

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 23, 2009, in the Warren County Government Center's Board Meeting Room. Mayor Tewalt led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Eugene R. Tewalt
Vice Mayor Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Carson C. Lauder, Jr.
Councilman Thomas E. Conkey
Councilman Chris W. Holloway (*arrived at 7:12 p.m.*)
Councilman N. Shae Parker
Town Manager J. Michael Graham
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Vice Mayor Hrbek moved that Council approve the Regular Council Meeting minutes of March 9, 2009 as presented with corrections as submitted.

Vote: Yes – Conkey, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – Holloway
(Mayor Tewalt did not vote as there was no tie to require his vote)

REPORT OF THE MAYOR, COUNCIL & STAFF

Vice Mayor Hrbek requested that the positions open on the Towing Advisory Board be advertised for, as there were vacancies. He expressed interest in having the Board assist with issues in the community.

Councilman Conkey noted that to some point he agreed with fellow members of Council that it was up to individual property owners to manage their own homes and yards. However, he added, that what is done to a piece of property does affect the neighbors, the community and the Town as a whole. Councilman Conkey stated that for that reason, there were zoning laws in place for the citizenry. He noted that Council had a responsibility to the citizens to keep in mind that even though work may be done on personal property, it does affect the community.

Councilman Sayre commended everyone that assisted with the recent Skyline Drive shooting. He noted that he had read the report compiled by FBI agent Jennifer Collins and concluded that many items pointed to a possible connection between events involving the Skyline Drive individual and the attack on a victim in November near Fort Eustis. He asked everyone to be in prayer for those touched by the tragedies.

Town Manager Graham noted that the Water Treatment Plant upgrade was complete, except for a minor punch list to finalize.

Councilman Holloway arrived at 7:12 p.m.

Mr. Graham stated that paving would begin from South Royal Avenue from Main Street to South Street, which was a major project for the Town. He added that line painting across the Town for roads which had been repaired would also commence.

Mr. Graham announced that the Town of Front Royal Visitor's Center would once again be open seven days a week during the busy season. He added that new parking directional signs were being explored for the downtown area. Mr. Graham noted that they were continuing to make improvements along the gazebo area, with the new installation of dog waste disposal stations. He stated that the last stations had been stolen.

Mr. Graham stated that the proposed budget would be delivered to Council on Friday. He noted that the Town would be reviewing wholesale power prices, which were currently down, adding that the Town would like to purchase blocks for 2011-2012 to save the community money.

Mr. Graham announced that the replacement of trees will take place along Main and Chester Streets. He noted that the Town would be conducting water line testing along Duncan Avenue and River Drive as well.

Mr. Graham stated that the Town's Business Office would be closed on Friday, due to a system upgrade installation which would better assist the citizenry.

Mr. Graham welcomed the Skyline High School Students who would be touring the Wastewater Treatment Plant in the coming days.

Mr. Graham announced a message from Interim Chief Furr, noting that any situation could turn deadly, referring to recent events at the Skyline Drive entrance. He asked the citizens to always be prepared, even in a town like Front Royal.

Councilman Holloway apologized for arriving late to the meeting, noting that he was a coach for the Skyline High School Girls Soccer Team, and they had a game.

Jennifer McDonald, Executive Director of the Economic Development Authority (EDA), noted that:

- The next Lifeline Seminar would be held in the EDA Conference Room in April;
- A productive, positive meeting was held with the downtown merchants, adding that she appreciated the Town's involvement in the event; and
- An EDA Board Meeting would be held on Friday.

Councilman Sayre asked about the Main Street merchants and how they were doing in the down economy. Ms. McDonald noted that they were in the same situation as those businesses in the Route 522 Corridor. She stated that they were looking into co-op

advertising, for example the Route 66 Commuter Bus traveled up and down the interstate several times per day which could be very beneficial advertising. Ms. McDonald noted that they intended to use the website more often and the Farmer's Market would also be starting soon.

Mayor Tewalt asked if there were any proposals for additions or deletions to the agenda.

