MINUTES OF THE APRIL 6, 2010, ROY CITY COUNCIL MEETING

1. Approval of March 16, 2010, minutes

2. Consideration of "Child-Appropriate Community Standards" presented by John Gunter, Jr.

3. Public comments

4. Consideration of Ordinance No. 1026 establishing temporary land use regulations pertaining to retail establishments dealing principally in tobacco and tobacco related products in all zoning districts

5. Mayor and Council reports

6. Motion to adjourn and convene a Redevelopment Agency Meeting

7. Summary of actions charged

Minutes of the Roy City Council Meeting held April 6, 2010, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Joe H. Ritchie
Councilman Willard Cragun
Councilman Brad Hilton
Councilman Michael Stokes
Councilman Dave Tafoya

City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Larry Peterson and City Manager Chris Davis

Also present were: Tony Reynolds, Community and Economic Development Director; Rachel Trotter; John Gunter, Jr.; Jim Openshaw; Robert Laumer; A.J. Fuge; Paul Bergenson; and Boy Scout Troops 228, 275, and 375.

Moment of Silence: Councilman Stokes

Pledge of Allegiance: Boy Scout Troop 375

1. APPROVAL OF MARCH 16, 2010, MINUTES

Councilman Hilton moved to approve the minutes of March 16, 2010, as written. Councilman Tafoya seconded the motion. Council members Cragun, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

2. CONSIDERATION OF "CHILD-APPROPRIATE COMMUNITY STANDARDS" PRESENTED BY JOHN GUNTER, JR.

John Gunter, Jr., Sandy Utah, stated that he was representing Citizens for Families. It was a non-profit organization located in Utah and throughout the country that was trying to protect children from inappropriate pictures. At their request, forty-two cities had adopted community standards. The standards were intended to help Roy be a safe community by making sure different types of media were appropriate for children.

Mayor Ritchie asked if the program was specifically for pornography and sexually-related materials, or did it include other matters. Mr. Gunter said it was typically pornography. Their organization wanted to fight back.

Mayor Ritchie asked how a resolution or proclamation signed by the City Council would help the fight. Mr. Gunter said it started with education.

Councilman Stokes stated that according to the Supreme Court, this was a fight that was started decades ago. There was a three prong test for obscenity. Two of the three tests were community standards. The third was national. If a city government wanted to prosecute obscenity, it had to have a leg to stand on. Community standards were the first step toward establishing a base.

Mayor Ritchie stated that Roy City had already taken a stand. It had adopted a statute which had been challenged and accepted by the Supreme Court.

Councilman Stokes agreed that Roy City had taken that step. Its standards had been established. Roy City was one of the few cities to have a Sexually Oriented Business Ordinance that had been tested. A resolution or proclamation like the one Mr. Gunter was proposing would be icing on the cake.

Mayor Ritchie stated that the agenda item was for consideration only. If the Council wanted to take action, it would have to do so at a future meeting.

Councilman Cragun stated that the cities in Weber County had been very proactive for years. They had put ordinances in place to combat the pornography problem. He appreciated what Mr. Gunter was doing, but he felt the ground work had been done. Community standards were in place.

John Gunter stated that he had not looked at the ordinances of every city. He tried to meet with each city council. The fight was more than education. The first step was setting community standards. Roy City already had legal standards, but he didn't feel it would hurt to have a resolution or proclamation in place.

Andy Blackburn stated that after a quick review of the resolution proposed by Mr. Gunter, he felt much its content was contained in the preamble of the Roy City's Sexually Oriented Business Ordinance. Was there a specific standard Mr. Gunter was encouraging the City to adopt? Mr. Gunter said they tried to look at things from the perspective of a six-year-old. They usually started in grocery stores and then looked at signs throughout the community.

Andy Blackburn asked if Mr. Gunter's organization contacted businesses and encouraged them to comply with City standards. Mr. Gunter said that was up to the community. Mr. Blackburn said the proposed resolution was broad. It didn't get into specifics. He felt everything was already covered in the SOB Ordinance. He would review it further.

Councilman Stokes asked what would happen if the Council approved a resolution or proclamation. The City already aggressively tried to curtail pornography in the community. Mr. Gunter said the adoption of the resolution was the first step. They liked to encourage a

White Ribbon Week against Pornography in the schools and to educate teens about texting and cell phones. It was Roy's responsibility to educate the citizens. They would help. They had eighty-four members in Roy who were willing to provide support.

Councilman Stokes stated that this organization was going from city to city getting standards adopted, but it was leaving the management to the communities. He was disappointed that Mr. Gunter had not made the effort to have the eighty-four members in attendance at the Council meeting to show their support or to provide the Council with ways to take the fight a step forward. It was hard when the City Council was the only entity beating the drum.

