


Town of Navassa
Planning Board Minutes
June 8, 2011
7:30 PM

IN ATTENDANCE:

Committee Members Present: Al Beatty, Chair; Diane Graham, Vice Chair; Beverly Hutchinson, Secretary, Walter Ballard, and Robert McMillan

Committee Members Absent:

Staff: Travis Barnes, Town Planner; Sean Ryan, Planning and Sustainability Intern

Other Attendees: Craig Suggs, Town Councilman

CALL TO ORDER: Mr. Beatty opened the meeting at 7:40pm.

APPROVAL OF MINUTES: Mr. Ballard made a motion to approve the minutes. Ms Graham seconded the motion and it passed unanimously.

OLD BUSINESS: No old business

NEW BUSINESS:

1. CAMA Land Use Plan Update: Mr. Beatty asked Mr. Barnes to give an update on the CAMA process. Mr. Barnes said Mr. Ryan would give the update since he has been a big part of the project and substantial progress had been made. Mr. Ryan said he and Mr. Barnes had met with Mr. Zeigler about moving forward with the plan. Chapters one and two are complete and Mr. Zeigler is looking at them now. Mr. Ryan said he had completed chapters three (analysis of existing conditions), five (current land use), and six (community facilities and town services). He stated that chapters four (natural features) and eight (land suitability) require maps that will be needed before they can move forward. Mr. Ryan said he is starting chapter nine which is a review of the current 1999 plan. There are thirteen chapters total so they are almost half way done. Mr. Zeigler will receive the completed chapters for review this week and will hopefully be ready for the board to review next month.

Mr. Barnes said chapter one and two will need assistance from the board to create a vision statement and overall policies. He said a lot of the work being done now is existing features and projections. Mr. Barnes said Mr. Zeigler will attend the next meeting and will hopefully have something for the board to look at. He added that he would like to keep CAMA items on the current meeting schedule, but if things get busy he may need to make separate meetings for CAMA information.

Mr. Beatty asked if the plan is a complete redo or just an update. Mr. Barnes said it is technically an update but it is more of a redo than what was anticipated. He said the 2007 plan used 2000 census data and new 2010 data is now available and will be incorporated. He added that the old plan had a lot of policies and this plan will be very straight forward, easy to understand, and easy for developers to see what the town would like in the future.

2. Police Department Ordinances: Mr. Beatty said he had asked Sergeant Grahams many months ago to create ordinances for the police. He had asked a representative from the police department to be

present but could not come. Mr. Barnes stated the goal is for the police department to be able to address issues in the town that have been around for a while. He added that the police would have a citation book that would allow them to issue civil citations which would allow the fines to be given to the town. Currently, fees go to the state. Mr. Barnes said all comments and concerns from the board would be given to the police department. Mr. Beatty said this would help bring in money for the town and clean up the town as well.

Mr. Beatty asked for questions and concerns on the false alarm prevention ordinance. Mr. Suggs said he thought the intent was to weed out the false 911 calls and alarms as well as general building alarms going off to have better control over these situations. He said this would create a way to fine people for repeated offenses.

Mr. Barnes said that after talking to Sergeant Grahams, the goal is to control repeated false alarms. He said that certain businesses in the town have alarms that are constantly malfunctioning. Mr. Hutchinson asked for confirmation that this wasn't intended for residential. Mr. Barnes said it was not, but that it could be at the officer's discretion if the situation became problematic. He restated that there are certain businesses that have alarms that malfunction and police are dispatched to the location.

Ms. Graham said she was first concerned about the frequency of the problem. She pointed out that most things are exempt from the ordinance, such as act of nature or real emergencies. Mr. Beatty said he agreed with Ms. Graham. He said his main concern was segregating residential from commercial and that all should be treated the same. Ms. Hutchinson said it depends on the type of residential alarm. Mr. Barnes said that it currently does not single out residential from commercial. Mr. Beatty said that each person should be able to have once chance to fix the problem after a false alarm. After the first false alarm fines should be imposed. Mr. Barnes said the officers are not trying to go after people but would still like the tool so they can issue citations for problematic systems.

Mr. McMillan asked if Leland responded to the alarms. Mr. Barnes said some systems are set up to directly notify police while others send an alarm to the system provider which calls police on the owner's behalf. Ms. Hutchinson added that some alarm companies call the property owner directly. Mr. Barnes reiterated that fees would only be given if officers see repeated problems. Mr. Beatty said if an officer abuses the system, citizens can complain to the board. Mr. Beatty said he would like a system written into the ordinance to give people a warning first then a fine. Mr. Barnes confirmed that Mr. Beatty would like something in writing that says everyone gets one warning. Ms. Hutchinson said it could be a certain number of offences over a 30 day period or six months. She also suggested a graduated scale of fines for repeated calls.

