

# City of Glendale Council Workshop & Executive Session Agenda

**September 4, 2012 – 1:30 p.m.**

Workshop meetings are telecast live at 1:30 p.m. on the first and third Tuesday of the month. Repeat broadcasts are telecast the first and third week of the month – Wednesday at 3:00 p.m., Thursday at 1:00 p.m., Friday at 8:30 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 2:00 p.m. on Glendale Channel 11.

## Welcome!

We are glad you have chosen to attend this City Council workshop. We hope you enjoy listening to this informative discussion. At these “study” sessions, the Council has the opportunity to review and discuss important issues, staff projects and future Council meeting agenda items. Staff is present to answer Council questions. Members of the audience may also be asked by the Council to provide input.

## Form of Government

Glendale follows a Council-Manager form of government. Legislative policy is set by the elected City Council and administered by the Council-appointed City Manager.

The City Council consists of a Mayor and six Councilmembers. The Mayor is elected every four years by voters city-wide. Councilmembers hold four-year terms with three seats decided every two years. Each of the six Councilmembers represent one of the six electoral districts and are elected by the voters of their respective districts (see map on back).

## Workshop Schedule

Council workshops are held on the first and third Tuesday of each month at 1:30 p.m. in the Council Chambers of the Glendale Municipal Office Complex, 5850 W. Glendale Avenue, Room B-3, lower level. The exact dates of workshops are scheduled by the City Council at formal Council meetings. The workshop agenda is posted at least 24 hours in advance.

Agendas may be obtained after 4:00 p.m. on the Friday before a Council meeting, at the City Clerk's Office in the Municipal Complex. The agenda and supporting documents are posted to the city's Internet web site, [www.glendaleaz.com](http://www.glendaleaz.com).

## Executive Session Schedule

Council may convene in “Executive Session” to receive legal advice and discuss land acquisitions, personnel issues, and appointments to boards and commissions. As provided by state statute, this session is closed to the public.

## Questions or Comments

If you have any questions or comments about workshop agenda items or your city government, please call the City Manager's Office at (623) 930-2870.

If you have a concern you would like to discuss with your District Councilmember, please call (623) 930-2249, Monday - Friday, 8:00 a.m. – 5:00 p.m.

## Public Rules of Conduct

The presiding officer shall keep control of the meeting and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, city staff, or members of the public are not allowed. Engaging in such conduct, and failing to cease such conduct upon request of the presiding officer will be grounds for removal of any disruptive person from the meeting room, at the direction of the presiding officer.

## Citizen Participation

The City Council does not take official action during workshop sessions; therefore, audience comments on agenda items are made only at the request of the presiding officer.



**\*\* For special accommodations or interpreter assistance, please contact the City Manager's Office at (623) 930-2870 at least one business day prior to this meeting. TDD (623) 930-2197.**

**\*\* Para acomodacion especial o traductor de español, por favor llame a la oficina del administador del ayuntamiento de Glendale, al (623) 930-2870 un día hábil antes de la fecha de la junta.**

## Councilmembers

Norma S. Alvarez - Ocotillo District  
H. Philip Lieberman - Cactus District  
Manuel D. Martinez - Cholla District  
Joyce V. Clark - Yucca District  
Yvonne J. Knaack – Barrel District



**MAYOR ELAINE M. SCRUGGS**

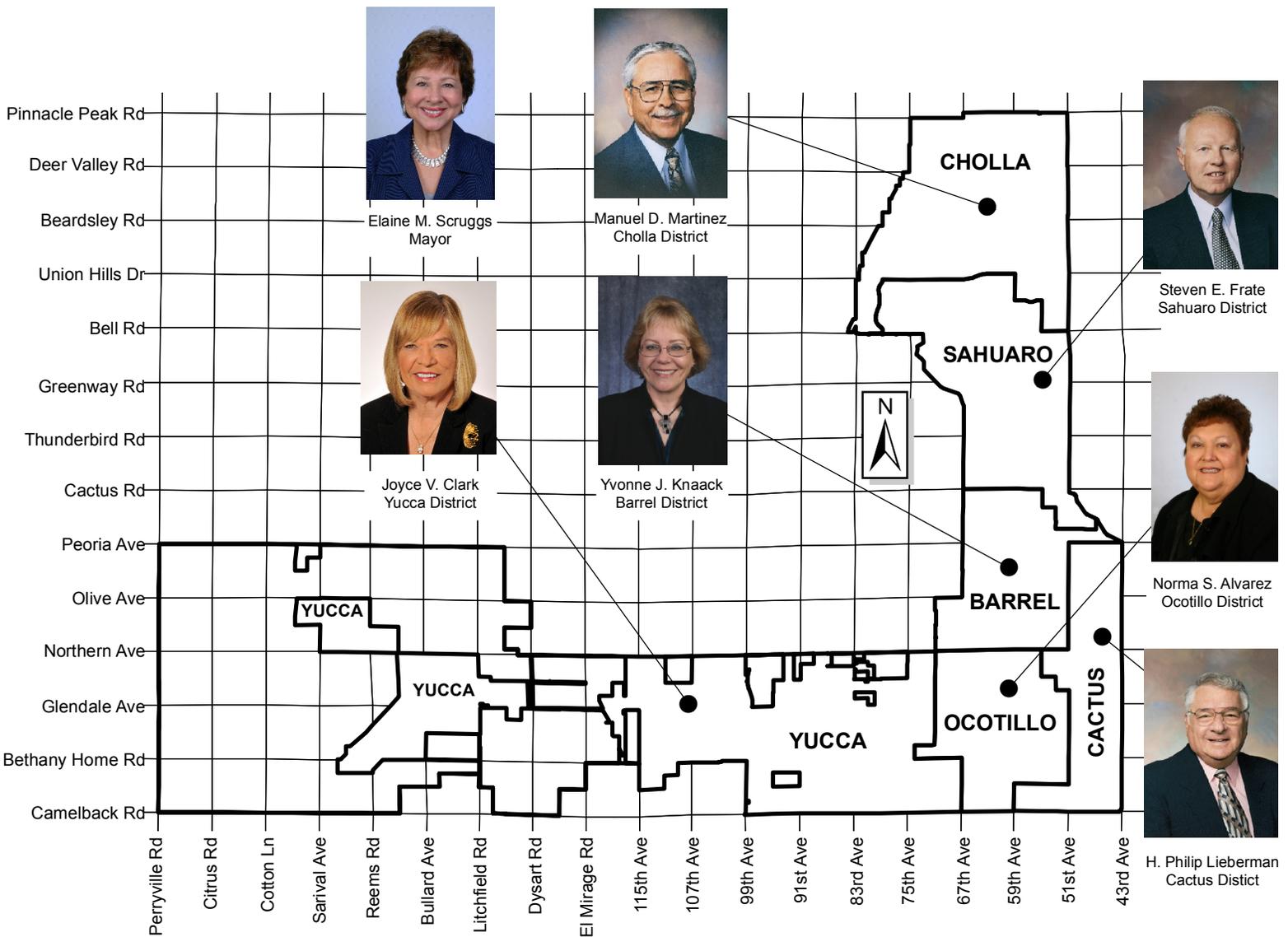
Vice Mayor Steven E. Frate - Sahuaro District

## Appointed City Staff

Horatio Skeete – Acting City Manager  
Craig Tindall – City Attorney  
Pamela Hanna – City Clerk  
Elizabeth Finn – City Judge



# Council District Boundaries





**GLENDALE CITY COUNCIL WORKSHOP SESSION**  
**Council Chambers - Workshop Room**  
**5850 West Glendale Avenue**  
**September 4, 2012**  
**1:30 p.m.**

One or more members of the City Council may be unable to attend the Workshop or Executive Session Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

**WORKSHOP SESSION**

1. COUNCIL ITEM OF SPECIAL INTEREST: UTAH COMPACT/ARIZONA ACCORD  
PRESENTED BY: Brent Stoddard, Intergovernmental Programs Director
2. COUNCIL ITEM OF SPECIAL INTEREST: ROADSIDE MEMORIALS  
PRESENTED BY: Erik Strunk, Executive Director, Parks, Recreation and Library Services
3. COUNCIL ITEM OF SPECIAL INTEREST: SECOND FLOOR OF ADULT CENTER  
PRESENTED BY: Erik Strunk, Executive Director, Parks, Recreation and Library Services
4. COUNCIL ITEM OF SPECIAL INTEREST: NAMING PUBLIC FACILITIES AFTER PERSONS  
PRESENTED BY: Jon M. Froke, AICP, Planning Director
5. COUNCIL ITEM OF SPECIAL INTEREST: MARTY ROBBINS PLAQUE  
PRESENTED BY: Jon M. Froke, AICP, Planning Director
6. COUNCIL ITEM OF SPECIAL INTEREST: PUBLIC COMMENT PLACEMENT  
PRESENTED BY: Pamela Hanna, City Clerk
7. COUNCIL ITEM OF SPECIAL INTEREST: COUNCIL DINNERS AND NETWORKING EVENTS  
PRESENTED BY: Pamela Hanna, City Clerk

8. COUNCIL ITEM OF SPECIAL INTEREST: RESIDENTIAL LOCK BOX PROGRAM  
PRESENTED BY: Chris DeChant, Executive Assistant Chief
9. COUNCIL ITEM OF SPECIAL INTEREST: CAMELBACK RANCH GLENDALE  
PRESENTED BY: Diane Goke, Chief Financial Officer
10. FUTURE COUNCIL ITEMS OF SPECIAL INTEREST  
PRESENTED BY: Horatio Skeete, Acting City Manager
11. FORMATION OF AN AUDIT COMMITTEE  
PRESENTED BY: Diane Goke, Chief Financial Officer

### **CITY MANAGER'S REPORT**

**This report allows the City Manager to update the City Council. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Manager since they are not itemized on the Council Workshop Agenda.**

### **EXECUTIVE SESSION**

1. LEGAL MATTERS
  - A. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding the city's position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03(A)(3)(4))
2. LEGAL MATTERS - PROPERTY & CONTRACTS
  - A. Discussion and consultation with the City Attorney and City Manager to receive an update, consider its position and provide instruction and direction to the City Attorney and City Manager regarding Glendale's position in connection with agreements associated with the Arena and the Hockey Team, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4)(7))

**Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:**

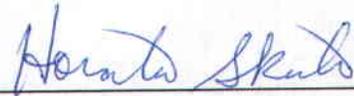
- (i) discussion or consideration of personnel matters (A.R.S. § 38-431.03(A)(1));
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3));
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4));

- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. § 38-431.03(A)(5)); or
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. § 38-431.03(A)(7)).

#### **Confidentiality**

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. § 38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless the City Council takes a legal action at a properly noticed open meeting to approve of such expenditure prior to incurring any such obligation or indebtedness. A.R.S. § 38-431.07(A)(B).

Items Respectfully Submitted,



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Horatio Skeete  
Acting City Manager



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST-UTAH COMPACT/ARIZONA ACCORD**  
Staff Contact: **Brent Stoddard, Intergovernmental Programs Director**

## **Purpose and Policy Guidance**

This is a continuation of Councilmember Norma Alvarez's request for information about the Utah Compact on immigration as a Council Item of Special Interest. This report contains background information on the Utah Compact, the Arizona Accord and what action other municipalities have taken on this issue. The City Council will need to determine if they would like to move forward in further consideration of this item, and if so, in what capacity.

## **Background Summary**

During the September 6, 2011 workshop, Councilmember Norma Alvarez requested information about the Utah Compact on immigration as a Council Item of Special Interest. On November 28, 2011 the Council was provided a memorandum containing summary information about the Utah Compact as well as a copy of the Compact. At the January 17, 2012 workshop, the Council directed staff to return to the next Council Items of Special Interest workshop to provide additional information on what actions other cities have taken with the Compact.

Since the beginning of 2012, the statewide conversation surrounding this item has transitioned away from the request for individual entities to adopt their own "compacts" to instead, encouraging organizations and individuals to endorse the Arizona Accord (attached).

The purpose of the Arizona Accord, according to its authors, is to:

- *Provide a broad set of guiding principles to serve as guard rails and help frame the drafting, debate and passage of state and federal legislation related to immigration.*
- *Establish a tone for all immigration discussions that is based on respect and the deeply held values and characteristics that make Arizona a strong community.*
- *Create a simple document that does not advocate for specific legislative solutions but calls upon government bodies to seek a proper balance between the principles of a free-market economy, the enforcement of the law and the strength of families in our communities.*



# CITY COUNCIL REPORT

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## **Municipal Actions**

Two City Councils (Tolleson and Tucson) have endorsed the Arizona Accord or the original Utah Compact. The Human Relations Commissions of three cities (Mesa, Phoenix, and Tempe), have reviewed and endorsed the Accord or the original Utah Compact (attached), and have recommended it to their respective Councils for adoption. To date, none of these three Councils have considered or acted on their Commissions' recommendations. The City of Scottsdale's Human Relations Commission did not take a position on the Accord, instead they voted to forward the Accord to the Council for consideration. To date, the Scottsdale City Council has not considered or taken any action on this issue.

## **State Legislature Action**

On January 25, 2012, Representatives Catherine Miranda and Macario Saldate introduced HCR 2015 (SUPPORT; REASONABLE IMMIGRATION REFORM), which mirrored the language in the Arizona Accord. The Resolution did not receive a committee hearing during the legislative session.

## **Previous Related Council Action**

- September 6, 2011 workshop, Councilmember Norma Alvarez requested information about the Utah Compact on immigration as a Council Item of Special Interest.
- January 17, 2012 workshop, the Council directed staff to return to the next Council Items of Special Interest workshop to provide additional information on what actions other cities have taken with the Compact.

## **Attachments**

Staff Report

Resolution

Other

Other

Other

Other

Resolution



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Brent Stoddard, Intergovernmental Programs Director  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: UTAH COMPACT/ARIZONA ACCORD**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

This is a follow-up item to Council's request for information regarding the Utah Compact.

### **BACKGROUND**

During the September 6, 2011 workshop, Councilmember Norma Alvarez requested information about the Utah Compact on immigration as a Council Item of Special Interest. On November 28, 2011 the Council was provided a memorandum containing summary information about the Utah Compact as well as a copy of the Compact. At the January 17, 2012 workshop, the Council directed staff to return to the next Council Items of Special Interest workshop to provide additional information on what actions other cities have taken with the Compact. Since the beginning of 2012, the statewide conversation surrounding this item has transitioned away from the request for individual entities to adopt their own "compacts" to instead, getting organizations and individuals to endorse the Arizona Accord.

### **Utah Compact**

The Utah Compact is a declaration of five principles that are designed to guide Utah's immigration discussion. The Compact was developed by business, non-profit, law-enforcement, religious and community leaders in Utah. The document was signed by representatives of these different sectors at a signing ceremony on November 11, 2010.

### **Arizona Accord**

Following the adoption of the Utah Compact, there were a series of "Arizona Solutions Conferences" held throughout the State of Arizona. The conferences included representatives from the Utah business community and the Utah Legislature who discussed what effect the

passage of the Compact had on the immigration debate in their state. The participants of these conferences expressed a desire for Arizona to develop its own similar document. The Arizona Accord is the result of those discussions and according to its authors, its purpose is to:

- *Provide a broad set of guiding principles to serve as guard rails and help frame the drafting, debate and passage of state and federal legislation related to immigration.*
- *Establish a tone for all immigration discussions that is based on respect and the deeply held values and characteristics that make Arizona a strong community.*
- *Create a simple document that does not advocate for specific legislative solutions but calls upon government bodies to seek a proper balance between the principles of a free-market economy, the enforcement of the law and the strength of families in our communities.*

On January 24, 2012, there was a public unveiling and signing ceremony at the State Capitol for the Arizona Accord. The principles on immigration reform which make up the Accord were endorsed by a group of faith based, business and civic organizations. After the ceremony, the Accord was made available online at [www.azaccord.com](http://www.azaccord.com) for individuals and other organizations to sign.

### **State Legislature Action**

On January 25, 2012, Representatives Catherine Miranda and Macario Saldate introduced HCR 2015 (SUPPORT; REASONABLE IMMIGRATION REFORM), which mirrored the language in the Arizona Accord. The Resolution did not receive a committee hearing during the legislative session.

### **Municipal Actions**

#### **City of Mesa**

In December 2010, a group petitioned the Mesa City Council to adopt the Utah Compact. The City Council referred the issue to its Human Relations Advisory Board (HRAB). From March to May 2011, the HRAB held a series of meetings and public hearings on the Utah Compact. In May 2011 the Advisory Board drafted a modified version of the Utah Compact called the "Mesa Compact" and recommended that the City Council consider adopting it. To date, the Mesa City Council has not considered or taken any action on the proposal.

#### **City of Phoenix**

In the summer of 2011, the Phoenix Human Relations Commission began holding public meetings regarding efforts to create a "Phoenix Compact." At the request of then-Mayor Gordon's office those efforts were put on hold until after the November 2011 Mayoral election. In January 2012, the commission endorsed the Phoenix Compact and forwarded it to the Council. The Commission also endorsed the Arizona Accord. To date, the Phoenix City Council has not considered or taken any action on the proposal.

### **City of Scottsdale**

In February 2011, the Scottsdale Human Relations Commission received copies of the Utah Compact. Over the next year the Commission began a comprehensive "Commission Immigration Study." In February 2012, the Commission began discussing the Arizona Accord. In May 2012, the Commission failed to approve a motion (2-4 vote) to allow the Chair to request that the City Manager place an education study session on the Arizona Accord on an upcoming City Council agenda. On August 13, 2012, the Commission voted to forward the Accord to the Council for consideration. To date, the Scottsdale City Council has not considered or taken any action on this issue.

### **City of Tempe**

In July 2011, the City of Tempe Human Relations Commission began exploring the drafting of a "Tempe Compact." Over the last year, the Commission has discussed and developed different drafts of their Compact. In March 2012, the Commission turned their attention away from the Tempe Compact and began focusing on the Arizona Accord. The Commission voted to adopt the Arizona Accord with some wording changes as the "guiding principles of the City of Tempe's Human Relations Commission." In April 2012, the Commission sent their revised Accord to the City Council via a letter, with a request for Council's permission to present the Accord at a future workshop. To date, the Tempe City Council has not considered or taken any action on the proposal.

### **City of Tolleson**

The City of Tolleson adopted a resolution in support of the principles in the Utah Compact on July 12, 2011, becoming the first city in Arizona to adopt it.

### **City of Tucson**

In August 2011, the City of Tucson Human Relations Commission discussed and made preparations to research the Utah Compact. In February 2012, the Commission turned their attention towards the Arizona Accord and voted to endorse the Accord and recommended that the Tucson City Council endorse it as well. In April 2012, the Council adopted a resolution supporting the Arizona Accord becoming the second municipality to endorse it or the original Utah Compact.

## **ANALYSIS**

The Glendale City Council will need to consider if they would like to move forward in further consideration of this item, and if so, in what capacity.

## **FISCAL IMPACTS**

The Fiscal Impacts will be determined by the direction of the Council.

# THE UTAH COMPACT

A DECLARATION OF FIVE PRINCIPLES TO  
GUIDE UTAH'S IMMIGRATION DISCUSSION

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**FEDERAL SOLUTIONS** Immigration is a federal policy issue between the U.S. government and other countries—not Utah and other countries. We urge Utah's congressional delegation, and others, to lead efforts to strengthen federal laws and protect our national borders. We urge state leaders to adopt reasonable policies addressing immigrants in Utah.

**LAW ENFORCEMENT** We respect the rule of law and support law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code.

**FAMILIES** Strong families are the foundation of successful communities. We oppose policies that unnecessarily separate families. We champion policies that support families and improve the health, education and well-being of all Utah children.

**ECONOMY** Utah is best served by a free-market philosophy that maximizes individual freedom and opportunity. We acknowledge the economic role immigrants play as workers and taxpayers. Utah's immigration policies must reaffirm our global reputation as a welcoming and business-friendly state.

**A FREE SOCIETY** Immigrants are integrated into communities across Utah. We must adopt a humane approach to this reality, reflecting our unique culture, history and spirit of inclusion. The way we treat immigrants will say more about us as a free society and less about our immigrant neighbors. Utah should always be a place that welcomes people of goodwill.

*Governor Norm Bangertter*

*Deborah Bayle, United Way of Salt Lake*

*Lane R. Beattie, Salt Lake Chamber*

*Mayor Ralph Becker, Salt Lake City*

*Kenneth Bullock, Utah League of Cities and Towns*

*Mayor Wilford W. Clyde, Springville City*

*Mayor Peter Coroon, Salt Lake County*

*Karen Crompton, Voices for Utah Children*

*Wes Curtis, Utah Center for Rural Life,  
Southern Utah University*

*Jeff Edwards, Economic Development  
Corporation of Utah*

*U.S. Senator Jake Garn*

*Mayor Matthew R. Godfrey, Ogden City*

*U.S. Congressman James Hansen*

*The Right Rev. Bishop Scott Hayashi,  
Episcopal Church in Utah*

*Rev. Steven Klemz, Pastor,  
Zion Evangelical Lutheran*

*Paul Mero, Sutherland Institute*

*Mark Shurtleff, Attorney General*

*Dean Singleton, Publisher, The Salt Lake Tribune*

*Governor Olene S. Walker*

*The Most Rev. John C. Wester, Bishop of the  
Salt Lake City Catholic Diocese*

*Mark H. Willes, CEO/President,  
Deseret Management Corp.*

.....  
*Join this grassroots movement and add your name to hundreds of other  
Utahns who support reasonable immigration reform at*

**UTAHCOMPACT.COM**

# THE ARIZONA ACCORD

## A DECLARATION OF FIVE PRINCIPLES TO GUIDE ARIZONA'S IMMIGRATION DISCUSSION

**FEDERAL SOLUTIONS** Immigration is a federal policy issue between the U.S. government & other countries, not Arizona and other countries. We urge Arizona's congressional delegation, and others, to lead efforts to strengthen federal laws and protect our national borders. We urge state leaders to adopt reasonable policies addressing immigrants in Arizona.

**LAW ENFORCEMENT** We respect the rule of law & support law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code.

**FAMILIES** Strong families are the foundation of successful communities. We oppose policies that would unnecessarily separate families. We champion policies that support families and improve the health, education and well-being of all Arizona children.

**ECONOMY** Arizona is best served by a free-market philosophy that maximizes individual freedom and opportunity. We acknowledge the economic role immigrants play as workers and taxpayers. Arizona's immigration policies must reaffirm our global reputation as a welcoming and business-friendly state.

**A FREE SOCIETY** Immigrants are integrated into communities across Arizona. We must adopt a humane approach to this reality, reflecting our unique culture, history & spirit of inclusion. The way we treat immigrants will say more about us as a free society and less about our immigrant neighbors. Arizona should always be a place that welcomes people of goodwill.

### MAJOR ENDORSING ORGANIZATIONS AND BUSINESSES

Greater Phoenix Leadership	City of Tucson Human Relations Commission
Greater Phoenix Economic Council	Arizona Employers for Immigration Reform
Arizona Farm Bureau	Friendly House
Western Growers	East Valley Patriots
Arizona Hispanic Chamber of Commerce	One Arizona Interfaith Leaders
Tucson Hispanic Chamber of Commerce	Promise Arizona
Chicanos Por La Causa	Ironco Enterprises
The Real Arizona Coalition	Sundt Construction
Arizona Interfaith Network	McCarthy Construction
Valley Interfaith Project	Valle del Sol
Northern Arizona Interfaith Council	Farnsworth Companies
Yuma County Interfaith Council	Catholic Community Services of Southern Arizona
Pima County Interfaith Council	Farmers Investment Co. (FICO)
City of Tucson	Members of the Board of Rabbis of Greater Phoenix
City of Tolleson	
City of Mesa Human Relations Advisory Board	
City of Phoenix Human Relations Commission	

**RESOLUTION NO. 2042**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
TOLLESON, ARIZONA, SUPPORTING IMMIGRATION REFORM.**

**WHEREAS**, the nation's immigration policies are reflected in acts of the United States Congress and enactment of federal immigration laws and federal immigration is a federal policy issue between the United States government and other countries – not states and other countries. We urge Arizona's congressional delegation, and others, to lead efforts to strengthen federal laws and protect our national borders. We urge state leaders to adopt reasonable policies addressing immigrants in Arizona;

**WHEREAS**, we respect the rule of law and support law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code;

**WHEREAS**, strong families are the foundation of successful communities. We oppose policies that unnecessarily separate families. We support and champion policies that support families and improve the health, education and well-being of all Arizona children;

**WHEREAS**, Arizona is best served by a free-market philosophy that maximizes individual freedom and opportunity. We acknowledge the economic role immigrants play as workers and taxpayers and their respective contributions to the economy. Arizona's immigration policies must reaffirm our global reputation as a welcoming and business-friendly state;

**WHEREAS**, immigrants are integrated into communities across Arizona, such as the City of Tolleson. This is a reality that requires an humane approach to immigrants in our community that reflect Arizona's unique culture, history and spirit of inclusion. The way we treat immigrants says more about us as a free society and less about our immigrant neighbors. Arizona should always be a place that welcomes people of goodwill.

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOLLESON** as follows:

Section 1: The City of Tolleson supports immigration reform and state immigration policies that are guided by on the preceding five principles.

Section 2. The Mayor and the City Manager and the City Clerk are hereby authorized to join in any grassroots efforts to further immigration reform consistent with the preceding five principles.

Section 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

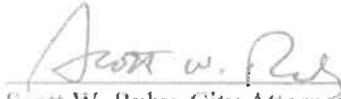
PASSED AND ADOPTED by the Council of the City of Tolleson, July 12, 2011

  
\_\_\_\_\_  
Adolfo K. Gomez, Mayor

ATTEST:

  
\_\_\_\_\_  
Chris Hagen, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott W. Ruby, City Attorney

ADOPTED BY THE  
MAYOR AND COUNCIL

April 10, 2012

RESOLUTION NO. 21878

RELATING TO IMMIGRATION; ENDORSING THE ARIZONA ACCORD, A DECLARATION OF FIVE PRINCIPLES TO GUIDE ARIZONA'S IMMIGRATION DISCUSSION; AND DECLARING AN EMERGENCY.

WHEREAS, on February 7, 2012 the Human Rights Commission voted to endorse the Arizona Accord and asked the Mayor and Council to endorse it as well; and

WHEREAS, the Arizona Accord is a non-partisan effort to get businesses, governments, individual citizens, and faith-based organizations to rally around a set of principles to guide how Arizona deals with illegal immigrants; and

WHEREAS, sponsored by a statewide coalition, the Arizona Accord has broad support, and is a non-binding, non-contractual, non-legal document of 5 principles or guidelines that focus on collective values—the rule of law, family unity, economic strength, federal responsibility and a free society; and

WHEREAS, endorsing the Arizona Accord is in the best interests of the City of Tucson;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Arizona Accord, A Declaration of Five Principles to Guide Arizona's Immigration Discussion, attached as Exhibit 1 to this Resolution, is hereby endorsed by the Mayor and Council of the City of Tucson.

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

SECTION 3. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

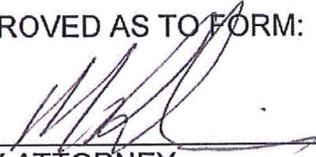
PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL  
OF THE CITY OF TUCSON, ARIZONA, April 10, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

\_\_\_\_\_  
CITY MANAGER

MR:dg  
4/2/12

{A0044408.DOC/2}

# THE MESA COMPACT

## A DECLARATION OF FIVE PRINCIPLES TO GUIDE MESA'S IMMIGRATION DISCUSSION

**FEDERAL SOLUTIONS** Immigration is a federal policy issue between the U.S. government and other countries—not Mesa and other countries. We urge Mesa's congressional delegation, and others, to lead efforts to strengthen federal laws and protect our national borders. We urge state leaders to adopt reasonable and human policies addressing all immigrants in Arizona.

**LAW ENFORCEMENT** We respect the rule of law and support law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code.

**FAMILIES** Strong families are the foundation of successful communities. We oppose policies that unnecessarily separate families. We champion policies that support families and improve the health, education and well-being of all Mesa children and families.

**ECOMONY** Mesa is best served by a free-market philosophy that maximizes individual rights, responsibilities, and opportunities. We acknowledge the economic role immigrants play as workers and taxpayers. Mesa's immigration climate must affirm our global reputation as a welcoming and business-friendly community.

**A FREE SOCIETY** Immigrants are integrated into communities across Mesa neighborhoods. We must adopt a humane approach to this reality, reflecting our unique culture, history and spirit of inclusion. The way we treat each other defines us. Mesa should always be a place that welcomes people of goodwill.

## **The Phoenix Accord**

A declaration of five principles to guide Phoenix's immigration discussion

### **Federal Solutions**

Immigration is a federal policy issue between the U.S. government and other countries—not Phoenix and other countries. We urge Arizona's congressional delegation, and others, to lead efforts to strengthen federal laws that protect our national borders. We urge state leaders to adopt reasonable policies addressing immigrants in Arizona.

### **Law Enforcement**

We respect the rule of law and support law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code.

### **Families**

Strong families are the foundation of successful communities. We oppose policies that victimize and marginalize children and unnecessarily separate families. We champion policies that support families and improve the health, education and well being of all Phoenix residents.

### **Economy**

Phoenix is best served by a market philosophy that maximizes individual freedom and supports enterprise and business opportunities. We acknowledge the economic contributions immigrants make as workers and taxpayers. Phoenix's immigration policies must reaffirm our global reputation as a genial and business-friendly city.

### **A Free Society**

Immigrants are now and have always been an integral part of the Phoenix community. Our history and spirit of inclusion has created a city that is enriched and identified by its diversity. We must adopt an immigration approach that is rooted in these realities and predicated on our abiding belief that all people are to be treated with dignity and respect. Phoenix will always be a place that values people of goodwill.



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: ROADSIDE MEMORIALS**  
Staff Contact: **Erik Strunk, Executive Director, Parks, Recreation & Library Services**

## **Purpose and Policy Guidance**

This is for Council information only.

## **Background Summary**

Roadside memorials are usually constructed to commemorate a site where a person passed away suddenly and unexpectedly. They are intermittent and most often created by family members or friends of the deceased to assist with their grieving process. There are several types of memorials consisting of flowers, balloons, wreathes, candles, hand written messages, personal mementos and on occasion, a memorial cross. They are most commonly developed at the location of a fatal traffic accident and are seen throughout the United States. The City of Glendale currently has approximately 46 roadside memorials.

Council previously requested staff to draft key concepts that could be drafted into an ordinance to address roadside memorials in Rights-of-Ways in Glendale. In doing so, staff was asked to balance the need to maintain public safety while being sensitive to the family members of the individual(s) memorialized in City right-of-way.

## **Previous Related Council Action**

This item was discussed at the January 17, 2012 Council Workshop and staff was asked to conduct more research and return the item for further discussion.

## **Attachments**

Staff Report

Other



# STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Erik Strunk, Executive Director, Parks, Recreation and Library Services  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: ROADSIDE MEMORIALS**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

## **PURPOSE**

At the January 17, 2012 Council Workshop, staff was asked to develop a draft ordinance to address roadside memorials in Rights-of-Way (ROW), in Glendale. In doing so, staff was asked to balance the need to maintain public safety while being sensitive to the family members of the individual(s) memorialized in city ROW.

## **BACKGROUND**

Roadside memorials are usually constructed to commemorate a site where a person passed away suddenly and unexpectedly. They are intermittent and most often are created by family members or friends of the deceased to assist with their grieving process. There are several types of memorials consisting of flowers, balloons, wreathes, candles, hand-written messages, personal mementos and on occasion, a memorial cross. They are most commonly developed at the location of a fatal traffic accident and are seen throughout the United States. The City of Glendale currently has approximately 46 roadside memorials.

The city currently has a variety of codes that can be used to prevent pedestrian or vehicular site obstructions in its ROW that impact public safety, are a nuisance, or cause damage to city infrastructure. Illegal dumping and signage are two typical examples of items that are not permitted by code in our ROW. As such, the placement of a roadside memorial in city ROW is technically a violation of existing city code. However, unless it constitutes a public safety issue, damages city property, or is declared a nuisance, the city has traditionally exercised discretion with regard to removing and restricting roadside memorials. Should a roadside memorial cause any of these conditions, staff from the Parks Maintenance and Rights-of-Way Division work with the known site organizer to ensure all public safety and operational concerns are mitigated. This includes roadside memorials that have become broken, worn or abandoned and sites where visitors fail to observe public safety requirements (i.e. - causing a site obstruction, spilling in the street, or causing noise violations that impact adjacent residences). The same oversight occurs in situations where there is no point of contact, as maintaining public safety is paramount.

## **ANALYSIS**

A recent survey of Arizona cities indicates they follow the same general practice as Glendale. Research conducted to identify roadside memorial policies on a national level shows that policies are mixed. Based on previous direction from Council and a review of various roadside memorial policies, staff offers the following options to Council for consideration.

1. Current Policy: As indicated, the City currently has operating guidelines and ordinances that are used by city staff when encountering roadside memorials (the current operating protocols for roadside memorials in Glendale are attached to this staff memo - attachment #1). Provided the placement of a roadside memorial does not constitute any violation of public safety requirements, is not a general nuisance or causes any damage to city-owned rights-of-way, staff will work with known organizers of such monuments on a case-by-case basis to ensure public safety is not compromised. In instances where a roadside memorial and/or gathering occur that causes a public safety issue, there are sufficient city ordinances in place to address it. This option would result in a continuation of existing guidelines and city code to address roadside memorials.
2. New Ordinance: Based on discussion by Council at the January 17, 2012 workshop, staff further researched and prepared information on how the city might codify a formal process to address roadside memorials. If directed by Council, staff will draft a new ordinance that would establish a formal process by which individuals could commemorate a site on ROW where a person passed away suddenly and unexpectedly. In preparing this item, the following key points are offered for consideration by the Council (these points have been reviewed by representatives from Code Compliance, Planning, Public Works, Rights-of-Way and Transportation):

A. Purpose

The purpose of the roadside memorial sign program is to provide friends and relatives of a person deceased due to a fatal traffic accident the opportunity to memorialize them by establishing a process for the placement of a memorial near the scene of the accident in a safe and consistent manner. The program will also establish a formal regulatory process – at no cost to the registrant – through which the city can maintain contact with the responsible party should there arise any concern of the placement of a roadside memorial on city rights-of-way.

B. Definition

Roadside memorial: A roadside memorial is the placement of materials as a tribute that commemorates a person who died in a tragic event on a public sidewalk, roadway or right-of-way. Deaths of animals or pets would not be eligible.

C. Regulations

The placement of a roadside memorial would be allowed along a public sidewalk, roadway or right-of-way owned and maintained by the city anytime within 30 days after a death due to a tragic event as long as:

1. The roadside memorial complies with all State of Arizona and City of Glendale laws, rules, and regulations that govern all roadways and rights-of-way.
2. The roadside memorial does not cause unsafe conditions for passing motorists, pedestrians, or for people maintaining or visiting the roadside memorial, as determined by the city. The placement of roadside memorials on traffic medians would be prohibited;
3. The roadside memorial and those visiting and/or maintaining the roadside memorial comply with all other applicable laws;
4. The roadside memorial does not encroach upon any roadway in the city;

5. Memorials would not be permitted in a construction or maintenance work zone until such time the work is completed (the city would reserve the right to temporarily remove or relocate a memorial at any time for street and/or right-of-way maintenance or construction operations or activities).

