

FAIRMONT PLANNING COMMISSION

The meeting of the Fairmont Planning Commission was held September 21,2022 @ 7:00 the Public Safety Building 500 Quincy St. Fairmont WV.

President Greene called the meeting to order at 7:00 p.m. and asked for a roll call of members.

ROLL CALL OF MEMBERS

<u>MEMBERS</u>	<u>ABSENT / PRESENT</u>
Commissioner Bledsoe	Absent
Commissioner Jura	Present
Commissioner Lambert	Absent
Commissioner Richardson	Present – Arrived @ 7:08
Commissioner Straight	Present
Commissioner Wean	Present
Commissioner Yann	Present
President Greene	Present
Commissioner Majic	Present

CITY STAFF

Director of Planning and Development – Shae Strait
Assistant Planner- Carly O’Dell Jones

APPROVAL OF MINUTES from August 29th, 2022

President Greene asked for everyone to read of the previous months minutes and look for corrections or additions. A motion was made by Commissioner Straight to approve the minutes as amended. Commissioner Majic seconded the motion. All in favor. Motion Passed.

NEW BUSINESS / PUBLIC HEARINGS

- 1.** PC 22-09 -High Tech Foundation is requesting for the approval of a Major Subdivision to dedicate a newly constructed street, Copley Pl, to the City of Fairmont and to subdivide and merge property to the north-east of Copley Pl. A copy of the plat will be made available in the meeting packet on the City’s website or by request.

Planning Director Strait went over the requested Major Subdivision request which was as follows the subdividing and simultaneously merging 24.6 acres of land and also dedicating a public right of way known as Copley place, or Copley drive. The West Virginia High Tech Foundation, will be performing the work in order to enter into an agreement with the Marion Regional Development Council.

A land transaction will be between them with the idea that they will be developing the site for uses that are supplemental and congruent with the area and the kind of development pattern with the technology park. So maybe not particularly other technology related businesses, but things that can supplement the things that are already there and support the development that has occurred. The street has already been built and everything is already in place for creating something like this.

We have included the important details here. We are going to be discussing whether this meets the city standards. And if this is a fiscally responsible idea for the city to have this right of way dedicated into ultimately take over the street in the long term as well to verify if the merger and subdivision of land meets our development regulations within the zoning code.

President Greene asked if there was anyone to speak in favor of the request.

Jim Estep of the was there to speak. He stated the following: the new road segment that we constructed last year, which you probably saw is the entryway into the part of the park we call it phase three.”

This is pretty much all the land to the rear of the research center which of course takes over the building on the hill. We've been focusing on the recruiting operations from the National Oceanic and Atmospheric Administration to that facility for almost 15 years now.

Number one because they brought with them a lot of contracting that has got the attention of a lot of companies that want to come to Marion County, for example, the support contract for the Sewer was \$550 million. General Dynamics won that contract so we have their cybersecurity operation. That's \$100 million, Mytos won that contract. We've been recruiting these operations to the park to help with economic diversification but to create a business case for other businesses that want to come to our community.

Those particular operations involve the collection of climate weather data. For really the entire hemisphere of this planet, the planet, which is a pretty big deal have been a strong point of pride quite frankly for me that we have that right here in Marion County for such a you know, such an important issue and so services such a big location, but we're really trying to leverage the fact that all that data is coming here in Marion County, to now trying to recruit businesses involved in the commercial climate and weather sector. People don't realize that that that sector is \$7 billion dollars today. We want to develop behind the research center. One of my big objectives over the course of the next two years is to try to recruit at least Microsoft or Amazon to bring one of their data centers here to the park that support their cloud services.

It's been on our list to work on but you know, of course we like everybody else have limited resources. So, Mr. Staggers he took over to run the MRDC. We're talking about what they were going to be doing what we were going to be doing and we both agreed that this is a great opportunity for our two organizations to partner you know, they were looking for things to work on and develop in Marion County and we needed that to get done so we reached an agreement that they would purchase that section from us and work to develop it while we continue to work to develop what we call phase three. And I can focus on recruitment as a data center. So that's how we came together. And of course, we work with Thrasher and others to plan it.

