

Minutes of the Syracuse Planning Commission Regular Meeting, February 2, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on February 2, 2016, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Ralph Vaughan, Chairman
Dale Rackham, Vice Chair
TJ Jensen
Curt McCuistion
Troy Moultrie
Greg Day
Grant Thorson

City Employees: Noah Steele, Planner
Paul Roberts, City Attorney
Stacy Adams, Commission Secretary

City Council: Councilman Mike Gailey
Councilman Andrea Anderson

Excused:

Visitors: Adam Bernard Frank Weiler
Adam Maher

[6:00:46 PM](#)

1. **Meeting Called to Order:**

Commissioner McCuistion provided a quote from Plato "If you do not take an interest in the affairs of your Government then you are doomed to live under the rules of fools." The Pledge of Allegiance was led Commissioner Moultrie.

[6:01:43 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR JANUARY 19, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:02:04 PM](#)

2. **Meeting Minutes:**

January 19, 2016 Regular Meeting & Work Session

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR JANUARY 19, 2016 AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:02:44 PM](#)

3. **Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

None

[6:03:11 PM](#)

4. **Public Hearing – Rezone R-3 to Neighborhood Services, Paul Toniolli, property located at 1679 Marilyn Drive**

Planner Steele stated this property is located on Antelope Drive halfway between 1000 W and 2000 W. It is in a residential area and the General Plan calls for Neighborhood Services and so the applicant is desiring to change to what the General Plan calls for. It is currently zoned R-3, next door there is a Neighborhood Services already operating as a Boutique and that is what the zone is meant for. The Neighborhood Services is meant for small offices like Insurance Offices, Animal Clinics, Financial Planning, Boutiques. The A-1 to the south is 2 lots per acre max and the R-3 allows 4 lots per acre as a maximum density. The General Plan map has General Commercial along Antelope Drive and where those existing homes were is anticipated those will eventually convert over to some sort of Commercial use in the future. The R-3 Zone description is more medium density single-family residential. The Neighborhood Services zone the purpose is to provide a range of opportunities specifically identified as providing local neighborhood services. Uses in this zone are not meant to have a large footprint or be overly invasive to neighborhood uses. Anything that goes in here has a maximum density, or maximum size of 20,000 square feet and it can't be any taller than 35 feet. Now this is just for the rezone, of course this project will, when they do want to construct the building they will be required to go through the site planning process and Architectural Review Committee and also the potential for nuisances will be reviewed at that time such as traffic, the location of parking, number of parking, there is even some information in the ordinance about soundproof walls for boarding and things like that, but it is before the Commission to consider whether or not this would be appropriate land use for this neighborhood.

[6:07:47 PM](#)

Commissioner Jensen asked staff to go over buffering requirements since this is going to be adjacent to residential use. Planner Steele stated in the buffer ordinance depending on what it is adjacent to and in the table it has a column for existing land use and then the proposed land use and this will require a buffer around, anything touching, not along the street but on the east and north edges of the property and there will be a fence and landscaping, can't remember, haven't looked up exactly which buffer table it goes under, but it will be at least a 10 foot wide landscape buffer with a masonry or vinyl 6 foot fence, believe it was a masonry fence. Planner Steele stated also forgot to mention what was asked regarding the difference between an animal clinic and an animal hospital was, the major difference is one allows livestock, horses, cows and that kind of thing. The clinic is meant to be smaller and more of dogs and cats.

[6:09:30 PM](#)