CONSENT AGENDA:

- A) COUNCIL APPROVAL – Proclamation – Arbor Day 2009
- B) COUNCIL APPROVAL – Blue Ridge Arts Council Grant Application
- C) COUNCIL APPROVAL – Partial Cash Escrow Agreement Release – Tammy Bunch – 13th Street
- D) COUNCIL APPROVAL – Resolution of Support – “On the River ‘09” River Festival
- E) COUNCIL APPROVAL – Budget Amendment – Donation from Front Royal/Warren County Tree Stewards

Vice Mayor Hrbek moved that Council approve the consent agenda as presented.

Mayor Tewalt asked if any item on the Consent Agenda should be removed for discussion and a separate vote.

Councilman Sayre requested that Items B & D be removed for separate discussion and vote. Councilman Conkey asked that Item E also be voted on separately.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(On Consent Agenda Item #6 A & C only)

PROCLAMATION – ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and,

WHEREAS, Front Royal has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices;

NOW THEREFORE BE IT RESOLVED that I, Eugene R. Tewalt, Mayor of the Town of Front Royal and on behalf of the Town Council, do hereby proclaim April 25, 2009 as ARBOR DAY in the Town of Front Royal, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well being of this and future generations.

≈ RESOLUTION OF SUPPORT – ON THE RIVER ‘09 ≈

WHEREAS, “On the River ‘09” River Festival will be held Saturday, August 15, 2009 at the Front Royal Boat Landing Park and VFW grounds from 10:00 am to 4:00 pm; and,

WHEREAS, this event is designed to connect our community with the Shenandoah River, and;

WHEREAS, “On the River ‘09” will feature food, local musicians, educational booths and a free shuttle to Front Royal Boat Landing Park where boats will be available to rent to encourage festival goers to float the Shenandoah River in the morning and enjoy the festival all afternoon, and;

WHEREAS, this event will have a public Paddle Art display designed to promote Front Royal as the Canoe Capital of Virginia, and;

NOW THEREFORE BE IT RESOLVED, that the Front Royal Town Council formally support the “On the River ‘09” River Festival and, encourage all citizens of Front Royal to learn about and enjoy all the benefits the Shenandoah River offers our community.

COUNCIL APPROVAL – Blue Ridge Arts Council Grant Application

Councilman Sayre moved that Council approve the request of the Blue Ridge Arts Council (BRAC) to approve an application for a Virginia Commission for the Arts Local Government Challenge Grant in the amount of \$5,000 for the year 2009-2010 and direct the Town Manager to sign the Grant Application.

Councilman Sayre stated that the BRAC Grant was a worthwhile endeavor and voiced support of the program as it thoroughly enriched the downtown area and the citizens of the community.

Vice Mayor Hrbek noted that while he appreciated the efforts of BRAC, he voiced concern with spending \$5,000 for the request when there was no data to support that it assisted the

downtown businesses with their revenue. He stated that after twenty years of the program, there should be supporting data justifying the expense.

Councilman Sayre noted that the programs brought in hundreds of individuals into the downtown area to shop and dine.

Vice Mayor Hrbek stated that there was no evidence that the program actually assists with the downtown merchants business. He noted that while it may seem that \$5,000 was not a huge amount, BRAC, of which he was a member, was all ready receiving funds through the State of Virginia, the Warren County Public School System, the Warren County Board of Supervisors; and now funds were being requested through the Town of Front Royal. Vice Mayor Hrbek noted that it was not the Town taxpayers responsibility to pay for arts in several different areas. He reiterated that he appreciated their work; however, he did not feel it was the role that government was intended to fill.

Councilman Parker noted that BRAC did organize events which brought many into the downtown area and there was a lot more art available along Main Street due to the efforts of BRAC. He challenged BRAC to look into artistic murals on the sides of buildings which could be used to promote the downtown area, rather than looking into billboards.

Councilman Conkey stated that just because no one had conducted a survey to determine if the funds were being placed back into the community during these Gazebo Gatherings, did not mean that those at the events were not spending money at area restaurants, etc. before and after such events. He noted that BRAC did more than just place people into restaurants, adding that other Main Street merchants benefited when several hundred people gathered near the Gazebo.

Councilman Sayre read the description within the packet regarding the program and how it functioned. Vice Mayor Hrbek noted that Councilman Sayre had actually read the program areas for BRAC, and not those items which would be funded by the proposed grant within the Council agenda item. He added that after twenty years there should be some sort of data to support the increased business possibly generated by the events. He reminded the Council that the Town had placed the gazebo on Main Street, had provided the infrastructure in the downtown area, and continued to maintain the Main Street area for all residents and visitors.

