



MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

A Murray City Council Initiative Workshop was held on Tuesday, June 19, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jared Shaver	Council Vice Chairman
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Brett A. Hales	Council Member

Members Excused:

Jim Brass	Council Chairman
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Others in Attendance:

Frank Nakamura	City Attorney
Janet M. Lopez	Council Office
Jan Wells	Mayor's Chief of Staff
Doug Hill	Public Services Director
Jennifer Kennedy	City Recorder
Chad Wilkinson	Comm Econ Dev
Tim Tingey	ADS Director
Justin Zollinger	Finance Director
Ben Hathaway	Citizen

Mr. Shaver called the meeting to order and welcomed those in attendance.

Business Item #1 Review Ordinance that governs the Home-based Handyman Business

Mr. Shaver explained that there is an ordinance that governs home based businesses as a whole. He received a phone call from a gentleman who was rather confused as to why some businesses were allowed and his particular business as a handyman was not. He and Mr. Tingey had each spoken with this man several times making great efforts to ease his concerns. He was told that the Council would address this particular business.

Mr. Shaver directed everyone to look at the last sheet of the ordinance, which lists specific businesses that "shall not be permitted as home occupations."

He asked as the Council reviews this ordinance would the council consider changing it and what would be the purpose or reason to change? The ordinance states that carpentry work is not allowed and this resident wants to run his handyman business out of his home.

Mr. Tingey and Chad Wilkinson were present to speak to this topic. Mr. Tingey said, as background relating to the ordinance, that several years ago there were a number of code enforcement complaints involving businesses in homes that were used as construction businesses. It caused a lot of issues with neighbors in more than one area. Council Members were contacted and they desired to modify the ordinance because of the complaints. It went through the process with the Planning Commission reviewing the new wording to eliminate home occupations for carpentry or construction type businesses. It then went to the City Council. There was input from neighbors in the process and the ordinance was changed. Since then, the City has had situations like Mr. Shaver just explained with about 10 to 12 requests per year for a home occupation or business license for carpentry work.

Mr. Hales clarified that it used to be allowed until about eight or nine years before when the ordinance was amended. He asked if the number of complaints were great in number or just noisy people.

Mr. Tingey stated that there were some issues of concern in several neighborhoods.

Mr. Shaver commented that his understanding was that the carpentry workers had a truck, and a trailer, and other large equipment not just in driveways, but also on the street.

Mr. Wilkinson detailed other complaints, such as mobilizing a crew from the site and having workers show up at 7:00 a.m.

Mr. Tingey mentioned one on the corner of 700 West and 5900 South. This individual was storing all his construction business materials on the site. Some Code Enforcement has taken place on this issue.

Mr. Hales said that he knows of some construction type people who meet at the home and head out to work and about 4:00 p.m. they are back. His understanding is that this is not acceptable. He asked what the fine is for that activity.

Mr. Tingey said that there may be some situations that are non-conforming with people who had a home occupation for many years prior to the ordinance change. That was grandfathered in.

Mr. Nicponski asked if a person could park their truck at home. Mr. Wilkinson stated that under the current ordinance one cannot have a home construction business at all. There are limitations on the size of vehicles at the home driveway.

Mr. Shaver said there are limitations on size and weight of vehicles and specific rules against gathering. The issue that he was concerned about is that the ordinance specifies that carpentry work is not allowed.

The ordinance change previously was prompted by issues of concern from neighbors. There have also been problems more recently. If the City does consider an ordinance change, it

is likely that some additional issues will come about in the future. On the other side of things, there are some businesses, for example Lemco Flooring, that use independent contractors for installation and they need to get a business license. This is something the City does not allow so it causes some conflict and is difficult for those people, Mr. Tingey explained.

Mr. Shaver also noted that people in that sort of work may conduct their business outside the City but in order to get a license in another city they must have a site. They may not use a post office box without a physical location.

Mr. Tingey summarized that there are issues on both sides and he wanted the Council to understand what the Community and Economic Development office see when people come in.

Mr. Hales asked if the objections are about equal. Mr. Wilkinson responded that there are people performing this kind of business without a license and the City still gets complaints. It is probably about equal. The example on 700 West is a person conducting business without a license.

Mr. Hales asked how strict the City is on enforcing the ordinance. There must be several out there doing construction work.

Mr. Tingey said that when a complaint is received the code enforcement process is begun and if the City needs to cite them they start with contacting them. Mr. Wilkinson said they start with voluntary compliance and if that does not work then the formal enforcement process follows.

The person on 700 West has a plan for getting his equipment out and he had a lot of material stored on his property. The department is still working with him. So far he has been willing to cooperate.

Mr. Shaver said that his understanding is that the person may have X number of days to comply. Otherwise, they would be cited. First they try to work with the people. The gentleman he has been talking with sincerely desires to have this business and has been patient. He has explained the time required to get it reviewed. Mr. Shaver said that this is not a decision to change the ordinance, he clarified that it is a question of whether the Council would like to address this issue.

