



**PUBLIC NOTICE
REGULAR MEETING OF THE COMMON COUNCIL OF
YOUNGTOWN, AZ**

Pursuant to **A.R.S. 38-431.02**, notice is hereby given to the members of the Common Council and the General Public that the Common Council of the Town of Youngtown will hold a **Regular Meeting** open to the public on:

DATE: THURSDAY, February 18, 2010
TIME: Immediately following Work Session
PLACE: TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance and Invocation**
4. **Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.
 - A. **Communications from Council**
 - B. **Communications from Staff:** Town Manager's Report: January 2010 Financial Report, February 27 Special Council Workshop, Youngtown Historical Museum Updates, Chief of Police – Selection, Sun City Fire District Report
 - C. **Presentation of Lifesaving Award** – Charles Erickson, father, and Mary Erickson, daughter, presenting award to Officer Sean Hennessy and Reserve Officer Aaron Berthelson for saving the life of Ms. Erickson
5. **Consent**
 - A. **Approval of Minutes:** Minutes of February 4, 2010, Regular Meeting.
6. **Business**
 - A. **Discussion and/or Action Re:** Planning & Zoning Case # 10-01 A Special Use Application by Jade Ward, Sr., pastor of New Testament Holy Ministries, for a church use at 11200 W. Michigan Avenue, Youngtown, AZ (GOLDBERG)
 1. Staff Report
 2. Zoning Hearing Officer Recommendations.
 3. Open Public Hearing.
 4. Close Public Hearing.
 - B. **Discussion and/or Action Re:** Approval of Retention Agreement with Nancy Mangone, Environmental Attorney, to address Salt River Pima Maricopa Indian Community mining operations. (ROBINSON)
 - C. **Discussion and/or Action Re:** Approval of Resolution 10-04 to repeal Resolution 09-03 Agua Fria Master Watercourse and Channelization Amendment. (ROBINSON)
7. **Call for Executive Session**

Executive Session: Convene Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney for legal advice regarding any above agenda items, as needed.
8. **Citizens Comments/Appearances from the floor:** Please complete a speaker request form for the Town Clerk, listing the subject you would like to discuss. Each speaker is limited to five (5) minutes. Before you begin to speak, identify yourself by clearly stating for the record, your name and address. Non-Agenda items: This is the time for citizens who would like to address the Town Council on any non-agenda item. The Council will listen to comments, and may take any one of the following: 1) Respond to criticism, 2) Request that staff investigate and report on the matter, or 3) Request that the matter be scheduled on a future agenda.

Announcement of a Special Work Session: Saturday, February 27, 2010, at 9:00 a.m.

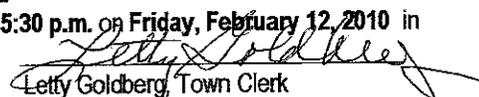
Announcement of next Work Session and Regular Meeting: Thursday, March 4, 2010, at 7:00 p.m.

Adjournment.

*NOTE: Persons with special accessibility needs, including large print materials or interpreter, should contact the Town Clerk's office at 623-933-8286 or TDD 623-974-3665 no later than 24 hours in advance of regular scheduled meeting time. To speak on an Agenda item, a comment form must be presented to the Town Clerk at least five (5) minutes before the Council Meeting. Citizens may appear before the Council to present their views on any subject concerning Town Government. The Council, however, may not discuss, consider, or decide items NOT on the Agenda (A.R.S. 38.431.02 (H)). The Council will, if necessary, follow up at a later date. Due to the limitation of time, citizens' comments are requested not to exceed five (5) minutes.

POSTING CERTIFICATION OF THIS NOTICE

The undersigned hereby certifies that a copy of the attached notice and agenda were duly posted **5:30 p.m. on Friday, February 12, 2010** in accordance with the statement filed by the Town Clerk, with the Attorney General's office.


