



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Wednesday, **January 10, 2012 at 6:34 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Acting Chairman
 Bart Stevens, Commissioner
 Steve Hilton, Commissioner
 David Gailey, Commissioner
 Blair Jones, Commissioner

Others Present: Randy Daily, Community Development Director, Ember Herrick, City Recorder and 3 members of the public.

A. Welcome & Roll Call

Acting Chairman Ellis welcomed everyone to the meeting and stated for the record all members were present. He stated for the record that because there are only three members of the public here to attend tonight's meeting the Planning Commission is convening upstairs in the Conference Room.

B. Open Communications

Acting Chairman Ellis invited any members of the public with comments to speak during the open communications portion of the meeting.

Riverdale resident Vilma Aracely Possie said she runs a preschool out of her home and is here in support of the proposed amendment to the city's ordinance regarding home occupation daycares. She said that she supports the new language and agrees with the change from six to eight children allowed in a daycare or preschool setting at one time, because that is the number the State of Utah permits.

Riverdale resident and daycare owner Darci Levesque said that she is the petitioner who initially approached the city about allowing eight children at a time instead of six because that is the number allowed under state law. She said that she likes the new proposed language and encouraged the Planning Commission to vote in support of the change.

There were no additional comments.

C. Presentations and Reports

Community Development Director Randy Daily said there was nothing new on the Community Development Report not discussed in the earlier work session. He asked for any questions and there were none.

D. Consent Items

1. **Approval of meeting minutes from:
 December 27, 2011 Work Session
 December 27, 2011 Planning Commission**

Acting Chairman Ellis asked for any changes or corrections to the previous meeting minutes and none were noted in addition to the correction of the spelling of Mr. Gailey's name mentioned during the work discussion.

2. Consideration of Meeting Schedule for 2012

Acting Chairman Ellis asked for any discussion and none was noted.

Motion: Commissioner Jones moved to approve the consent items with the correction to Commissioner Gailey's name noted in the work session. Commissioner Gailey seconded the motion

Acting Chairman Ellis asked for discussion on the motion and there was none.

Call the Question: The motion passed unanimously.

3. Discussion on proposed amendment to RCC 10-18-1 Home Occupations Condition "M" Daycare Centers.

Mr. Daily said the proposed changes to the provision include changing the phrase "daycare center" to "daycare provider" and changing the number of children allowed at one time from six to eight. According to Mr. Daily, these changes mean the home daycare provider can have a contract for additional children, but there can only be eight at the home at one time. He said the provider's children under the age of four will be counted towards the total number allowed and the provider cannot care for more than two infants at a time, with the definition of an infant being a child two years of age or younger. Commissioner Stevens asked that clear language be added stipulating that these requirements apply to residential home daycares, and not commercial daycares and he asked Mr. Daily if a preschool is different than a daycare under the city's ordinance. Mr. Daily said they are considered the same in Riverdale and Commissioner Stevens asked that the word "preschool" be added to references of daycares in the draft so that there is no confusion both are subject to the same requirements and restrictions. Mr. Daily noted the changes and said that he would incorporate them into the final draft for the public hearing.

Mr. Daily asked the two daycare owners attending the meeting if in their experience preschools and daycares are regulated differently by the state of Utah. Mrs. Levesque said she runs a daycare but she believes preschools are required to have a curriculum designed to prepare children to attend kindergarten. Mrs. Arcelly said she runs a preschool that has a curriculum that teaches children Spanish and prepares them for preschool. Commissioner Jones said he believes preschools require children to learn basic skills and information prior to starting kindergarten like their phone number and address, their ABC's and numbers, and how to tie their shoes. Mrs. Arcelly said to be licensed with the state as a preschool she is required to have an approved curriculum for the children in her care. Commissioner Stevens said he doesn't think it is appropriate for municipalities to dictate what is taught in preschools, but it is the Planning Commission's role to set size limits and safety requirements for licensing home business daycares in Riverdale City. Commissioner Gailey said he doesn't want the city's daycares to be required to meet the state's preschool standards and Acting Chairman Ellis suggested including a reference to both preschools and daycares in the amendment.

Mr. Daily asked for consensus from the Planning Commission to set a public hearing for the next Planning Commission meeting on January 24, 2012 so that a recommendation could be forwarded along with the new language to the City Council in time for their February 7, 2012 meeting. There was unanimous consensus to set the public hearing.

Commissioner Gailey advised the current daycare and preschool providers to continue to comply with Riverdale's current law until such time that an amendment to allow eight children passes. Commissioner Stevens said he would like to see the new proposed language before the next meeting on January 24, 2012 and Mr. Daily said he would make the changes suggested and see that it is emailed to the members of the Planning Commission before the end of the week.

