

**PLANNING COMMISSION WORK SESSION**

Thursday, March 3, 2022

Town Hall – Town Council Meeting Room

The following minutes are a summary of items on the agenda.

**Call to Order**

Chairman Merchant called the work session to order at 7 PM.

**Roll Call**

PRESENT: Chairman Merchant, Vice Chairman Gordon, Commissioner Jones, Commissioner, Marshner, Commissioner Ingram

STAFF PRESENT: John Ware, Planner I, George Sonnett, Assistant Town Attorney, Connie Potter, Executive Assistant

**WORK SESSION BUSINESS**

**Review By-Laws:** Chairman Merchant pointed out that the Planning Commission By-laws were last revised in 2008. Roberts Rules of Order is currently one item we adhere to. Assistant Town Attorney George Sonnett noted that the Planning Commission is free to create its own rules of procedure. Rules of procedure need to be stated whether its Roberts Rules of Order or something different.

**Requested changes:**

Under Article 9, Order of Business, page 5 of the by-laws.

- After approval of the minutes on the agenda, add approval and/or additions/deletions to the meeting agenda. It was noted that adding something to the agenda only takes a 2/3 vote.
- Change the number of Planning Commission members to 5 on page 2 of the by-laws.

Commission members discussed with Mr. Sonnett if Article III, number 2 could be removed from the by-laws as this seemed to be something used for the initial set-up of the Commission.

In Article III, number 6, change the first word from “any” to every”.

Commission members and staff discussed Roberts Rules of Order. Mr. Sonnett said he would look into Chairman Merchants question on whether a meeting could move forward without approving the minutes from the previous meeting.

Chairman Merchant explained that when something is added to the agenda they would indicate where in the meeting it will be discussed and place it on the agenda.

Mr. Sonnett referred to Article VII, Number 2 which states “Special meetings and/or working session may be called by the Chairperson or by two members upon written request to the Secretary. Work Sessions can be conducted without a quorum however, special meetings require a quorum”. He asked what the authority is to hold a work session without a quorum. Chairman Merchant explained that business is not conducted at a work session. Mr. Sonnett said he did not think you can hold a meeting without a quorum and said he would look into it further to determine if it can be stricken from the by-laws.

Commissioner Gordon referred to Article VII, number 2 and 4 noting you cannot go by both because in number 4 it states that any time three (3) or more members meet it has to be publicized.

Mr. Sonnett referred to Article VII, Number 6, that references a long-outdated state code section and needs to be updated. Under Article VIII, number 1, d. “Citizens’ Comments or Concerns” is not required. The Planning Commission can decide whether or not to have a public comment section on the agenda and if allowed be very strict on limiting on what the contents would be.

Commission members asked Mr. Sonnet to provide the following information:

- Put into the by-laws regarding citizen comments something that says comments must be pertinent to business of the Planning Commission.
- Look into Commission members attending virtually and what Town Council does and state law.

Mr. Sonnett referred to state code §15.2-2214: “*The local planning commission shall fix the time for holding regular meetings. The commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting.*” Chairman Merchant said they are depending on Mr. Sonnett on whether or not they need to change, add, or subtract from the by-laws based on state code. Mr. Sonnett mentioned that a special meeting may be called by the Chairman or by 2 members upon written request to the secretary and noted that was state statute. Mr. Sonnett said he will check to see if there are any inaccurate references to state code in the existing by-laws.

- **2022 Work Session Schedule**
  - Commission members agreed to hold a work session on the first Wednesday of each month at 6 pm at Town Hall.
- **Procedural Review** - *for scheduling and conducting public hearings – need input from George – consent agenda procedures and approval of the agenda.*

Chairman Merchant discussed the procedure for public hearing items and consent agenda items going forward. He noted that consent agenda items are not for discussion unless it is pulled from the consent agenda.

The following process was agreed upon:

- After the application submission has been deemed complete staff will notify the chairman and it will be placed on a work session agenda on the first Wednesday of the month.
- It will then go to the next regular meeting on the consent agenda to send it to public hearing the following month.
- It will then go to public hearing.