Paul Toniolli, applicant and Veterinarian, currently own Antelope Animal Hospital on the corner of 1000 W and Antelope Drive, which is kind of cute and funny when he first originally started that hospital he came to the City thinking that was Syracuse, it is the only corner that is not and with that background has always wanted to be in Syracuse. Been at his current location for about 10 years, they have grown big enough that they feel like it is time to move to a more permanent location and really feel like being in the City of Syracuse is their goal, it is who they want to serve and what they want to do. Mr. Toniolli stated he is a small animal hospital, doesn't know if the City ordinance make him change his sign, guess that would be fine, but is currently Antelope Animal Hospital. Does not treat large animals, does not plan on treating large animals, likes them but doesn't need to work on them, strictly cats and dogs, doesn't even really treat exotics, will help if he can. Mr. Toniolli stated 90% of his work would be small animal, his hours are Monday thru Friday, not open on Saturdays, doesn't know if that would change but if they do most Veterinary clinics work an 8-12 kind of shift, some maybe work until 3, he has enjoyed not working Saturdays, so unless he has an associate who wants to take on Saturdays, it is not in his absolute future plans. Wouldn't mind doing a little bit of boarding, don't need to be a major boarding facility, respect the noise ordinance ideas. Is currently in a little strip mall so between him and the next business did plan and build soundproof walling and such of that nature and haven't had any complaints. If anything he can hear them and their rock and roll music as people are tanning more than they can hear his dogs barking but he puts most of his patients that are boarding or spending the night or kept during surgery on the far side of the building, they are respectful of that. He is also a certified rehabilitation practitioner which just means he is a physical therapist for dogs, side note physical therapy is a trademark for people so can't use it by law, so it is considered rehabilitation practitioner. So they would probably have some rehabilitation, which just means they might have some agility course work, they might have a dog or 2 out in the yard doing exercises to rehab after an orthopedic surgery or people that do trials, hunters, field trials, literally shepherding dogs anything that is an athletic animal can come and maybe do some outside work but again during the day, not multiples, not really a trainer, not looking to do training classes or anything like that. Most of the rehab is usually done indoor in an underwater treadmill but that is just another aspect of the business that would like to bring on to grow. As for the building and the idea of the use of the land, right now mainly hospital, they respect but are thinking they also know of the buffer zone, so they would actually like to make the access to the property on Marilyn Drive so that they would not only have the fence that needs to go along the residential but then they would have the landscape buffer zone and then the driveway and the parking lot so the building will be more up close to Antelope Drive (1700 S) and far away from the residential section. Mr. Toniolli stated Adam Maher with the construction company he has hired was also present if they had any questions for him and as support but thought the Commission wanted to hear from him since he is the guy going to be doing the business.

[6:13:28 PM](#)

Commissioner Jensen thanked the applicant for the information. Commissioner Rackham asked the applicant that he had stated that 90% are small animals, what are the other 10%. Paul Toniolli stated maybe a bird, a rabbit, a guinea pig but never a cow, never a horse. If he does any questions, to be honest, yes he has helped some large animal people but it is either on the phone or at their place, one gentleman has goats but lives all the way out in the County north of Weber County, Box Elder County, but really no, no farm trucks in the parking lot, no cows getting hoof trims, nothing like that, so guess he could say 99% are small animals. Commissioner Jensen asked about potbellied pigs or that type of things. Paul Toniolli stated no, he can help, he would do his best to figure it out, but would send that to a mixed animal practitioner or someone else, they are different beasts.

[6:14:48 PM](#)

Commissioner Vaughan asked the applicant if he was going to be some wok outside on the property as opposed to where he was in the shopping center. Paul Toniolli asked if he meant Veterinary work. Commissioner Vaughan stated he mentioned an exercise course, some rehab. Paul Toniolli stated if they can imagine like a chain link fence, would obviously have it, his biggest fear is having a dog get out on Antelope Drive. Commissioner Vaughan stated that was his basic question, using the word escape. Paul Toniolli stated they had one episode, it was very sad or interesting, that they made him have levered handles guess because of fire safety or hazards or handicap, dogs can paw those and pop open a door, dog got to the front door, his front door happens to open out, pushed it and ran out onto 1000 W and then ran over to the owners home which was 2 blocks over. So luckily nothing happened and didn't get hurt but if they have an exercise yard or let's say if the City is okay with him bringing on some boarding, then they would have basically, in his mind, his vision would be a double gate system. Would go into, open a gate, you are in that place, have to close that gate, open another gate, get into the exercise yard, walk them around, let them go poop or pee, maybe run them up and down the aisle, watch their lameness, watch their limping, bring them back in the yard. Commissioner Vaughan asked if the animals that he sees, are they capable of winning over a 6 foot fence. Paul Toniolli stated some of them might be. Commissioner Vaughan asked if he would be planning on any interior type barrier such as seen on a prison exercise yard that is basically perpendicular and parallel to the ground that sticks out approximately 12-18" which allows an animal the