#### D. Registration Process

Roadside memorials would be registered by the city. There would be no charge for the registration. The following rules would be followed concerning a roadside memorial registration process:

1. Only an immediate family member, or another person who submits with written consent of an immediate family member, could apply to sponsor a roadside memorial honoring the deceased. If any member of the immediate family objected in writing to the memorial, the memorial would be removed if already installed.
2. The registrant would complete and return a "Roadside Memorial Registration" within 30-days of the accident resulting in loss of life. There would be no charge for this registration. The registration would include a copy of the accident report from the Glendale Police Department. If no registration is received within the 30-day period, the memorial would be removed by the city.
3. If an adjacent property owner objects in writing, the memorial would be removed and the registrant notified.
4. Roadside memorials would remain in place for one year from the date of installation, at which time the registration would expire. The city may, upon receipt of a written request, grant an extension of the permit. An extension may be granted for a period of one year, and requests for further extensions would be submitted for each subsequent year for an indefinite period.
5. The registrant or the family of the victim can remove the memorial at any point in time. Should this occur, notification to the City of Glendale is requested.
6. The registrant shall be responsible for the fabrication of the memorial and it must conform to all city requirements.
7. Only one sign would be allowed per location.

#### E. Roadside Memorial Physical Requirements

1. A roadside memorial would be no more than 30" in height (measured from the paved surface), 2 feet in width (measured along the roadway), 6 inches in depth (measured perpendicular to the roadway).
2. A roadside memorial could not contain unattended candles, glass, other sharp objects or any other features determined by the city that may compromise the public safety. These would be immediately removed by the city.
3. Music and/or amplified sound would not be allowed.

4. The memorial would be located as close as possible to the site of the death, but location of the memorial may vary depending on the site and safety conditions. This would be left to the discretion of the city.

#### F. Non-compliance/Abandonment

The city could remove a roadside memorial prior to the expiration of the registration period for failure to comply with applicable laws. If the city determines that a memorial is out of compliance, the city would make reasonable efforts to contact the registrant to request that the non-compliant aspects of the memorial be corrected.

1. After 10 business days of non-compliance, the city would remove any remaining items from the memorial site, and would keep the items for 30 days to allow the person placing the memorial to retrieve the items.
2. Items not retrieved during the 30-day holding period would become the property of the city and processed accordingly.
3. The city could deny the registration request based on an applicant providing false or misleading information.
4. Nothing would prevent the city from removing a roadside memorial immediately in response to a serious threat to public safety.

If for any reason the roadside memorial is not maintained or appears abandoned, a reasonable attempt to notify the registrant would occur. If no response is received after 10 business days of notification, the city would remove any remaining items from the memorial site and keep the items for 30 days to allow the person placing the memorial to retrieve the items.

### **FISCAL IMPACTS**

All costs resulting from this program are minor and would be absorbed by the city.

# Roadside Memorial Attachments

#1: Current City of Glendale Guidelines

#2: Current Listing of Known Roadside Memorials in Glendale

#3: Research on Roadside Memorials:

- Survey of local and regional jurisdictions
- National research and articles

**Attachment #1 - City of Glendale  
Parks, Recreation and Library Services Department  
Parks and Rights-of-Way Division  
Standard Operational Procedure (SOP)**

**SUBJECT:** Roadside Memorials

**ISSUED:** 12/22/11

**REVISED:**

**PURPOSE:** To provide guidance to the Parks and Rights of Way Division personnel when responding to requests for maintenance at the site of roadside memorials.

**STATEMENT OF POLICY:**

Parks and Rights-of-Way personnel assigned to remedy a complaint regarding roadside memorial(s) should do the following:

- A. Respond to the request/complaint with respect for the individual, family, and/or group and appreciation for diversity;
- B. Inspect the site for potential hazards including excessive clutter that may be a distraction to motorists or a nuisance to the community;
- C. Mitigate nuisances and hazards by:
  - 1) Moving or removing any items that are in, on, or protrude into the street, sidewalk or drainage system;
  - 2) Moving or removing any items that may impede drainage or pedestrian/bicycle/wheelchair traffic;
  - 3) Removing broken glass, sharp edges or points, incendiary devices including matches, lighters, candles, and other items such as litter and debris;
  - 4) Removing items that impact vegetation and/or specific landscaping features;
  - 5) Reporting graffiti or vandalism to the appropriate City department for removal/repair;
  - 6) Cleaning, clearing, rearranging and/or removing any objects that appear to be broken, worn or abandoned; and,
- A. In the event that an object(s) is removed from the site, the object(s) will be stored for a period of 60 days. If after 60 days no claim of ownership occurs, object(s) shall be disposed of as appropriate.
- B. Document the inspection result and mitigation efforts and share with other affected departments (i.e. - Police; Code Compliance; Field Operations).
- C. Provide information to individuals, family, and friends as an alternative way to provide a more permanent memorial (i.e.- Adopt-A-Street; Dedicate-a-Tree; Adopt-a-Park.).
- D. If any questions arise as to the appropriate response and/or if any citizen complaints or inquires regarding the work, refer to a Supervisor or Manager.

**Attachment #2 - Currently Known Locations**

<b>Address/Cross Streets</b>	<b>Location</b>
<b>BARREL DISTRICT</b>	
51 Ave & Sierra St.	East side
8654 N 57 Ave.	SWC of Butler Park
59 & Olive Ave.	East side
59 Ave. & Royal Palm Rd	East side
<b>CACTUS DISTRICT</b>	
43 & Olive Aves	West side
47 Dr & Peoria Ave	South side
51 & Myrtle Aves	East side
51 & Vogel Aves	NEC
<b>CHOLLA DISTRICT</b>	
51 Ave & Beardsley Rd	Center median
54 Ave & Wescott Dr	West side
59 Ave & Deer Valley Rd	West side
6300 W Utopia Rd	
67 Ave & Sack Dr	Center median
59th & Mohawk	
<b>OCOTILLO DISTRICT</b>	
51 Ave & Glenn Dr	West side
55 Dr & Myrtle Ave	SEC
61 & Gardenia Aves	North side
6500 W Glendale Ave	North side
67 & Myrtle Aves	East side
67 Ave & Ocotillo Rd	NWC
71 & Glendale Aves	Center median
7113 N 53 Ave	
75 & Northern Aves	SEC
75 Ave & McLellan Rd	East side
<b>SAHUARO DISTRICT</b>	
51 Ave & Bell Rd	SWC
51 Ave & Thunderbird Rd	West side
51 Ave & Thunderbird Rd	West side
59 Ave & Cactus Rd	Center median
59 Ave & Greenway Rd	3rd center median
63 Ave & Greenbrier Dr	South side
67 Ave & Phelps Rd	East side
<b>YUCCA DISTRICT</b>	
60 & Oregon Aves	NEC
6800 W Camelback Rd	North side
75 & Missouri Aves	West side
75 & Missouri Aves	West side
75 Ave & Denton Ln	East side
75 Ln & Maryland Ave	SEC
7600 N Litchfield Rd	West side
91 Ave & McLellan Rd	East side
107 & Orangewood Aves	SWC
12700 W Glendale Ave.	North side
13621 W Glendale Ave.	South side
Dysart Rd & Glendale Ave.	SWC
Glendale Ave.	North side
80th Avenue & Glendale	NE Corner

### #3 - Survey of Local and Regional Jurisdictions

Arizona Department of Transportation (ADOT) - ADOT has a policy enabled by ARS 28-7053, which addresses encroachment on state rights-of-way.

Avondale – No written policies or ordinances.

Flagstaff – No written policies or ordinances. They have worked with a few families on a case by case basis. They do allow them, have worked with families on a case by case basis as long as they do not obstruct or interfere with traffic.

Goodyear – No written policies or ordinances. Indicated they keep records of where memorials are and manage them from a safety standpoint.

Maricopa County Department of Transportation (MCDOT) – No written policies or ordinances. The individual with whom we spoke has not dealt with the issue in the 3 years since he's been there.

Mesa – Out of respect for family and friends, a small 18" cross with flowers will be allowed to remain in the City's right-of-way for approximately two weeks to commemorate significant events (i.e. date of passing, birth date). Should the items become damaged or the adjacent property owner objects, they will be removed sooner. If a complaint is received, and the marker has been in place for more than two weeks, a notice should be attached to the marker, respectfully requesting removal by a specified date. If the marker remains past this date, the City will remove the marker and store it where it will be kept for 30 days. If the marker is not claimed within 30 days, it will be disposed of. Permanent markers are not permitted in the City's right-of-way. This is a policy and not an ordinance.

Peoria - Has a written policy and not an ordinance.

Phoenix – No written policies or ordinances. City manages them as well as possible to keep them out of sidewalks and not obstruct traffic sight lines.

Scottsdale – No written policies or ordinances. They apply traffic engineering site and safety standards. Indicated they leave them alone unless the memorial is a safety issue or becomes an aesthetics issue.

Tempe – No written policies or ordinances.

Tucson – Has a written policy and not an ordinance. Roadside Memorials (crosses, candles, flowers) may be left in place within the City of Tucson's rights-of-way as long as they are well maintained by others and do not pose a safety hazard or sight visibility issue. Memorials that do pose an issue, should be moved to accommodate visibility and safe passage, but not removed. All site visibility questions are directed to the Traffic Engineering Division of the Department of Transportation. Those memorials that fall within an improvement area should be placed out of harm's way during construction buy as close as feasible to the original location. Families or loved ones should be contacted if at all possible when memorials must be moved or removed by Streets and Traffic Maintenance Division.

## ADOT Policy

Per ARS 28-7053 – Enforcement

Misuse of public highway or airport; violation; classification; injunction; definition.

- A. A person who commits or causes to be committed any of the following acts is guilty of a petty offense:
1. Places or maintains an encroachment or obstruction on, makes any use of or otherwise occupies a public highway or airport of this state or any of its political subdivisions for any purpose other than for authorized public travel, communication, transportation or transmission, except as otherwise provided in this section.
  2. Places or maintains an encroachment or obstruction on, uses, occupies, damages or otherwise interferes with a public highway, airport or public bridge, causeway, viaduct, trestle or dam, unless either:
    - a) Authorized by the director, if it is a state highway or structure or airport facility.
    - b) Authorized by the governing body of the political subdivision in which the act is committed, if it is not a state highway or structure or airport facility.
- B. Each day of violation of any provision of subsection A of this section is a separate violation on failure to remove or to diligently prosecute the removal of an encroachment after notice under section 28-7054. Each encroachment shall be treated as a separate violation.
- C. In addition to the penalties prescribed by this section, an act in violation of this section is a public nuisance and may be abated by an injunction. A person who commits the act is subject to an action for damages by this state brought by the attorney general or the county attorney of the county in which the act is committed on direction of the attorney general.
- D. This section does not apply to:
1. Department personnel or agents performing normal construction and maintenance functions.
  2. A person who has prior authorization in writing from the director to perform any of the acts referred to in this section.
- E. For the purposes of this section, "encroachment" includes a structure or object of any kind or character that is placed in, under or over a portion of the public highway or airport.

### ARS 28-7044: Signs

The director shall:

1. Prescribe standard board and road signs or other devices and provide a uniform system of marking and signaling on state routes and state highways that correlate with and as far as possible conform to the system approved by the American association of state highway officials.
2. Regulate the use of advertising signboards and road signs on state roads or state highways.

**City of Peoria  
Public Works Department  
Streets Division  
Standard Operational Procedure (SOP)**

**SOP #:** PW-0010  
**SUBJECT:** Roadside Memorials  
**ISSUED:** 10/30/08  
**REVISED:**

**PURPOSE:** The purpose of this SOP is to provide guidance to the Streets Division personnel when responding to requests for maintenance at the site of roadside memorials.

**STATEMENT OF POLICY:**

Streets Division personnel who may be asked to address a complaint regarding roadside memorial(s) should do the following:

- A. Respond to the request/complaint with respect for the family and appreciation for diversity;
- B. Inspect the site for potential hazards including excessive clutter that may be a distraction to motorists or a nuisance to the community;
- C. Mitigate nuisances and hazards by:
  - 1) Moving or removing any items that are in, on or protrude into the street, sidewalk or drainage system;
  - 2) Moving or removing any items that may impede drainage or pedestrian/bicycle/wheelchair traffic;
  - 3) Removing broken glass, sharp edges or points, incendiary devices including matches and lighters, litter and debris;
  - 4) Reporting graffiti or vandalism to the appropriate City department for removal/repair;
  - 5) Cleaning, clearing, rearranging and/or removing any objects that appear to be broken, worn or abandoned; and,
- D. Report the inspection result and mitigation efforts appropriately in Hansen work order.
- E. Provide Adopt-A-Street information to family/friends as an alternative way to provide a more permanent memorial.
- F. If any questions arise as to the appropriate response and/or if any citizen complaints or inquires regarding the work, refer to a Supervisor or Manager.

## ADOT Policy

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    - a) Authorized by the director, if it is a state highway or structure or airport facility.
    - b) Authorized by the governing body of the political subdivision in which the act is committed, if it is not a state highway or structure or airport facility.
- B. Each day of violation of any provision of subsection A of this section is a separate violation on failure to remove or to diligently prosecute the removal of an encroachment after notice under section 28-7054. Each encroachment shall be treated as a separate violation.
- C. In addition to the penalties prescribed by this section, an act in violation of this section is a public nuisance and may be abated by an injunction. A person who commits the act is subject to an action for damages by this state brought by the attorney general or the county attorney of the county in which the act is committed on direction of the attorney general.
- D. This section does not apply to:
1. Department personnel or agents performing normal construction and maintenance functions.
  2. A person who has prior authorization in writing from the director to perform any of the acts referred to in this section.
- E. For the purposes of this section, "encroachment" includes a structure or object of any kind or character that is placed in, under or over a portion of the public highway or airport.

### ARS 28-7044: Signs

The director shall:

1. Prescribe standard board and road signs or other devices and provide a uniform system of marking and signaling on state routes and state highways that correlate with and as far as possible conform to the system approved by the American association of state highway officials.
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**City of Peoria  
Public Works Department  
Streets Division  
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  - 5) Cleaning, clearing, rearranging and/or removing any objects that appear to be broken, worn or abandoned; and,
- D. Report the inspection result and mitigation efforts appropriately in Hansen work order.
- E. Provide Adopt-A-Street information to family/friends as an alternative way to provide a more permanent memorial.
- F. If any questions arise as to the appropriate response and/or if any citizen complaints or inquires regarding the work, refer to a Supervisor or Manager.

#3 – Continued  
National research and articles

## Roadside memorial policies in the United States

GEORGE E. DICKINSON & HEATH C. HOFFMANN

*Department of Sociology and Anthropology, College of Charleston, Charleston, SC, USA*

**ABSTRACT** *Roadside memorials in memory of a fatality dot the landscape of the nation's highways. The appearance of memorials varies as much as the policies and practices states employ to manage them. The purpose of this research is to ascertain whether or not the states of the US have policies regarding roadside memorials and, if so, what the policies are. A postal questionnaire survey was sent to the director of the Department of Transportation in each of the 50 states of the US. Only the state of Alaska did not respond. Twenty-three states have policies regarding roadside memorials; some states' policies are more specific than others. Though sometimes controversial, roadside memorials typically do not bring complaints, yet most states remove the memorial if complaints occur. Overall, the nation's states are sensitive to the role roadside memorials play in expressing survivors' grief, balancing those needs with any safety hazards that memorials may pose.*

**KEYWORDS:** roadside memorials; policies; green memorials; grief; public memorials

### Introduction

As one drives across the United States, it is not unusual to see a roadside memorial such as a cross, an official state sign, or some other secular reminder that death occurred on or near that spot. Roadside memorials often consist of a plaque with the name of the deceased, the date of birth and death, and sometimes messages from the deceased's close friends or family. The memorial may be decorated with flowers, a teddy bear, a football jersey, a toy, photograph, or some other personal item of the deceased person. Memorial decorations may also change with anniversaries and holidays. The practice of erecting a marker or placing a grave along roadways can be traced back to prehistoric traders of amber and flint in Central Europe who buried their dead along trailways (Clark & Cheshire, 2004). Various roadside cross memorials to mark an accident or crime scene stand throughout England, dating from 1290 to the present (Everett, 2002). In the United States, the phenomenon of roadside memorialisation is often considered to have originated in the Southwest reflecting Hispanic customs and the influence of Catholicism after the arrival of Spanish conquistadors in the sixteenth century (Pettersson, 2009). The religious symbols of a cross mark the sites as 'sacred', or 'micro sacred sites', as Weisser (2004) notes, and have been the predominant

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structure chosen for memorials (Collins & Rhine, 2003). The small white crosses were used to mark the rest areas for funeral procession pallbearers travelling by foot from the church to the graveyard, thus in this sense was influenced by religion. These sanctified holy rest areas called *Descansos* (Spanish for 'resting place') have since evolved into markers of the location of traffic fatalities (Nance, 2001).

Despite the deep historical roots of roadside memorials, it has only been within the last 15 years that roadside memorials have become a common practice in Australia, Central America, Japan, New Zealand, North America, Northern and Southern Europe, and South America (Churchill & Tay, 2008; Clark & Cheshire, 2004; Clark & Fransmann, 2002; Petersson, 2009). Today's commemorative sites represent a shift in the way that western societies regard death, funerals, and mourning rituals; death-negating practices seem to gradually give way to greater expressiveness in public mourning (Klaassens, Groote, & Huigen, 2009). Memorials typically appear when there has been a sudden and violent death of a younger person. Such a memorial placed by an accident site could enable a connection between the deceased's personal life and the impersonal site, reinforcing it as a memorial space (Petersson, 2005). Memorials serve as a means of engaging the issue of death and afterlife. Folklorist George Monger (1997, p. 114) suggested two primary reasons for roadside memorials, memorialisation and warning, describing the action of maintaining the site of the fatality as a 'private and individual pilgrimage'. Everett (2002) observed that roadside memorials symbolically represent on-going grief work. For example, as a relative or friend passes the memorial, there is the reminder of the life, and death, of that person. Roadside memorials differ from cemeteries where death is kept 'in order' (Petersson, 2005). Yet, a cemetery is not where individuals previously lived. Petersson observed that roadside memorials may be seen as an additional way of expressing the deceased person's identity and social person rather than as a replacement for the grave lot in the cemetery. A roadside marker located 'outside' the cemetery may allow the deceased to continue to exist in the world of the living. In this sense, as cultural geographers Kate Hartig and Kevin Dunn (1998) proposed, roadside memorials may be filling a gap in the trend towards gardens of remembrance and plaque-gardens, leaving the survivors with no personalised space to visit.

In America, Clark and Cheshire (2004) show that the Department of Transportation (DOT) in several states used crosses in the mid-twentieth century to indicate dangerous stretches of road where previous fatalities had occurred. These crosses were used to warn drivers, not to commemorate a lost life, and often included warnings such as 'Drive slow, one killed' (Clark & Cheshire, 2004). To this day, many states sponsor programmes that allow the deceased's name to be placed along the highway as part of an Adopt-A-Highway programme or, in the case of drinking and driving-related fatalities, special signs are erected with the victim's name placed underneath a message like, 'Please Don't Drink and Drive. In memory of . . .' However, these memorials usually appear in the form of large, rectangular highway signs, not crosses, and thus usually attract little

controversy. Yet the placement of crosses on public property has been controversial in a number of American states. For example, the Utah Highway Patrol Association erected a separate 12-foot cross for each of 14 fallen Utah patrolmen. The crosses were placed on public property and included a plaque describing the life of the deceased. In 2005, American Atheists, Inc., a group that advocates for the separation of church and state, sued the state of Utah in federal court for allowing the group to post the memorial crosses on public land, arguing that the cross is a religious symbol. In *American Atheists, Inc. v. Duncan*, the federal District Court of Utah sided with the defendants, asserting that the cross is not exclusively a religious symbol but is also a secular representation of death and burial (Roberts & Shurtleff, 2006). American Atheists, Inc. appealed to the 10th Circuit Court of Appeals in Denver, Colorado, where the appeal was heard on 10 March 2009. A decision is pending and has implications for similar memorials in the states of Colorado, Kansas, New Mexico, and Oklahoma (Coakley, 2009).

The use of the cross to memorialise roadside fatalities is only one of the concerns to emerge from the proliferation of roadside memorials across America's roads and highways. In recent years, roadside memorials have been banned by states, counties, and city governments because they may constitute a safety hazard to maintenance crews and drivers passing the memorial (Coakley, 2009; Madigan, 2003; Ross, 1998). This is somewhat ironic since, as noted above, roadside markers were used by several states in the 1940s and 1950s to warn of dangerous roadways where drivers had previously died. In addition to safety concerns, some individuals oppose roadside memorials because they are 'macabre eyesores' (Urbina, 2006) that serve as unwanted reminders of tragic loss (Grabbe, 2008), which is why some states require family approval before friends can erect a memorial for the deceased (Ross, 1998). Memorials are often removed by state personnel as a matter of policy or by citizens who are offended by a cross or the reminder of death. The desecration and/or unauthorised removal of roadside memorials spurred the New Mexico state legislature to pass legislation in 2007 making it a misdemeanor to destroy a memorial that has been placed in the public right-of-way in memory of victims of fatal traffic accidents (New Mexico Legislative Finance Committee, 2007).

As is evident in the above discussion, roadside memorials carry tremendous diversity in style and origin. There are the roadside memorials created by the friends and family members of the deceased which has been the dominant focus of the published literature to date. However, there are also state-sanctioned memorials created by the state as part of Adopt-A-Highway or drinking and driving awareness programmes which conform to state regulations in terms of design, height, and location. For both lay and state-sanctioned memorials, the 50 American states have apparently employed an inconsistent patchwork of policies and practices that control how state personnel handle roadside memorials. US Federal laws prohibit placement of anything along interstate highways except highway-related signs and devices, yet it is state maintenance crews that are responsible for managing America's highways. Despite prohibitions of and

opposition to roadside memorials in jurisdictions throughout America, these memorials proliferate. Thus, as Ross (1998, p. 50) notes, ‘in probably no other area of public life does public practice diverge so dramatically from official policy’ as is the case with roadside memorials. Having the right memorial policy is important for each state because transportation agencies need to balance safety and maintenance considerations with the needs of the public to grieve for the loss of their significant other (Tay, 2009). So, while lay and/or state-sanctioned roadside memorials can be found in all 50 states, as we report below, scholarship on American roadside memorials has been limited to county (Barrera, 1991; Zimmerman, 1995) or state-level (Everett, 2002; Reid & Reid, 2001) analyses that focus primarily on the appearance, symbolic meaning, and/or purpose of memorials. Any discussion of state policies toward those memorials has been secondary. The purpose of this research, therefore, is to ascertain the current status and content of roadside memorial policies in the 50 states in the US.

## **Methodology**

Through the Internet, we obtained the mailing addresses of the Director of the Department of Transport (DOT) in each of the 50 states. A survey, accompanied by a cover letter and self-addressed stamped envelope, was mailed on 23 June 2008 to all 50 DOT Directors. We then twice mailed follow-up reminders to the states that had yet to respond. Several respondents requested and completed an electronic version of the survey, an option made available to all participants. We received completed surveys from 47 of the 50 states. Massachusetts returned a letter and Montana returned a description of its policy but did not complete any questions on the survey. The respondent from Massachusetts reported that the state has no formal policy regarding roadside memorials. With safety their primary concern, Massachusetts officials were working on a policy but the current practice allows ‘small, temporary, unobtrusive memorials to remain, as long as they do not present a public safety hazard . . . [and] maintenance forces have been instructed to remove any permanent or hazardous memorials in the course of general highway maintenance activity’. Montana endorses the American Legion’s Highway Fatality Marker Program, but did not respond about how the state manages private memorials not installed through the Fatality Marker Program. Using the information provided in those materials, we were able to code parts of a survey for both states.

Alaska was the only state not to respond after three surveys were mailed to that state’s transportation department. After consulting Alaska’s website, we were able to identify some details regarding its roadside memorial policy (Alaska Department of Transportation, 2003a, 2003b, 2004). Since Alaska’s policy went into effect in 2003 and was valid at the time data were collected for this study, we have included Alaska in the results presented below.

We sought to determine whether states had a formal policy for roadside memorials and, if they did, what that policy entailed, including the following items:

- Are memorial markers required to be uniform in terms of size dimensions, design and/or materials (e.g., aluminium)?
- How do family members and friends apply for the erection of a memorial?
- Are state-sanctioned memorials limited to fatalities related to driving under the influence of alcohol and other drugs?
- What guidelines exist for the placement of state-sanctioned and private markers and are they allowed to face traffic?
- Does the state keep a record of the names of those memorialised?
- Is there a specific time limit for how long the roadside memorials can remain standing?
- What percent of roadside memorials contain religious symbols?
- What action does the state take if memorials fall into disrepair, if complaints about specific memorials are received, and/or if memorials are erected in defiance of the law?
- Does the DOT maintain an annual budget for the erection and maintenance of memorials?
- Do counties, cities, and other jurisdictions within the state have their own regulations governing roadside memorials?
- Are 'green' or natural memorials available (e.g., planting a tree in honour of the deceased)?

## Findings

In this section, we summarise the aggregate findings from our survey, highlighting examples from states to illustrate important aspects of states' roadside memorial policies.

### *States with roadside memorial policies*<sup>1</sup>

Twenty-three states (46%) adopted a policy regarding the placement of roadside memorials along state highways. Two other states (Iowa and Minnesota) reported not having a policy but included with their returned survey a 'statement' or 'guidelines' that spelled out how private memorials would be handled in the absence of state legislation. The Montana DOT also reported not having a roadside memorial policy. However, Montana formally recognises the Montana American Legion Highway Fatality Marker Program which, since 1953, places a white cross at the site of a fatal traffic accident (see Figure 1). Thus, we include Montana among those states with a formal roadside memorial policy.

Five of those states with a policy also said that 'counties, cities, or precincts' in their state have their own regulations regarding roadside memorials and four additional states without an official state policy indicate that counties, cities, or other jurisdictions have their own policies. Twenty-seven states report no existing policies at the county or city level and the remaining 14 states either did not respond or did not know whether policies existed at the local level. A number of respondents indicated that the DOT was also responsible for county roads

		
<p>Washington State</p>	<p>South Dakota</p>	<p>Montana American Legion White Cross Highway Fatality Marker Program</p>

Figure 1. Examples of state-sanctioned roadside memorial signs.

throughout the state, suggesting a broader reach of the state’s roadside memorial policy. We did not specifically ask respondents if the DOT was responsible for county roads so we cannot say how widespread the practice is.

Some states, such as Illinois and Washington, have a Driving Under the Influence (DUI) Memorial Sign Program. For example, a sign may read ‘Please Don’t Drink and Drive’ which is posted ‘In Memory of’ the deceased (see Figure 1). At least five states have Adopt-A-Highway (AAH) programmes for volunteer participation in roadside litter removal along designated roads. These AAH groups are recognised with a sign, which in some cases acknowledges the deceased person for the stretch of road that has been adopted.

In South Dakota, the DOT erects a sign near the right-of-way adjacent to where a fatal crash occurred. The sign will include words like ‘X Marks the Spot—Why Die? Drive Safely’ or ‘X Marks the Spot—Think! Drive Safely’ (see Figure 1). These signs are placed at the scene of the fatality unless opposed by the family of the deceased. Ten states’ policies require that the memorials be erected by the state, with an average cost of US\$414 per memorial. When asked if the state charges the family/friends for the memorial erection, eight states answered in the affirmative, with an average charge of US\$419.

Of the 23 states with a formal policy for roadside memorials, 11 states (48%) require that roadside memorials be applied for by submitting a paper application

and two states accept paper applications or an on-line electronic application. Respondents in three other states accept written requests from family members (e.g., paper letters or e-mails) but have no formal application for roadside memorials. While Washington State has a formal paper application process, the DOT representative who completed this survey reports that the DOT receives roadside memorial referrals from Mothers Against Drunk Driving and county level DUI Victim Information Panels. Eleven states' (48%) policies require that friends who wish to erect a memorial for the deceased must first obtain permission from the deceased's family. Six states (26%) permit memorials for drinking and driving fatalities only, whereas 14 states (61%) allow memorials for all highway fatalities.

In terms of location, 17 of the states with a policy (74%) require memorials to be placed in the right-of-way, whereas three states require placement on the 'edge of the right-of-way but not on it.' Eleven states require that the memorial face oncoming highway traffic. Other states, such as Texas, specifically place the markers so that they cannot be read by drivers passing by, except in special cases designated by the Texas Legislature. Instead, memorials erected by the Texas DOT are placed in rest areas or turnouts and are designed to be read by individuals on foot.

A particular size dimension must be adhered to in 15 states (65%), with variations ranging from a 15-inch round sign to 60" × 48" rectangular signs. Fifteen states (65%) require that memorials be made of specific materials (e.g., aluminium, wood, or natural vegetation), whereas six states (26%) do not specify the materials (the remaining states with a policy reported that this question was not applicable to their policy). Asked whether or not the states keep a record of the name(s) of the individual(s) honoured by the memorial, 14 states (70%) keep such records and five states (25%) do not.

Thirteen states (62%) have a particular time limit as to how long a memorial can stay up. The time limit ranged from 30 days to 10 years with 4.5 years being the average time limit for respondents who reported this information. Other states permit memorial signs to remain standing 'until sign is faded', 'deteriorated', or for the 'life of sign'. Six states (29%) report having no time limit for roadside memorials but, as the data below suggest, many of these states would remove the signs if they fell into disrepair or otherwise posed a safety hazard for maintenance crews and/or drivers.

#### *States with and without roadside memorial policies*

None of the states allocates specific funds in their annual DOT budget for the erection, maintenance, and/or removal of memorials: managing roadside memorials is a cost that is absorbed by the general DOT budget. When asked what action the DOT takes if roadside memorials fall into disrepair, 29 respondents (63%) said they remove it and five states (11%) leave the memorial. Seven respondents report that all private memorials are removed regardless of their condition. This was not a question specifically asked in our survey but this

response was usually included in the 'other' response category. Respondents reported a range of 'other' actions taken against memorials in disrepair including removing the memorial 'with [the] next work activity in the area', making an 'attempt to contact the family', or 'remove [the memorial] within 30 days after notification of family'. These quotes generally reflect a common theme among respondents in our survey who explicitly acknowledged trying to balance safety concerns while simultaneously respecting a family's need to grieve for the loved one. This is an important finding given that 70% of respondents say roadside memorials are considered a safety hazard in their state (30% said memorials were not a safety hazard).

When asked whether the DOT receives complaints about roadside memorials, regardless of whether the memorials have been placed legally, or not, the majority of respondents indicated receiving complaints rarely (45%) or occasionally (41%). Four states (9%) report never receiving complaints and only Tennessee reports receiving frequent complaints. After receiving a complaint, 91% of the respondents said the DOT removes the memorial in response to the complaint and 9% leave the memorial as is. Of those states that remove the memorial following a complaint, 7% said that they destroy the memorial and 76% try to return it to the person who erected it. The remaining respondents either said the question was not applicable to their state (7%) or marked 'other' (10%), reporting a range of responses including storing the memorial and returning it to the person who erected it, or 'work with [the] person who erected it and try to get it relocated or removed'. Vandalism of roadside memorials is one means by which memorials would become unsightly and require DOT action. However, only Maryland reported that vandalism of roadside memorials was a problem.

A number of states have adopted 'green memorials' where, instead of erecting metal or concrete memorials, trees, bushes, and/or gardens are planted to memorialise the site of the deceased. Green memorials were reported by 11 states (24%) where the DOT allows a tree to be planted near where a highway fatality occurred. Delaware was the first state to build a memorial garden dedicated to those who lost their lives in all types of traffic fatalities. The garden was created specifically to provide a safe, legal alternative for those families and friends who wish to place a roadside memorial. Similarly, Maryland has started a Living Memorial Program in which a grove of trees will be planted each year to memorialise the individuals killed in highway automobile accidents during the year. The Maryland programme includes a dedication ceremony in honour of the previous year's victims. Tennessee had not yet developed a 'green' memorial programme but that state's DOT representative reported that they are 'kicking off a tree planting programme this fall to try and cut back on roadside memorials'.

We asked respondents to estimate the percentage of roadside memorials in their respective states that contained religious symbols or secular content. Thirty-seven states answered this question, each indicating that religious memorials (e.g., the cross) were more common than secular memorials, which is consistent with previous research in other countries (see Clark & Cheshire, 2004). Overall,

respondents estimated that 73% of memorials contained religious symbols and 27% were secular.

#### *States where roadside memorials are not legal*

We asked respondents what the DOT does if roadside memorials are posted in defiance of the state's law and/or the DOT policy. Only Nebraska reported doing nothing. Twenty-seven states take down illegal memorials if they pose a safety hazard and 15 states report removing memorials if they interfere with the work of road maintenance crews (e.g., mowers). Three states take down illegal memorials only if they are considered an eyesore and eight states always remove illegal memorials. Respondents offered additional details to explain their state's response to illegal memorials which include removing the memorial 'after a 10–14 day grieving period', 'remove them in two months or so', and/or 'remove only if severely damaged or in disrepair'. Several states gave more than one response to this query, thus the total number of responses exceeds the number of states where roadside memorials are not legal.

## **Discussion**

Roadside memorials overall are relatively new to the scene on US highways, yet they do not seem to be going away. These memorials may serve as a reminder of the deceased individual each time a family member or friend passes by. To others, it may be a reminder that they do not wish to encounter on a regular basis. The construction of memorials may fit within a larger context of decreasing interest in church-based rituals and an increasing tendency to view spiritual authority resting with the individual conscience (Clark & Franzmann, 2002). Individuals may feel that they have the right to establish roadside memorials which function outside of official burial grounds. Such roadside markers offer a meeting place for communication, remembrance, and reflection (Everett, 2002).

In addition to serving as an enhancement to coping with grief for some individuals, roadside memorials are beginning to be viewed as serving a range of other positive functions. First, state-sponsored drinking and driving memorials may be a possible deterrent against drinking and driving as the deceased's name is placed beneath a sign that warns drivers not to drink and drive. Similarly, AAH programmes, where the victim's name appears on an official state sign, allow family members to take responsibility for picking up litter along a mile stretch of a highway which helps to maintain the cleanliness of the right-of-way. Defenders of family-constructed roadside memorials have even suggested that, rather than constituting a road hazard, memorials actually prevent traffic accidents by providing drivers with stimulating scenery along stretches of highway that might otherwise induce sleep and result in an accident (Ross, 1998). Whether this is true cannot be verified but roadside memorials can also help to improve the landscape, as is evidenced through 'green memorials' in the planting of a tree (or numerous trees as in Maryland) or the construction of memorial gardens to honour all who

have died in roadway accidents. The centralised natural memorials also attempt to address safety concerns raised by the placement of individual memorials along the highway. However, it is unlikely that memorial gardens will replace individual memorials constructed by friends and family, given the importance the latter place on the specific location at which the death occurred (Klaassens, Groote, & Breen, 2007).

While only 23 of the states have officially adopted a roadside memorial policy, virtually all states report taking action against memorials if the circumstances warrant it (e.g., a complaint is made or safety is jeopardised). Memorials devoted specifically to fatalities related to drinking and driving are found in only five states. The DOTs in 13 states erect the roadside memorials themselves and 12 states require that an application be completed in order to put up a memorial. However, even when a state officially prohibits roadside memorials (i.e., 'all' lay memorials are unauthorised and will be removed) and/or the state has an official programme through which families can apply for a state-constructed memorial, there remains a discrepancy between policy and practice. For example, Ross (1998) recalls receiving conflicting information from two separate Nevada transportation officials regarding their roadside memorial policy. One person said that memorials are not permitted for safety reasons while another said that memorials are 'a positive marker in life - a grim reminder that we all need to watch out for each other' (Ross, 1998, p. 50). We found similar discrepancies in our survey. Slightly over half of the states said that roadside memorials present a safety hazard and are removed accordingly. Yet the states are generally sensitive to the grief of the survivors by balancing these concerns with the responsibility to maintain public safety. For example, the respondent from a western state said, 'We try to take into consideration the sensitivity of this issue during a time when families are grieving. By contacting them directly, we can offer condolences and explain the safety issues [the memorials pose] for other drivers'. A similar sentiment was communicated by the respondent of a southern state who wrote, 'Roadside memorials are illegal but we try to be sympathetic during the initial grieving period. These are mostly funeral wreaths or flower baskets, occasionally a small cross. If the grieving person moves the memorial to the right-of-way line we will not bother it'. Finally, a respondent from a southern state said, 'Though we do not allow the permitting of these types of memorials, we are sympathetic to the families affected by these tragic accidents, and therefore do not actively pursue removing these types of memorials when they first appear, unless they are potential safety hazards or affect our routine maintenance operations'.

