

MINUTES

City of Milton Planning Commission Regular Meeting April 22, 2008, 7:00 PM

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ROLE CALL

Commission Members Present: Paul Moore
Curtis Mills
Cary Schlenke
Fred Edwards
George Ragsdale
Jennifer Fletcher
Joe Craemer

City Staff: Robyn MacDonald, Community Development
Mark Law, City Arborist

INVOCATION

The invocation was lead by Commission Member Curtis Mills.

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

Chair Paul Moore called the meeting to order.

RULES AND PROCEDURES OF MEETING

Chair Paul Moore read the Rules and Procedures of the City of Milton Planning Commission, including procedure for filing out public speaker cards and time allowance for speaking.

CONDITIONS AND STATEMENT OF COMMISSION

Chair Paul Moore read the conditions and statement of the Commission.

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**PLANNING COMMISSION AGENDA
April 22, 2008
7:00 p.m.**

	Description	Meeting Dates**	Staff Recommendation
I. Invocation			
II. Call to Order			
III. Pledge of Allegiance			
IV. Public Comment			
V. Approval of Minutes	Minutes from the March 25, 2008 Planning Commission Meeting		Approval
VI. TEXT AMENDMENTS Deferred			
A. RZ08-02	To amend Article 28, Rezoning and Other Amendment Procedures in the City of Milton Zoning Ordinance	MCC Work Session – 2/11/08 PC- 4/22/08 MCC-5/19/08	Approval Conditional
VII. TEXT AMENDMENTS New			
A. RZ08-03	Article 12G – Hwy 9 Overlay District – Scope of Design Review Board	MCC Work Session – 3/10/08 PC- 4/22/08 MCC-5/19/08	Approval Conditional
B. RZ08-04	Article 12H - NW Overlay District – Scope of Design Review Board	MCC Work Session – 3/10/08 PC- 4/22/08 MCC-5/19/08	Approval Conditional
C. RZ08-05	Article 12H1- Crabapple Crossroads Overlay District – Scope of Design Review Board	MCC Work Session – 3/10/08 PC- 4/22/08 MCC-5/19/08	Approval Conditional
D. RZ08-06	Article 12H2 – Birmingham Crossroads Overlay District – Scope of Design Review Board	MCC Work Session – 3/10/08 PC- 4/22/08 MCC-5/19/08	Approval Conditional
VIII. OTHER ITEMS			
A. LU08-01	Focus Fulton 2025 Future Land Use Plan Map Amendment – 25888 Hopewell Road	MCC Work Session – 4/21/08 PC- 4/22/08 MCC-5/19/08	Approval Conditional
VIII. ADJOURN			

PUBLIC COMMENT

Chair Paul Moore called for public comment.

There was no public comment.

Motion and Second: Fred Edwards made a motion to close public comment. Cary Schlenke seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

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APPROVAL OF MINUTES

Chair Paul Moore called for a motion to approve the March 25, 2008 Planning Commission meeting minutes of the Planning Commission.

There was no discussion.

Motion and Second: Cary Schlenke moved to approve the March 25, 2008 Planning Commission meeting minutes. Seconded by Joe Craemer. There was no discussion. Vote: 7-0. The motion unanimously carried.

Chair Paul Moore asked Staff Robyn MacDonald to call the first agenda item.

Staff Robyn MacDonald:

- Stated it was a deferred Text Amendment from March's meeting, **RZ08-02, to Amend Article 28, Rezoning and Other Amendment Procedures in the City of Milton Zoning Ordinance.**
- Staff recommended approval conditional.

Chair Paul Moore:

- Asked Staff to go through the documents page by page.

Staff Robyn MacDonald stated:

- In the first section there was just some cleaning up like changing "Community Zoning Board" to "Planning Commission" and "Board of Commissioners" to "Mayor and City Council."
- First couple of pages was clean-up from Fulton County.
- Page 28-2 starting with "Petition Requirements" there were some changes. No. (8) under 28.2.4, added PDF instead of transparency, (12) Public Participation Report changed *Mayor and City Council* meeting. Stated needed to also add that the Public Participation Report shall be due no later than 7 days prior to the Planning Commission meeting.

