

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

MARCH 22, 2016

PRESENT:

Kitty Jung, Chair
Bob Lucey, Vice Chair
Marsha Berkgigler, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

16-0216 AGENDA ITEM 3 Public Comment.

Thelma Lou Gray Beal expressed her concerns regarding a burned out trailer across from her house. She submitted documentation and photographs regarding the subject property, which were placed on file with the Clerk. She stated the trailer caught on fire in March 2014 and an order to demolish the structure was issued in August 2015. She asked why the order to demolish the structure was not complied with. She said she was informed by the County that there were only three options to deal with the issue, which were abatement, criminal court or civil court. She felt the only acceptable option was abatement. She considered the property a nuisance and unsafe.

Bob Ackerman provided the obituary of former Sierra Fire Protection District (SFPD) Chief Michael Green to the Board, which was placed on file with the Clerk. He gave a brief history of Chief Green's roots in Nevada. He said he had no information as to any future plans to recognize the Chief, but mentioned naming Fire Station 36 after him. He stated there were residents who wanted to honor the late Chief and they would help finance the cost of a plaque.

Rick Snow spoke about his concerns regarding the burned out trailer located at 275 Magnolia Way. He said he made phone calls and visited the County's Code Compliance and Health Department offices. He noted six warnings and six fines were issued to the subject property's owner. He stated the biggest problem faced by the neighbors of the subject property were the odors emanating from it. He mentioned he previously appeared before the Board about this issue and was informed someone would

get back to him, which had not happened. He asked for something to be done and for someone at the County to follow up with the residents residing near the subject property.

Sam Dehne stated Storey County should be paying for Washoe County's new schools since their economic growth brought more people into Washoe County.

Tim Stoffel claimed animal rights groups were attempting to wipe out the animal population by banning the breeding of animals. He said the proposed bill regarding exotic animals was completely wrong.

Kathy Bohall mentioned there was a moratorium on new signs which had expired. She asked what it would take to bring the issue to the public for a vote.

Cathy Brandhorst spoke about matters of concern to herself.

Timothy Callicrate, Chairman of the Red, White and Tahoe Blue organization, spoke in favor of the Board accepting their proposal for an event under Agenda Item 17. He stated his organization had taken the necessary precautions for the health and safety of the attendees. He mentioned the event was open to the public. There would be three events they would be charging an attendance fee for; however, all the other events would be free of charge. He invited the Commissioners to attend.

Jim Galloway echoed the kind words spoken about former SFPD Chief Michael Green.

16-0217 **AGENDA ITEM 4** - Announcements/Reports.

Commissioner Hartung spoke about a traffic issue on Nicole Drive, a very narrow street without speed limit signs, near the middle and high schools in Spanish Springs. He stated youths were drag racing on Nicole Drive which happened to cause a recent accident. One of the solutions he said residents would like to see was to have Nicole Drive blocked off at Missy Drive. He mentioned Nicole Drive was being utilized as an alternate route due to traffic on Eagle Canyon Road. He hoped staff would be able to propose potential solutions to resolve the traffic issues.

Commissioner Lucey stated he had constituents who were concerned about an increase in speeding on Arrow Creek Parkway and he wanted to speak with the Sheriff's Office regarding traffic enforcement. He also mentioned his constituents in Hidden Valley were concerned about the parking of recreational vehicles along the street and he requested to have a discussion with the Community Services Department regarding the issue.

Chair Jung mentioned it was the annual Take Your Kids to Work Day. She acknowledged the youths in the audience and she stated it was great for the youths to see how hard their professional parents worked. She concurred with Bob Ackerman's statement about the late and former Sierra Fire Protection District Chief Michael Green.

She asked staff to present a memorandum of proposals on how to honor Chief Green, and for staff to include Mr. Ackerman and his advocacy group on the memorandum. She indicated she would allow Commissioner Herman to take on the Lemmon Valley issue since it was in her district. She added the County may want to establish a new ordinance or policy and procedure in which the County could pursue civil legal action against property owners who were not in compliance. She said two years was far too long for residents deal with a nuisance. She also mentioned the grand reopening of the San Rafael Regional Park off-leash dog area. She commended the Communications team, the Park Rangers, and Animal Services for their assistance.

Commissioner Herman asked what legal options the County had in regards to the Lemmon Valley issue.

Paul Lipparelli, Legal Counsel, said it was not appropriate for the Board to engage in an extensive conversation about the various options under the current agenda item. He noted in order for the Board to have a full discussion and to provide direction on how the County could approach those types of issues, there needed to be a full agenda item with notice to the public.

Chair Jung confirmed with Commissioner Herman that she was requesting for the issue to be placed on an agenda. Chair Jung stated the issue would be discussed at the next Board meeting.

Commissioner Hartung asked Chair Jung to lead the Board and attendees in a moment of silence for the victims of the terrorist attacks in Brussels, Belgium.

Chair Jung called for a moment of silence.

16-0218 **AGENDA ITEM 5** Approve minutes for the meetings of the Board of County Commissioners of February 9, 2016 and February 23, 2016.
There was no public comment.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5 be approved.

CONSENT ITEMS 6A THROUGH 6I2

16-0219 **6A** Recommendation to accept Notice of Sub-Grant Award Amendment #7 in the amount of [\$25,000; Cash Match \$6,250] for additional Chafee program funds from the State of Nevada - Division of Child and Family Services (DCFS), retroactive to July 1, 2015 through June 30, 2016, to support youth in making the transition from foster care to economic self-sufficiency; authorize the Department to execute the Sub-Grant Award and direct the Comptroller's Office to make the appropriate budget adjustments. Social Services. (All Commission Districts.)