Letty Goldberg, Town Clerk



MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, February 18, 2010, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor LeVault called the meeting to order at 8:26 p.m.
2. **Roll Call** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chiffenden, Dorena Mello, Shirley Oglesby, Susan MacKay, and Judy Johnson
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Interim Chief of Police Dennis Young, Public Works Manager Mark Hannah, Building Safety Inspector John Stigsell, and Town Clerk/Treasurer Letty Goldberg
3. **Pledge of Allegiance and Invocation** Pledge led by Vice Mayor Duran. Invocation offered by Pastor Charles Ring.
4. **Communications:**
 - A. **Communications from Council**
 - Mayor LeVault
 - Western Maricopa Association of REALTORS is campaigning against the property tax. I gave a presentation this week to their executive explaining why a property tax is needed to support the services of this Town including our Police Department.
 - Attended the El Mirage Planning & Zoning Hearing on annexing and re-zoning for a sand and gravel operation in the Agua Fria riverbed. Also in attendance were Councilmembers Mello, and MacKay and Attorney Nancy Mangone. The media was present with all of the TV stations present as well as some newspapers. El Mirage residents are also concerned about having a sand and gravel operation a few feet from their door. El Mirage residents also support not having a sand and gravel operation in a high density residential area. For five years Youngtown has been talking with the tribe about commercial and recreational development of that property. We want to accommodate and make profitable the right use for that land. I will be talking about this issue tomorrow on KXXP radio from 11 to 11:30 a.m. on the Boomer and the Babe Show.
 - Councilmember Johnson
 - At the Mayor's request I attended the Sun City Fire Department Board Meeting. They do an amazing job. Their volunteers gave 6012 hours to Fire Department programs last year.
 - Mayor LeVault
 - Attending our meeting this evening are Assistant Fire Chief Hank Oleson, Board Member Jack Leonard, District Treasurer Tom Stroozas, Board Member Walter Link. Welcome!
 - Councilmember Mello
 - I attended the El Mirage Zoning Hearing and I want you to know that Mayor LeVault and Councilmember MacKay represented you well. It was a "Dog and Pony Show".
 - On a positive note, I attended the Governor's summit for the State's Centennial Celebration chaired by Pat McMahon. There will be lots of events we can be involved in. State's hundredth birthday is Valentine's Day, February 14, 2012.
 - Councilmember Oglesby
 - Mark Hannah and Grant Anderson did a great job presenting our grant application at the Community Development Advisory Committee (CDAC) meeting. Mark Hannah had the last spot presenting our Fire Flow Phase 1 project. Several other towns have applications for Fire Flow.
 - Public Works Manager Hannah
 - Our project is scalable dependent on the funds obtained. We expected this to be a several year project. We let CDAC know that we had been looking for other funding sources in addition to Community Development Block Grant (CDBG) funds.
 - Mayor LeVault
 - This is a major infrastructure project that needs to happen. Council is committed to getting this job done.
 - Councilmember MacKay
 - At the El Mirage Zoning Hearing I spoke more than I have in the two years I've been on the Council. With zoning usually there is a buffer between residential areas and mining. HOA is getting notices out to let everyone know what is happening with regard to zoning.

Mayor LeVault

- **As with the F-35 Luke issue, El Mirage is not as open with its citizens. The electronic sign had a message "Do you want this here? – No Way".**

Councilmember Chittenden

- **Youngtown Methodist Church is having a dinner Wednesday night and Police Officers are invited to come for dinner as guests.**

B. Communications from Staff: Town Manager's Report: January 2010 Financial Report, February 27 Special Council Workshop, Youngtown Historical Museum Updates, Chief of Police – Selection, Sun City Fire District Report

Town Manager Robinson

- **New Police Chief – New Chief of Police is Terry McDonald. Residents and Council are invited to a Welcome Reception for Chief McDonald and his wife, Cheryl, on Thursday, March 4 at 6 p.m. prior to the Council Meeting.**
- **Finances – Revenues are down. We should be at 58.31% revenues at this time but are at 50.8%. We are struggling to keep expenditures down. If you compare last year's revenues to this year's revenues they are seriously down. Also our \$1.5 million in LGIP (Local Government Investment Pool) General Fund account only earned \$144 in the month of February in interest.**
- **Youngtown Historical Museum – Councilmember Susan MacKay has done a wonderful job organizing the new Historical Museum. Grand Opening will be Saturday, March 27 from 11 a.m. to 1:p.m. following the Mayor's Town Hall Meeting. After the Grand Opening, residents will be able to schedule a tour by contacting the Youngtown Library.**
- **Sun City Fire Department – Assistant Fire Chief Hank Oleson is here with a report.**