George Ragsdale:

- Stated to be consistent it needed to say *7 days before the Planning Commission and an update prior to the Planning Commission meeting.*

Staff Robyn MacDonald continued:

- Under No. (13) changed to say *traffic impact study* instead of just *traffic study* as required by the City of Milton Right-of-Way Ordinance.
- Deleted the *Metropolitan River Protection Act* as that applied to the Chattahoochee; also the MARTA Corridor Plan was deleted out of 15. The rest remains except the renumbering changes.
- Next section, 28.3, Public Hearing and Notice Requirements, changing *Board of Commissioners* to *Mayor and City Council*. Adding that the Community Zoning Information Meeting will be a required meeting for the process and shall read *shall hold a public hearing following a Community Zoning Information Meeting and a Public Hearing by the Planning Commission where a recommendation was made on the petition.*
- Also added Notice of the CZIM meeting shall be given at least 14 days prior to the date of the CZIM. Also changed to the proper entities.
- Added a new paragraph at the top of page 28-4 that reads: *The applicant or agent shall post a sign as issued by the Community Development Department in a conspicuous location on each street frontage of the subject property not later than 5:00 p.m. on the 14th day prior to the CZIM meeting.*

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George Ragsdale thought it would be best to do away with the 5:00 p.m. insert and just say *at least 20 days prior to the next scheduled hearing date*. Also striking the 5:00 p.m. in the prior paragraph as well.

Staff Robyn MacDonald continued:

- On page 28-4 the paragraph starting with, -- *The sign shall be mounted* ---, the second sentence shall read, *Property that is not posted by* instead of "on" *the 20th day before the scheduled first hearing date*, etc.
- Paragraph starting *When the* -- made entity changes.
- Next paragraph starting with *The Department*, added *or current residents* ---with a minimum of 50 owners.
- Last sentence in same paragraph shall read *Renotification by mail is required when a petition is recommended for deferral by the Planning Commission and is deferred for any amount of time by the Mayor and City Council*.
- The "or" in the sentence will be replaced with "and."

George Ragsdale said in all cases it should read "and."

Discussion between George Ragsdale and Paul Moore regarding use of "and."

Staff Robyn MacDonald continued:

- So it will read *and/or* instead of just *and*.

George Ragsdale restated the changes:

- *Renotification by mail is required when a petition is recommended for deferral by the Planning Commission for any amount of time and/or deferred by the Mayor and City Council*.
- Mayor and City Council can defer without this Commission's approval.
- This change should be in both paragraphs. *When the Planning Commission recommends deferral and/or* the Mayor and City Council defers a petition.

Staff Robyn MacDonald continued:

- The last paragraph would just remain "and" because it refers to all three different meetings.
- Next page added the Rezoning/Use Permit Flow Chart - will remove the 5:00 p.m. from chart.
- On page 28-6 changing the entities.
- Under **Environment Site Analysis**, added a subparagraph (h) regarding specimen trees.
- On page 28-11 changed entities and in paragraph beginning with *Dialogue*, wherever the word "meeting" appears, change to "hearing." In last sentence will read *Planning Commission and/or the Mayor and City Council may defer an application*.
- Under A., Public Participation Plan, (3), added at the end *prior to the first Planning Commission hearing*.

Discussion about use of word "meeting" versus the word "hearing."

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Staff Robyn MacDonald continued:

- Stated it is considered a public hearing.
- Said she was comfortable calling them hearings and would make a global change in the document to change the word "meeting" to "hearing."
- B. on page 28-11, Public Participation Report, added before *the Planning Commission hearing and an updated report no later than seven (7) business days before ----- Mayor and City Council's hearing. These reports shall be made a part of the official file and a summary will be provided to the Mayor and City Council.*
- Small change on page 28-14 under Zoning Maps, and Geographical Information System will be amended to reflect the land use petition approvals. Remainder was deleted.
- Last section was deleting references to expirations and extensions of zonings and/or use permits.
- It was determined by the City Attorney that that should not be in the document, so all those references were taken out.
- Reason is due to the State Zoning Laws that have to be complied with.
- Stated this was the remainder of the changes.

Motion and Second: George Ragsdale moved to approve the Text Amendments to Article 28 as presented by Staff Robyn MacDonald with the discussed changes by the Planning Commission. Fred Edwards seconded the motion. There was no discussion. Vote: 7-0. The motion unanimously carried.