- 16-0220** **6B** Recommendation to acknowledge a grant award and general fund allocation, to develop the Sober24 program, from the Nevada Office of Traffic Safety to the Reno Justice Court [\$45,000.00/ 20% in-kind match required], retroactive from February 11, 2016 to September 30, 2016; and direct the Comptroller to make the appropriate budget adjustments. Reno Justice Court. (All Commission Districts.)
- 16-0221** **6C** Request the Board of County Commissioners to retroactively acknowledge [a grant award of \$25,000, awarded to the Second Judicial District Court from the Lee F. Del Grande Foundation (No County Match Required)], effective November 13, 2015 – November 12, 2016 for “Security Enhancements at the Family Peace Center,” and direct the Comptroller’s Office to make the necessary budget adjustments. District Court. (All Commission Districts.)
- 16-0222** **6D** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2012/2013, 2013/2014, 2014/2015 and 2015/2016 secured and unsecured tax rolls and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [Cumulative amount of decrease \$12,507.67]. Assessor. (Parcels are in Commission Districts 1, 2, 3.)
- 16-0223** **6E** Award bid #2967-16 for CARGO CONTAINER BUILDING PROPS on behalf of the Regional Public Safety Training Center to the sole bidder, Falcon Structures, 7717 Gilbert Rd., Manor TX in the amount of [\$146,089.00]. Comptroller. (All Commission Districts.)
- 16-0224** **6F1** Approve Lease Agreements for three parks concession buildings located at South Valleys Regional Park (Washoe Little League lessee), Eagle Canyon Park (Spanish Springs Cal Ripken lessee) and Lemmon Valley Park (Valley Providence Little League lessee); and one parks storage building at South Valleys Regional Park (Washoe Little League lessee) for 60-month terms commencing April 1, 2016 through March 31, 2021 with two 12-month renewal options. (Commission Districts 2, 4 and 5.)
- 16-0225** **6F2** Recommendation to designate the Division Director Engineering and Capital Projects - Community Services Department as the County Engineer and recognize Kimble Corbridge for his service as the Acting County Engineer. (All Commission Districts.)
- 16-0226** **6F3** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Incline Justice Court Holding Cell/Restroom and Customer Service Counter Remodel Project [staff recommends Building Solutions, Inc. in the amount of \$99,875] and

approval of [a separate \$10,000 contingency fund]. (Commission District 1.)

- 16-0227** **6G1** Approve amendments totaling an increase of [\$4,662] in both revenue and expense to the FY16 HIV Prevention Grant Program, IO-10013; and if approved direct the Comptroller's office to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0228** **6G2** Approve amendments totaling an increase of [\$1,639.36] in both revenue and expense to the FY16 Immunization Grant Program, IO-10029; and if approved direct the Comptroller's office to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0229** **6G3** Approve amendments totaling an increase of [\$22,948] in both revenue and expense to FY16 HPP Ebola, IO-11286; and if approved direct the Comptroller's office to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0230** **6G4** Approve amendments totaling an increase of [\$18,182] to the AFDO - Community Outreach Grant, IO-11299; and if approved direct the Comptroller's office to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0231** **6H1** Recommendation to authorize the [payment of \$29,675] to Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact (Article VIII, Public Law 96-551, December 1980). Manager. (All Commission Districts.)
- 16-0232** **6H2** Recommendation to approve a 2016 Nevada State Emergency Response Commission, Hazardous Materials Emergency Preparedness Training grant for [\$29,952.00, no County match required], retroactive for the period of February 8, 2016 through September 30, 2016 and if accepted, authorize Chair to execute a Resolution to subgrant funds to other governments which make up the Local Emergency Planning Committee as follows: [\$1,623 to North Lake Tahoe Fire Protection District; \$3,247 to Reno-Tahoe Airport Authority; \$3,247 to Washoe County Regional Animal Services; \$15,885 to City of Sparks on behalf of the Sparks Fire Department/TRIAD; \$5,950 to Washoe County Emergency Management], and authorize the County Manager, or his designee, to sign a subgrant contract with the Local Emergency Planning Committee member; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0233** **6H3** Approve and adopt Resolution creating the Gerlach/Empire Citizen Advisory Board that will provide feedback to the Washoe County Board of Commissioners on planning, public safety and community issues and

consist of 5 At-Large Members, and 2 At-Large Alternates positions, appointed by the County Commissioner for District 5 that together represent a broad area within the district; approve Resolutions necessary for the same. (Commission District 5.)

16-0234 6I1 Recommendation to approve funding [\$45,000.00, no match required] from the US Department of Justice, United States Attorney, Organized Crime Drug Enforcement Task Force (OCDETF) for reimbursement of overtime costs incurred while involved in the investigation of OCDETF Initiative number PA-NV-0271 for the retroactive period of 07/01/2015 – 06/30/2016; and if approved, authorize Comptroller's Office to make the necessary budget amendment. (All Commission Districts.)

16-0235 6I2 Approve Security Agreement between the Reno Rodeo Association and the County of Washoe on behalf of Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security [No fiscal impact to County, Estimated \$90,000 Annual Security Costs Reimbursed] during Reno Rodeo events occurring for the period of June 15, 2016 through the last day of the Reno Rodeo 2018 performance. (All Commission Districts.)

On the call for public comment, David Humke, District Court Judge, spoke in favor of Agenda Item 6C. He read from Mary Herzik's, Family Services Manager, summary on the staff report regarding the use of the donation to ensure the Family Peace Center's security. He stated Lee F. Del Grande was a very fine and caring Court Master until he passed, and that Master Del Grande's family continued his work through the Lee F. Del Grande Foundation, which had been very generous to the Court. He acknowledged Senior Judge Peter Breen for signing the Grant Agreement. He spoke about the different types of cases presented to the Family Peace Center, which involved domestic violence, child abuse or neglect, and high conflict conditions.

Chair Jung thanked Judge Humke for his work. She said Judge Humke, who had his Master's degree in social work and was the first executive director of the Children's Cabinet, was a great humanitarian. She added he mentored many children in high conflict conditions.

Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Consent Agenda Items 6A through 6I2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6I2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – AGENDA ITEMS 11, 12, 13, 14 AND 15

16-0236 **AGENDA ITEM 11** Approve an Intergovernmental Agreement Regarding North Valleys Regional Park Phase Five Project Funding between the City of Reno and Washoe County [Total Agreement Amount: \$2.2 million – City of Reno share is \$1 million funded by Residential Construction Tax and Washoe County share is \$1.2 million funded by Sierra Sage Golf Course Water Rights Proceeds]; and direct the Comptroller’s Office to make the appropriate budget adjustments. Community Services. (Commission District 5.)

Chair Jung noted the North Valleys Regional Park was within the city proper; however, this was a joint collaboration between the City of Reno and the County.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be approved and directed. The Intergovernmental Agreement for same is attached hereto and made a part of the minutes thereof.

