PLANNING BOARD

MINUTES

September 22, 2009

The Meeting was called to order by Chairman, Will Jacoby.

Pledge of Allegiance

Roll Call

PRESENT

Linda Chaney
Will Jacoby, Chairman
Ron Holehouse
Don Breitweiser
Martin Lott

ALSO PRESENT

Karl Holley
Bruce Cooper

APPROVAL OF MINUTES

A motion was made and seconded that the Minutes from the May 14th Workshop be approved. Linda Chaney advised the Chairman that she had forwarded a copy of the Minutes to Ralph Lickton, who is in the audience today, so that he could see if the comments he made at that Meeting were accurate. Chairman Jacoby stated that the Minutes are for the Board to review, in accordance with Robert Rules of Order. If you want to make a motion that they be rejected, then we can come back and make any changes.

Linda Chaney made a motion that the Board hear audience comments. Mr. Jacoby advised that there was a motion pending on the floor to approve the Minutes.
Note: Ms. Chaney's motion was not withdrawn.

An amended motion was made to defer approval of the May 14th Workshop Minutes until the next regularly scheduled Meeting, allowing time for feedback and input. The amended motion was seconded and approved by a majority voice roll call.

DISCUSSION ITEMS:

a) Bruce Cooper, Building Code Administrator, stated that he didn't have anything to bring before the Board but was simply in attendance to answer any questions they may have of him.

The question from the Board referred to a resident obtaining a permit for a fence on a rental property. The tenant cannot obtain a permit, but a licensed contractor, including the fence contractor, can obtain the permit. If the property is not for sale, rent or lease, then the individual owner may obtain the permit.

Mr. Cooper added, before leaving the Meeting, that permits are required for solar panel installations and that he has issued permits for 8 to 10 properties.

Karl Holley asked the Board if they were moving on to item c) on the agenda, and Chairman Jacoby said they would skip item b) and move on to item c).

c) Karl Holley stated that we are obligated to abide by the standards of the state by the Building Code in the installation of solar collectors, etc., but specific zoning regulations could be implemented relating to solar power generation facilities so long as they did not prohibit or have the effect of prohibiting their installation.

b) Linda Chaney advised that the time of the Meetings is not in the ByLaws and since she was the one who asked for the time change, she withdrew her request. Time can be changed simply by vote.

d) Linda Chaney stated that on the second page, Article 3 Vacancies, the last sentence states that "if there is a vacancy that the Commission may appoint a replacement." I believe that needs to be clarified to specifically say that the appointing member of the Commission, not the entire Commission. Karl Holley agreed that this language was not consistent with the City Code.

Ms. Chaney then pointed out the line below that "the Board Member shall provide a minimum five day notice to the Chairman or designee for any planned absences". In earlier discussions, Ms. Chaney thought that had been changed to preferably five days but a minimum of 24 hours. The Board understood that this had been approved at an earlier Meeting.

On Page 3, Article Four, point number four states "the order of business at Meetings shall be at the discretion of the Chair." Ms. Chaney suggested that be at the discretion of a majority of the Board. I believe the Commission has already made that change and our Board should reflect the Commission on that.

On the next page, Article Five, number one says "requests should be orally presented to the Board by applicant or his representative along with any documentation necessary." There is an assumption that the application complies with the City Code and it qualifies according to the Code, or they believe it does. When you go to number four, those in opposition should offer oral evidence and any documentation to show why granting a request would not be in the best interest of the public. Seems like the applicant and the opposition have different guidelines.

Karl Holley asked the Chairman if it is the consensus of the Board that they want to address those issues that were raised by Ms. Chaney so that he can put the proposed modifications together for consideration at the next Meeting. Chairman Jacoby was agreeable.

Next item for discussion is advertising for rezoning and land use changes. Karl Holley stated that this issue was raised with him by the City Manager and he understood that the City Manager had received input from elected officials with respect to this question. Section 3.4 of the City Plan Development Code specifies requirements for notice of adoption of ordinances and resolutions as well as publication of other public hearings required by the Land Development Code.

An amendment was proposed to Section 3.4 that provides that adoption of ordinances that change the future land use map or the city's official zoning map shall comply with all of the standards that are specified in paragraph B. Mr. Holley will draft an amendment for the review of the Board.

AUDIENCE COMMENTS

Chairman Jacoby called upon Mr. Ralph Lickton, 1706 Pass A Grille Way, to make any comments on the Minutes. Mr. Lickton pointed out a simple typographical error on the second page, i.e. a property being in Zone B which he believes should be in Zone V.

ADJOURNMENT

Linda Chaney made a motion to adjourn the Meeting which was seconded and unanimously approved by voice roll call vote.

William Jacoby
Will Jacoby, Chairman

Theresa McMaster
Theresa McMaster, City Clerk