Alan Staggers, executive director of MRDC was also there to speak on behalf of the request. He stated that they are the county's designated economic development agency. And for a little over a year, we had the opportunity working with the leadership at the West Virginia Department of Economic Development to work with them and when then subsequently worked with Jim on coming up with financing to acquire this piece of property. It gives us a unique opportunity to purchase a very valuable piece of property appraised for just over \$1 million.

Once they are able to acquire and control it and as Jim mentioned, this area was sort of planned for amenities to the park and that will be their goal to try and work on attracting those types of businesses into the area of parallel track. We'll also explore options for doing site development work as well.

When they get to the actual site we will work very closely with the High-Tech Foundation and probably develop his property, their property and our property and at the same time, so you have any questions?

President Greene asked the commissioners if they have any further questions for the petitioners, there were no questions.

Planning Director Strait then spoke the following: there's a lot of information in here since we're talking about an already as built condition, in which they are merging parcels on and we're considering taking responsibility to right-of-way for. In my review of that, it does appear that the plat and the records submitted meet all the requirements set forth under Article Seven, which is our development standards.

Our subdivision ordinance that regulates the size of parcels and how they're divided up and access to those. The only thing to note but we've had discussions with the petitioners here is that Copley place as built is approximately 1500 feet in length, zoning code does only permit about 500 feet for dead end streets. However, given the unique nature of the development for the park, and also looking at the kind of existing topography and talking about future plans for the park. It is not intended for this dead end to be long term.

They are looking at future development and building out of this road network, potentially with tie ins back to primary corridors within our community so opening up new opportunities for development as they continue to build this section of the park. We believe it would still be in line with the development standards given some of the flexibility that is permitted within the code. In case there are any questions about that

Some of the stormwater management systems are located off the right of way as well and on the private property owned by various entities, primarily, the High-Tech Foundation and the system arranged in distances off of the edge of the right away, but some of them exceed just over 20 feet.

However, the current zoning for the district does require that there's a minimum setback of 20 feet for everything constructed. We don't believe that as built, the stormwater facilities would be at risk of being encroached upon by private development and therefore removed or altered in any way that might be detrimental to the city's responsibility to manage the stormwater here because that is part of this when we take this on the road.

We believe that the commission would have the authority to approve this as proposed and to approve the plat and then they could move forward with dedicating a deed for the roadway to the city in the near future or the planning commission, you all could conditionally approve it. If you feel like there are any special requests that you might like to make, that is under your authority, you are allowed to do that.

President Greene opened to the meeting to public comment. There was no one there to speak in favor. He then asked if there was anyone there opposed to the request? There was no one. He then closed the meeting to the public.

Director Strait stated there was a Design Review Commissioner with all of the other departments and there were no issues with any of the departments regarding this request. Specifically, no issues with stormwater.

Commissioner Wean stated that based on that comment she felt comfortable making a motion to approve the plat as submitted. Commissioner Yann seconded the motions.

Roll Call Vote: Commissioner Greene- Yes; Commissioner Jura- Yes; Commissioner Richardson- Yes; Commissioner Straight- Yes; Commissioner Wean- Yes; Commissioner Yann – Yes; Commissioner Majic- Yes

Motion to approve the application.

- 2.** PC 22-10- City of Fairmont is petitioning to amend Article 5.4 Parking of the Zoning Code to create regulations permitting gravel driveways from residential uses, clarify language and organization of various regulations, amend the parking layout chart and aisle and driveway width requirements, and to add standards for compact car parking spaces.

Director Strait stated the following regarding PC 22-10: It's our understanding that when the Board of Zoning Appeals starts to grant a number of variances to the same rule, we should reevaluate the rule to make sure that we're being fair and so that particular is the first thing that's being amended and that's about gravel driveways.

This has been something that city staff has been working on for over a year. We have been working with code enforcement and public works in particular because they're the two parts of the city that are heavily impacted by our current driveway regulations. The other thing we've looked at what and what the BZA has been talking about, is the financial burden that is placed on property owners, particularly single-family homeowners, for having to construct all portions of their driveway parking areas of concrete or asphalt usually increased costs and about between 200-300%. When you talk about concrete or asphalt versus compacted aggregate for your driveway, sometimes it can be more expensive.