16-0237 **AGENDA ITEM 12** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Detention Center Housing Units One and Two Air Handler Replacement Project [staff recommends Applied Mechanical, Inc., in the amount of \$1,050,000] and approval of a [separate \$50,000 project contingency fund]. Community Services. (Commission District 3.)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12 be awarded and approved.

16-0238 **AGENDA ITEM 13** Approve the settlement of the claims by Leticia Romero on behalf of herself and her minor child, against Washoe County et al. for a total sum of \$120,000 for all claims against all defendants, with funding from the Risk Management fund. Comptroller. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 13 be approved.

16-0239 **AGENDA ITEM 14** Approve the 2017 Interlocal Agreement to Use Account for Low-Income Housing Welfare Set-Aside Funds by Washoe County between Washoe County and the Nevada Housing Division of the Department of Business and Industry of the State of Nevada in the amount of [\$162,015 (no match required)] to provide emergency housing

assistance effective July 1, 2016 through June 30, 2019; and direct the Comptroller's Office to make necessary budget adjustments. Social Services. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 14 be approved and directed. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

16-0240 **AGENDA ITEM 15** Approve purchase of iLOOKABOUT Streetscape digital photography, Geoviewport and professional services in the [amount of \$346,200, project funded by Washoe County Assessor's Office Technology Fund as authorized by Nevada State Legislature] and if approved authorize Purchasing and Contracts Manager to execute the Three Year iLOOKABOUT Terms of Service Agreement attached hereto. Assessor. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 15 be approved and authorized.

16-0241 **AGENDA ITEM 7** Department Presentation – Washoe County District Attorney's Office, highlighting services and operations.

Chris Hicks, District Attorney, began his PowerPoint presentation with a video about the District Attorney's (DA's) Office. The video provided information and facts about the Criminal Division, Child Advocacy Center and the Civil Division. In the video, Mr. Hicks stated the Civil Division was the law firm for the County and the Criminal Division was the chief law enforcement agency for the County. The PowerPoint presentation was placed on file with the Clerk.

Mr. Hicks thanked SoSu.TV for the production of the video. He mentioned as the elected department head he was prominently on display throughout the video; however, the success of the DA's Office rested with the people that worked there. He said he was honored on a daily basis to be able to lead the very dedicated public servants who made up the DA's Office. He continued with the PowerPoint presentation by covering the following topics: Mission Statement, Major Functions of the DA's Office, the DA's Office organizational chart, Child Advocacy Center, 2015 Notable Cases, Advancements and Achievements, and the Officer Involved Shooting Report.

Mr. Hicks highlighted the following areas in his presentation: 1) He stated he rewrote the mission statement when he took over the office to state the philosophy of the DA's Office. 2) The DA's Office was the largest law firm in the County. 3) The Child Advocacy Center was the newest division in the DA's Office and far exceeded expectations. It involved a multi-disciplinary team which began working the minute a child reported to the Center. 4) Regarding Advancements and Achievements, he said

victims of domestic violence were reaching out to the DA's Office. There was also an online system to collect payment of restitutions. Information regarding cases, which allowed a victim or witness to check whether the cases were still scheduled, was also placed online. 5) Lastly, he spoke about the public reporting system regarding officer involved shootings. Since those cases were heavily scrutinized, he felt detailed reports should be made public. The public could go to the DA's website to see the reports he released. The reports included pictures, evidence, and a list of relevant case law which controlled the DA's decision. He stated he was confident that the public would understand how he reached his conclusions by reading the reports.

Commissioner Lucey commended Mr. Hicks for his presentation and for having done a phenomenal job. He mentioned the improvement by Mr. Hicks' staff was commendable since they were already operating at a high level.

Commissioner Hartung commended Mr. Hicks for the work he had done. He said the caliber of attorneys who worked for the DA's Office was the best.

Chair Jung concurred with the other Commissioners. She said she adored the Board's assigned District Attorney, Paul Lipparelli. She stated all of Mr. Hicks' civil attorneys had done a great job keeping the Board informed. She said the DA's Office's news releases were incredible.

There was no public comment or action taken on this item.

16-0242 **AGENDA ITEM 8** Discussion and possible adoption of a resolution designated as the "2016 School Financing Election Resolution", and thereby approve the submittal of a question to the registered voters of Washoe County at the General Election on Tuesday, November 8, 2016 concerning the imposition and effective date of certain taxes for school financing as recommended by the Public Schools Overcrowding and Repair Needs Committee. Manager. (All Commission Districts)

Shawn Carey said he represented the Public Schools Overcrowding and Repair Needs Committee. He named and praised several people, including the late State Senator Debbie Smith, for their tireless work on this issue. He spoke about the Washoe County School District's (WCSD) website data gallery which provided statistical information for each school, information regarding the problems they had and how those problems could be addressed in a cost effective manner. A few of the priorities the Committee addressed included the safety of the children who attended the County's schools and how to avoid having to implement double sessions. He stated every child needed an education which could help them succeed. He noted Governor Sandoval signed the most comprehensive piece of legislation which changed the funding of education on a per pupil basis; however, the funding did not include any money for the construction of schools. He said since 1993 the system to fund the construction of schools was in the hands of the County's voters, which according to Carole Vilardo of the Nevada Taxpayer Association was broken and had been broken since its inception. He

noted the Committee looked at four levels of funding from ideal to bare bones and the Committee chose a level of funding which would invest \$315 million into the repair of the schools. The Committee also found a need for new schools to be built. He talked about the failing conditions in the schools and mentioned that Brown Elementary School was at 148 percent of capacity even with the usage of 10 portable buildings. He also mentioned Double Diamond Elementary School's overcrowding issue where 1,100 children attended a school with the capacity for 950 students. He said the WCSD would change the way it looked at protecting capital funds and honor what the Committee had come up with. The WCSD committed to following a plan to utilize the \$315 million to repair existing schools and to restrict the use of said funds to that purpose only. The WCSD would also create a Capital Protection Committee which would make recommendations and provide oversight prior to the WCSD Trustees' vote on a bond issue. He urged the Board to consider appointing members of the Public Schools Overcrowding and Repair Needs Committee to a pros and cons committee related to the ballot question. He stated The Coalition to Save Our Schools was being built; whose website was www.SOSWashoe.com, and asked the Commissioners to join the coalition. He hoped the Board would pass the Resolution to begin the ballot process.

