

Oak Hill Neighborhood Planning Contact Team Meeting
Wednesday, October 17, 2007
ACC Pinnacle Campus

Minutes

The meeting was called to order at 6:30 pm.

The below listed voting members were present:

- Richard Armitage – Secretary
- Mickey Bentley
- Frank Bomar
- Charles Draper
- Stacie Engeling – Vice-Chair
- Chip Graves
- Beki Halpin
- David Richardson – Chair
- Bill Schultz
- Carl Schupp
- Tom Thayer
- Jackie Waters
- Chuck Winkley

The below listed voting members were absent from the meeting:

- David Hasan
- Neerav Mehta
- Steffen Waltz

There were 23 general and pending members who signed in for the meeting:

- Cliff Anderson (General Member)
- Angela Armitage (General Member)
- Sandy Baldaridge (General Member)
- Kathy Coleman (Pending)
- Lynne Fahlquist (General Member)
- Ruth Fried (General Member)
- Horacio Gasquet (Pending)
- Jeff Hines (General Member)
- Jeff Howard (General Member)
- Galen Jackson (General Member)
- Sue Jackson (General Member)
- Teresa Kerr (General Member)
- Joe Kwon (General Member)
- June Kwon (General Member)
- Joseph Lewright (General Member)
- Nancy Millard (General Member)
- Lisa Randolph (Pending)
- Brian Reis (General Member)
- Dwain Rogers (General Member)

Clark Ross (General Member)
Shawn Searles (Pending)
Jeff Thayer (General Member)
Roger Wade (General Member)
Maureen Meredith (NPZD Principal Planer)

In addition to the above, there were 43 other Oak Hill residents who attended the meeting.

Copies of the agenda and minutes from the September 19th meeting were distributed.

The Chair called for any additions or changes to the agenda. Beki Halpin requested that an item be added for an update and discussion of the timeline for approval of the Neighborhood Plan.

Approval of Minutes

Bill Schultz raised the point that at our last meeting he had abstained from voting on the approval of the August minutes because he had not attended that meeting. The Secretary acknowledged that Bill had abstained and indicated that the September minutes merely indicated that the August minutes had been approved without objection, rather than listing those who had approved and those who had abstained.

A motion was made to approve the minutes for the September 19th meeting. The motion was seconded and the minutes were approved without objection.

Rezoning of Waters Property

The Chair requested a motion to open the discussion of the zoning recommendation for the Waters property located at Twilight Mesa and Waters Way. Chuck Winkley made the motion and it was seconded by Mickey Bentley.

Stacie Engeling made a motion to postpone discussion of this item until such time as appropriate procedures for hearing such cases have been worked out.

Bill Schultz questioned whether by hearing this case we were setting a precedent for any of the other interim zoning cases (136 in total) to be brought to the contact team. Maureen Meredith explained that the reason the Waters property has been brought up for consideration is because when the planning staff brought the map with zoning recommendations for interim zoning cases to the steering committee for review in March and April 2007, the Waters' property was the only property where the property owner requested a change from the staff's recommendation. The steering committee recognized that the case might be controversial and the group would want to hear from the surrounding property owners at a later date. This is the only interim zoning case where the property owner has approached staff to contest the staff recommendation. Bill asked if the group would hear other cases if any of the other property owners with interim zoning contested the zoning recommendation. Maureen stated, "probably not at this point."

Dick Armitage pointed out that [based on his reading of the published minutes] at the April 9th meeting, when the property owner raised the issue of SF-6 zoning instead of the staff's SF-1 zoning recommendation, the 11 people at that meeting heard from the property owner but not any of the other property owners in the area. According to the minutes, the members at that meeting indicated it would be important to hear from the surrounding neighborhoods and Zoning staff in order to come up with a formal recommendation. The minutes indicate that an informal consensus on the Waters' zoning request was requested and taken. The minutes state that there was no hand count, but the minutes indicate that there was a general consensus to support the Waters request for SF-6 zoning. Armitage stated that it would be appropriate for the current contact team to reconsider the recommendation after hearing from both sides.

Bill Schultz stated that he was still concerned with setting a precedent for the other 135 interim zoning cases, and he seconded Stacie's motion.

Mickey Bentley stated that in fairness we need to hear the presentations.

Stacie Engeling stated that our by-laws do not set out the procedures for hearing cases and it would be appropriate to postpone this matter.

The applicant's attorney (Jeff Howard) stated that they were ready to proceed.

A vote on the motion to postpone was taken. The motion was rejected by a vote of 2 in favor and 10 opposed and 1 not voting (Jackie Waters recused herself for conflict of interest).

Next, Jeff Howard gave a presentation on behalf of the Waters outlining their request for SF-6 zoning with a CO limiting the number of units to no more than SF-2. The presentation was followed by 15 minutes of Q&A.

Next, Barry Allison gave the presentation on behalf of the adjacent neighborhoods (Estates of Loma Vista and Estates of Shadowridge) that oppose the requested zoning. The presentation was followed by 15 minutes of Q&A.

Next followed a brief period of follow-up Q&A for both presenters.

At the conclusion of the presentations, the Chair opened the meeting to further discussion by contact team members.

Chuck Winkley made a motion to remove the recommendation on the Waters property by the contact team at the April 9th meeting. Dick Armitage seconded the motion.

Mickey Bentley pointed out that under Robert's Rules of Order a motion to reconsider must be made by someone from the prevailing side from the original vote.

The Chair made the point that the vote on April 9th was made by people who were not officially designated at the time.