Chief Oleson

- **I have been with the Sun City Fire District for 26 years, 15 years at the 111th Avenue Station, so Youngtown is home to me.**
- **I'd like to present copies of the Fire District's annual report for 2009 to the Council. (copy attached) The 2009 Report includes: organizational chart, introduction of board members and their duties, training, calls, volunteer hours, resource management, awards and recognitions, and staff changes. Also copies of December 2009 and January 2010 Youngtown Incident Summaries.**

C. Presentation of Lifesaving Award – Charles Erickson, father, and Mary Erickson, daughter, presenting award to Officer Sean Hennessy and Reserve Office Aaron Berthelson for saving the life of Ms. Erickson

Re-scheduled

5. Consent

A. Approval of Minutes: Minutes of February 4, 2010, Regular Meeting.

Motion to approve Consent Agenda – Councilmember Chittenden

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

6. Business

C. Discussion and/or Action Re: Planning & Zoning Case # 10-01 A Special Use Application by Jade Ward. Sr., pastor of New Testament Holy Ministries, for a church use at 11200 W. Michigan Avenue, Youngtown, AZ (GOLDBERG)

Town Clerk Goldberg

- **An application for a Special Use Permit was received and the Town held a Citizen Review Meeting and a Planning and Zoning Hearing. Zoning Hearing Officer recommended approval of the Special Use Permit with several conditions to be completed prior to the Building Safety Inspector issuing a Certificate of Occupancy.**
- **If Council was to approve the Special Use Permit, Pastor Ward would have six months in which to complete the fire code and building safety requirements before the Special Use Permit expires.**
- **Parking has been a concern, however the landlord, Diane Kotula, attended the zoning hearing and said that she would commit to requiring future tenants in the remainder of the complex to not use the parking lot on Sunday as part of their lease. Pastor Ward is here this evening to answer Council's questions.**

Vice Mayor Duran

- **Pastor Ward, you need to speak to your landlord. I suggest that you call her.**

Pastor Ward

- I have the draft plans from our architect. I have not submitted them yet as we were waiting for an agreement from the landlord. We don't want to spend \$30,000 on bringing it up to code with only a short-term lease.

1. Staff Report. (see attached)
2. Zoning Hearing Officer Recommendations. (See attached)
3. Open Public Hearing.

Lora Rice, co-owner of Koppy's Body Shop on Michigan Avenue

- We own the business adjacent to the church location. Our concern is parking. There is not street parking on Michigan Avenue. The mortuary owner has indicated that he will not allow others to park on his premises as they have need of their own parking.
- Our other concern is unsupervised children at the property. Kids playing basketball and looking over our gate. When asked what they were doing, they said "We're looking for our pastor". Evenings and weekends they are around the building.
- We are aware there is an issue with the landlord.

Pastor Ward

- The manager said we could park in the lot behind the Motel 6

Inspector Stigsell

- Code requires churches to have one parking space for every 5 members. The church would need a minimum of 20 parking spaces with two designated for handicapped parking. Various reports show the property having 28 to 31 parking spaces.

4. Close Public Hearing.
Public Hearing closed.

Motion to table this item until Pastor Ward is ready to proceed – Councilmember Mello

Second – Councilmember Oglesby

Motion passed unanimously on a voice vote.

- B. Discussion and/or Action Re: Approval of Retention Agreement with Nancy Mangone, Environmental Attorney, to address Salt River Pima Maricopa Indian Community mining operations. (ROBINSON)**

Town Manager Robinson

- Nancy Mangone is an attorney specializing in Environmental Law. Ms. Mangone was one of our Town Attorneys until she left the firm of Curtis, Goodwin, Sullivan, Udall, and Schwab to start her own firm specializing in environmental law. Because of the potential mining operation we would like to retain Ms. Mangone to handle this specialized area of law for us.
- Ms. Mangone joined us in meeting with representatives of the Maricopa County Flood Control District and the West Valley Recreation Corridor (Agua Fria River) to give her advice.
- Youngtown has been meeting with the Salt River Pima Maricopa Indian Tribe's legal counsel to discuss sand and gravel operations and our concerns for property values and public safety.
- I am requesting that Council approve the Retention Agreement with Ms. Mangone at a rate of \$215 per hour.