opportunity to reach up with a paw and then successfully pull themselves over. Paul Toniolli stated no, he gets what he is saying and dogs can climb chain link fences, it has been proven time and time again, some dogs are big enough they could even jump a vinyl fence, if they are just right and agile, so wouldn't put anything there to encourage that activity, if that is what he is saying. If he is saying put something there to prevent that, would probably say no to that as well because wouldn't want a dog to impale themselves trying to get either. Most of the time they would either be on a leash, like controlled, double leashed, choke collar leash so they can't get out. If he is working with a client on rehab, usually the owner would probably be there, not that they are always responsive to owners but yet they listen to owners more than they do to some crazy person they don't know, but again if there is something they need to discuss before they do that, sure, obviously they want to be amendable and obviously their goal is safety for the animal for well as people and cars, don't need someone to swerve to miss a dog and hit another car kind of thing, so they would want to be mindful of that as well. Commissioner Vaughan stated because it would be up against a residential area and that is one concern he has, so at this particular point he will not have any free roaming animals in the back, that are not restrained and somehow, so they will either be on a leash or within a small dog walk area. Paul Toniolli stated yes, that would be, he would hesitate to say yes 100% but if has a staff member who turns their personal dog loose against his knowing, there might be incidences and just has to say there has got to be a small caveat that someone may not listen to his rules, but typically when they walk an animal now for example they are double leashed, they have 2 leashes on them as they take them for a walk in case one breaks. Commissioner Vaughan asked if a German Shepherd break through a standard vinyl fence by pushing a panel out. Paul Toniolli stated probably, technically any dog could, but a German Shepherd, bull headed ready to go. Commissioner Vaughan asked if he had any plans for securing any vinyl fencing that might have on the property to prevent a large dog to push its way out. Paul Toniolli stated yes, they would want to make sure something like that is in place, obviously within reason sure, is open to discussing that.

[6:19:37 PM](#)

Commissioner Thorson stated in looking at the definitions between an animal clinic and animal hospital, no livestock pushes them to an animal clinic, having an exercise facility outside pushes them towards animal hospital and depending on the size of that, would have to get a conditional use permit, has he anticipated or thought about what he may need to get after the rezone to get the use permitted or is he going to try to go in under animal clinic. Paul Toniolli stated they are known as Antelope Animal Hospital. Commissioner Thorson stated it is not necessarily what his business is called, it is the definition in the City code. Paul Toniolli stated that is reasonable and understandable, thinks if he really, really wanted to have the type of exercise yard and the City ordinances qualified as a hospital and needs a conditional use permit then he would go for that. Had to do a conational use permit where he is at now, had a 6 month conditional use permit at his hospital in Clearfield because of the strip mall and so far has been a good tenant and 10 years of goodness and so and if there are certain sizes or specs, doesn't want the Commission to think it is this big showboat or anything it is just, if they go by multiple Vet hospitals they usually have some place to walk the dogs to go poop and pee is really what he is talking about, it is not going to be this grand, half the property or some big facility it is just basically, would give dimensions but is really bad at numbers in the sense of 10x10, but it is not going to be a football field exercise yard. Commissioner Thorson stated he was just thinking of the impacts to the neighbors would be the noise of the animals, the trainer calling commands and yelling at them. Paul Toniolli stated it would not be that, there is not going to be a trainer calling and commanding, it will be more of Mrs. Smith lets have your dog go over some stairs, homemade wood stairs and go under a PVC pie that is 2 feet off the ground, let's have it go up and over, up and over, those are the little things they would do, it is not like 5 dogs in a row and send them out, it is individualized, one on one, quiet, there might be a bark here or there at a bird or something, that is hard to say, but thanks for asking because he just got certified and hasn't really done a lot of it, it is totally new for his profession but it is really up and coming.

[6:22:39 PM](#)

Commissioner Vaughan stated before they open the public hearing originally this item and the following item were scheduled for a public hearing on January 19th, through a newspaper publication error, advanced publication of that hearing was not given, so they were unable to hold a formal hearing on that but at the convenience of people that did come to attend the meeting that wanted to speak on the item at that time, they did hear from people and any comments they had. Commissioner Vaughan asked staff if they did publish all of the comments that were taken at the January 19th meeting and were they included in tonight's packet. Planner Steele stated yes, they were included in the minutes.

[6:23:27 PM](#)

Public Hearing opened

[6:23:53 PM](#)

Frank Weiler, previous Syracuse resident now live in Clinton, own the property currently, and want to talk briefly, they are making a decision and back in 1970 when the home was built that was a great residential area but as they know with the commercial and residential development out west and Antelope getting busier and busier, that is a very undesirable residential location right now. It is a rental property and when he advertise for renters to come, he has a very limited ban on who wants to live there and most of these people have very limited choices on where they can go, consequently he can't chose the people he would rather live next to and he sometimes has to, sometimes get good ones and sometimes get questionable ones. The last renter he had, had a criminal record but thought they were good but turns out they conned him, they stole from him, they stole from the furniture rental company, they tried to con the State and so this is a situation that that property is in right now. That is his problem, not any of the City's problem but if h was a neighbor and had a choice to live next to a very nice professional building or a low end rental property, think that the professional building is the ideal buffer choice for what is in the City plan and going forward.

