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Enriching the Quality of Life and Promoting a Sense of Community

HERNDON TOWN COUNCIL

Tuesday

June 15, 2010

The Town Council met in public session on Tuesday, June 15, 2010, at 7:00 p.m. in the Ingram Council Chambers, located at 765 Lynn Street. In attendance were:

Mayor:

Stephen J. DeBenedittis

Councilmembers:

Richard F. Downer
Dennis D. Husch
Connie Haines Hutchinson
David A. Kirby
William B. Tirrell, Sr.
Charlie D. Waddell

Acting Town Manager:

Mary K. Tuohy

Assistant Town Attorney:

Robert Bendall

Deputy Town Clerk:

Margie C. Tacci

Director of Community Development:

Elizabeth M. Gilleran

Public Information Officer:

Anne P. Curtis

Senior Planner:

Dana E. Heiberg

The meeting was called to order at 7:00 p.m. with all members present and with Mayor DeBenedittis presiding. Mayor DeBenedittis led the audience in the Pledge of Allegiance to the Flag of the United States of America.

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1. **ANNOUNCEMENT**

Mayor DeBenedittis announced that Town Manager Arthur A. Anselene and Town Attorney Richard B. Kaufman are out-of-town and would not be present this evening. The Acting Town Manager this evening is Mary K. Tuohy and the Assistant Town Attorney is Robert Bendall.

2. **COMMENTS FROM THE TOWN MANAGER**

There were no comments from the Acting Town Manager.

3. **COMMENTS FROM THE TOWN COUNCIL**

Expressions of Appreciation - Councilmember Tirrell stated that tonight would be the last public hearing for Councilmembers Downer, Husch, Kirby and Waddell. He expressed his appreciation to Councilmember Waddell, to whom he owes a personal debt of gratitude for his efforts on behalf of Councilmember Tirrell. He expressed his appreciation to Councilmember Husch for his tremendous effort, work and documentation of events, history, actions and opinions. He stated that during his time on Council, no one put in more effort than Councilmember Husch. He expressed his appreciation to Councilmember Kirby for his service. Councilmember Tirrell stated that Councilmember Downer has more longevity on Council than anyone else and he wished him the best of luck in his new home.

4. **PUBLIC HEARING**

Resolution 10-G-68, Downtown Master Plan, CPA #10-01.

Certificates of Publication were filed from the Editor of the *Herndon Observer Newspaper* showing that notice of said public hearing had been duly advertised in the April 23 and 30, 2010 issues.

At the Council's meeting on May 11, action was taken to continue the public hearing until May 25. At the Council's meeting on May 25, action was taken to continue the public hearing until June 8, at which time action was taken to continue the public hearing until June 15.

Mayor DeBenedittis stated that comments from the following individuals relating to the Downtown Master Plan were received by the Town Clerk's office and would be made part of the record:

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- Rick Baker
- Phil Jones
- Tim McGrath

Disclosure:

Vice Mayor Hutchinson stated, for the record, that her family owns real estate included in the downtown master plan comprehensive plan amendment, which may be affected by the plan and possible subsequent zoning text or zoning map amendments. However, she stated that she is able to participate in the transaction fairly, objectively and in the public interest.

Elizabeth M. Gilleran, Director of Community Development, presented a PowerPoint, which is on file in the Town Clerk's office. She stated that the proposed downtown master plan is a community based plan, which would have a three to four story maximum height and mixed uses of mostly retail, restaurant and entertainment. The consultant created a vision, based on community input, which could guide both major and minor redevelopment. She stated there were two options, A and B, which are being considered. Option A is considered the higher density of the two and would be a mix of three and four story buildings. Option B would have a lower density with a three story maximum. Both options would require land use changes. A third option has been discussed by the Planning Commission and the Downtown Master Plan Steering Committee for the Pines Shopping Center.

Ms. Gilleran stated that Block C is south of Elden Street, across from the Ice House Café and the car dealership. Option A would consist of 60 apartments and 32,000 square feet of retail, with a parking structure located at the core of the block. Option B proposes 18,000 square feet of office space, 32,000 square feet of retail and a parking structure.

Responding to Councilmember Waddell's query, Ms. Gilleran stated that the apartments depicted in Block C would be above the retail space. The parking would be located along Locust Street and in the interior part of the block.