Confrontations sometimes develop, however, over the removal of a memorial, as it is a private symbol located in a public place (Kong, 1999). A recent case in Massachusetts exemplifies this potential for conflict (Grabbe, 2008). A cross, carved by the deceased man's father, was erected to commemorate the fatality of his 17-year-old son. The home owners who live near the site where the cross is erected want it removed because it reminds them of the horror of the accident and the night they went to the aid of the accident victims. The parents of the deceased teen are going through mediation with the neighbours with the hope that

negotiation, in contrast to an adversarial civil court process, will help the opposing parties arrive at a solution amenable to all. In an earlier situation in Florida, the DOT began to receive complaints about the display of religious symbols after the state approved a programme to memorialise traffic fatalities with small crosses (DOT won't, 1998). The Florida DOT later replaced the state-constructed crosses with small disks printed with the accident information (Porter, 2001). This public space may be regulated by the state but it is for the use of the wider community, thus the non-grieving may see roadside memorials as an intrusion upon their space (Clark & Franzmann, 2006). While complaints about roadside memorials are not frequent occurrences, according to respondents in our study, the overwhelming majority of states report removing the memorials when complaints are received. Further, the majority of DOTs that remove memorials in a state of disrepair complies with their mission of keeping roadsides beautiful as a shared public space. In addition, a shabby roadside memorial does not show respect for the deceased.

The one universal theme among roadside memorials, if indeed any exists, is that the cross is a dominant feature of most roadside memorials, perhaps a carryover of the Catholic influence in earlier days. Larson-Miller (2005) suggests that the establishment of roadside memorials is a type of popular religious activity. The cross is typically *the* memorial when a religious symbol is displayed. There is a belief among some individuals that the soul tends to linger on for some time after death and has the power to trouble the living if necessary precautions are not taken (Pettersson, 2009). The construction of the cross, therefore, could help persuade the dead soul not to haunt or harm passers-by. That the symbol of the cross is often found in cemeteries, either carved into the grave marker or is itself the marker, further explains why the cross is so common among roadside memorials.

French sociologist Emile Durkheim (1915) said that the essence of religion is to divide the world into profane and sacred spheres or dimensions. Whatever a group designates as 'sacred', whether a totem animal or a roadside memorial, is to be approached and treated with respect and reverence. The spot where the roadside memorial is placed may be considered sacred, holy ground, yet not all members of the public recognise the location of the memorial as sacred (Klaassens *et al.*, 2009). Moreover, the individuals choosing the cross may not do so because the cross has a religious connotation but rather out of a cultural tradition going back many years. As Clark and Franzmann (2006) note, the roadside memorial is a private expression of grief that turns a public place into sacred space, its sacredness directly constructed by individuals who would typically make no claim to such civil or religious authority. Collins and Rhine (2003) concluded that the expression of faith ranked low on the purposes of a memorial, suggesting that the use of a cross, which has been the source of so much controversy, is in most cases not a religious expression, but a cross-cultural symbol of death (Clark & Cheshire, 2004). This, too, was the legal opinion of the US District Court in Utah in *American Atheists, Inc. v. Duncan*. Though we have no data regarding this, several studies (Clark & Cheshire, 2004; Reid & Reid, 2001) have found that, while the cross was the prominent feature in nearly all of the roadside memorials analysed,

a smaller number of memorials added a crucifix to the memorial, suggesting an attempt to overtly express religious belief not otherwise reflected by the cross. It is also possible, as Collins and Rhine (2003) found, that the location of the death may be more important than the memorial itself and that the purpose of the memorial is to mark the place which is now considered sacred, whatever the 'mark' may be.

It has been suggested that contemporary society is 'deritualised' regarding matters of death as such assignments are given over to professionals (Freedman, 1997). Additionally, roadside memorials indicate a desire to reconstruct new forms of ritualised mourning because traditional mourning practices are old fashioned and inadequate (Haney, Leimer, & Lowery, 1997). Accordingly, in discussing grief work, Kamerman (1988) and Rosenblatt, Walsh, and Jackson (1976) link the inability of many bereaved individuals to accomplish grief work to the limited availability of meaningful death-related rituals. They argue that, whether grounded in formal religious or civil culture or not, individuals and groups have developed for themselves death-related rituals in order to work through loss in a more timely and successful fashion. Thus, an increasing number of individuals have adapted a custom with roots from Europe into their way of life (Everett, 2002). Everett suggests that roadside crosses may not always reach a state of closure, regarding grief work. Nonetheless, such adaptations apparently have been helpful to many as evidenced by the proliferation of roadside memorials.

Roadside memorials can provide solace to grieving families and also serve as a reminder of the potential consequences of inattention at the wheel (Grabbe, 2008). To others, however, these memorials are seen as distractions to motorists or as eyesores. Sometimes roadside memorials are seen as private expressions of grief located in public places (Everett, 2000), much to the dislike of individuals who do not like seeing these on public land, especially when they contain religious symbols. Variation in how roadside memorials are viewed by the general public are reflected in the diverse state policies and practices regarding roadside memorials. The 50 American states, however, are seriously addressing this issue as they continue to debate and produce policies/statements on how to manage roadside memorials.

#### **Note**

- [1] A state by state breakdown of the results can be obtained by emailing Heath Hoffman [hoffmannh@cofc.edu](mailto:hoffmannh@cofc.edu)

#### **REFERENCES**

- Alaska Department of Transportation. (2003a). A primer for roadside memorials. Retrieved April 30, 2010, from <http://www.dot.state.ak.us/stwddes/dcsrow/assets/pdf/roadsidememorials.pdf>.
- Alaska Department of Transportation. (2003b). Memorials sign program. Retrieved April 30, 2010, from <http://www.dot.state.ak.us/stwddes/dcsrow/assets/pdf/memorialsign.pdf>.

- Alaska Department of Transportation. (2004). Application for participation in memorial sign program. Retrieved April 30, 2010, from <http://dot.alaska.gov/stwddes/dcsrow/assets/pdf/forms/25ar977.pdf>.
- BARRERA, A. (1991). Mexican-American roadside crosses in Starr County. In J. S. GRAHAM (Ed.), *Hecho en Tejas: Texas-Mexican folk arts and crafts*. Publications of the Texas Folklore Society (Vol. 50). Denton, TX: University of North Texas Press.
- CHURCHILL, A., & TAY, R. (2008). An assessment of roadside memorial policy and road safety. *Canadian Journal of Transportation*, 2 (1), 1–12.
- CLARK, J., & CHESHIRE, A. (2004). RIP by the roadside: A comparative study of roadside memorials in New South Wales, Australia, and Texas, United States. *Omega*, 48 (3), 203–222.
- CLARK, J., & FRANZMANN, M. (2002). 'Born to eternal life': The roadside as sacred space. *Pointers*, 12 (3), 14–16.
- CLARK, J., & FRANZMANN, M. (2006). Authority from grief, presence and place in the making of roadside memorials. *Death Studies*, 30, 579–599.
- COAKLEY, E. (2009, March 11). Roadside memorials spark debate over religious symbolism in Utah. Retrieved October 28, 2009, from <http://www.findingdulcinea.com/news/Americas/2009/March/Roadside-Memorials-Spark-Debate-Over-Religious-Symbolism-in-Utah.html>.
- COLLINS, C. O., & RHINE, C. D. (2003). Roadside memorials. *Omega*, 47 (3), 221–244.
- DOT won't install roadside crosses. (1998). Retrieved April 28, 2008, from <http://www.adl.org/Regional/Miami/DOTWontInstallRoadsideCrosses.html>.
- DURKHEIM, E. (1915). *Elementary forms of religious life*. New York: George Allen and Unwin.
- EVERETT, H. (2000). Roadside crosses and memorial complexes in Texas. *Folklore*, 111 (1), 91–102.
- EVERETT, H. (2002). *Roadside crosses in contemporary memorial culture*. Denton, TX: University of North Texas Press.
- FREEDMAN, D. (1997, June 27). Driving reminders. *Anchorage Daily News*. p. E1.
- GRABBE, N. (2008, June 27). Leverett neighborhood wrestles with weight of a cross. *Amherst Bulletin*. p. A1. Retrieved April 30, 2010, from <http://www.amherstbulletin.com/story/id/98909/>.
- HANEY, C. A., LEIMER, C., & LOWERY, J. (1997). Spontaneous memorialization: violent death and emerging mourning rituals. *Omega: Journal of Death and Dying*, 35, 159–171.
- HARTIG, D. V., & DUNN, K. M. (1998). Roadside memorials: Interpreting new deathscapes in Newcastle, New South Wales. *Australian Geographical Studies*, 36 (1), 5–20.
- KAMERMAN, J. B. (1988). *Death in the midst of life*. Englewood Cliffs, NJ: Prentice Hall.
- KLAASSENS, M., GROOTE, P., & BREEN, V. (2007). Roadside memorials: public places of private grief. Unpublished manuscript, Department of Spatial Sciences, University of Groningen, Groningen, Netherlands.
- KLAASSENS, M., GROOTE, P., & HUIGEN, P. P.P. (2009). Roadside memorials from a geographical perspective. *Mortality*, 14, 187–201.
- KONG, L. (1999). Cemeteries and columbaria, memorials, and mausoleums: Narrative and Interpretation in the study of deathscapes in geography. *Australian Geographical Studies*, 37 (1), 1–10.
- LARSON-MILLER, L. (2005). Holy ground: Roadside shrines and sacred space. *America*, 192 (18), 11.
- MADIGAN, E. (2003, June 10). Safety concerns fail to curb roadside memorials. Retrieved April 30, 2010, from <http://www.stateline.org/live/printable/story?contentId=15276>.
- MONGER, G. (1997). Modern wayside shrines. *Folklore*, 108, 113–114.
- NANCE, D. (2001). Roadside memorials on the American highway. Retrieved June 18, 2008, from [http://photo.net/photodb/presentation?presentatoin\\_id=97863](http://photo.net/photodb/presentation?presentatoin_id=97863).
- NEW MEXICO LEGISLATIVE FINANCE COMMITTEE. (2007). *Fiscal impact report*. Retrieved March 15, 2009, from <http://legis.state.nm.us/sessions/07%20Regular/firs/HB0333.pdf>.
- PETERSSON, A. (2005, September). The production of a proper place of death. Paper presented at the conference on Social Context of Death, Dying and Disposal, Bath, England.
- PETERSSON, A. (2009). Swedish Offerkast and recent roadside memorials. *Folklore*, 120 (1), 75–91.
- PORTER, K. (2001). Debate rekindles on safety of roads. *The News Herald*, May 30. Retrieved January 22, 2005, from <http://www.newsherald.com/articles/2001/05/30/lo053001a.htm>.
- REID, J. K., & REID, C. L. (2001). A cross marks the spot: A study of roadside death memorials in Texas and Oklahoma. *Death Studies*, 25 (4), 341–356.

- ROBERTS, T.D., & SHURTLEFF, M.L. (2006). Memorandum in opposition to plaintiff's motion for partial summary judgment RE: Christian cross as religious symbol. Retrieved April 30, 2010, from <http://www.atheists.org/upload/050506.Dk.pdf>.
- ROSENBLATT, P. C., WALSH, R. P., & JACKSON, D. A. (1976). *Grief and mourning in cross-cultural perspective*. n.c.: HRAF Press.
- ROSS, C. (1998, May). Roadside memorials: Public policy vs. private express. American City & County. Retrieved April 30, 2010, from [http://americancityandcounty.com/mag/government\\_roadside\\_memorials\\_public/](http://americancityandcounty.com/mag/government_roadside_memorials_public/).
- TAY, R. (2009). Drivers' perceptions and reactions to roadside memorials. *Accident Analysis and Prevention*, 41, 663–669.
- URBINA, I. (2006, February 6). As roadside memorials multiply, a second look. Retrieved April 30, 2010, from <http://www.nytimes.com/2006/02/06/national/06shrine.html>.
- WEISSER, J. (2004). Micro sacred sites: The spatial pattern of roadside memorials in Warren County, Ohio. Unpublished master's thesis, University of Cincinnati, Cincinnati, Ohio.
- ZIMMERMAN, T. A. (1995). Roadside memorials in five south central Kentucky counties. Masters Thesis, Western Kentucky University.

### Biographical Notes

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# Roadside memorial disappears and grieving mom wants to know why



by Kristine Harrington

azfamily.com

Posted on May 18, 2012 at 7:48 PM

Updated Friday, May 18 at 8:01 PM

PHOENIX -- It was a way for a grieving valley mother to pay tribute to her murdered son, but the roadside memorial she set up two years ago is suddenly gone and she said she feels like she's lost her son all over again.

"He just said I love you mom and gave me a hug and kiss and never came back," Mary Valenzuela said.

That was the last time Valenzuela saw her 28-year-old son Luis, just hours before he was shot and killed near 107th avenue and Indian School.

"He was coming out from Chevron going to his sister's house he never made it," said Valenzuela.

Ever since that fateful night two years ago, Valenzuela has taken care of an elaborate memorial for her son.

But last Sunday when she pulled up, she noticed right away it was gone.

"I'm assuming they just came and broke it off here. They took everything I had here I don't understand why," said Valenzuela.

Valenzuela called the city of Phoenix, the police, and the private property owners but no one knew what happened to the memorial.

This isn't the first time the memorial has been desecrated.

Valenzuela said she once found a bullet on the cross and another time someone egged it. She just wants to know why.

After all, the property owner said he doesn't have a problem with the memorial so long as it doesn't interfere with their operation, and the **city of Phoenix has no policy against roadside memorials**.

So the Valenzuela family is rebuilding theirs and hopes in the future people will leave it alone.

"Everyone's loved one deserves to be remembered," said Valenzuela.

Of course roadside memorials can be seen all over the valley and most cities don't restrict them unless they interfere with the public's right of way.

Meantime, Valenzuela still hopes to figure out what exactly happened to her son's memorial and she's even filed a report with the police.

## **Hampstead (MA) proposes roadside memorial ordinance**

By Cara Hogan [chogan@eagletribune.com](mailto:chogan@eagletribune.com)

HAMPSTEAD — In the past, roadside memorials have pitted the wishes of grieving families against town residents who find the displays depressing or ugly.

To ease the conflict, New Hampshire enacted a law earlier this year to regulate memorials erected along roads statewide, allowing them to remain for up to 90 days. Now, Hampstead is working on a draft of an ordinance covering memorials on local streets, selectmen Chairman Jim Stewart said.

"We had three different residents call to let us know about a roadside memorial on one of the town roads," he said. "They wanted to know what the rules were about roadside memorials and we discovered we don't have any rules. The state rules cover state roads and don't cover our roads."

The new ordinance would include requirements not just for the length of time for the display, but also for the size and location.

Selectman Richard Hartung, who drafted the proposal, read a copy at last week's selectmen meeting, giving residents an idea of what to expect. The ordinance stipulates that a roadside memorial would require a town sign permit, which would be valid for one year from the date of the fatal accident.

The proposal also states a memorial must be no more than 3 feet high, 2 feet wide and 6 inches in depth. The memorial also cannot cause damage to trees or signs, and cannot be made of glass.

Hartung emphasized the proposal is not final.

"It's still a working document," he said. "Some changes will inevitably take place before it's finalized. We will get the public's input as we go."

Stewart said the challenge is not to contradict the state law and to also balance the needs of grieving families with other people.

"Some towns have no regulations, others have very rigid regulations, and some towns don't allow them at all," he said. "We're trying to figure out the right thing to do and, frankly, we don't know yet. We're leaning toward some regulation, guidelines, but nothing too strict."

He said the length of time allowed for memorials is still up for debate and will be discussed at the next board meeting Monday.

The state law, which took effect Jan. 1, states that roadside memorials can be displayed for up to 90 days after the date of the incident. A memorial that has been up for longer will be removed. Memorials also must be nondenominational and not obstruct traffic.

Hartung said the issue has not created any controversy in town.

"We haven't heard from any families upset about memorials being removed," he said. "We've had some inquiries and questions about how long is long enough for the display. But it's been a pretty quiet issue altogether."

•••

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Draft of the Hampstead proposal:

Roadside memorials must be located in the town right-of-way on the side of the roadway off the paved area and not create a hazard or obstruction of view to vehicular or pedestrian traffic .

A roadside memorial requires a Town of Hampstead Sign Permit. All permit fees will be waived. The Sign Permit will ensure that the location, construction and composition is acceptable. It will also state the date of collision, date of installation, and proposed date of removal for the memorial. The permit is valid for a period of one (1) year from the date of the fatal collision.

The memorial shall be no more than 3 feet in height (measured from the paved surface), 2 feet in width (measured along the roadway), 6 inches in depth (measured perpendicular to the roadway). Objects that can shatter such as vases or glasses are not to be part of the memorial.

Installation of the memorial should not cause any damage to the right-of-way, including trees, existing signs or traffic control devices. Identification of the Sign Permit ID must be included on the memorial. Roadside memorials should be maintained. Those memorials which fall into disrepair, are damaged, vandalized or disfigured are subject to removal by the town.

# States seek alternatives to roadside memorials

Updated 6/4/2010 2:55 AM

By Mike Chalmers, USA TODAY

SMYRNA, Del. — For nearly 23 years, Joyce Keeler has avoided the spot on rural Eagles Nest Road where a fiery crash killed her son.

Instead, she comes to the highway rest stop near here to sit in a garden lined with bricks inscribed with the names of nearly 600 crash victims, including her son John. She prefers it to the kind of roadside memorial of crosses and flowers that spring up at the sites of thousands of fatal crashes across the nation every year.

"Things like that get old, and the flowers fade," says Keeler, of Smyrna. "But this will never go away." As states struggle to balance the public grief of victims' families with the need to maintain safe and distraction-free roads, the Delaware Highway Memorial Garden at the Smyrna Rest Area provides a unique alternative. The 11,000-square-foot garden, which opened in October 2007 with 268 bricks, has grown steadily since.

"It's something states are going to look to duplicate," says Sean Slone, a transportation policy analyst with the Council of State Governments. "It gets at the roadside safety issues while still giving the families an acceptable place to mourn."

Delaware's garden is often held up at transportation and safety conferences as a model for other states, said Jonathan Adkins, spokesman for the Governors Highway Safety Association, which represents state highway safety offices.

"It's an organized, professional way of addressing the issue and remembering victims," Adkins says.

Transportation agencies in other states, including Maryland and Illinois, have considered memorials similar to Delaware's in recent years, but none has yet developed one, says Art Jipson, a sociology and criminal justice professor at University of Dayton in Ohio, who has studied the memorials.

Most, including Delaware, prohibit informal roadside shrines — at least on paper — but few are willing to enforce the letter of their laws, he says.

"Who wants to be the legislator who says we need to remove all of these?" he says.

## Places for healing

Many states will put up a sign at crash sites, some at family expense, and usually with a safe-driving message and the victim's name. Among them, according to state websites:

- Alaska.** Signs are free and stay in place for 10 years.
- California.** \$1,000 for signs for DUI victims only, which will stay in place for seven years.
- Florida.** Signs are free and stay in place one year.
- Texas.** \$300 for signs, which are given to the victim's family after a year.
- West Virginia.** \$200 for a sign for three years, renewable for three years for another \$200.

About a year and a half ago, Maryland proposed planting a grove of trees and performing an annual dedication for the roughly 600 people killed each year. A tight state budget has put that plan on hold this year, state highway spokesman Charlie Gischlar says.

Since the early 1990s, Illinois Tollway officials have offered to plant a tree at an interchange, oasis or other place away from the traffic lanes. But the program hasn't been promoted, and only one family has expressed interest in the past several years, spokeswoman Joelle McGinnis says.

The idea for the Delaware garden originated with Lisa Aretz's grief over losing her brother in a Florida motorcycle crash in 2002. She asked then-governor Ruth Ann Minner, a Democrat, to establish a roadside memorial sign program like Florida's, Delaware Department of Transportation spokeswoman Tina Shockley says.

Citing safety concerns, transportation officials discouraged the idea and instead began planning the memorial garden as an alternative. "I thought it would be a place people could come together for healing," Aretz says.

At the center of the Delaware garden is a pond with goldfish, frogs, water lilies and a gurgling waterfall. The hum of traffic on Delaware 1 and U.S. 13 is audible but no louder than the birds that perch in the maple, dogwood and birch trees.

The red bricks are engraved with black letters and line a wide concrete path that winds through the garden. The state paid about \$239,000 to build the garden and now pays for its upkeep and the bricks, which cost about \$30 each.

"It's not morbid or gloomy, not like a feeling you can get at a cemetery," says Patrick Bowers, of Delaware City, whose 21-year-old son Kyle Bowers died in a crash in 2008. "It's a garden like someone would do in their backyard."

### **Shows state cares**

Ruby Dillmore lives near the Delaware rest area, so she visits the garden three or four times a week to see the brick for her 17-year-old son Larry Dillmore Jr., who died when his pickup crashed into a utility pole in 1995. She says she once met a couple whose teenage daughter had died in a crash eight years earlier. They were throwing a birthday party for her at a picnic pavilion beside the memorial garden — a gathering that might have seemed ghoulish at a cemetery, Dillmore says.

The garden has not completely stopped people from erecting roadside memorials or prompted the state to take down old ones.

Besides bricks in the memorial garden, three crosses still mark the spot where 16-year-old Rachel Julian and two friends died in a 2005 crash, says her mother, Anita Redden.

Still, Redden says her father visits the garden often to put silk flowers next to his granddaughter's brick.

"It heals people's hearts to know there's an extra place, not something the family did but something the state did for people," Redden says.

## **Roadside shrine ordinance won't place timeline on grief**

Jennifer Duval, Correspondent

Published 09:51 p.m., Thursday, April 1, 2010

DERBY -- City officials finally put to rest a seven-month struggle to approve an ordinance designed to impose restrictions on the city's roadside memorials. In a recent 5-2 vote, the [Board of Aldermen](#) approved a modified ordinance, which will impose only regulations that pertain to the safety of residents.

A vote to put the ordinance into effect has been tabled after every aldermanic discussion, because the board's majority said they couldn't agree to a law that would impose time limits on grief.

[Jill Garofalo](#), who lost her 16-year-old son, Tim, in a fatal ATV accident on Hawthorne Avenue in 2004, has voiced her opposition to possible time restrictions at several aldermanic meetings because her son's memorial still stands nearly six years after his death -- something that wouldn't be possible if the three-month display limit, suggested by Aldermanic President [Ken Hughes](#), were imposed.

"The memorial out there is a tribute that was put out there by his friends and other individuals that knew him," Garofalo said. "As I've said at previous meetings, I don't have any problem following any regulations for safety, but there are so many beautiful things that were left out there for my son, not only do people in my family find it comforting that people are still thinking about my son, but it wouldn't be a tribute to them to remove it after 90 days."

Hughes was asked at the aldermanic meeting in February to redesign the ordinance, removing mention of time restrictions.

At last week's meeting he presented both versions for the vote.

Both ordinances included safety restrictions that prevent the display of glass and candles, and limit the memorial's height, width and length to 3 feet in an attempt to keep them from blocking traffic and obstructing views.

Aldermen [Beverly Moran](#) said she couldn't see any reason to place time limits on the memorials.

"There's not a way we can place a timeline on grief," she said. "As long as you follow no candles, no glass and nothing that anyone can get hurt from, you should be able to leave it up forever."

[Town Counsel Joseph Coppola](#) said he was concerned about the can of worms the ordinance might open to residents who want to go out hanging signs and creating displays not related to memorials.

"Right now," he said, "nobody has the right to do anything on city property unless the Board of Aldermen approves it. You just need to specify that this is only for the road side memorials," he said.

[Frederick Picroski](#), who lives on Derby Avenue, is responsible for two of the memorial sites -- including one to honor [Claudia Woodford](#), a young mother who was struck and killed in a hit-and-run accident in 2002.

While he said he's pleased there will not be a time limit on the memorials, he said he's disappointed with the city officials because they have spent too much time focusing on the memorials and ignoring other safety concerns.

"There are so many other obstructions and dangers," he said, "even with the physical sidewalks, not to mention the hedges that grow out over the sidewalks and nobody seems to care about it."

Picroski, however, said he was most pleased that Garofalo's son's memorial will be allowed to remain and be continually refreshed and maintained for years to come.

"I want to thank the Board of Aldermen for their support," Garofalo said. "It's certainly been a long haul, but I'm grateful that now we can put this to rest."

Read more: <http://www.ctpost.com/local/article/Roadside-shrine-ordinance-won-t-place-timeline-on-432251.php#ixzz20vLViqly>

## SUN-SENTINEL

By Lisa J. Huriash, Sun Sentinel, February 24, 2012

The pain of families who have lost loved ones in car accidents will last forever, but the roadside memorials sprinkled throughout South Florida aren't always intended to stand eternal.

Cities across Florida have rules for regulating the erection or duration of roadside memorial markers. But some don't follow them, to avoid the delicate and emotional issue of taking down a marker in memory of somebody who was killed.

The city of Coral Springs this week agreed to start taking down memorials within city limits after receiving its first complaint.

"The families have every right to erect memorials on their own properties or at cemeteries or wherever, but we should not be forced to be the permanent memorial site for their grieving," resident Bill Stone wrote in an email to the mayor. "The erection of memorials near our home only serves to regularly reinforce our personal pain each time we turn into the neighborhood."

Stone, whose son was killed in a car accident at age 18 in 1999, said the memorial on Brokenwood Drive is in violation of city rules that allow families to erect their own memorials for 12 months. Then, the memorial is replaced with a non-religious sign that looks like a lollipop. After 12 months, the city is supposed to remove the marker.

Following the city's own rules is 'the fairest thing to do,' Mayor Roy Gold said, while acknowledging it's "a very sensitive issue" for those who have lost loved ones.

Whether someone has the right to put up a memorial on roads in Florida depends on whose road it is. On state roads, the Florida Department of Transportation installs "lollipop" markers unless local governments prohibit them. They can "stay up as long as the family wants them there," said Barbara Kelleher, a spokeswoman for the Florida Department of Transportation.

Some cities — such as Boca Raton and Weston — don't allow memorial markers at all on city roads. [Tamarac](#) and [Parkland](#) handle incidents on a case-by-case basis, while [Coconut Creek](#), [North Lauderdale](#), [Pembroke Park](#), [Pompano Beach](#) and [Wilton Manors](#) defer to the state law.

Sunrise allows a 15-inch sign with the words "Drive Safely" in addition to identification of the deceased person. The signs may be removed after one year unless the family requests a one-year extension. [Fort](#)

[Lauderdale](#) doesn't have a written policy, but markers are not removed "unless they begin to look disheveled or unkempt," officials said.

The memorial in Coral Springs that prompted the change has been up at Brokenwoods Drive since 2009. Three city teenagers — all 16-year-old students at Marjory [Stoneman Douglas High School](#) in Parkland — died when they were out celebrating their high school homecoming. Their Volkswagen backed into a canal after a fender-bender.

Driver Sean Maxey and passengers Robert Nugent and Anthony Almonte were killed. Evan Sinisgalli, 15, escaped the sinking car.

"Kids were killed, it was very tragic," Stone said. "For the first year, we as a neighborhood put up with an awful lot of activity — daily, weekly, services blocked off the street on the one-month anniversary, and 90 days and one year. Look, we understand grieving, but at some point this becomes a cemetery, and we don't feel it's appropriate for the neighborhood."

But for some families, the markers are a source of comfort that their loved ones are not forgotten.

## **SPRINGS TO REMOVE ROADSIDE MEMORIAL MARKERS**

In 2000, Arturo Caban, then 38, was killed when he crashed into a tree after his car was cut off by another driver turning into University Hospital in Tamarac.

His family would be devastated to see the marker on University Drive removed, said his father, Efrain Caban, of Sunrise. He said the family drives by often and the memorial is "very important to us for sentimental reasons."

Also content is Rabbi Sheldon J. Harr, whose daughter Elizabeth was killed in 1990 in Plantation along Sunrise Boulevard. Her marker has been up ever since.

"There's an emotional connectiveness to symbols, and this is a symbol of a life cut short but well lived," he said. "It harms no one. It seems heartless for those of us who have gone through this to prevent this kind of memorial."

The rule in Coral Springs went into effect in 2000 after a resident ripped out a cross placed on the east side of Coral Springs Drive in memory of Shaun D'Angelo, 19, who died in a 1998 crash. There was a witness who reported it, and police retrieved it. Shaun D'Angelo's parents, Warren and Maureen D'Angelo, put the marker back up.

Coral Spring officials said there are about a dozen memorials that will now have to be removed. Another three, including D'Angelo's, will be allowed to remain because they were up before the ordinance was passed.

Warren D'Angelo is relieved his son's marker will stay; the city's only condition is that he has to continue to live in the city.

"I would like to be left alone," he said. "It means something [for us] to have it there. It's the last breath your loved one had alive. We hear it all: 'that's what the cemetery is for.' And those people may be right — not may be, they're probably right. But it's hard to explain what feeling you get: that's where I lost my son. Maybe some good can come of it, maybe somebody drives a little more careful and realizes how precious life is, then it served a purpose. But I can see the other side, where we don't want the city to look like a cemetery."

Before anything is taken down, officials said, the families will be notified. Officials know it will be tough.

"People grieve in different ways," Commissioner Larry Vignola said. "It's a bad situation for everybody, for the family member who lost their kids who have to get this phone call saying this is something the city would like to remove because another resident is driving by and it reminds him he lost his child. It's just bad all the way around."

Posted by [Joelle Embres](#) on 02/27/2012 10:48 AM | [Comments \(0\)](#) | [coral springs](#) |

Originally posted at: [Joelle's Parkland and Coral Springs neighborhood blog: Coral Springs to remove roadside memorial markers](#)

# The Augusta Chronicle

## Ga. roadside memorials to cost \$100

By [Bianca Cain](#)

Staff Writer

[Thursday, Feb. 10, 2011](#)

Homemade roadside memorials have long stood as a reminder of a family that lost a loved one in a tragic accident. However, the Georgia Department of Transportation has decided that a white, circular sign will stand as the new reminder.

"It's a great way for people who want to put something out there to legally honor the memory of their family or friend," DOT Deputy Press Secretary Jill Goldberg said of the new signs.

The DOT announced Tuesday that family members could purchase the 15-inch white signs to be erected on federal and state highways for \$100. The signs, which will say "Drive Safely; In Memory (deceased's name)" in black lettering, will stay up for one year before being returned to the deceased's family. Signs will be placed as close to the site of the accident as possible.

Goldberg said the \$100 will cover the costs to manufacture, place and remove the sign. There will be no additional money for the DOT.

The new signs will serve as a less disruptive alternative for grieving families, Goldberg said.

Paying \$100 more to have the sign stay up an additional year is not an option, she said.

South Carolina Department of Transportation offered a similar option in August 2010.

"It's really all related around the safety issue," said Tony Sheppard, the director of traffic engineering at South Carolina DOT. "One, it's to try and have a uniform message out there to drive safety. Secondly, we don't have any documents on it, but by going out there to put up homemade memorials, these people are putting themselves in a dangerous environment."

South Carolina's signs cost \$250 and remain on roadsides for two years before being returned to the family. A larger 30-by-24-inch main sign reminds drivers to "Drive Safely" while a smaller 24-by-12-inch plaque lists the names of the deceased.

Signs aren't erected for victims who were directly involved in criminal activity that led to their deaths, such as DUI or reckless driving, according to South Carolina DOT's Web site.

So far, 12 signs have been installed.

"It didn't take off like we thought it would," Sheppard said, "but we're still getting interest."

Homemade memorials on city and county roads in Georgia are left to the discretion of the county. In Columbia County, a county ordinance says memorials can be erected for one year following the death. After that time, shrines should be removed but a marker can be painted on the asphalt. Shrines can be removed before a year has passed if there are complaints.

"We recognize and understand the pain of an untimely death," said Columbia County sheriff's Capt. Steve Morris. "After one year the county encourages the family to find a more permanent and appropriate spot for a memorial."

Morris said he hopes the signs and memorials will have an effect on passers-by.

"One would think that the signs will have a positive effect on motorists, but how do you know or gauge that? Hopefully, it does have an impact."

## **Akron puts time limit on roadside memorials; city will take them down after 45 days**

By Stephanie Warsmith  
Beacon Journal staff writer

Published: April 30, 2012 - 11:35 PM | Updated: May 2, 2012 - 12:18 AM



In this file photo from Oct. 2011 west side block watch leaders Ivory Alexander (left), Zemobia Latham and Gerald Stafford look at a makeshift memorial display at the corner of Copley Road and Mercer Avenue. They want Akron City Council to adopt regulations on how long families can keep makeshift memorials in honor of lost loved ones displayed in neighborhoods. (Paul Tople/Akron Beacon Journal)

[View More Photos >>](#)

Akron will still allow roadside memorials to those who have died but with a new limit.

The city will permit the memorials, which often feature teddy bears, flowers and handwritten tributes, to remain for 45 days. They will then be taken down, with the mementos bagged in case a loved one wants to collect them.

The regulations, which will begin next Monday, were created at the request of several neighborhood watch leaders from West Akron who were concerned about how memorials left up for months or years looked — and the solemn reminder they provided.

Councilman Russel Neal Jr. and Council President Marco Sommerville considered proposing legislation to put a time limit on the memorials, but after consulting with the law department, opted instead to adopt new rules under the city's existing nuisance laws. They debated with the administration on how many days would be appropriate, with 30 to 90 days being considered. The neighborhood block watch leaders wanted the shorter time period, but the administration was concerned that didn't allow enough time for the grieving family and friends of the person who died.

"I think 45 days is a great compromise," Sommerville said. "Of course, some people will think 45 days is too long and some will think it's too short."

Sommerville said the city will try this time period and change it if it doesn't work.

"We've got to start someplace, and we need to start now," he said.

Here's how it will work:

- A resident, council member or city employee who sees a roadside memorial on city property, such as in the devil strip or on a utility pole, can call the 311 information line to report it starting Monday. (The number is 330-375-2311 from a nonresidential land line.) This will start the 45-day clock ticking.
- Items from memorials that are left up after 45 days will be bagged, with each bag marked with the location and date of removal. The bags will be stored by the city for two weeks in case a family member wants to collect any of the items.
- A customer service employee for the city will try to contact a family member about the policy.

City officials acknowledge that some issues may have to be dealt with as they occur, such as what will be done if a memorial is taken down and then someone puts it back up, or if someone becomes upset about a memorial being removed.

"This cannot be done correctly," said Public Service Director Rick Merolla, who supervises the Customer Service Department. "It's like everything in life. You've got to strike a balance. This is a policy adopted by the city. They can ask that we change it. We'll do our best."

Merolla said the city will take this on a "case-by-case basis and talk to the family."

The city will try to get the word out about the new regulations through information shared on City Council's website — [www.akroncitycouncil.org](http://www.akroncitycouncil.org) — in an upcoming council newsletter and at block watch and ward meetings.