Stacie commented that if a new recommendation on the Waters property is to be made by the contact team before the plan is finalized, there is no need to rescind the previous

recommendation before the issue is reconsidered since we could merely switch out the new recommendation for the old one at the time we reconsider. She recommended waiting until we get our procedures worked out and then we can reconsider the issue.

Chuck Winkley pointed out that an interim recommendation has already been made without the benefit of the by-laws and voting members.

Dick Armitage made the point that according to the approved by-laws for the OHNPCT, this group is to act on plan amendments or changes to the plan once it is approved by the City. There is nothing in our by-laws that authorizes us to act on interim decisions before the plan goes to the City for approval. The reason a reconsideration of the Waters recommendation was requested to be added to our agenda at this time is because at our last meeting it appeared that the schedule was to bring the Oak Hill plan to the City for approval in November or December.

Stacie again pointed out that it was premature to hear any cases before our procedures have been worked out.

Dick Armitage stated that it was his understanding that the contact team would not hear any other interim zoning cases prior to the plan being submitted for approval. He asked for clarification of this point by Maureen Meredith. Maureen stated that that was the direction she received from her management. Dick went on to state that it seemed appropriate to rescind the previous action regarding the Waters property.

Mickey Bentley made a motion to table the Winkley motion. (There was no second.)

There was further discussion regarding the by-laws and the authority of the contact team to make recommendations prior to the plan being formally approved by the City.

Stacie Engeling pointed out that the steering committee did have a say in all of the interim zoning cases. The Waters case was not unique and the group did intend to get back with the neighborhood to hear the other side of the issue.

David Richardson suggested that perhaps it would be appropriate for Maureen Meredith to get clarification on this issue from City staff.

Jackie Waters commented that if the vote on her property during the April 9th meeting was not valid then are the recommendations on all of the other interim zoning cases also null and void?

Maureen gave a recap of the April 9th meeting. She stated that an informal group of volunteers had been formed into a steering committee to meet with zoning staff about once a month to share ideas about the plan. About 40 people signed up and on average about 10 to 12 people showed up at the meetings. Meeting notices were posted on the web site with the agenda. The agenda for the March and April 2007 meetings included proposed zoning for interim zoning cases in east and west Oak Hill. Jackie Waters was the only affected property owner to attend the meeting. At the meeting, staff talked about the recommended zoning for interim zoning cases. The members attending the meeting made their comments, which were noted by staff. When they got to the Waters property, Jackie Waters was present and she wanted to talk about what she wanted to do. It became a very long discussion. Some members wanted to close the discussion and

move on. Someone said “let’s make a recommendation so we can move on.” That is when there was an informal recommendation that was done for her property. Some members thought this would be controversial and stated that they would have to come back to hear from the opposition.

Chip Graves noted that the vote at that April meeting had been 8 yes, 1 no, and 1 abstention.

Stacie Engeling asked if she could make the motion to reconsider since she was at the April 9th meeting and voted with the prevailing side. It was agreed that she could. Stacie then made a motion to reconsider the recommendation that was made on April 9th regarding zoning for the Waters property. Carl Schupp seconded the motion. Chuck Winkley accepted this motion as a substitute for his motion.

A vote was taken on the motion. It was approved without objection. Jackie Waters stated that she would recuse herself from the vote since as the owner of the property she had a conflict of interest. Charles Draper stated that he believed that Dick Armitage and Chuck Winkley would have to also be recused since they owned homes in the area. Charles Draper asked if Dick Armitage would recuse himself and Dick said he would not. Dick Armitage stated that that was not in the by-laws, which were taken from the City Ordinance. Since this matter would not affect the vote, the matter was dropped.

Carl Schupp stated that we should not delay this matter further and he made a motion to reconsider the zoning recommendation on the Waters property tonight. The motion was seconded.

Stacie stated that the group should wait before reconsidering this issue since we need to formalize procedures.

Chip Graves suggested that perhaps the parties could discuss a compromise and offered a substitute motion to table the matter for a month. Frank Bomar seconded the motion.

A question from the audience asked for clarification of what the motion means. Specifically, he asked if the motion to reconsider means the previous decision no longer applies and the team is asking for time to reconsider. The Chair stated that this body has voted affirmatively to reconsider and that means that we are back with no zoning recommendation from this body or the previous steering committee. At this point no decision has been made with respect to the Waters property.

A member suggested that Loma Vista meet with Jackie Waters’ attorney and work on a compromise and if no compromise is reached, then the contact team would vote at the next month’s meeting.

A vote on the motion to table the matter for a month was taken. The motion was passed 10 in favor, 2 opposed, and Jackie Waters recused herself for conflict of interest.

Charles Draper asked that the minutes reflect his request that the conflict of interest provision be reviewed for members who have conflicted interest in the property. Dick Armitage referred the members to Article VI, Section 1 of the by-laws, which was incorporated into the by-laws from

the City Ordinance. Maureen Meredith then pointed out that it was her understanding that the City Ordinance does not have a 300-foot distance as a conflict of interest. Charles Draper stated that he believed the City Ordinance supercedes the Oak Hill Neighborhood Contact Team by-laws. Dick Armitage suggested he bring a copy of the ordinance for review at the next meeting.

A committee was appointed to work on procedures. The members are: David Richardson, Stacie Engeling, Bill Schultz, and Dick Armitage.

The next regular meeting is scheduled for November 28th.

A motion was made to table the remaining agenda items and adjourn. The motion was seconded and approved without objection.

The meeting adjourned at approximately 9:30 PM.