

FAIRMONT PLANNING COMMISSION

The regular meeting of the Fairmont Planning Commission was held on January 17, 2018 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

President Straight called the meeting to order at 7:00 p.m. and asked for a roll call of members.

ROLL CALL OF MEMBERS

MEMBERS PRESENT

Commissioner Yann
Commissioner Colley
Commissioner Greene
Commissioner Parker
Commissioner Richardson
President Straight

MEMBERS ABSENT

Commissioner Majic
Commissioner Carpenter
Commissioner Blickenstaff

Commissioner Greene motioned to excuse the Commissioner Majic from the meeting. Commissioner Yann seconded the motion.

CITY STAFF

City Planner – Sandra Scaffidi

PLEDGE OF ALLEGIANCE

Commissioner Yann led the Commissioners in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM December 20, 2017

Commissioner Greene motioned to approve the minutes.

Commissioner Richardson seconded the motion.

Motion carried 6-0

PUBLIC HEARING FOR January 17, 2018

1. Doug Cline requests the abandonment of a right of way between Barnes and Hall Streets between Tax Parcels 05-09-40; 05-09-39; 05-09-50.1; 05-09-50; 05-09-49; and 05-09-41.

President Straight asked if there was anyone to speak for this request.

John Funkhouser, the applicant's attorney, came to the podium to answer any questions the Commissioners might have about this request.

There were no questions at that time.

President Straight asked if there was anyone to speak against this request.

Lillian Brady, a resident of Hall Street, spoke against this request.

President Straight: We have a letter from April Smith that I would like to introduce for the record. **(President Straight asked Sandra Scaffidi to read the letter for the record.)**

Sandra Scaffidi: For the Record, this letter is not dated, but it is notarized on January 12, 2018 in the County of Alameda, California:

To Whom It May Concern,

I am the owner of a home located at 417 Barnes Street, and am unable to attend the meeting in person. That being said, I am writing because I am concerned that the City of Fairmont is considering the abandonment of the alley located between Hall Street and Barnes Street, accessibility via Dayton Street or via the Church of God of Prophecy driveway at 420 Hall Street. This alley allows accessibility to all properties for emergency services vehicles, including fire trucks, ambulances,

police vehicles, and City utility vehicles in case of emergencies. My concern is threefold issue [sic]: (1) the City would be setting an implied precedence, encouraging others to build on or around City property; (2) my cousin, who is handicapped, uses this alley on a regular basis to access the back of my house and her mother's house at 422 Hall Street, and (3) the impact on assessed property values and associated tax liability. Thank you for your time. April E. Smith, Owner, 417 Barnes Street.

President Straight requested a motion to close the public hearing.

Commissioner Parker motioned to close the public hearing.

Commissioner Greene seconded the motion.

Motion carried 6-0.

Sandra Scaffidi read her staff report. It read as follows: As you know, the applicant requested the abandonment of an unopened ROW as he had constructed a garage structure which encroached on our City ROW. The application includes a survey which shows that the garage encroaches on the alley a maximum of 3.3 feet. The applicant applied for and received a building permit to construct a smaller outbuilding on his property. By code, the garage had to be located at least five feet from the property line. The applicant had the opportunity, from the salesman, to purchase and construct a larger garage after the permit was granted. However, it exceeded the setback requirement of an accessory building and encroached on City property.

The applicant has been through the judicial process and is now requesting the abandonment of the ROW. The property survey notes that a survey plat for the Yanero property indicates a 16 foot wide ROW while a survey plat for the Yelcich property shows a 15' wide ROW. As a result of this abandonment, the applicant would receive half of the width of the abandoned property. The other neighboring property owners would receive the other half of the width. The width of this ROW would need to be determined, but I believe it to be a 15' wide ROW. If granted, the applicant would still need to go through the Board of Zoning Appeals process if variances are necessary for the building to fall into compliance.

The legislative intent of the Fairmont City Code indicated that Council finds and declares that within the City there are one or more streets, alleys, and public right of way:

1. That does not, have not or will not in the future serve any public purpose
2. That exists only by means of appearance on plats or maps of sections of the City
3. That it would be in the best interest of the City to abandon and vacate such streets, alleys and public right of ways, thereby absolving any actual or contingent liability;
4. That would otherwise permit more appropriate land use within the City thereby promoting orderly development.

There was one comment received from outside agencies. City Assistant Engineer Bill Foley identified there is an existing sanitary sewer line that lies in the right of way. The City needs to have access to the sewer to properly maintain the operation and service by those currently connected to this line. The City also received a phone call from a neighbor who was concerned that the right of way abandonment would compromise her ability to access her driveway. Mrs. Brady is here tonight. While I am concerned that this would set a precedent about building in the ROW and I do not condone that, I do not see that the City would need to utilize this ROW for future development. I would recommend that we reserve all the rights to underground utilities. I would recommend that we move forward with the abandonment, but that this does not dismiss any additional variances that maybe needed to comply with the Planning & Zoning Code.

Commissioners had a discussion about the request.

President Straight asked for motion on the request.

Commissioner Greene motioned to deny the request.

Commissioner Richardson seconded the motion.

President Straight abstained.

Motion carried 5-0

PUBLIC HEARING TO SET FOR February 21, 2018

None

NEW BUSINESS

1. City Capital Improvement Plan

City Manager, Robin Gomez presented the new Five Year Capital Improvement Plan to the Planning Commission. The plan will become effective July 1, 2018, once City Council approves it.