Vice Mayor Hutchinson questioned if the old movie theater building, which is currently the Upholstery Shop, would be left as retail then how many apartments would the plan be reduced by?

Ms. Gilleran stated that if the old theater building were saved, there would be approximately four less apartment units.

Councilmember Downer questioned if there is anything that would preclude tying the business and residential structures into the parking garage at the second, third and fourth levels?

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Ms. Gilleran stated that if the parking garage were tied into the business and residential structures it would create additional construction costs.

Councilmember Downer stated that he was referring to a bridge or a balcony connecting the buildings to a parking garage. He stated that the front of the old theater was completely changed in the 1950's and the structure is in extremely poor shape. He stated that, other than Jimmy's, there is nothing worth saving on Block C.

Ms. Gilleran stated that the Fraser report cited Jimmy's and Robert's Carpets as worth saving. She stated the report did not consider saving the old movie theater because the structure had been drastically changed. She stated that the owners of the Upholstery Shop asked the HPRB if they were opposed to them adding a second or third floor to their building. To date, nothing has been submitted in writing.

Ms. Gilleran stated that Block D is one of the more complex blocks in the downtown and includes the municipal parking lot, the Ice House Café, the car dealership and the TPI building. On the plan for Block D, the Ice House Café building and the TPI building would be saved. The original portion of the car dealership showroom also is shown as being saved. Block D would consist of townhouses and a mix of office and retail buildings. She stated that the saved portion of the car dealership would most likely become a restaurant or food-related business.

Responding to Vice Mayor Hutchinson's query, Ms. Gilleran stated that Option A would have a bit more open space than Option B, but it would be a minor amount.

Councilmember Downer stated that the Ice House Café was built in the 1950's and was not built very well. In his opinion, that building is expendable. He stated that the façade could be duplicated and the building rebuilt to get better use out of it. He is pleased that outdoor dining areas would be included in the plans and he likes the one level townhouses that are shown. He questioned where the parking would be for the townhouses and if they would have dedicated spaces?

Ms. Gilleran stated that the parking for the townhouses would be in the proposed parking garage. She stated that the parking garage envisions private parking for the commercial and residential sectors, plus the public shared parking that the Town owns.

Councilmember Downer questioned if the development would be level with W&OD Trail?

Ms. Gilleran stated that the plan proposes to raise the grade somewhat, but not to the level of the W&OD Trail.

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Councilmember Downer stated that if the parking is tied by bridges to the townhouses it, would be much more convenient to live on the second floor since the parking would be on the same level. It would eliminate the need for elevators and stairs.

Ms. Gilleran stated that Block E is known as the ArtSpace block and is one of the Town owned blocks. Option A proposes 80 apartments in a four story building. The market would dictate whether this building would be apartments or condominiums. Option B would be for civic use and would possibly include a small restaurant or coffee shop. In Option A the parking would be in the garage across the street. In Option B there would be some surface parking.

Responding to Councilmember Downer's query, Ms. Gilleran stated that the building in Option B is proposed to be constructed at 12,000 square feet.

Councilmember Downer stated that the building proposed to be for a civic use could possibly share some facilities, such as restrooms and the lobby area, with another commercial use to maximize the public return on that parcel. He also stated that because there would be such a drastic change in the height of the proposed parking structure and the W&OD Trail, it may be a good idea to add an extra plaza level above the parking structure shown on the plan. He stated that there are more innovative ways to maximize the use of Block E than what has been proposed.

Ms. Gilleran stated that developers look for a certain scale when determining whether or not it would be economically attractive to build a building. The proposed 80 units on Block E would provide an adequate return for a developer. She stated that the current assessment of Block E is \$1.2 million. If the Town were to sell the land, under Option A it would probably sell for \$1.8 million and under Option B it would probably sell for \$56,000.

Responding to Councilmember Downer's query, Ms. Gilleran stated that the assessment on the parking lot that the Town owns across from Vine Street is approximately \$600,000. There is a list of Town owned properties and what the Town paid for them, but she would have to get the information at a later time.

Ms. Gilleran stated that Block F is on the west side of Center Street and extends from the corner of Vine and Center Streets to the W&OD Trail. It is comprised of two small lots that the Town has owned for some time, the Dominion Power site and a parcel that runs along Center Street. That parcel was received in trade for residentially zoned property that is located at the corner of Monroe Street and Herndon Parkway.