The BZA has granted some variances for that. We've worked with public works and code enforcement in order to try to draft a regulation for gravel driveways that would accomplish two things in particular. One, to lower the financial barrier for the responsible vehicle parking and access to and from private property, particularly for single family homes. This does not adjust the requirements for multifamily units in which there could be higher rates of traffic.

We would want those to be required to have hardscape parking areas as well. We wanted to make sure that this did not create any burden on the public works department and ultimately stormwater as well. If gravel goes out into the street, it is the responsibility of the worksite to clean that up. And it's also a danger to motorists too. It's a safety issue and what we've come up with is an adjustment in which we're proposing that any portion of the driveway located on the public right of way would still have to be hardscaped. There will still be an investment of concrete or asphalt. This is intended to protect the city and its responsibility for maintaining the streets and also maintaining public safety as well.

One of the things that we're allowed to regulate is if something would cause a fiscal burden on the city. We are concerned that if we did permit gravel driveways all the way up to the edge of the paved road, and off the edge of the roadway with the paved street itself, it would create safety issues and financial burden on the city to maintain that. So that's what we're adjusting. We're saying they have to do hardscape up to that point. They may use gravel as a parking surface material. But there is a limit on that if a driveway is determined to be greater than 15% in slope.

Next, we're moving a section about front yard parking that's listed on its own later. We're moving that to be within the residential driveways and parking standards. Since it primarily pertains to residential parking so we believe that language just should be in the residential parking driveway section. We've retitled surface materials and curbs, which is Part D under item 1, to include the word curbs and we remove the language that prohibited gravel driveways because obviously we're simultaneously proposing to permit those.

This is important for code enforcement and also to create transparency with our community. For those of you probably none of us are going to municipal court very often. A common thing that comes up is the City does issue a number of violations for parking on landscaped areas. This is a zoning code and code enforcement does enforce that pretty thoroughly. This does create some issues with the public though because that language that prohibits parking or landscaping services is kind of hidden in the middle of a paragraph.

Currently, we would like to pull that out to be its own title section to make it very clear to the public and everybody where that law is. Eventually we get to the driveway aisle and the chart. We're proposing some substantial adjustments to that chart. This actually doesn't change the size of a parking space or the regulations significantly. What it does is, adds a lot of different ways to measure parking spaces. We believe this will just be a tool to help people design their sites to meet the city standards, rather than just giving them currently we basically just give them only about two or three measurements.

We're going to give them a number of different ways they can measure the parking lots. This is just more common practice and modernize zoning codes. We mentioned compact cars in our code. We never had any rules about how big as a compact car space need to be right? Is that a motorcycle parking space or is actually a car is right? So, we finally added that as well. Hey, you never know so we just want to make sure we do give opportunity for everybody about that. And so, they understand clearly what the rules are.

President Greene opened the petition up for public comment. There was no one present to speak in favor of the request. There was no one present to speak opposed to the request.

Commissioner Yann stated as far as parking, you're just moving some things. It won't be alleviated and is still be prohibited.

Director Strait stated that yes that was correct.

Commissioner Yann questions if there is a setback on the driveway? Or can they go right up next to that property? If they can go to the neighboring property is there curbing so that that gravel does not come over into the adjoining property?

Director Strait stated that is a good question. It is our understanding as the code currently written and the changes in here do not impact that one way or the other. But as currently written, there are no setbacks for driveways. For single family homes now, we get into things like multifamily commercial and we do have five-foot setback requirements for all parking areas and driveways and so forth, to reduce its negative impacts. We don't have that for residential driveways. Staff does strongly encourage private property owners to at least give three feet between their driveway and the adjacent property. Because if they were to do something like let stormwater runoff onto the adjacent property or gravel or

something that can create a property maintenance code violation. So, we try to encourage them that way.

Assistant Planner Carly O'Dell Jones stated that she still typically recommends five feet to everyone who proposed a new driveway or extension.

Assistant Planner Carly O'Dell Jones stated that any proposal for a new gravel driveway would still have to come to us for a zoning permit. If you would like to add standards, they could be considered

Commissioner Yann stated he believed council would like to have those requirements in the proposed petition.