Chairman Merchant explained that he would like the following to occur at a public hearing:

- The Planning Director give a report on the application:
  - Mentioning that the application is complete.
  - Review what is being discussed at the meeting regarding the application; and
  - Refer to the code section the application falls under.
- Applicant is given a presentation time. (*limit the time*)
- The public hearing is opened.
- Public speakers. *They are allowed to ask questions, but the Commissioner's do not have to respond, and this should be stated in advance. Planning Commissioners can question speakers if they so choose, however it is better to wait until after all speakers have spoken.*
- The public hearing is closed.
- Applicant is given a rebuttal period.
- Commissioners can ask questions of the applicant and any speaker. *Chairman Merchant recommended not asking questions of the speakers.*
- To facilitate a correct meeting, always work through the Chairman. Address your questions to the Chairman.
- There will be no dialogue between the speaker and the applicant.
- Give the applicant time for a rebuttal at the end and then the Planning Commissioners can ask questions.
- Once the Commissioners are satisfied their questions have been answered, call for a motion.
- The comment section after a motion is made is only for that motion, not the actual application. Have all questions answered before a motion is made. If there are any questions after the motion is made, then hold a discussion to discuss a legal point on the motion and then vote on the motion.

Have a Code of Conduct on the screen for public hearings and post it on the Town website.

Chairman Merchant asked Ms. Potter and Mr. Ware to discuss with Ms. Kopishke the review process for Special Use Permits/Special Exceptions.

Should the same process be used for a code amendment public hearing? A code amendment usually comes from within or Town Council. The controversy lately has been code amendments coming from council. In the past council would suggest what they would like to see in a particular

ordinance and asked the Planning Commission to write an ordinance to that affect. Now there seems to be more ordinances directly from Town Council where a public hearing has to be held and the really don't want the Commission to look at the ordinance other than to conduct a public hearing as required by law. Is Council having the Commission write the ordinance or take what they put in their resolution and modify what the Commission thinks works best with the town code and citizens or is the Commission supposed to just conduct a public hearing on the ordinance that is presented to them.

Mr. Sonnett explained that the Planning Commission is free to come up with another version of the proposed ordinance and make that recommendation.

Chairman Merchant mentioned that for an ordinance amendment it really needs to be discussed at a work session first for review, comments, changes, etc. Then will most likely take another work session to write what the Commission thinks is appropriate and then with the procedure of waiting until the next regular meeting to put on the consent agenda to go to public hearing. This would be a 3-month time period before the Commission would act on it. The Commission needs to develop better communication with Town Council and possibly have a Planning Commissioner speak at the Town Council public hearing to explain how the Planning Commission came to their conclusion.

- **Contact List** - *update PC member contact list and contact preference.*
  - Commissioner members agreed to use their Town email addresses.
- **Code of Conduct for Speakers**
  - Chairman Merchant stated he would write the Code of Conduct.
  - A speaker cannot disrupt the business of the body or be disorderly.
  - Set a time limit.
  - No personal attacks.
  - No profanity.
  - The chairman would be the one to declare the person to be disorderly and ask for law enforcement to intervene.
- **Police Presence at Meetings** – Chief Magalis spoke with staff and explained that the department does not have enough staff to attend the Planning Commission meetings. Chairman Merchant asked what the procedure was when a meeting is interrupted by a disruptive person and a recess is required. He noted that Warren County Planning Commission has either an officer at their meetings or one close by that is aware of the meeting and can stop by quickly if needed. Chairman Merchant said he would talk to the Police Chief.

### **Planning Director Update**

- Comprehensive plan update

Chairman Merchant requested that Vice Chairman Gordon be the contact for the Comprehensive Plan to work with the contractor and staff. All meetings and correspondence regarding the comprehensive plan need to be sent to Will Gordon.

Draft Vision Goals and Objectives and the survey results were given to Commission members in their meeting packets. Planning Commission members need to review these documents and get comments to Will Gordon who will put them together for the next work session. Summit would like comments by the beginning of April.

Another item to be discussed at the next work session is Summit's desire to move away from the fifteen (15) planning areas that we have. Summit wants to go to a more generalized comprehensive plan and not be parcel specific. An example would be that Main Street would be identified as a commercial core road and neighborhoods would be residential nodes. It would not be putting in the fine lines and identifying parcels as R-1, R-2, etc. It would say "this area" is residential. There would still be a zoning map/future land use map. Every parcel still has a zone assigned to it but when thinking about future land use we do not want to necessarily be parcel specific but say this is our idea and as things come along there would be more flexibility to decide whether or not it fits that vision.

Will Gordon was asked to get an example of Richmond's latest comprehensive plan and send it out as an example of a "node plan".

There was a brief discussion regarding the floodplain and an additional brief discussion on the different types of meeting minutes. Commissioners would like to see summary minutes with the action that was taken.

The meeting adjourned at 8:39 pm.

***Connie L. Potter***

Connie L. Potter  
Clerk to the Planning Commission  
Executive Assistant