Councilmember Downer stated that it would be hard to determine what the Town paid for some of the parcels, because the purchases go back a very long time.

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Ms. Gilleran stated that Block F is currently assessed at \$1.8 million. Option A proposes approximately 80 age restricted multi-family units and would sell for approximately \$1.8 million. Option B proposes 28 townhouses on Block F. She stated that it would be difficult to put 28 townhouses on that property, but if it were to happen the land could sell for \$2.7 million. Members of the Steering Committee requested a third option, Option C, which would consist of 10 carriage homes. If the Town would sell the land for that purpose, it would probably sell for approximately \$1 million to \$1.2 million.

Councilmember Downer stated that there have been concerns voiced over rental units being put on Block F and he was glad to see that the proposed units would be age restricted. He stated that in the future, it is likely that the lot at the corner of Grace Street and Hayley Place would be subdivided.

Ms. Gilleran stated that, it is her recollection that the owners of the lot Councilmember Downer referred to did inquire about subdividing their lot, but there were issues with accessing the site.

Responding to Councilmember Downer's query, Ms. Gilleran stated that there is a utility feed that runs along the W&OD Trail, one that goes down Station Street and one along Vine Street that would need to be undergrounded.

Responding to Councilmember Waddell's query, Ms. Gilleran stated that the land in Block F is worth more under Option B, which proposes townhouses, because the current market is good for townhouses. Under Option A, the multi-family age restricted units would require higher construction costs.

Ms. Gilleran stated that Block I is where the Moose Lodge, Suburban Auto and Herndon Iron Works are currently located. Option A would include 80 apartments and a parking deck. Option B would include 29 townhouses. She stated that both the Planning Commission and the Steering Committee chose Option A, because the parking deck would provide more privacy for the nearby single family homes.

Regarding the Pines Shopping Center, it was unanimous with all participants that it needed to be redeveloped. There are three options proposed for the area. Option A would provide for street level retail with dwelling units or offices above them. It would provide multi-family units and townhouses along with parking decks. Option B would provide for a smaller retail space and a small civic space for the proposed townhouses. The third option is a modified Option A, showing single family homes along Jefferson Street.

Ms. Gilleran stated that the next step would be to create a form based zoning district for the area, which would let developers know the maximum height, the basic forms and the mix of uses that would be permitted.

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Vice Mayor Hutchinson stated that the Pines Shopping Center is the largest property in the downtown. She stated that one of the reasons that the Town has not been able to attract an anchor retail store is because there is not enough space for it. She stated that she has concerns with putting residential buildings where the Pines Shopping Center is because it could accommodate a chain or anchor store that would draw people to the downtown.

Ms. Gilleran stated that when the consultants held the focus groups and considered the input from the groups, the nature of the downtown and what is in the surrounding market area, they did not want to include a large anchor store in the downtown. Most of the participants indicated they did not want national chain stores or restaurants, but rather something more unique. Traffic impact also was a factor when considering a large anchor store.

Councilmember Downer stated that in the Town Council's packet there were more options available for the Pines Shopping Center. He stated that he could not imagine living in a townhouse where the backyard would be a parking garage and the front yard would be a street. He stated he would not want to see a civic center on the corner of one of the busiest intersections in Town.

Responding to Councilmember Waddell's queries, Ms. Gilleran stated that the details for Option A modified for the Pines Shopping Center were not available because that option was an add-on and had not been calculated. She would be able to provide them at a later time. She stated that the civic site proposed in Option B for the Pines Shopping Center would not be big enough for an arts center.

Ms. Gilleran stated that Block M is the block where there is an approved rezoning for the Diamond Hotel and the Ahmed Building. It also includes Pine Street, which has some contributing structures. The consultants did not show a lot of change, other than minor infill, to Block M.

Councilmember Downer stated that it would make sense to put a one level parking structure off of Monroe Street, which would eliminate the need for underground parking. He stated that he thinks there would be ample opportunity in some of the blocks to double the amount of parking in the interior of the block with a simple structure.

Ms. Gilleran stated that the latest quote from the consultant was \$15,000 per space for a parking deck.

Councilmember Downer stated that a simple parking deck without ramps should be explored and the typography of the Town should be taken advantage of.

Councilmember Kirby questioned what the flexibility the developers would have with the options given?

