

**MINUTES  
TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION MEETING  
JULY 1, 2014 AT 6:00 PM  
27 E. FRONTAGE ROAD, EDGEWOOD COMMUNITY CENTER**

**1) Call to order-Roll call.**

Chairman Gabel called the meeting to order at 6:00PM.

Commissioners Present: Brad Gabel, John Carpenter, Krista Cashatt.

Commissioners Absent: None

Staff present: Kay Davis-McGill, Tracy Sweat, Robert White Town Attorney, Jack Hiatt Attorney.

**2) Approve Agenda.**

Chairman Gabel indicated he would entertain a motion to approve the Agenda

Commissioner Cashatt made a motion to approve the Agenda; her motion was seconded by Commissioner Carpenter.

***Action:*** Chairman Gabel voted aye. Commissioner Carpenter voted aye. Commissioner Cashatt voted aye. The motion carried.

**3) Approve the Minutes of 6/3/2014.**

Chairman Gabel stated he did not require any changes and asked if the Commission had any; hearing none he called for a motion.

Commissioner Carpenter made a motion to approve the Minutes as presented; his motion was seconded by Commissioner Cashatt.

***Action:*** Chairman Gabel voted aye. Commissioner Carpenter voted aye. Commissioner Cashatt voted aye. The motion carried.

**4) Review of Open Meetings & Public Records Act**

Mr. White reviewed Open Meetings & Public Records Act stating he had provided many presentations on the Open Meetings Act and Public Records Act, he has also served a term on the Foundation for Open Government Board. Every meeting that consists of a Quorum of a policy making Board is an Open Meeting, and every document generated on behalf of the public is a public document. Exceptions are rare. When in an Adjudicative Hearing you can go into Closed Session for deliberations but any votes on the matter must take place in a public meeting. He added, a Rolling Quorum is when there are offline communications that may take place within any kind of public body. The Attorney General has taken a very strict view of the definition of a Rolling Quorum. To define a Rolling Quorum is as follows: "Commissioner A" talks to "Commissioner B" who then talks to "Commissioner C" who talks to another Commissioner about a matter that may come before the Commission. The Attorney General has taken a very strict view that those sort of conversations are meetings of the Governing Body and violations of the Open Meetings Act. Site visits also need to be done in a Public Meeting.

Jack Hiatt stated any document that is generated is probably going to be considered public record. He added it is alright for two out of three to get together and have lunch, but you must avoid the conversation that may come before the Commission. Mr. Hiatt and Mr. White both stated the best assumption to have is that anything being generated is considered public record. There is a State Record Retention Act that is in place and it lists by document, how long it must be retained, retention varies from document to document.

**5) Review and Recommendation of the Subdivision and Zoning Ordinance Changes.**

Chairman Gabel reviewed the draft recommendation for the Commission and they entered into discussion with staff and Counsel regarding these items as well as additional items as discussed by Commissioner Carpenter.

Commissioner Carpenter asked if on Line 360, if it would be acceptable to have a preliminary title report as part of the documentation evidencing the status of the title, and should property liens make a difference as to whether or not an applicant is eligible to apply for sub-dividing.

Commissioner Carpenter stated at line 394 there are numerous places that state “unless waived by the Planning & Zoning Commission”; Commissioner Carpenter feels it is inappropriate for the Commission to waive something the Town Council has already decided is required. He would like another descriptive phrase added to clarify the conditions of the Commission granting a waiver. Many at the meeting agreed that this should be clarified further.

Commissioner Gabel stated on Line 697 with reference to “concurrence of the Town”, he would like the language changed to be more specific i.e. “The Governing Body” or “Planning & Zoning Officer” etc. Commissioner Cashatt would like to see Cul-de-sac added where it is permissible. Line 992 under “Design standards for Lots” there is some language that should probably be removed to simplify the lot arrangement and design. Mr. White then reviewed the clarifications line by line, as requested.

Commissioner Carpenter, Mr. White and Mr. Hiatt then discussed the different Zoning Designations for Residential Zoning and what Zoning may look like in the future, which is the reason for the minimal changes in the Residential Zoning Designations. The belief is that in the next 5 to 20 years all zoning codes will become performance based; meaning, it will be reviewed as what the impact on adjoining properties will be rather than having a Euclidian sort of zoning designation. This form of Zoning is more incentive based rather than restrictive.

After some discussion with regard to the Airpark, Mr. White suggested making the recommendation to Council to look at Air Parks as an additional category under the “Special Use” Zoning.

Commissioner Cashatt made a motion to approve the recommendations as discussed and to include the suggestions by Commissioner Carpenter, for the Subdivision and Zoning Ordinances and presentation to the Council; her motion was seconded by Commissioner Carpenter.

**Action:** Chairman Gabel voted aye. Commissioner Carpenter voted aye. Commissioner Cashatt voted aye. The motion carried.

- 6) Public Comment. Limit to 2 minutes per person. Note: If you plan to speak under Public Hearings, please do not sign up for this topic.

Mr. John Bassett thanked Commissioner Cashatt for her service to the Town. He asked for an explanation of the difference between public input and public hearing.

Mr. White responded that the input would be for the two Ordinances that have been presented to the Council but there will be some additional amendments which will include the items discussed tonight. He added that Ordinance revisions require two hearings but there would not be a vote taken at the time of public input. There is a lot of work yet to be done before these Ordinances are ready for adoption.

Mr. Bassett asked if they had determined how to combine the Zone change from R-2 to R-1 with the public hearing since the zone change process begins with the Planning Commission for a recommendation and then go on to the Council for a vote.

Mr. White responded they would follow the process for a zone change and the Public Hearing for this zone change will take place at the Council and not the Commission. All of the affected properties have received notice of the hearing tomorrow night. The Council will not take action tomorrow night. He continued explaining that Public Input is a recommendation from the Municipal League as language to be used in the Ordinance amendment process.

Mr. Bassett asked about the amendment to zone map that is historically the second prong of the zone change process and how this would be dealt with.

Mr. White responded this would be handled at a future meeting. He added that any concerned citizens should plan on attending at least three meeting as this will evolve with input and amendments before it is ready for final approval. There will be lots of time for public input and comment.

- 7) Matters from the Chair and Commission Members.

Chairman Gabel stated Commissioner Cashatt will be resigning from the Commission and he thanked her for her service.

Commissioner Cashatt stated she appreciated the opportunity and has enjoyed working with everyone and getting to know the people and the community.

Ms. Davis-McGill thanked Ms. Cashatt for her service,

- 8) Matters from Staff.

There were none.

- 9) Calendar Update.

Ms. Sweat stated the next regular meeting is scheduled for July 15 at which time they will review the minutes from this evening as well as hold a Public Hearing for a Conditional Use Permit.

Chairman Gabel encouraged everyone present to put the word out that the town is in need of Planning & Zoning Commissioners.

**10) Adjourn.**

Commissioner Cashatt made a motion to adjourn the meeting; her motion was seconded by Commissioner Carpenter.

***Action:*** Chairman Gabel voted aye. Commissioner Carpenter voted aye. Commissioner Cashatt voted aye. The motion carried.

Chairman Gabel adjourned the meeting at 7:42 P.M.

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Brad Gabel, Chairman

**ATTEST:**

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Kay Davis-McGill, Administrator