[6:25:26 PM](#)

Public hearing closed

[6:25:27 PM](#)

Commissioner Jensen asked if this would go before the Architectural review Committee once they start talking about the business. Planner Steele stated yes. Commissioner Jensen stated he would like staff to take note of some of the discussion about the dog run and basically if there mitigation that needs to be there during the Architectural review. Planner Steele stated yes and they will be sure to check all of the ordinances and make sure that the site plan follows the, whether it is a clinic or a hospital and meet all of the ordinances and think the applicant is agreeable to meet everything too. Commissioner Jensen stated that in his opinion this is precisely why they have Neighborhood Services and the only other thing he would like to see, know the applicant indicated they would like to have the traffic going on Marilyn Drive but Marilyn Drive is a rather congested road so it is up to the applicant and Architectural Review Committee to discuss that but like the idea of the access to Antelope better so it doesn't impact the neighborhood. Planner Steele stated that is something they will review with the site plan application, there is a driveway already existing on the property and they would just require that they give us a letter from UDOT saying that it is okay that they access the State road that way. Commissioner Jensen stated he doesn't want to limit the applicant, he is just expressing his preference that since it is a business it should access to Antelope.

[6:27:13 PM](#)

Commissioner Thorson asked staff regarding the applicant mentioned possibly boarding animals, hasn't been able to find in City code where boarding where may be allowed, is that an allowable, where is that or is that always a conditional use. Planner Steele stated under conditional uses, and can pull up code, but there are 2 definitions for animal clinic and animal hospital. Commissioner Thorson asked if it included boarding on one of those. Planner Steele stated no, it just talks about soundproofing. Planner Steele read from code, Animal Clinics, such facilities shall require soundproof walls, if a part of a larger commercial building, and receive site plan approval. Clinics utilizing single-tenant buildings shall locate no closer than 100 feet from any residential dwelling unless it also incorporates soundproof walls. Animal Hospital, Such facilities shall receive site plan approval and locate no closer than 200 feet from any residential dwelling. Animals taken outside the building to the exercise runs shall have continuous supervision by an employee of the facility. 2, Hospitals shall be no closer than 200 feet to any adjacent primary structure, constructed with soundproof walls, and comply with Table D with the buffer. 3, can't be less than 1 acre. 4, the property shall provide one-half a parking space for each animal. 5, site plan should include means for controlling dust, odor, and insects for the outdoor exercise runs. Sorry long answer for outdoor boarding, doesn't really talk about. Commissioner Thorson stated he is not seeing boarding in his code as a use. Planner Steele stated it just kind of refers to the soundproof wall and think they assume, a commercial kennel license that is another license that we have in the ordinance that, which, will have to look at a little bit more whether an animal clinic is with their licensing if that is combined or they would have to get a separate kennel license on top of that. Commissioner Thorson stated that doesn't affect his decision today but just wanted to look ahead for what may happen. Planner Steele stated this is just for the zone change but all of those other things would be looked at in the future as this applicant comes through.

[6:30:00 PM](#)

Commissioner Vaughan asked staff a follow up question, obviously tonight's public hearing is for the rezone as opposed to the use of the actual property once it gets rezoned, will this facility come back for any other action before the Planning Commission. Planner Steele stated yes, it will go through site plan and Architectural Review Committee which is a subcommittee, so for the Commission it will just be the site plan. Commissioner Vaughan asked at that particular time that one might be a better opportunity for them to restrict animal size, discuss some additional things on fencing and anything else that might do with the operation there, also boarding, limitations of boarding, cause if he is going to be a clinic for small animals there is no restriction at this particular time, he couldn't board a horse or a rhinoceros. Planner Steele stated yes. Commissioner Vaughan stated he knew the answer he just wanted to make sure they are setting a record for it. Commissioner Jensen stated he wanted to make a comment in reference to what Commissioner Thorson just brought up, under permitted uses under Neighborhood Services this is one of the few zones where they have introduced the new language, uses considered similar and compatible by the land use administrator, so think under that even if they are not specifically talking about boarding animals, in this case sometimes they would board animals because they want to keep them overnight because they are sick or whatever so would think that would be similar and compatible as a permitted use but that would be something that legal would have to consider or the administrator.