Staff Robyn MacDonald stated the next item was new Text Amendment **RZ08-03, Article 12G, Hwy. 9 Overlay District - Scope of the Design Review Board.**

- Stated Staff recommends approval with edits in Article 12G.
- First change appears on Page 2, 12G.3, added *for approval* and striking after standards, *here and shall make recommendations to the Community development Department.*
- Next change was after Demolition Permit, added *for both residential and non-residential* or Primary Variance.
- There were no additional changes until page 11, 12G.7, Appeals, in the first sentence changed *Department of Community Development* to *Design Review Board* and then deleted *Board of Zoning* and added *Director of Community Development*. Last portion deleted *department* and changed to *Design Review Board*.
- Last item was the State Route 9 Overlay District Map.

George Ragsdale:

- Stated the map needed to be changed as it shows the portion of the NW in the lower left-hand corner.

Staff Robyn MacDonald stated:

- The map would be changed and would replace the current map with a new one correcting the correct boundary with Alpharetta.
- Agreed to read through all the amendments before voting on each.
- Read the next Text Amendment, **RZ08-04, Article XII-H, Northwest Fulton Overlay District**
- Discussed with City Attorney the preamble to the Northwest Fulton Overlay District and he stated it was not necessary so it was removed.
- Read on page 2 in the middle of the page under *Design Review Board* the last paragraph, added *for approval* and then deleting *herein and shall make recommendations to the Department of Community Development*.
- On page 14 under *Appeals*, deleted *Board of Zoning Appeals* and inserted *Director of Community Development* and changing *Department* to *Design Review Board*.

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- On page 23, will make the same change to the Northwest Fulton Overlay District Map showing the corrected GIS map showing the correct boundaries and also including the Hopewell Road property.

Staff Robyn MacDonald continued:

- Read the next Text Amendment, **RZ08-05, Article XII-H(1), Crabapple Crossroads of the Northwest Fulton Overlay District.**
- Deleted the preamble on page 1.
- Page 3, 12H(1).3, Design Review Board, added *for approval* and deleted *herein and shall make recommendations to the Department of Community Development* and added to the last sentence for clarification purposes.
- Stated she did not believe the Crabapple Overlay addresses appeals, but would default back to the Northwest Fulton Overlay.
- Stated she would finish discussing and then the Commission could make a motion for each text amendment.
- Read the last Text Amendment, **RZ08-06, Article 12H2, Birmingham Crossroads Overlay District.**
- This has never been touched from Fulton County as far as she could determine.
- Deleted the preamble and changed globally "Fulton County" to "City of Milton."
- Changing "Resolutions" to "Ordinances."

George Ragsdale:

- Pointed out to Staff Robyn MacDonald that at the end of the first paragraph at the top of page 2, there was some text missing. Stated the picture may have covered it, but she should check this.

Chair Paul Moore:

- Asked Staff if there was anyone to check this out tonight.

Staff Robyn MacDonald stated:

- It was from the original Zoning Ordinance, but she would research it.

Staff Robyn MacDonald continued:

- Page 3, at top of page, added *for approval*. Deleted *and shall make recommendations to the Department of Community Development* and added at the end *and for both residential and non-residential structures for* and added *Permit* in the last sentence.
- It had been an adopted Fulton County's Ordinance, so she would go back and look at it, as it was a certified copy.
- Had her intern go check on the computer.
- Told Commission she was confident it would be in the Muni-Code version that was certified by the county.
- Stated if they cannot find it, then the Commission could defer it or make it conditional that the original certified language be inserted.

Board Discussion about their not being comfortable approving something with there being a portion of the text missing.

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Staff Robyn MacDonald stated:

- She was done presenting and the Commission could open the meeting up to a public hearing.

Chair Paul Moore called for public comment.

PUBLIC COMMENT

Kathi Cook, 14670 Birmingham Highway, Milton, GA

Speaking on RZ08-02, 03, 04, 05 and 06.

