# *PLANNING COMMISSION MINUTES*

## FEBRUARY 3, 2009 DRAFT

**Attendees:**
Dan Talbot/Chair
Cole McGregor Madelyn Dixon Cathy Morrison
Charlotte Shifflett/Secretary Lauri Sigler/Attorney
Margretta Isom/Council Representative Harry Armbruster/Vice Chair

**Guest:** Mayor Larry Bompiani

Dan Talbot, Chairman opened the meeting at 7:00 pm with all members in attendance. He introduced Mayor Bompiani, who was invited to be a special guest speaker and give the group some goals he hopes to achieve in moving the town forward.

The Mayor complimented the Commissions and Committees that serve the town well and noted that town officials depend on their expertise to expedite issues. The Council will depend on the recommendations of these commissioners when making sound decisions. Some main topics of interest were:

- Respect:
  Always respect people for who they are and what they are coming in front of you to discuss. We all need to have respect for ourselves, respect for each other and anyone who needs to address a issue.
- Move the town forward:
  They are so many things that have been done in the past, such as Mr. Nuckols had stated earlier, "Went back a hundred years to get information". We have to obviously take responsibility for mistakes made in the past and there will probably be mistakes made in the future but we need to take time to be respectful of everybody. The biggest thing is that we correct those mistakes.
- Learning process:
  The mayor noted that he is here to learn, hear people's concerns and show respect to individuals while doing so. He went on to say that he is here to respect each person's input to this town and the energy that is put into it!
- Kudos to members;
  Mr. Bompiani stated" I appreciate the time you members put into this effort, even by spending tonight here on your time." He is always ready to assist any member.
- Office Hours:
  Misconception of Valley Banner article stating that the Mayor would be in his office on Thursday and Friday from 8 am until noon. Actually, the hours are Tuesday and Thursday from 8am until noon. Currently, appointments are being set up thru the Clerk of Council, Denise Monger by dialing 540-298-9480. However, the Mayor wants to be as accessible to the people as he can be and may extend hours when necessary.

The meeting was opened to members for questions:

- Dan Talbot thanked Mr. Bompiani for taking time out to attend the meeting and receiving an overview of our prospective, in addition to an awareness of our issues.
- Harry Armbruster stated, "We appreciate you coming. Expect a test afterward."
- Cathy Morrison wanted to convey that members don't make any adjustments based on personalities as well assist Council and Mayor. Clients may be disappointed by being told ***NO*** but we base our decision strictly by code. We don't always have happy endings but we try very hard to treat people fairly.

Mr. Bompiani responded that we all must go by Code. Treat all people by standard operation whether they be private citizens, retired person, or other; go by procedure. The message should be transcended to all in town that we can't bend for one and not another or we set a precedent for everybody

- Madelyn Dixon pointed out that she was glad to see the Mayor in attendance. She went on to say she had lived in and around Elkton all her life and had seen many Councilman and Mayors and she survived the changes.

- Margretta acknowledged that this is her 2nd meeting as a Council Representative but had attended many meetings on her own. She declared that she feels the panel works very hard to treat people fairly.

  Mayor Bompiani informed members he will attend as many meetings as possible and reiterated he respects everyone's involvement.

- Cole McGregor passed along his appreciation to the Mayor for his attendance.

Dan continued by sharing some thoughts on last 4-5 year period since the beginning of Angler coming to town and mentioned the rude awakening of the Commission. The Code surrounding the issues was addressed to current standards; written in a way the average person, doing the average things and living in an average town would be in compliance. Example would be somebody trying to make a dollar by splitting their property in 2 or 3 lots and we didn't have enough strength in the code to meet the needs of today's population. In some instances the Code allows for manipulation. We will continue to present the Council with requests.

The Planning Commission worked diligently to present Council with requests to address the recent sale of the Kite property for the Koogler deal. In this situation the cart got ahead of the horse. The old Council signed the contract first, which made it painful to deal with the last 4 or 5 months. In reality, the Commission was a little bit dissatisfied. Dan noted he had attended a meeting with Council in the very beginning and advised them it had possibilities. Next thing you know we had a real estate contract and that can be frustrating and require additional effort, including Public Hearings but the commissioners:

- listen to what the citizens say. Commissioners may know what the code says but then the possibility to change it remains an option.
- research what other towns are doing
- vote to the best intentions
- must make recommendations
- spend time to give the very best results
- required town attorney to attend most meetings. Decision to attend based on the agenda and items for discussion which produce no long term implications.
- Once we get a draft completed for recommendation we will get town attorney involved.

Dan referred to the article in the paper, which presented the concept by Mayor Bompiani to take the town back, and he is very pleased with what he read.. He continued by acknowledging that the last several managers had been the best at interrupting the Town Code along with the current Town Attorney (who does an excellent job). Even though it is a fact they were good it should be mentioned that all representatives of the town do not have a long term knowledge of the Zoning Administrator position.