Councilman Cragun stated that citizens had put communities on notice about what they wanted. One area that communities had difficulty with was the Internet. State and federal governments could help regulate the Internet. The City had no control over what came into people's homes. He suggested that Mr. Gunter's organization contact the state and federal governments about what could be done to get pornography out of the homes.

John Gunter stated that he was working with groups who were writing programs that would filter and restrict pornography sites.

Mayor Ritchie complimented Mr. Gunter and his organization. The City's counsel would review the proposed proclamation and compare it to the City's SOB Ordinance. Did the Council want a resolution or proclamation placed on a future agenda? The Council said it did. Mayor Ritchie said a resolution would reaffirm what the City had. Mr. Gunter would be notified about when it was on the agenda.

3. PUBLIC COMMENTS

Robert Laumer, 4452 South 1650 West, asked what cities could do to combat pornography. It seemed the City's hands were tied by the Internet. He struggled to keep it out of his own home by using filters and passwords. He had been surprised to find pornography at the back of a hip hop store in the mall. What was Roy City doing?

Mayor Ritchie stated that the City had adopted a Sexually Oriented Business Ordinance that had been upheld by the Supreme Court.

Councilman Stokes encouraged Mr. Laumer to visit the website of Mr. Gunter's organization: strengthening_ the_family.net. It contained ideas about things communities could do. It came down to a community effort.

Mayor Ritchie recognized the Boy Scout troops in attendance - Troops 228, 275, and 375.

A.J. Fuge, 4515 South 1600 West, asked about recycling. He didn't see a lot of citizens that participated in recycling. A few people at his school used recycling but most didn't seem to care about the environment.

Mayor Ritchie asked if Mr. Fuge had a solution. A.J. said Roy City could offer a recycling garbage can along with a regular one like Ogden City did. Mayor Ritchie said Roy City had a voluntary recycling program. He asked how people would respond if they were forced to recycle. A.J. didn't think people would be happy, but it would be great for the environment.

Councilman Stokes asked if A.J. had any ideas about what could be done to get people interested in recycling. A.J. felt people would try things just for the heck of it.

Mayor Ritchie stated that Weber County used trustees from the jail to sort through the garbage and remove the recyclables.

Councilman Tafoya suggested that A.J. approach the principal at his school about setting out recycling garbage cans. Mayor Ritchie said the school could keep the money generated from the recyclables.

Councilman Stokes stated that students from Roy High School had distributed flyers throughout the community when the recycling program started. It might be time to distribute another one.

Councilman Cragun suggested that A.J. approach the Weber County School Board. They were always looking for ways to raise revenue. Recycling could be a valuable tool that could be used in all of the schools district-wide.

Paul Bergensen, Herefordshire Subdivision, felt a simple way to help the recycling program was to put recycling bins next to trash cans in the parks. That made them more available. Mayor Ritchie asked who would sort the trash out when the recycling cans were filled up with garbage. Paul said the recycling people would sort it out.

4. CONSIDERATION OF ORDINANCE NO. 1026 ESTABLISHING TEMPORARY LAND USE REGULATIONS PERTAINING TO RETAIL ESTABLISHMENTS DEALING PRINCIPALLY IN TOBACCO AND TOBACCO RELATED PRODUCTS IN ALL ZONING DISTRICTS

Tony Reynolds stated that at the last Council meeting concern about the number of tobacco oriented businesses was expressed. The staff had prepared Ordinance No. 1026 which defined what a tobacco oriented retail business was and placed a temporary zoning restriction on them for six months. That would give the staff and Council time to determine whether it wanted to leave the ordinance as it was, add to it, or adopt a new one. Jared

Hall, the City Planner, had been researching tobacco oriented businesses. He had not been able to find much information in Utah, but he had found information from California. He suggested that the staff bring its recommendations back to the Council for its input before it was taken to the Planning Commission and through the planning process.

Councilman Hilton felt the temporary zoning restriction would allow the City time to step back and determine where it wanted these businesses and what regulations they should have. Roy City wasn't that big. He didn't feel it needed very many tobacco oriented retail businesses.

Councilman Cragun moved to approve Ordinance No. 1026 establishing temporary land use regulations pertaining to retail establishments dealing principally in tobacco and tobacco related products in all zoning districts. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cragun, Hilton, Tafoya, and Stokes voted "aye." The motion carried. (Copy filed for record).

5. MAYOR AND COUNCIL REPORTS

There were none.

6. MOTION TO ADJOURN AND CONVENE A REDEVELOPMENT AGENCY MEETING

Councilman Tafoya moved to adjourn the City Council Meeting at 6:37 p.m. and convene a Redevelopment Agency Meeting. Councilman Stokes seconded the motion. Council members Cragun, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

7. SUMMARY OF ACTIONS CHARGED

1. Legal counsel to review resolution proposed by Citizens for Families and prepare it for adoption at a later meeting.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary

dc:capr610