- Stated she was the Chairman of the Design Review Board for the City of Milton.
- Represented to the Commission that she had advised the DRB members that she would be speaking at the Planning Commission Meeting.
- As far as she knew, there were no objections from her board members.
- She stated there were some changes that the DRB was not made aware of and saw them on the agenda for tonight.
- Would like to have the opportunity to review these as a courtesy before any action is taken by the Planning Commission.
- Stated the next DRB meeting was in two weeks.
- Had asked Staff to add more teeth to the Overlay for the purview of the DRB.
- Looked at other city ordinances and put forth some of the recommendations that were made tonight.
- Stated she had met with Tom Wilson and showed him the ordinances from Roswell and Alpharetta and he said he was more comfortable with the City of Roswell.
- Design Review Board looks at things and can make sure that the project meets standards and above.
- Stated she did not want a person that has been given direction by the DRB to go over to Staff and try to convince them to overturn that decision because they say they pay impact fees or have built a road for the city.
- Stated that Staff has a different relationship with the developer so this can put them in an awkward position.
- She said she has been in these situations and felt it would be better to have those matters sent back to another board.

Curtis Mills:

- Asked Kathi Cook if she believed the Board of Zoning Appeals would be in a better position to interpret the technical standards against which their decision should be made than a citizen theoretically non-professional committee.

Kathi Cook:

- Stated that if it went to the Board of Zoning Appeals, she believed that Staff writes the recommendations.
- If an appeal proceeded, they would actually show them the portion of the code, and they would have the information before them similar to this board which would have the information presented by Staff.
- The Board of Zoning Appeals could make a decision based on what was presented before them.

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Staff Robyn MacDonald

- Stated Staff did not make recommendations to the BZA.
- Staff only provides information to them, but do not give recommendations.
- Staff would just present the same information to the BZA that was presented to the DRB. Staff stays neutral with the BZA.

Curtis Mills:

- Asked Staff if the appeal in a sense would be just a second opinion of the same initial facts.

Staff Robyn MacDonald stated:

- In her opinion, yes or there may be additional material, but basically she believed it would just be a second opinion.

Chair Paul Moore:

- Asked Kathi Cook if the DRB had discussion to express some of the concerns presented to them this evening.

Kathi Cook:

- Stated they did address this in February, and they were put on a work shop agenda in March for City Council meeting.
- She advised that City Council had asked for additional information to be presented to them.
- Said she heard nothing until she saw this was on the agenda tonight.

Chair Paul Moore:

- Asked Kathi Cook if based on the reasons for her concerns, had the DRB thought about coming up with a list of conditions regarding standards, colors, etc.

Kathi Cook:

- Stated there was just no way of covering everything.
- She reiterated a case that made the Board take a closer look at their purview.
- She said there is nothing that would cover everything in a code.
- Said there are a lot of members with design and planner backgrounds, but did not believe they could put everything in an overlay that would cover everything.

Kathi Cook:

- There are some requirements for appointment to the Design Review Board.
- The members have to have some type of technical experience.

Staff Robyn MacDonald:

- Stated that was correct, just for the Design Review Board.

George Ragsdale:

- He was concerned that there may be by-laws requiring some expertise of the board, but the members were still appointed and not elected members.
- He stated to Kathi Cook that she had said she was concerned about putting the Community Development Director in an uncomfortable position with respect to the applicant.
- He said he was uncomfortable with putting an elected board in that kind of position with respect to the City Council.
- If the Council did not happen to agree with the decision, that would not work.

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- Secondly, the way the ordinances have been written, the exact point that Paul Moore talked about is really critical.
- It would only allow them to make decisions on those things that were covered in the standards.
- He told Kathi Cook the example she gave was not covered in the standards and she would still be in the purview of only making a recommendation.
- He said that was probably not where she wanted to be.
- The ordinance as amended does not give the board carte blanche to make decisions on everything that comes before them, but only the rights to review those with respect to the design guidelines in front of them.

Kathi Cook:

- If they are looking at this now and it is changed, then it goes back to city staff, then there may be some additional changes they would recommend.
- Ultimately it would be your decision with City Council, but there might be other portions of other ordinances that they may like to incorporate and be able to present for consideration.

George Ragsdale:

- If it is going to work that way, it has to be dependent on some codified set of design guidelines that can be used.
- Gave an example that if there are two choices in the city for a type of fence, the DRB would not have the right to make the decision on which one would be right or wrong. If it is either/or then the applicant would have the right to do either/or if that is the way the ordinance is written.
- He stated he personally was in favor of giving more time for this matter because there is a lot of work that needs to be done and was personally uncomfortable with the idea of a volunteer board, an appointed board, having decision rights.
- Was absolutely fine with beefing up the design guidelines, but believes this should be in a recommendation capacity as opposed to a decision-making capacity.