[6:31:46 PM](#)

COMMISSIONER DAY STATED THIS REQUESTED ZONING IS COMPATIBLE WITH GENERAL PLAN AND ALSO WOULD BE A GREAT ADDITION TO THE COMMUNITY AND MOVE TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO REZONE PROPERTY LOCATED AT 1679 MARILYN DR FROM R-3 TO NEIGHBORHOOD SERVICES SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODE. COMMISSIONER JENSEN SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

[6:32:22 PM](#)

5. Public Hearing – Preliminary and Final Subdivision Plan, CVS Plaza, Boos Development, property located at 1974 W 1700 S

Planner Steele stated this is located on the corner of 2000 W Antelope where the old church was, it is a 3 acre parcel and they are requesting to divide it into 2 lots. They have retained a public access easement because to the north is Syracuse City's Founders Park and a lot of, it is one of the primary access points to the Park and also for the Syracuse

Elementary pick up, so they are retaining an easement so the access will be through and then the 2 lot lines, 1.742 which is for a future CVS which we will see a site plan here once they get through with this process and lot 2 it is unclear exactly what will be on that lot yet. Also included are the reviews for staff reviews and Engineer and Fire are present if have any questions that the Commission has but from Planning they have met all of the requirements.

[6:34:10 PM](#)

Commissioner Jensen asked staff regarding the property to the north, the Rosewood Townhouse LLC, knows the Sherman Legacy Property and that UDOT acquired that property. Planner Steele asked if he meant if they acquired the Townhomes. Commissioner Jensen stated they had talked about acquiring a portion of that parcel as well. Planner Steele stated they acquired the Sherman Legacy property to the west, is what UDOT acquired, but not the Townhome property. Commissioner Jensen stated so the Townhomes will remain basically unchanged. Planner Steele stated that is his understanding but is a UDOT project and they are still going through the final revisions but that is his understanding that the Townhomes will stay.

[6:35:08 PM](#)

Commissioner Vaughan asked staff on the map regarding lot 1 and lot 2, in the middle between the two lots they have a checker board pattern and that is showing as being a public access utility easement that is approximately 25 feet wide, does that co-inside with the pathway that moms and dads have been using for x number of years to drop their kids and pick up their kids from the school. Planner Steele stated yes. Commissioner Vaughan asked if the end of that easement match up to the apron access on Antelope. Planner Steele stated yes. Commissioner Vaughan stated so basically with this, they are allowing the access, the easement to continue. Planner Steele stated yes.

[6:36:15 PM](#)

Leslie Morton, with Psomas located at 4179 Riverboat Rd in Salt Lake City, representing the developer of the property, Boos Development Group, they are negotiation with the LDS Church to purchase this property and subdivide it into the 2 lots and staff did a good job of explaining the intent. Lot 1 would be CVS Pharmacy is planning on developing that and lot 2 at this point is unknown, not sure what the plan is for that, it may become one other or two other restaurant pads or other retail pads but it is unknown at this point. The CVS Pharmacy project they have actually been working ahead a little bit and working with City staff on the site plan for that, they haven't submitted an application but just working on the site plan application trying to, working on the site plan itself, trying to make something that the staff is happy with that is going to aesthetically enhance that corner as part of the City Center and think they are getting pretty close there.

[6:37:33 PM](#)

Commissioner Jensen asked staff that she had indicated that they had not closed on the sale yet, if for some reason this doesn't proceed, assuming it will, but if it doesn't, what does that do to the site plan, just want to make sure the current owner is on board with this. Planner Steele stated they have a letter from the LDS Church saying that they are approved to move forward with due diligence. If they create a plat and it is recorded and it doesn't go through then guess the Church will have 2 lots but doesn't mean that the property. Commissioner Jensen asked if the current property owner has seen this and they have not indicated any objection. Planner Steele stated no.

[6:38:18 PM](#)

Commissioner Rackham asked the applicant lot 2 right now is asphalt, is the plan to leave it asphalt until they develop it. The applicant stated yes.

[6:38:40 PM](#)

Commissioner Vaughan stated as before there was an error in the posting of this item to be discussed, people that came to the original meeting on January 19th were afforded the opportunity to speak if they were unable to make it tonight and asked staff if all of the speakers that spoke on this item on January 19th were included in the minutes. Planner Steele stated yes, there wasn't any public comment on this item on January 19th and is reflected in the minutes.