Vice Mayor Hrbek moved that if the \$5,000 contribution did come from the Town, that the funds are taken from the Tourism Budget.

Vote: Yes – Holloway, Hrbek and Parker
No – Conkey, Lauder and Sayre
Abstain – N/A
Absent – N/A
No – Tewalt, to break the tie
(By Roll Call; MOTION FAILED)

Vote: Yes – Conkey, Holloway, Lauder, Parker and Sayre
No – Hrbek

Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(On Original Motion)

COUNCIL APPROVAL – Resolution of Support – “On the River ‘09” River Festival

Councilman Sayre moved that Council approve a resolution of Support for the “On the River ‘09” River Festival to be held on Saturday, August 15, 2009 in the Town of Front Royal.

Councilman Sayre highlighted the August 15th event, adding that the contest regarding the paddles would encourage community involvement and expand interest to tourists regarding the Canoe Capital of Virginia.

Vice Mayor Hrbek noted that it was a great opportunity; noting that the event organizers had not requested any funding from the Town. He stated that he anticipated that the organizers would request funding in the future.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)

COUNCIL APPROVAL – Budget Amendment – Donation from Front Royal/Warren County Tree Stewards

Councilman Conkey moved that Council amend the FY’09 Budget by \$14,400 to accept a donation in said amount from the Front Royal/Warren County Tree Stewards to be used for plantings along the Royal Shenandoah Greenway at the John Marshall Highway Entrance.

Councilman Conkey highlighted the organization for providing so much to the Town, adding that their actions and efforts did not go unnoticed. He thanked them for their continued community involvement and dedication.

Vice Mayor Hrbek echoed Councilman Conkey’s comments, adding that the large box stores could really benefit the community in a positive fashion. He noted that the beautification along John Marshall Highway was being contributed mainly by large retailers in the corridor, and not through taxpayer funds.

Councilman Sayre noted that he was pleased the project would benefit those in the future for many years to come.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A

Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)

PUBLIC HEARING – AVG Holdings, LLC – Special use Permit to Allow the Conversion of Two (2) Single Family Residences Located in the Floodway to Professional Office Use at 602 and 604 Radham Street

Vice Mayor Hrbek moved that Council approve a Special Use Permit for AVG Holdings, LLC for a Special Use Permit to allow the conversion of two (2) single-family residences located in the Floodway to Professional Office Use at 602 and 604 Radham Street subject to the following conditions: 1) The use of the property be limited to professional office space. 2) Radham Street either be vacated or upgraded to Town standards when the use of the property changes or the property is redeveloped. (SUP08-09-236 – Tax Map 20A8((20)) parcels #9, #10A and #11A).

In response to Mr. Sayre’s question, Mr. Conlon stated that there was a temporary gravel parking lot and he was agreement with the approval as presented.

Councilman Holloway noted that the property, since it had been renovated, had added to the value and aesthetic improvement of the area.

Vice Mayor Hrbek asked if there was a second entrance/exit location planned. Mr. Conlon stated that the large open space will be redeveloped at a future time. Mr. Hrbek added that the area was much improved.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING – DSC Propertied – Special Use Permit to Allow the Conversion of Ground Floor Office Space to Handicapped Accessible Residential Apartments at 918 John Marshall Highway

Councilman Holloway moved that Council approve a request from DSC Properties for a Special Use Permit to allow the conversion of ground floor office space to a handicapped accessible residential apartments at 918 John Marshall Highway subject to the following condition: 1) The applicant attempt to get the UPS lease with Puja Properties transferred to DSC Properties LLC, or the applicant provide certification to the Department of Planning & Zoning that any redevelopment of the UPS portion of the property will meet parking requirements onsite or the applicant will be responsible for obtaining a separate offsite parking agreement. (SUP08-10-238 – Tax Map #20A10((1)) parcels 5 and 5A).

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING – Ramsey, Inc. – Rezone 14.4478-acres from R-1 Low Density Residential District to R-3 High Density Residential District, with Proffers. The Property is to be Accessed via Oden Ridge Subdivision Section One

Mayor Tewalt opened the public hearing.