Mr. McMillan asked if other towns do this. Mr. Barnes said all of the ordinances can directly from other towns. He added that the police department is working on a fee schedule. Mr. Beatty asked why senior citizens we specifically exempted from the ordinance and if they should be fined. Mr. McMillan said the fine should apply to everyone. Mr. Beatty stated again that we just wanted everything in black and white so the officer can have the tool but not take advantage of it.

The litter ordinance was discussed next. Mr. Beatty said a lot of people think the roadside is a garbage can. Mr. McMillan asked about the fine for littering. Ms. Hutchinson said it was \$500 dollars but Navassa should charge as high as they could to deter littering. Mr. Beatty said \$500.00 sounded like a good amount but asked how it would be enforced. Mr. Barnes said an officer would need to see it. Ms. Graham said most times people do not litter when others are around. Ms. Hutchinson said a call can be made to the DMV and they will send a warning letter to the driver.

Mr. McMillan said if littering would be the same thing as someone dumping on private property. Ms.

Hutchinson added that the town is growing and there needed to be some way to deal with the issue. Mr. Beatty asked if there was a way to encourage people to call in and report littering. Mr. Barnes said the town webpage could have information on reporting littering. Mr. Barnes said the town has cleaned up dumping areas in the past but has warned property owners that future occurrences of dumping will lead to fines. Mr. Beatty asked if there was a way to take photos of people littering, but Mr. Barnes said it could be a safety hazard if you are driving. Mr. Barnes asked if the board liked the ordinance overall. Mr. Beatty said there is currently an ordinance for dumping in place and nothing is happening. He would like the ordinance to have more teeth and would like the police department to provide suggestions.

Miscellaneous offenses were discussed next. Discharging a fire arm or weapon was first. BB guns would not be allowed to be fired under the proposed ordinance. Mr. Barnes said it would only be enforced if someone was abusing the use of the gun. Mr. Beatty said he had concerns enforcing the use of guns on private property. He stated if the gun was used on private property, and bullets never left the property, then it should not be prohibited. Mr. Barnes reiterated that it would only be enforced if complaints were filed or if kids were hanging around the town shooting bb guns at things or at signs. Mr. McMillan said if kids are suing guns then the parents should be at fault for not supervising them. Mr. Barnes said the Town already has an ordinance that prevents hunting in the Town. He asked if the board would like to take this proposal off of the list. Mr. Beatty said it should not be on the list and that the language should say that unsupervised use of a firearm by children is not allowed.

Disturbing public meetings was the next proposed ordinance. Mr. Beatty said the ordinance needs to better define what constitutes behavior as boisterous and indecent because it is a matter of opinion. Ms. Hutchinson said one person's definition of boisterous is not always the same as another's opinion. Mr. Beatty said a definition in the parks ordinance could be used because it lists each act that would be considered boisterous or offensive. Mr. Suggs confirmed this language would give law enforcement the ability to act appropriately in certain situations.

Injuring Town property was the next ordinance. Mr. Beatty asked what the difference was between injury and damage. He asked if injury was a personal issue and damage was a physical issue. Mr. Beatty said he would like to know the exact definition before making a recommendation. Mr. Beatty asked about a list of fees. Mr. Barnes said that the fees were still being worked on. Mr. Beatty said he would like to see them once they are completed. Ms. Graham said there was a state statute reference for the ordinance which may be why they used injure is used. Mr. Barnes said the state already has statutes addressing each of these issues but that officers just want the Town to pass them so the Town can collect the fees. Ms. Hutchinson said the word injure should be removed completely.

Smoking in public buildings was next discussed. Mr. Beatty said he had no problems with the proposal. Mr. Barnes said it was already a state law. No other board members commented on the proposal.

Public consumption of alcohol in public areas including streets and parks was discussed. Mr. Beatty said alcohol served at the Town Park but that permission is needed from the Town Council and he would like language similar to this in the ordinance. Mr. McMillan asked if the Town would have any responsibility for selling alcohol in a park. Mr., Barnes said the Town would be liable if something happened. Mr. Beatty said that alcohol sales should not be allowed.

Mr. Beatty next addressed the park regulations. He asked if the Parks Committee had seen the ordinance. Mr. Barnes said they had not yet seen the ordinance but they will be given a copy at the following nights meeting. Mr., Beatty asked about the hours of the parks as being proposed from sunrise to sunset. Mr. Barnes said a sign would be posted at each park with the hours. If, for example the basket ball court, a park would be open after sunset the sign would need to state that. The board discussed how to word the sign and where to post them.