[6:39:30 PM](#)

Public Hearing opened

[6:39:36 PM](#)

Public Hearing closed

[6:39:39 PM](#)

Commissioner Jensen stated he is glad to see this corner being developed.

[6:39:52 PM](#)

COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL OF THE PRELIMINARY AND FINAL SUBDIVISION PLAN, CVS PLAZA, BOOS DEVELOPMENT, AND PROPERTY LOCATED AT 1974 W 1700 S, GENERAL COMMERCIAL ZONE SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND STAFF RECOMMENDATIONS AS CONTAINED WITHIN THE PACKET. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

[6:40:34 PM](#)

6. **Municipal Code Title X Amendment** – Pertaining to the General Plan Amendment 10.20.060

City Attorney Roberts stated this is the amendment dealing with the General Plan Map opening for, basically the Council was concerned that since they closed the Plan sort of abruptly there may have been some people who straggling and wanting to make those changes and taken then by surprise so what they have is the draft text which essentially just

adds that if they submit their map request before 5pm on March 15, 2016 which is a weekday, then it can be considered and believe that is what the intent of the Council and Commission was last time they met.

[6:41:25 PM](#)

Commissioner Jensen stated thinks they should probably spell out, says 'should be submitted to the department', it doesn't say which department so think they should probably say Community & Economic Development Department or planning Department or whatever would be appropriate so that it is clear. City Attorney Roberts stated the department might be a defined term in the Land Use Code and when they use in that particular code if that is what they mean but will check on that and if not defined as its own term can add that in there as Community Development Department. Commissioner Jensen asked if we had a Planning Department or just CED. City Attorney Roberts stated it would just be the Community & Economic Development Department.

[6:42:28 PM](#)

Commissioner Rackham asked if there has been any applications coming in. Planner Steele stated no, but they anticipate one. Commissioner Jensen stated that is probably the one that was put before the Council, so think that counts as an application. City Attorney Roberts stated the code has also been closed so anyone reading the code would think what would be the point so may be some people when they see this published might bring in something, but we don't know. Commissioner Vaughan asked would he be correct in stating that this particular item D, that they are adding is a one-time thing only, it is because of the inception of the closing of the Plan that when the Plan reopens again later on there will be no extension period, this is a one-time shot. City Attorney Roberts stated right, when the Plan is closed in the future and when it opens again there is going to be a substantial noticing period so people will have more notice to prepare for so this was meant to be a one-time, since they barely closed it, let's just give people a little extra time because this was the only time. So there was no indication that they had that this will be reoccurring thing. Commissioner Vaughan stated so there will be no grace period the next time, just wants to make it very clear for 2 years from now or a year from now that this is it. City Attorney Roberts stated correct, unless the Council changes it.

[6:44:04 PM](#)

Commissioner Vaughan asked if they need to take any action on this. City Attorney Roberts stated would like to move on this so that the change can be effective so unless there are other concerns with it would recommend that they move on it and can forward it to the Council for consideration next week.

[6:44:22 PM](#)

COMMISSIONER JENSEN MADE MOTION TO FORWARD GENERAL PLAN AMENDMENT 10.20.060 TO CITY COUNCIL FOR THEIR APPROVAL WITH THE ONE CHANGE THAT DEPARTMENT BE CHANGED TO COMMUNITY DEVELOPMENT DEPARTMENT. COMMISSIONER THORSON SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

[6:44:56 PM](#)

7. **Bylaw Amendments - Pertaining to the Planning Commission Bylaws & Rules of Procedure**

City Attorney Roberts stated there were a few changes since their last meeting but they are in line with what they had discussed last week with the combined Council and Commission meeting. The first one is number 14, this was related to the question of what role do they want the Commission to take in affirmatively drafting code changes and the feeling from the Council members were really that they would like them to just run the issue by them first, make sure that they want this to be addressed and then can move forward with drafting it. Want to have a mechanism to do this and made the most sense to have the Chairman be the one who conveys this to the Council. So number 14, convey issues which may result in potential code amendments to the City Council for initial input and approval to move forward with drafting those amendments, this shall be conveyed through the Council liaison and the duty to convey these issues may also be initiated by 2 Commissioner members during any meeting. So even if 2 Commission members initiate it, it would go to the Chair and the Chair would have a duty to convey it on. So there is always going to be that channel of it goes through the Chair so it can be really clear this is coming from the Commission. So the Chair can do it without Commissioners making that type of motion or if the Chair is not in favor of it then 2 Commissioners can impose upon the Chair to pass that along. It seemed to him that captured the feeling that the Council, it certainly can be tweaked or changed a little bit, wording can always be changed. Does the Commission have any concerns with that procedure or open to suggestions if there are any.