On the call for public comment, Phillip Kaiser, McQueen High School Teacher, stated every child deserved a quality opportunity for education regardless of the number of children crammed into a classroom regardless of the wealth of their neighborhood and regardless of the age of their school. He gave an example of overcrowding by noting that McQueen High School utilized 14 mobile, portable or temporary structures on their campus. The mobile classrooms at McQueen High School had been in their parking lot for over 15 years. He said in the WCSD there were 220 mobile, portable or temporary classrooms which were not really temporary. He expressed his concerns regarding the growing population and the time needed to construct new schools.

Cathy Branchorst spoke about matters of concern to herself.

Jeffrey Church provided handouts which were placed on file with the Clerk. He stated he was opposed to the ballot measure as written since it was open-ended with no sunset clause. The measure would also make the County's sales taxes one of the highest in the nation. He urged the Board to send the measure back in order for safeguards to be added.

Bill Horn stated he supported the ballot measure. He spoke about his children's and grandchildren's education. He said he participated in several meetings regarding the overcrowding issue so that he would be able to convince others of its importance. He noted he asked the WCSD's staff to figure out a way to make the data gallery easier to navigate. He hoped the Board would vote to adopt the Resolution.

Commissioner Berkbigler said it was an honor to serve on the Public Schools Overcrowding and Repair Needs Committee as an appointee of the Board. She noted the importance of educating children as it was related to attracting new businesses

to the area. She expressed her concerns regarding the implementation of split or double sessions. She commended the WCSD staff for their assistance. She remarked that the Legislature passed a law which dictated how the process would work which would result in the Commission placing the issue on the ballot once the Public Schools Overcrowding and Repair Needs Committee finished their work. She mentioned a constituent asked her why they should support the issue when they no longer had a child in the WCSD. Her response to the constituent was that someone else put their money forward when their child attended school, so now it was their turn. She inquired how the Board would go about establishing a pros and cons committee.

John Slaughter, County Manager, stated the Registrar of Voters was preparing for that process and would present a recommendation before the Board.

Paul Lipparelli, Legal Counsel, informed the Board that if it adopted the Resolution, Section 4 of the Resolution directed the Registrar of Voters to follow the statutory procedure for the establishment of the committee.

Commissioner Lucey voiced his support of the Resolution. He said as a young father, he believed the issue could not be prolonged any further. He felt the community would not continue to thrive if the County did not focus on education and the future of its youth. He believed the adverse effect of not acting would be more costly in the long run.

Commissioner Hartung said he was very supportive of any initiative that asked the voters to decide on an issue. He believed the WCSD should be able to ask the voters for an increase in their funding at any time. He mentioned his children were educated by the WCSD which did a great job. Even though he did not currently have any children in the WCSD, he believed he still had a fiduciary responsibility towards the education of children.

Commissioner Herman stated a strong argument for the initiative would include halting the additional taxes once the new schools were built. She also stressed the importance of not spending any of the funds for anything but the construction of the schools.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8 be adopted and approved.

Chair Jung thanked Commissioner Berkbigler and Mr. Carey for their work. She stated she was embarrassed by and ashamed of the fact that the County's students were being educated in squalor and that they lacked technological enhancement. She mentioned she understood why teachers with advanced degrees would not want to work in those conditions. She spoke about embracing educators. She said she was willing to help in any way she could to help pass the ballot measure.

Commissioner Berkbigler thanked Mr. Carey and members of the Public Schools Overcrowding and Repair Needs Committee for their service. She also thanked the business community for their assistance.

11:51 a.m. The Board recessed.

12:01 p.m. The Board reconvened with all members present.

16-0243 **AGENDA ITEM 9** Recommendation to approve updated Washoe County Smoking Policy and possible discussion and direction to staff to return to the Board with recommendations on restriction of smoking and vaping to designated areas on Washoe County properties. Manager. (All Commission Districts.)

Kevin Dick, Health District Health Officer, recognized the County Manager's Office, Human Resources and the District Attorney's Office for their assistance. He also acknowledged Joey Orduna Hastings, Assistant County Manager, and John Listinsky, Human Resources and Labor Relations Director, for their work. He noted the County's smoking policy would be updated to prohibit vaping; as well as, smoking within County owned, operated, and leased buildings and equipment. The smoking policy was created on October 2, 2002 and at that time did not include electronic cigarettes. The updated policy would refer to electronic cigarettes and vaping as the use of electronic nicotine delivery systems or electronic smoking devices, which captured all related activities commonly referred to as vaping. He sought direction from the Board regarding the designation of outside areas on County properties as smoking areas in order to reduce the exposure to second-hand smoke and second-hand aerosol.

Chair Jung said when she first came onto the Board in August 2007 she asked for a County-wide restriction of smoking on all County campuses. She noted the trouble with that was enforcement. She stated the Board of County Commissioners and the Board of Health wanted to create social awareness and social penalties regarding smoking. She said telling someone that they could not smoke within 25 feet of a building was meaningless since most people did not know how far 25 feet was. She added the policy should be changed to disallow employees from vaping in County vehicles or at their desks. She mentioned information regarding the second-hand effects of vaping. She commented there should be designated smoking areas so people would not be subjected to second-hand smoke. She thought the direction to staff should be for them to consider the constraints of the County's public facility and then attempt to enforce the rules.

Commissioner Berkbigler mentioned her claim to fame was that she was the non-smoking lobbyist in Nevada. She spoke about a family member who had a health issue and had to avoid secondary smoke. She did not want people to be smoking right outside the doors into County buildings. She said she was supportive of staff designating smoking areas.

Chair Jung stated she did not want County employees to think she was being unkind to people who had a very serious addiction. She wanted to ensure people were not affecting others in an ill-manner in order to satisfy their own needs. She urged employees to utilize the County's Employee Assistance Program which had a smoking cessation program that could help them to overcome smoking addiction.

John Slaughter, County Manager, said the direction he sensed was that staff would conduct a building-by-building review to designate the appropriate smoking areas depending on the facility.

Commissioner Hartung stated he was in favor of prohibiting vaping inside County properties immediately. He said he did not think people who vaped realized the damage being done to those around them.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda item 9 be approved and directed.

