charge to donors except for maintenance cost decided by an independent board. The homeowners have worked upon that understanding for years. The homeowners believe that if the landing strip is no longer economically feasible then it needs to be donated to them and move on.

Chester Jurskis, 7731 Lone Moore Circle of Dallas stated he is a pilot and aircraft owner and maintain his plane at the site. He is concerned with loosing the lifestyle and should oppose the annexation.

Steve Kriss, 6346 Brimwood of Plano stated he is president of the Glendale HOA and has a plane at the airpark and wants the Council not to annex the property.

John Caldwell, 3700 East Castle Way of Plano stated he is opposed to the annexation. Ethically Carrollton is proposing to take their land with nothing in return, legally this airport has been in use for 40 years and there is an easement that was created and financially the subdivision is on septic and it would take a lot of money to bring it up to City standards.

Scott Meyer, 6315 Douglas Street of Plano stated he is opposed to the annexation of the airpark. He stated that the runway is their amenity and it means everything to them. People planned their future on the plan that was in place when they bought the property.

Chad Maisel, 6315 Beech Street of Plano stated that he is building a home attached to his hanger and is an angel flight pilot. He asked that Council not annex the property.

Amy Eklund, 6315 Beech Street of Plano stated that she is opposed to the annexation and if the airport goes away, her husband will no longer be able to be an angel flight pilot.

Ralph Harroldson, 3233 Chapel Downs, Dallas stated that he owns a hanger at the airpark and is against the annexation.

John Hardin, 1717 Main Street, Suite 2800, Dallas 75201 stated he represents some of the homeowners heard from tonight. He wanted to focus on the runway. The runway is why he purchased his lots. He wants to be able fly and use that land in a very particular manner. He would like to see an agreement come about that if the annexation happens that the homeowners can still use the runway and be able to go about their everyday lives.

The following people registered their opposition but did not wish to speak:

George and Nancy Bown, 6305 Lockheed, Plano

Youin Bebic, 6360 Curtis Street, Plano

David Seals, 6335 Stinson Street, Plano

Mickey Fuller, 6340 Curtis, Plano

Matilde Marlen Key, 6320 Douglas, Plano

Allison Reeves Jurskis, 7731 Lone Moor Circle, Dallas

Scherle Barth, 6345 Fairchild Street, Plano

Stan Bowlin, 6300 Douglas, Plano

Alfred and Sheryl Pick, 6345 Douglas Street, Plano

Joe and Dori Head, 1890 Air Park Lane, Plano

Ali Mutlu, 4313 Benton Elm Drive, Plano

Dick Schiltz, 6300 Beech Street, Plano

Walter Fuller, 6340 Curtis, Plano

James W. Swick, 6300 Stinson, Plano

Rick and Janet Cathrines, 6310 Stinson, Plano

Mary Lou Fairchild, 6310 Douglas, Plano

Dean Mize, 6350 Curtis Street, Plano

Maria Williamson, 1900 Glenrose Lane, Carrollton

Holly Meyer, 6315 Douglas Street, Plano
Damon and Megan Lewis, 1939 Cheyenne Drive, Carrollton
Robert Owen, 6310 Lockheed Street, Plano
Sue Whitesell, 6355 Stinson Street, Plano
Bill Toy, 6316 Misty Trail, Dallas
Warren Haroldson, 1441 West Peters Colony, Carrollton
Gary Cobb, 6315 Stinson Street of Plano stated

Councilmember Mahalik moved to close the public hearing of Case No. 11-07MD5 Crow-Billingsley Air Park Annexation/Tom Holland. Seconded by Councilmember Simons. The vote was cast 7-0.

Mayor Miller closed the meeting and reconvened the Worksession at 9:37 pm.

7. Briefing on **Red Light Photo Enforcement.**

Mr. Molina stated that as part of the process to install red light photo enforcement equipment, a traffic study needs to be done at proposed locations to determine if they meet the criteria as dictated by state law. This is not a normal traffic study but more of a validation required by state law that all other engineering measures have been taken and that the only option left to reduce red light running crashes is to implement a red light enforcement program.

Staff selected the firm of Jacobs Engineering to do this work in part because of their national reputation and in part due to staff's experience working with them on the Downtown Carrollton Parking and Transportation Study. We presented a scope of services to Jacobs in July 2007. We negotiated on the cost of the work and developed a contract ready for execution in early November 2007. We then submitted the information to the city attorney's office for their review and approval. Upon reviewing the information, the city attorney determined that additional insurance requirements were necessary.

At this time, we have reached an impasse with Jacobs Engineering. The attached letter indicates that they are not willing to provide the insurance requirements as described by the city attorney.

The options we have at this time are either to: Accept the insurance requirements that Jacobs Engineering has offered and execute the contract, or Seek another engineering firm to provide this service by preparing a request for proposals with the current scope of services and a copy of the accepted insurance form with the language as indicated by the city attorney. This will result in about a three to four month delay in the implementation of the red light enforcement program.

Staff wishes to gain direction from Council.

