

**PLANNING COMMISSION
MINUTES
FEBRUARY 6, 2007
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia met at the Municipal Building on February 6, 2007, at 6:00 p.m. with Chair Janet Stockton presiding.

The following members were present:

Vice Chair John Speidel and Planning Commission Members Ina Clements, Jerry W. Greer, Sr., Derwin Hall, John Tiggle; and Planning & Zoning Administrator Paul Stockwell, Town Attorney John Boitnott, and Town Clerk Patricia H. Keatts

Let the record show that Planning Commission Member A. Milton Arrington was not present.

APPROVAL OF AGENDA

Let the record show that the draft agenda was presented to the Planning Commission for review and consideration for approval.

- Motion was made by Planning Commission Member Clements to approve the draft agenda as presented, seconded by Planning Commission Member Tiggle and carried unanimously.

APPROVAL OF MINUTES

Prior to the meeting, the Planning Commission had received the draft January 2, 2007 minutes for review and consideration.

- Motion was made by Planning Commission Member Tiggle to approve the January 2, 2007 draft minutes as submitted, seconded by Vice Chair Speidel and carried unanimously.

PUBLIC HEARING

Let the record there were no public hearings at this time.

REVIEW AND CONSIDERATION OF DRAFT SUBDIVISION AGREEMENT FOR THE TOWN OF ROCKY MOUNT

Chair Stockton opened to the floor for presentation by the Planning & Zoning Administrator:

- The Planning & Zoning Administrator came before the Planning Commission giving background information as to why the Town needed a Subdivision Agreement for potential subdivision developers/owners. He further explained that when a subdivision plat is submitted, there are certain infrastructure costs that need to be considered, with a lot of these costs being public costs, and the Town has in the past had these costs covered by a bond or a letter of credit to be supplied to the Town so if these public costs are not met, the Town could draw from either the bond or letter of credit. The Planning & Zoning Administrator relayed to the Planning Commission that the proposed Subdivision Agreement was in essence an agreement between the Town and developer/owner, with the Town specifying conditions on which the bond or letter of credit is issued to the Town and conditions the Town can draw from the bond or letter of credit.
- The Town Attorney stated that he has had time to look at the document and he and the Planning & Zoning Administrator had discussed the creation of such agreement, with the Subdivision Ordinance providing a provision of the developer/owner of a subdivision to enter into an agreement with the Town. He further stated that in the past, the Town has simply given the developer/owner a bond agreement, backed up by a bank with a letter of credit, but since the Town now will be having more complex subdivisions coming, an agreement of the nature of the proposed Subdivision Agreement is needed to make sure the Town is covered and this type of proposed agreement fits those needs. The Town Attorney further relayed to the Planning Commission that he will fine tune the draft Subdivision Agreement.
- The Planning Commission also was informed by the Planning & Zoning Administrator that the proposed Subdivision Agreement was more of an enforcement mechanism for developers/owners to meet their obligations for improvements, and it also adds a specific time frame where as the Town (according to nature and size of proposed development) can put a time frame to meet the public improvements, further giving the Town standing to actually draw on a bond or letter of credit to make such improvements.
- A question arose from Vice Chair Speidel about how the proposed Subdivision Agreement would affect small developers. The Planning & Zoning Administrator informed the Planning Commission that the proposed agreement would mostly affect major subdivisions, but if there is a need for public improvements in minor subdivision, the proposed Subdivision Agreement also could be applied.

- A questions also arose from Planning Commission Member Hall regarding where the 25% figure came from, with the Planning & Zoning Administrator stating that it came from the Town's Subdivision Ordinance and the Virginia State Code.
- Planning Commission Member Greer, along with Chair Stockton, stated that the proposed Subdivision Agreement was a good tool for the Town.

There being no further discussion, Chair Stockton entertained a motion.

- Motion was made by Vice Chair Speidel to approve recommending to Town Council the proposed Subdivision Agreement, subject to fine tuning by the Town Attorney and Town Planner, with motion on the floor being seconded by Planning Commission Member Clements. There being no further discussion, let the record show the motion on the floor passed unanimously.

REVIEW AND CONSIDERATION OF DRAFT PLANNING COMMISSION BY-LAWS

The Town Attorney presented to the Planning Commission for their review and consideration the draft Planning Commission bylaws, stating that what Chair Stockton had before her was the corrected copy for consideration for approval. He further stated that he had worked off the draft copy that Vice Chair Speidel and the by-laws committee had come up with, and after reviewing their copy, he had done very little substance changing and tweaked it to his style of format. He further stated that he had made a few changes in the language and would be happy to address with the Planning Commission paragraph by paragraph what he had changed and why. Following, is a brief synopsis of what was discussed:

- Changed language in membership by conforming to the Virginia State Code.
- In Section 3-2 – changed this to conform with the Virginia State Code.
- Shortened Article 4 quite a bit, but it still has the same meaning as the original draft, combining several things.
- In paragraphs 6-4 and 6-5, added language for Planning & Zoning Administrator and Town Attorney, with language being subject to the approval of Town Council as both positions work for Town Council (employee/employer relationship). Vice Chair stated that the committee wanted the Town Attorney in the bylaws somewhere and this change does not bother them in anyway.
- Section 3-2 was cleaned up to conform to the Virginia State Code. The Town Attorney stated that he does not feel that Town staff is in the position to grade a Planning Commission member, so this provision was taken out as the Planning Commission is an appointed committee to make recommendations to Town Council and staff is not vested with Planning Commission authority.

- It was pointed out by Vice Chair Speidel that 4-3 was taken out, but now listed as 4-2. The Town Attorney confirmed that this was correct and the language is in the Conflict of Interest Act, which is a section in the Virginia State Code that tells officials when they have a conflict of interest and when they should abstain from participating in a matter before the Planning Commission. He further stated that if the Planning Commission members think they have a conflict of interest and are not sure, he would be happy to discuss this with them.
- Left out the closed meeting section provision.
- Discussed briefly the setting of time limits for the applicants, those persons doing rebuttals, and those wishing to make public comments.

Chair Stockton and the Planning Commission members thanked the Town Attorney, Vice Chair Speidel and the by-laws committee for their time and commitment on working on the draft bylaws.

There being further discussion, Chair Stockton entertained a motion.

- Motion was made by Vice Chair Speidel to adopt the bylaws with changes as presented by the Town Attorney, with motion on the floor being seconded by Planning Commission Member Clements. There being no further discussion, let the record show that the motion passed on the floor unanimously.

OTHER BUSINESS

- The Planning & Zoning Administrator informed the Planning Commission that as of right now, their March meeting will have five public hearings.
- Planning Commission Member Clements questioned if the Planning & Zoning Administrator had received an update from Stepping Stone missions, with the Planning & Zoning Administrator informing her that he is supposed to receive a written report from her. It was the consensus of the Planning Commission that a written report from Stepping Stone Missions would suffice and that they would not have to appear before the Planning Commission to give a report in person.

Let the record show that there was no other business to discuss at this time.

ADJOURNMENT

There being no further business to discuss, Chair Stockton entertained a motion to adjourn.

- Motion was made by Planning Commission Member Clements to adjourn at 6:55 p.m., with motion on the floor being seconded by Vice Chair Speidel and carried unanimously.

Janet Stockton, Chair

ATTEST:

Patricia H. Keatts
Town Clerk

/phk

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