16-0244 **AGENDA ITEM 10** (1) Acknowledge the Report to the Washoe County Board of Commissioners from the Washoe County Planning Commission on potential changes to various aspects of the proposed Sign Code including minimum lane requirements for certain electronic signs adjacent to roads, minimum hold time for the copy of certain electronic signs, and the prohibition of offsite commercial advertising signs and the collection of revenue from such signs; and (2) Introduce and hold the first reading of an ordinance amending Washoe County Code (WCC) Chapter 110 (Development Code) at Article 500, Sign Regulations: Title and Contents, to remove Article 502, Billboard Regulations, and Article 504, Sign Regulations, and replace them with Article 505, Sign Regulations, which will involve a wholesale change to the sign code provisions of Washoe County, and if supported, set the public hearing for second reading and possible adoption of the ordinance on April 12, 2016. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Bill No. 1762.

Trevor Lloyd, Community Services Department Senior Planner, stated the item had been brought before the Board in different forms over the last several years. He said he received direction at a fall 2015 Board meeting to take several proposed changes to the Planning Commission and report back to the Board with the Planning Commission's responses. The three main changes were: 1) Reduce the hold time for Electronic Message Display signs from 20 seconds to 8 seconds. 2) Reduce the required number of travel lanes from four lanes to two lanes. 3) Ensure on-premise signs did not

advertise off-premise messages and to prevent the collection of revenue for those type of signs. He noted the response from the Planning Commission was varied. He stated what was being presented was a draft including the three provisions of the Code. All the changes were reflected in the staff report. He acknowledged there were representatives from Scenic Nevada, the sign industry, and individuals representing the average citizen in attendance.

Commissioner Lucey asked whether subsection 3, which stated “revenue shall not be collected for messages displayed on the sign”, was stricken from the General Standards’ Section 110.505.15(1) Sign Restrictions.

Mr. Lloyd noted a provision was identified as possibly being problematic from a legal standpoint. He stated their Legal Counsel, Nathan Edwards, was not available but he had updated Paul Lipparelli, Legal Counsel, regarding the issue.

Chair Jung inquired whether the Board could strike the provision and proceed with the other items.

Mr. Lipparelli said it was entirely within the direction of the Board as to which provisions would stand and those that could be taken out. It was the recommendation of the District Attorney’s Office that Section 110.505.15(1)(3) Sign Restrictions which stated, “revenue shall not be collected for messages displayed on the sign” should be removed since it had the potential to be legally problematic.

Commissioner Berkbiger asked whether Regional, Recreation, Travel and Tourism (RRTT) signs had any restrictions on advertising, time frame limits, strength of lights, and locations. She also inquired whether the RRTT signs could only be utilized during the time a recreation program was taking place.

Mr. Lloyd replied that the language in the Code was all-encompassing, which would address all commercial signage including RRTT signs. The restriction to limit the messages to on-premise messaging also included RRTT signs. In regards to the limitation of the time frame and other restrictions, he indicated restrictions would be imposed at the time the request was brought forward through a Special Use Permit.

On the call for public comment, Kathy Bohall stated she would like to see no signs at all; however, she supported the staff’s report with the addition of the amendment regarding not allowing off-site commercial advertising signs.

Jim Galloway submitted a handout which was placed on file with the Clerk. The handout reflected the General Standards Section 110.505.15(1) Sign Restrictions. He spoke about subsection 3 being stricken out and how it would prevent some unfortunate things from happening in the County. He said he had no problem with a business advertising their services at their place of business but he did not want them advertising at another site.

Tray Abney, from The Chamber of Reno, Sparks, and Northern Nevada, stated The Chamber supported the staff's report with the changes. He said The Chamber thought the changes struck the right balance between making sure the unincorporated County was different from the urban areas, but was similar enough to work across regional lines. He mentioned it was a rare occurrence for The Chamber, the sign industry and Scenic Nevada to agree on compromised language.

Leah Tauchen, with the Retail Association of Nevada, spoke in support of the recommended changes to the Code. She said their association also had members that operated in multiple jurisdictions in the region and consistency would lead to greater compliance. She noted the minimum lane and hold time requirements were reasonable as they adhered to national industry standards.

Karen Munson spoke about compromise and having a consistent standard throughout the community. She agreed with the off-site advertising section of the Code.

Lori Wray, on behalf of Scenic Nevada, spoke about a specific free-standing sign located directly outside a business in Reno that advertised another business. Since this type of advertising was allowed in Reno, she was afraid the same thing would happen in the County. She said she was fine with free-standing signs as long as they advertised the business they were located at. She expressed her concern over the possibility of more free-standing signs advertising off-premise businesses which would create clutter and blight. Blight could lead to lower property values and other problems. She said the best part of the Code would be that the approval process for every digital sign would include a public hearing. She hoped the Board would approve the Ordinance.

William Naylor thanked Mr. Lloyd for his work and he concurred with all the comments that had been made.

Diane Young McCormack thanked the Board and County staff. She said she would not like to see any billboards, but she supported the Ordinance which was a good compromise.

John Hara stated rational and reasonable sign control was in the best interest of the community. He spoke about business signage which was depicted in photographs that he displayed on the overhead projector. He noted how businesses took advantage of free-standing signs throughout the area. He mentioned a business whose operations were negatively affected by another business' sign. He advocated for strong sign controls.

Nancy Parent, County Clerk, said she had a public comment card from Berry Hall, who did not want to speak, but wanted to express her support for Scenic Nevada's position.

Chair Jung thanked the sign industry and the advocacy group. She thought they were a model of how things were done correctly. She spoke about the importance of compromise. She commended Mr. Lloyd for his work and patience.

Commissioner Hartung also praised Mr. Lloyd. He also spoke about the importance of compromise and how each party involved received something they advocated for. He believed the RRTT sign section was important since it was difficult to find certain businesses. For that reason, he said he fully supported onsite advertising.

Commissioner Berkbigler commended Mr. Lloyd and she said she would be happy to make a motion.

Mr. Lipparelli stated the Board's approach for First Readings was for someone to make an introduction. There was usually not a motion that was voted on, but this was a two part deal where staff was seeking acknowledgment of what the final version was going to be. He urged the Board to state what the Board's decision was on the three key points. He added the Board needed to verify what was in the record for the item which included the drafts that were contained in the staff report. He wanted the Board to clarify which version of the Ordinance the Board was introducing so when it came back for a Second Reading it would contain what the Board wanted it to say.

Chair Jung, Commissioner Berkbigler and Mr. Lipparelli discussed the language content and how the motion should be made to reflect the information in the staff report.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, with Commissioner Herman voting "no", it was ordered that Agenda Item 10 be acknowledged with Board direction to strike Section 110.505.15(1)(3) of the Draft Sign Code.

