

**Minutes
City of Leadville
Regular Council Meeting
July 05, 2016
Leadville City Hall, 800 Harrison Avenue
6:30 PM**

COUNCIL MEMBERS

PRESENT: Gwen Shepherd, Dave Chimovitz, Mayor Greg Labbe, Mayor Pro Tem Max Duarte, Mike Canty, Shoshanah Beck.

COUNCIL MEMBERS ABSENT:

Jake Mohrmann

STAFF PRESENT: Bethany Maher, (City Clerk) Sarah Dallas, (Administrative Services Manager) Roy McGinnis, (Finance Director), Dan Dailey, (Fire Chief), Jim Schneider (Street Dept. Supervisor), Saige Bertolas, (Interim Police Chief), Robert Glenny (Police Chief)

PUBLIC

PRESENT: Ryan Fitzmaurice, Kyle Welch, Luke Finken, Jim Duke, Kelly Corti, Eric Laslow, Sandy Nye, Sarah Mudge and other members of the public interested in today's Agenda items.

6:41 PM CALL TO ORDER, ROLL CALL & PLEDGE OF ALLEGIANCE

Council Discussion Previous to Agenda, Including Public comments

Luke Finken – Discussed the traffic pattern concerns on Harrison Avenue regarding speed limits and crosswalks, as well as the fact that the 4 lanes encourages speeding, and the increase in traffic as a result of Independence Pass opening.

CM Beck – It has been brought up in conversations with CDOT and believes it's a concern too
Jim Schneider – CDOT says that Leadville has one of lowest speeds and that they will require a traffic study which most of the time the limit will go up.

Mayor Labbe – CDOT loves the idea of going to 3 lanes. They will repaint 4 of the downtown crosswalks this year, plus McWethy and remove all stop bars except at the light.

Jim Duke – Noted that he was crossing at a crosswalk and a tire hit his heel as he was halfway across.

Agenda Revisions – Mayor Labbe proposed to add the swearing in of 2 individuals – right after Presentation of Excellence as 3 A and 3B, add a discussion of a July 12th meeting. The swearing in was added as 3A and 3B but the July 12 meeting was struck after discussions of a short notice and a busy summer.

Mayor Labbe Moved, CM Canty Seconded

Minutes - Approval of minutes of the regular meeting of June 21st, 2016.

Comment from Mayor Labbe – a number of times list motion, second but do not record vote.. want to record vote in future. CM Canty moved, MPT Duarte seconded

Presentation of excellence for Saige Bertolas as interim chief of police - Resignation and indictment of former Chief – long hours, worked very hard with patrol, investigative duties, sergeant and interim chief – tremendous job. Thank you!

Swear in new Police Chief – Robert Glenny

Mayor Labbe noted that it has been difficult era and we are coming out of it.

Swear in new city council member – Dave Chimovitz

New business

HPC commissioner appointments by Mayor Labbe

Appoint Trevor Mark and Bethany Maher – Michael Ward was absent so he can be appointed at a later time.

C.O.A public hearing - 309 Harrison Ave window request based upon Historic Preservation Commission recommendation.

Adjourn Meeting of City Council – Convene Board of Adjustment Hearing

Open public hearing:

Kelly Corti – Discussed how she would like to add a window to the side of the building.

There used to be a structure adjacent to it which is now a city parking lot. Want it for ventilation and light. Will do it closely to the look of the windows in the front but will use more modern materials because wood does not have sound insulation or heat as well as some modern materials, but want to make it look as much as possible as the ones in the front. It will be roughly the same size as the front. The color will be green which is what all their trim is. How did you decide where? It's in the bedroom.

CM Chimovitz – asked if more windows will be added in the future and Ms. Corti said that they would consider more.

CM Chimovitz said he noticed significant cracks in wall.. are those being considered?

Kelly Corti - Yes, they have repaired – substantial structural improvements. Put in steel pillars and foundation.

Mayor Labbe asked about having the mural repainted this summer and Kelly Corti responded that it is something they have been approached for wanting them to refinish the mural and believes the arts coalition had discussed doing repair work behind the mural and artist will come and repaint. It will be a rectangular window and Planning and Zoning code changed last year and they are okay with it as long as it meets the standards. CM Canty moved, CM Beck seconded to close the public hearing. 5-1 vote in favor.

CM Canty moved, CM Chimovitz seconded. 5-1 in favor of the Motion for the COA.