Mr. Nicponski said that he feels the previous council got a handle on the issue eight years before and he does not think it needs to be revisited now.

Mr. Stam related an issue he sees that would make it worth discussion. That involves the individual who needs a business license to work for someone else. At their home they park a truck with tools in the back and drive to and from work locations. It is difficult to differentiate this situation with someone who operates a business from home. In the end it is the same title.

Mr. Shaver agreed that sometimes people push the limits and at first there is only a

truck, then there are a trailer and storage of materials. He noted that people want to live and work in Murray, and he wants those people to be here. Business is good for Murray, but we have an environment that says some businesses are okay and others are not. He mentioned his cosmetologist who works out of her home and she pays her taxes and rotates her customers and does everything she needs to. The neighbors love it too. He said it is about the list. The gentleman said why is this one not allowed, why can't I conduct my business in Murray? He wondered if there is a way to craft language that would protect the City. There are people that are in noncompliance today even with the current language. He thought we might be able to give some parameters so people can do the work they want to do to support their families. This man will either have to be noncompliant or move out of Murray.

Any business that has vehicles causes the problem, Mr. Stam stated. In this case he thinks all the man needs is to park his vehicle, he does not work at his home, he consults elsewhere. He wondered if the vehicle is kept out of the site of neighbors if it is something the Council could consider.

Mr. Shaver stated that his concern is conducting business in a residential area and the Pandora's box that might open. There are homes and children, it is supposed to be quiet and if business is being done it is outside the zoning. Our zoning says there are places to do business and places to live, places to shop and places to eat. What we would be asking the citizens is to allow business to be done by someone in the residential area as long as it does not impact the neighborhood. That is what we are trying to justify. If it is not unsightly, no customers coming to the home, no crew dispersing and no impact on the neighborhood, other than parking a car should it be allowed?

Mr. Hales said that the most common business is a hair salon. They are all around and may have two to three cars parked. Mr. Tingey noted that the salon business is allowed with certain parameters.

Mr. Stam mentioned that the world is changing because of electronics. He works at home; however, unless someone knows him personally, they would not know that he works out of the home. Occasionally he has a delivery but that is no different than someone that ordered something on line. Customers come to his home about once a year. His situation is not uncommon. It is going to become larger. Do we want to lose people living in the City because certain home occupations are not allowed or shall we find a way to keep the residential neighborhood feeling but find a way to allow work at home? All the development in the downtown encourages people to work from home.

Mr. Nicponski said that if someone does not have a truck or equipment that impacts the neighborhood, or a business that commands a lot of vehicle traffic then he does not see where it is an issue. Once the equipment is involved it sticks out and is unsightly. Sometimes it starts with a truck and then it is a mixer. People let it go for awhile. We do not proactively seek these businesses out, we are pretty liberal. Murray waits for a phone call and then works with the individual.

Mr. Wilkinson pointed out one of the issues that always comes up is neighbor relations.

If neighbors get along fine, there is no complaint. Then if one person is being enforced upon he points out others operating a business that are not in compliance. That is one of the problems with reactive enforcement. The City does try to work with people when they can, however, they do let them know they must cease that operation. Additionally, the list of prohibited businesses are specifically listed because, once started have a tendency to move away from the residential character of a neighborhood. He said that it would be important to look at putting certain protections into the ordinance to keep those businesses from expanding outside.

Mr. Shaver asked the Council Members if this is an issue they would like to address as a Council.

Mr. Hales said that he struggles with this because he hates to open up the issue; however, he will do what the others suggest.

Mr. Nicponski pointed out that the ordinance does allow one vehicle used by the licensee in connection with the home occupation. Ms. Stam said that as long as it is not for carpentry work. That includes painters.

Mr. Shaver said that redevelopment encourages businesses to come into Murray. In the last five years the number of entrepreneurial single owner businesses has increased nearly 70%. People have started their own businesses because they cannot find work. They must survive. He has a problem telling people they cannot live here and support their family here. Not working creates other problems, foreclosures and inability to pay utility bills and other factors that ripple from that.

Mayor Snarr stated that he agrees with Mr. Shaver. The problem comes when people extend and abuse the ordinance. It is hard for code enforcement to draw the line.

Mr. Shaver said that he was speaking with a father whose son has a pickup truck and trailer for his lawn care business. This is allowed.

Mr. Stam said he is interested in discussing this and addressing it in a way that the neighborhood is not adversely affected. Mr. Hales agreed.

Mr. Shaver said that he would meet with Mr. Tingey to see if language could be crafted for the Council to consider. The vehicle restrictions in the chapter are very specific so that may not need to be changed.

With no other business scheduled, the Council Initiative Workshop adjourned at 5:46 p.m.

Janet M. Lopez
Council Office Administrator