[6:46:47 PM](#)

Commissioner Vaughan stated they should set a time limit for the Chair to respond to get into contact with the Council representative or before there is a need for 2 Commissioners to feel that they need to push into action. Would recommend 72 hours, 1 week, in other words this would keep the Chair from sitting on an item, has no intention of doing that but for the benefit of his fellow Commissioners but think they should make sure they close any loopholes for the future. City Attorney Roberts stated they could say, officially convey to the Council liaison and the duty to convey this issue may also be initiated by 2 Commission members during any meeting and the issue must be conveyed within 72 hours. Wondering how are picturing this, can do this on own or say a work meeting and there is not a motion they just discuss it and think it is a good idea and submit it to the Council, or suggesting that a Chair might say that and not do it. Commissioner Vaughan stated they could say they accept and are going to get in contact with the representative and just never does, thereby basically it has become a pocket veto and doesn't want that to happen. Commissioner Rackham stated he doesn't really see it that way, see it more as they bring it up as a topic, it get yay or nay or the Chair can bring it up an then the representative that is going to the City Council which would be someone from the Planning Group would present it to them, it is not necessarily the Commission who would present it to them, that is what he envisioned when he heard it. City Attorney Roberts stated that is a little different from this because he was envisioning the Chair going through

the liaison passing along information, so if that is an alternative, that is something they could certainly do. Commissioner Rackham stated that was one of his wording changes was to put in there the Chair or specified representative. City Attorney Roberts stated that is certainly something they could do and then.

[6:49:25 PM](#)

Commissioner Jensen stated he is really uncomfortable with number 14, get the spirit of that and that is something that as a Commission they can chose to do so they are not wasting the Council's time, however under Title III, do feel that Title III as, since they are an independent body from the City Council, Title III does empower them to suggest, recommend changes to the ordinance and so if the Commission feels it is important enough that they still want to advance that think that it, essentially them being, doesn't think this body should be flat out restricted suggesting a change to an ordinance if they feel it is important, if it is conveyed to the Council at the time they might not understand why the Commission feels it is important but under Title III that is one of the Commission's prerogatives and is not comfortable with number 14 at all, not sure how the rest of the Commission feels. Certainly as a matter of course they would like to proceed this way but don't want to have their hands tied as a result of that.

[6:50:33 PM](#)

Commissioner Day stated he doesn't think they would be restricted. He does appreciate Commissioner Jensen's thoughts that it is important but his concern is that if they start utilizing staff's time and City resources and they are not elected Officials they can become rather burdensome especially where they don't know the human resources that are available and start occupying their time and thinks there needs to be some communication between the Commission and the City Council with ultimately the City Council giving them directive. Commissioner McCuiston agreed.

[6:51:04 PM](#)

Commissioner Vaughan stated he would maybe change it from 72 hours to say prior to the next regular City Council meeting and that would allow for holidays and take into account special meetings and weather emergencies or some other things. Commissioner Jensen stated he would make the recommendation that they might not want to say regular City Council meeting because there next meeting might be their extended work session meeting and they could certainly provide direction during that extended work session would think so would shy away from the word regular as a suggestion.

[6:51:43 PM](#)

Commissioner Vaughan asked if they are able to come to a consensus unless they want to ask City Attorney to make a decision in regards to this particular point, if he feels they should have a time limit on the Chair to comply with number 14. Commissioner McCuiston stated he doesn't know why they would actually need a time limit, if it comes to a point where the Chair is not performing his duties then there is a way to remove the Chair or go around him or sure there are other ways, don't know what the time limit, understand the pocket veto but if the Chair is not performing his duties isn't there some other way to bypass it, just seems like extra wording in an already pretty thick document.

[6:52:37 PM](#)

Commissioner Jensen stated under number 14 it states it is the Council liaison that is going to convey it not the Chairman, so the Chairman is kinda out of the loop on that, it is going to be whoever the Council has designated as the liaison would be the one who would be conveying that to the City Council not the Chairman. City Attorney Roberts stated this is in subsection 14, which is Chairman Duties and that he conveys issues to the City Council, this is conveyed through the liaison so the process is the Chair would convey it, now if the liaison is here and hears 2 members make the motion he can always bring it to the Council's attention without the Chair specifically bringing it to him. So there are a number of sort of stop gap measures that would prevent a Chair from scuttling something that the Commission really wants to bring forward.