Variance request - Sign code relief at 615 Harrison Ave

KC BOA – Public Hearing:

Kyle Welch – Owner Sayer McKee building. Requesting a sign variance – put two steel cases for signs because there is no place on the building. It's 2 ft by 3ft. They will be backlit.

Brought three pictures to share. A light hanging over will reflect off of glass and be difficult to see and will stick out more. It's an led panel, called snap panel with aluminum frame - does not know what the artwork will look like because that will be decision of tenants.

CM Shepherd – still doesn't quite understand? Is it extra light in addition to sign or is it lit up sign?

Kyle Welch - It's artwork with light behind it. Panel is lit up with artwork over it. Question to council – is this what we considered when Earls and others wanted?

Mayor Labbe – not appropriate to historic district.

ASM Dallas – Clarified that he is asking for relief from that rule in code to allow these two exceptions to the rule. He could install not lit and have backlighting cascading down. It also allows, which Earl's is, commercially zoned businesses to have internally illuminated signs.

CM Shepherd – Two big signs that are right together and will stand out.

Kyle Welch – designed it less than 6 square feet per business – down at street level.

ASM Dallas - Code currently allows freestanding sign for each business – 25 feet or less signs.

CM Chimovitz – how long doing construction in Leadville?

28 years

Did you know about this sign codes prior to building?

No – not about backlighting.

CM Chimovitz – how do you go about finding about codes?

Kyle Welch – Research – Backlight threw him off.

CM Chimovitz - What would it take to align the sign to current code? Time? Money?

Kyle – Put a lot of money into the courtyard and sign housing.

CM Chimovitz – non reflective?

Kyle Welch – It is reflective off of the glass.

To council? Was this design part of the initial approval process?

Kyle Welch - This was never talked about.

Mayor Labbe – Kyle has worked hard to keep a look to that building and I like, On other hand that in terms of protecting look of historic downtown – best alternative was a light directed at these signs. Still feels that way. Protecting look of downtown historic district. Code in place for a reason.

Ron Bertolas – As long as it's opaque – sees no problem. Things gotta change – worried about a sign, but junk on the street needs attention. If he didn't put money into that building, it would be a parking lot. Sees no problem. In favor.

ASM Dallas – read a letter into the record from Carl Miller in favor of the sign variance request that spoke to a complete rebuilding serves as incentive to additional downtown improvements. Investment into city. City, existing and future business and community will benefit.

Kyle Welch– It will be the best that he can do. Asking for council to do one more thing for him.

Mayor Labbe – It's not glaring? It's subtle?

Kyle Welch– points to EXIT sign which is a backlit sign with bright lights – white, classy, subtle

It's not bright.

CM Chimovitz – did you do other buildings on Harrison?

Did you deal with signs at all?

Kyle Welch– no

Different regulations in retail core. Craig and Trevor were not wanting more Kum & Go signs which was the intent with this code.

CM Beck – honor history and moving forward. Doesn't see them as offensive, building looks great, but sign variance in place for a reason.

CM Chimovitz – does it allow for precedence?

Mayor Labbe – look at each case

ASM Dallas – 1 to 2 per year.. mining museum recently. Earls also got one. It is case by case. Variances should be used precautionary. Reevaluate sign codes.

CM Chimovitz – likes sign, but asking after the fact. It's in steel and it's already there.

CM Canty moves to close meeting, CM Beck seconded.

Does it need to be decided tonight – need to set a time frame tonight.

CM Beck moved, CM Canty seconded.

MPT Duarte – there is something against this type of sign?

ASM Dallas – quote code in Retail core and definitions. Wall sign due to the requirement to put fence flush with buildings.

Mayor Labbe – persuaded that this sign will be subtle and it does not hurt look of downtown and it cannot be seen as you drive down Harrison.

CM Shepherd – people driving down the street will not have time to see.

CM Chimovitz – it will not be a distraction. Problem with building then asking and don'T want to encourage that. Tie vote 3-3.

No resolution – continue to when CM Mohrmann is back at July 19th meeting.

5 minute recess.

Roberts Rules of Order – In a split vote, it is a no vote. At subsequent meeting, those who voted yes can bring up and it must be a quorum vote and a revote. Reconsideration. One of yes voters may make a motion and majority will need to agree to listen to this again.

Mayor Labbe – reminded it is quasi-judicial – do not discuss with people.

Do not speak with and persuade missing councilmember.