"We'll have to educate the community and let them know the process," Sommerville said. "We don't want anyone to get hurt — to have a problem with taking them down."

City leaders considered the idea of leaving some type of a permanent memorial in place of the makeshift one, but opted against it.

"That is what cemeteries are for — to memorialize where your loved one is," Sommerville said.

Stephanie Warsmith can be reached at 330-996-3705 or [swarsmith@thebeaconjournal.com](mailto:swarsmith@thebeaconjournal.com).

Article posted: 3/28/2012 5:32 PM

## Mount Prospect (IL) weighs rules for roadside memorials

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Mount Prospect officials are taking on the sensitive subject of roadside memorials left at the scenes of fatal automobile crashes. Village leaders say they have no intention of banning memorials, but may place restrictions on how long they can remain.

DAILY HERALD FILE PHOTO BY BILL ZARS/BZARS@DAILYHE

By [Steve Zalusky](#)

Mount Prospect began tackling a delicate subject this week when village trustees examined possible regulations for roadside memorials.

The memorials often are found at the sites of fatal automobile crashes, with items like teddy bears, flowers, pictures and religious artifacts placed along the road.

Village Manager Michael Janonis brought the matter before the board's committee of the whole Tuesday, asking trustees whether they want time limits or other restrictions in place.

"We're not looking to prohibit these," Janonis said. "We're not looking to in any way regulate them other than their placement in a safe manner and ... some type of end date when they can be removed."

In a memo to the board, Village Attorney George Wagner wrote that memorials constitute a form of free speech and that any regulation must be "viewpoint neutral and reasonably related to a legitimate governmental interest."

A majority of the board appeared in favor of at least a time limit, but did not take immediate action.

Trustee Michael Zadel suggested a three-month maximum.

"I agree that it is part of the grieving process," he said, but the six months suggested by others could encroach on the winter season, meaning something could get damaged or in some way "reconfigured" by weather.

"It is also sensitive to the people who actually maintain that public right of way," Trustee Arlene Juracek added. "So much of our public right of way is actually maintained by residents and citizens."

Trustee A. John Korn said the village should have some rules in place, saying the memorials can be a distraction to drivers, noting one long-standing memorial that features flowers, pictures, balloons, candles, toys and stuffed animals.

Korn, however, said he would be willing to make the time limit one year, noting that there might be the commemoration of a one-year anniversary of someone's passing.

Trustee Paul Hoefert pointed out that without an ordinance, taking down a memorial could appear disrespectful.

"This way, you don't end up with some unintended consequences," he said.

Janonis said that if the village took down a display, it could collect the items and hold them. Workers could try to contact the people in charge of the memorial or leave a note at the site indicating when the memorial would be removed and how people could collect items left there.

## **Mother mourns after roadside memorial removed**

*Posted: April 04, 2012 8:40 PM MST Updated: Apr 05, 2012 11:39 AM MST*

By Jim Mendoza - [bio](#) | [email](#)

MAKAHA (HawaiiNewsNow) - Since December, 2003, a memorial of crosses sat just off Farrington Highway on City and County park property.

It was to the west of the Makaha Surfside condominium, on the ocean side of the highway, where two spikes and a stone stand. That's where Deborah Stokes' two bronze crosses used to be.

"It's not a piece of brass and a piece of stone. That was my boys," she said.

Her boys, Joshua and Christopher, were killed in a head-on traffic accident in 2003, along with two other teens.

Yesterday, the City Parks and Recreation Department removed the crosses she set up eight years ago. She was stunned to see the space empty when she drove by last night. She panicked.

"It just resonated in me, they're gone! They're gone!" she said through tears. "It was like I lost them all over again."

A city ordinance forbids memorials in parks because of liability concerns and the potential to distract drivers.

Parks and Recreation director Gary Cabato said it's a safety issue. He said his staff usually posts removal notifications near memorials. In this case the supervisor didn't

"I did reiterate to him to be more sensitive, at least put a notification up, give the family time to pay their respects. But they have to take it out," he said.

Cabato said families can buy a bench for about \$300, and inscribe a memorial plaque that the city will install.

Stokes tracked down her crosses at the City Parks and Recreation maintenance yard in Waianae, where she reclaimed them.

She used to wave to them when she passed by on her way to and from work. It was a connecting point.

"I tell them, 'I love you,'" she said. "This morning I woke up. And when I drove by I had to stop myself."

Stokes now understands the city's position. She just wishes she was told before the crosses suddenly disappeared.

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## Officials say signs can cause distractions

Posted: Sunday, August 02, 2009

By Valerie Rowell  
Staff Writer

The family of a Martinez woman fatally struck by an SUV on Mullikin Road more than a year ago is asking county officials to change a county ordinance to allow them to keep a roadside memorial at the crash site.

Christian Giles, 24, died July 16, 2008, while walking with her husband and dogs near her Sawbuck Way home. Her family has constructed a memorial, complete with solar-powered spotlights, at the crash site.

A county ordinance requires that such memorials be removed after one year.

"A roadside memorial for the family and friends of those lost on Columbia County roadways does not have an expiration date," Mrs. Giles' brother-in-law, Brett Giles, told the Columbia County Public Works Services Committee on Tuesday.

"The grief brought on by such a tragedy does not ever fully disappear. So, we feel that one year is not a sufficient amount of time for a memorial," he said.

County officials adopted the ordinance in March 2004. After the one-year expiration, the law allows a symbol to be painted on the roadway at the site, said Matt Schlachter, interim Construction and Maintenance Division director.

Schlachter said a nearby resident had asked that the memorial be removed.

"(The resident) said it was a distraction, people stopping at all times of the night on the side of the road," Schlachter said.

From the official point of view, the memorials are similar to illegal signs along the roadway. But out of respect for grieving families and because of a lack of manpower to enforce the ordinance, the memorials usually are allowed to remain unless they pose a safety hazard or a resident complains about them, Schlachter said.

Other memorials erected to those who died in vehicle crashes on Columbia County roads include ones honoring Lea Turner, 17, on Hardy-McManus Road in Evans; Christen Renfro, 16, on Cobbham Road (a state-owned road) in Appling; and Ryan Howell, 17, on William Few Parkway in Evans.

"While memorials to some are looked at as distractions and safety hazards, to me it is something else," said Giles, who lives in the same neighborhood where his sister-in-law lived. He said his brother, Auburn, visits his wife's memorial daily.

"So, leaving my neighborhood every morning, when I see that memorial, it reminds me to drive a little more cautious and attentively."

County officials agreed to review the ordinance, which applies only to county-owned roads.

"We can't enforce (the ordinance) on state-owned roads," Schlachter said. "That's not our property."

The Georgia Department of Transportation's policy about roadside memorials is stricter than the county ordinance. Memorials on state roads will be immediately removed if they pose any kind of danger to motorists, such as blocking lines of sight or attracting too much attention from people along the roadside, said Crystal Paulk-Buchanan, a state DOT spokeswoman.

"We strongly discourage people from putting them up," Paulk-Buchanan said, adding that people alongside state roads could be in danger themselves, and the people and materials on the roadside can be distracting to passing motorists.

If a roadside memorial is not a safety hazard, it typically is left in place until the next scheduled maintenance in the area, Paulk-Buchanan said.

## CROSS MARKS THE SPOT: A STUDY OF **ROADSIDE DEATH MEMORIALS** IN TEXAS AND OKLAHOMA.

**Authors:**

[Reid, Jon K.](#)

[Reid, Cynthia L.](#)

**Source:**

[Death Studies](#), Jun2001, Vol. 25 Issue 4, p341-356, 16p

Motor vehicle collisions (MVCs) resulting in death have been a serious concern for many years. However, the placement of **roadside death memorials** (RDMs) at collision sites has become increasingly common in the United States, in the memorialization of those deceased because of MVCs. This practice has been used in numerous countries for hundreds of years. Of the 78 sites observed, most were for males whose deaths had occurred in the past year and were placed by both family members and friends. The sites include the use of a cross and flowers whose meaning is obvious; however numerous other artifacts are found, the meaning of which is less obvious. Some of the functions served by these **memorials** are to prolong the memory of the deceased in a public place and to communicate with the deceased and to society. RDMs are used by mourners as a way of coping with the sudden and tragic nature of deaths from MVCs.

[ABSTRACT FROM AUTHOR]

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## Roadside Memorials Spark Religious Freedom Dispute.

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[Schmidt, Karen](#)

[Christianity Today](#), 04/03/2000, Vol. 44 Issue 4, p20, 2/3p, 1 Black and White Photograph

Deals with the controversy involving the right of individuals to erect private **memorials** on public rights of way adjacent to the sites of fatal car accidents in Oregon. Decision of the Oregon Department of Transportation to remove crosses on a public road; **Legal** aspect of the department's decision.

Section: NORTH AMERICAN REPORT

Crosses, signs, and teddy bears along Oregon **roadsides** have produced an unexpected riptide of emotion and debate. The controversy involves the fight of individuals to erect private **memorials** on public rights of way adjacent to the sites of fatal car accidents.

The issue surfaced last fall after Oregon Department of Transportation (ODOT) workers routinely removed crosses on a public roadway near Salem. The crosses commemorated the deaths of two teenagers. Jeremy Haddock, an 18-year-old survivor of the accident, put up a new cross and aired his complaint in the local newspaper. "These are universal markings that are used all around the world," Haddock said in a local news report.

He believes **roadside memorials** are part of grieving and that they warn drivers of the dangers of the road.

Other Oregonians interpret removal of **roadside memorials** as an antireligious act. But, says ODOT maintenance engineer Doug Tindall, "Our policy is to remove anything that's illegal in the course of routine maintenance or if it poses a safety hazard."

State highway regulations say that signs or markers whether **memorials**, yard sale signs, or election placards--on public roads are illegal and eventually will be removed.

Tindall says ODOT regularly receives calls regarding **roadside memorials**. Most callers want displays removed because they don't want continual reminders of someone's death in a traffic accident.

The debate sharpened in January when several signs--emblazoned with "666," a black cross with a red slash through it, and a skull and crossbones--cropped up anonymously along roads in Marion and Polk counties. ODOT removed them without comment.

State Senator Marilyn Shannon, who supports **roadside memorials**, said she has received more than 200 e-mails, faxes, and calls from people on both sides of the controversy. "It's a freedom of speech issue, not freedom of religion," she says. "The cross is a symbol of hope. It's unfortunate that it's offensive to some."

Shannon says the same right for a **roadside memorial** should belong to those who would erect a Star of David or another religious symbol. She also notes that many **memorials** contain no religious element.

But freedom of expression is not the sole issue. Others raise church-state and public-safety concerns.

"Private **memorials** don't belong on public roadways," says Corvallis resident John S. Dearing. "These **memorials** are mostly religious ones and they violate the mandate of the separation of church and state." Dearing also opposes markers because they create a driving distraction.

The families of accident victims have their own views. "Everyone has the right to grieve in his or her own way. If that includes a public display of markers, so be it," says Patti Ekin, who approves of the marker commemorating her son's traffic death near Salem in 1998.

As for safety, many think that **roadside** markers provide a visual reminder to drivers to pay attention and use caution in dangerous portions of roadways.

ODOT's Tindall says his agency has no record of any accident involving a **roadside** display. The Joint Transportation Committee heard testimony on **roadside memorials** in January and may continue related discussions at future meetings.

No legislation is pending, so in the meantime, highway workers will remove **memorials**.

## **Roadside memorials: Public policy vs. private expression. (cover story)**

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[Ross, Chris](#)

[American City & County](#), May98, Vol. 113 Issue 5, p50, 3p, 4 Color Photographs

Section: Streets & Highways

State and local governments prohibit **roadside memorials** to accident victims for a number of reasons, including safety. In fact, however, in probably no other area of public life does public practice diverge so dramatically from official policy.

"It seems good to mark and to remember for a little while the place where a man died." John Steinbeck wrote those words in "The Log from the Sea of Cortez," and, as evidenced by **roadsides** across the United States, people have taken them to heart.

Although the Federal Highway Administration and some states prohibit **roadside memorials** to those who have died in traffic accidents, they are increasingly common. The reasons for allowing them or for banning them vary as much as the **memorials** themselves. In fact, in probably no other area of public life does public practice diverge so dramatically from official policy.

In Nevada, for example, **memorials** are either "not allowed for safety reasons" or they are viewed "as a positive marker in life -- a grim reminder that we all need to watch out for each other," depending on when and whom a caller asks. The Nevada Department of Transportation prohibits **roadside memorials** for safety reasons, but employees recently erected a large **memorial** to one of their own co-workers who was killed in the line of duty. And, despite state and federal sanctions against **memorials** on interstate highways, Interstate 80 across Nevada claims dozens of them, including one in memory of Highway Patrol Trooper Carlos Borland, who was shot in the line of duty near Lovelock.

Across the state line, things are different. "We take them down," says a California official. "They are an impediment that causes other people to stop and get hurt. Everything on the highway is there for an engineered purpose, so we don't allow them." (Still, over the years, highway landscape crews have carefully mowed around a number of crosses and other **memorials** on California highways.)

State and local governments prohibit **roadside memorials** to accident victims for a number of reasons, including safety. Wyoming's policy states that **memorials** are taken down because the state DOT considers them hazardous. It cites a recent accident in which the death of a child was attributed to a driver who was distracted by a **memorial** to two young pedestrians killed earlier at the same site.

Supporters of the **memorials** argue that they represent no more of a distraction than the massive, blinking billboards common along many highways. Additionally, they argue that the **memorials** break up the monotony of the road, and, thus, may help prevent accidents. (Ironically, a recent safety awareness bulletin by the California Highway Patrol noted that a majority of fatigue-related accidents occur on straight roadways and involve no corrective steering or braking action by the driver. The CHP blames those accidents on "long, monotonous drives.")

Some states prohibit the **memorials** because of the maintenance hassle. In Florida, for instance, the climate means heavy **roadside** vegetation that requires constant mowing. **Memorials** can hinder that mowing, although their supporters point out that the crews regularly mow around other signs and structures.

Occasionally, however, it is not just the state that objects to the **memorials**. In Nevada, friends of a young woman killed by a drunk driver recently erected a **memorial**, but the victim's family asked the DOT to remove it. Family members said the **memorial** made their daily drives "almost like going to the cemetery every day."

In Washington, requests for **memorials** by friends of victims require permission from the deceased's family. Other states, such as Idaho, allow either family or friends to request an official marker.

Finally, critics question whether crosses on public land are appropriate. During conflicts in Florida over **roadside memorials**, the state's plan to substitute 2-foot white, plastic markers for **roadside** shrines was criticized because of a constitutional concern about the separation of church and state. Those markers were replaced by the international symbol of safety, a "+" sign, which met similar controversy.

**Memorial** supporters acknowledge religious concerns, but feel that the use of the cross symbol as a marker of death is so practical and universal that it essentially transcends the original Christian symbolism. (The decision-makers in Florida eventually opted for a non-religious symbol. A new official marker consisting of a circle containing the words "Drive Safely" was approved.)

Washington allows **memorial** tree plantings and state-provided signs with the words "Please Don't Drink and Drive" above a plaque with the message "In Memory Of" and the victim's name. In Idaho, official policy allows simply a five-pointed gold star. The star is supposed to require a permit application and three pages of specifications, but unofficial markers are allowed, so people rarely go through the official process.

"If someone puts up a **memorial** to a loved one, we don't trash it," says Idaho DOT spokesperson Julie Pipal. "We leave it undisturbed unless it is a problem for motorists. We don't want to put grieving friends and relatives through the authorization process, and we are more focused on building and maintaining our bridges and roadways."

Removing unofficial markers is a sensitive issue. In Florida, crews remove and store **memorials** and attempt to contact family members to retrieve the **memorial** items or to request an official marker.

In Washington, where unauthorized markers also are removed, DOT spokesperson Lloyd Ensley says, "We try to find out who put them up and contact them to explain the reasons for removal. There is a part of the healing process that goes with this. We may even leave them up for a while." Unofficial, non-religious **memorials**, he says, may be allowed to remain on highways for limited periods of time.

Nevada Highway Patrol spokesperson Janay Winkler says the markers are "a way for people to feel closure on a very tragic event." In California, state policy calls for removal and disposal of **memorials**, though they may remain untouched for months to serve their purpose as a remembrance.

Permitted or not, **roadside memorials** have increased around the nation, and, for many highway users, they are a thoughtful and appreciated reminder of the dangers of driving and the mortality that everyone shares. "We view them as a positive marker in life, and few of us take offense or feel negatively about them," Winkler says.

PHOTO (COLOR): **Roadside memorial.**

PHOTOS (COLOR): Not all memorials are reminders of traffic deaths. In Four Mile Flat, Nev., (above) children who died of diphtheria during the gold rush are remembered by the good Samaritan who presumably reburied them after a 1940s flood wiped out their original graves. According to Nevada officials, markers like 'Mary Corner' in Honey Lake Valley (below) remind drivers to look out for one another on the road.

PHOTO (COLOR): In Pyramid Lake, Nev., **memorials** are prohibited because they may distract drivers, but officials agree the markers provide closure for victims' friends and families.

**PEOPLE** who lose loved ones on roads within the City of Wanneroo will have **guidelines to follow for roadside memorials**, with the council endorsing a policy last month.

Source: [Wanneroo Times](#), 07/10/2012, p12-12, 1

Elected members supported the recommended **roadside memorial** policy, which outlines permitted **memorial** types to commemorate people who lose their lives on the roads, without discussion at their June 26 meeting.

The policy stated **memorials** could be white timber crosses, located 3m from the road edge, grey concrete pavers on traffic islands or median strips, adhesive labels on traffic signal poles or street lights, or plants where landscaping permits.

It said **memorials** deemed a safety hazard to road users would be removed, and generally there would be a five-year time limit for **memorials**, apart from plants.

During public consultation in May, the City received one objection to the policy.

## Honolulu councilman proposes road **memorial** permits

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Source:

[AP Regional State Report - Hawaii](#), 05/08/2012

HONOLULU (AP) A Honolulu city councilman is proposing that grieving families apply for a permit before putting up **roadside memorials** for their loved ones.

KITV-TV in Honolulu reported Tuesday (<http://bit.ly/JcX0Hx> ) that the permits would be administered through the city's Department of Transportation Services.

Councilman Tom Berg is proposing the bill. He says the law would help city crews know when to clean up **memorials** and who to talk to about retrieving family mementos.

He says the law would also establish guidelines for how long **memorials** can stay up. He's proposing 60 days, but says he's hoping for more input from the public.

Berg says he hopes the law will convey to the public that when their loved ones die, the government is on their side.

## **Roadside memorials** to be regulated

[Daily Examiner \(Grafton\)](#), 01/02/2012, 3

A POLICY aiming to regulate the erection of **roadside memorials** is likely to be adopted by the Clarence Valley Council.

A report from staff to the council's last meeting of 2011 said **roadside memorials** were becoming increasingly popular but their placement was unregulated.

The report said fatal crashes on council roads were emotional and more people were erecting a form of tribute.

But the practice was unregulated, meaning there was no control over what form they could take or who should be contacted if any issues arose.

"The size and location of **memorials** can themselves become a hazard and potential liability for council and can cause problems for council's maintenance activities," it said.

"The location of a memorial can potentially affect the local amenity and neighbouring properties."

The report said it would not be unreasonable for a policy to be instituted that was sensitive to the situation and involved a simple application process.

It would let the council have supervision over the location and form of the **memorial** and a record of who was involved.

The draft policy provides that:

Location of **memorials** to only be in the immediate vicinity of the site of the accident;

Only one **memorial** will be permitted in respect of each accident;

The location of **memorials** must not create a hazard or restrict access;

**Memorials** may not exceed a height and width of 300mm;

**Memorials** may be removed if they are considered to seriously detract from the local amenity or affect adjacent landowners;

**Memorials** are temporary and must be removed after 15 months from the date of the accident, this period allowing for observance of the first anniversary. If the **memorial** is not removed, the council can reserve the right to remove it without notice;

While consent to the erection of a **memorial** is not being required, the council should be advised of the proposal to erect a **memorial** and be given details. An application form has been designed for this purpose.

Councillors, in their meeting last month, agreed to put a draft **roadside memorials** policy in place for 28 days and, if no submissions were received, adopt it.

If there were submissions, these would be taken back to the council for consideration.

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Source: Daily Examiner (Grafton), 01/02/2012, p3  
Item: apn.CQ10NK89

## City wades into emotional issue with effort to regulate **memorials**

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**Authors:**

[Pang, Gordon Y.K.](#)

**Source:**

[Honolulu Star-Advertiser](#), 05/27/2012

Gordon Y.K. Pang

May 27--There could soon be rules regulating **roadside memorials** erected to honor victims of car crashes on Oahu streets.

A bill introduced by City Councilman Tom Berg to create such rules was deferred by the Council Transportation Committee on Thursday until June 28 to allow Transportation Services Director Wayne Yoshioka time to come up with proposed administrative rules that would accomplish the same goal.

The issue is emotional and even those who have set up such **memorials** are split on whether drafting rules is a good thing.

Berg introduced Bill 45 after learning that city parks workers removed two copper crosses placed by a constituent in honor of two of her sons on city property next to Farrington Highway in Makaha.

Berg said regulating **roadside memorials** would give the city some control over the sites while also allowing some guidelines and expectations for families erecting them. The bill calls for families to obtain permits for **memorials**.

They would be allowed to be in place for up to 60 days. Permits would be issued only for areas deemed safe by the city. Families would need to describe their **memorials** in their applications.

The bill makes clear that the city can remove **memorials** that do not have permits or are deemed unsafe, as well as remove **memorials** that have remained beyond their allotted time, provided notice is given to the permittees.

"There is nothing on the books to offer the grieving family a sense of protocol when **roadside memorials** are deployed on city roads," Berg said in a recent email to supporters. "It is the duty and obligation of government to create guidelines so all can rest in peace."

Yoshioka said he would prefer policies be established through rule-making instead of a bill. He noted that the state regulates **roadside memorials** within the state Department of Transportation's administrative policies.

Makaha resident Deborah Stokes said she supports a bill or a rule because it will offer some certainty for grieving family members. "At least it would be something for the families."

Since two of her sons died in a crash in front of Mauna Lahilahi Beach Park more than eight years ago, Stokes' family has maintained a **roadside memorial** in their honor just off Farrington Highway, where they were killed.

Last month, Stokes made her daily drive to work and found the crosses had been removed.

"It hit me like a ton of bricks," she said. She asked around and recovered the crosses from a city construction yard the next day. Since then, she's kept the two crosses, which are 2 feet tall, in her van so she can feel like she's near her boys, she said.

A bill or rules governing **roadside memorials** would not apply in Stokes' situation since the crosses were within park property, not what is technically the side of the road.

City Parks Director Gary Cabato acknowledged the Stokes situation could have been handled better, noting that a new parks supervisor was involved.

He said families are welcome to donate either a tree or bench in honor of fallen loved ones at a park of their choice, which costs from several hundred to several thousand dollars.

Meanwhile, Waimanalo resident Kekai Seabury said he opposes any regulation of roadside **memorials**. Seabury's family has maintained a **memorial** along Kalaniana'ole Highway in front of the Olomana Golf Course since his father, Ramus Seabury, was killed in a crash February 2003.

He believes at least part of his father's spirit remains at the crash site, he said.

The city and state should allow **roadside memorials** to be in place without regulation so long as they are "respectful and clean," Seabury said.

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## Columbia County to review rules on **roadside memorials**

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**Authors:**

[Rowell, Valerie](#)

**Source:**

[Augusta Chronicle, The \(GA\), 07/28/2009](#)

Jul. 28--Columbia County officials are planning to review an ordinance requiring **roadside memorials** to be removed after a year.

At today's Public Works Services Committee meeting, officials discussed a request from a resident to remove a Mullikin Road **memorial** for Christian Giles, 24. Mrs. Giles died July 16, 2008, after being struck by an SUV while walking with her husband and dogs near her Sawbuck Way home.

The Giles family appealed to the committee to allow some kind of **memorial** to remain.

"We certainly recognize their trauma and sincerity of the Giles family," Commissioner Charles Allen said. "We simply will make a double-check of that (ordinance)."

The ordinance requiring **roadside memorials** to be removed after a year was enacted in March 2004 following the last complaint about them, said Matt Schlachter, Columbia County's interim Construction and Maintenance Division director.

The ordinance allows for a symbol to be painted on the roadway after the **memorial** is removed.

"We received a request to remove the **roadside memorial** placed on Mullikin Road for Mrs. Giles," said Mr. Schlachter. "He said it was a distraction, people stopping at all times of the night on the side of the road."

Brett Giles, Mrs. Giles' brother-in-law, asked the committee to consider allowing something to remain in place of the **memorial**, which his brother, Auburn Giles, visits daily.

"While some **memorials** are looked at as distractions and safety hazards, to me it is something else," said Mr. Giles, who lives in the same subdivision as Mr. Giles. "So leaving my neighborhood every morning, when I see that **memorial**, it reminds me to drive a little more cautious and attentively."

Like the Georgia Department of Transportation, the ordinance is usually enforced when county officials receive complaints about the **memorials** like any other illegally placed road sign.

The ordinance only applies to county-owned roads, not state or federal roads and highways, Mr. Schlachter.

Mr. Allen said county officials will review the ordinance, but did not give a time frame in which they might make a decision.

Reach Valerie Rowell at (706) 868-1222, ext. 110 or

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## States seek alternatives to **roadside memorials**

**Source:**

[USA Today](#), 06/04/2010

Transportation agencies want safe areas for grieving

SMYRNA, Del. -- For nearly 23 years, Joyce Keeler has avoided the spot on rural Eagles Nest Road where a fiery crash killed her son.

Instead, she comes to the highway rest stop near here to sit in a garden lined with bricks inscribed with the names of nearly 600 crash victims, including her son John. She prefers it to the kind of **roadside memorial** of crosses and flowers that spring up at the sites of thousands of fatal crashes across the nation every year.

"Things like that get old, and the flowers fade," says Keeler, of Smyrna. "But this will never go away." As states struggle to balance the public grief of victims' families with the need to maintain safe and distraction-free roads, the Delaware Highway **Memorial** Garden at the Smyrna Rest Area provides a unique alternative. The 11,000-square-foot garden, which opened in October 2007 with 268 bricks, has grown steadily since.

"It's something states are going to look to duplicate," says Sean Slone, a transportation policy analyst with the Council of State Governments. "It gets at the **roadside** safety issues while still giving the families an acceptable place to mourn."

Delaware's garden is often held up at transportation and safety conferences as a model for other states, said Jonathan Adkins, spokesman for the Governors Highway Safety Association, which represents state highway safety offices.

"It's an organized, professional way of addressing the issue and remembering victims," Adkins says.

Transportation agencies in other states, including Maryland and Illinois, have considered **memorials** similar to Delaware's in recent years, but none has yet developed one, says Art Jipson, a sociology and criminal justice professor at University of Dayton in Ohio, who has studied the **memorials**.

Most, including Delaware, prohibit informal **roadside** shrines -- at least on paper -- but few are willing to enforce the letter of their laws, he says.

"Who wants to be the legislator who says we need to remove all of these?" he says.

#### Places for healing

Many states will put up a sign at crash sites, some at family expense, and usually with a safe-driving message and the victim's name. Among them, according to state websites:

\*Alaska. Signs are free and stay in place for 10 years.

\*California. \$1,000 for signs for DUI victims only, which will stay in place for seven years.

\*Florida. Signs are free and stay in place one year.

\*Texas. \$300 for signs, which are given to the victim's family after a year.

\*West Virginia. \$200 for a sign for three years, renewable for three years for another \$200.

About a year and a half ago, Maryland proposed planting a grove of trees and performing an annual dedication for the roughly 600 people killed each year. A tight state budget has put that plan on hold this year, state highway spokesman Charlie Gischlar says.

Since the early 1990s, Illinois Tollway officials have offered to plant a tree at an interchange, oasis or other place away from the traffic lanes. But the program hasn't been promoted, and only one family has expressed interest in the past several years, spokeswoman Joelle McGinnis says.

The idea for the Delaware garden originated with Lisa Aretz's grief over losing her brother in a Florida motorcycle crash in 2002. She asked then-governor Ruth Ann Minner, a Democrat, to establish a **roadside memorial** sign program like Florida's, Delaware Department of Transportation spokeswoman Tina Shockley says.

Citing safety concerns, transportation officials discouraged the idea and instead began planning the **memorial** garden as an alternative. "I thought it would be a place people could come together for healing," Aretz says.

At the center of the Delaware garden is a pond with goldfish, frogs, water lilies and a gurgling waterfall. The hum of traffic on Delaware 1 and U.S. 13 is audible but no louder than the birds that perch in the maple, dogwood and birch trees.

The red bricks are engraved with black letters and line a wide concrete path that winds through the garden. The state paid about \$239,000 to build the garden and now pays for its upkeep and the bricks, which cost about \$30 each.

"It's not morbid or gloomy, not like a feeling you can get at a cemetery," says Patrick Bowers, of Delaware City, whose 21-year-old son Kyle Bowers died in a crash in 2008. "It's a garden like someone would do in their backyard."

Shows state cares

Ruby Dillmore lives near the Delaware rest area, so she visits the garden three or four times a week to see the brick for her 17-year-old son Larry Dillmore Jr., who died when his pickup truck crashed into a utility pole in 1995. She says she once met a couple whose teenage daughter had died in a crash eight years earlier. They were throwing a birthday party for her at a picnic pavilion beside the **memorial** garden -- a gathering that might have seemed ghoulish at a cemetery, Dillmore says.

The garden has not completely stopped people from erecting **roadside memorials** or prompted the state to take down old ones.

Besides bricks in the **memorial** garden, three crosses still mark the spot where 16-year-old Rachel Julian and two friends died in a 2005 crash, says her mother, Anita Redden.

Still, Redden says her father visits the garden often to put silk flowers next to his granddaughter's brick.

"It heals people's hearts to know there's an extra place, not something the family did but something the state did for people," Redden says.

Chalmers reports for The News Journal in Wilmington, Del.

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ORDINANCE NO. 500

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADDING A NEW CHAPTER 10.18 TO THE WOODINVILLE MUNICIPAL CODE AND TO ESTABLISH A ROADSIDE MEMORIAL SIGN PROGRAM IN THE PUBLIC RIGHT-OF-WAY, PROVIDING FOR SEVERABILITY, SUMMARY OF PUBLICATION BY TITLE ONLY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Woodinville desires to establish an appropriate way to memorialize lives lost in traffic accidents; and

WHEREAS, the City hopes that the placement of appropriate memorials will remind people to drive safely and without impairment from drugs and alcohol; and

WHEREAS, the City regulates and controls the right-of-way within the City limits, NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1: A new chapter 10.18, entitled "Roadside Memorials", is hereby added to the Woodinville Municipal Code to read as follows:

"CHAPTER 10.18

Roadside Memorials

10.18.010 Purpose.

The purpose of the memorial sign program is to:

- A. Provide friends and relatives of persons fatally injured in accidents with the opportunity to memorialize them by sponsoring a memorial sign to be erected near the scene of the accident in a safe and consistent manner; and
- B. Combat impaired driving and increase the public's awareness of the need to drive safely and responsibly.

10.18.020 Definitions.

As used in this chapter:

The "deceased" is any person who was fatally injured in an accident involving a vehicle, regardless of fault or intoxication, and for whom an applicant seeks the erection of a memorial sign.

An "immediate family member" means a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, grandparent or step-grandparent of the deceased.

An "intoxicated driver" is a driver who, while under the influence of drugs or alcohol, caused the death of the deceased, including his or her own death.

10.18.030 Long-term memorial application procedure.

A. An immediate family member, or another person who submits with written consent of an immediate family member, may apply to sponsor a sign memorializing the deceased.

B. The applicant must complete and return a memorial sign application on forms furnished by the City. The application must include the following attachments:

- 1. A copy of the accident report.
- 2. For an accident involving an intoxicated driver:
  - a. Court records showing that the intoxicated driver was convicted of second degree murder, gross vehicular manslaughter, vehicular manslaughter under

RCW 46.61.520(1)(a), or that the driver could not be prosecuted because of **mental incompetence; or**

b. If the intoxicated driver could not be prosecuted due to his or her death, proof of **intoxication from coroner's records.**

3. In the absence of the documents set forth in subsections (B)(\ ) and (2) of this section, the City may consider other documents presented by the applicant that the City deems to be equally reliable sources of information in evaluating the application.

#### **10.18.040 City review of long-term memorial sign application.**

Within 30 days after the City receives a correctly completed application submitted pursuant to this chapter, the City shall inspect the proposed site for the memorial sign and shall send a written decision to the applicant as to whether the proposed sign installation is approved at the proposed location or, if the sign cannot be located at the proposed location, the City's proposed alternative location. Sign applications will only be accepted for Right-of-Way that is under the City of Woodinville operational authority.

#### **10.18.050 Location, placement, and ownership of long-term memorial signs.**

A. Once an application has been approved, the applicant must pay the fee set forth in the City of Woodinville fee schedule to cover the cost of administration, fabrication, installation and maintenance of the memorial sign and any name plaque that may be requested.

B. The City will select, purchase, install, remove, and retain ownership of memorial signs.

C. Signs will be installed in accordance with applicable City policies and standards for signs. This includes posts, hardware, materials, vertical, longitudinal, and lateral positioning.

D. The City of Woodinville will not install or maintain a name plaque if there is written opposition from any immediate family member. If written opposition is received from any immediate family member after the name plaque has been installed, the City will remove the name plaque. The application fee for a name plaque that is removed or not installed due to such opposition shall not be refunded to the applicant.

E. Memorial signs shall be placed only in a City right-of-way, on the right side of the roadway, facing oncoming traffic. Signs will not be installed in the median of any City roadway.

F. Memorial signs shall be placed in close proximity to where the accident occurred at a location where the City determines it is safe and practical to do so.

G. Only one sign will be installed per intersection or per 1,000 feet of roadway for each direction of traffic. However, a memorial sign will not be placed in a location where the memorial sign obstructs the visibility of an existing traffic sign, traffic signal or impair sight distance below adopted City standards.

H. The City will not replace the sign should it be vandalized, damaged, or found missing; however, the applicant may apply for a new sign under the requirements of this chapter, including payment of the fee set forth in the City of Woodinville fee schedule.

#### **10.18.060 Informal short-term memorials and anniversary memorials.**

A. The placement of informal memorials up to three feet in height and up to round square feet in surface area shall be allowed in the unpaved portion of the right-of-way for up to 30 days after an accident as long as: (1) the memorial does not cause unsafe conditions for passing motorists or for people who are maintaining or visiting the memorial; and (2) the memorial and those visiting and/or maintaining the memorial comply with all other applicable laws.

B. Within 45 days of the accident, the City police department shall make reasonable efforts to contact one or more immediate family members of the deceased to determine whether any particular person is responsible

for maintaining the informal memorial and to inform the family about the existence of this chapter, including the requirement that the informal memorial be removed at the end of the 3D-day period.

C. The City may remove memorials prior to the expiration of the 3D-day period for failure to comply with applicable laws. If the City determines that a memorial is out of compliance with applicable law, the City police department shall make reasonable efforts to contact those responsible for maintaining the memorial to request that the noncompliant aspects of the memorial be corrected.

D. At the end of the 3D-day period, or after 7 days of noncompliance, whichever comes first, the City shall remove any remaining items from the memorial site, except for unwrapped biodegradable flowers, and shall keep the items for 3D days to allow the person placing the memorial to retrieve the items. This provision shall not prevent the City from removing a memorial immediately in response to a serious threat to public safety.