Mr. Barnes suggested a section in the park ordinance describing damage to parks be removed since it is covered in another ordinance concerning general Town property damage. Ms. Hutchinson said it could remain to ensure people know that damage is unacceptable.

Ms. Hutchinson said she had an issue prohibiting children less than 5 years old into a restroom. She said the ordinance groups this policy in with another concerning forced entry into a restroom, even though they are two different issues. Mr. Beatty said the policy should be broken into two separate policies. Ms. Graham said she did not believe every five year old could be treated the same way. Mr. Barnes said a police officer would not need to write a ticket for this unless it became a big issue.

Mr. Beatty said he had no problems with an ordinance prohibiting removing of soils, trees, or plants. He added that a proposal to prohibit hunting in parks already exists because the Town ordinances already address hunting.

Traffic was discussed next. It is proposed that cars could not be anywhere that is not marked. Mr. Barnes suggested that it should state no person should park unless it is designated for parking. Mr. Beatty said many people park under the shade at the park even though it is not designated. Ms. Graham said there is not a lot of parking and people will park where they need to. Mr. Beatty suggested changing the language to “encourage” parking in designated spots. Mr. Barnes said the policy will be more important in the future if there are parks with parking lots but for now it will be left up to the officer to enforce.

Mr. Beatty said the ordinance does not address abandoned cars in the park. Ms. Hutchinson suggested vehicles left at the park should be towed at the owner’s expense. Mr. Barnes asked if someone should be able to leave the car one night. Ms. Graham said people should know better than to leave a car for multiple days. Mr. McMillan said police should know when cars are being left otherwise it could lead to crime. Mr. Barnes said that he could include this language with a twenty-four hour time limit.

Ms. Graham asked if the picnic area policies would not allow for cooking. Mr. Barnes said it would not because it is an issue with litter. He added that staff is looking at policies to allow people to rent parks and any litter or damages would be charged to the renter. Mr. Beatty said if parks are reserved than he sees no problem with cooking. He added that there should be policies should be written to address disposal of garbage and ashes.

Mr. Beatty asked if there would be a fine for not picking up dog waste and commented that all dogs should be on leashes. Mr. Barnes said ordinances already state that animals are not allowed off leashes off of private property. Mr. Barnes said the Town’s stormwater ordinance covers animal waste.

The board next discussed the closing of parks. They discussed what wording to use on signs when a park will be closed. It was decided that a sign would state the park is closed for reasons of health or safety.

Mr. Beatty read a proposed ordinance for speeding. He said it was self explanatory. Mr. Barnes said he talked to police about lowering the speed limit from 25 to 15 on Church Street. Ms. Hutchinson said there are speed bumps on Church Street but people do not slow down even though they are high. Mr. Barnes said the radar equipment the police have will not work unless the officer is perpendicular to the road and there are not a lot of places for that. Ms. Hutchinson said there are a lot of kids on Church Street and people need to be more aware. Mr. Beatty said some people drive around the speed bumps. Mr. Barnes said police are reluctant to lower the speed limit because the speed bumps are still rather new and the police want to give it some time.

The last ordinance is for traffic control. Mr. Beatty asked what was meant by “play street”. Mr. Barnes said he did not know. Mr. Beatty said the band uses the whole street and asked if that was considered a

play street. Ms. Graham said there was no such thing as a play street. Mr. McMillan said the street should be blocked off for the band because it is unsafe. Mr. Barnes said the band plays on the street for practice since they march in streets for parades. Mr. Beatty said there could be barriers on the street. Mr. Barnes said Main Street is a DOT road and the town can not block it. Ms. Graham suggested they use the road leading up to the ball field. Mr. Barnes said there are issues with noise in the residential areas which is why they practice where they do. Mr. Beatty said to strike “play street” from the ordinance.

STAFF REPORT

Mr. Barnes said the board can read the items listed under staff report. He explained that Fire Chief Williams wanted to be informed about the Indian Creek PUD and would like to know when he could get the land for the fire station. He would like to reevaluate the Town’s insurance rate and it would be helpful to Phoenix if they have a fire station close by. Given the time constraints, Mr. Barnes does not think the land could be cleared in time for a reevaluation.

2:31 left

ADJOURNMENT: Ms. Graham made a motion to adjourn the meeting, which was seconded by Mr. Ballard and the meeting was adjourned at 9:27pm.

Minutes prepared by Sean Ryan, Planning Intern on June 13, 2011.