Mr. Lipparelli added the County's ordinances had to be able to withstand legal challenges. He reminded the Board that it started out with the idea of content neutrality and that they were not going to look at the content of the sign, merely regulate the size, shape, location and other non-content requirements. It had been the judgment of the people involved that it was important to restore the distinction between on-premise and off-premise signs, which was within the Board's discretion. The good news was that the new Ordinance contained a severability clause which meant if there was a First Amendment challenge to that section, that section could be stricken and the rest of the Code could survive. He mentioned the Board could take notice of Ms. Wray's testimony, that her group's perspective was that it was important to prevent the proliferation of signs to prevent clutter and blight, as evidence of what could happen if the distinction was not there. He thought that might be a compelling government interest that could save the Sign Code from a First Amendment challenge. He closed by saying the Board could include some legislative finding regarding the potential problems associated with the proliferation of signs during the Second Reading.

Bill No. 1762 was introduced by Commissioner Berkgigler with the inclusion of Ms. Wray's testimony, and legal notice for final action of adoption was directed.

16-0245 **AGENDA ITEM 16** Presentation and discussion on Single Stream Recycling Proposed Models, Services and other related matters; and provide direction to staff on future changes to the current Garbage Franchise Agreement. Manager. (All Commission Districts.)

Kevin Schiller, Assistant County Manager, stated his goal was to get direction specific to the contract in order to bring it before the Board. He said services for bear containers were already an option provided by Waste Management (WM) but the cost of the containers was a significant issue. He noted the County worked with WM on the issue and he highlighted some of the issues regarding bears in terms of what the incidences looked like and what was happening. One of the challenges was looking at the percentage of homeowners that needed the bear containers and the estimated costs associated with them. Another challenge was determining how many homeowners would be interested in obtaining bear containers. He reported the cost of the containers would increase a homeowner's bill \$7 to \$9 per month. He spoke about including a clause in the contract to allow for the Homeowner Associations to determine the number of containers to order which would alleviate staff workload. In regards to single-stream recycling, he mentioned there were issues related to the rural areas. There were some constituents who wanted the ability to be exempt from single-stream recycling, and other constituents who requested additional receptacles. The challenge was how to address additional costs so that smaller land owners were not subsidizing the larger land owners, and how to address potential service options. He said the rate structure remained unchanged in terms of the negotiations and the option services. He mentioned there were several District Forums and Community Advisory Board (CAB) discussions where rural residents expressed their concerns regarding service availability, tags and additional cans. He asked the Board to provide direction as to how to facilitate the residents' concerns into the contract language. In addition to the issue of single-stream recycling, another issue rural residents faced had to do with trash pickup service. A photograph, which was placed on file with the Clerk, was displayed depicting a WM truck stuck in muddy terrain. He said this was an example of what could happen during inclement weather. He added the new Garbage Franchise Agreement should include a statement in terms of WM's service commitment to areas which were difficult to access at specific times. He spoke about a rural option for single-stream recycling where additional containers could be purchased to support larger parcels and the cleanup of surrounding areas. He also spoke about the possibility of increasing the franchise fee to help subsidize regional plans; such as, Keep Truckee Meadows Beautiful. He stated he did not receive direction at the December 8, 2015 Board meeting in terms of whether the Board wanted to increase rates for that since the Board was looking at a rate increase associated with single-stream recycling. He sought direction regarding whether the County should provide additional options within the Agreement for rural residents, and he recommended including service related to the bear containers.

Greg Martinelli, Waste Management Area Manager, said the big issue last time he was before the Board was the concerns regarding bears. He mentioned Mr. Schiller had done a lot work with the concerned parties and it appeared that approximately 700 customers might need the bear containers. He spoke about container and shipment costs. He stated WM did not want to keep a stock of containers due to the fact that the shipment of a single bear container could cost just as much as the container itself. He noted the most cost effective approach would be to have language written into the Agreement requiring a minimum order of a pallet full of bear containers. He said another big issue had to do with WM's inability to access certain areas of the County during inclement weather events. He spoke about a few specific incidents where WM vehicles got stuck on muddy roads and the costs associated with getting them out. He noted drivers had to be able to make the safest decisions they possibly could for themselves and the Community. He also noted that WM would service customers in those types of areas once conditions improved. He stated language addressing this issue should also be contained in the Agreement. He noted the issues in each District varied and it was a monumental task to manage all of it in the same manner. He mentioned the only way consumers could opt out of recycling was to not participate; however, they would still have to pay for the service. One proposal by WM would be to create a Franchise Zone, but he felt it would not address the various needs.

Commissioner Lucey spoke about a proposal of an additional service which would allow County residents, as part of their service, to dump garbage at the Transfer Station. He stated there needed to be some sort of understanding and reassurances that the fees being charged for dumping garbage at the Transfer Station would not be a guestimate. He asked if a system could be put in place to ensure consistency.

Mr. Martinelli stated the allowance of dumping at the Transfer Station was included in the proposed Agreement. He said WM was regulated by weights and measures, so they had to post the rate they were going to charge; as well as, the method utilized to determine the rates WM charged by the yard; however, in order to address Commissioner Lucey's concern they would have to charge by weight. He noted two issues: 1) The culture shock from how a price sheet would look since it would have to list the rate in terms of tonnage; for example, \$90 per ton; however, the average customer's rate would be approximately \$25 per ton. 2) The customer would have to weigh their garbage load coming into the facility and when they left, which would cause logistical issues. He mentioned WM was developing an area on Commercial Row for customers to drop off their recyclables so they could avoid having to go into the Transfer Station altogether. He remarked that a standard-sized pickup's load was roughly three yards; therefore, the cost should be consistent for a standard-sized pickup.

Commissioner Lucey reiterated his concern for the need of consistency regarding how much was charged. He noted his appreciation for what had been done to address the bear container issue. Regarding rural issues, he spoke about a bridge that gave out which resulted in WM being unable to service a particular area. He agreed there needed to be compromise for the safety of WM's drivers and the community.

Mr. Martinelli said under normal conditions WM did not have any issues servicing particular areas; however, when the environment changed, they had to have the option not to service an area if a driver had safety concerns.