Mayor LeVault

- Ms. Mangone knows the history of this problem.

Town Attorney Swann

- Nancy Mangone has 20 years experience in enforcing environmental law. You would be getting the best. We are not environmental lawyers.

Motion to approve Retention Agreement with Nancy Mangone, Environmental Attorney – Councilmember Johnson

Second – Councilmember Mello

Motion passed unanimously on a roll call vote.

- C. Discussion and/or Action Re: Approval of Resolution 10-04 to repeal Resolution 09-03 Agua Fria Master Watercourse and Channelization Amendment. (ROBINSON)**

Mayor LeVault

- After meeting with the Flood District and Recreation Corridor people, it would be premature to rescind the agreement. Doing so could kill the recreation corridor plan. We want them onboard as an ally.

Town Manager Robinson

- Discussion about repeal the Resolution served its purpose. It was the “bomb” that got their attention. When Lisa Atkins came to the meeting I knew we had struck a nerve.
- Nancy Mangone recommends that we back off. We want time to work with the parties to find common ground.
- We are concerned how mining sand and gravel opposite Agua Fria Ranch for 20 to 30 years will contribute to the recreation corridor. I discussed my concerns with Norris Nordvold, consultant for the West Valley Recreation Corridor and Phoenix’ Intergovernmental Relations Director for many years if he had slipped something past the Council when he presented approval for the channelization plan in the Agua Fria River.

Mayor LeVault

- The Tribe has 70 minable acres. They were looking for a buyer before the market went down. Decisions are made at the Tribal Council level and we can’t attend except by invitation.

Dr. Kathryn French, President of the Agua Fria Ranch Homeowners Association

- I want to thank the Mayor and Council for attending the El Mirage hearing and the 125 to 150 citizens who also attended from Youngtown and El Mirage. Many of us are unhappy about a mining operation in the river.

Mayor LeVault

- We will go to war over this. We will do what is in the purview of the Town. Activity needs to be compatible with our community. I am a member of the West Valley Joint Environmental Task Force where mines are a frequent topic of discussion. There are 28 active mines between the CAP canal and Indian School Road on the Agua Fria River. There are six applications for new mines pending.

Councilmember Johnson

- I’m willing to picket until they arrest me. Then you’ll have to bail me out.

Councilmember Chittenden

- Mining will mean more dust.

Motion to table Resolution 10-04 – Councilmember Mello

Second – Councilmember Oglesby

Motion passed unanimously on a voice vote.

7. Call for Executive Session

None needed.

8. Citizens Comments/Apearances from the floor:

None.

Announcement of a Special Work Session: Saturday, February 27, 2010, at 9:00 a.m.

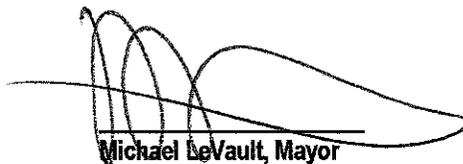
Announcement of next Work Session and Regular Meeting: Thursday, March 4, 2010, at 7:00 p.m.

Adjournment.

Motion to adjourn – Councilmember MacKay

Second – Councilmember Mello

Meeting adjourned at 9:43 p.m.



Michael LeVault, Mayor

Attest:



Lefty Goldberg, Town Clerk

Minutes approved at the March 4, 2010 Regular Meeting.



Town of Youngtown
12030 N. Clubhouse Square
Youngtown Arizona 85363-1212

John Stigsell
Building Inspector
Plans Reviewer

e-mail: jstigsell@youngtownaz.org

DATE: January 8, 2010

TO: Mayor and Common Council, Town Manager Lloyce Robinson, Public Works Manager Mark Hannah, Hearing Officer Ray Jacobs, Town Attorney Michelle Swann, Town Clerk Letty Goldberg, New Testament Holy Ministries Pastor Ward

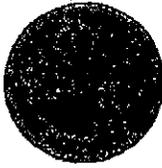
FROM: John Stigsell, Building Inspector and Plan Reviewer

RE: Staff Report for Special Use Permit, P & Z Case # 10-01

Churches are allowed in Rural and Residential Districts, but a Special Use Permit and approval is required for a church in a commercial district. This has been done in other locations in a commercial district with no apparent problems. Some issues need to take place prior to occupancy of the space. Required parking places for members and for handicap and permission letters from adjacent owners for overflow parking of members for the church services. Plans need to be submitted, approved and a permit issued for modifications of the building to comply with building and fire safety codes and inspection approval from Youngtown Building Safety and Sun City Fire Department.

