

Appeals Voting

Appeal Approved

Appeal Approved as Amended = Amended

Appeal Denied = Upholds Traffic Council decision

Remand to Traffic Council for further review

Hold for Trial – maximum of 60 days (as pilot program, need an end date to trial)

PER CITY ORDINANCE 03/26/2020

Sec. 19-33. Role of city council; appeals from Traffic Council.

(a) The city council may establish policies and standards regarding traffic and parking matters for particular locations, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council.

(b) Following the traffic council's adoption, amendment or repeal of a regulation pursuant to said council's authority under section 19-26(a), an appeal may be taken to the city council in accordance with the procedures set out in section 19-34. The clerk of the city council shall send or deliver notice of hearing on appeal to all persons notified of the original traffic council hearing and to such other persons as the city council may determine.

(c) Upon the filing of an appeal relative to the traffic council's adoption, amendment or repeal of a regulation, the status quo shall be maintained pending final outcome of the appeal. Upon the receipt of such an appeal petition, the clerk of the city council shall treat the appeal as a new item for the city council and place it on the city council's docket.

(d) The city council's decision of such an appeal may adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review.

PER CITY COUNCIL RULES AND ORDERS 2020-2021

Section 5. Committee procedure.

G. A committee is encouraged to follow the following procedure for hearing appeals of Traffic Council decisions:

- (1) Notification of abutters/interested parties by the Clerk should include, at a minimum, the notification list utilized for the original Traffic Council hearing. The Committee Chair may request the Clerk provide additional notification at his/her discretion;
- (2) The Traffic Council report(s) and any correspondence received since the appeal was filed should be attached to the Committee's agenda;
- (3) A Traffic Council member who voted in favor on the original petition should begin the hearing with a presentation summarizing the original petition and the corresponding Traffic Council decision that was appealed;
- (4) The Committee Chair should provide an opportunity for comment by the appellant. The Chair, at his or her discretion, may provide opportunity for additional public comment and shall limit or close the meeting to public comments at any time at his/her discretion;
- (5) The committee shall discuss the appeal among Councilors and City staff only;
- (6) The committee will then take a vote and if acted upon, the item is referred to the full Council;
- (7) The full City Council votes, and may uphold the Traffic Council decision, or according to Ordinance §19-33(d) "...may order the traffic council to adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review; and
- (8) If the appeal item is held in committee, notification and public comment at subsequent meetings shall be undertaken at the Committee's Chair's discretion."