Robert Light with Lawson & Silek, representing the applicant, Ramsey, Inc, stated that his client had never implied or said they could force a rezoning, noting that if the property was developed by-right, the Town could be required to pay Ramsey, Inc. for the portion of Leach’s Run Parkway needed for the roadway. Mr. Light noted that the property was not landlocked and he requested approval from Council for the rezoning.

Daniel Pond, of 1128 Happy Ridge Drive, stated that the rezoning would be a textbook definition of spot zoning, adding that the property was intended to be R-1. He reminded Council that a Planned Neighborhood (PND) and an R-3 were not the same things. Mr. Pond voiced concern with access to the proposed development, adding that it would compromise the future parkway. He also expressed concern with increased traffic in their neighborhood and asked Council to deny the application for the rezoning.

Chris Fries, of 1122 Happy Ridge Drive, asked Council to deny the rezoning as it was contrary to comprehensive plan. He stated that the rezoning application was essentially a request for spot zoning. Mr. Fries noted that a PND required at least 20 acres, and Mr. Ramsey’s application did not even come close to such acreage. He stated that the property was landlocked and expressed concern with having access to the proposed Leach Run Parkway, as it was intended to only have limited access.

Ray Merrick, of 1307 Imboden Drive, reminded Council that Planning & Zoning was to promote orderly growth of the community and he saw no compelling reason to approve the rezoning as presented. He encouraged the Town Council to consider the health and safety of the neighborhood and deny the rezoning.

Ken Rusk, of 1159 Happy Ridge Drive, thanked that Town Council for their time and efforts for the Town. He noted that citizens depended on the Town Council to run the Town’s business. He stated that Main Street had been a selling point when he and his wife chose to relocate to Front Royal and he enjoyed the current atmosphere, and the neighborhood they chose a home in. He noted that the rezoning would completely change the flavor and character of the neighborhood, and he requested they deny the request.

Tony Schmidt, of 1126 Happy Ridge Drive, noted that he was opposed to the rezoning. He expressed concern about the home values of those in the neighborhood. He stated that he

purchased within the subdivision due to the lot size. Mr. Schmidt gave an account of problems associated with a home built in 2004, noting that Mr. Ramsey had been contacted when the foundation of a neighboring home had been dug five feet closer than it should have been. He stated that at that time, Mr. Ramsey did the right thing and the foundation had been re-dug. Mr. Schmidt encouraged the right thing be done in 2009 as well.

Bediong Nyokon, of 1140 Happy Ridge Drive, noted that there was an increased tax benefit to the proposed development. He spoke in favor of the rezoning as presented. He stated that more developers should move forward with similar requests for the community. He noted that the Town could help control development by having a Housing Authority. Mr. Nyokon stated that the Council could assist developers in creating more tax base within the Town.

Sarah Jenislowski, of 1407 Pickett Court, stated that it would be an error to allow the monetary proffers to be removed from the rezoning package. She noted that they had obtained over 100 signatures since the weekend and there was a tremendous amount of opposition to the rezoning. Ms. Jenislowski stated that the development would require an access point to Leach's Run Parkway, and she expressed concern for young families with children, adding that the traffic issue disturbed her. She asked Council to deny the rezoning.

Butch Rutherford, of 1127 Happy Ridge Drive, noted that the rezoning as proposed conflicted with the Comprehensive Plan. He added that the proffers in the package were insufficient and the roads were all ready inappropriate for said area. Mr. Rutherford asked that Council deny the rezoning request.

Chris Ramsey, of 400 Fulton Lane, thanked everyone for coming out to make their voices heard. He noted that the rezoning was essentially about the Leach Run Parkway. He detailed the course of the application, adding that there had been four Town Managers and five Town Planners since the process began with the Town. He noted that Leach Run Parkway was important, though the Council had every right to either approve or disapprove the request as presented. Mr. Ramsey noted that perhaps it was in the Town's interest to purchase the property. He stated that the idea that private property could be taken without compensation was unacceptable. Mr. Ramsey clarified that if the application was denied, other options would be reviewed, though nothing could take place without some type of impact.

Stephanie Swanger, of 1136 Happy Ridge Drive, noted that she and her husband cherished their neighborhood how it currently existed. She explained how holidays were shared among neighbors, adding that she preferred the "Small Town, USA" feel with single family homes. Mrs. Swanger noted that if townhomes, duplexes, apartments or a 7-11 were nearby it would change the atmosphere of their neighborhood immensely.