I recommend approval of the Special Use Permit and occupancy to take place once final approval has been accomplished of the above requirements.

John Stigsell



12030 Clubhouse Square, Youngtown, AZ 85363

**MINUTES OF
TOWN OF YOUNGTOWN
CITIZEN REVIEW**

Tuesday, January 12, 2010, Town Clubhouse, 12033 Clubhouse Square, Youngtown, Arizona

Call to Order- Citizen Review was called to order at 10:00 a.m. by Zoning Hearing Officer Ray Jacobs

Staff present: Zoning Hearing Officer Ray Jacobs, Building Safety Officer John Stigsell, Deputy Town Clerk Diane Cordova, and Town Clerk Letty Goldberg.

Applicant present: Jade Ward, Sr., Pastor of New Testament Holy Ministries

Citizen Review on Case # 10-01: A Special Use Application by Jade Ward, Sr., pastor of New Testament Holy Ministries for a church use at 11200 W. Michigan Avenue, Youngtown, Arizona 85363 in a C-2 Commercial District.

(a.) Staff Report.

Building Safety Officer Stigsell (Report attached)

- A Special Use Permit is required by Town Ordinance if a church wishes to locate in a commercial district.
- Sufficient parking is a concern as are marked handicapped parking spaces. Suggestion was made to applicant to secure agreements from business neighbors to allow church parking when businesses are closed.
- Plans have not been submitted for review by the Building Safety Officer or the Sun City Fire Department to see if the building changes will meet the fire safety requirements for assemblies, a stricter code than business commercial.

Town Clerk Goldberg

- Ninety-eight notice letters were sent to property owners within 1,000 feet of Mr. Ward's leased property.

Questions by Hearing Officer Jacobs answered by Applicant, Mr. Ward

- How many will be seated in the sanctuary?
- Our architect says 100.
- How large is your church?
- 3,026 sq.ft., office is about 800 sq. ft. of that space.
- What hours will you be using the church facility?
- Sundays from 10 a.m. to 3 p.m., Wednesdays from 7 to 9 pm., Thursdays for Choir practice from 6 to 8 p.m., daytime office hours Tuesday, Wednesday and Thursday. Once a year we host a regional/district meeting for a weekend.
- How many parking spaces are there?
- 23.
- Are there other uses of the property, such as a school?
- Not at this time.

Comments from Hearing Officer Jacobs

- Mr. Ward, Parking is an issue. You need to contact your landlord or property manager to determine in writing how many parking spaces belong to your lease. Have you contacted the surrounding property owners for permission to park on their lots when they are closed? Code calls for one parking space for every five members.
- Why haven't you submitted building plans to the Building Safety Officer and the Fire Department for review? The Special Use Application and the Fire and building safety plans are two separate processes.

Mr. Ward

- Can I use the Office since it is separate from the rest of the building?

Hearing Officer Jacobs

- Not at this time. This hearing process is to determine the zoning for this property.

Mr. Ward

- Since I'm paying rent for a building I can't use, can the Town write a letter to the landlord saying I shouldn't have to pay rent because I can't use the building?

Town Clerk Goldberg

- That is something that you will have to negotiate with your landlord.

(b.) Citizen Comments.

Lora Rice, Co-owner of Koppy's Body Shop and Towing

- Parking is an issue everyday on that street. Our office is open Monday through Saturday and we run tow trucks on call 24 hour per day, seven days a week. We are concerned that people may park and block the entrance to our storage yard. We have owned the business there for 38 years and parking has always been a problem. We only have eight spaces and we have to find parking for our employees so our customers have a place to park. We have an agreement with the funeral home to use their parking lot when there isn't a funeral. I believe Pastor Duran also have an agreement to use the funeral home parking lot when they need overflow parking and there isn't a funeral. Sundown Plaza is posted for their customers only and others will be towed. Weekends when Willi Ritter has an event going at his restaurant and bar all of the available parking will be taken, including the dirt lot behind the Motel 6, and down to our parking lot.