George Ragsdale:

- Asked Robyn if she wanted to finish this issue or continue with the discussion and go back to this issue.

Cary Schlenke:

- Stated she thought she understood her reason for deferring to talk with the Community Development Director and the DRB members about the appeal process change.

Kathi Cook:

- Said the Community Development Director asked her personally if she would support it being changed to that and she stated no, via an email.
- Did not know he had actually changed it or she said she would have presented it back to the DRB members and told them that was what was being recommended and what should they do as a board.

Cary Schlenke:

- Asked for clarification if at the City Council Work Session they asked for additional information and what was it and whether it was in reference to the appeal process.

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Kathi Cook:

- It was her understanding it was going to be put on the agenda for another City Council Work Shop.
- Stated they had asked Staff when it was going to be put back on the work shop and they indicated that was not their understanding.
- The next thing she saw was the change.
- Stated they liked the first part of it and that Staff took the initiative, but she believed it just sent a little too fast and passed them.
- Realized it was just being asked as a courtesy because it did not have to have the blessing of the DRB, but she wanted to be able to take it back to the DRB members.
- Told PC the next DRB meeting was the first Tuesday in May.

Curtis Mills:

- Asked about protocol of voting for a deferral or going forward.

George Ragsdale:

- If they choose to defer, they can defer the whole thing.
- Stated his concern was that the board's deferral was only a recommendation and City Council could make their own decision.

Staff Robyn MacDonald:

- Said it would not go on the agenda for 30 days if they defer.
- She would pull the item and it would come back to the PC.
- Reminded PC members that they would need to make a motion for each individual item.

Motions on Text Amendment

Motion and Second: Cary Schlenke made a motion on **RZ08-03, Article 12G, Highway 9 Overlay District Scope of Design Review Board** that it be deferred for thirty (30) days. Joe Craemer seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

George Ragsdale:

- Asked staff if it could be at their next meeting on May 27th, as 30 days would be beyond that date.

Cary Schlenke:

- Made a friendly amendment to her motion.

Motion and Second: Cary Schlenke made a friendly motion on Text Amendment **RZ08-03, Article 12G, Highway 9 Overlay District - Scope of Design Review Board** that it be deferred until May 27, 2008. Fred Edwards seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

Motion and Second: Cary Schlenke made a motion on Text Amendment **RZ08-04, NW Overlay District - Scope of Design Review Board** to defer until May 27, 2008. George Ragsdale seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

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Motion and Second: Cary Schlenke made a motion on Text Amendment **RZ08-05, Article 12H1, Crabapple Crossroads Overlay - District Scope of the Design Review Board** that it be deferred until May 27, 2008. Fred Edwards seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

Motion and Second: Cary Schlenke made a motion for Text Amendment **RZ08-06, Article 12H2, Birmingham Crossroads Overlay District - Scope of the Design Review Board** that it be deferred until May 27, 2008. Jennifer Fletcher seconded the motion. There was no discussion. Vote: 7-0. Motion unanimously carried.

Chair Paul Moore thanked Kathi Cook for her presentation and asked Staff Robyn MacDonald to present the next agenda item.

Staff Robyn MacDonald

- **Presented LU08-01, Focus Fulton 2025 Future Land Use Plan Map Amendment - 25888 Hopewell Road**
- Stated Staff recommended this parcel of land be designated by Resolution to be 1 to 2 units per acre.

Curtis Mills:

- Concern was he thought Hopewell having some protection against density along the road.
- Uncomfortable making a blanket recommendation of 1 to 2 units per acre.

Staff Robyn MacDonald:

- Stated the correct forum would be at a rezoning petition case was being heard.
- Said the precedent would be by past board policy.

George Ragsdale:

- Stated it was only land use.

Chair Paul Moore:

- Asked Staff if this was AG-1 land, would they be setting a precedent by suggesting that in this AG-1 land that 1 to 2 units per acre is okay with the PC per this review when historically in AG-1 land allowed 1 unit to the acre.