Commissioner Berkbigler stated she was satisfied with the proposed Agreement granting WM an exclusive franchise to operate garbage collection and disposal services in the unincorporated County as long as it was only for residential services. She requested that Mr. Schiller ensure language was added to the Franchise Garbage Agreement to clarify that the Agreement would not interfere with the business of private recycling companies.

Commissioner Hartung mentioned he received complaints from constituents regarding the lack of single-stream recycling, recyclables not being picked up in Wadsworth, and rate increases. He noted there were some assertions WM was not recycling at all, rather they were taking recyclables to the landfill. He also mentioned WM had picked up just about everything that was placed on the curb, and how it was going to be very difficult for people to get used to the idea of paying for services WM had previously provided for free. Another issue was that some residents did not want to recycle at all, so how would WM deal with that. Since those residents did not want to recycle, they felt they should not have to pay for a recycling bin. He asked Mr. Martinelli how that scenario would be addressed; as well as, whether the issue regarding a constituent who could not obtain a trash container because that person was not listed on the Assessor's rolls had been addressed.

In response to Commissioner Berkbigler's comments, Mr. Martinelli stated WM was not proposing anything affecting the commercial side of the business. In terms of the commercial side, WM was requesting the Board consider eliminating the customer-owned 32 gallon can. Instead WM would provide customers with a 64 or 96 gallon rolling cart. Under the current agreement, a customer would be saving money if they utilized the 96 gallon cart as oppose to three 32 gallon cans. He noted WM was not asking to franchise recycling services; however, they were requesting to deal with the Board's constituents' demand for single-stream recycling.

Regarding Commissioner Hartung's questions, Mr. Martinelli said the issue regarding the Assessor's roll had been resolved. He stated a customer should not be denied garbage service just because the Assessor's Office did not reflect that a sale took place. To avoid further issues for other customers, a process was put in place instead of going through the Assessor's database. He remarked that unlimited garbage service was a thing of the past. As far as recycling, people did not have to participate in recycling if they did not want to but they would still have to pay the \$1.25 per month fee. This had been in effect since 1991. He stated the goal was to increase participation in recycling; however, if the County made it simpler for the consumer to throw everything away then there was no reason for them to recycle. Another issue WM ran into was consumers throwing away trash in recycling containers which ended up contaminating recycling loads. WM implemented processes to attempt to curb that issue but it also wanted to

educate the consumer. This was another item WM recommended to be in the Agreement. He mentioned there was not a market for plastics with recycling codes three and seven, so unfortunately WM was stockpiling those. Due to the fact that WM could not throw those plastics away, it was hoping for markets to turn around. He spoke about a business that might be able to utilize those plastics once its bio-refinery went online. In regards to Wadsworth, he stated he was surprised by those comments and would look into the issue.

Mr. Martinelli stated there was nothing final about the proposed Agreement. If there was something missing, it could be added. He noted he had done his best to try to capture and address the items and concerns each Commissioner had brought up.

Commissioner Herman sought clarification as to what a consumer could opt out of.

Mr. Martinelli reiterated that someone did not have to participate in recycling. His understanding was the Board was not going to pass an ordinance requiring its constituents to recycle. He noted the Board was only required to have the recycling program in place.

Chair Jung suggested Mr. Martinelli meet one-on-one with Mr. Schiller to go over the issues and ideas rather than attempting to resolve it all in a public hearing. She noted there needed to be a point where WM, as the Franchise holder, indicated what they were willing and not willing to do. She said the County, who was collecting the Franchise Fee, should also note what was important and what it wanted. She thought the Board would better serve its constituents if it were able to explain why it took certain courses of action rather than attempt to advocate for every issue.

Mr. Martinelli stated WM staff attended all the community meetings with Mr. Schiller and heard the concerns of residents. He sought direction from the Board as to whether it wanted to continue to allow for unlimited service. He added the result of adding single-stream recycling to unlimited service would increase rates unless certain services were removed.

Commissioner Berkgigler asked Mr. Schiller whether he wanted direction from the Board regarding the list of items on page 4 of the staff report.

Mr. Schiller replied he received direction on most of the items and he was pretty clear on the direction in terms of the Agreement. He thought the rate structure was as reasonable as it could get. He said he would come back before the Board with the Agreement once the language and specifics were worked out. He spoke about the concerns he received from residents at the District Forums and CAB meetings, and said they would be managed and addressed within the Agreement.

In response to Commissioner Hartung's question, Mr. Martinelli replied the age for the senior discount was 70.

Chair Jung urged Commissioner Hartung to make his recommendations known so that they could be incorporated into the Garbage Franchise Agreement before it was signed.

John Sande IV, representing Green Solutions Recycling, said his client was a local company that employed over 40 people, and specialized in single-stream recycling and waste disposal. He stated they were encouraged by the conversation which would allow businesses to compete on a level field and provide options for the County's constituents.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered to acknowledge the update and presentation on Single Stream Recycling Proposed Models and Services within the unincorporated area, and related matters thereto with direction to staff to draft proposed changes to the Garbage Franchise Agreement and bring it back to the Board as soon as possible.

PUBLIC HEARINGS

16-0246

AGENDA ITEM 17 Public hearing and possible approval of an Outdoor Festival business license application (pursuant to Washoe County Code chapter 25 and related provisions) and associated License Conditions for the Red, White and Tahoe Blue 2016 Outdoor Festival, scheduled to be held from July 1 through July 4, 2016 in Incline Village at the following locations: Village Green (APN:127-010-07), Aspen Grove (APN:127-010-04), Incline's Main Firehouse (APN:132-223-07), Susie Scoops, 869 Tahoe Blvd. (APN:132-240-02), Potlach, 930 Tahoe Blvd. (APN:132-012-02), Incline Middle School (APN: 127-030-16), and Incline Beach (APN:127-280-04). Off-site parking will be available at Diamond Peak Ski area (APN: 126-010-60), Incline High School (APN: 124-071-52) and Sierra Nevada College (APN: 127-040-10). Event set-up is proposed to begin on June 29, 2016, and event takedown and dismantle is proposed to end on July 6, 2016. Event organizers estimate that each event will have between 100 and 1,500 participants and spectators in attendance, except for the fireworks display, which is expected to draw between 8,000 and 10,000 spectators. The event also proposes to hold a parade on July 2, 2016 that will require closing a section of Tahoe Boulevard, Southwood Boulevard and Incline Way to traffic at 10:00 a.m. for approximately 2 hours. If approved, authorize the Director of the Planning & Development Division, Community Services Department to issue the license when all pre-event conditions have been met. Community Services. (Commission District 1.)