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Ms. Gilleran stated that although the Planning Commission recommended Option A, what that really meant was they were allowing up to four stories in some locations. When the ordinance is written, it could state that the maximum allowed would be four stories, but if someone would want to build a two story building, that would be allowed. She does not think there would be many one or two story buildings being built. She stated that the ground floor of the buildings should be retail, but there would be options for the other stories.

Councilmember Kirby questioned why the number of stories is being discussed instead of the maximum heights?

Ms. Gilleran stated that height is harder for people to visualize. When a form based zoning code is adopted, there is usually a maximum height limit, which leads to which type of construction a developer could use.

Councilmember Kirby questioned if it would be possible to get a revenue comparison chart as far as the different options are concerned?

Mary K. Tuohy, Acting Town Manager, stated that just considering the land, she would be able to provide a comparison, but trying to guess what kind of building would be on the property would make determining a price difficult.

Councilmember Downer stated that developers must have some leeway in what they can build.

Ms. Gilleran stated that if a developer were to propose any of the options set forth, then the Town would be willing to work out minor details with them. She stated that she has not heard any interest in the proposed townhouses for Block F, even though it would be the most lucrative for the Town. She has heard both positive and negative feedback from residents about any of the proposed buildings, but she has heard more positive feedback regarding the proposed age restricted dwelling units, because the building would be closer to Center Street.

Mayor DeBenedittis questioned how the Town could communicate flexibility to developers?

Ms. Gilleran stated that each block would need to be looked at individually. In a form based zoning the maximum height allowed would be adopted, but developers could always propose something less. She stated that in some situations, developers are allowed to deviate by a certain percentage. If it is the Town Council's desire, the ordinance could be written that way. Option A tends to have the greatest flexibility. She questioned if the Town Council feels strongly about whether or not Blocks E, F, I and the Pines Shopping Center should be developed in a certain manner? Block E is sensitive because ArtSpace is currently located on it and it is Town owned property. If Block E is sold, some of that money could be used to pay for parking. Some of the value of the Block E would be lost if ArtSpace is kept, even if it is incorporated into a new building.

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Responding to Councilmember Kirby's query, Ms. Gilleran stated that the term "apartments" also could apply to condominiums. She stated that there are apartments that rent for much higher rates than a mortgage on a condominium would be.

Councilmember Downer stated the key to higher rents is the quality of the product.

Ms. Gilleran stated that the plans show very detailed facades, which usually cost more.

Councilmember Waddell questioned if form based zoning would put more constraints on developers?

Ms. Gilleran stated that developers throughout the United States are interested in form based zoning. The form must be developed with a sense of what is logical for a builder. The first step in a form based code is a regulating plan that indicates such things as where retail would be located and how close to the street the building can be.

Vice Mayor Hutchinson questioned if Option A was chosen for Block F, would it preclude someone from putting a four story building where the 80 unit, age restricted, three story building is proposed?

Ms. Gilleran stated that if Option A is approved and that is how the Council wants Block F to be, then the code would be written stating that on Block F the building could not be any higher than three stories. The regulating plan would use a color coded system to indicate how many stories a building could be. She stated that if the Downtown Master Plan were adopted into the Comprehensive Plan, then staff would be directed to write the code. No one would be allowed to build in accordance with the plan until the code was adopted. She stated that the current code references would need to be changed to reflect the new vision.

Councilmember Downer stated that this would be a two step process and if the properties were rezoned, which he does not recommend, it would then be a three step process.

Councilmember Tirrell expressed his appreciation to Ms. Gilleran for her explanations. He stated that the purpose of this process is to provide a master plan to developers to give them an idea of what the Town would like to have built. He stated, for the record, that downtown currently has the central commercial district and the planned development district. It is his understanding that the central commercial district would remain and the planned development district would be replaced with a form based design. A developer would then build what would be in the Town's zoning ordinance, which would complement the comprehensive plan.

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Vice Mayor Hutchinson questioned if the number of units on a particular block could be scaled back?

Ms. Gilleran stated that instead of referencing the number of units, the form should be referenced. In other words, the height or width of a building could be modified.

Councilmember Downer stated that the unique fact about Block F is that the taxpayers of Herndon are the landowners of that property, who could sell it for an agreed upon price and could determine how that parcel would look. He stated that the land prices would be determined by what the final project could support.