Robert Light, attorney for the applicant, noted that the applicant understood the concerns and he clarified some of the misconceptions about the rezoning. He reminded Council that any subdivision would require a Special Use Permit, and the Town Council would have more opportunities to address how the neighborhood would take shape during the permit process. Mr. Light noted that apartments had been proffered out of the proposed rezoning and they were no longer an issue. He also stated that convenience stores (7-11's, etc.) were not allowed in R-3, but professional offices were permitted.

Ms. Jenislawski spoke again, reading from the Staff report which detailed sufficient grounds for the denial of the application as presented.

Mr. Pond spoke again, noting that the Town Council was in a great position to turn the situation to a positive, adding that most of those present were adamantly opposed to the rezoning.

As no one else came forward to speak, Mayor Tewalt closed the public hearing.

Councilman Sayre moved that Council adopt the findings of fact in this case as presented in the Staff Report of the March 23, 2009 public hearing and that Council deny rezoning application RZ05-10-58 for the reasons stated therein.

Councilman Lauder noted the land had changed from 25-30 years earlier; with developers and the hospital geared to build in said area. He added that the rezoning as presented was not a change that worked for the betterment of the community.

Vice Mayor Hrbek stated that it was a difficult decision to make. He pointed out that the monetary proffers suggestion was not viable in his opinion, noting that the applicant should not have to offer anything based on the value of the land the Town would receive. Mr. Hrbek clarified that if Mr. Ramsey developed the property by-right, the traffic impact would be about the same as the proposed rezoning. He stated that the hospital would be potentially connected to the property and it was not necessarily spot zoning. He voiced his concern regarding access to the property, noting that the access should be straight to Happy Creek Road. Vice Mayor Hrbek stated that he was offended by the suggestion that those residing in townhomes attract a certain type of individual, noting that his former single-family home in said area was sold to a landlord who rented the property to tenants as well. He stated that if he still lived in the neighborhood he may not have been automatically opposed to the rezoning, as it was attached to property where the Leach Run Parkway would eventually go. Vice Mayor Hrbek stated that he would most likely support he motion to deny, as the access to the property was a huge concern for him. He noted that, in the interest of full disclosure, Mr. Ramsey was a decent and significant supporter of his campaign.

Councilman Sayre thanked everyone for attending the public hearing. He stated that the Comprehensive Plan Amendment voted on in 2008 detailed that new residential infill development proposals should be consistent regarding lot size, density and character with the surrounding neighborhood. He noted that the infill statement seemed to be in sync with the wishes of those in the Happy Ridge Drive community. Mr. Sayre stated that apartment buildings were also discussed during the Comprehensive Plan Amendment, and he had voted against the apartments. He stated that he was in agreement with the speakers against the rezoning, adding that they deserved to have property around them without apartments and duplexes.

Vice Mayor Hrbek clarified that in fill lots were when there was a vacant lot with houses on either side of the lot, and the proposed rezoning area was not for in fill lots, but rather adjacent lots. He stated that it was deceiving to characterize the property as in fill lots; and furthermore, it was not in good faith to label him as hypocritical regarding his comments and votes during the Comprehensive Plan Amendment. Vice Mayor Hrbek commented that

he was disappointed in Mr. Sayre's claims. He added that he was in support of more apartment complexes in the Town, while not in the proposed rezoning area, they were needed for teachers, firemen and police officers to live and work in the same community.

Councilman Parker thanked the public for attending the meeting and voicing their views. He stated that some had concern with access, noting that if Leach Run Parkway was placed, a four lane highway would be attached to the property and perhaps service roads should be considered. Mr. Parker stated that most residents who purchased in the neighborhood did not know that that a hospital was going to be placed in their backyard essentially, next to a parkway. He questioned where the Town would put workforce housing if not in this proposed location. Mr. Parker noted there were some appropriate proffers in the proposal, though some which should be included were absent. He stated that he was disturbed that speakers against the rezoning suggested that residents in townhomes would be associated with crime. He added that he had heard from only 14 people out of the entire Town. Councilman Parker noted that Mr. Ramsey wants to help the community, though it was not the perfect proposal.