8. Discuss **Proposed Code Enforcement Technician Position.**

Director of Environmental Services Scott Hudson stated that as requested, staff has explored the possibility of creating a new position to improve the maintenance and appearance along the major transportation corridors in the city. Certain maintenance and aesthetic concerns in Carrollton currently remain unaddressed or are resolved very slowly.

Through daily patrols this position would be responsible for removal of abandoned material, relaying maintenance issues to the appropriate agency or property owner and for minor code enforcement follow-up. Referred to as code enforcement technician (or arterial corridor porter), this position would provide support to existing code compliance and maintenance efforts and provide some relief to code officers, allowing their efforts to be focused on core enforcement issues in neighborhoods.

Typical technician duties would include:

- removal of illegal signs at increased frequency
- cleanup of debris and abandoned material, augmenting current efforts of city staff and contractors that mow rights of way
- relating information to utility and transit companies (e.g. DART, TXU, Verizon) and property owners about damaged signage and equipment
- placing notices for and documenting illegal vehicle sales, repairs, and off-street parking
- following up minor code enforcement cases such as allowed timing and placement of banner and other signs, graffiti, and commercial parking lot conditions
- forwarding more significant code compliance issues to officers for enforcement.

Performance measures would include rates of violations abated, efficiency of referring maintenance issues to appropriate agencies or owners and effectiveness of coordinated efforts with certified code enforcement officers.

A survey of several area cities did not identify any with an effort exactly paralleling this proposal. Most use code enforcement officers for the bulk of this work. Garland has two created code specialist positions that have limited thoroughfare responsibilities among other duties.

Because the level of responsibility and required training would be lower than a code officer, a pay grade several levels below a code officer is anticipated. Our preliminary review indicates demand for a minimum of twenty hours per week. Assuming a half-time position, overall annual costs would be significantly lower, at an estimated \$27,000, compared to \$68,000 for a full-time, state-certified code enforcement officer. Compliance with Clean Fleet initiatives will necessitate eventually funding a vehicle (small pickup) for this technician. Total non-recurring costs are estimated at \$19,000. Detailed cost estimates are attached.

This position could have a significant impact on sustainability by enhancing appearance and property maintenance along the most highly visible parts of the city, providing shorter turnaround for arterial compliance issues and improving neighborhood code enforcement by relieving existing code enforcement officers from some routine work.

9. Briefing on **Proposed Public/Private Agreement Program For Transit Oriented Development.**

Transit Oriented Development Manager stated that on January 10, 2006, the City Council adopted an ordinance establishing a Tax Increment Reinvestment Zone (TIRZ) as a funding tool to facilitate the infrastructure needs of Downtown Carrollton and Trinity Mills Transit Center Districts. Financing these infrastructure needs was seen as an important catalyst to spur transit-oriented development within the transit centers. However, TIRZ funding is derived from increases to property value over time, thereby limiting the City's ability to incentivize development under our current property tax rebate program (Section 380) without damaging future TIRZ revenue. Therefore,

additional tools are needed to spur development and form public-private agreements to facilitate desired outcomes. To meet the Councils strategic goal of creating value and stimulating economic development across the city, new innovative economic incentives, as outlined on the attached program, are now considered necessary. In addition, the city's fee ordinance will need to be amended to implement the policy recommendations outlined in this report.

In accordance with the Economic Development plan of enhancing tax base through value added redevelopment, this project meets all criteria. The implementation of this program will attract new mixed-use development, generate additional property and sales tax, and will enhance the economic viability of the area.

10. Briefing on Proposed Noise Ordinance Amendments.

Police Chief David James stated that City Ordinance Chapter 130.18, Unlawful Noise, regulates unlawful noise, describes prohibited noises, and provides for exceptions to the prohibited noises. Current language in the ordinance has made enforcement difficult and caused the ordinance to be inconsistent with related city ordinances.

To improve enforcement and better align this ordinance with other city ordinances the following amendments are proposed:

- Sections 130.18, (A) (5) & (6) prohibit use of an automobile, motorcycle or other vehicles that are so out of repair that these emit loud noises and require discharge of exhaust through a muffler device to prevent loud noises. These provisions do not prohibit the intentional and unnecessary noise created by acceleration of a motor vehicle engine that is in good repair, which is a frequent complaint in neighborhoods. The proposed change standardizes the description of various vehicles to just "motor vehicles" and adds a new section to prohibit creating unnecessary noise by racing an engine near a neighborhood.
- Section 130.18 (A) of the current ordinance prohibits the operation of construction equipment and machinery in proximity to residences during times based upon "sunrise" and "sunset." This provision is difficult to enforce due to seasonal changes, Daylight Savings Time, and the unavailability of "sunrise" and "sunset" times to officers in the field. The proposed changes provide specific times during which construction is prohibited and also prohibits construction on Sundays and specific holidays. These changes make the Unlawful Noise Ordinance enforceable and consistent with the General Design Standards issued by Building Inspection.
- Section 130.18 (B) of the current ordinance provides exception for *any* event approved by the City under the Special Events Ordinance (Chapter 117). The proposed changes provide for an affirmative defense of amplified noise permitted in conjunction with an approved special event permit, only during specific hours.

ATTEST:

Ashley D. Mitchell, City Secretary

Becky Miller, Mayor

