

**POLICY COMMITTEE MEETING**

February 25, 2010

6:00 p.m.

County Complex, Building A

**A. Roll Call**

**Present**

Mr. Jack Fraley, Chair  
Mr. Chris Henderson  
Mr. Al Woods  
Mr. Reese Peck

**Others Present**

Ms. Leanne Reidenbach  
Mr. Jason Purse  
Ms. Tammy Rosario  
Mr. Brian Elmore

Mr. Jack Fraley called the meeting to order at 6:00 p.m.

**B. Minutes – January 28, 2010**

Mr. Chris Henderson stated that the minutes should reflect his late arrival at the meeting. He was late and did not vote to approve the January Policy Committee minutes.

Mr. Reese Peck moved for approval of the minutes as amended.

In a unanimous voice vote, the minutes were approved as amended (3-0; Abstain: Woods).

**C. Old Business –**

**a. External Communications Discussion**

Ms. Leanne Reidenbach stated that staff has drafted a policy regarding Planning Commissioners' meetings with applicants outside of regular public hearings.

Mr. Peck stated he would like to see the external communications guidelines set as Commission bylaws, not as a more detailed policy statement.

Mr. Henderson stated that he supported the current voluntary reporting of meetings and did not want to impact Commissioners' ability to gather information.

Mr. Al Woods stated that the draft policy was reasonable and that he would support it.

Mr. Fraley stated that Mr. Adam Kinsman's counsel was to make the guidelines very simple and clear. He stated Mr. Kinsman said a policy statement would be easier to change than if the guidelines were to be placed in the bylaws. There can be difficulty in defining meeting-related terms, particularly 'parties of interest.'

Mr. Woods stated that including definitions of meeting terms in a policy would show clear meeting expectations for the public and future Commissioners.

Ms. Reidenbach stated that defining 'parties of interest' was to help Commissioners determine when disclosure was appropriate.

Mr. Fraley stated he would define a 'party of interest' as anyone on the applicant's team. He stated he would support combining the 'party of interest' and 'applicant' definitions. Including definitions would make it more difficult to include the guidelines' in the bylaws.

Mr. Peck stated the two strong points of the Leesburg *ex-parte* guidelines were disclosure and keeping the Planning Director informed. He stated that including formal guidelines in the bylaws sends a stronger message.

Mr. Fraley stated he always attempted to take a second Commissioner to meetings and send a summary to other Commissioners and staff. He stated he does not want to take away any Commissioner's right to meet under his own conditions. He would not consider e-mails and phone calls to be meetings.

Ms. Reidenbach stated that written guidelines were to ensure that all Commissioners, including future ones, were following the same definitions.

Mr. Henderson stated that if a Commissioner does not have a financial interest in a case, there should be no disclosure requirements or communication limitations.

Mr. Fraley stated that the Board has no communications policy of its own.

Mr. Peck stated that Commissioners should disclose meetings prior to public hearings. He stated the Commission has no final decision-making ability.

Mr. Woods stated that any Commissioner not attending external meetings could be criticized as not trying to obtain as much information as possible regarding a particular case.

Mr. Henderson stated he did not like the wording that Commissioners were 'encouraged' to contact staff prior to meetings. He stated that Commissioners could face criticism by forgoing the contact.

Mr. Fraley stated that he contacts staff for case background prior to meeting applicants.

Mr. Peck stated that encouraging staff contact helps Commissioners better evaluate site plans if they are not familiar with reading them on a professional basis. He stated the Planning Director should know when Commissioners make requests of staff.

Mr. Fraley asked staff to substitute a phrase for 'encourage' regarding staff contact. He stated the Commission chair would not need notification. The Committee agreed to use 'may find it helpful to.'

Mr. Fraley read the section of the draft policy which stated that Commissioners would not make a commitment of voting intent at any meetings and the Committee agreed to keep that in the guidelines.

Mr. Fraley stated he finds it helpful for both staff and himself to disclose meeting summaries. He stated that he wanted to share any fact-finding with other Commissioners, especially those not meeting with applicants. The summaries provide a tangible meeting record as well.

Ms. Reidenbach stated that having a disclosure period prior to the public hearing on the application would exclude administrative and Development Review Committee (DRC) cases. She stated that Commissioners disclosing meetings before staff presentations at public hearings would; however, cover most cases where an applicant contacts a Commissioner, but would not include cases like the recent Autumn West plan.