Hearing Officer Jacobs

- Parking is a major concern. Parking requirements are different for churches than for commercial property. Mr. Ward, it looks like you will need an additional 10 to 15 parking spaces available when you have your events. You need to contact neighboring property owners and work that out. This is not a new issue.

Adjournment of Citizen Review by Zoning Officer.

Hearing Officer Jacobs adjourned the meeting at 10:40 a.m.

Announcement: Planning & Zoning Hearing, Tuesday, January 19 at 10:00 a.m. Youngtown Clubhouse, 12033 Clubhouse Square, Youngtown, AZ 85363.



Ray Jacobs, Hearing Officer

Attest:



Letty Goldberg, Town Clerk

**TOWN OF YOUNGTOWN
PLANNING AND ZONING HEARING OFFICER'S
PUBLIC HEARING**

January 19, 2010

Application: P&Z Case # 10-01

**Applicant: Jade Ward, Sr., Pastor, New Testament
Holy Ministries**

SUBJECT

**A Special Use Application for a church use at 11200 W. Michigan Avenue,
Youngtown, Arizona.**

RECOMMENDATIONS

_____ APPROVED AS REQUESTED.

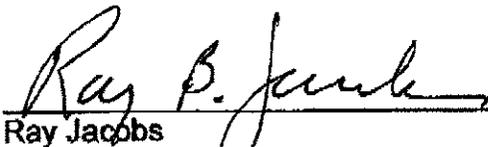
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APPROVED AS MODIFIED WITH THE FOLLOWING CONDITIONS:

1. Applicant will submit plans in sufficient detail for review and approval by Building Safety and the Fire Department so that occupancy can be established.
2. Submit a revised striping plan for parking including two handicapped parking spaces, as soon as possible.
3. Operating hours are to be Sundays from 10 a.m. to 3 p.m., Wednesdays from 7 to 9 p.m., Thursdays from 6 to 8 p.m., and office hours Tuesday through Thursday from 9 a.m. to 5 p.m.

_____ DENIED

Date: 1/19/2010



Ray Jacobs
Planning and Zoning Hearing Officer

12030 Clubhouse Square, Youngtown, AZ 85363

MINUTES OF TOWN OF YOUNGTOWN PLANNING & ZONING HEARING

Tuesday, January 19, 2010, Town Clubhouse, 12033 Clubhouse Square, Youngtown, Arizona

Call to Order- Zoning Hearing Officer Ray Jacobs called the Hearing to order at 10:05 a.m.

Staff present Zoning Hearing Officer Ray Jacobs, Town Attorney Michelle Swann, Town Marshal Dan Connelly, Building Safety Officer John Stigsell, Deputy Town Clerk Diane Cordova, and Town Clerk/Treasurer Letty Goldberg.

Planning & Zoning Hearing on Case # 10-01: A Special Use Application by Jade Ward, Sr., pastor of New Testament Holy Ministries for a church use at 11200 W. Michigan Avenue, Youngtown, Arizona 85363 in a C-2 Commercial District.

(a.) Staff Report.

Building Safety Inspector Stigsell

- My report has not changed from the Citizen Review Meeting. I think parking is still an issue. Also no plans have been submitted for review and approval by Building Safety or the Sun City Fire Department.

Hearing Officer Jacobs

- Mr. Ward, has anything transpired in the last week regarding parking?

Mr. Ward

- Occupancy for the Sanctuary is 100 according to our architect. Otherwise we get into other fire code issues.

Inspector Stigsell

- According to Town Code, they will need a minimum of 20 parking spaces plus two handicapped designated spaces.

Hearing Officer Jacobs

- Does the architect have parking on the plans?

Mr. Ward

- Here are copies of the plans from the architect. You can probably read them better than I can.

Inspector Stigsell

- It shows 29 parking spaces for the church. I think there are 24 on the existing lot.

Diane Kotula, Property Owner and Realtor

- I am Mr. Ward's Landlord. My records show the lot as having 29/30 parking spaces. I would insure that parking in the lot would be available on Sundays by putting a "no parking on Sunday" clause in new leases.