It should be recognized that Charlotte is doing a good job,

Marty Shifflett did a good job and Wayne Printz did a good job on his second time around. They possessed good knowledge of the book but it becomes difficult to answer more than (1) person. It is a complicated system and not something to be done in spare time. Some clients put the Zoning Administrator under pressure in order to meet their own deadlines. A good knowledge of what is in the code book is needed in knowing where to look. Maybe you think you have read all you need to know about a specific subject but the possibility exists that it is listed in other sections and was missed or overlooked. We are trying to eliminate mistakes by strengthening our Zoning Application Form, with the help of Cole and Harry, by obtaining pertinent information from the requestor. We are wrestling with the fact we are a small town and admit we have been duped in the past, therefore; our intent is to obtain good documentation at a reasonable rate to the homeowner and feel it is not unreasonable.

Improper staffing at town offices has allowed for no one to check seeing if a building under construction is in compliance with Code. They may not place it in the designated area, they may change their mind and decide to do something completely different than the prints presented or in rare cases they never intended to do what they said they were doing. I know Council is attempting to resolve this issue and we look forward to a resolution.

Mayor Bompiani reiterated the Code is being amended and Council must follow up by helping to uncover problem areas. In about 6 months, Council will follow through with the fulfillment of hiring a Town Manager, including compliance afterward..

**Kite Property:**
The Planning Commission has probably discussed the Kite property more than any other group in town

a. The Planning Commission is interested in what kind of ideas may lie in the future? We have been involved in the Dominion Ridge project and everything in between.
b. Whether to sell lots or sub-divide?
c. Members are willing to take on the project
d. Aware of the fact this is a highly publicized item.
e. More than willing to help resolve issues.

**Code:**
A lot of changes have been made in the Code in an attempt to address some of the following:

a. Designed to help town's infrastructure by protecting water and sewer lines.
b. Council may partner to balance out future needs.
c. The town has a Comprehensive Plan which is taken into consideration when major developers make requests.
d. Connection fees were not promised to developers.
e. Chairperson, Dan Talbot is open for a future meeting.

**Minutes:**
December 2
December 15th Meeting following Public Hearing
January 20
An error was corrected on last page of Jan 20, 2009 minutes. Cathy Morrison made a motion to accept all 3 sets of minutes as presented. The motion was seconded by Cole.
**Voice vote = 6-0**
**Motion carried**

**Jim Slye:**
Mr. Slye owns property on E Marshall, R 4 zoning district, which he is interested in developing. He wanted to find out if a lot line adjustment was needed. He has several options to consider and was advised to submit an application, along with a plat, after the property is surveyed.

**ZP 2009-002**
Mr. Nuckols, owner of Superior Auto Sales located at 437 W Spotswood Avenue, B 1 zoning district, attended the meeting to speak on behalf of circumstances surrounding issues arising from a recent discussion advising him that the space between him and a neighboring business may be an alley or a fire lane.

It was determined that the Zoning Administrator was correct in submitting a signature of approval for Mr. Nuckols. The portable storage trailer will sit on leased land and is a permitted use, therefore, it is not a zoning issue. Actually, it is a unique request for storage and probably could have been implemented without a Zoning Application.

**Positive Note:**
Members are encouraged to bring any issues or questions to the Commission or Zoning Administrator to avoid any public dilemma or animosity. We want business but do not want to get in a position where we risk getting involved in a civil dispute between owners. Since our positions do not delegate authority we need to be careful and discourage member (s) from approaching anyone, remain in an arbitrary position, and give full support to our panel at all times. Our decisions are based strictly on what is written in the code.

**Candidates to fill vacancy:**
Four candidates have expressed an interest in applying for the remaining vacancy on the Planning Commission.

- Theodore Pence
- Wayne Printz
- Marty Shifflett
- Victor Corbo

□ Mayor Bompiani speculated that people are stepping up now and it is great to see all the participation.
□ After a brief discussion by the Planning Commission members it was decided to forward two (**2**) names to Council.
□ Dan Talbot reiterated that the Planning Commission makes recommendations but ultimately the Council has the authority to cast the final vote for a candidate of their choice.

Cathy Morrison made a recommendation that Marty Shifflett serve on the Planning Commission, seconded by Cole McGregor.
**(Nays) = 0**
**(Yeas) = 6**
Yes votes were Harry Armbruster, Cathy Morrison, Dan Talbot, Madelyn Dixon, Margretta Isom, and Cole McGregor.
**Motion Carried**

Cole made a motion to recommend that Vic Corbo serve on the Planning Commission, seconded by Margretta Isom.
**(Nays) = 0**
**(Yeas) = 6**
Yes votes were Harry Armbruster, Cathy Morrison, Dan Talbot, Madelyn Dixon, Margretta Isom, and Cole McGregor.
**Motion Carried**

**Zoning Permit Application Revision:**
Cole, Harry and Charlotte formed a committee to revise the existing Zoning Permit Application. Cole presented the revised version at the meeting and a brief discussion followed with several suggestions for possible changes and additions. The underlying principle behind the thoughts for redesign is to avoid mistakes by gathering pertinent information from the Requestor in advance.

**Pathforward:**
The agenda for the next meeting should include the following items:
- □ What constitutes an elevation drawing?
- □ What is an acceptable plat drawing?

With no further business to discuss the meeting adjourned. The next regular meeting is scheduled for the first Tuesday, March 3, 2009. This date is subject to change pending submission of any new information regarding the Koogler project.

Submitted By:
Charlotte Shifflett
Administrative Secretary/Planning Commission

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| Chair/Dan Talbot | Secretary/Madelyn Dixon |