Director Strait stated he would want to hear from all the commissioners, you know about that question in particular and then comes to be that this this is of interest. The staff can help propose language to amend tonight. To add that in there. It's something we don't have right now and I think it's something that is needed.

President Greene asked what construction standards that would create some kind of curbing or whatever you want to call it that would contain the gravel or something along the edges of the driveway that will at least prevent some of that from.

Planning Director Strait stated We don't at this time.

Commissioner Wean stated there was a need to find some kind of a barricade that prevents the gravel from going in any direction off of their property

Assistant Planner Carly O'Dell Jones stated that's a good idea. It would create less of an opportunity for the gravel to just dissipate into the grass.

President Greene stated that it would also give you guys something to point to and say this is the standard for yes if you want to put in a gravel driveway like here's how you're going to protect your neighbor's property.

Commissioner Yann had a question about rental property now is the standards for them providing parking, the parking does this change that any or is it still they have to have

Director Strait stated to make sure we're clear about that. Not particularly about rental property, but about multifamily versus single. We only we only regulate our development and construction standards and zoning based upon the defined permit use of single or multi multifamily is required to have hardscaped parking surfaces are required to have six-inch concrete curbs and there it's actually quite an investment for them to build parking for their facilities if it's going to meet the code as written today. So that is that's not proposed to be adjusted at all.

President Greene did want to make the fact clear that there was no present at the meeting other than the commissioners themselves, so that was why the opening and closing of the public hearings were going to quickly. He then opened the public hearing to anyone who was in favor of the request. There was no one. He then asked if there was anyone present opposed to the request. There was no one. The public hearing was then closed.

Commissioner Yann questioned if we're going to vote for this now, that doesn't include those restrictions that they just talked about. To which Director Strait stated if we're going to vote for this

now, that doesn't include those restrictions that they were you were talking about. He asked if there was any specified distance that the commissioners would recommend? We do try to strike a balance there and I do worry with the narrow lots and the wider homes and many of our older neighborhoods, especially in the grid areas of Norwood and Palatine and the flooding lots area and so forth that that does end up only having an eight-foot side yard or a 10-foot side yard so it's just something to keep in mind as we think about how that works

Commissioner Yann stated we mentioned 5 feet previously.

Assistant Planner Carly O'Dell Jones, yes, accessory structures are required to be five feet.

Director Strait stated that's what we recommend with driveways. They can be classified as an accessory structure, but we try to be careful about that and rule them in their own set of rules since they do have a long list of things that they have their own requirements. They do lack setbacks or berming or edging or anything else at this moment to prevent negative impacts on adjacent owners.

Director Strait stated if approved tonight we can make sure that we take to heart your all's concerns until we maybe solidify further language. But I would recommend that we placed in here that gravel driveways should have a minimum setback and or driveways even if you all feel that all driveway should have a minimum setback. And then I do love the idea of the beaming or the timbers or other lumber

Commissioner Wean asked Is there a definition of a gravel driveway? Is there a thickness or requirement because eventually it's going to be muddy rutted.

Planning Director Strait stated we do. We do require that under the property maintenance code that they can't impact the soil and that way that creates runoff of mud or dirt and so forth. We require that you have to maintain your property as seeded or treated in such a way with landscaping material. And so forth to prevent that kind of runoff. We don't talk about material depths or anything though. And the reason being is we don't I was concerned with that.

Commissioner Wean wanted to know if it would fall under property maintenance if it became a problem?

Director Strait stated that was correct. I don't think a Fairmont does this, but most other places stormwater regulates that as well. Runoff of topsoil is detrimental to local waterways. Normally a stormwater department would regulate that in addition to the property maintenance

Commissioner Yann asked if this was being changed by people, we had been coming in with requests for this.

Director Strait stated That is correct. So, we've had some circumstances. Just to give an example, we had a woman come in and request the variance over in the Edgemont neighborhood. The quote she was getting from contractors to construct a 30-to-40-foot driveway was coming out to be 10% the value of her home. So, and she got multiple quotes, and she's in a smaller older house. That was the kind of burden the BZA was seeing from some property owners. We do have smaller older housing and for people who can afford that, then when you tell them it's required for them to have off street parking that they have to bear an additional 10% of the principal value of their property of their home. That's where the BZA has granted this variance.

