

PLANNING COMMISSION MEETING MINUTES
MONDAY, OCTOBER 23, 2020 AT 6:00 P.M.
VIA WEBEX

PLANNING COMMISSION MEMBERS PRESENT: Elizabeth Shay-Chair, Eric Plaag-Vice Chair, John Tippet, Frank Ven, and Adam Zebzda

PLANNING STAFF PRESENT: Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner, Mike James-Senior Planner, Stacey Miller-Deputy Director of Planning & Inspections & Chief Building Inspector, and Brenda Henson-Board Secretary

OTHERS PRESENT: Allison Meade-Town Attorney

Call to Order

Chair Shay called the Planning Commission meeting to order at 6:01 p.m.

Adoption of Agenda

Vice Chair Plaag made a motion to adopt the agenda. The motion was seconded by Commission Member Tippet.

Vote: Aye - All
Nay - None

The motion passed.

Board Training

Ms. Meade referred to the section in the training materials on Meeting Procedures that stated:

“The business of the body or sub-committee shall be conducted in a manner as to afford all members an opportunity to speak. However, no member shall generally address the body until first recognized by the chair, and members of the committee, task force or advisory body shall be respectful to each other and shall avoid interrupting each other.”

Ms. Shook noted that Town Council recently approved changes to board terms and Planning Commission terms would be changed from four (4) year terms to three (3) year terms with no more than three (3) consecutive terms allowed to be served. She stated this would be retroactive and would take a year off of each Commission member’s term. Ms. Shook stated staff would send Commission members a letter this week letting them know when their terms would now expire.

Vice Chair Plaag stated he made notes and kept meeting packets and materials and asked if those were things he would be obligated to keep as a public record. Ms. Meade replied that not all records were required to be kept and would consider the items Vice Chair Plaag mentioned to be items for his personal use that would not have to be retained. However, if there was correspondence from constituents about cases, Commission members might need to retain that type of information. Ms. Meade suggested a ten (10) year retention period.

Ms. Meade addressed conflicts of interest and noted that Commission members should ask to be recused from voting on issues where they have a financial interest. She stated that any member of a Town board should not accept gifts and each member should be prepared for meetings.

Commission members watched a training module from the School of Government on conflicts of interest. Ms. Meade stated that the Planning Commission made legislative decisions and the key conflict of interest in legislative decisions was a personal financial impact. She noted that a Commission member who was recused from a case was disqualified from voting but could participate in the discussion.

Vice Chair Plaag asked what would happen if a member would not recuse themselves. Ms. Meade stated that the Commission could vote to recuse the member if they felt there was a just cause.

Ms. Meade explained that Planning Commission members could talk with anyone about cases because they made legislative decisions and not quasi-judicial decisions. Vice Chair Plaag asked if those communications should be disclosed at the meeting. Ms. Meade felt it was an appropriate and positive type of transparency but it was not required.

Chair Shay asked if Planning Commission members could speak to Town Council members about cases. Ms. Meade replied that they could but she cautioned them against having enough members of either board present to constitute a quorum.

General Use Zoning Map Amendments were discussed. Ms. Meade stated that specific plans were not legally relevant to a general use rezoning. Ms. Shook noted that staff counseled applicants not to present a specific project when requesting a general use rezoning. She added that a general use rezoning was either approved or denied and had no conditions attached.

Commission members then watched a training module from the School of Government on spot zoning. Ms. Meade explained that spot zoning was zoning that made one property significantly different than surrounding properties. She noted that not all spot zoning was bad and could be harmonious with the surrounding area.

Factors to determine the validity of spot zoning:

1. Site of tract
2. Relationship of uses
3. Compatibility with Comp Plan & applicable plans
4. Balancing benefits & detriments

Statutory requirements to approve spot zoning:

1. Zoning in accordance with a Comp Plan
2. Planning board review & comment
3. Statement of consistency & reasonableness

Ms. Meade stated that as long as the Planning Commission and Town Council articulated a reasonable basis for their decision to approve spot zoning, that decision should be defensible.

Due to the time, Ms. Meade wished to continue the training session to a later date. Ms. Shook noted that the next Planning Commission meeting that would be available for training was on December 28, 2020. Ms. Meade stated she would not be able to attend on that date. Commission members agreed they would discuss an alternate meeting date for training at the Public Hearing/Planning Commission meeting on November 23.

Adjournment

Vice Chair Plaag made a motion to adjourn the meeting at 7:52 p.m. The motion was seconded by Commission Member Tippet.

Vote: Aye - All
Nay - None

The motion passed.

Elizabeth Shay, Planning Commission Chair

Brenda Henson, Board Secretary