E. Action Items

1. Designation of a Planning Commission Chairman under RCC 2-3-5 "The members of the planning commission shall designate one of its members to act as chairman; subject, however, to the approval of the mayor and the city council." (Ord. 752, 1-19-2010)

Mr. Daily told the Planning Commission that with the departure of former Chairman Braden Mitchell who was recently elected to the City Council there is a need to appoint a Chairman to the Planning Commission. Mr. Daily said that his recommendation is that Acting Chairman Ellis fill the role and he explained the Planning Commission's decision is subject to City Council ratification. According to Mr. Daily, a Vice-Chair who will officiate in the absence of the Chairman can also be recommended at this time, or the Planning Commission can wait until after two replacement Commissioners have been appointed and there is a seven member Commission. Commissioner Gailey asked the group if they think it would be wise to wait until the next two members come on board and Commissioner Jones said he thinks they should decide both tonight as the new members will need some time to get up to speed on procedure.

Commissioner Stevens said it is the Planning Commission that should make the decision about who to select as their Chairman during an open discussion without staff interference. He said in his opinion Mr. Daily's recommendation of Acting Chairman Ellis to serve as the next Chairman on the Planning Commission is not appropriate and he encouraged anyone interested in being considered for the position to put their name forward at this time. Mr. Daily said Commissioner Stevens is correct, it is the Planning Commission's decision and he said they also have the option to vote in a secret ballot if they prefer to select a Chairman in that way.

Motion: Commissioner Gailey moved to put forward Brent Ellis's name as Planning Commission Chairman under RCC 2-3-5 and recommendation for ratification to the City Council. Commissioner Stevens said Commissioner Gailey's motion is out of line. Commissioner Gailey asked Commissioner Stevens to wait and see if his motion is seconded before discussing the motion. Commissioner Jones seconded the motion.

Acting Chairman Ellis asked for discussion on the motion and Commissioner Stevens said he would like to make a countermotion and would like the Commission to make a decision about who is elected Chairman without staff interference. He said he doesn't like Mr. Daily dictating the Commission's procedures and Commissioner Jones said he doesn't feel Mr. Daily is dictating to him, Acting Chairman Ellis and Commissioner Hilton concurred they too do not feel Mr. Daily is telling them who to select as Chairman. Acting Chairman Ellis called for a vote on the proposed motion.

Call the Question: Commissioner Jones, aye; Commissioner Hilton, aye; Commissioner Gailey, aye; Commissioner Stevens, nay; Commissioner Ellis, aye. The motion passed with four in favor and one opposed.

Mr. Daily apologized if his recommendation had been interpreted as an attempt to take away the Planning Commission's autonomy in selecting their next Chairman and he reaffirmed that it their decision, subject to City Council ratification.

Motion: Acting Chairman Ellis moved to designate Blair Jones as Planning Commission Vice-Chair under RCC 2-3-5. Commissioner Stevens seconded the motion.

Acting Chairman Ellis asked for discussion on the motion and there was none.

Call the Question: The motion passed unanimously.

Acting Chairman Ellis asked if their recommendation will now be subject to Council approval and Mr. Daily said that it will be on the January 17, 2012 City Council agenda for ratification. Commissioner Stevens said proper protocol was not followed with the last motion as the Chairman cannot make motions and Commissioner Gailey pointed out that until the City Council ratifies Brent Ellis as the Planning Commission Chairman, he is still just a Commissioner able to make motions and his nomination of Commissioner Jones as Vice-Chair was appropriate.

Mr. Daily said the city had Legal Expert Jody Burnett come and conduct a Planning Commission training in the past and at that training Mr. Burnett recommended that the Chairman speak less than ten percent of the time as his/her role is to be a moderator. Mr. Daily said he hasn't seen a problem with any one member of the Planning Commission dominating the discussion with this current group. Commissioner Gailey said that he had considered nominating Commissioner Stevens as Chairman as he seems to have extensive knowledge of protocol and procedure. Commissioner Stevens said he likes participating in the discussion and making motions and wouldn't want to put his name forward as Chairman or Vice-Chair. He said that he has been approached to see if he was interested in a being their Chairman in the past and he declined so that he can voice his opinions freely. Mr. Daily reiterated again that his earlier recommendation was not intended to influence the outcome of the group's appointment of a Chairman.

F. Discretionary Items

Acting Chairman Ellis asked for any discretionary items and Commissioner Stevens asked if the Planning Commission members will be receiving a 10-99 tax form from the city for 2011. The City Recorder said that she would verify this with the Human Resources Department and will let the Commission know in an email.

Commissioner Gailey noted that former Chairman Braden Mitchell's grandmother recently passed away and her funeral will be January 11, 2012. He offered the Planning Commission's condolences to the Mitchell family for their loss and a brief discussion ensued about the oldest living Riverdale resident.

There were no additional comments or questions.

Motion: There being no further business to come before the Planning Commission, Commissioner Stevens moved to adjourn the meeting. Commissioner Jones seconded the motion. The motion passed unanimously. The meeting adjourned at 7:05 p.m.

Approved: January 24, 2012

Attest:

Brent Ellis, Acting Chairman

Ember Herrick, City Recorder