Commissioner Straight stated the only thing that I ran into a problem in Watson area and this is way before you came on board. Certain individual bought a house, resident came in excavated clear round, he's now took all the topsoil dump grant and what it did it created a water hazard for the people in the back over the sides, and then it took the city of Fairmont we had to take the guy to court. I remember numerous times and this is a thing if we do not have it in writing that somebody can like she said, we don't have a depth on the gravel compaction and what's required to put down when you put a parking lot in. You got to put something down people are they'll just come in, grade the topsoil and don't gravel them.

President Greene made a motion to that we table this item to the next meeting with the staff and opportunity to draft some berming and edging, setbacks and eruption standards. A roll call vote was done.

Roll Call Vote: Commissioner Greene- Yes; Commissioner Jura- Yes; Commissioner Richardson- Yes; Commissioner Straight- Yes; Commissioner Wean- Yes; Commissioner Yann – Yes; Commissioner Majic- Yes

MOTION WAS TABLED UNTIL THE NEXT MEETING.

- 3.** PC 22-11- City of Fairmont is petitioning to Amend Article 8.11 Fees of the Zoning Code, along with other articles of the zoning code as necessary, to consolidate all planning, development, and zoning related fees to Article 8.11 with the intent of making it easier to locate all fees associated with the zoning code. The amendments also include clarification on how fees are assessed and exempted, and the penalties for failure to obtain a permit for improvements.

Planning Director Strait stated this is something that staff really wants to accomplish by consolidating all of our fees to one part of the code and one code so that they're easy to find for the public and for ourselves. They're scattered throughout municipal codes and zoning code in multiple sections of our zoning code. The city of Fairmont, both with its current fees and some proposed changes is for the most part significantly below those other two communities on just about everything. The current couple changes that we're proposing is that the zoning plan review is currently based on the value of the project. This is just like how we assess building permit fees.

However, staff is proposing to change this to a flat \$20 for one- and two-family dwellings \$5 per 1000 square feet of site for multifamily units at \$7.50 per 1000 square feet of site for commercial plans. This will substantially lower costs. Per zoning plan review, we didn't feel that it was necessary to charge a percentage rate twice in addition to the building permit fee that we're currently assessing which is 2% for the city of Fairmont. This would just make those kinds of lower fees. One goal we would accomplish a lower fee for single family home plan review, which honestly, honestly, most of the time I get a napkin sketch of where they want to stick their one house on property, what their setbacks are, and it takes me about five minutes or less to look over that. We're proposing just \$20 for that and then with the other two rates, I know the other towns do flat fees or per acre, but if you convert the square feet two acres does end up being less the actual code itself. We just verify five by landscaping setbacks and trees and lighting standards and it's mostly redundant at a certain point so we don't feel it's fair to charge too high fees there.

We're also going to clarify that when somebody applies to the board of zoning appeals, for each item that they apply for, they have to pay the fee. The way Fairmont currently has it set up does create a significant burden on both the staff and the BZA. For example, you go to a community that has standards like we have right now it's per application, not per item they're requesting. A developer can come in get 15 variance requests on one application and the BZA is mandated to hear out each of those 15 requests and overall charges \$25 plus any notification fees for all those things. We're going to have to sit there and vote on one by one. Instead, we'd like to make sure that people are being very intentional and are going for the exact things that they need and are being fair and reasonable about the exceptions they may request to the city's zoning regulations. That would also apply to conditional use permits and that would also apply to appeals.

We are also proposing to adjust the minor subdivision fee from \$30 to \$40. Given the time we do mostly minor subdivision reviews, and given the time and the expertise that takes with those we feel like \$40 and still below the other communities and in terms of their fee structure, but we feel it's a fair fee to be charging for that service we provide.

President Greene asked if there was any one present in favor of the request, there was no one. He then asked if there was any one who was opposed to the request. There was no one. He then closed the public hearing. He then asked if there was a motion on the request.

Commissioner Majic made a motion to approve, Commissioner Wean seconded the motion.