Staff Robyn MacDonald:

- Stated she would respectfully disagree with that assumption that it has been 1 unit per acre.
- Past history has been that it ranges in most recent board policy would be what is now Vickery Crest under construction No. 9, 05Z-135, and the max units per acre is 1.88.
- Based on the Land Use Plan that was enacted at the time and would have been consistent with that land plan.
- Said that they required one acre around Hopewell.
- Their policy would probably be that they would not exceed 1.88.

Further Staff discussion with PC members about units per acre.

George Ragsdale:

- Told Commission that this site theoretically had sewer access on the edge of the property.

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Staff Robyn MacDonald:

- Stated the sewer was on the east side.
- Same property owner who owns this property and the property to the south (No. 7).
- The parcel is really all one.

Discussion with Staff and PC members about sewer referencing site map.

Cary Schlenke:

- Asked how this was different than John McMillan's or Ken Morton's sewer on part of their zoning but not the other part.

Staff Robyn MacDonald:

- Stated that was the Resolution for the Inter-Basin Transfer.
- The Resolution specified that land along the west portion can connect.
- Those basins within the Inter-Basin Transfer are only land lots that are adjacent to Highway 9.
- This property is not a part of that.
- It does not go all the way down and pass through Alpharetta and back into Milton.
- Stated it stops just south of Windward.
- Stated in her opinion from a professional standpoint and from a physical engineering standpoint, if the applicant has gravity to hook up sewer and there was enough capacity in that basin, there would be nothing keeping him from hooking up the sewer.
- This is her professional opinion.

Lengthy discussion with Staff and PC members about the sewer issue.

Cary Schlenke:

- Stated they need to look at the big picture.

Fred Edwards:

- Said his concern was for example looking at No. 7 he would rather be comfortable and change that to residential instead of coming in with commercial that currently he could do.
- Currently he could also do No. 7 and No. 4 all commercial.

George Ragsdale:

- Stated he felt they were still confusing and mixing land use and zoning issues.
- Even if the Land Use Plan says it is 1 - 2 acres, it is still zoned AG-1.
- Would have to get a variance to that zoning if he desired to do something different.
- This really is only to make the map consistent.
- Asked Staff if PC was recommending a Resolution by City Council.

Commission Discussion with Staff about the Land Use Map.

Staff Robyn MacDonald:

- It would be a recommendation based on Staff's recommendation.

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Motion and Second: George Ragsdale moved that City Council accept Staff's recommendation that the Land Use Map be amended to indicate that the parcel at 25888 Hopewell Road be designated 1 - 2 units per acre on the Land Use Map. Joe Craemer seconded the motion.

Discussion:

Curtis Mills:

- Should have saw this when he looked at the map he had marked.

Vote: 7-0. Motion unanimously carried.

OLD BUSINESS

Fred Edwards:

- 2-3 months ago the Commission voted for a Crabapple moratorium and requested a recommendation be sent to City Council.
- Nothing to his knowledge has been brought forward or discussed.
- Asked Staff where they go from here regarding this matter.

Chair Paul Moore

- The Commission unanimously agreed to the letter that was presented to Staff.
- Not sure of the status.

Staff Robyn MacDonald:

- Stated it was her understanding that someone gave the letter to the Mayor.

Chair Paul Moore

- Responded he gave the letter to Robyn MacDonald.

George Ragsdale

- Said letter or not, they made a formal request to City Council that they had not had a response to in one way or another.
- Stated on May 11th it will be three months since their request was made.

Staff Robyn MacDonald:

- Remembered they agreed to do a letter.
- Could not remember what happened to the letter.

Fred Edwards

- Stated he remembered at a City Council Workshop that the City Attorney took it to present to Council and that is where it stopped.

Staff Robyn MacDonald:

- Remembered that it was Angie Davis and she said she was going to do some research.
- Would make sure the letter gets submitted.

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NEW BUSINESS

Curtis Mills:

- Had asked Chairwoman Kathi Cook if she had permission to speak on behalf of the Design Review Board.
- Concerned over what had happened with Heidi Sowder and the BZA.
- In his opinion he thought the Chairman or Chairwoman had the authority to speak on behalf of their board whether they approved it or not.
- They would be according to their own judgment subject to summary termination.
- Did not think they had the right to challenge the elected chair of the boards or commissions to declare that their commission or board approved their attendance at a meeting or the position they took.

Discussion about Board and Commission members speaking in public on behalf of their Boards and Commissions.