Chair Jung noted she was asked by the event organizers and Commissioner Berkbigler as to why this item could not be placed in a block vote. Due to the size of the event, she stated a public hearing was required for the item.

Eva Crouse, Planning and Development Division Planner, added that she recently received a letter, which was placed on file with the Clerk, from residents who objected to the event and the size of it.

Commissioner Berkbigler said she appreciated Ms. Crouse's work. She commended the Red, White and Tahoe Blue organization for getting an early start on preparations, which she felt was very important to the smooth running of the operation.

Commissioner Hartung stated he was in support of the event. He felt these types of events were important to celebrate the nation. He said he knew it was an inconvenience but it was beneficial to the community.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 17 be approved and authorized.

16-0247 **AGENDA ITEM 18** Public Hearing, discussion, and possible action on Case No. AX16-001 (Encore DEC, LLC), an appeal of the Board of Adjustment's decision to deny Amendment of Conditions No. AC15-005, which requested an amendment to Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial; reverse the Board of Adjustment's denial and issue the Amendment of Conditions Request; or modify the Amendment of Conditions and issue the request. The applicant and property owner is Encore DEC, LLC. The subject parcel (APN: 017-055-36) is located at 14830 Kivett Lane within the Southeast Truckee Meadows Area Plan and South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries, Section 27, Township 18N, Range 20E, MDM. The Development Code article applicable to this amendment is Article 810, Special Use Permits. Community Services. (Commission District 2.)

Dave Solaro, Community Services Department Director, stated the issue before the Board was an appeal to the Board of Adjustment's decision regarding the expansion of the Special Use Permit on the subject site. He said the business appealing the decision was conducting work that was outside the current bounds of the Special Use

Permit. He noted the issue had to do with the definition of "industrial" and how the South Truckee Meadows Area Plan did not allow industrial businesses in the area.

Commissioner Lucey indicated he had visited Encore DEC, LLC's facility. He said Encore DEC, LLC had a general contractor's license and operated as such within the County. He noted the County Code regarding this type of business was very vague. He mentioned how the business, which occupied properties on Geiger Grade, had made phenomenal improvements to the area. He explained that the business built different types of pumps and was requesting to amend their Special Use Permit to allow them to erect temporary pumping structures in order to complete the fitting process. He stated he disagreed with the Board of Adjustment.

As Commissioner Lucey was making a motion, Paul Lipparelli, Legal Counsel, intervened and said the issue at hand was an appeal of a denial which was decided by the Board of Adjustment. The applicant had the burden to prove that the Board of Adjustment's decision was incorrect. The applicant needed an opportunity to present their case and place evidence on the record which the Board may or may not rely on in overturning or sustaining the Board of Adjustment's decision. He noted the staff report was very comprehensive and it had a lot of information; however, the applicant had to succeed in their argument. He urged the Board to allow Encore DEC, LLC's representative to make their case and then consider acting.

Mike Burgess, Encore DEC, LLC representative, said Encore DEC, LLC had a land use designation of General Commercial and was a General Commercial business. Encore DEC, LLC shipped assembled and prefabricated items to designated job sites for final construction. He said the business did not see itself as an industrial business. They were a licensed general contractor conducting work that fell within the jurisdiction of what their general contracting license allowed, which made them feel that they were a general commercial business. He closed by saying the County was attempting to label them as industrial when they were not.

Chair Jung commented that staff was acting in accordance to the County's ordinances. She stated the support of job and economic development growth while protecting neighborhoods was very important to the Board. She asked Mr. Lipparelli whether Mr. Burgess did enough to plead Encore DEC, LLC's case.

Mr. Lipparelli stated Mr. Burgess had provided the Board with some evidence that they may wish to rely on. The key legal issue was the industrial use ban contained in the South Truckee Meadows Master Plan. The statement in the Master Plan was that no new industrial uses were allowed. He noted it was important for the Board's finding to indicate this was not an industrial use because the County would have no chance of defending a legal challenge from the neighbors if it were industrial use. It was important for there to be evidence showing the activity and land use did not fit the definition of industrial. If the Board made that finding based on the available evidence, then it may have a basis for overturning the Board of Adjustment's decision.

Commissioner Hartung asked Mr. Solaro for the definition of industrial.

Mr. Solaro provided the Merriam-Webster Dictionary's definition of "industrial" as, "of or relating to industry: of or relating to factories, the people who work in factories, or the things made in factories"; the definition of "factory" as, "a building or set of buildings with facilities for manufacturing"; and the definition of "manufacture" as, "the process of making products especially with machines in factories".

Commissioner Hartung spoke about a business he came across in Idaho which constructed log homes on their property but would then deconstruct them in order to ship them somewhere else. He noted that was not an industrial use, which was similar to the subject being discussed.

Commissioner Lucey concurred with Commissioner Hartung. He said Encore DEC, LLC was not fabricating the equipment onsite. The business was assembling the equipment onsite which to him was not industrial. He stated the business fell under General Commercial and was part of economic development. He said he did not see this as a hindrance or detriment to the safety and welfare of the people around the area. He thought the site was extremely suitable for the type of construction being done.

There was no public comment.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered to reverse the Board of Adjustment's denial and approve Amendment of Conditions No. AC15-005, which requested an amendment to Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time. This reversal is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation that all five required findings can be made in accordance with Washoe County Development Code Section 110.810.30.

16-0248 **AGENDA ITEM 19** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

16-0249 **AGENDA ITEM 20** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

16-0250 **AGENDA ITEM 21** Announcements/Reports.

Commissioner Lucey wanted to know what the County could do in conjunction with the Truckee Meadows Fire Protection District in providing a memorial for the late and former Sierra Fire Protection District Chief Michael Green.

Commissioner Hartung stated he had been informed that the County's ditches along Eagle Canyon Road were filled with debris. He asked Dave Solaro, Community Services Department (CSD) Director, to ensure the debris would be cleared out and requested an update to be provided to the Board.

Chair Jung asked Mr. Solaro to provide the Board with CSD's policy regarding the clearing of ditches and, if necessary, to recommend any changes to the policy.

* * * * *

1:58 p.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Michael Siva, Deputy County Clerk*