Roll Call Vote: Commissioner Greene- Yes; Commissioner Jura- Yes; Commissioner Richardson- Yes; Commissioner Straight- Yes; Commissioner Wean- Yes; Commissioner Yann – Yes; Commissioner Majic- Yes

Motion was approved to amend the zoning code.

President Greene stated that appreciated your effort to combine all this and that's definitely going to make it easier

- 4.** PC 22-12- City of Fairmont is petitioning to Amend Article 2 Definitions and Measurements to add a definition for the term Substantial Improvement for potential later use in within the zoning code.

Director Strait stated Substantial Improvement is a definition that exists in the International Building Code. It pertains to percentage of improvements to a property based upon the current market or appraised value of that property. It's 50% of the market value of the structure before the start of construction and improvements. This will be good in the future because it helps make our use of the zoning code be consistent with the building code to help make how standards are applied predictable for people doing development and improvements in our community. We would do substantial improvement, exactly the same as the building code. But we want to do a full review of the code first and double check on several things like landscaping standards and window and door requirements. Also, make sure it's congruent or if we should create specific exemptions, so we already had a written for the definition at least one goes ahead and put it in here and see what you all thought of it as well.

President Greene asked if there was any one present in favor of the request, there was no one. He then asked if there was any one who was opposed to the request. There was no one. He then closed the public hearing. He then asked if there was a motion on the request.

Commissioner Wean made a motion to approve the request, Commissioner Straight seconded the motion.

Roll Call Vote: Commissioner Greene- Yes; Commissioner Jura- Yes; Commissioner Richardson- Yes; Commissioner Straight- Yes; Commissioner Wean- Yes; Commissioner Yann – Yes; Commissioner Majic- Yes

Motion was approved to PC 22-12.

- 5.** PC 22-13 The City of Fairmont Planning Commission is petitioning to amend the rules and regulations for the Planning Commission to do the following: amend to required filing period for petitions to permit for reasonable time for staff to perform all necessary work to prepare the petition for a public hearing; amend the order of business to expand on the procedures to help create more clarity for participating in the public hearings; amend the meeting requirements to reflect the state code by removing specified months; amend the meeting dates from the third Wednesday to the third Monday of every month in hopes to increase participation by the public and to reduce conflicts with other evening events in and around Fairmont.

Director Strait went on to discuss the proposed petition. He first pointed out the meeting dates and the day in which that occurs. Right now, the requirements are that you must meet every January, April, July and October, which is an additional standard applied under your rules. The state code only requires that you meet at least quarterly. We had proposed to strike that through to reflect what the state code is. And then in that same amendment there and 1.2. We struck through Wednesday and then added the word Monday.

We had in part 1.9 which is conference meeting and work sessions. We have simply done a strikethrough on the third Wednesday of each month since it's already stated when your regular meetings are held because it says an after prior for regular meetings so we thought that language was repetitive.

The next change occurs with the order of business and we have placed in here underneath public hearing and elaboration of the kinds of steps to include when the public engages with the commissioners and the petitions before you all so they can see that there are moments for discussion, and it clearly stated that then after that, including after rebuttal clarification from petitioner to request closing of the hearing and discussion among you all before proceeding on to action.

We had then adjusted number 3.3 to change the filing with the city planner rule from five business days, which there is no way we can meet that requirement now to 25 days. So just under a month. So little more than three weeks out so we have time to prepare legal ads reviewed for completion and prepare a report for you all. Then our next amendment does not occur until under Part five, which is motions and procedure of motions. We noticed there was language used in here that's not used by boards, commissions and councils that often anymore.

The way it's written now you're supposed to say instead of I call for a vote to, which is what you all actually say. You're actually under your rules required to say for the previous question. Most boards and commissions and councils today modernize rules and use something like they just say it plainly call for vote, which is what you all do, we just proposed put that in there.

There are four motions that you all make that are supposed to occur immediately. In other words, when someone makes the motion, then it's seconded and recognized and set again by the President. We have to immediately go to vote there's no further discussion on the motion. I want to make sure that that is clear because that is in the rules and to make it clear we are not just add a little bracket afterwards it says that that if you go to make that motion, it's vote without debate on the motion. And then we amend section 5.4 to reflect the same language that we had done earlier. We added a subsection 5.4 point one to clarify what the motion actually is that you all commonly make, which is the call for vote to forward a matter to city council.

