

**POLICY COMMITTEE MEETING**

March 17, 2010

6:00 p.m.

County Complex, Building A

**A. Roll Call**

**Present**

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

**Others Present**

Mr. Allen Murphy  
Ms. Tammy Rosario  
Ms. Ellen Cook  
Ms. Leanne Reidenbach  
Mr. Brian Elmore

**Other Commissioners Present**

Mr. Rich Krapf  
Mr. Joe Poole  
Mr. Mike Maddocks

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

**B. Minutes – February 25, 2010**

Mr. Chris Henderson moved for approval of the minutes.

In a unanimous voice vote, the minutes were approved (4-0).

**C. Old Business –**

**a. External Communications Discussion**

Mr. Fraley stated that staff had drafted language for amendments to the bylaws and a related policy statement to address guidelines for external communications with applicants.

Ms. Leanne Reidenbach stated the term 'personal interest' includes situations beyond those included in State Code's definition of a conflict of interest. A personal interest would be a connection to a case that would not necessarily influence a vote.

Mr. Joe Poole stated he recused himself from voting on the Hospice House tower case due to his position on that organization's board.

Mr. Peck stated the term 'personal interest' was too ill-defined to be included in the communications guidelines.

Mr. Henderson stated that 'personal interest' comes down to whether a Commissioner feels they can judge a case solely on its merits.

Ms. Reidenbach stated that conflicts of interest and how to handle their disclosure were already addressed in the bylaws so staff would be supportive of removing the phrase "such disclosure shall include whether the matter is a conflict of interest or of a personal interest for the Commissioner."

Mr. Woods stated that a fiduciary responsibility to an applicant represents a conflict of interest. While the Commissioner in question may be impartial, the Commissioner cannot take on the appearance of partiality.

Mr. Henderson stated that a financial interest of \$10,000 or more represents a statutory conflict of interest and precludes the Commissioner from voting.

Mr. Poole stated that full meeting disclosure should be made to assure the public's trust.

Mr. Fraley stated that external communications was not the only behavioral issue listed in the bylaws. He stated that including language about external communications in the bylaws gives them an additional weight, while including a policy statement would allow for greater elaboration and easier changes in the actual guidelines themselves.

Mr. Woods stated that the wording "applicants shall include" should be replaced with "applicants are defined as."

Ms. Reidenbach stated the County Attorney's office reviewed and approved the proposed bylaws and policy. She stated that applicants were defined in the policy statements as "individuals directly participating in the preparation or having a material financial stake in the application that is the subject of the meeting" and not just the individual that signed the application. She also said she was agreeable to Mr. Woods' proposed change.

Ms. Sarah Kadec stated she was happy with the Commissioners' willingness to meet with her group, the James City County Concerned Citizens (J4Cs).

Mr. Henderson moved for approval of the policy and bylaw amendment regarding outside communications with applicants, as amended.

In a unanimous voice vote, the bylaw and policy language was approved (4-0).

Mr. Henderson asked whether disclosure had to occur at the public hearing or if an e-mail summary after the meeting would be sufficient.

Mr. Fraley stated that disclosure at a public hearing was now included in the guidelines but sending an e-mail would be at the Commissioner's discretion. He stated he intends to continue e-mailing meeting summaries to other Commissioners and staff.

Mr. Allen Murphy stated that e-mailed meeting summaries help facilitate communication between Commissioners and the staff working on a case.

Mr. Peck stated that meeting summaries should be e-mailed, but disclosure at the public hearing serves as a failsafe.

Mr. Henderson stated that disclosure at public hearing risked Commissioners' forgetting meetings, especially when cases were deferred for lengthy periods.

#### **D. New Business – Zoning Ordinance Methodology**

Mr. Murphy stated Commissioners were given materials and options for the update process. The Board preferred Option B as a budgetary guideline. Staff has responded to Commissioner feedback on Option B, particularly regarding community input and communication. Moving updates through the Policy Committee will extend the update process by about two months. Staff proposes an overall set of goals for the updates. The final scope of update work is based on projected staff and funding resources and policy guidance from the Committee and Commission. Staff recommends the Commission identify about five priority items to begin the process.

Ms. Rosario stated that there would be a number of different ways in which this process would engage the community. The focus would be on offering broad opportunities for participation and on making information on the process easily available. She stated all public meetings would allow public comment. Staff would use a combination of newsletter, JCC48 television, and internet to make citizens aware of the zoning update process and its associated materials.

Mr. Fraley stated he wanted citizen groups to be able to give scheduled presentations and submit ongoing comments during the process.