E. The placement of an anniversary memorial shall be allowed in the unpaved portion of the right-of-way for up to seven days after each anniversary of the accident. At the end of the seven-day period, the City shall remove any remaining items from the memorial site, except for unwrapped biodegradable flowers, and shall keep the items for 30 days to allow the person placing the memorial to retrieve the items. This provision shall not prevent the City from removing a memorial immediately in response to a serious threat to public safety.

F. Items not retrieved during the 3D-day holding period shall become the property of the City and may be disposed.

G. Unattended candles shall not be allowed at memorial sites and may be immediately removed by the City.

#### **10.18.070 Wording on long-term memorial signs.**

A. A memorial sign for a deceased whose death was caused by an intoxicated driver, including a sign memorializing the intoxicated driver, shall read "PLEASE DON'T DRIVE IMPAIRED." At the request of an immediate family member, a separate name plaque may be added that reads "IN MEMORY OF (the deceased's name)."

B. A memorial sign for a deceased whose death was not caused by an intoxicated driver shall read "PLEASE DRIVE SAFELY." At the request of an immediate family member, a separate name plaque may be added that reads "IN MEMORY OF (the deceased's name)."

#### **10.18.080 Name plaque limit on a single memorial sign installation.**

No more than three name plaques may appear below the memorial cautionary sign on a single memorial sign installation.

#### **10.18.090 Time allowed for memorial signs in City rights-of-way.**

Unless it determines that public safety requires removal, the City of Woodinville will allow the sign to remain in the right-of-way for seven years after the accident or until the City determines that the condition of the sign has deteriorated to a point where it is no longer serviceable, whichever occurs first. The City will remove and maintain ownership of the sign unless the sign sponsor requests, in writing, to have ownership of the sign after its removal.

##### **10.18.100 Application filing deadlines.**

A person may make an application under this chapter to memorialize a death in an accident that occurred not more than seven years prior to the application date.

##### **10.18.110 Multiple memorial sign applications.**

A. Only one sign will be installed per location. Should a sign already exist, an additional name plaque may be added to an existing sign upon City approval. Multiple deceased names may appear on one sign.

B. If more than one sponsor applies for a memorial sign for a single accident site, the City will consider the multiple applications in the order in which they are received.

C. The City may approve applications for an additional memorial sign at an existing accident site under the following circumstances:

I. Additional name plaques can be attached to the existing sign installation; or

2. A second memorial sign can be installed across the roadway from the first sign installation so that the second sign installation faces the traffic approaching from the opposite direction.

D. For purposes of this section, "single accident site" means the site of all accidents that occur within 1,000 feet from each other, regardless of when they occur. "

Section 2. A summary of this ordinance consisting of the ordinance title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after publication.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS  
PASSAGE THIS 2nd DAY OF February 2010.

Charles E. Price, Mayor

ATTEST/AUTHENTICATED:

Jenni~ r Kuh " City ClerkICMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATIORNEY

PASSED BY THE CITY COUNCIL: 02/02/2010

PUBLISHED: 02/08/2010

EFFECTIVE DATE: 02/16/2010

ORDINANCE NO. 500

December 27, 2010

## **ROADS AND BRIDGES**

### **(605 ILCS 125/) Roadside Memorial Act. Pennsylvania**

(605 ILCS 125/1)

Sec. 1. Short title. This Act may be cited as the Roadside Memorial Act.  
(Source: P.A. 95-398, eff. 1-1-08.)

(605 ILCS 125/5)

Sec. 5. Purpose of the Roadside Memorial program. The Roadside Memorial program is intended to raise public awareness of impaired driving by emphasizing the dangers while affording families an opportunity to remember the victims of crashes involving impaired drivers.  
(Source: P.A. 95-398, eff. 1-1-08.)

(605 ILCS 125/10)

Sec. 10. Definitions. As used in this Act:

"Department" means the Department of Transportation.

"DUI memorial marker" means a marker on a highway in this State commemorating one or more persons who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof.

"Qualified relative" means: an immediate relative of the deceased, by marriage, blood, or adoption, such as his or her spouse, son, daughter, mother, father, sister, or brother; a stepmother, stepfather, stepbrother, or

stepsister of the deceased; or a person with whom the deceased was in a domestic partnership or civil union as recognized by a State or local law or ordinance.

"Supporting jurisdiction" means the Department or any municipality, township, or county that establishes a Roadside Memorial program within its jurisdictional area.

(Source: P.A. 95-398, eff. 1-1-08.)

(605 ILCS 125/15)

Sec. 15. Participation in the Roadside Memorial program.

(a) A qualified relative of a victim may make a request for the installation of a memorial marker in a supporting jurisdiction using an application developed by the supporting jurisdiction. The supporting jurisdiction shall have sole responsibility for determining whether a request for a DUI memorial marker is rejected or accepted.

(b) An application for a DUI memorial marker may be submitted by a qualified relative with regard to any crash that occurred on or after January 1, 1990.

(c) If there is any opposition to the placement of a DUI memorial marker by any qualified relative of any decedent involved in the crash, the supporting jurisdiction shall deny the request.

(d) The supporting jurisdiction shall deny the request or, if a DUI memorial marker has already been installed, may remove the marker, if the qualified relative has provided false or misleading information in the application.

(e) The qualified relative shall agree not to place or encourage the placement of flowers, pictures, or other items at the crash site.

(f) A DUI memorial marker shall not be erected for a deceased driver involved in a fatal crash who is shown by toxicology reports to have been in violation of State DUI law, unless the next of kin of any other victim or victims killed in the crash consent in writing to the erection of the memorial marker.

(Source: P.A. 95-398, eff. 1-1-08; 95-873, eff. 8-21-08.)

(605 ILCS 125/20)

Sec. 20. DUI memorial markers.

(a) A DUI memorial marker shall consist of a white on blue panel bearing the message "Please Don't Drink and Drive". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel.

(b) A DUI memorial marker may memorialize more than one victim who died as a result of the same DUI-related crash. If one or more additional DUI crash deaths subsequently occur in close proximity to an existing DUI memorial marker, the supporting jurisdiction may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(c) A DUI memorial marker shall be maintained for at least 2 years from the date the last person was memorialized on the marker.

(d) The supporting jurisdiction has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In such cases, the sponsoring jurisdiction may select an alternate location.

(e) The Department shall secure the consent of any municipality before placing a DUI memorial marker within the corporate limits of the municipality.

(f) A fee in an amount to be determined by the supporting jurisdiction may be paid in whole or in part from the Roadside Memorial Fund if moneys are made available by the Department of Transportation from that Fund or may be charged to the qualified relative to the extent moneys from that Fund are not made available. The fee shall not exceed the costs associated with the fabrication, installation, and maintenance of the DUI memorial marker.

(Source: P.A. 95-398, eff. 1-1-08; 96-667, eff. 8-25-09.)

(605 ILCS 125/23)

(Section scheduled to be repealed on December 31, 2012)

Sec. 23. Fatal accident memorial marker program.

(a) The fatal accident memorial marker program is intended to raise public awareness of reckless driving by emphasizing the dangers while affording families an opportunity to remember the victims of crashes involving reckless drivers.

(b) As used in this Section, "fatal accident memorial marker" means a marker on a highway in this State commemorating one or more persons who died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or who otherwise caused the death of one or more persons through the operation of a motor vehicle.

(c) For purposes of the fatal accident memorial marker program in this Section, the provisions of Section 15 of this Act applicable to DUI memorial markers shall apply the same to fatal accident memorial markers.

(d) A fatal accident memorial marker shall consist of a white on blue panel bearing the message "Reckless Driving Costs Lives". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel.

(e) A fatal accident memorial marker may memorialize more than one victim who died as a result of the same crash. If one or more additional deaths subsequently occur in close proximity to an existing fatal accident memorial marker, the supporting jurisdiction may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(f) A fatal accident memorial marker shall be maintained for at least 2

years from the date the last person was memorialized on the marker.

(g) The supporting jurisdiction has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In such cases, the sponsoring jurisdiction may select an alternate location.

(h) The Department shall secure the consent of any municipality before placing a fatal accident memorial marker within the corporate limits of the municipality.

(i) A fee in an amount to be determined by the supporting jurisdiction shall be charged to the qualified relative. The fee shall not exceed the costs associated with the fabrication, installation, and maintenance of the fatal accident memorial marker.

(j) The Department shall report to the General Assembly no later than October 1, 2011 on the evaluation of the program and the number of fatal accident memorial marker requests.

(k) This Section is repealed on December 31, 2012.  
(Source: P.A. 96-1371, eff. 1-1-11; 97-304, eff. 8-11-11.)

(605 ILCS 125/25)

Sec. 25. Rules. The Department shall adopt rules regarding implementation of this Act. These rules shall be consistent with this Act and with federal regulations.

(Source: P.A. 95-398, eff. 1-1-08.)

(605 ILCS 125/99)

Sec. 99. Effective date. This Act takes effect January 1, 2008.  
(Source: P.A. 95-398, eff. 1-1-08.)

**This is the latest version of the proposed ordinance on roadside memorials being discussed by the Board of Aldermen. There is still considerable discussion on the proposed time limits in the ordinance.**

**Be it ordained by the Board of Alderman of the City of Derby (CT):**

**§ \_\_\_\_\_ Roadside memorials**

A. Definitions.

For the purpose of this chapter:

(1.) Roadside memorial: A roadside memorial is the placement of materials as a tribute that commemorates a person who died in a tragic event on a public sidewalk, roadway or right of way.

(2.) Public sidewalk, roadway or right of way. Shall only include public sidewalk, roadway or right of way owned and maintained by the City of Derby.

B. Findings.

The Board of Aldermen of the City of Derby intends to respect the wishes of those who have lost friends or relatives in tragic events. The Board has a responsibility to regulate the use of the public sidewalk, roadway and rights of way in such a manner to provide safety for the public. Therefore, the Board of Aldermen is required to balance both

safety and sensitivity in its policy relating to roadside memorials. Roadside memorials can be a physical impediment as well as a source of distraction to motorists and thus pose a danger to road and sidewalk users. Members of the public who erect roadside memorials may be putting themselves and others in danger in the process of doing so.

#### C. Regulations.

The placement of a roadside memorial shall be allowed along a public sidewalk, roadway or right of way owned and maintained by the City of Derby for a period not to exceed ninety (90) days beginning anytime within 30 days after a death due to a tragic event as long as:

- (1.) the roadside memorial does not cause unsafe conditions for passing motorists, pedestrians, or for people maintaining or visiting the roadside memorial, as determined by the Street Commissioner;
- (2.) the roadside memorial and those visiting and/or maintaining the roadside memorial comply with all other applicable laws;
- (3.) the roadside memorial does not contain unattended candles, glass or other sharp objects;
- (4.) the roadside memorial shall also have no dimension exceeding 3 feet in length, width, height or depth;
- (5.) the roadside memorial shall leave at least three feet of clear width for pedestrians on any public sidewalk in the City;
- (6.) the roadside memorial shall not encroach upon any roadway in the City;
- (7.) the roadside memorial shall be removed 90 days after it has been on display;

The City may remove the roadside memorial prior to the 90 day period for failure to comply with applicable laws. If the City determines that a roadside memorial is out of compliance with applicable law, the City shall make reasonable efforts to contact those responsible for maintaining the roadside memorial and will notify them of their failure to comply. If the roadside memorial is not removed 90 days after its erection, the city shall remove any remaining items from the roadside memorial site and shall keep the items for 30 days to allow the person/s placing the roadside memorial to retrieve the items. Nothing in this provision shall prevent the City from removing a roadside memorial immediately in response to a serious threat to public safety.

Items not retrieved within the 30 days will become the property of the City and may be disposed.

If any roadside memorial, or any structure whatsoever, or any inscription to be placed on same, shall be determined by the City to be offensive, the City shall have the right to remove, change or correct the offensive or improper object or objects.

After the 90 day time limitation has passed, the person(s) responsible for the memorial may request from the Derby Board of Aldermen, in writing, that a permanent marker be established at the site, or near the site of the roadside memorial. The permanent marker shall consist of a public service message in memory of the deceased. The final size, style, content and location of the permanent marker shall be determined by the Board of Aldermen at a public meeting. The cost of the permanent marker shall be paid by the person (s) responsible for the request. The installation of the permanent marker shall be completed by the department of Public Works.

The ordinance has been adopted on \_\_\_\_\_, 2010, and shall be effective within fifteen days after publication.

Adopted by the  
Board of Alderman

\_\_\_\_\_, 2010  
Laura Wabno  
Town/City Clerk  
Approved by the Mayor

\_\_\_\_\_  
Anthony Staffieri  
Mayor

\_\_\_\_\_, 2010

## DUI MEMORIAL MARKER

The Winnebago County (IL) Highway Department has implemented a roadside memorial program in conjunction with current State legislation. The program is designed to provide family and/or friends with a safe and compliant means of memorializing victims of motor vehicle accidents. The Highway Department strongly encourages family and/or friends to utilize the memorial sign program to optimize roadway safety and to minimize the necessary up keep of the current roadside memorials being used.

[DUI MEMORIAL MARKER APPLICATION](#)

[\(Click Here\)](#)

### 1. APPLICANT INFORMATION

Applicant Name:

Address:

City: State: Zip Code:

Daytime Phone: E-Mail:

### 2. CRASH INFORMATION

Location of Crash:

Investigating Law Enforcement Agency:

Name of driver determined to be DUI:

Relationship to victim:

**County of Winnebago**

424 North Springfield Ave. Phone (815)319-4000

**DUI Memorial Marker Application**

Date of crash:

**HIGHWAY DEPARTMENT**

Joseph A. Vanderwerff, Sr. P.E.

### 3. VICTIM INFORMATION (Only list the victims that are related to the applicant)

Clearly write name(s) of the victim(s) the way they are to appear on the Commemorative Plaque(s). Note: See (e) on

attached sheet.

#### **4. CERTIFICATION**

I have read and understand the information given on the attached sheet and certify that the answers I have provided are correct to the best of my knowledge. I also certify that I have contacted the other immediate family members of the deceased victim and to the best of my knowledge, no relative of the deceased victim will object to the placement of the memorial. I understand that, if approved, I will be billed \$80 for the Memorial Sign and \$30 each for every Commemorative Plaque containing the name of a victim listed in 3 above.

Applicant's signature: Date:

***PLEASE DO NOT SEND ANY MONEY UNTIL SPECIFICALLY REQUESTED***

Victim's Name:

Attach copy of crash report and/or other official documentation showing proof of DUI. Note: See (d) on attached sheet.

***Initial here if you wish to have only the DUI Sign installed without a plaque:***

Mail application to: Winnebago County Highway Department, 424 N. Springfield Ave., Rockford, IL 61101

Victim's Name: Victim's Name:

Victim's Name:

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Rockford, IL 61101-5097 County Engineer Fax (815)319-4001

#### **DUI MEMORIAL SIGN PROGRAM**

- a) This application is to be used only for fatal crashes which occurred on highways under the jurisdiction of Winnebago County Highway Department for crashes occurring on or after January 1,1990.
- b) The applicant must be an immediate relative of the victim(s) listed in 3 on the application including spouse, child, stepchild, parent, stepparent, sibling, or a person with whom the deceased was in a civil union or domestic partnership as recognized by a State or local law or ordinance.
- c) The request will be denied if any immediate relative of any decedent involved in the crash objects in writing to the placement of the DUI Memorial Marker or Commemorative Plaque.
- d) Documentation showing proof that the driver was DUI at the time of the crash may include but is not limited to: police/crash reports, official eyewitness reports, newspaper articles, documents and/or letters from the state's Attorney's office, court system, or department of corrections.
- e) A DUI Memorial Marker or Commemorative Plaque will not be installed for a deceased driver involved in a fatal crash who is shown by toxicology reports to have been in violation of State DUI law unless the immediate relatives or any other victim(s) killed in the crash consent in writing to the erection of the memorial. If this is the case, please attach signed approval letters.
- f) A DUI Memorial Marker consists of a DUI Memorial Sign and any Commemorative Plaque(s). The DUI Memorial Sign is 36-inches wide by 24-inches tall with the words

“Please Don’t Drink and Drive” in white lettering on a blue background. It may be supplemented by one or more 36-inch wide by 18-inch tall Commemorative Plaques mounted underneath with the legend “IN MEMORY OF (Name)” and the date of the crash. A separate Commemorative Plaque will be used for each victim. The lettering on both the sign and the plaque(s) is white on a blue background. If the applicant wishes to have a DUI Memorial Marker installed without a Commemorative Plaque, this should be noted under Section 3 on the application.

- g) A one-time fee of \$80 for each DUI Memorial Sign installed and \$30 for each Commemorative Plaque installed will be charged to offset the cost of this program. The fees will be billed at the time the application is approved by Winnebago County Highway Department and are not to be submitted until specifically requested. Once the fee is paid for a DUI Memorial Sign or Commemorative Plaques and they are installed, they will be maintained for a 2-year period without any additional cost, at which time they will be removed and the plaque(s) given to the applicant(s).
- h) The Winnebago County Highway Department has the right to install a DUI Memorial Marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. Markers will also not be installed adjacent to the main lanes on Interstate highways or other freeways or within the corporate limits of any municipality unless the municipality consents. In such cases, the Winnebago County Highway Department will discuss an alternate location with the applicant(s).
- i) A DUI Memorial Marker may memorialize more than one victim who died as a result of the same crash. If one or more additional, unrelated DUI deaths subsequently occur in close proximity to an existing DUI Memorial Marker, the Winnebago County Highway Department reserves the right to use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons on additional Commemorative Plaques.
- j) j) The applicant agrees not to place or encourage the placement of flowers, pictures, or other items at the crash site or modify the DUI Memorial Marker or Commemorative Plaque(s) in any way.
- k) Mail application to: Winnebago County Highway Department , 424 North Springfield Avenue Rockford, Illinois, 61101

***Remembering a loved one***

# Memorials

## on State Highways

Wisconsin Department of Transportation

## **Guidelines for memorials along Wisconsin roadsides**

*Loss of life from a traffic crash has a devastating impact on families and friends of the victim. A loved one is suddenly no longer with us. Wisconsin Department of Transportation and county highway maintenance employees understand the distressing shock of such a loss of life. They also recognize that some people grieve by placing a memorial within a highway right-of-way near the crash site.*

*While the department acknowledges the need some people feel to express themselves in this way, the placement of memorials within a roadway's right-of-way is not allowed under state statutes. Roadside memorials may also be a safety hazard.*

### **What can be done?**

Current policy for the department is to remove a memorial as soon as possible if it poses a safety concern, for example:

If it interferes with roadway safety features or vision

If it negatively impacts the free flow of traffic

If it would be a hazard should it be hit

A memorial will also be removed if:

It interferes with routine maintenance

It falls into disrepair

The department receives a complaint

Otherwise, the memorial typically will not be immediately removed. If a memorial is removed, the owner is contacted, if known, and told where it may be retrieved. Individuals should understand that any memorial placed on public right-of-way is temporary and should expect it would not remain in place for more than a year.

The department strongly encourages grieving parties who wish to place a memorial near the site of the fatal crash to work with an adjoining landowner to designate an appropriate location, off a road's right-of-way, for placement of a memorial.

### **Adopting a highway as an alternative**

As an alternative form of memorial, the department allows friends and family to adopt a two-mile-long highway segment under the Adopt-a-Highway program with signage that notes that the highway has been adopted in memory of.... The sign is installed by the state in compliance with federal and state standards.

Those who adopt a highway are required to clean their adopted roadway at least three times a year. The benefits of this approach are that the deceased can be recognized in a manner that conforms to state statutes and allows mourners to positively affect Wisconsin's roadsides while giving them access to the crash site at least three times a year.

They would not be allowed to maintain a separate roadside memorial. Under special circumstances, the department has worked with grieving families to place plantings at a rest area near a crash scene. This has allowed mourners to gather together off the immediate roadway right-of-way to remember their lost loved one.

### **Safety is the department's highest priority**

No one wants to see a subsequent tragedy result from a previous incident. For safety's sake, statutes require that only items that perform a specific highway function are allowed within a highway right-of-way. Mourners who stop to maintain a memorial not only place themselves in danger, they also put other motorists at risk. Additionally, it's against state law to stop along an interstate or freeway except in an emergency or because a vehicle breaks down.

### **For more information on roadside memorials, contact:**

Christa Wollenzien

(608)266-3943

[christa.wollenzien@dot.wi.gov](mailto:christa.wollenzien@dot.wi.gov)

Or visit

[www.dot.wisconsin.gov/business/rules/memorials.htm](http://www.dot.wisconsin.gov/business/rules/memorials.htm)

[www.dot.wisconsin.gov/localgov/aid/adopt-a-highway.htm](http://www.dot.wisconsin.gov/localgov/aid/adopt-a-highway.htm)

## Virginia DOT

### **Roadside memorials.**

A. Section 33.1-206.1 of the Code of Virginia directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials. Roadside memorials shall not be placed on state right-of-way without first obtaining a single use permit. At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way.

B. The following rules shall be followed in processing applications to place roadside memorials within the highway right-of-way:

1. Applications for a memorial shall be submitted to the district administrator's designee. The district administrator's designee will review, and if necessary, amend or reject any application.
2. If construction or major maintenance work is scheduled in the vicinity of the proposed memorial's location, the district administrator's designee may identify an acceptable location for the memorial beyond the limits of work, or the applicant may agree to postpone installation.
3. If the applicant requests an appeal to the district administrator's designee decision regarding amendment or rejection of an application, this appeal will be forwarded to the district administrator.
4. Criteria used to review applications shall include, but not be limited to, the following factors:
  - a. Potential hazard of the proposed memorial to travelers, the bereaved, VDOT personnel, or others;
  - b. The effect on the proposed site's land use or aesthetics; installation or maintenance concerns; and,
  - c. Circumstances surrounding the accident or incident.
5. Approval of a memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the memorial site. It is illegal to park along the Interstate System, and because of safety reasons and concerns for the public and friends and family of the deceased, parking, stopping, and standing of persons along any highway is not encouraged.

C. The following rules will be followed concerning roadside memorial participation:

1. Any human fatality that occurs on the state highway system is eligible for a memorial. Deaths of animals or pets are not eligible.
2. The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. This information may be obtained by contacting the local or state police. The district administrator's designee may also require that the applicant supply a copy of the Death Certificate.
3. Only family members of the victim may apply for a memorial.
4. The applicant will confirm on the application that approval has been obtained from the immediate family of the victim and the adjacent property owner or owners to locate the memorial in the designated location. If any member of the immediate family objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.
5. If the adjacent property owner objects in writing, the memorial will be relocated and the applicant will be notified.

6. Memorials will remain in place for two years from the date of installation, at which time the permit shall expire. The Commonwealth Transportation Commissioner may, upon receipt of a written request, grant an extension of the permit. An extension may be granted for a period of one year, and requests for further extensions must be submitted for each subsequent year. The applicant or the family of the victim may request that the memorial be removed less than two years after installation.

7. The applicant shall be responsible for the fabrication of the memorial. VDOT will install, maintain, and remove the memorial, but the cost of these activities shall be paid by the applicant to VDOT.

D. Roadside memorial physical requirements.

1. The memorial shall be designed in accordance with the Outdoor Advertising Manual (see 24 VAC 30-151-760). The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.

2. Only one memorial per fatality shall be allowed.

3. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple deaths have occurred.

4. The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.

a. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.

b. Memorials shall be located in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.

c. Memorials shall not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.

d. Memorials shall not be permitted in a construction or maintenance work zone. VDOT reserves the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.

e. If VDOT's right-of-way is insufficient for a memorial to be installed at the crash site, the district administrator's designee will locate a suitable location as close as possible to the incident vicinity to locate the memorial where sufficient right-of-way exists.

E. Removal. After the two-year term, the memorial shall be removed by VDOT personnel. The memorial nameplate will be returned to the applicant or the designated family member, if specified on the application. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at VDOT's discretion.

## ADAMS COUNTY COLORADO

### ROADSIDE MEMORIAL SIGN PROGRAM CRITERIA

Roadside memorials can help grieving families and friends deal with the loss of a loved one. They can also alert drivers to the very real and serious consequences of unsafe driving. Adams County's policy on roadside memorials is intended to accommodate these important interests, while at the same time helping to avoid legal challenges that can sometimes be presented when memorials are installed without approval or regulation.

Adams County's policy on roadside memorials gives grieving family members two options for creating a memorial. Under the first option, the county will make a memorial sign and

install and maintain the sign on behalf of an applicant. Under the second option, the county will issue a sign permit and the applicant will install and maintain the sign. Under both options Adams County will first ensure that the proposed sign does not present a safety hazard or maintenance impediment and otherwise meets the criteria of this policy.

The following criteria shall be utilized to issue roadside memorial signs and roadside memorial sign permits:

1. The program applies only to fatal crashes occurring on a county road in unincorporated Adams County. For state highway system traffic fatalities, an applicant may contact the Colorado Department of Transportation at 303.757.9360. Only one memorial sign or permit will be installed or issued per crash, regardless of the number of fatalities.
2. Memorial signs or sign permits may be requested only by the immediate family of the deceased or by close friends when no immediate family members available. The family may direct the Public Works Department in writing to remove a memorial sign or revoke a permit at any time.
3. Applicants may select one of the following two options:

#### Option One: County-issued Sign

- County-issued signs will be installed by the Public Works Department as close as practicable to the actual site of the fatal crash. It will generally be installed on the side of the road that represents the direction the vehicle was traveling at the time of the crash. Signs will not be installed in medians, on bridge structures or other locations deemed inappropriate or unsafe by the Public Works Department.
- County-issued signs will be maintained by the Public Works Department and remain in place for two (2) years with an additional two (2) year extension if requested by the family or applicant. At the conclusion of the posting period, the sign will be removed by the Public Works Department and donated to the family.

The cost of a county-issued sign is \$50. This fee represents the county's direct and indirect expenses with creating, installing and maintaining the sign. The fee shall be transmitted to the county treasurer and be credited it to the applicable county highway or transportation fund.

### Option Two: Sign Permit

- An applicant choosing to create his/her own roadside memorial must receive a roadside memorial sign permit from the Public Works Department. To qualify for a roadside memorial sign permit, the sign must not exceed three feet in height above ground, two feet in width and six inches in thickness. Signs must be constructed of a durable material and may not contain any moving or electronic parts.
  - The applicant may propose a location for the roadside memorial sign. However, signs must be located within the highway easement as far from the roadway as reasonably necessary to preserve public safety and facilitate highway maintenance, given the proposed location.
  - As a condition of the permit, the applicant must agree to erect and appropriately maintain the roadside memorial sign.
  - The Public Works Department will deny a roadside memorial sign application if the proposed type or location of the memorial would result in a potential safety hazard or maintenance impediment. In this event, the Public Works Department will suggest that the applicant consider an alternative design or placement that meets the requirements of this program.
  - The Public Works Department will remove any roadside memorial that does not comply with the requirements of this program, including through the applicant's failure to substantially perform any erection or maintenance agreement specified in the permit. The Public Works Department may deny or revoke a permit for false or misleading information given in the application or for the erection or maintenance of a memorial in violation of this section.
  - The fee for obtaining a roadside memorial sign permit is \$25, representing the county's direct and indirect expenses associated with issuing and administering the permit. The fee will be transmitted to the county treasurer and credited to the applicable county highway or transportation fund.
4. Because memorial signs are sometimes placed in close proximity to high speed/high volume motor vehicle traffic, family and friends are discouraged from visiting the crash site, leaving mementos or otherwise adorning the roadside memorial sign. If this occurs and represents a hazard, the roadside memorial sign will be removed at the discretion of the Public Works Department.

5. The Public Works Department will remove roadside memorials that are not permitted or issued by Adams County. Reasonable effort will be made to contact the family of a victim to provide information on how to request a sign or permit in accordance with the guidelines of this program.

If you have any questions about the county's roadside memorial sign program, or to obtain an application, please contact the Adams County Public Works Department at 303.853.7100.

Adopted by the Common Council July 28, 2009

## **City of Stoughton (WI)**

### **Policy on Roadside Memorials on City Streets**

#### **Background:**

Loss of life from a traffic crash has a devastating impact on families and friends of the victim. The City of Stoughton recognizes the distressing shock of loss of life from a traffic accident. The City of Stoughton also recognizes that some people grieve by placing a memorial within a street right-of-way near the crash site.

The City of Stoughton also recognizes that the placement of roadside memorials can pose potential safety hazards:

- Obstruct a motorist's view
- Distract a driver's attention
- Compound damages or injuries in the event of a crash
- Endanger the safety of individuals who are erecting memorial signs along busy street
- Present obstacles to crews who maintain (plow, grade, mow, etc.) roadways

State Statutes and City of Stoughton Ordinances do not specifically authorize the placement of signs, markers, tokens, flowers or other such items within the street right-of-way. For safety, statutes and ordinances require that only items that perform a specific street function be allowed within a street right-of-way.

#### **Purpose:**

This policy attempts to allow the grieving process to proceed while addressing the City's primary obligation of keeping roadways safe. The public right-of-way needs to be retained for only public use while also acknowledging the need for some persons to have a longer-term acknowledgment in the form of a temporary roadside memorial.

While the City of Stoughton acknowledges the need some people feel to express their grief in this way, the placement of memorials within a roadway's right-of-way is not specifically authorized under State Statutes and City ordinances. The City of Stoughton further recognizes that other individuals may call for enforcement of existing statutes and ordinances.

This policy attempts to balance conflicting desires.

#### **Policy:**

This policy applies to highways and streets under the jurisdictional authority of the City of Stoughton.

A roadside memorial placed near the location of the fatal traffic accident, in the direction of travel where the accident occurred and at the edge of the street right-of-way farthest from the roadway will be allowed to remain subject to the following conditions:

Any memorial placed on public right-of-way is temporary. Roadside memorials may be allowed to remain in place for approximately, and in no case longer than, one year, if they don't interfere with roadway and right-of-way maintenance, are not safety hazards, or if no complaint is filed.

The Stoughton Street Department (department) shall, at any time, remove a memorial if it poses a safety concern, for example:

- If it interferes with roadway safety features or vision
- If it negatively impacts the free flow of traffic
- If it would be a hazard should it be hit

The department shall, at any time, remove a memorial if:

- It interferes with routine maintenance
- It falls into disrepair
- The department receives a complaint

A complaint on a specific roadside memorial shall be sufficient to remove the roadside memorial at any time if:

the basis of the complaint is specified in a written form with the name of a contact person

the basis of the complaint is communicated via a telephone call with the persons name and contact information

Roadside memorials are not allowed in any highways or streets where pedestrians are prohibited by law and shall be removed immediately.

Roadside memorials are not allowed in medians and shall be removed.

Otherwise, the memorial typically will not be removed. If a memorial is removed, the owner will be contacted, if known, and told where it may be retrieved.

**Alternatives to Roadside Memorials in the Right-of Way:**

The department strongly encourages grieving parties who wish to place a memorial near the site of the fatal crash to work with an adjoining landowner to designate an appropriate location, off a road's right-of-way, for placement of a memorial.

[s/common/clerksoffice/policies&procedures/roadside memorials policy](#)

**EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION  
MAINTENANCE DIVISION POLICIES AND PROCEDURES**

**Roadside Memorial Signs Program**

MP-18

Title/Number

Issued: December 1, 2009 Revised:

Page 1 of 3 Supersedes:

09-0974.A.1

**BACKGROUND**

The El Dorado County Department of Transportation recognizes the public's desire to honor and remember loved ones lost in traffic accidents on El Dorado County

roadways.

## POLICY

It is the policy of the Department of Transportation to prevent placement of roadside memorials in the County right-of-way except as authorized through the Roadside Memorial Signs Program described herein.

## PROCEDURE

### 1. Authorization, Installation and Removal of Roadside Memorial Signs

a. Following a fatality on a County maintained road, a family member may submit an Application for Roadside Memorial Sign Installation available from the Department of Transportation and included with this procedure. Standard sign specifications are incorporated in the application.

b. Department of Transportation staff will verify the accident and location with the California Highway Patrol.

c. Upon authorization by the Director of the Department of Transportation, Department of Transportation staff will install the memorial sign option indicated on the Application for Roadside Memorial Sign Installation.

## EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION

### MAINTENANCE DIVISION POLICIES AND PROCEDURES

#### Roadside Memorial Signs Program

MP-18

Title/Number

Issued: December 1, 2009 Revised:

Page 2 of 3 Supersedes:

09-0974.A.2

d. The Department of Transportation, in its sole discretion, will determine the exact location of the sign. The Department of Transportation will endeavor to install the sign as close to the actual accident site as practical based on sign installation and traffic safety requirements.

e. The Department of Transportation will maintain the memorial area and will remove any inappropriate appurtenances.

f. The sign will be removed within one (1) year from the date of installation by Department of Transportation staff.

g. If adopted by a resolution of the El Dorado County Board of Supervisors, a fee will be charged to offset the cost, installation and removal of the sign.

### 2. Unauthorized Roadside Memorials

Upon notice that an unauthorized roadside memorial has been placed along a County maintained road, Department of Transportation staff will send the family a letter containing information and the application form for the Roadside Memorial Signs Program. The letter will provide the family with an opportunity to apply for the installation of a memorial sign by the Department of Transportation and will request that the family remove the unauthorized roadside memorial within 30 days.

If the Department of Transportation is unable to contact the family or if the family is unable to remove the memorial within the 30 day period, then Department of EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION MAINTENANCE DIVISION POLICIES AND PROCEDURES

Roadside Memorial Signs Program  
MP-18

Title/Number

Issued: December 1, 2009 Revised:

Page 3 of 3 Supersedes:

09-0974.A.3

Transportation staff will remove the memorial from the County maintained road at the end of the 30 day period. If Department of Transportation staff is unable to contact the family, or if the family does not wish to take possession of the contents of the memorial, then the Department of Transportation will dispose of the contents of the memorial.

3. Removal of Roadside Memorials in Place as of the Date of Adoption of Policy  
Following adoption of this Department of Transportation Policy, Department of Transportation staff will remove and dispose of all existing roadside memorials that have been in place on County maintained roads for more than one (1) year. Department of Transportation staff will attempt to contact the families for the roadside memorials that have been placed on County maintained roads within the last one (1) year period utilizing the process described in Item 2 above.

December 1, 2009

09-0974.A1.1

**APPLICATION FOR ROADSIDE MEMORIAL SIGN INSTALLATION**

EL DORADO COUNTY

DEPARTMENT OF TRANSPORTATION

2441 Headington Road, Placerville, CA 95667

Tel: (530) 642-4909 Fax: (530) 642-9238

Applicant must complete all portions of this application

**PERSON REQUESTING MEMORIAL:**

NAME: \_\_\_\_\_

RELATIONSHIP: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: (Day) \_\_\_\_\_ Email

(optional): \_\_\_\_\_

(Evening) \_\_\_\_\_

**MEMORIAL INFORMATION:**

Check one: OPTION A ( ) OPTION B ( )

DATE (option A only): \_\_\_\_\_

NAME TO APPEAR ON MEMORIAL:

\_\_\_\_\_

ACCIDENT LOCATION:

\_\_\_\_\_

ACCIDENT DATE:

\_\_\_\_\_

**OPTION A**

12" X 18"

Reflective blue with white lettering

**OPTION B**

12" X 18"

Reflective blue with white lettering

Notes:

1. Accident will be verified with the California Highway Patrol.
2. Exact location of installation shall be determined by the Department of Transportation based on installation requirements for shoulder width and sight distance.
3. County shall remove any inappropriate appurtenances around the installation site.
4. Sign shall be removed within one (1) year.