George Ragsdale

- Do not think any of them as individuals lose the right to speak as individuals.
- Need to make the distinct difference between speaking as individuals and speaking as members of the Commission in his opinion.
- Kathi Cook signed on the public comment card that she was representing that board.
- If she was not, she has at least perjured herself.
- His opinion is that unless it was something they had voted on, he did not think anyone of them should be able to represent the opinion of the board.
- Believed they probably should have said unless you are authorized by your board to say what she was going to say, you probably need to speak on your own behalf.

Curtis Mills

- Asked Staff to please follow up with Council.

Chair Paul Moore:

- Talked with Staff Robyn MacDonald about the Saturday morning ethics code of conduct training.
- Asked about sacrifices his rights as an individual citizen when he speaks at a committee and free speech.
- Stated board representatives should never go before City Council or any other panel of any kind representing this city or board without the firm commitment and voted authority given by their board given to that person speaking.

Continued discussion about speaking at meetings as a board member or in an individual capacity.

Cary Schlenke:

- Stated she understood the discussion among the Commission tonight about public speaking.
- Wanted to be careful they did not hang another member of another board by pointing this out.
- Understands what has been discussed.
- Do need to protect ourselves, but we still have freedom of speech so it is a fine line there.
- Do not believe she handled the presentation correctly and did try to get her to restate it.
- She did state she had sent out an email.
- We do not know if everyone responded.
- If there are objections, believe she should get a slap on the wrist, but not anything harsher.

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- What she heard tonight about her background was a different set of facts than what she heard from Tom Wilson.
- Tom Wilson brought up valid points and Kathi Cook did as well.

Curtis Mills:

- His earlier comments were not to suggest any malfeasance.
- Was just questioning their authority to even ask the question.
- Not questioning anything Kathi Cook said.
- Questioning whether a board or commission has the right to ask another board or commission member if they were speaking on behalf of their board or individually.

George Ragsdale:

- Stated he personally felt they had the right to ask.
- In doing so would be doing her a favor.
- If things like this issue are to be enforced, then they need to be enforced consistently.
- Troubled by representations by HOA speakers stating they are speaking for that association.

Cary Schlenke:

- Asked Staff for a copy of their E & O Policy and how it relates to board members.

Staff Robyn MacDonald:

- Stated she would check with the City Attorney.

ADJOURNMENT:

Motion and Second: Fred Edwards moved to adjourn the meeting. Joe Craemer seconded the motion. There was no further discussion. Vote: 7-0. Motion unanimously carried and meeting was adjourned.

Meeting adjourned at 9:00 p.m.

Dated Approved: _____

Francesca Ivie
City Clerk's Office

Paul Moore, Chairman
Planning Commission

**Planning Commission
Regular Meeting
Tuesday, April 22, 2008**

- What she heard tonight about her background was a different set of facts than what she heard from Tom Wilson.
- Tom Wilson brought up valid points and Kathi Cook did as well.

Curtis Mills:

- His earlier comments were not to suggest any malfeasance, to the contrary.
- Was just questioning their authority to even ask the question.
- Not questioning anything Kathi Cook said.
- Questioning whether a board or commission has the right to ask another board or commission member if they were speaking on behalf of their board or individually.

George Ragsdale:

- Stated he personally felt they had the right to ask.
- In doing so would be doing her a favor.
- If things like this issue are to be enforced, then they need to be enforced consistently.
- Troubled by representations by HOA speakers stating they are speaking for that association.

Cary Schlenke:

- Asked Staff for a copy of their E & O Policy and how it relates to board members.

Staff Robyn MacDonald:

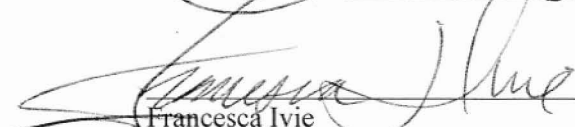
- Stated she would check with the City Attorney.

ADJOURNMENT:

Motion and Second: Fred Edwards moved to adjourn the meeting. Joe Creamer seconded the motion. There was no further discussion. Vote: 7-0. Motion unanimously carried and meeting was adjourned.

Meeting adjourned at 9:00 p.m.

Dated Approved: 6-24-08


Francesca Ivie
City Clerk's Office



Paul Moore, Chairman
Planning Commission