Council took a five minute recess in order to allow time for the technician to reset the recording equipment.

Councilman Sayre estimated that about 70 percent of the housing in Front Royal was affordable. He stated that the property proposed for the construction of a future hospital, was not currently zoned for a hospital.

Councilman Holloway noted that the hospital would most likely be in operation within ten years. He added that if a by-right development was placed, Mr. Ramsey would not pay the monetary proffers. Mr. Holloway stated that the main street of access would remain the same. He noted that he was uncertain on the motion to deny.

Councilman Conkey stated that if the hospital was constructed on the proposed site, a revision would have to be made to the Comprehensive Plan, and the hospital may need to pay for said revision. He noted that he would support the motion to deny the rezoning.

Councilman Holloway reminded Council that the Comprehensive Plan was a guide for the Town, which was not mandatory, and the Plan was to be revisited often for revisions.

Councilman Sayre stated that Wal-Mart had been a large battle and it eventually ended up being placed in the right location. Councilman Holloway added that where Wal-Mart had planned to go would now be townhouses.

Vice Mayor Hrbek moved to table the matter until the next Council Meeting.

At Mr. Sayre's request, Mayor Tewalt allowed for discussion on the Motion to Table.

Councilman Sayre pointed out that there was inadequate access to the property and the motion to table to should be denied.

Vice Mayor Hrbek noted that there were several weeks before Council met again and there was time for the applicant to possibly find an adequate solution. He asked that the applicant be given time to make changes to the proffers.

Councilman Sayre noted that the Council had seen an outpouring of residents who opposed the rezoning and he would support the motion to deny.

Vice Mayor Hrbek stated that the Leach Run Parkway, which would go near Mr. Sayre's home, was too important of an issue to just let go, noting that they could save the taxpayers \$600,000 - \$700,000 if they did not have to purchase the property.

Councilman Sayre stated that Mr. Ramsey had been a part of Mr. Hrbek's campaign and he felt it was a conflict.

Vote: Yes – Holloway and Hrbek
No – Conkey, Lauder, Parker and Sayre
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(On Motion to Table)

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(On Motion to Deny the Rezoning)

COUNCIL APPROVAL – Liaison Committee Agenda for April 16, 2009

Councilman Conkey moved that Council approve the April 16, 2009 Liaison Committee Agenda as presented.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)

COUNCIL APPROVAL – STEEP SLOPES

Vice Mayor Hrbek moved, that Council refer to the Planning Commission a full review of Town Code Section 148-42 – Steep Slopes.

Vice Mayor Hrbek stated that allowing the Planning Director to use actual measurements by a surveyor on the ground was his preference, adding that currently the Staff could only use the USGS maps, which could be inaccurate at times.

Councilman Conkey noted that the Planning Commission did have some fantastic ideas relating to the steep slopes, though perhaps their ideas did not have time to fully development. He stated that his intent was not to completely overhaul the steep slope ordinance.

Mr. Conlon noted that the Planning Commission was in the midst of a full review of the subdivision development ordinance and he asked if the steep slope review should be combined with the current process or handled separately. Mr. Conlon stated that Staff's recommendation would be to pull the slope ordinance out individually, review and modify it, then return to the entire subdivision development ordinance.

Councilman Conkey voiced his support of the steep slope ordinance review to allow an onsite surveyor to measure the slopes and other aspects. He noted that bringing in John Mehoves, former member of the Planning Commission, may be beneficial.

Councilman Sayre stated that the slope ordinance was a good ordinance and was well thought out at the time. He noted that as the majority of Council tended to want to review the matter once again, he would support the matter. Mr. Sayre also suggested having Mr. Mehoves work with Staff on the matter.

Councilman Holloway expressed concern with the rise over run method, as measuring was required every two feet; he noted that such a process was very time consuming. He stated that the slope ordinance issue had been rushed through when it was approved previously and he opined that having someone from the outside coming in to work with the Town would be preferred.

Mr. Graham stated that the slope ordinance needed to be better defined, to keep Staff from being a position to interpret the slope ordinance.

Vice Mayor Hrbek and Councilman Holloway voiced support of Town Staff and the Planning Commission taking their time on the matter.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts of petitions or correspondence from the public.

There being no further business, the Mayor declared the meeting adjourned at 9:11 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council