*For Official Use Only:*

*Authorized by:* \_\_\_\_\_ *Installation Date:*

\_\_\_\_\_

*Removal Date:* \_\_\_\_\_

IN MEMORY OF JOHN P. DOE

00/00/00

PLEASE DON'T DRINK AND DRIVE IN MEMORY OF \_\_\_\_\_



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: SECOND FLOOR OF ADULT CENTER**  
Staff Contact: **Erik Strunk, Executive Director, Parks, Recreation & Library Services**

## **Purpose and Policy Guidance**

This is for Council information only.

## **Background Summary**

When the Glendale Adult Center was constructed, it was decided to also construct 17,209 square feet of unfinished space as a second floor “shell.” This was done in preparation for an anticipated increase in patronage and the expected corresponding need for additional space to accommodate additional programming for a growing population of adults (those 18 years of age or older) in the city.

Annually staff conducts a yearly facility utilization study. Presently, the use of all available rooms occurs approximately 40% of the facility’s operating hours. The Adult Center currently uses a 70% occupancy/use rate as its gauge for potential expansion. This indicates there is sufficient space as currently configured.

The estimated cost to build-out the second floor shell of the Adult Center would be approximately \$3,933,512, with an additional \$481,497 in annual ongoing operating and maintenance costs. At this time, there are no funds available for either of these projected expenses.

## **Previous Related Council Action**

Information on this item was requested by Councilmember Lieberman at the March 1, 2011 City Council Workshop. On March 18, 2011, a memo on this same subject was distributed to the Council as part of the Council Items of Special Interest agenda item for that workshop.

## **Attachments**

Staff Report



## STAFF REPORT

To: Horatio Skeete, Acting City Manager  
From: Erik Strunk, Executive Director, Parks, Recreation and Library Services  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: SECOND FLOOR OF ADULT CENTER**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

The purpose of this staff report is to respond to Councilmember Lieberman's request for information about plans to complete the second floor of the Glendale Adult Center.

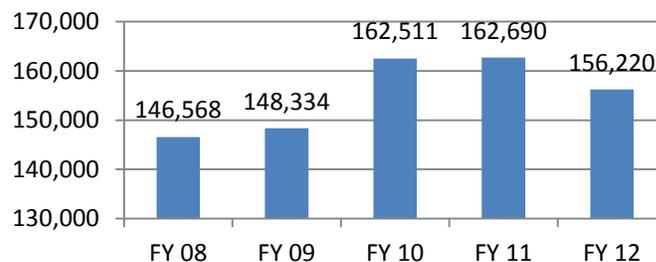
### **BACKGROUND**

Councilmember Lieberman requested specific information as to potential use and development of the second floor of the Adult Center. This area is currently vacant and consists of approximately 17,209 square feet of unfinished interior floor space and cannot be currently used for programming.

The Adult Center located on a 5.1 acre parcel at 5970 W. Brown Street, was opened in 2003 at a cost of approximately \$6.1 million and was funded with General Obligation Bonds. Although the complex consists of two stories, only the first level consisting of 30,269 square feet was fully constructed. The second story, which consists of 17,209 square feet, remains an unfinished "shell" that could be completed at such time as directed by the City Council.

In FY11-12, there were a total of 3,584 members (2,700 residents + 884 non-residents) and the Center had 156,220 patrons. Of these, approximately 71% are 60 years or older.

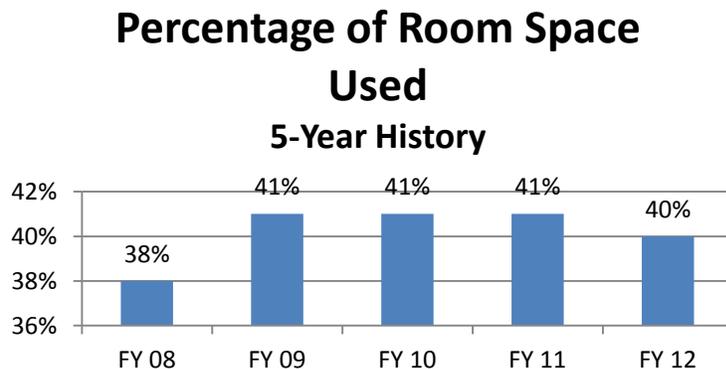
### **Adult Center Total Patrons 5-Year History**



The primary function of the Adult Center is to provide a variety of integrated services and programs to any person 18 years and older. The Center offer opportunities to learn (i.e. health, exercise, wellness); socialize via special events, entertainment functions, and special groups such as the lapidary, billiards, quilt making, etc.; volunteer to assist the center and the community at-large; partner with outside groups (American Association of Retired Persons; the Internal Revenue Service; and the YWCA) who provide direct services to patrons; and participate in a congregate meal program to maintain a balanced nutritional diet.

## **ANALYSIS**

Staff conducts a yearly facility utilization study for the Glendale Adult Center to evaluate current levels of use for each programmed area within the building. This evaluation determines if modifications of programs or services are needed and estimates the demand for future physical space. The Adult Center currently uses a 70% occupancy/use rate as its gauge for potential expansion. The 70% threshold is a staff generated benchmark that is used as an indicator for CIP planning and discussion. Presently, the use of all available rooms amounts to approximately 40% of the facility’s operating hours. This indicates there is sufficient space as currently configured given that the 40% figure is far below the 70% threshold.



## **FISCAL IMPACTS**

Aside from the absence of demand for use of the second floor space, other issues to consider include the construction and operating costs associated with completing the build out of the second floor shell and the regular use of it by patrons. The most recent estimate for the build-out of the second floor into usable space would be approximately \$3,933,512 (this would include furnishings and equipment). The projected annual operating costs are estimated to be \$481,497 and include the estimated costs of custodial services, utilities, insurance, electricity and various supplies and contracts. The final ongoing costs would vary depending on actual usage and programming. At this time, there are no funds available for either of these projected expenses.

These costs would be in addition to the existing operating costs of the Glendale Adult Center, which are in part covered by the General Fund and funds from the Adult Center’s self-sustaining account.



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: NAMING PUBLIC FACILITIES  
AFTER PERSONS**  
Staff Contact: **Jon M. Froke, AICP, Planning Director**

## **Purpose and Policy Guidance**

Staff is seeking guidance from Council to continue with work associated with determining alternatives and options related to naming public facilities after persons.

## **Background Summary**

At the January 17, 2012 Council Workshop, staff presented materials associated with how other Arizona cities and towns address the naming of public facilities after persons. This item was requested by Councilmember Clark at the September 6, 2011 Workshop.

At that time, Council reviewed ordinances from other cities and towns. In doing so, staff was asked to determine the next steps associated with involving the Historic Preservation Commission and the Commissions on Neighborhoods into this process. Council suggested that the Glendale Historical Society also be included in future discussions. This report contains information on the proposed process on including these two Commissions and the Glendale Historical Society on the potential to honor persons by naming public facilities after them.

## **Previous Related Council Action**

Current city policy is to not name public facilities after persons. The Velma Teague Library was constructed in 1971 and is named after a Glendale librarian. This is the last public facility to be named after a person. Naming public facilities after persons has been discussed on numerous occasions. Most recently, the item was discussed at Council Workshops on January 17, 2012 and September 6, 2011. Council direction on January 17<sup>th</sup> was to engage the stakeholders noted above to determine if this is a worthwhile endeavor. If so, then guidelines and a potential ordinance could be developed and brought forward to Council for future consideration.

## **Community Benefit/Public Involvement**

By engaging the Historic Preservation Commission, the Commission on Neighborhoods and the Glendale Historical Society, the public will have an opportunity to participate in the discussion on



# CITY COUNCIL REPORT

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naming public facilities after persons. Community input will be sought through this public process as alternatives and options are developed for future consideration by Council.

## **Attachments**

Staff Report

Other



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Jon M. Froke, AICP, Planning Director  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: NAMING PUBLIC FACILITIES  
AFTER PERSONS**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

The purpose of this report is to request the City Manager forward this item to the City Council for their consideration and direction. At the January 17, 2012 Council Workshop, staff presented materials associated with how other Arizona cities and towns address the naming of public facilities after persons. This item was requested by Councilmember Clark at the September 6, 2011 Workshop.

At that time, Council reviewed ordinances from other cities and towns. In doing so, staff was asked to determine the next steps associated with involving the Historic Preservation Commission and the Commissions on Neighborhoods into this process. Council suggested that the Glendale Historical Society also be included in future discussions. This report contains information on the proposed process on including these two Commissions and the Glendale Historical Society on the potential to honor persons by naming public facilities after them.

### **BACKGROUND**

Current city policy is to not name public facilities after persons. The Velma Teague Library was constructed in 1971 and is named after a Glendale librarian. This is the last public facility to be named after a person. Naming public facilities after persons has been discussed on numerous occasions. Most recently, the item was discussed at Council Workshops on January 17, 2012 and September 6, 2011. Council direction on January 17<sup>th</sup> was to engage the stakeholders noted above to determine if this is a worthwhile endeavor. If so, then guidelines and a potential ordinance could be developed and brought forward to Council for future consideration.

### **ANALYSIS**

Prior to January 17, 2012, a survey of the cities of Casa Grande, Flagstaff, Phoenix and Sierra Vista was conducted. Each of these cities has at one time enacted policy or resolution regarding the naming of public facilities. Planning is ready to proceed with discussing this initiative with the following stakeholders:

- Historic Preservation Commission
- Commission on Neighborhoods
- Glendale Historical Society

Once the level of interest has been determined, staff will bring available alternatives/options back to Council Workshop for direction in 2013. This will provide the Historic Preservation Commission, Commission on Neighborhoods and the Glendale Historical Society adequate time for review.

**\*PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**



**MINUTES OF THE  
GLENDALE CITY COUNCIL WORKSHOP SESSION  
Council Chambers – Workshop Room  
5850 West Glendale Avenue  
January 17, 2012  
1:30 p.m.**

**PRESENT:** Mayor Elaine M. Scruggs, Vice Mayor Steven E. Frate and Councilmembers Norma S. Alvarez, Joyce V. Clark, Yvonne J. Knaack, H. Phillip Lieberman, and Manuel D. Martinez,

**ALSO PRESENT:** Ed Beasley, City Manager; Horatio Skeete, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

**1. COUNCIL ITEMS OF SPECIAL INTEREST**

This is the quarterly opportunity for City Council to identify topics of interest they would like the City Manager to research and assess for placement on a future workshop agenda.

On September 6, 2011, Council asked that staff provide information on several items. The following items have been addressed through information provided earlier to Mayor and Council:

- Lobbyists that currently have consulting contracts with the city – This was addressed in a memo to Mayor and Council dated November 22, 2011, from Sherry Schurhammer, Executive Director, Financial Services.
- Utah Compact – This was addressed in a memo to Mayor and Council dated November 28, 2011, from Brent Stoddard, Intergovernmental Programs Director.
- Feral Cats – This was addressed in a memo to Mayor and Council dated November 28, 2011, from Stuart Kent, Executive Director, Public Works.

The remaining items will be addressed at this workshop.

Staff is available to answer any questions regarding the information provided. Staff also requests Council to identify future items of interest for follow-up by staff during the next quarter.

1. Roadside Memorials  
Presented by Erik Strunk, Executive Director, Parks, Recreation & Library Services
2. Naming of Public Facilities after Persons  
Presented by Kristen Krey, Council Services Administrator
3. Shopping Cart Ordinance  
Presented by Sam McAllen, Code Compliance Director
4. Form Committee to work with Arizona Sports and Tourism Authority to entice businesses to Westgate City Center  
Presented by Dave McAlindin, Assistant Economic Development Director
5. Moment of Silence Added to Council Agenda  
Presented by Pamela Hanna, City Clerk
6. Fireworks Ordinance  
Presented by Mark Burdick, Fire Chief

Lobbyists that currently have consulting contracts with the city: Presented by Brent Stoddard, Intergovernmental Programs Director and Steven Methvin, Assistant to the Mayor.

Mayor Scruggs said the first item has to do with lobbyists that currently had consulting contracts with the city. She asked if there were any questions that came up after the memo of November 22, 2011.

Councilmember Clark stated she had a question regarding Van Scoyoc Associates. She asked if staff had any tangible results this company has provided Glendale as a result of their advocacy.

Brent Stoddard, Intergovernmental Programs Director, stated staff usually puts together a memo of the appropriations going back three to four years since at times they get appropriated one year and the city does not expend the funds until another year. Staff will update that memo again in March or April and forward to Council with examples of appropriation funds and the legislative activities the city was helped with. Councilmember Clark asked how long has the city contracted with this company. Mr. Stoddard replied that it had been at least three years. Councilmember Clark noted Council could attribute their advocacy for obtaining funds for the Myrtle Avenue project as one of the tangible results of their contract. Mr. Stoddard replied yes.

Mayor Scruggs commented that she believed they also advocated for the police radio system and that she participated in a video with Congressman Pastor about the project for a Westmarc award he received last year.

Mr. Stoddard replied yes, that was another example of another appropriation they had secured for the city.

Councilmember Lieberman commented he had lunch with the Vice President of the company and had been very pleased to talk with her.

Mr. Beasley interjected stating the contract began in 2007.

Councilmember Alvarez inquired as to how much money they received for the Myrtle project. Mr. Stoddard stated it was in the range of a \$300,000 figure that was secured through the Save Our Cities Treasures under the Department of Interiors. This information will also be provided in their memo to the Council.

Councilmember Alvarez questioned why Glendale was paying more for the West Valley Luke contract in conjunction with 14 other valley cities. She believed Glendale was paying \$65,000 which was not an equal amount. Mr. Steven Methvin, Assistant to the Mayor, stated the total cost for that contract was \$330,000 a year. Glendale, Maricopa County and the City of Phoenix all pay \$65,155 as the largest stakeholders and the remaining communities pay on a per capita basis since the smaller communities would not be able to pay the higher cost. Councilmember Alvarez noted that the city was also not doing very well and believes everyone should pay an equal amount. Councilmember Alvarez asked why this contract was handled in the Mayor's office and not the City Manager' Office. Mr. Methvin explained that the city of Peoria handled the previous contract before Glendale was asked to. He noted that he was designated by the previous Assistant City Manager to be the representative on this through the Mayor's office. He stated he actually reports directly to the Assistant City Manager, not the Mayor.

Councilmember Alvarez asked what Policy Arizona was and what those consultants were for. Mr. Stoddard explained those were contract lobbyists who represent the city of Glendale. Councilmember Alvarez noted their only job for \$6,000 was to provide services in relation to any problem with the Tohono O'odham. Mr. Stoddard replied yes. Councilmember Alvarez inquired why they still had the Husk Partners at \$8,000 per month when the city eliminated them. Mr. Stoddard explained their contract expired on December 31<sup>st</sup> 2011; therefore they are no longer a contract lobbyist for the city.

Councilmember Lieberman commented on city lobbyists, specifically the Hocking lobbyist who received \$8,000 a month and was not on the list.

Mayor Scruggs asked Mr. Beasley, if he wanted to comment on Councilmember Lieberman's concerns?

Mr. Beasley explained the reason he was not on the list was because he was not a lobbyist, but a financial consultant, as was discussed last week. The firm is TL Hocking and Associates.

Utah Compact: Presented by Brent Stoddard, Intergovernmental Programs Director: Brent Stoddard Intergovernmental Programs Director

Mayor Scruggs said the next item of interest has to do with the Utah Compact. We've received a memo dated November 28, 2011 and a copy of the Utah Compact. Are there any questions on this item?

Councilmember Alvarez questioned why this was not being approved since in her view this was needed in Glendale. She stated she spoke with Mr. Tony Bracamonte, who was a member of the committee. She explained he sent some information for the city to consider adopting this resolution. She noted that most major cities in Arizona are in discussions on this item and would like to see Glendale put this resolution to a vote. She said this compact was designated in order to treat immigrants with more compassion and respect and the city should support that. She believes the city of Glendale should welcome this initiative and it does not cost anything to support it.

Councilmember Martinez remarked this was something he could support; however, Glendale has not had any issues with any abuse of any kind as other cities have. He understands this was a sensitive issue, but for now, Glendale was handling the issue. Councilmember Alvarez noted the city has had problems in the past; however they were not having them now. She believes supporting this resolution shows support for the community and their rights.

Councilmember Lieberman explained he did not know enough about the Utah Compact to comment; however, was aware of the immigration problem around the county. He remembered Councilmember Martinez bringing up the fact that it was his belief that the Hispanic prisoners were receiving more severe sentencing than other people. He added he would like to know more about the compact.

Councilmember Martinez stated he does not recall saying that Hispanics were receiving harsher sentences than others. However, he does recall asking for a record of percentages on crime statistics regarding the Hispanic population versus another race. He wanted to clarify he never said anything about unfair sentencing but rather just asked for information on statistics.

Councilmember Alvarez stated the reason Glendale needs this compact was to officially confirm its respect for the dignity of all people. To protect public safety, support families, support building blocks of successful societies, promote the message that immigrants work, create businesses, pay taxes and shop in Glendale stores. She asked for Council's support on this item that was not costing the city anything.

Mayor Scruggs said she agreed the city does need sensitivity and this has always been a very difficult issue to address fairly – because people have very strong emotions one way or another. She would ask Councilmember Alvarez to recall a time when she was still an employee of the city of Glendale. She continued that Councilmember Alvarez had come to her very upset and demanded that as the Mayor, she have the police chief enforce laws equally, that there were illegal immigrants that were letting chickens run loose in their yards, and not keeping their homes up. Also, there were trucks parked all over and it was giving a bad name to, as she referred to, "Mexicans". And Councilmember Alvarez made it very clear she called them Mexicans. Mayor Scruggs said that it was really not something she could do and Council met in executive session

with the police chief and city manager at the time. She thought the police chief was Chief Dobrotka and he brought out this manual. She couldn't remember the name of it but it's something that police follow that's their rules so that every police officer in the entire force does things exactly the same way. And it was stressed to Council that it's not the elected official's role, authority, nor would it be helpful, it would actually be hurtful, to tell the police department how to do things. So the police department has its ways of responding to community problems.

Mayor Scruggs addressed Councilmember Alvarez reminding her of the meeting she'd requested that was held in one of the "B" rooms and that she brought Margaret Garcia Dugan who was at the time still with the Glendale Union High School District; Mr. Perry, the Superintendent from the Elementary School District, and John and Virginia Flores and you had others. Councilmember Goulet was there, and all expressed their unhappiness not with the harsh treatment of the Hispanic community but the fact that they were being allowed to get away with things that was ruining the image for all Mexican Americans and Councilmember Alvarez had wanted something done about it.

Councilmember Alvarez noted it was not the police department she wanted this enforced with, but rather code compliance.

Mayor Scruggs said no, Councilmember Alvarez, had wanted the police department to treat these people differently and that was the issue, which of course Council could not address as elected officials. Now, she was hearing Councilmember Alvarez say that the city had been mistreating people in the past when in reality she was asking for harsher treatment. So she just might want to go back and revisit what she recalled because she'd known Councilmember Alvarez for many years and Councilmember Alvarez had talked to her often. Mayor Scruggs addressed Councilmember Alvarez saying that she had said the Mexican children need to learn English or they are never going to get ahead in this world and that's what you had to do. And she had a lot of very strong feelings, but getting back to today. Mayor Scruggs continued that Councilmember Alvarez referred to they, and she didn't know who "they" was, but believed it to be a group of her supporters led by Tony Bracamonte, who are saying that all these cities have adopted something. Have they adopted the Utah Compact or they have adopted something else? She would like to see what these other cities have adopted. She would like to know when they adopted it; she'd like to see the form in which they adopted it. She would just suggest that at this time in our society, when this matter is so delicate and so sensitive and in trying to do the right thing, people can often do the wrong thing. She continued that she would like more of a discussion than what is coming through this workshop today. Mayor Scruggs again addressed Councilmember Alvarez, commenting that she had said that Tolleson, Phoenix and Mesa have all adopted something. She wanted to see what they adopted. Also that Scottsdale, Gilbert and a whole bunch of others are studying it, so she would like to see all of that and she'd like to know. It would be fine with her to bring this back for a further discussion after staff does the appropriate research.

Councilmember Alvarez noted that code enforcement was under the police department at that time. She explained they should use code enforcement to help enforce the rules and it was that agency she asked for help, not the police department. She reiterated this compact simply states

the city will respect the immigrants; however, if Council requests more information that was also acceptable.

Mayor Scruggs said she didn't believe code enforcement ever reported to the Glendale police department. And it was a police matter because Chief Dobrotka came in – and she wished that she knew the name of that book the police all carry with them so when a situation occurs they can look on page such and such and there is a rule for it. Council was told they were not to interfere with police matters and there was a section on it. So there are different recollections of that. But what she was saying and there needs to be a consensus here, she was willing to have information presented as to what the other cities have adopted, which Councilmember Alvarez says they've already passed this on to their Councils and adopted it and see how it would apply here. Council needs the additional information from Mr. Stoddard in terms of whether this fits in with the state law. She thought Council needed to have that kind of information. The purpose of Council Items of Special Interest is to bring something forward and then the Council determines a second time whether they want to go forward with something, gathering more information and devoting staff resources.

Councilmember Alvarez stated she understood the process.

Mayor Scruggs said but the request is for Council to approve this today.

Councilmember Alvarez asked for the Council to consider it.

Mayor Scruggs responded she'd said she was considering it.

Councilmember Knaack stated that philosophically she could support this item. However, this was a statewide compact. She indicated her support for Glendale's police department and believes they have not done anything wrong in this manner. She believes this was more for county or state, not city and was not sure they needed a compact. Nevertheless, she would be willing to look at this further and what the constituents think about this compact.

Councilmember Martinez stated he was willing to discuss this further with more information.

Councilmember Lieberman stated he needed more information to make a decision and would suggest a workshop on this matter.

Vice Mayor Frate stated he supports looking into it further. He noted this was a Utah State compact developed by state officials, as well as the whole community, including religious organizations. He explained if they decide to support it that was the way to go.

Councilmember Clark agreed and stated the Utah compact was a statewide effort representing various entities and not a Salt Lake City compact. Therefore this was a statewide effort and a replication should be at a state level not on a community by community level. However, she believes the Council was starting to take a non-issue within the city of Glendale and turn it into an issue. She stated this was not helpful to their community at this point when they have more

pressing things to consider such as jobs, than advocating for a compact that rightfully belongs at the state level. She noted she was willing to look at this further, however, was very concerned with some of the language with the compact itself. The two words that concern her the most were “reasonable policies” which were not defined and what may be reasonable to one person might not be to the other.

Mayor Scruggs said what she had heard was there was consensus from the majority of the Councilmembers that they are willing to get more information. Also, that taking something that is a state document and turning it into a city document was not an appropriate way to go. She’d suggested looking at what these other cities have done and learning more about it. There is a suggestion that it be a broader coalition, not just a city. Mayor Scruggs said she was sure Mr. Beasley’s staff would listen to the tape and be able to use the next three months to put together the information that Council was asking for which would help to guide the Council as to whether to move forward or not. She asked if Mr. Beasley had any questions. Mr. Beasley agreed to provide some background and additional information.

Councilmember Alvarez asked to clarify that this was not about accusations, but rather a tool to work together to make sure this does not happen.

Stray and Feral Cats: Presented by Stuart Kent, Executive Director, Public Works

Mayor Scruggs said the next item to be discussed is information on Stray and Feral Cats. There was a memo provided to the Council dated November 28, 2011 that provided background information on the problem, what has been done to address it by other communities as well as Glendale, the cost and so forth. This was an item requested by Councilmember Alvarez, Mayor Scruggs asked if there were any questions or would she like to discuss it further.

Councilmember Alvarez replied no and added she received the information and was pleased with what the city was doing.

Councilmember Clark stated this was a perfect opportunity to relay some information on this problem so the citizens can learn where to go and which agencies were involved on this issue.

Mayor Scruggs said this kind of gets to something that Council has been talking about the last couple of meetings and that is, the effective use of our website. She was wondering if someone wanted to know the policies of stray and feral cats, if they went to the website and put “feral cats” in the search box, if it would bring people to what is actually happening. Because, Councilmember Clark is absolutely right, the numbers that Mr. Kent talked about in this memo about how many cats there are, would indicate a lot of people were looking for information. So as Councilmember Clark said, is the information being shared as effectively as it could? But did Council want to hear from Mr. Kent? And, how can Council get the word out more effectively to our constituents?

Mr. Kent stated they can provide more information on their website. However, there were many state and county agencies that can be found online. Councilmember Clark explained that the

county currently charges \$96 per cat, which covers three days of housing, as well as the cost of euthanizing and disposal of the cat as needed. Another organization called Trap, Neuter and Return created by various animal rights organizations charges \$15 to \$30 for this service. She asked if staff had the website and information on these organizations. Mr. Kent replied he will be happy to provide both the county and animal rights information on their website; however, staff will need to verify if this was in compliance with the city's endorsements policy before they put it on the site.

Mr. Kent stated the \$96 fee includes the three day housing, which is done to hold an animal to see if an owner will claim it. Therefore a lot of this service relies on the owners and the community.

Mayor Scruggs said that would be a good idea because the cats really are the responsibility of the county. So that would really be the way to go, wouldn't it?

Mr. Kent replied yes.

Councilmember Knaack stated they had done a lot of investigation on this and in fact Sahuaro Ranch was full of feral cats. She explained the program Trap, Neuter and Return does work, but it was a long term solution. She added the citizens also have to be willing to be a part of the solution since it was not the city but the county's problem. She noted that Mr. Tindall had looked into seeing if she would be able to use her Council district funds to help anyone needing assistance with the \$25 fee. She was disappointed that no one had taken her up on her offer to help pay for this.

Mayor Scruggs said feral cats - aren't they dangerous to other animals and people or was she wrong? She thought they carried disease or something?

Councilmember Knaack replied no.

Vice Mayor Frate commented on the Trap, Neuter and Return Program and added the individual has to trap the cat. He added that the cities of Mesa and Peoria previously provided some level of cat collection service, but dropped the program due to cost. He thinks it was great if the city was able to provide that information on their website. He asked for that information so he could include it in his newsletter.

Roadside Memorials: Presented by Erik Strunk, Executive Director, Parks, Recreation & Library Services: Presented by Erik Strunk, Executive Director, Parks, Recreation & Library Services

Mayor Scruggs said the next Item of Special Interest has to do with Roadside Memorials. This is being addressed for the first time here in our workshop Councilmember Clark, this was your item.

Councilmember Clark commented that as stated in the memo, some communities have adopted ordinances to limit the length of time and content of roadside memorials. She would like to know which communities have adopted ordinances as well as what type of ordinances. She noted the city currently has approximately 75 roadside memorials and the city needs to do more than just attempt to prevent any pedestrian or vehicular site obstruction that poses a public safety issue. Mr. Strunk agreed to look further into it and provide additional information.

Councilmember Lieberman stated this was a very sensitive and difficult issue. He mentioned the recent deaths of the five youngsters who were killed in his district. He noted there were already memorials put up along the fence. He also indicated the memorial currently up in his district for Jahessye Shockley, with which he finds no problem. He explained he has received calls both for and against this issue. He said in one instance, the immediate family of the deceased did not want the memorial up because it reminded them of the incident and had called him to take it down. Therefore, he really sees both sides of this issue, but he does not have a solution.

Mayor Scruggs said Councilmember Lieberman brings up an interesting point. If the Council wishes to go further with looking into roadside memorials, she didn't think anyone has ever brought up what he mentioned; that the family of the person who was killed might not want that there and the family should always probably have the final say. She stated everybody assumes that they want the memorial and that is a very interesting point.

Councilmember Clark asked to clarify her point. She stated she was not advocating removal, but rather advocating this be a safe distance away from the roadway, the corner or the curbs.

Mayor Scruggs said but if we are going to have them, then the family should retain the right to say they want to take them down. It was a new thought that she had not heard before.

Mayor Scruggs continued she understood Councilmember Clark would like to see what has been enacted in other cities that address the safety issue so she can see where the Council is on this

Councilmember Knaack remarked she had concerns with glass candle containers and would like to know if that was something that could be addressed. She believes these memorial sites need to be safe and if they are in disrepair, the city needs to remove them.

Vice Mayor Frate noted the Council discussed this issue about four years ago. He commented on several memorials in his district having balloons that were being distracting to drivers. He remarked that code compliance usually removes them if someone calls in a problem.

Mayor Scruggs asked so does that indicate Council would be in favor of asking staff to come back with suggestions regarding what a possible ordinance would look like? Rather than leaving it up to, today this officer feels that way or tomorrow code compliance feels another way.

Vice Mayor Frate replied he would favor a possible ordinance that had a length of time. However, he believes the city was already doing a good job without an ordinance.

Councilmember Martinez stated he would support Councilmember Clark's request for an ordinance. He does not believe there should be a limit set on a memorial for arbitrary removal after a certain time. He commented on several memorials that have been there for 10 years and have been kept up.

Mr. Strunk noted the city did have operating procedures from Park Maintenance and the Right-of-Way division that works with the known site organizer to ensure all public safety and operational concerns are mitigated. Therefore, staff feels confident that should a safety issue arise, they have existing ordinances in place as well as the procedures to enforce or address any issue regarding public safety. Councilmember Clark disagreed and commented on the memorial on 83th Avenue which had been right up against the curb for weeks. She noted she still believes this should at least be codified to provide additional guidance and be applied uniformly throughout the city.

Mayor Scruggs told Councilmember Clark, she supported her in that because these memorials come up because there has been a tragedy in people's family and there's too much opportunity for people in their grief to feel maybe somebody else was given more leniency than they were and so forth. She said that puts our employees or that could put our employees in a very awkward or difficult situation which we do not want to subject them to. It is a very emotional issue, she supports looking at and setting an ordinance that addresses the safety issue. She also supports Councilmember Martinez on there not being a time limit maybe something that addresses disrepair or when things become a hazard and so forth because that would indicate then that maybe the people have moved away, but the ones he's talking about would be in Peoria. And evidently for those people obviously that's important to them to have that there. So aesthetics only if they are going to become dangerous or an impediment, but no time limit, but safety. And it's really more just so people feel everybody is treated the same.

Councilmember Lieberman stated that most of them disappear after a while because people get tired of maintaining them. He supports having some guidelines developed in regards to safety.

Mayor Scruggs thanked staff and asked Mr. Strunk to please pass along the Council's appreciation to the people who deal with this very difficult situation on a regular basis, but Council wants to make things standardized.

Naming of Public Facilities after Persons: Presented by Kristen Krey, Council Services Administrator

Mayor Scruggs said the next item is also an item brought forward by Councilmember Clark. Council received this information for the first time; it has to do with the naming of public facilities after persons.

Councilmember Clark stated that the information provided was self explanatory. However, she would like Council to consider posing this question to two commissions that already exist within Glendale and have them provide some recommendations as to whether they think this is a worthy issue to pursue. They are the Historic Preservation Commission and the Commission on

Neighborhoods. This would give Council a better sense of how the general citizenry feels about this issue.

Councilmember Alvarez asked who in the past has approved the naming of buildings or parks.

Mayor Scruggs said she didn't know but it would be back as far as the 30's, 40's or 50's. She asked Councilmember Clark if she saw a role for our Historical Society in this also.

Councilmember Clark replied she would welcome that as well.

Mayor Scruggs said she would really support including the Historical Society because they have the records and if the Council is going to go forward with anything, they would have some basis for bringing names forward.

Councilmember Knaack commented she did not know when the decision was made not to name buildings after people but agreed strongly with that decision. She noted that in a city this size, there were too many people to choose from and it could become a sensitive issue. She suggested they leave it alone.

Councilmember Martinez agreed with Councilmember Knaack. He indicated this item has come back numerous times. He does not believe the city needs this even if it is run first through a committee since ultimately it will come back to Council. He noted this will become a divisive issue that the Council has to decide to approve or refuse a prominent person that once was dedicated to the community. He does not support this item.

Councilmember Lieberman stated his support of this item and would like to see a plaque of Marty Robbins who was probably the most famous character that ever lived in Glendale. He agreed to set some guidelines to recognize people in the community who helped create Glendale. However, he would like it set up for the individual to be deceased. He remarked on the possibility of city mayors being candidates for parks and buildings.

Councilmember Clark clarified that all she was asking for was this idea to be forwarded to three different groups. They are the Historical Society, the Historic Preservation Commission and the Commission on Neighborhoods, to see if they think it's worthy of pursuit. She continued that she did not want Council to come up with the criteria; she would like these groups to come up with the criteria, if they felt it was worthy of pursuing.

Councilmember Alvarez agreed with Councilmember Clark and believes they do have people who have invested a lot of time into their communities. She was in favor of naming parks, but possibly not a building.

Vice Mayor Frate stated that whatever was done with this issue, someone would not be happy and someone will feel slighted. People might say they know of someone else that was more deserving. He sees no reason to change this policy and ultimately it will come back to Council to

decide and many will not be pleased either way. He remarked he was not comfortable with naming buildings and parks after people.

Councilmember Lieberman commented on some plaques around the city that have been already named after people, namely historical buildings.

Mayor Scruggs said Councilmember Clark's suggestion was, does Council want to refer this on to other people who are stakeholders in our community to ask what they feel about the idea? But not just do you think this is a good idea, she would support this only if it is sent on and say, is this something that the members of the Historical Society, the Historic Preservation Commission and the Commission on Neighborhoods would like to see initiated and if so have them come back with their suggestions? They may not be able to do this in three months and she would support this if the Council gave them more time. So how would they see this envisioned – and maybe the answer is to just talk about what Councilmember Lieberman said, if somebody owns the building, built the building, they get their name on it. Who knows? But get it out of Council's hands; she would even suggest they might like to look at the people from the rotary group who has a sense of community. People who had invested in this community and so forth, as well as our commissions. People come and they go, they change all the time, but if Council was going to reach out to the Historical Society and maybe rotary or some other group like that as well as our commissioners and get their input and ask them for a plan and how they would do it. She supported doing it this way.

Councilmember Clark stated they first have to find out if they were interested in the notion and then if they are interested, they will help create the guidelines.

Mayor Scruggs said if they say they are interested, come back not just with "we're interested". but if they say no, you're going to open a Pandora's Box and it's going to be too much trouble, then they don't have to come up with anything.

Councilmember Lieberman remarked that some of the Councilmembers have their name on some buildings.

Mayor Scruggs said Mr. Skeete she didn't know who on staff he was going to give this to, but the idea is – go out into the broad community – people who have a sense of community and the stakeholders and say – is this something the city should move into? And if yes, how would it look? And if it's no, just come back and say no, they don't like the idea. Mayor Scruggs asked did she frame it correctly for those who are willing to move forward. The majority of Councilmembers agreed with Mayor Scruggs.

#### Shopping Cart Ordinance: Presented by Sam McAllen, Code Compliance Director

Mayor Scruggs said the next Council Item of Special Interest has to do with a Shopping Cart Ordinance. Again the memo was dated today and this is Vice Mayor Frate's issue. Would you like to discuss this further Vice Mayor?

Vice Mayor Frate stated he has discussed this issue with staff and feels comfortable with how they are addressing it. He believes staff was being proactive with providing the public with contact information for shopping cart retrieval services. He acknowledges that other cities had enacted pilot programs; however, because of the economy and cost, the programs were suspended. Therefore, unless Council had any other input on this item, he was satisfied with the publicity that has been generated by just discussing it. He commented on what other states were doing such as making the public pay a quarter to obtain a cart and getting it back once it was returned.

Form Committee to work with Arizona Sports and Tourism Authority to entice businesses to Westgate City Center: Presented by Dave McAlindin, Assistant Economic Development Director

Mayor Scruggs said the next item then has to do with forming a committee to work with the Arizona Sports and Tourism Authority to entice business to Westgate City Center.