Robin Gomez discussed:

FY 19

- a. Debt Services
- b. New vehicles for the Fire Departments and Code Enforcement, as well as, a new Fire Station on the East Side of town.
- c. Scanner/plotter and software.
- d. Normal/recurring IT/Data processing replacements
- e. Police and Fire equipment including 2 police cruisers; various vests, guns, and body cameras; bunker gear, fire hydrants, etc.
- f. Public Works – new plow truck
- g. Parks - \$100K for park improvements & playground equipment
- h. TIF proceeds to provide matching grant funds for Locust Ave sidewalk project (Bell Run Rd to Country Club) and sidewalks throughout the City.

FY 20

1. We add to our debt services payments, new projects including the Adams St greenspace and a recreation center and replacement of a mow trim and a fire truck.
2. Police – continue adding body cameras
3. Parks – increase improvements and equipment to \$150,000

The Commissioners reviewed and discussed each year together with Robin Gomez. Robin informed them that it is not necessary to approve the Capital Improvement Plan tonight. It will go before City Council on February 27, 2018 so we can bring the Plan back again at the February 21st meeting for their approval.

2. Election of Officers

a. Chairman

President Straight asked for nominations.

Commissioner Parker nominated **Ron Straight** to be reappointed as Chairperson.

Commissioner Yann seconded the nomination.

Commissioner Yann motioned to close the nomination.

Commissioner Greene seconded the motion.

President Straight: The nominations for Chairman are closed. All in favor of Ron Straight being reappoint as chairman please say ‘aye’; all those opposed?

Motion carried 6-0 to reappoint Ron Straight as Chairman.

b. Vice Chairman

Commissioner Yann motioned to nominate **Commissioner Greene** as Vice Chairperson.

Commissioner Richardson seconded the nomination.

Commissioner Yann motioned to close the nominations.

Commissioner Richardson seconded the motion.

President Straight: Can I have a roll call vote on the nomination of Jamie Greene? All in favor say ‘aye’; opposed?

Motion carried 6-0 to reappoint Jamie Greene as Vice Chairman.

CITIZENS PETITION (For items not listed on the agenda)

Citizens must register in advance with the recording secretary

None

OTHER BUSINESS

Commissioners Comment:

Commissioner Greene: When I worked for the City of West Yellowstone, we learned at municipal training to offer motions differently. For instance, with the public hearing tonight; before we would open discuss on the topic, we would ask for a motion and then we would open it for discussion. If a motion wasn't made or a second wasn't made, we were done. I don't know if the City would consider this. We were also taught to make all motions in a positive form. In other words, the motion tonight would have been to approve the ROW abandonment. Then you have a positive motion to approve and then the hard part. Then you have to say no, but the motion we said yes to a no tonight, if that makes sense. It is easier sometimes for the word yes to come out of your mouth, but from a point of view of clarity, if you make a positive motion and then say no to that motion, there is little doubt as to what action the Commission has taken. Does that make sense?

Commissioner Yann: We had that exact problem a few weeks ago. We had a vote. Council was confused. Then we had to vote again two weeks later at the next meeting. It was sort of what you are talking about. Kevin [Sansalone] had to get it all straighten out. I can understand how that would save any confusion.

President Straight: So if you don't get a second, it would die, right?

Commissioner Greene: Yes. You can either have it die or have a second and vote it down. I think it maintains a little more clarity. I'm not sure the audience knew what happened tonight. Anyway, it is something to consider. I think it helps with clarity. It takes practice too.

Staff Updates:

Sandra Scaffidi: First, I just want to remind you that we have a Comprehensive Plan meeting on January 23rd which is next Tuesday. I think most everyone said they would be there and able to attend.

Commissioner Parker: I spoke with Maria [Cipolla] earlier this week and told her I would do my best to be there. It is early for me.

Sandra Scaffidi: Dinner will be at four o'clock. The work session starts at five o'clock. We appreciate everybody that makes an effort to attend. I know it is hard to do with work [schedules]. Also, I want to remind you that we had these nice Comprehensive Plan booklets printed out and emailed to you. I would really like your opinions on them.

Commissioner Yann: **Houston [Commissioner Richardson]** doesn't have one.

Sandra Scaffidi: They were given out at our meeting on December 20th.

Commissioner Richardson: I will look through my stuff.

President Straight: Please don't put this aside and disregard. I think it is a document we need to look at. If you have any questions on it, write them in the book. That is what the book is for.

Sandra Scaffidi: The consultants are going to be here next week to present to us and City Council. If this is approved, it goes to City Council, and then this is our Comprehensive Plan for the next ten years. This is our opportunity to make sure it says what we want it to say. Aside from that, Maria [Cipolla] made a calendar for the New Year, but I don't have it. I also want to let you know she also made cookies for all of you. They are in the side room. Please take some home with you. She was unable to stay tonight. She had root canal today and was in a lot of pain so I sent her home. Thank you again for being here.

President Straight: Please help yourself to the cookies. I think Maria [Cipolla] would be a little perturbed if we didn't eat those cookies. Maria and her daughter [Gina McCall] made them. They are all homemade.

ADJOURNMENT

President Straight asked for a motion to adjourn.

Commissioner Yann motioned to adjourn.

Commissioners Greene/Colley seconded the motion.

Motion carried 6-0