Ms. Gilleran stated that two possible resolutions were before Council this evening, one of which would remand this matter back to the Planning Commission. She stated that because of State language, this matter must be acted on by the Town Council no later than August 1.

The public hearing was held and the following individuals presented testimony:

- Arthur Nachman, 866 Vine Street, Herndon, expressed his support for remanding the proposed downtown master plan back to the Planning Commission. He stated that the financing requirements that would be necessary to support the infrastructure that would be needed for the type of development have not been discussed. He stated that until that is done, the plan is incomplete.
- Alexander Ohr, 637 Oak Street, Herndon, expressed his concern that what is being proposed for the downtown would take away from Herndon's charm. He questioned if the Town needs more townhouses, since many are being built already. He stated there are currently many ugly, empty, retail stores in Town and he does not feel that we need more. He stated that to build retail stores now and for them to sit empty would not be smart. He stated that it also is important to him to know how many bedrooms the proposed apartments would have.
- Ann Null, 631 Oak Street, Herndon, stated that there are areas being developed or that have been developed that were not included in the traffic impact study. She stated that she did not see any expansion of some of the areas on Elden Street that currently get bottlenecked. Dumpsters and loading docks were not included in any of the plans. She stated that she is in support of allowing developers to choose between residential or office and apartments or condominiums and for allowing for flexibility as an enticement. She recommended scaling the development back by 10 percent to allow the developers to have a 10 percent "wobble room." She stated that the Town is saturated with townhouses and brick and feels the Town needs more variety. She expressed her support for remanding this item back to the Planning Commission.

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- Robin Carroll, 691 Old Hunt Way, Herndon, stated that an arts center gives back to the community and to businesses. She encouraged the Town Council to consider an arts center in terms of return to the Town, instead of tax values or land values.
- Barbara Glakas, 935 Barton Oaks Place, Herndon, stated that she does not understand why the downtown master plan would be adopted into the comprehensive plan before the zoning is decided on. She agreed that staff should be allowed more time to decide on what the zoning should be for the downtown. She expressed her support for form based zoning for the downtown. She stated that the Town has enough townhouses and she would not like to see more in the downtown. She stated that she favors most of Option A and she prefers age restricted housing on Block F. She expressed her support of remanding this item back to the Planning Commission.

Main Motion (SUBSEQUENTLY AMENDED AND APPROVED)

Following the public hearing, Councilmember Husch moved to approved Resolution 10-G-68, Alternate 2 (dated and distributed June 15, 2010), with the revisions:

REVISE the 1st sentence of paragraph 1 to read:

- ‘1. The Town Council has considered ~~and remanded the~~ Comprehensive Plan Amendment CPA #10-01, Downtown Master Plan...’

DELETE paragraph 2 in its entirety:

- ~~‘2. Based upon their appropriate scale, setback, and original date of construction structures 23 [the Upholstery Shop], 220 [753-755 Elden Street, Jimmy’s Annex] and 68 [the Mediterranean Breeze] are categorized as C-3 Contributing, lowest preservation priority rather than non-contributing as shown in the Herndon Downtown Master Plan Historic Building Evaluation dated November 2009.~~

~~[The staff notes that of the three structures discussed above, only the Upholstery Shop appears to be impacted by Plan Options A and B. For clarification, the contributing structure located on Quiney Street, structure 164, is shown as a contributing C-2 moderate preservation priority and it should be presumed that it will be saved or relocated within any redevelopment scenario.]’~~

RENUMBER paragraph 3 as paragraph 2 accordingly.

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This motion was seconded by Councilmember Downer.

Councilmember Husch stated that there are a lot of moving parts to the downtown master plan and stated that it is appropriate to remand this back to the Planning Commission. He stated that he tried to bring into focus the implications of the public facilities that would have to be built to support the development and their cost. He stated that it is difficult to do because it requires a detailed understanding of the future value of the Town's property after rezoning. He requested that his memorandum of June 14 to the Mayor and Town Council be made part of the public record. He stated that he is concerned with the cost of the public facilities in the downtown, because although it is important, it is not the only issue. There are other issues that would require funding and would put additional pressures on the revenue stream.

