

ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES
JULY 25, 2007 – 7:00 p.m.

Chairman Hay called the public hearing to order at 7:00 p.m. Committee members present: Aldermen Hay, Logan, Szczap and Leyden. Also present were Mayor Nolan, Administrator Nelson and Alderman Marzahl.

Petitions for Variation/City-Wide Overnight Parking Ban

Marie Day – 702 N. Hart St.

Marie Day addressed the Committee to request a variation to allow on-street parking for one of their three vehicles. The existing driveway will accommodate two vehicles; there is no room to expand the driveway unless it were put in the front yard. Moved by Logan, seconded by Szczap to grant the variation until such time as the property is sold. Temporary placards will be issued for all three vehicles. All ayes. Motion approved four to zero. At Marie's inquiry, Administrator Nelson stated that the police department is authorized to issue a permit for any visitors who may be spending the night.

Bill O'Malley – 305 E. McKinley St.

Bill O'Malley addressed the Committee to request a temporary variation to allow on-street parking for three vehicles on Lincoln St. until a driveway can be constructed for additional parking; gravel should be down by October 31, 2007. Moved by Logan, seconded by Szczap to grant a temporary variation for on-street parking on Lincoln Street with the temporary permit to expire November 1, 2007. All ayes. Motion approved four to zero.

Margie Morris – 1201 9th St.

Margie Morris addressed the Committee to request a variation to allow on-street parking for her tenants at 1201 9th St. Administrator Nelson noted that the building is an 8-unit condominium and none of the units are owner occupied. There is a current parking lot on the property for 13 vehicles. Dave noted that the parking lot could be re-configured to hold 16 vehicles and recommended this be addressed by the condominium association. The City would be willing to assist the condo association in figuring out a new parking configuration. Moved by Hay, seconded by Logan to grant a 60-day extension provided that the condominium association contacts the City by the deadline of August 1st, 2007. All ayes. Motion approved four to zero.

Mildred Cole - 102 W. Blackman St.

Mildred Cole addressed the Committee to request a variation to allow on-street parking for her vehicle until September 30th, 2007, when she returns to Maryland. The property is a duplex and the existing driveway is for the upstairs tenants. Mildred is the owner of the property but lives in Maryland most of the year, living in Harvard during the summer. There is room for four vehicles in the driveway and sufficient room on the property to construct additional parking areas to comply with the new code. Moved by Logan, seconded by Hay to grant a waiver for on-street parking for Mildred's vehicle until October 1st, 2007. Mildred was advised that she would not be allowed to park on the street when she returns next summer, but would have to construct additional parking or park in the driveway. All ayes. Motion approved four to zero.

John Seegers – 910 Northfield Ave.

John Seegers addressed the Committee to request a temporary variation to allow on-street parking for his tenants at 910 Northfield Ave. until September 16, 2007, to allow sufficient time to have 12 striped and numbered spaces developed for tenant parking so each tenant can be assigned two spaces. Moved by Logan, seconded by Hay to grant the request for a temporary variation for on-street parking on Northfield Avenue until October 1, 2007. All ayes. Motion approved four to zero. There was further discussion about cars illegally parking in the parking lot. John was advised that he could sign an agreement with the City for the enforcement of municipal ordinances on private property although the response might be quicker if he entered into a contract with a towing company to remove cars that are illegally parked in the lot.

Review Settlement of Fines

The Committee reviewed Administrator Nelson's memo reference the settlement of fines (as attached). The recommendations from the Police Dept. are all clean up language and number changes for clarification so that the section numbers in the settlement of fines matches actual chapters in the code book. Moved by Logan, seconded by Hay to recommend to the City Council that Section 1.14, Settlement of Offenses be amended pursuant to the Police Department recommendations. All ayes. Motion approved four to zero.

Review Fines on Vicious Dogs

Administrator Nelson reviewed state law which allows the City to charge a maximum fine of \$750; our current code says \$500 if you plead guilty in the first week. Moved by Logan, seconded by Szczap to recommend to the City Council that the fine be increased to \$750 if you plead guilty in the first week. All ayes. Motion approved four to zero.

Review Provisions of Historic Preservation Ordinance

Administrator Nelson reviewed his memo outlining recommendations amending the Historic Preservation Ordinance (as attached). Moved by Logan, seconded by Szczap to recommend to the City Council to amend the Historic Preservation Ordinances pursuant to Administrator Nelson's memo, as follows:

1. Membership should be 7 members instead of 6 in order to avoid a tie
2. Terms of office should reflect 7 members
3. The current ordinance requires public hearings for designation of single property which would require notice to adjoining owners and public notices in newspapers. Amend ordinance so that in all cases, except for district designation, the requirement for notices in the newspaper and to adjoining owners be removed.

All ayes. Motion approved four to zero.

Establish Sunset Provisions for the Variation Procedure for Overnight Parking Ban

After discussion, moved by Hay, seconded by Szczap that the sunset provision for the overnight parking ban on the variation procedures only be extended until August 31st, after which the petition may be filed but the current fee of \$100 will be charged. The overnight parking ban will still be enforced effective August 1st, 2007, and tickets issued for violations. Filing a petition does not grant permission to park on the street. All ayes. Motion carried four to zero.

Review Chapter 20 Reference Building Permit Fees

Item tabled until next Ordinance Committee Meeting on July 31st, 2007.

At 7:45 p.m., moved by Logan, seconded by Hay to adjourn the hearing. All ayes. Motion carried.

Submitted by:
Chairman Tom Hay