We also want to make sure that under Robert's Rules that you have to frame that vote always in the positive. Even if you all are opposed to something you say, I call for a vote the forward this favorably on to city council you never actually say the negative. You're always framing the positive and then you all vote in the negative. That's the way those procedures are supposed to work to make sure it's clear for the public and clear for the record. The action that you all did take and the recommendation you all make the Council on these potential changes to the law.

The only other change that is the very end is a portion about ex parte communication and so we added the language that is recommended about ex parte communication.

In brief summary, it's not that we're proposing to add this because we believe in commissioners doing any wrongdoing, this is about public confidence in the process and how we handle our discussions on matters. Ex parte contact, it's defined here, but essentially somebody with a stake or some type of interest and an item that we are discussing here, approaches you all outside the meeting and has a discussion that could sway your opinion or your vote on the matter.

This is just a basic rule we could add that says if you all that ex parte contact is prohibited. Sometimes it's unavoidable. And so, we wrote that in here too. It's going to happen. Somebody's going to walk up to you. It's important than for you all, when you come to the meetings if you agree to this rule, to state that you were approached this was the dialogue we had and this was the information disclosed during that conversation and you say it to your fellow commissioners and to the public, so that we can maintain transparency about what's happening on these decisions.

Commissioner Strait stated that people should already be aware of that. And also added also you want to include this planning commission, but I think you need to go a little bit further. And staff is included. In on that. You know, we're, they're persuaded to look another way. And I was reading something this evening. Where a guy was persuaded, he was planning zoning in Florida. And he got arrested because he did a favorable favor to somebody that was getting something done. And he was staff. This wasn't a board. This was a staff.

Director Strait responded with the following there are ethics rules that apply to all planning staff. It's necessary for the public who might be watching. If staff is ever believed to have committed an ethics violation of that sort, they can file with the American Planning Association, and they will conduct an investigation to see if we have violated any of the ethics that were upheld to buy them. So, they are who regulates planning officials. To conduct an independent investigation, it won't it's not the city manager, necessarily, although she has the right to do that if she wants to also but we do have controls on the work that we do and roles that we have to abide by pertaining to that. So that is unfortunate to hear. And I can say that. On the counter side, too. I have talked to many planning commissioners and other cities, and they've definitely been wined and dined to no end on big projects. But that's the rules, right? There's no rule against it. And so, people can do that. It's not against the law, and this doesn't make it

against the law. It's just it's a rule that we hope to abide by and to uphold. It's made clear this is nobody gets in trouble unless wants to walk around and slap you on the wrist.

President Greene asked if there was any one present in favor of the request, there was no one. He then asked if there was any one who was opposed to the request. There was no one. He then closed the public hearing. He then asked if there was a motion on the request.

President Greene did have one possible amendment. This is something that we talked about last week, and I was suggesting we talked about making sure that we gave the public time when we started this Monday meeting. So, I was going to suggest that we amend the language in 1.2. To say something like beginning in January of 2023. regular meetings shall be held on the third Monday of the month.

Commissioner Yann asked that's since we're having a within about a month, possibility of more than 60 70% of that council is going to change and would it be prudent maybe to let that new council decide this rather than the old council.

President Greene proposed to amend it to start in March and no later.

Commissioner Straight to make a motion that we leave it as is, the third Wednesday of the month.

President Greene then asked to withdraw that motion and rather than make that motion that amends the text and then we can make a motion. For the purposes of clarity, I'm going to move that we approve this amendment to include the amendments to Section 1.2 that that leaves the language as written in the original document regular meeting shall be held on the third Wednesday of the month.

Commissioner Straight Seconds the motion.

Roll Call Vote: Commissioner Greene- Yes; Commissioner Jura- Yes; Commissioner Richardson- Yes; Commissioner Straight- Yes; Commissioner Wean- Yes; Commissioner Yann – Yes; Commissioner Majic- Yes

Motion was approved to add the language to set the date to change meeting no later than March 1st.

ADJOURNMENT

President Greene asked for a motion to adjourn meeting. **Commissioner Straight motioned to adjourn the meeting; Commissioner Yann seconded the motion. All were in favor. Motion approved**