Councilmember Downer stated that he thought the comments from the audience were excellent this evening. He stated that he believes the downtown, in its current state, is below average and the sidewalks need to be replaced. He stated that retail would not be built until it is feasible for a developer. He would like to see a mix of housing in the downtown. He agreed with Ms. Carroll's comments regarding the arts center being an entertainment venue that would help to support the restaurants in Town. He stated that for every dollar spent at an entertainment venue, there are eight dollars worth of benefits to the community. He expressed concern with the downtown's interface with Metro.

Vice Mayor Hutchinson stated that she agreed with remanding this item to the Planning Commission. She stated that the downtown should be a destination point and that is not done by building a lot of townhouses. There must be other things for people to do such as retail, activities and entertainment. She stated that a form based plan is the right way to go in the downtown. She stated that she likes the downtown the way it is and expressed concern with the amount of traffic that would be created with redevelopment. She stated there is an opportunity for infill development and increased density in some areas of the downtown, but she wants it to be done carefully and with a complete look at the consequences.

Councilmember Waddell stated that this matter has been discussed since 1988. He stated it has been done very carefully, has been vetted publicly and he expressed his appreciation to everyone who participated in the process. He stated the Town would control the density and the price for its real estate. He stated that zoning follows the comprehensive plan. He expressed his opposition to remanding this matter to the Planning Commission, since it has been discussed for so many years.

Councilmember Tirrell expressed his appreciation to those who have participated in this process. He stated that the Town Council was supposed to receive a plan this evening that had been properly vetted with the community, and they did. He stated he is uncomfortable with remanding this matter to the Planning Commission without a date certain of it coming back to the Town Council. He

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stated there would never be an absolutely perfect comprehensive plan amendment of a downtown master plan. He stated that discussing where dumpsters would be placed should take place at the site plan level and not at this level. He stated that Worldgate originally was developed under Fairfax County's zoning and comprehensive plan. It was designed to be a multi-use project and the developer originally sold everyone on the need to build a retail and commercial project. A few years later the market changed, and the undeveloped property was then built as multi-family apartments and condominiums. He stated that the point is that the market would drive what happens in the downtown as well. The Town would have to allow a developer some flexibility in order for them to make a profit. He stated that he envisions the downtown to be recreation based. He stated that Councilmember Husch distributed a summary of the other three major efforts in the downtown, which did not happen for various reasons. He stated that because of the absence of any detail regarding why this is being remanded and what the Planning Commission is expected to come back with and when, he would not support the motion.

Amendment to Main Motion

(SUBSEQUENTLY APPROVED)

Vice Mayor Hutchinson moved to amend the main motion to approve Resolution 10-G-68, Alternate 2 (dated and distributed June 15, 2010), in accordance with the previously-stated revisions and to further revise as follows:

REVISE the last sentence of paragraph 1 to read:

1. "...referred back to the Planning Commission for further study, **with action and recommendation no later than its public hearing on September 13, 2010.**

This motion was seconded by Councilmember Husch.

Substitute Motion

(FAILED)

Councilmember Waddell moved a substitute motion to approve Resolution 10-G-68, Alternate 1 (dated and distributed June 15, 2010), with the revisions:

EXPAND Block B to Adams Street and incorporate the Planning Commission's recommendations for the Pines Shopping Center.

This motion was seconded by Councilmember Tirrell and failed by a vote of 2-5. The vote was:

Councilmembers:

Downer	no
Husch	no
Hutchinson	no
Kirby	no

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Tirrell	yes
Waddell	yes
Mayor DeBenedittis	no

Vote to Amend Main Motion (APPROVED)

Vice Mayor Hutchinson moved to amend the main motion, which was seconded by Councilmember Husch and carried by a vote of 6-1. The vote was:

Councilmembers:

Downer	yes
Husch	yes
Hutchinson	yes
Kirby	yes
Tirrell	yes
Waddell	no
Mayor DeBenedittis	yes

Vote on Main Motion, as Amended (APPROVED)


The question was called on the main motion, as amended, which carried by a vote of 5-2. The vote was:

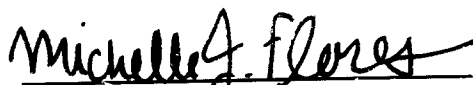
Councilmembers:

Downer	yes
Husch	yes
Hutchinson	yes
Kirby	yes
Tirrell	no
Waddell	no
Mayor DeBenedittis	yes

3. **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:39 p.m.


Stephen J. DeBenedittis
Mayor


Michelle J. Flores
Administrative Assistant