Hearing Officer Jacobs

- About half of the center is now vacant. The usual understanding for Commercial property is the use is supposed to park itself. Parking is an issue. There is a funeral home and another church and this doesn't appear to be a strictly 9 to 5 area.

Ms. Kotula

- You will find that others use my lot. I had "customer parking only" signs and they disappeared. The Gunsmith retired and went out of business, the taxidermist only used one or two parking spaces but he moved out. The insurance office rarely has anyone come to the office. Geno's Carpet that had the front suites was upset that other businesses employees parked in front of his store. They called me often. It probably wouldn't have been a problem if they had parked at the back of the lot.
- These are difficult times for getting tenants. I assure that future tenants will not need to use the parking lot on Sundays.

Marshal Connelly

- I drove by this morning and four vehicles in the lot belong to the upholstery shop next door. Neighbors typically overflow to other lots. The times the church meets should not be a problem.
- I should introduce myself, I am the Code Officer. I've worked for the Town for 14 years. The building needs to meet building safety and fire codes.
- There is no parking on the street. Overflow parking is typically at other businesses. Many of the businesses allow others to park.

Hearing Officer Jacobs

- Mr. Stigsell, do the plans show the location of the handicapped parking?

Mr. Stigsell

- The handicapped parking spaces are located by the Sanctuary.

Hearing Officer Jacobs

- Mr. Ward, do you wish to make any comments.

Mr. Ward

- My attorney advised that we should get the zoning issue taken care of before we proceeded with the building plans. It is going to cost about \$20,000 for the needed improvements.

Ms. Kotula

- We have been working on a possible purchase or right of first refusal, or an extended lease. This is a lot of money to spend by the tenant. It doesn't increase the value to me. I have been trying to work with them and get the special zoning permit.

Hearing Officer Jacobs

- Ms. Kotula, the parking agreement will be that there will be no parking in conflict with the church and the solution will be through new leases.

Town Attorney Swann

- Marshal Connelly says there is enough space for parking.

Ms. Kotula

- I have owned the property for several years and the tenants have not had a need for Sundays and evening parking. Recently I had a tenant retire, another move to his basement, another declare bankruptcy. I'm willing to work with the Town in any way I can. I need to have my properties occupied.

Inspector Stigsell

- There were odor complaints when the taxidermist was located there. I didn't smell the odor myself.

Ms. Kotula

- The experts wanted \$1,000 to \$2,000 to do tests. Only one person claimed he had headaches from the odor. If it was a serious problem it would have affected more people. The employee got weeks off. The employer didn't want a worker's comp claim. But she never even went to the doctor for her headaches. Then the shuttle moved out about a year ago. I've had the building checked for mold and we had fire inspections.

Hearing Officer Jacobs

- Are there any further comments?

Town Attorney Swann

- A Special Use Permit expires in six months if not acted upon. You will need to do the changes for building and fire safety before occupying the premises.

Hearing Officer Jacobs

- We have more information today than we had for the Citizen Review meeting. This is only one step in the process. Plans will need to be approved by Building Safety and the Fire Department before the property can be used as proposed. Depending on parking demands, signs may or may not be necessary.
- Recommend approval of the Special Use Permit with the following stipulations:
 1. Applicant will submit plans in sufficient detail for review and approval by Building Safety and the Fire Department so that occupancy can be established.
 2. Submit a revised striping plan for parking including two handicapped parking spaces, as soon as possible.
 3. Operating hours are to be Sundays from 10 a.m. to 3 p.m., Wednesdays from 7 to 9 p.m., Thursdays from 6 to 8 p.m., and office hours Tuesday through Thursday from 9 a.m. to 5 p.m.

(b.) Citizen Comments.

None.

Hearing Officer Jacobs

- Planning & Zoning Case # 10-01 will be referred to the Town Council for a hearing on Thursday, February 4, 2010 at 7 p.m.
- Mr. Ward, you should complete as much as possible before the next hearing.
- I appreciate that the property owner is working with the tenant on the Town's concerns. I also thank the Marshal for his assistance in this matter.

Adjournment of Planning & Zoning Hearing by Zoning Officer.
 Hearing Officer Jacobs adjourned the Hearing at 10:42 a.m.


 Ray Jacobs, Hearing Officer

Attest:


 Letty Goldberg, Town Clerk