Councilmember Lieberman read from staff's summary stating that according to Mr. Sadler, AZSTA is committed to continuing to be a team player with Glendale, but maintains that the mission of AZSTA is not set up for the authority to engage in business attraction and development. Therefore, staff does not see a benefit to further pursuing any formal discussion with AZSTA. However, strangely, in contrast to what he just read, he and Councilmember Clark had a luncheon with Mr. Sadler and the young lady, who was now the President of AZSTA, who absolutely said they would like us to join them in bringing more business to Glendale. So, he was confused by staff's response and he will ask Mr. Sadler about it.

Councilmember Lieberman commented on not having a top 10 business in the Westgate area. He said this was why Westgate has had problems from the beginning. He noted that Christown Mall had 4 of the top 10 businesses as tenants. He added that Westgate needed assistance recruiting businesses.

Mayor Scruggs agreed that Mr. Sadler should be asked because those same people came and met with her and said that it's not what they want to do, that's not their mission, they have nothing in their charter and they felt there was a misunderstanding. But the question is - do you want to further try to entice them to do this?

Councilmember Clark asked to correct some of Councilmember Lieberman's comments on Westgate. She stated that Westgate has not failed. The restaurants are still there and continue to do well. She indicated what was missing from Westgate was a density of retail and she attributes that to Mr. Ellman's lack of initiative in that area. She stated it was correct Westgate went into bankruptcy, but it did not just blow away and is still very much there. She remarked that just for the record, Westgate was still alive and well.

Mayor Scruggs said she supported Councilmember Clark's comments and more so the design of the core area - which was the first built - was designed to be specialty retail, restaurants, entertainment - that was the design. So she said it was never designed to put a Target Store in the core - that was to come in later stages and unfortunately the developer never got to the later

stages. She continued in some instances the city officials couldn't agree with the developer in terms of what should be in those later stages. And so time passed and the economic situation occurred and now we have what we have. However, she noted that core area was never supposed to have Home Depot in the middle of it or anything of the sort. Yes, maybe a Barnes and Noble type store, but not like a Costco or Target or Home Depot which is what the Spectrum Mall has. She commented we should let Vestar do what Vestar does very, very well and that's what they are going to do at Spectrum and that's what they have done at Desert Ridge and they're going to be bringing in new tenants. The Vestar people really have quite a bit going on in terms of what Councilmember Clark said to bring greater vitality.

Councilmember Lieberman commented that on the original plans for Westgate, they were supposed to have a Home Depot and super stores in between 95<sup>th</sup> and the 101. Therefore, he cannot agree with Mayor Scruggs. He also remarked on the lack of draw to Westgate. He added he did not believe Westgate was dead, but only having a difficult time.

Mayor Scruggs asked was anyone interested in forming a committee with the AZSTA to work on enticing business to Westgate City Center. This is what the question is today. Is there support? The majority of Councilmembers responded no. Mayor Scruggs said she thought Cabela's refused to go into Westgate, but she'd have to check with Mr. Colson.

#### Moment of Silence Added to Council Agenda: Presented by Pamela Hanna, City Clerk

Mayor Scruggs said the next Item of Special Interest is a moment of silence added to the Council agenda. Councilmember Lieberman do you have any questions?

Councilmember Lieberman noted it was strange that staff did not offer a recommendation on this item. He believes in this type of dedication to honor the men and women in the military who have died defending their country. He cited the many articles in the newspaper of so many Arizonan's who have died since 2002. He noted if they do not agree to do it as a Council, he will continue to do it himself as he did in the spring.

Councilmember Clark stated she supported a minute of silence, which was done out of respect for the men and women in the armed forces no matter what position it takes at the meeting.

Councilmember Martinez stated he believes it was proper to have a moment of silence, although not for every meeting. He recommends they use the moment of silence to mark tragic events and having the Council mark that event. However, he does not support doing it every time.

Councilmember Alvarez stated she supports the moment of silence at every meeting. She explained that many commissions simply use it as a moment of silence for prayer as well as to think about all the people dying around the city. She added that after all, it was only a minute out of the meeting.

Councilmember Knaack explained she did not have a problem with the moment of silence; however, it did lose something if you do it every time and if you don't have a specific reason for

doing it. She asked to clarify the moment of silence was not a minute but about 15 seconds and would like it done just prior or after the pledge since they were already standing up.

Vice Mayor Frate stated he supports a moment of silence but also believes it loses its importance if they continue to do it at every meeting and tell everyone why they were doing it. He added whatever they decide; they should try and make this sincere and not just routine. He was surprised that only El Mirage and Avondale had a moment of silence.

Mayor Scruggs said Council is equally divided so she would propose what she could support and if those Councilmembers that want a moment of silence can support this, Council will go forward with this, otherwise it will remain divided. She stated it should be every week because otherwise it becomes just like naming the buildings or the parks, why did Council choose their name and Council didn't choose my name, why did Council choose this event but Council didn't choose that event? So it's every week and Council doesn't tell people what to think about during that time as Councilmember Alvarez said, some people may want to say a prayer. Mayor Scruggs said Council has some pretty interesting Council meetings, so maybe some may want to pray a little bit silently ahead of it. Also, it will come right after the pledge as Councilmember Knaack said everyone is already standing up so, and it is a moment, it is not a full minute and unfortunately she would be the one who determines when the moment is up. So if there can be time after the Pledge of Allegiance where everyone is given an opportunity to quietly reflect on whatever it is they want to reflect on whether it is the military, whether it's the police, whether it's what they want to say to their kids when they get home or whatever it is, then she would support that. Is that agreeable to everyone?

Councilmember Lieberman stated he could live with that suggestion.

Mayor Scruggs said so she's not going to say it's for the military and she's not going to say it's for the police, she's not going to say it's for world peace. It's everybody determines among themselves.

Councilmember Clark stated everyone agrees.

Mayor Scruggs said she didn't know if it has to be listed on the agenda, but staff will figure that out for the Pledge of Allegiance and moment of reflection or whatever – maybe moment of reflection – she didn't know however that happens.

#### Fireworks Ordinance: Presented by Mark Burdick, Fire Chief

Mayor Scruggs said this is the last Item of Interest and it has to do with consideration of developing a fireworks ordinance for the city of Glendale which has been done in other cities. She was going to send an email to the Fire Chief and ask what the incidents were this year with fireworks, but that really doesn't make any difference because she knew what was going on right in her neighborhood. She said fireworks started a 5:00 in the afternoon - somewhere in here it says that current city ordinances prohibited the use of fireworks in public and city owned property – people were in the middle of the streets. She continued it says here that you can only

hold things that don't go flying in the air. There were these round balls of flames flying all over through the trees or whatever. Mayor Scruggs said there were kids out there, little kids, but the Fire Department probably has statistics but she saw it with her own eyes and it was horrifying. She said things were flying over homes, little children were in the streets then where she was at on New Year's Eve, listening to people say "well here we are we brought a lot of fireworks because Glendale does not ban them". So they were all coming to Glendale.

Mayor Scruggs said she felt very strongly that the city needed to have a ban on the use of fireworks and that's what she was asking Council to do. She knew that the Fire Chiefs lobbied heavily against the legislation that went through the year before last. She asked if Chief Burdick would like to add anything.

Mark Burdick, Fire Chief stated the problem with this issue was that fireworks are now for sale so every city they've talked to including the cities that have bans, have horrific enforcement problems. He explained the only concern the city attorney's office has was that the State Statute remains unclear on the ability of cities to completely ban the use of permissible consumer fireworks unless there is a danger of wildfire. However, what they are finding was that of all the cities they talked to, Mesa and Gilbert had the best luck since they allowed fireworks on private property from July 3<sup>rd</sup> to July 5<sup>th</sup> and December 31<sup>st</sup> to the January 1<sup>st</sup>. This creates a time frame that was easier for enforcement purposes.

Mayor Scruggs asked the Chief, if the Council were to go forward and choose something that sets aside certain days for the use of fireworks, can the city still prohibit the use on public and city-owned properties which, supposedly, the city can do right now with our ordinances. She said there is a lot of confusion – for instance – in Costco and the first thing visible is a whole wall of fireworks. She said that whole distinction has been left and gone. So if the Council were to move forward then the city needs to undertake a public information approach that says "no you can't go stand in the middle of Utopia Road and set off fireworks". Would that be accurate because it would be prohibited on public property?

Chief Burdick agreed and stated her suggestion would help.

Mayor Scruggs said could the city advertise then that these are the only days in which anyone can shoot off fireworks and only on private property?

Chief Burdick replied yes and added most companies don't make an effort to sell fireworks until the big celebration holiday because of the bans in some cities. He noted that from the fire department's perspective anything that can be done to control this issue was a step in the right direction.

Mayor Scruggs said there is a private facility that she lived very close to that thinks they know how to shoot off fireworks and do it on their private property for different parties and weddings or whatever. So if the city had this kind of ban, they don't do it real well a lot of the time, would it apply to them also if the event was not during those certain dates?

Chief Burdick replied no since those are commercial aerial devices. However, anything that explodes or lifts off the ground are regulated and have to come through the Fire Department's process and seek a permit. He indicated today Council was only talking about the law that deals with consumer fireworks.

Mayor Scruggs said she didn't know how they define what they do but she knew on New Year's Eve, there were things flying through the air through many neighborhoods.

Councilmember Clark asked how dangerous are these fireworks that go up into the air. She commented on a neighbor of hers that bought a large quantity of fireworks and shot them off for hours.

Chief Burdick noted they were dangerous and could possibly start a fire if they were to land on a roof top.

Councilmember Clark stated this fact greatly concerned her since this time around without having a ban; it had been a huge problem. She remarked she wanted to address the issue of aerial fireworks. Chief Burdick stated he would do some research and bring back some suggestions. Councilmember Clark asked if they could create a hotline on the days that the public will be allowed use these devices. The hotline should go to the police or fire departments to educate these people if they are in violation of the law.

Councilmember Knaack noted that day had been a no burn day and if they had tested the quality of the air, the city would have lost \$10 million. She asked if the League of Arizona Cities and Towns was addressing this at all. Chief Burdick replied no. Councilmember Knaack explained the problem began when the state passed that legislation.

Mayor Scruggs said Chief Burdick pin pointed one key area that she'd forgotten about it. The city's was 365 days a year so zeroing in on a few key dates would be a huge step.

Mayor Scruggs said she was just stunned – the show of force from the fire services throughout the state was huge and people didn't listen to the very fire services that they have entrusted to protect lives and property and they just ignored it. So she didn't think people would listen to the League of Arizona Cities and Towns – if they wouldn't listen to the trained professionals in whose hands we put our safety in, they probably won't listen to anybody.

Councilmember Lieberman suggested the fire department run classes on the proper use of fireworks. He stated he had mixed emotions when it came to fireworks and their use to celebrate since he had grown up lighting fireworks.

Councilmember Martinez believed Councilmember Lieberman's suggestion to use the fire department for firework classes would not be a proper use of resources. He also commented on his bad experience with fireworks in his neighborhood.

Chief Burdick offered to provide a draft ordinance for Council to review as well as suggestions of some options on whatever the Council may choose.

Mayor Scruggs said she thought for the first time today staff has heard something that everybody's on the same page on. So yes, Council doesn't like what the city has now, Council would like to see an ordinance banning or restricting their use, she assumed to the two relevant time periods. She said also and this wouldn't – well it could be the Fire Department's piece because it has a very adept and productive public information group, so massive advertising and that probably could come out of fire administration rather than the marketing department that was busy with other things. So how was the city going to get that word out?

Councilmember Clark asked for some type of reporting mechanism for those two days.

Mayor Scruggs directed some thought be put in if there should be some sort of call-ins because if all the neighbors see one neighbor that's putting them in fear and there are ones that did that – or what amazed her was allowing their children to be in the middle of the street with these spinning things. Mayor Scruggs directed Chief Burdick to come back with this the next time there are Council Items of Special Interest. She asked if anybody had anything else they would like to say?

Vice Mayor Frate stated that thank God nothing happened since it was inevitable that there be a fire at some point. He noted it was always after something bad happens that wakes people up.

Mayor Scruggs said she thought there was a fire caused by these fireworks as well as in other cities.

Chief Burdick stated he will compile that information as well.

#### New Council Items of Special Interest

Mayor Scruggs said now she would go around the table and ask for each Councilmembers Items of Special Interest for the next time this comes forward.

Councilmember Alvarez asked for information and discussion for placing the “Public Input” at the beginning of the council meetings and agendas.

Councilmember Lieberman asked for information on the following:

1. Moving the “Public Input” section to the beginning of the meeting.
2. Information about finishing the Adult Center.
3. Plaques to memorialize people. Specifically a Marty Robbins plaque.
4. A report on the finances on Camelback Ranch.
5. Move forward with planning dinners with other cities.

Mayor Scruggs asked for clarification on the dinner item. She continued that the Council had just heard this about six months ago. Councilmember Lieberman advised that he was not satisfied with the information provided previously.

Councilmember Martinez asked for information to institute a Security Lock Box program where homeowners would have house keys in the lock box and emergency workers would be able to access the key.

Councilmember Knaack asked that all items be postponed so that staff may focus on the budget.

Councilmember Clark agreed with Councilmember Knaack to postpone these items to be brought back to Council in six months instead of three to make sure staff devotes the time necessary to the budget.

Mayor Scruggs asked if Council was agreeable to seeing the answers to these items when they came back after summer break. She continued that she was alright with that too. She was looking forward to Council having the meetings they talked about at our retreat beginning the 1<sup>st</sup> of February to talk about the budget. Mayor Scruggs said that is the most important thing. These meetings would even address whether the city can build the second floor of the Adult Center. Okay if there is nothing else, this meeting is adjourned.

#### ADJOURNMENT

The meeting was adjourned at 3:40 p.m.



# Memorandum

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**DATE:** January 17, 2012  
**TO:** Mayor and Council  
**FROM:** Kristen Krey, Council Services Administrator  
**THROUGH:** Ed Beasley, City Manager  
**SUBJECT:** Council Items of Special Interest: Naming of Public Facilities After Persons

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This memo is in response to a Council Item of Special Interest requested by Councilmember Clark at the September 6, 2011 Workshop. Councilmember Clark stated that with the recent death of former Mayor Max Klass, she has begun to rethink the city's policy of naming public facilities after persons. She understands that Council concern has been for abuse, however, now believes the opportunity to honor persons who have contributed to Glendale far outweighs any potential for abuse. In fact, she would suggest that a citizen's committee create a policy on this issue for Council consideration. She would like staff to report back on the policies of other valley cities.

A number of valley cities were surveyed to determine if there are any existing written municipal policies regarding the naming of public facilities after persons. Research provided by the League of Arizona Cities and Towns has indicated that the cities of Casa Grande, Flagstaff, Phoenix and Sierra Vista have at one time enacted policy or resolution regarding the naming of public facilities.

The policies of these cities are attached for your review. In summary, there are some that are more limited than others, such as for the use of Parks and Recreation Commissions or Heritage Commissions. There appears to be a standard of determining criteria for naming, such as commemorative naming, descriptive naming, and naming based on financial contribution, land or facility donation.

It is at the Council discretion to determine if they want to move forward with establishing a citizens committee regarding this matter.

**Attachments:**

City of Casa Grande, Naming of City-Owned Facilities Nomination Form  
City of Casa Grande, Heritage Commission, City Facility Naming Criteria  
City of Casa Grande, Heritage Commission, Nomination Process and Instructions  
City of Flagstaff, Resolution No. 2001-73  
City of Phoenix, Ordinance No. G-4174  
City of Sierra Vista, Resolution 4828 and Exhibit A



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: MARTY ROBBINS PLAQUE**  
Staff Contact: **Jon M. Froke, AICP, Planning Director**

## **Purpose and Policy Guidance**

This is for Council information only.

## **Background Summary**

At the June 7, 2011 Council Workshop, Council was advised that the request to place a bronze plaque in the city to honor Marty Robbins would be forwarded to the Historic Preservation Commission. This item was requested by Councilmember Lieberman at the March 11, 2011 Workshop.

Mr. Robbins was born in Glendale on September 26, 1925. He left Arizona in 1952 to pursue a musical career in Nashville, Tennessee. He died in Nashville on December 8, 1982 at the age of 57. Mr. Robbins' musical accomplishments are profiled in two books published by the City of Glendale: "Glendale" Century of Diversity (1992 and 2000) and "Glendale" Our Past, Progress, Our People (2008). Since Mr. Robbins' death, an alleyway in Historic Downtown Glendale has been christened as the "Marty Robbins Plaza" by a local property owner. The area is identified with a wooden plaque on the side of a privately owned commercial building located on the north side of Glendale Avenue, west of 57<sup>th</sup> Drive.

## **Previous Related Council Action**

A similar topic was discussed at the April 4, 2006 Workshop with the suggestion to name the bridge over Grand Avenue at Glendale and 59<sup>th</sup> Avenues in Marty Robbins' honor. That request was handled by the City of Glendale Transportation Department during which time the bridge was being constructed. At that time, there was no Council support to move forward.

Glendale's Bronze Plaque Program was established in 2004, and is managed by Planning. Approximately 200 plaques have been installed in the city. Plaques are placed to recognize places and significant historical features, not individuals.



# CITY COUNCIL REPORT

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## **Community Benefit/Public Involvement**

At their meeting on September 22, 2011, the Historic Preservation Commission discussed a bronze plaque to recognize Mr. Robbins.

The Historic Preservation Commission recommended not to proceed with a bronze plaque to honor Marty Robbins. Recognizing the accomplishments of Marty Robbins has already been achieved through numerous books, fan clubs, websites, and the existing wooden plaque in Historic Downtown Glendale.

In 2013, the Glendale Historical Society plans to discuss funding a bronze plaque to honor Marty Robbins.

## **Attachments**

Staff Report

Excerpt of Meeting Minutes



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Jon M. Froke, AICP, Planning Director  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: MARTY ROBBINS PLAQUE**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

At the June 7, 2011 Council Workshop, Council was advised that the request to place a bronze plaque in the city to honor Marty Robbins would be forwarded to the Historic Preservation Commission. This item was requested by Councilmember Lieberman at the March 11, 2011 Workshop.

### **BACKGROUND**

A similar topic was discussed at the April 4, 2006 Workshop with the suggestion to name the bridge over Grand Avenue at Glendale and 59<sup>th</sup> Avenues in Marty Robbins' honor. That request was handled by the City of Glendale Transportation Department during which time the bridge was being constructed. At that time, there was no Council support to move forward.

Glendale's Bronze Plaque Program was established in 2004, and is managed by Planning. Approximately 200 plaques have been installed in the city. Plaques are generally placed to recognize places, and significant historical features, not individuals.

Mr. Robbins was born in Glendale on September 26, 1925. He left Arizona in 1952 to pursue a musical career in Nashville, Tennessee. He died in Nashville on December 8, 1982 at the age of 57. Mr. Robbins' musical accomplishments are profiled in two books published by the City of Glendale: "Glendale" Century of Diversity (1992 and 2000) and "Glendale" Our Past, Progress, Our People (2008). Since Mr. Robbins' death, an alleyway in Historic Downtown Glendale has been christened as the "Marty Robbins Plaza" by a local property owner. The area is identified with a wooden plaque on the side of a privately owned commercial building located on the north side of Glendale Avenue, west of 57<sup>th</sup> Drive.

### **ANALYSIS**

At their meeting on September 22, 2011, the Historic Preservation Commission discussed a bronze plaque to recognize Mr. Robbins. Recognizing the accomplishments of Marty Robbins has

already been achieved through numerous books, fan clubs, websites, and the existing wooden plaque in Historic Downtown Glendale.

The Historic Preservation Commission recommended not to proceed with a bronze plaque to honor Marty Robbins. Other options stated at that time are for the Glendale Historical Society or the private sector to proceed with a plaque.

In 2013, the Glendale Historical Society plans to discuss funding a bronze plaque to honor Marty Robbins.



# Historic Preservation Commission Summary Minutes

THURSDAY, SEPTEMBER 22, 2011  
4:00 P.M. – CONFERENCE ROOM 2A  
GLENDALE CITY HALL  
5850 WEST GLENDALE AVENUE

I. CALL TO ORDER

The meeting was called to order at approximately 4:00 p.m.

II. ROLL CALL

**Commissioners Present:**

Vice Chairperson Grose, Commissioner Versluis, Commissioner Lenox,  
Commissioner Worsdell, Commissioner Renning.

**Commissioners Absent:** Chairperson Shady, Commissioner Hirsch.

**City Staff:**

Jon M. Froke, AICP, Historic Preservation Officer/Planning Director, Thomas Ritz,  
AICP, Senior Planner, Marilyn Clark, Recording Secretary.

III. APPROVAL OF MINUTES

Vice Chairperson Grose called for a motion to approve the Historic Preservation Commission minutes for January 27, 2011. Commissioner Lenox made the motion to approve; Commissioner Worsdell seconded the motion. The minutes were approved as written.

IV. BUSINESS FROM THE FLOOR

None

V. WITHDRAWALS AND CONTINUANCES

None

VI. PUBLIC HEARING ITEMS

None

VII. OTHER BUSINESS

1. BRONZE PLAQUES PROGRAM

**Staff provided an update to the Commission on the Bronze Plaque Program. Approximately 180 plaques have been installed since 2004. No action was required on the part of the Commission as this item was for informational purposes only.**

2. MARTY ROBBINS BRONZE PLAQUE

**The Commission recommended not to proceed with a plaque for Marty Robbins based on the conditions set forth in the Bronze Plaque Program and because no public funds are available for this request. Other options are for the Glendale Historical Society or the private sector to proceed with a plaque.**

3. MYRTLE AVENUE CULTURAL GATEWAY

**Staff provided an update to the Commission on the Myrtle Avenue Cultural Gateway. The final phase of this project will be completed in 2012. No action was required on the part of the Commission as this item was for informational purposes only.**

4. SANDS ESTATES HISTORIC DISTRICT

**Staff provided an update to the Commission on the Sands Estates Historic District. This is the eighth Historic District in Glendale. No action was required on the part of the Commission as this item was for informational purposes only**

5. BEET SUGAR FACTORY UPDATE

**Staff provided an update to the Commission on the Beet Sugar Factory. A new tenant plans to occupy a portion of the site by the end of the year. No action was required on the part of the Commission as this item was for informational purposes only.**

VIII. STAFF REPORT

IX. COMMISSION COMMENTS AND SUGGESTIONS

X. ADJOURNMENT

**The meeting was adjourned at approximately 5:00 p.m.**

NEXT MEETING: January 26, 2012



# Historic Preservation Staff Report

**DATE:** September 22, 2011

**TO:** Historic Preservation Commission

**AGENDA ITEM NO: 2**

**FROM:** Jon M. Froke, AICP, Planning Director  
Historic Preservation Officer

**SUBJECT:** MARTY ROBBINS BRONZE PLAQUE

## **DISCUSSION:**

Country and Western musician Marty Robbins was born in Glendale on September 26, 1925. He left Arizona in 1952 to pursue a musical career in Nashville, Tennessee. He died in Nashville on December 8, 1982 at the age of 57. Mr. Robbins' music appeared on 52 studio albums, 13 compilation albums, and 100 singles. In his career, Robbins charted 17 Number One singles on the *Billboard* Hot Country Songs charts, as well as 82 Top 40 singles. He wrote over 500 songs.

Mr. Robbins' musical accomplishments are profiled in two books published by the City of Glendale: "Glendale" Century of Diversity (1992 and 2000) and "Glendale" Our Past, Our Progress, Our People (2008). A comprehensive profile of his life is found in a book published by Andrew Means: "Some Memories" Growing up with Marty Robbins (2007). Mr. Means was a guest speaker at the September 27, 2007 Glendale Historic Preservation Commission meeting. At that time he made a presentation on the book and presented a signed copy to the Commission.

Since Mr. Robbins' death, an alleyway in Historic Downtown Glendale has been christened as the "Marty Robbins Plaza" by a local property owner. The area is identified with a wooden plaque on the side of a commercial building located on the north side of Glendale Avenue, west of 57<sup>th</sup> Drive. The Marty Robbins Glendale Exhibit House was located at 5804 West Myrtle Avenue in the mid 2000's before it closed.

A request has been made through the City Council Items of Special Interest process to fabricate and erect a bronze plaque in honor of Marty Robbins. This request was made in 2006 and again in 2011. The City of Glendale has a longstanding policy to not name buildings, places or things after individuals. Recognizing the accomplishments of Marty Robbins has already been achieved through numerous books, fan clubs, websites, and the existing plaque in Historic Downtown Glendale. There are no public funds available for a bronze plaque and the private sector has already recognized Mr. Robbins.

**RECOMMENDATION:** Staff recommends that the Commission consider the following:

- a) Whether to proceed or not with a bronze plaque honoring Marty Robbins;
- b) If so, determine the type, size and location of the bronze plaque; and;
- c) Identify a funding source for the bronze plaque.

**REQUIRED ACTION:** The Commission will need to make a recommendation on how to proceed with respect to a bronze plaque for Marty Robbins.

**ATTACHMENTS:**

1. Photograph of Marty Robbins Plaza, dated June 27, 2011.
2. Excerpt from the Minutes of April 4, 2006 City Council Workshop.
3. Excerpt from the Minutes of September 27, 2007 Historic Preservation Commission Meeting.
4. Excerpt from the Minutes of March 1, 2011 City Council Workshop.

**PROJECT MANAGER:** Jon M. Froke, AICP, Planning Director  
Historic Preservation Officer  
(623) 930-2585 or [jfroke@glendaleaz.com](mailto:jfroke@glendaleaz.com)

**REVIEWED BY:**

  
\_\_\_\_\_  
Planning Director  
JMF/mc

  
\_\_\_\_\_  
Deputy City Manager

Marty Robbins

Councilmember Lieberman reported Glendale has permission as a city to use Marty Robbins' name, stating a number of citizens are very interested in erecting a plaque or naming the bridge over Grand Avenue in his honor. He noted the citizens group will begin attending Council meetings in the near future calling for the city to honor the legendary singer in some way.

Mayor Scruggs asked what role the City Council has in this particular issue.

Councilmember Frate pointed out the city does not own the bridge. Mr. Mehta agreed, stating the bridge is owned by ADOT. He explained an application would have to be sent to the Geographic and Historic Names Board of the State of Arizona.

Mayor Scruggs stated Grand Avenue was named such in 1888 by the founder of Glendale and Glendale is a city that prides itself on historic preservation. She expressed her opinion the effort that has been spearheaded by a few individuals should be based on more than the idea that it will attract more tourists. She said she finds it difficult to overturn a landmark from 1888 because people are fans of Marty Robbins. She acknowledged Marty Robbins' musical talent and business acumen; stating, however, they are looking to change the well recognized name of a major transportation corridor.

Councilmember Lieberman disagreed, clarifying all they are looking to do is place a memorial plaque on the pedestrian walkway that goes over Grand Avenue. He said he has no intention of changing the name of Grand Avenue.

Mayor Scruggs said if they are going to change the city's longstanding policy and start recognizing individuals who are born in the city or contribute to the city, they should establish a process whereby everyone can be considered for such recognition based on their own merits.

Councilmember Clark stated, as is recognized in Mr. Mehta's Council communication, it is up to ADOT to name the pedestrian walkway. She said the most the City of Glendale could do if it wished to do anything is pass a resolution or draft a letter in support of the idea. She said the request was made by a specific group of citizens who have worked for a long time to gain official city recognition for a man they deem to be a hometown hero.

Vice Mayor Eggleston suggested the fans petition ADOT to rename the bridge. He said he is philosophically opposed to naming the bridge after anyone in particular, stating doing so will inevitably upset another group of citizens.

Councilmember Goulet agreed with Vice Mayor Eggleston that naming things after someone can result in hard feelings. He expressed his opinion the group took the wrong approach, stating from the beginning he felt there was an adversarial

undercurrent. He noted several people have since approached him with the names of people they believe should also be honored. He said a process that allowed people to participate and buy into the decision would have been much more effective than the way they seem to be forcing people to accept the idea or risk being dismissed as not caring about the person.

Councilmember Martínez said he knew Mr. Robbins personally and he would not necessarily oppose erecting a plaque in his honor at some location. He stated, however, doing so would open the door for the multitude of other people who believe someone should be recognized. He stated he is not aware of Marty Robbins ever doing anything for the city once he became famous.

Councilmember Lieberman said he is not aware of any other person from Glendale who achieved national fame, not only as a singer, but as a composer and race car driver as well. He invited anyone who objects to the idea to contact him personally, noting he has not encountered anyone who is not in favor of the idea. He stated he will find out more information from ADOT as to the process for naming the bridge. He noted Marty Robbins actually wrote a song about Councilmember Martínez' brother.

Mayor Scruggs stated, at this point, the Council does not support the concept and feels a process should be established if the city is going to begin naming facilities in honor of famous people.

**MR. ANDREW MEANS' PRESENTATION:**

The Historic Preservation Commission heard a presentation from author, Mr. Andrew Means regarding the research for his book, "Some Memories – Growing Up with Marty Robbins". Mr. Means, author of the new book published this year, gave an interesting presentation on the life of Marty Robbins based on the memories of his twin sister Mamie. He explained that Marty and his twin sister Mamie were born about eight miles north of downtown Glendale on September 26, 1925. Marty was one of nine children in the family. The family was extremely poor and lived in many places in and around Cactus, Peoria and Glendale. Marty developed his music abilities from his Grandfather. After returning from active duty in the U.S. Navy in 1943, he went on to perform on television and radio. He met his wife here in Arizona, who he married on September 27, 1948. Marty left the Valley in 1952 for Nashville, Tennessee after receiving a recording contract from Columbia Records. He died of a heart attack in December 1982.

Mr. Means discussed how the book came to be published 20 years after Marty's death. He explained that he had a series of taped interviews with his sister Mamie who died in 2004. He talked about how his meetings with friends and family of Marty Robbins provided him with the encouragement and support to finally put all the information he had gathered over the years together to publish the book.

Mr. Means related stories of the early days in Marty's life, including their poor Christmas celebrations as children, as well as their father's drinking and violent temper.

Commissioner Trumble inquired as to Marty's children. Mr. Means stated that he had two children, Ronnie and Janet. He noted that both were associated with music.

Commissioner Byrne commented that she was surprised Mamie reported on how poor the family was, when she had heard that she had always denied it. Mr. Means stated that Mamie had always tried to down play how poor they were, but eventually the truth came out.

**New Council Items of Special Interest**

Mayor Scruggs asked the Council for their items.

Councilmember Lieberman stated he had received several requests about doing something with the second floor of the Adult Center. His second request is to have a plaque or display for Marty Robbins showing he was born and raised in Glendale. He also asked to move the public participation portion to the first part of the Council meetings, as it was in the past. He explained he has received several calls from people stating at times they have to wait for hours and then end up leaving because of the length of the meeting. He stated he would also like to see a report on all finances related to Camelback Ranch.



# Memorandum

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**DATE:** June 07, 2011  
**TO:** Mayor and Council  
**FROM:** Jon M. Froke, AICP, Planning Director  
**THROUGH:** Ed Beasley, City Manager  
**SUBJECT:** Council Items of Special Interest: Marty Robbins Bronze Plaque

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At the March 1, 2011 City Council Workshop as part of the Council Items of Special Interest, Councilmember Lieberman inquired about placing a bronze plaque in the city to honor Marty Robbins.

**Background:**

A similar topic was discussed at the April 4, 2006 Workshop with the suggestion to name the bridge over Grand Avenue at Glendale and 59th Avenues in Marty Robbins' honor. That request was handled by the City of Glendale Transportation Department during the time the bridge was being constructed. At that time, there was no Council support to move forward.

Glendale's Bronze Plaque Program was established in 2004, and is managed by the Planning Department. Approximately 200 plaques have been installed in the city. Plaques are generally placed to recognize places, and significant historical features, not individuals.

**Summary:**

If there is Council support for this item, staff would refer the request to the Historic Preservation Commission for their consideration. The next available date for the Historic Preservation Commission would be September 22, 2011. The placement of a bronze plaque would be scheduled as an agenda item, with a request for the commission to make a recommendation to the Planning Department.

**\*PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**



**MINUTES OF THE  
GLENDALE CITY COUNCIL WORKSHOP SESSION  
Council Chambers – Workshop Room  
5850 West Glendale Avenue  
June 07, 2011  
1:30 p.m.**

**PRESENT:** Mayor Elaine M. Scruggs, Vice Mayor Steven E. Frate and Councilmembers Norma S. Alvarez, Joyce V. Clark, Yvonne J. Knaack, H. Phillip Lieberman, and Manuel D. Martinez,

**ALSO PRESENT:** Ed Beasley, City Manager; Horatio Skeete, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

**1. COUNCIL ITEMS OF SPECIAL INTEREST**

This is the quarterly opportunity for City Council to identify topics of interest they would like the City Manager to research and assess for placement on a future workshop agenda.

On March 1, 2011, Council asked that staff provide information on items of special interest. The following items have been addressed:

- Adult Center 2<sup>nd</sup> Floor – This was addressed as part of the budget process.
- Marty Robbins Bronze Plaque – This was addressed through a request forwarded to the Historic Preservation Commission for their review and consideration, which is the customary process.
- Public Participation at the beginning of Council Meetings – This item will be postponed and brought back at the next Council Items of Special Interest to allow staff additional time to do further historical research.

The remaining items of special interest requested by Council will be addressed at today's workshop.



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: PUBLIC COMMENT PLACEMENT**  
Staff Contact: **Pamela Hanna, City Clerk**

## **Purpose and Policy Guidance**

Staff is seeking guidance from Council on the placement of the public comment item on the agenda. As requested by Councilmembers Alvarez and Lieberman additional information was collected and is presented here.

## **Background Summary**

Prior to the July 22, 1997 City Council meeting, agendas had a “Business from the Floor” item at the beginning of the meeting. This agenda item is equivalent to the current Citizen Comment item which is located at the end of the meeting agenda. As stated in the City of Glendale’s Guidelines For Citizen Comments: “While the Open Meetings Law does not require the agenda to contain an item for ‘Citizen Comments’, the Council places this item on its agendas to provide this additional opportunity for citizen input to the Council and City administration.” As directed by Council, Citizen Comments were moved to the end of the meetings as part of the comprehensive update and formalization of regular City Council meeting rules and procedures for public hearing items and citizen comments. Council approved Resolution No. 3136 New Series on July 8, 1997, establishing the current meeting policy.

A message was sent to members of the City Clerk Listserve, which is the Arizona Municipal Clerks’ Association forum for research and questions for the profession within the state. Of the 55 responding cities and towns, 34 responded that the call to the public was at the beginning of the meeting, 13 have it at the end, and 8 provide the public an opportunity to speak both at the beginning and at the end. The majority of the cities with comments at the beginning of the meeting offered individuals three minutes to speak. Only Gilbert and Tucson limited the time for public comment in total to 15 and 30 minutes respectively.

## **Previous Related Council Action**

On March 1, 2011, Councilmember Lieberman requested information about moving the Public Participation to the beginning of the City Council Meetings. Information was presented on September 6, 2011. On January 17, 2012, Councilmember Alvarez and Councilmember Lieberman requested information about moving the Public Participation to the beginning of the City Council Meetings.



# CITY COUNCIL REPORT

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## **Attachments**

Staff Report

Other



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Pamela Hanna, City Clerk  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: PUBLIC COMMENT  
PLACEMENT**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

On March 1, 2011, Councilmember Lieberman requested information about moving the Public Participation to the beginning of the City Council Meetings. Information was presented on September 6, 2011. On January 17, 2012, Councilmember Alvarez and Councilmember Lieberman requested information about moving the Public Participation to the beginning of the City Council Meetings. The information presented is in response to that request.