Ms. Rosario stated that while comments can be made at any time, the Communications department only has the resources to televise a few meetings.

Mr. Henderson stated the Commission should communicate its priorities to the community. He stated the Commission should finish its first round of zoning updates for Board approval prior to 2011 elections.

Mr. Krapf stated the substantial work done by the Rural Lands Steering Committee was shelved after a Board election changed priorities.

Mr. Poole stated that any self-imposed deadline could eliminate additional public input.

Mr. Murphy stated that staff recommends the Commission stick to five or six priorities it can finish them before the end of 2011, while getting the expected community input.

Ms. Cook stated the zoning update budget would be around \$116,000.

Mr. Fraley stated that cumulative impact modeling would consume \$30,000-\$40,000 of the budget, as the most expensive item. The modeling could be cut to finance other priorities. Another expensive item would be rural lands land use updates.

Ms. Rosario stated the Committee should seek input from both the Commission and Board before pursuing rural lands zoning updates.

Mr. Murphy stated that staff could adapt its Mixed Use research methods to the Economic Opportunity Designation if need be. He stated there would be a single pool for paying consultants.

Mr. Fraley stated he wanted to engage the wireless carriers in the upcoming wireless ordinance updates. He stated their expertise could be used instead of staff or consultant research. The wireless ordinance needs to be adapted to new technologies.

Mr. Henderson stated the Committee should determine the long-term vision for the community as a goal before starting the update process.

Mr. Murphy stated that as the zoning updates are completed, the County will begin to arrive at a picture of a desired future community.

Mr. Fraley stated he would like to look to the community to find citizens willing to research a sustainable County maximum population. He stated many localities have their own sustainability ordinances.

Mr. Poole stated that, due to the community's changing values and attitudes over time, it would very difficult to estimate a future population.

Mr. Maddocks stated the Commission should focus on the priorities brought forward by staff.

Mr. Murphy stated that staff recommended commercial usage as the first rural lands zoning update undertaken.

Mr. Fraley stated the Commission should offer its own priorities until redirected by the Board.

Mr. Peck stated the upcoming State urban development zoning could have a major impact on the County's rural lands policies.

Mr. Fraley stated it was a priority that the Board provides guidance for rural lands zoning updates.

Ms. Cook stated that out of the listed priorities, the Rural Lands Committee had already made policy recommendations, which had not yet been approved.

Mr. Peck stated that after the recommendations of the Comprehensive Plan and the Business Climate Task Force, the zoning update should be front-loaded with deliverable and manageable goals.

Mr. Murphy stated that staff would be studying the Virginia urban development zoning law to implement it in a way least harmful to the Comprehensive Plan.

Mr. Peck stated that successful implementation of Transfer of Development Rights would determine whether people would accept clustered and lower densities in the rural lands.

Ms. Cook stated that for the cumulative impact study, staff had discussed a consultant-driven database under update Options A and B. She stated all research projects would start during the first phase of the update.

Mr. Fraley stated his top five priorities were commercial updates, economic opportunity, development standards, the cumulative impact study, and sustainability.

Mr. Henderson stated his top priorities were reviews of the business ordinances, along with development standard updates. He stated his top five priorities also included economic opportunity designations, the cumulative impact study, and sustainability.

Mr. Maddocks stated his top five priorities were commercial updates, economic opportunity, development standards, the cumulative impact study, and sustainability.

Mr. Poole stated his top five priorities were the same as Mr. Henderson and Mr. Maddocks, although his top choice would be the cumulative impact study.

Mr. Woods stated he agreed with the cumulative impact modeling as top priority. He stated he agreed with the other four recommended options.

Mr. Krapf stated he agreed to the same top five priorities, with cumulative impact study as his top issue.

Mr. Peck stated that the Commission can make priorities after submitting the top five recommendations to the Board. He stated the Commission will also seek board guidance on rural lands zoning updates.

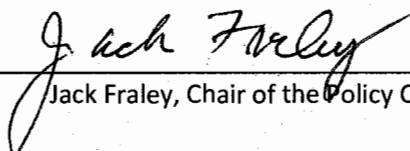
Mr. Fraley stated that many of the zoning update issues recommendations in the J4Cs letter to the Commission had been addressed.

Ms. Kadec stated that the J4C's would like to see wireless communications facilities ordinance updates as a priority project.

**E. Adjournment**

Mr. Woods moved to adjourn.

The meeting was adjourned at 8:45pm.

  
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Jack Fraley, Chair of the Policy Committee