

**Town of Norwood Board of Trustees**  
**Monday, April 18, 2011**  
**Special Meeting 6:15 p.m.**  
**Norwood Community Center**

**Call to Order:**

The meeting of the Norwood Town Board of Trustees of the Town of Norwood, San Miguel County, and State of Colorado was called to order by Mayor Kerry Welch and those being present were as follows: 6:21 p.m.

**Present:** Kerry Welch, Dave McFalls, Rich Sanchez, Sandra Esch, Kieffer Parrino.

**Absent:**

**Others:** Patti Grafmyer, Town Administrator, Gretchen Wells, Town Clerk, Michael Wilkerson, Norwood Marshal, Mac McCall, Chris Forsyth, Michelle Haynes, Zack Lawrence, Ellen Metrick, Mike Grafmyer, Jim Wells, Deann Ilg, John Herndon, Finn Kjome, Lou Bunker, Dion Tempfer, John Fahnestock, John Herndon, Lory Herndon, Andrya Brantingham, Cade Brantingham, JD Brantingham, Natalie Bouchard, Dennis Eyeman, Charlie Bausch, Mari Bausch, Sabra Owens, Jenny Russell, Kelvin Veritz, April Montgomery, Jenny Weed, Carrie Vickers, Carol Ann Boyer, Josh Goddard, Joel Coniglio, Shawna Palmer.

Mayor Welch started the meeting by apologizing to the trustees, the staff, and to the public for her stern operation of the meeting on Wednesday, April 13, 2011. Everyone's opinion is very important to her.

**Motion** by Rich Sanchez to hold an executive session at 6:25 p.m. pursuant to C.R.S. 24-6-402(4)(b) to confer with the town attorney for the purposes of receiving legal advice regarding the Board of Trustee's legal authority in considering and acting upon Family Dollar of Norwood, LLC's request for waiver regarding the maximum sign size and other related specific legal questions. Dave McFalls seconded. ***Motion passed.***

The time is now 6:40 p.m., and the executive session has concluded. The participants in the executive session were: Kerry Welch, Dave McFalls, Rich Sanchez, Sandra Esch, Kieffer Parrino, Herb McHarg. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

**Reconsideration of Motion regarding Family Dollar of Norwood, LLC. Waiver for Maximum Sign Size:**

Rich Sanchez made a **motion** to acknowledge that the Board of Trustees was without authority to grant a waiver to Family Dollar of Norwood, LLC of the maximum sign size permitted under the Land Use Code and related matters, and that such action taken and the grant of such waiver at the meeting held on April 13, 2011 is therefore null and void

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and without any effect; and further **move** to request that the Planning and Zoning Commission institute study and propose changes and amendments to the appropriate section or sections of the Land Use Code pursuant to section 6.02 that may be necessary or desirable in the public interest regarding maximum sign size and other related signage matters, if any. Dave McFalls seconded. *Motion passed unanimously.*

**Board Discussion:**

**Public Comment:** John Fahnstock said thank you for the motion. He was very surprised it happened outside the P&Z Commission purview. He thinks we should invite businesses into our nice town but these businesses have to work within the rules and regulations. John Herndon would like the sign size to be consistent in size with the sign at Clark's Market and Norwood TruValue so that the Family Dollar store does not have unfair advantage over any competitor who has the same type of store. Mike Grafmyer served on P&Z from 1988 to 1994 and is on the water commission now. All of these boards are volunteer boards and he thinks decisions are made in good faith. He wants to say thank you to the board for their hard work. Shawna Palmer asked why the waiver was granted in the first place and who has the authority to grant. McFalls replied the Board thought they had the authority, and then found out they didn't. Attorney McHarg said it was actually a two step process to which Palmer wondered why the board waived it in the first place. Sandra Esch said the board did the waiver in good faith and please don't judge so harshly. Chris Forsythe, developer and builder of Family Dollar, LLC of Norwood, wants clarification. If the waiver granted at the last meeting was not entirely legal, is there going to be another process in which Family Dollar can apply for a waiver or whatever process is needed? McFalls and Welch replied they needed an amendment to change the Land Use Code, and that is a two step process. Forsythe replied that Family Dollar will be very interested in the process for amending a code that was already on the books. They need a time frame. Esch responded that the request from Family Dollar is for signs 6 times the maximum size allowed in the Land Use Code, and that is a lot. Jenny Russell asked if they Town was going to amend the LUC and to what precisely. McHarg said it was to open the process and look at section 5.06 in the LUC and amend as the boards and public saw fit. Russell wanted clarification as to whether the motion gave the P&Z any specific direction to the changes, and McHarg assured her it did not. Palmer asked the Board to make a motion that rescinds the waiver and then a separate second motion to refer it to the P&Z. McHarg stated the motion made did both at the same time.

**Adjourn:**

Dave McFalls made a **motion** to adjourn the meeting at 6:58 p.m. Rich Sanchez seconded. *Motion passed.*

**APPROVED:** ✓

**APPROVED AS CORRECTED:**

**DATE:**

5-11-11

Gretchen R. Wells