Mr. Peck stated that disclosure should take place prior to when the full Commission votes, and not occur at all committee levels.

Mr. Henderson stated that after he has received staff reports and site plans for DRC, applicants often call him for feedback and clarification.

Mr. Peck stated that DRC meetings often concern by-right development or amendments to approved legislative cases. He stated that DRC communications should be held to a different standard than legislative cases.

Mr. Fraley stated that the definition for 'meeting' was a common sense issue.

Mr. Henderson stated that the primary reason for meeting is transmitting information, which can still occur without a physical meeting.

Mr. Peck stated that any meeting disclosures should be transparent to other Commissioners.

Mr. Fraley stated that he forwards communications on cases that he thinks are relevant to the rest of the Commission. He stated the actual policy could be an endless listing of possible scenarios. Commissioners should know what their colleagues would want to learn.

Mr. Henderson stated that he supported the external communication procedures as a bylaw, if they are required at all.

Mr. Woods stated that bylaws discuss goals, while policies guide the group towards those goals procedurally. He stated that the process of disclosure should be a policy, which allows amendments as circumstances change.

Mr. Henderson stated that he objected to the entire external communications policy.

Mr. Fraley stated that the bylaws should include simple language and include that Commissioners may have outside meetings and that the Commissioner is expected to disclose those meetings.

Ms. Reidenbach stated that the bylaws would read "...Planning Commissioners are permitted to meet with applicants, and Commissioners shall disclose all meetings." She stated there would be a separate policy drafted covering the specifics of the disclosure.

Mr. Henderson stated that the separate policy statements should include some definitions, particularly that of 'applicant.'

Mr. Fraley stated that Mr. Kinsman is currently reviewing courses of action for tied Commission votes that can be incorporated into the bylaws along with the proposed external communications changes.

The Committee asked that staff prepare revised bylaws and communications policy to e-mail to the full Planning Commission for consideration at its regularly scheduled April meeting.

**b. Format for minutes documents**

Mr. Fraley stated that staff forwarded four alternatives for minutes that were drafted by Debbie Kratter and Chris Henderson.

Mr. Henderson stated that Ms. Kratter had proposed a shorter form of Commission minutes, since the minutes were already not verbatim.

Ms. Rosario stated that Commission videos were not stored in perpetuity so written minutes remained as the permanent record of a hearing.

Mr. Henderson stated it should be simple for Planning staff to adopt a policy for storing Commission meetings on disk.

Ms. Reidenbach stated that staff recommends not changing minute formatting.

Mr. Fraley stated he did not wish to consider minute changes. He stated that he knows of three Board members who read minutes regularly and find them preferable to watching the videos.

Mr. Woods stated that the people who use the minutes the most do not want the format to change so he would be opposed to changing the format.

On a voice vote, the Committee decided not to pursue changing the format for meeting minutes.

**D. New Business**

**a. Comprehensive Plan "score card"**

Mr. Peck stated that Augusta County had created a 14-page comprehensive plan report card that would serve as a good model for the County. He questioned whether the report card would be a part of the Commission's Annual Report or a separate document.

Mr. Fraley stated that the report card would require a large amount of data gathering. He stated that budget restraints may also be an issue.

Mr. Jason Purse noted that staff had reviewed the Augusta County documents and felt there were many positive features in the way data and information was presented. He said that staff would keep this model in mind while developing a reporting format for *Historic Past, Sustainable Future*.

The Committee discussed how new technology could be used to make the update and tracking process less time consuming. Ms. Reidenbach stated that staff was working with IT to put together an interactive implementation schedule for the County website.

**D. Other Business –**

**a. Establishing regular Policy Committee meeting dates**

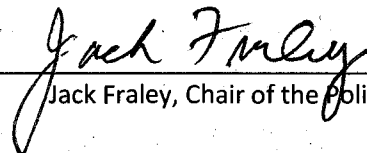
The next Committee meeting will be March 17<sup>th</sup> at 6 p.m. Staff will check with Mr. Woods schedule for possible future meeting dates to try to set up regularly scheduled Policy Committee meetings.

Mr. Fraley stated that the Zoning Ordinance updates would be a lengthy process with lots of public input. He stated a large number of meetings would be required, including discussions with the Board, staff, consultants, community groups, and the public.

**E. Adjournment**

Mr. Henderson moved for adjournment.

The meeting was adjourned at 8:30pm.

  
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Jack Fraley, Chair of the Policy Committee