

**VILLAGE OF VOLO
MINUTES OF THE SPECIAL
BOARD OF TRUSTEES MEETING
SEPTEMBER 29, 2009**

7:30 P.M.: Meeting was Called to Order
Pledge to the Flag
Roll Call

Present: President Russell
Trustee Evans
Trustee Henley
Trustee Porter
Trustee Wegener

Absent: Trustee Buschick
Trustee Wagner

President Russell declared a quorum present.

7:35 P.M.: Trustee Buschick arrived at meeting

Other Staff in attendance were Village Administrator Ken Buchardt, Village Attorney Nancy Harbottle, Village Planner Jon Wildenberg, Technical Administrator Eric Tison and Village Clerk Judith Rutishauser. Members of the public were also in attendance. (See attached sign in sheet.)

ORDINANCES, RESOLUTIONS AND MOTIONS TO BE CONSIDERED

1. Motion to Approve Ordinance No. 0-09-418, An Ordinance Granting A Special Use Permit for a Planned Unit Development and Approving A Planned Unit Development Agreement with Constant Custom Homes and Thornton's

President Russell introduced Mr. Eric Zoph of 10101 Linn Station Road, Louisville, Kentucky 40223, representing Thornton's, who then began a short presentation describing the proposed project.

The minor site plan modification of not having to put in underground detention allowed for larger landscaped area.

Thornton's has obtained a formalized agreement with the adjoining land owner for cross access between the 2 properties.

Variances requested in the PUD are as follows:

1. 7' setback for identity sign instead of the required 15'
2. 40' off property line instead of required 50'
3. Rear yard setback of 44' instead of required 50'

The proposed project consists of an 8,000 square foot convenient store with a 10 pump gas station under a canopy

There will be a right in/right out on Route 12 with full access on Volo Village Road with above ground detention area at the rear of the property.

Village Planner Jon Wildenberg was asked for comments at this time. He responded that the material had been covered thoroughly and he had nothing to add.

Village Attorney Nancy Harbottle reviewed the PUD Agreement with the members of the Board at this time.

Discussion followed.

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE EVANS TO APPROVE ORDINANCE NO. 0-09-418, AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND APPROVING A PLANNED UNIT DEVELOPMENT AGREEMENT WITH CONSTANT CUSTOM HOMES AND THORNTON'S.

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | AYE |
| TRUSTEE HENLEY | AYE |
| TRUSTEE PORTER | AYE |
| TRUSTEE WAGNER | ABSENT |
| TRUSTEE WEGENER | AYE |

AYES – 5, NAYS – 0, ABSENT – 1

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

2. Motion to Create a Goals and Performance Evaluation Committee and Approval of Appointment of Trustee Porter, Trustee Wegener and

Trustee Evans to said Committee

MOTION WAS MADE BY TRUSTEE HENLEY AND SECONDED BY TRUSTEE BUSCHICK TO CREATE A GOALS AND PERFORMANCE EVALUATION COMMITTEE AND APPROVAL OF APPOINTMENT OF TRUSTEE PORTER, TRUSTEE EVANS AND TRUSTEE WEGENER TO SAID COMMITTEE.

ROLL CALL VOTE:

| | |
|-------------------------|---------------|
| TRUSTEE BUSCHICK | AYE |
| TRUSTEE EVANS | AYE |
| TRUSTEE HENLEY | AYE |
| TRUS-TEE PORTER | AYE |
| TRUSTEE WAGNER | ABSENT |
| TRUSEE WEGENER | AYE |

AYES – 5, NAYS – 0, ABSENT – 1

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

MOTION WAS MADE BY TRUSTEE PORTER AND SECONDED BY TRUSTEE WEGENER TO ADJOURN THE BOARD OF TRUSTEES MEETING. VOICE VOTE: ALL AYES.

PRESIDENT RUSSELL DECLARED THE MOTION APPROVED.

7:55 P.M.: Meeting was adjourned.

Next Regularly Scheduled Board of Trustees meeting is scheduled for October 13, 2009.

MINUTES SUBMITTED BY _____
Judith T. Rutishauser, Village Clerk

MINUTES APPROVED ON _____