### **BACKGROUND**

Prior to the July 22, 1997 City Council meeting, agendas had a "Business from the Floor" item at the beginning of the meeting. This agenda item is equivalent to the current Citizen Comment item which is located at the end of the meeting agenda. As stated in the City of Glendale's Guidelines For Citizen Comments: "While the Open Meetings Law does not require the agenda to contain an item for 'Citizen Comments', the Council places this item on its agendas to provide this additional opportunity for citizen input to the Council and City administration. Citizen Comments were moved to the end of the meetings, as part of the comprehensive update and formalization of regular City Council meeting rules and procedures for public hearing items and citizen comments. Council approved Resolution No. 3136 New Series on July 8, 1997, establishing the current meeting policy.

A message was sent to members of the City Clerk Listserve, which is the Arizona Municipal Clerks' Association forum for research and questions for the profession within the state. Of the 55 responding cities and towns, 34 responded that the call to the public was at the beginning of the meeting, 13 have it at the end, and 8 provide the public an opportunity to speak both at the beginning and at the end. The majority of the cities with comments at the beginning of the meeting offered individuals three minutes to speak. Only Gilbert and Tucson limited the time for public comment in total to 15 and 30 minutes respectively.

## **ANALYSIS**

The Council has five options:

- Leave the public comments as is.
- Review and revise the resolution to move the public comments section to the beginning of the meeting.
- Review and revise the resolution to allow public comments at both the beginning and the end of the meeting.
- Allow the incoming Council to determine the best placement of the public comments item of the agenda.
- Review and revise the resolution to modify the placement of public comments and reflect any changes in the amount of time each speaker has to speak, and possibly add a limit to the total amount of time for public comment.

It is the recommendation of staff that City Council consider the information and provide direction to staff.

## Public Comment Placement

City/Town	Beginning	End	Both	Notes
Apache Junction		X		3 mins - not televised
Avondale	X			3 mins
Benson	X			
Bisbee	X			3 mins
Bullhead City	X			3 mins
Camp Verde			X	3 mins
Carefree	X			3 mins
Cave Creek	X			3 mins
Central Arizona Project		X		
Chandler	X			3 mins
Chino Valley	X			3 mins - 30 mins total
Dewey-Humboldt			X	3 mins
Douglas	X			may change from 5 mins to 3 and 90 to 30 mins/under review
Eagar	X			3 mins
El Mirage	X			
Flagstaff			X	Reg mtg is broken into 2 segments - evening is at the end, 3 mins
Florence			X	May change based on new council preference, 3 mins
Fountain Hills	X			3 mins
Gila Bend		X		
Gilbert	X			3 mins ea spkr/15 mins total for Comm from citizens
Goodyear	X			3 mins
Jerome	X			
Lake Havasu City			X	5 mins
Litchfield Park	X			3 mins
Marana	X			3 mins
Maricopa	X			5 mins
Maricopa Special Health Care District	X			3 mins
Mesa		X		
Miami	X			
Nogales	X			5 mins
Oro Valley			X	3 minute limit - no limit for # of people at either end
Page	X			10 mins
Paradise Valley	X			3 mins
Parker		X		3 mins
Payson			X	Mayor decides if the speaker is at the beginning or the end
Peoria		X		
Phoenix		X		2 mins
Pinetop-Lakeside	X			3 mins
Prescott	X			5 mins - req in writing Weds before meeting
Prescott Valley		X		
Queen Creek	X			3 mins
Safford	X			3 mins
Sahuarita	X			3 mins
Scottsdale			X	5 cards at beginning, 5 cards at the end/3 mins each
Sedona	X			3 mins
Show Low		X		New Mayor wants to move to the beginning
Star Valley		X		
Surprise		X		4 mins
Tucson	X			3 mins spkr/30 mins tota for call to the audience
Wickenburg	X			no limit
Willcox	X			3 mins
Williams	X			5 mins
Winslow		X		
Youngtown		X		
Yuma	X			5 mins
<b>TOTAL</b>	<b>34</b>	<b>13</b>	<b>8</b>	



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: COUNCIL DINNERS AND NETWORKING EVENTS**  
Staff Contact: **Kristen Krey, Council Services Administrator**

## **Purpose and Policy Guidance**

At January 17, 2012 Council Workshop, Councilmember Lieberman stated that he wants to meet with the Westside neighbors such as Luke Air Force Base, Avondale, Litchfield Park, Peoria, Surprise, and others. CM Lieberman advised he will give money from his personal city budget towards this. He recognized that this has come forward already but he is not satisfied with the outcome. This item is for Council discussion and direction.

Staff is seeking guidance from Council to determine if they desire to continue with networking events in fiscal year 2012-2013.

## **Background Summary**

In August of 2011 these specific guidelines were discussed by Council:

- Invite one or two cities at a time:
  - Propose to invite specific West Valley cities for the first part of this fiscal year.
- For social and networking purposes - no business:
  - Invitations to other city councils will clearly state this is a networking and social event.
- No city money used (attain sponsorships if possible):
  - Councilmembers will be responsible for attaining sponsorships for this purpose.
- No spouses - Councilmembers only
- Utilize the suites at Jobing.com Arena and Camelback Ranch
  - Propose that staff review the schedule for the Jobing.com Arena for the period of September to December 2011 and reserve the suite for Council's use for two events.
  - Propose that staff review the schedule for Camelback Ranch for the period of January to June 2012 and reserve the suite for Council's use for two events.
- Utilize the Council Chambers during special events such as Glendale Glitters.
  - Staff will review the Glendale Glitters events schedule and have one evening where all councils from throughout the valley are invited to a Glitters event. Council can host a brief meet and greet in the Chamber lobby. Invitations can be generated electronically.



# CITY COUNCIL REPORT

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- Confirm meetings are properly posted with guidance from the City Attorney.
  - There is the opportunity to post this as a Community Event, as is current practice with social events and networking events the Council attends. Advice will be requested from the City Attorney.

## **Previous Related Council Action**

This item has been discussed by Council at the following Council Workshops:

2010: September 7, December 7,  
2011: March 1, June 7, August 24,  
2012: January 17

At the August 24, 2011 Workshop, Council provided direction to use the established guidelines to host a networking event. A networking event was held December 2, 2011. All West Valley cities and the City of Phoenix were invited. There were 90 personal invitations sent out. Approximately 15 persons attend.

## **Budget and Financial Impacts**

If these events are sponsored, there would be no fiscal impact to the city. The first event was not sponsored and the minimal cost was covered by the Council Office budget.

## **Attachments**

Staff Report



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Kristen Krey, Council Services Administrator  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: COUNCIL DINNERS AND NETWORKING EVENTS**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

At January 17, 2012 Council Workshop, Councilmember Lieberman stated that he wants to meet with the Westside neighbors such as Luke Air Force Base, Avondale, Litchfield Park, Peoria, Surprise, and others. CM Lieberman advised he will give money from his personal city budget towards this. He recognized that this has come forward already but he is not satisfied with the outcome.

### **BACKGROUND**

**September 7, 2010:** This item was initially brought forward by Councilmember Lieberman; he indicated a desire to have formal dinners with other city councils and Luke Air Force Base in order to build local council and government relationships.

**December 7, 2010:** This item was presented by staff and discussed by Council at the December 7, 2010 Council Workshop and was not supported for further consideration. At that time, direction was given to staff to work with Luke Air Force Base to include the full Council on invitations.

**March 1, 2011:** Councilmember Lieberman again asked the City Council to have annual meetings or dinners with Luke Air Force Base, Avondale, Peoria, and Surprise in order to create closer working relationships. Councilmember Lieberman recommended the Councilmembers each devote \$2,000 of their district funds in consideration of a program to "get to know our neighbor cities."

**June 7, 2011:** The following information was provided by staff in response to the Council Item of Special Interest requested by Councilmember Lieberman at the March 1, 2011 Workshop. Since the December 7, 2010 Workshop, Council was invited to the following events at Luke Air Force Base:

- Luke Retirement Ceremony for Mary Jo May - January 5, 2011
- Fighter Country Partnerships Annual Meeting - January 20, 2011

- Luke 56th Fighter Wing Annual Awards Banquet - January 29, 2011
- F-35 Cockpit Demonstration - March 17, 2011
- Luke Days 2011 - March 19-20, 2011

It was reiterated that, if a specific issue merits the need for Council to meet with other local city councils or the command staff at Luke Air Force Base, a meeting would be facilitated. It was also noted that League of Arizona Cities and Towns was hosting their annual conference August 30 through September 2, 2011 in Tucson, as well as the National League of Cities and Towns hosting their annual conference November 8 through November 11, 2011 in Phoenix. These conferences provided additional networking opportunities with local city councils.

Council provided direction for staff to propose a plan regarding networking with local city councils. General guidelines were discussed and provided by the Council for this plan.

**August 24, 2011:** Staff presented a draft plan for Council consideration based on the guidelines they had established at the June 7, 2011 workshop:

- Invite one or two cities at a time:
  - Propose to invite specific West Valley cities for the first part of this fiscal year.
- For social and networking purposes - no business:
  - Invitations to other city councils will clearly state this is a networking and social event.
- No city money used (attain sponsorships if possible):
  - Councilmembers will be responsible for attaining sponsorships for this purpose.
- No spouses - Councilmembers only
- Utilize the suites at Jobing.com Arena and Camelback Ranch
  - Propose that staff review the schedule for the Jobing.com Arena for the period of September to December 2011 and reserve the suite for Council's use for two events.
  - Propose that staff review the schedule for Camelback Ranch for the period of January to June 2012 and reserve the suite for Council's use for two events.
- Utilize the Council Chambers during special events such as Glendale Glitters.
  - Staff will review the Glendale Glitters events schedule and have one evening where all councils from throughout the valley are invited to a Glitters event. Council can host a brief meet and greet in the Chamber lobby. Invitations can be generated electronically.
- Confirm meetings are properly posted with guidance from the City Attorney.
  - There is the opportunity to post this as a Community Event, as is current practice with social events and networking events the Council attends. Advice will be requested from the City Attorney.

In addition work closely with the Intergovernmental Programs Department to invite other city councils. Council directed staff to move forward with a networking event.

**November 1 through December 2, 2011:** Staff developed an invitation, received Council approval and planned an event for December 2, 2011 inviting all councils from West Valley cities and Phoenix to attend a networking event in the Council Chambers foyer and evening at Glendale's

Glitter and Glow. There were 90 personal invitations emailed to the following Councils: Avondale, Buckeye, El Mirage, Gila Bend, Goodyear, Litchfield Park, Peoria, Phoenix, Surprise, Tolleson, Wickenburg and Youngtown.

Approximately 15 persons attended. The established guidelines were followed, although minimal funding for this event came out of the Council office budget.

Also, the staff continued to follow up on Luke Air Force Base events and ensure that all Councilmembers were invited. This practice still continues to date.

**January 17, 2012:** Councilmember Lieberman stated that he wants to meet with the Westside neighbors such as Luke Air Force Base, Avondale, Litchfield Park, Peoria, Surprise, and others. CM Lieberman advised he will give money from his personal city budget towards this. He recognized that this has come forward already but he is not satisfied with the outcome.

## **ANALYSIS**

If the Council wishes to continue these networking events it is recommended that the guidelines established by the Council at the August 24, 2011 Council Workshop continue to remain in place and that a specific Councilmember be designated to identify funds via sponsorship for these events.

- Invite one or two cities at a time:
  - Propose to invite specific West Valley cities and other cities.
- For social and networking purposes - no business:
  - Invitations to other city councils will clearly state this is a networking and social event.
- No city money used (attain sponsorships if possible):
  - Councilmembers will be responsible for attaining sponsorships for this purpose.
- No spouses - Councilmembers only
- Utilize the suites at Jobing.com Arena and Camelback Ranch
  - Propose that staff review the schedule for the Jobing.com Arena for the period of September to December 2012 and reserve the suite for Council's use for an event.
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  - Staff will review the Glendale Glitters events schedule and have one evening where all councils from throughout the valley are invited to a Glitters event. Council can host a brief meet and greet in the Chamber lobby. Invitations can be generated electronically.
- Confirm meetings are properly posted with guidance from the City Attorney.
  - There is the opportunity to post this as a Community Event, as is current practice with social events and networking events the Council attends. Advice will be requested from the City Attorney.
  - In addition work closely with the Intergovernmental Programs Department to invite other city councils.

## **FISCAL IMPACTS**

If these events are sponsored, there would be no fiscal impact to the city. The first event was not sponsored and the minimal cost was covered by the Council office budget.



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: RESIDENTIAL LOCK BOX PROGRAM**  
Staff Contact: **Mark Burdick, Fire Chief**

## **Purpose and Policy Guidance**

This council report is in response to a Council Item of Special Interest requested by Councilmember Martinez at the January 17, 2012 Workshop. Councilmember Martinez asked for information to institute a security lock box program where homeowners would have house keys in lock boxes and emergency workers would be able to access the keys.

## **Background Summary**

The primary intent of a lock box program is to facilitate quick access to residences when the occupant is unable to react to emergency responders at the door. Lock boxes provide Fire and EMS personnel the ability to expedite entry into a residence using a key rather than forcing entry through a door or window, which may limit damage as a result of forcible entry. Over the past four years the fire department has received two requests to provide lock boxes.

## **Community Benefit**

Elderly or disabled residents who participate in lock box programs provide emergency personnel quick access their homes without having to force entry. A lock box could potentially reduce the resident's concern for damage to their property from forced entry by emergency responders. However, in all cases emergency responders will exercise their judgment to utilize the key or force entry.

## **Analysis**

The Glendale Fire Department researched four cities that currently have residential lock box programs (Goodyear, Peoria, Sun City and Surprise). These lock box programs are similar with comparable costs to the customer, ranging from \$50 to \$60. Three of the benchmark cities (Peoria, Sun City and Surprise) invested approximately \$20,000 to develop and implement their programs. The costs associated with these programs include purchasing a large supply of lock



# CITY COUNCIL REPORT

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boxes, recruiting and training volunteers, vehicle and fuel expenses, and administrative staff time for tracking and inputting data into the Computer Aided Dispatch (CAD) system.

Goodyear's program was developed without requiring dedicated funding. The costs associated with their program were absorbed by the department, including staff time for program management and data entry. Unlike Peoria, Surprise and Sun City, Goodyear's program requires the customer to purchase their own lock box and complete a program participation form that includes a city waiver. This information is uploaded into the CAD system and is available to responders during an emergency.

Funding for a Glendale lock box program has not been budgeted and will require an additional appropriation of funds, based on the type of program to be developed. As previously stated, the fire department has only received only two requests to provide lock boxes for residential use over the past four years.

## **Attachments**

Staff Report

Other

Other

Other



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Mark Burdick, Fire Chief  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: RESIDENTIAL LOCK BOX PROGRAM**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

This staff report is in response to a Council Item of Special Interest requested by Councilmember Martinez at the January 17, 2012 Workshop. Councilmember Martinez asked for information to institute a security lock box program where homeowners would have house keys in the lock box and emergency workers would be able to access the key.

### **BACKGROUND**

The primary intent of a lock box program is to facilitate quick access to residential homes when the occupant is unable to react to emergency responders at the door. Lock boxes provide Fire and EMS personnel the ability to expedite entry into a residence using a key rather than forcing entry through a door or window. In addition, providing a key for emergency responder access may limit damage as a result of forcible entry. However, limiting damage is not the intent of this type of program and in all cases emergency responders will exercise their judgment to utilize the key or force entry.

Over the past four years, the Glendale Fire Department has received two requests to provide lock boxes for residential use.

### **ANALYSIS**

The Glendale Fire Department researched four cities that currently have a residential lock box program (Goodyear, Peoria, Sun City and Surprise). These lock box programs are similar with comparable costs to the customer, ranging from \$50 to \$60 (program descriptions attached to Council Report). The target audiences of the lock box program in these cities are the elderly and disabled.

Peoria, Surprise and Sun City estimated their program development and implementation costs at approximately \$20,000. These lock box programs are managed by a city employee with a staff of volunteers to perform lock box installations.

To implement this type of program required establishing a program coordinator, purchasing large quantities of lock boxes, and recruiting and training volunteers. Also taken into consideration was the administrative time and the cost of resources associated with the program, i.e vehicle and fuel expenses

Goodyear's program was developed without requiring dedicated funding. The costs associated with this program were absorbed by the department and included staff time for program management and data entry into the CAD system. Unlike Peoria, Surprise and Sun City, Goodyear's program requires the customer to purchase their own lock box and complete a program participation form that includes a city waiver. This information is uploaded into the CAD system and available to responders during an emergency.

## **FISCAL IMPACTS**

Funding for a lock box program has not been budgeted and may require an additional appropriation of funds based on the type of program to be developed.

## **Fire Department Press Release**

### **Residential Lock Box Program**

**For Immediate Release: August 15, 2012**

**Contact: Russ Braden, Battalion Chief, Fire Department Public Information Officer, voice mail 623-932-2300, cell 623-693-0189 or**

**Tanja Tanner, Community Education Coordinator, Fire Department Public Information Officer, voice mail 623-882-7308, cell 623-341-6543**

### **Goodyear Fire Department Begins Residential Lock Box Program**

(Goodyear, AZ) The Goodyear Fire Department is pleased to announce the launch of our new Residential Lock Box Program for all citizens in Goodyear. This voluntary program is designed to allow emergency access to homes during medical or other emergencies where the occupant is unable to open the door on their own. This program will also assist in reducing the likelihood of property damage caused by firefighters as they make emergency access to the home. This residential program is very similar to the commercial lock box program currently in place for all businesses located within the City of Goodyear.

Each homeowner that wishes to participate in the program can purchase a combination style lock box from either a local home improvement store or online. Once the homeowner has purchased a combination-style lock box they can either chose to install it themselves, or have it installed by a contractor of their choice. Once installed the homeowner will place a key(s) into the lock box then complete the liability release form available on the fire department's website listed below. Along with the release form, the homeowner will also find a general overview form that provides more details of the lock box program such as the ideal location for installation. When completed, this program will provide all responding firefighters the combination to each of the lock boxes located at individual addresses that have chosen to participate in the program.

For more information about this new program, please visit the Goodyear Fire Department website at:

**<http://www.goodyearaz.gov/index.aspx?nid=105>**

Then just click on Residential Lock Box Release Form to download the release and program information forms.

Residents may also contact the Goodyear Fire Department at 623-932-2300 for questions regarding this new program and how to register their lock box information.



## City of Goodyear Fire Department Residential Lock Box Program

The City of Goodyear Fire Department residential lock box program is designed to allow access to homes during medical or other emergencies where the occupant is unable to open the door. The lock box program also reduces the likelihood of property damage caused by first responders forcing entry into a home in response to an emergency call.

This is a voluntary program for residential properties served by the Goodyear Fire Department. In this program the building owner/occupant installs a residential lock box on their home to secure a key(s) for use by the fire department in an emergency where the occupant is unable to open the door. Homes having these boxes will be noted in the CAD (Computer Aided Dispatch) system at the 911 Center. This allows responders to know that the home or facility is equipped with a lock box. This information is immediately sent to computers in fire trucks and station printers as soon as an emergency call is dispatched. However, purchasing and installing a residential lock box does not entitle the homeowner to a "lock out service". Specifically what this means is if a homeowner accidentally locks themselves out of their home, the fire department will not provide the homeowner access to their residence using the lock box program.

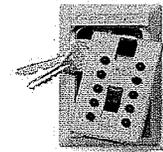
### Frequently Asked Questions:

#### How do I get a lock box?

Residential lock boxes are available for purchase online or at home improvement stores like Lowes, Ace or Goodale Hardware. The cost of either the push button or dial combination lock is approximately \$25 - \$100. The lock box mounts to any flat surface. Keyed lock boxes are not acceptable.



#### Combination or Push button type boxes ONLY



#### Who installs the lock box?

You are responsible for installing the lock box or hiring someone to install it for you. It should be securely fastened to your home to prevent someone from removing it. The fire department will not provide installation of residential lock boxes.

#### Where do I have the lock box installed?

The top of lock boxes shall be installed between **48" and 60" above finished grade**, and shall be immediately visible (not behind bushes or other obstacles) and accessible to emergency responders.

#### What do I do after the lock box is installed?

Following the installation of the residential lock box, you will need to complete a Residential Lock Box Release of Liability Form that is available at the Goodyear Fire Department Administration Offices at the address noted below or online ([www.goodyearaz.gov/fire](http://www.goodyearaz.gov/fire)). The form will include the information inside the box (i.e. keys, security silence codes, pertinent medical information). This form must be completed in its entirety and signed by the property owner. The form can be hand delivered or mailed to the following location:

Goodyear Fire Department Administration  
175 N. 145<sup>th</sup> Ave  
Goodyear, Az 85338  
Attn: Fire Marshal

Please feel free to call us with any questions at (623) 932-2300



## Installation of Voluntary Residential Lock Box Liability Release

In consideration of my participation in purchasing a residential lock box, the undersigned, to the fullest extent permitted by law, hereby agrees for the undersigned and the undersigned's heirs and representatives, to indemnify and hold harmless the City of Goodyear and their respective employees, officers, and attorneys from and against any and all claims, suits, judgments, losses, damages, personal injuries (including but not limited to death), or liability (including reasonable attorney's fees), directly or indirectly arising from or in connection with the undersigned's participation in the purchasing a residential lock box. The undersigned acknowledges and agrees that the undersigned's participation in the purchasing of a residential lock box is voluntary. I also understand and agree that purchasing a residential lock box is not intended in any way whatsoever to create or impose a special duty on the City of Goodyear Fire Department or City of Goodyear and their respective employees, officers, and attorneys regarding the undersigned's safety or well-being.

### CONDITIONS:

Upon purchasing a residential lock box, the undersigned has voluntarily agreed to assume full responsibility for providing the correct key at all times. Once the lock box is installed, fire personnel can only use the lock box to gain access to the undersigned's home after being summoned to the home for emergency purposes. In the event of a time sensitive situation (e.g. medical emergency, fire, home invasion, etc.) or malfunction of the lock box, fire personnel may not be able to, nor have the time to, use the lock box. In those situations, the undersigned agrees that emergency personnel shall have the right to exercise their discretion and gain entry to the undersigned's home for the fastest means possible. However, emergency personnel will use their best efforts to utilize the lock box when time and the situation permits.

\_\_\_\_\_ I understand that purchasing a residential lock box is not a "lock out service" for me, my family or my friends. Only emergency personnel and actual participants will be granted access.

Resident Physical Address: \_\_\_\_\_

Location of box: \_\_\_\_\_

**Each adult at the home address listed above is required to sign and date this agreement.**

Print & Signature of Resident

Print & Signature of Resident

Print- \_\_\_\_\_

Print- \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Exact Code Information: \_\_\_\_\_ Type/Model of Lock Box \_\_\_\_\_

Lock box Contents: Front Door Key \_\_\_\_\_ Pertinent Medical Information: \_\_\_\_\_ Other: \_\_\_\_\_

**PLEASE NOTE: If the Lock Box is no longer needed or the access code to your home changes, please call the Fire Prevention Division at (623) 932-2300. Thank you.**

<b>Internal Use Only</b> Entered into CAD Date _____ Signature/ID _____
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Fire Services-Lock Box Information - Windows Internet Explorer provided by City of Glendale

http://www.peoriaaz.gov/newsecondary.aspx?id=47347

peoria residential lock box

PeoriaAZ.Gov Home >> Residents >> Fire and Police Resources >> Lock Box Information

## Peoria Fire Department Residential Lock Box Program

### What is a Lock Box?

A residential lock box is a small metal box that opens with a proprietary key that only Police and Fire have access to. The box is mounted on the exterior of the home and the homeowner provides a house key and/or screen door key to be permanently locked in the box. The residential box is similar to, but smaller than, the commercial lock box that every Peoria business is required to have.

### Why would I want a Lock Box?

In many emergency situations, an individual who calls 911 may not be able to open their door when firefighters arrive. This is especially true with senior citizens that suffer a fall, stroke or heart attack. In these instances, every second counts. Currently, firefighters must break through a door or a window, causing damage and costing money and valuable time.

### How do I get one?

You can purchase your lock box through the Peoria Fire Department for \$50.00 - a greatly reduced price. We will bring the box to your home and install it onto the exterior of your house, typically on the front door frame. We will then lock your keys into the box using our special key. Police and Fire will be the only one to have access to this box.

### To Order

Lock Boxes can be ordered for \$50.00 - this price includes installation. Checks are to be made to: City Of Peoria. The order form can be downloaded [here](#).

For questions, please contact Tim Eiden at (623)773-7279.

### QUICK LINKS

- Car Seat Safety
- CPR Classes
- Fire Citizen's Academy
- Fire Education for Peoria Schools
- Fire Education Programs
- Lock Box Information
- Mobile Safety House
- Community Relations
- Senior Programs
- Fire Department Volunteer Program
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Residential Lockbox - Windows Internet Explorer provided by City of Glendale

http://www.suncityfire.com/residential\_lockbox.html

sun city residential lock box

### Residential Lockbox Information

**The Sun City Fire Department** has a special lockbox available to residents in our community which serves as a security box that would be used for an emergency situation where the resident is unable to get to the door to allow personnel in to assist. The box itself is a sturdy steel box that has a locking faceplate on the front of it. This box is mounted to your home site in a specific location so that if a resident has a medical emergency, the fire department could immediately use the keys inside of the box rather than causing damage to your home.

Due to every second counting during a medical emergency, it is vital that the fire personnel are able to gain access to the home rather than having to break down a door or try looking for someone with a key. Since emergency situations are not planned for certain times of the day, or when a neighbor is not home with a key, the resident can be assured of quick and efficient service with no damage to the home itself.

If you are a resident interested in having a lockbox installed, a copy of your house keys will need to be made in advance (by the resident) before scheduling an appointment. The cost for this device is \$50.00 payable to the Sun City Fire Department. Please call (623) 974-2321 during normal business hours (Monday - Friday 8:00am-4:00pm) to schedule an installation appointment.

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# Home Lock Box Program

## Surprise Fire Department

### What is a Residential Lock Box?

A lockbox is a heavy metal box, which is installed on an individual's home and contains a key to their home. The box is locked by a special key, which only the Surprise Fire Department has access. These boxes are extremely safe and durable. The approximate measurements of the Lockbox is 2" by 4" with black exterior and gold lock insert.



### Why have a Lock Box?

In the event of an emergency, the fire department can use their special key to open the lockbox and access your house key to gain entry into your home.

### Advantages to this program:

\*\*Having a lockbox can add precious lifesaving minutes during an emergency.

\*\*Having a lockbox also saves on property damage that gaining entry without a key may cause.

**Cost: \$50.00 (One time fee)      FREE Installation**

After Purchasing the Lockbox, the Fire Department will contact the homeowner and schedule a time for the **FREE** installation.

The box will be installed on the hinged side of the front door approximately 4' from the concrete.

For more information or to order a Lockbox,  
contact the Surprise Fire Department at: **(623) 583.8225**





# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **COUNCIL ITEM OF SPECIAL INTEREST: CAMELBACK RANCH  
GLENDALE**  
Staff Contact: **Diane Goke, Chief Financial Officer**

## **Purpose and Policy Guidance**

Councilmember Lieberman requested information on the finances of Camelback Ranch Glendale and the involvement of the consulting firm TLHocking & Associates LLC.

## **Background Summary**

Camelback Ranch Glendale opened in March 2009 and is the spring training home to the Chicago White Sox and Los Angeles Dodgers of Major League Baseball. The consulting firm of TLHocking & Associates LLC, assisted city management on the preparation of revenue and attendance projections as well as assisted with the bond issuance.

## **Budget and Financial Impacts**

The financing for the stadium was finalized in October 2008 and bonds were issued by the Western Loop 101 Public Facilities Corporation in the amount of \$199.75 million with an interest rate of 5.75-7.5%. The bonds are an obligation of the city and are secured by the excise taxes of the city. The bonds were issued with a call date of five years in order to take advantage of future refinancing opportunities since interest rates were fairly high at the time of issuance. Debt service payments of \$13 million annually have been funded by a revenue stabilization fund that was part of the original bond issuance.

Capital Expense? Yes  No

Budgeted? Yes  No

Requesting Budget or Appropriation Transfer? Yes  No

If yes, where will the transfer be taken from?

## **Attachments**

Staff Report



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Diane Goke, Chief Financial Officer  
Item Title: **COUNCIL ITEM OF SPECIAL INTEREST: CAMELBACK RANCH  
GLENDALE**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

The purpose of this Staff Report is to address Councilmember Lieberman's request for information on the finances of Camelback Ranch Glendale. Councilmember Lieberman requested information on the finances of Camelback Ranch Glendale and the involvement of the consulting firm TLHocking & Associates LLC.

### **BACKGROUND**

Camelback Ranch Glendale opened in March 2009 and is the spring training home to the Chicago White Sox and Los Angeles Dodgers of Major League Baseball. The consulting firm of TLHocking & Associates LLC, assisted city management on the preparation of revenue and attendance projections as well as assisted with the bond issuance.

### **ANALYSIS**

The financing for the stadium was finalized in October 2008 and bonds were issued by the Western Loop 101 Public Facilities Corporation in the amount of \$199.75 million with an interest rate of 5.75-7.5%. The bonds are an obligation of the city and are secured by the excise taxes of the city. The bonds were issued with a call date of five years in order to take advantage of future refinancing opportunities since interest rates were fairly high at the time of issuance. Debt service payments of \$13 million annually have been funded by a revenue stabilization fund that was part of the original bond issuance. Staff is currently working on a plan to refinance the bonds and anticipate bringing forward to Council this fall.

The City of Glendale has an agreement with the City of Phoenix that allows us to recover a portion of the sales taxes generated at the stadium and the surrounding development when it occurs. The

amount we received in FY 2011-12 was \$87,463.93. The City of Glendale also has an agreement with the Arizona Sports & Tourism Authority to pay Glendale a total of \$67 million for the construction of the stadium. Those payments will begin in about 10 years.



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **FUTURE COUNCIL ITEMS OF SPECIAL INTEREST**  
Staff Contact: **Horatio Skeete, Acting City Manager**

## **Purpose and Recommended Action**

This is the quarterly opportunity for City Council to identify topics of interest they would like the City Manager to research and assess for placement on a future workshop agenda.

Staff requests Council to identify future items of interest for follow-up by staff during the next quarter.

## **Background Summary**

Council adopted the City Council Guidelines at the May 26, 2009 Council Meeting. As stated in the City Council Guidelines, City Council Workshop Items of Special Interest is listed on the first Workshop agenda of each quarter.

Councilmembers may indicate topic(s) they would like to have discussed by the council at a future Workshop and the reason for their interest.

## **Attachments**

None



# CITY COUNCIL REPORT

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Meeting Date: 9/4/2012  
Meeting Type: **Workshop**  
Title: **FORMATION OF AN AUDIT COMMITTEE**  
Staff Contact: **Diane Goke, Chief Financial Officer**

## **Purpose and Policy Guidance**

Staff is proposing the formation of an Audit Committee. Upon formation, the committee would be a part of the annual financial review team. Such a committee is typical for most jurisdictions our size and is recommended by the Government Finance Officers Association (GFOA) as a component of prudent financial management and best practices. With Council affirmation, this item will subsequently be brought to a Voting Meeting for official Council action.

## **Background Summary**

As a part of our continuing effort to increase transparency related to the city's financial data, a review of "Best Practices," as recommended by GFOA, highlighted some opportunities for the accessibility of financial information for our public. This year's budget process also highlighted the interest the public has in the financial operations of the city. The Financial Services Department believes that the creation of an Audit Committee will strengthen the relationship between the various levels of our governmental structure through opening up the financial records of the city for greater review. This committee will complement the other financial reporting tools and documents provided publicly such as "Follow Your Money" and the quarterly financial reports; and in addition, the audits performed by the Internal Auditor that are now available online for the public.

## **Community Benefit/Public Involvement**

An Audit Committee provides an additional layer of oversight for the details related to the city's finances. It provides members of the public and City Council an opportunity to directly participate in the audit of the city's finances as a member of the committee. Not only does this increase transparency, but is also aimed at providing continued opportunities to showcase the methods and practices of the city's Financial Services Department.



# CITY COUNCIL REPORT

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## **Budget and Financial Impacts**

There are no direct costs associated with the establishment of this committee. Staff will need to dedicate more time to the annual audit process in order to support the committee's involvement; however, staff has the capacity to do this.

Capital Expense? Yes  No

Budgeted? Yes  No

Requesting Budget or Appropriation Transfer? Yes  No

If yes, where will the transfer be taken from?

## **Attachments**

Staff Report



## STAFF REPORT

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To: Horatio Skeete, Acting City Manager  
From: Diane Goke, Chief Financial Officer  
Item Title: **FORMATION OF AN AUDIT COMMITTEE**  
Requested Council Meeting Date: 9/4/2012  
Meeting Type: Workshop

### **PURPOSE**

Staff requests that the City Manager consider placing the formation of an Audit Committee on a City Council Workshop agenda. The committee, if formed, would be a part of the annual financial review team. Such a committee is typical for most jurisdictions our size and is recommended by the Government Finance Officers Association (GFOA) as a component of prudent financial management and best practices. With Council affirmation, this item will subsequently be brought to a Voting Meeting for official Council action.

### **BACKGROUND**

As a part of our continuing effort to increase transparency related to the city's financial data, a review of "Best Practices," as recommended by GFOA, highlighted some opportunities for improving the accessibility of financial information for our public. This year's budget process also highlighted the interest the public has in the financial operations of the city. The Financial Services Department believes that the creation of an Audit Committee will strengthen the relationship between the various levels of our governmental structure through opening up the financial records of the city for greater review. This committee will complement the other financial reporting tools and documents provided publicly such as "Follow Your Money" and the quarterly financial reports; and in addition, the audits performed by the Internal Auditor that are now available online for the public.

#### **Proposed Audit Committee Details:**

To further open the city's finances to the public and City Council, staff is recommending Council establish an Audit Committee with a purpose of providing greater transparency to the annual fiscal year audit process.

The Audit Committee will have the following responsibilities:

- Review and approve the annual audit plan for the annual fiscal year-end auditor

- Participate in the review of the city's financial statements
- Review the results of the city's external audit and any findings addressed in the management letter
- Ensure staff develops a follow-up plan to address audit findings

#### Frequency of Meetings:

The Audit Committee will determine the number of meetings needed to complete their scope of work. Generally, Audit Committees meet at least quarterly throughout the fiscal year, except for the individual meeting with the auditor during the "audit season."

### **ANALYSIS**

Municipalities across the country utilize an audit committee or similar body to participate in the annual auditing of their finances. Most local political subdivisions in the valley have such a committee including the City of Phoenix, City of Goodyear, City of Scottsdale, Maricopa and Pinal Counties, and several school districts in the valley. These committees give citizens and Councilmembers more direct access to the financial details of the city than they may have the opportunity to receive in other forums. This would benefit the city by ensuring the city's finances are accessible and verifiable to the public, and demonstrates staff's commitment to sound financial practices through the exercise of engaging the committee as it participates in the audit process.

The recommended membership is as follows: two Councilmembers (which is standard among other jurisdictions for this type of committee), one citizen on the Municipal Property Corporation (MPC) board, one citizen (with financial background or audit experience), and the City Manager. As shown, no member of the city's Financial Services Department will be included in the committee in a voting capacity; however, staff recommends the Chief Financial Officer be assigned to the committee as the primary liaison for the committee as is also a common industry practice.

If Council chooses to establish this committee this fall, its participation in the annual audit process will be abbreviated as the auditing of the city's financial statements began this summer and will be complete in October. However, the function of the committee will be as described above with their first task being to help select a new external auditor for the FY 2012-13 audit.

### **FISCAL IMPACTS**

There are no direct costs associated with the establishment of this committee. Staff will need to dedicate more time to the annual audit process in order to support the committee's involvement; however, staff has the capacity to do this.