Adjourn Meeting of Board of Adjustment Hearing- Convene Local Liquor Licensing Authority.

Eagles Special Event Permit – Boom Days Softball Tournament

Discussion that it has been a regular event with no prior problems.

CM Canty moved, Mayor Labbe seconded. 6-0 Vote in favor.

Renewal of Tennessee Pass Liquor License

Noted that there were no liquor problems in the past year.

CM Canty moved, CM Beck seconded. 6-0 Vote in favor.

Adjourn Local Liquor Licensing Authority meeting – Re-convene Meeting of City Council.

Third Reading, Ordinance 04, Outdoor Food Sales amending title 17

Public Hearing

Public comments in favor of – none.

Public comments against –

Eric Laslow – owner Peak Pasta. Language and intent of paragraph I number 2 because they have no ability to promote themselves like other businesses in town. There is some ambiguity of banners, flags, etc. Ambiguity suggests that it's not clear. Flags, sandwich boards – one directly in front of his business, across the street, but because it's mobile they are not allowed to have. What is the intent? Why can they not promote themselves?

Mayor Labbe suggested that there is only one change and that is term – and ASM Dallas replied that all underlined areas are changes.

Brick & Mortar have building codes, health and sanitation – some differentiation from mobile to Brick & Mortar because they have to meet more requirements. This is the proposed code.

ASM Dallas – confirmed sign must be part of the unit itself.

Mayor Labbe – Suggested they would be out of business in 48 hours if declared Brick & Mortar.

Sarah Mudge – Sandwich board issue brought up by CDOT. Thinks sandwich board allowed on 4th street. In code, can have out but brought in, but many businesses do not bring them in.

Mayor Labbe – inappropriate to talk about flags at this time to Mudge.

CM Beck – does include sandwich boards?

ASM Dallas – businesses are allowed to have them, but they are supposed to be affixed to the buildings. CDOT has an issue with off Harrison avenue businesses – work towards sign code changes to make way finding system to integrate those signs to be in code and in compliance with CDOT. It is an agenda item of P & Z.

You could potentially adhere a sandwich board to the cart.

CM Chimovitz – allowed for business owners? Food cart is a business owner.

ASM Dallas – Because point of entry for food carts – thoughtful way to allow trucks to be there a longer period of time without as much privilege as B & M, that require more requirements. We have an issue with B & M who have more investment and want distinction and this is the attempt here.

CM Chimovitz – Appreciate intent, but if you are a business you should be able to advertise. Inequity.

ASM Dallas – no water, sewer, sanitation, etc.

CM Chimovitz – what alternatives discussed?

All page 3. If signage changed or omitted would there still be distinction between B & M and food carts?

ASM Dallas – only food and non-alcoholic beverages.

Mayor Labbe – possibility of signage being modified?

CM Shepherd – If the name is on it.. that's specific of what it is. The whole unit is signage.

CM Chimovitz – the ability to show they are open.

Sandy Nye - Discriminatory and targeting her business. Look at how many businesses on pedestrian walkway with boards out in sidewalk. Should be able to have advertising on the corner on the lawn. There is no indoor seating and that is benefit of B & M, and why they pay extra cost to lease.

ASM Dallas – banners is the issue. May need to revisit code. Up to 40 days maximum per year – now distinction between flags and banners. People getting hung up on semantics.

Mayor Labbe moved with Letter I, number 2 removed. CM Canty seconded. 6-0 Vote in favor.

Second reading Ordinance 6, Series 2016 Chicken Permitting amending title 17

Public comments – none for or against

CM Canty moved, CM Beck seconded 6-0 in favor to close the public hearing.

Sarah Mudge – Roosters was a question and the number of chickens.

CM Shepherd – do away with chicken ordinance. It's been discussed for 2.5 years.

Sarah Mudge - clarify changes

Mayor Labbe moved, CM Canty seconded. 5-1 Vote in favor.

Department Reports and upcoming meetings.

Upcoming Meetings – Added business after Hours, Main Streets Meeting and Fire Management meeting.

Treasurer's Reports.

Bills. CM Canty moved, CM Chimovitz seconded. All in favor with raise of hands.

Mayor's Reports.

Great 4th of July weekend.

N. Council Reports.

CM Canty – Spoke about the success of the bbq at the airport.

CM Beck – name tags please? Public events, etc. Will do some research.

Wants to have workshop in August to have conversation on pay equity compared to surrounding counties and even Lake County.

Adjournment - 9:19 pm