

CITY OF DERBY

**ORDINANCE REVIEW ADVISORY BOARD
REGULAR MEETING
August 16, 2011
6:00 P.M.**

APPROVED MINUTES

ROLL CALL

Betty Wilken
Thane Rockhill
Bob Bean
Al Davy
Paul Shaver

Also Present: Stephanie Knebel, Assistant City Manager
Janae' Prunier-Billman, Secretary

Agenda Item #1 – Public Forum

No one present to speak, public forum was closed.

Agenda Item #2 – Approve Minutes of January 18, 2011

Motion: Thane moved to approve the minutes of the January 18th and March 15th meeting as presented. Bob seconded.

Vote: 5 yea, 0 nay, motion carried.

Agenda Item #3 – Orientation:

Stephanie Knebel, reviewed the Code of Meeting Procedure booklet with the board.

Agenda Item #4-Changing Ward Boundaries:

Background:

- At its April 13, 2010 meeting, the City Council adopted a charter ordinance pertaining to how and when ward boundaries should be updated.
 - No changes to the number of wards or the number of council members will be made, but ward boundaries will be based on population rather than registered voters.

- Ward boundaries are required to be revised every ten years when official census data become available.
- The current practice of adding newly annexed territory to the ward to which it is contiguous will continue.
- In drafting new boundaries, the following best practices were followed:
 - Census tracts were maintained as much as possible.
 - Boundaries generally follow natural and man-made permanent, visible features such as arterial streets, roads, highways, rivers, and railroads.
 - Both sides of a residential street should be in the same ward.

Financial/Sustainability Considerations:

- The cost of revising ward boundaries is primarily a function of the staff time required.

Legal Considerations:

- After each census, the City council is required by charter ordinance to divide the city into four (4) wards, as nearly equal in population as practicable, and to establish ward boundaries.
- Current ward boundaries remain in effect until such time as final 2010 United States decennial census data is reasonably available, subject only to such additions as may be necessitated by annexation of unincorporated territory; and
- Should reestablishment of a ward boundary have the effect of excluding the residence of an incumbent Council member from the ward he or she was elected to represent, such Council member shall serve out his or her entire term.
- No ward boundary shall be revised or reestablished within thirty (30) days prior to the date fixed for an election of any kind within the City or the last day for filing as a candidate for any elective City office, whichever comes first.

Policy Considerations:

- Wards based on population are more likely to result in equitable representation.
- The City Council should, insofar as possible, represent all segments of the community equally.

DISCUSSION:

Stephanie presented the board with several options for ward boundary changes.

Al asked why if in 10 years we could have 50,000 people we wouldn't create 5 wards instead of 4 if the wards are being based on projected population.

Stephanie advised the council wasn't ready to do that yet, they want to leave it at 4.

Al advised it has been 4 wards since 1963 when there were only 3,500 people.

Betty asked about development to the north. She stated she did not think Derby could develop further north because of McConnell.

Stephanie advised she would check into the restrictions of the base.

Paul asked about the white area at the top of the map and why it wasn't included in a ward.

It was determined that area is a housing addition that is in the county not yet annexed into the city limits.

After board discussion Stephanie indicated she would come back to the next meeting with a more defined map showing street names and adjusting the boundaries a little to get the numbers more even.

Agenda Item #5 – Elect Chair and Vice-Chair:

Motion: Al moved to nominate Bob as Chair. Seconded by Paul.

Vote: 4 yea, 0 nay, motion carried.

Motion: Bob moved to nominate Thane as Vice Chair. Seconded by Betty.

Vote: 4 yea, 0 nay, motion carried.

Agenda Item #6 – Member Contact Information:

The board provided corrections to member information. New contact sheet will be forwarded to the board.

Agenda Item #7 – Other Business:

Stephanie advised there is a citizen who has a concern about our current definition of animal running at large.

Thane asked if cats are covered under our current definition of animal running at large.

Stephanie advised it is. This citizen has a concern that her cat will be caught by animal control because her cat is running at large. She has reviewed the concerns addressed in the letter from the citizen with the deputy chief of police and with the city attorney to get their input on whether there is a need to change the ordinance. Their conclusion was that it does not make sense to change an ordinance for one instance; animal control does not write a lot of tickets for animals running at large, they have discretion and use this ordinance for a feral cat or wild dog. She brought it to the board tonight for general discussion; does the board want to talk to someone from the police department?

Betty asked if the citizen was requesting that we change the ordinance.

Stephanie advised she would like the city to change the ordinance to distinguish between cats and dogs.

Bob commented that there may be only one complaint but it affects more than one person, especially considering the number of cats he sees wandering around. If the ordinance was enforced it would affect a large number of residents.

Thane pointed out that the Valley Center ordinance is specific to dogs, it appears that Valley Center has no control over cats. He agrees that dogs and cats are different, but cats still use the bathroom in his yard and he is not fond of that.

Betty pointed out that the letter from the citizen states Wichita's ordinance excludes cats in regards to animals running at large.

Thane stated that regardless of the difference in behavior of cats and dogs there is still an element of responsibility. If your cat bites someone you will be held accountable for it.

Al pointed out that just because one woman in town doesn't like this ordinance doesn't mean everyone doesn't.

Stephanie advised we would send out a copy of the animal ordinance to the board members for review and discuss the matter at the next meeting.

Meeting adjourned at 7:03 p.m.

ADJOURNMENT:

MOTION: Rockhill moved to adjourn at 7:03 p.m. Bean seconded.

VOTE: Motion carried 5-0.