[6:53:30 PM](#)

Commissioner Vaughan stated their current liaison has had perfect attendance so it has not been an issue with concluding a meeting and saying okay we are notifying you and we would like this done but in the event of the liaison not being there. Is happy to accept number 14 as presented the way it is to move forward, just mentioning what sees as possible abuse in the future.

[6:54:09 PM](#)

City Attorney Roberts stated it can legally be either way so whatever way the Commission wants to go doesn't necessarily see a legal, not going to say yes it needs to be there, so if they want to put it there they can but if they don't feel like it needs to be there that is also their choice.

[6:54:18 PM](#)

Commissioner Vaughan asked City Attorney Roberts if he was happy with it, as presented. Commissioner Thorson answered and stated yes he is. Commissioner Day stated he thinks it is written very well, he is okay with the way it is written. Commissioner Jensen stated he disagrees with that but is the majority obviously. Commissioner Vaughan stated he thinks the remaining Commissioners are happy with the way it is presented.

[6:54:53 PM](#)

City Attorney Roberts stated in Section III, Duties of Members, Meeting Attendance, so meeting attendance was discussed in length, there was a lot of discussion about attendance and the proper way to motivate attendance, the effect of various other provisions on attendance and this section is where they came to, is there would reports of attendance made to the Mayor on at least a quarterly basis and it can come in more often than that but those would be submitted to the Mayor and that could be done by the Secretary or the Chair. They would also keep track of whether the Chair was

notified if someone couldn't attend and then attendance falling below 80% during a 6 month period is an indication that a Commissioner's attendance is in need of attention. It doesn't call out specifically what is going to happen but that is a signal to all Commission members that, look if you are falling below 80% maybe it is the time for them to consider whether they have the time to devote to this, is there something that has come up that is conflicting with this assignment. Think that is where the Council sort of would like them to come down, of course they can change this as much as they want when it is forwarded to them. If the Commission has a different impression is happy to make changes as well.

[6:56:18 PM](#)

Commissioner Vaughan asked for clarification the responsibility of this would fall on the Commission Secretary, because he notes that the Mayor or staff, the Finance Director automatically prepares a quarterly statement with attendance as part of their Payroll packet, so that is automatically tabulated already, the only thing is don't believe it goes directly to the Mayor. City Attorney Roberts stated he believe the Secretary would be the appropriate person to forward that as a Chair could make sure that it is being forwarded or could also send a second copy to the Mayor.

[6:56:57 PM](#)

Commissioner Jensen stated he would suggest that where it states 'in need of attention', would change it to 'in need of Mayoral review', because it is the Mayor's appointment and is the one that is ultimately going to make that decision. Think they are setting that bar, since the Mayor is the one that is going to make the decision, whether feels that person's name should be put up for a re-vote or is happy to let that slide, it is the Mayor's decision, at least under the current ordinance.

[6:57:45 PM](#)

Commissioner Vaughan asked if the other Commissioners if they liked how it was presented. Commissioner Day stated he likes the way it is presented.

[6:57:56 PM](#)

City Attorney Roberts stated in section IV, Quorum, there was some discussion of whether to increase the number needed to form a quorum. The concern with that is if things come up or people have to recuse themselves they could run short of 5 pretty quickly but there was a feeling on the Council that if they increased the number of quorum members then that could increase attendance and sort of impress upon future Commission members that come on that really need to be at every meeting because they may not get a quorum together. The downside to that if they do not get a quorum and there is something that they are required to take action on within a certain amount of time then under our laws it is deemed approved so an application were to come forward if they could not get a quorum enough times then it would just be deemed approved and maybe it was the type of thing that they shouldn't have approved it, but it will be deemed approved. That is the downside of having a higher quorum, it is just a higher threshold and when circumstances arise that can be problematic. There was also discussion about alternates, unsure if there was a final decision if that should happen or not, think it is an open question at this point but think it is something that the Council is interesting in, think if as a Commission they want to make a statement that really think that 4 is the appropriate quorum number then it would be good to let the Council know that is the desire from the Commission.

[6:59:36 PM](#)

Commissioner Thorson stated he is in favor of leaving it as 4. Commissioner Jensen stated he is concerned of the timeline, seems to remember something about 30 days if they don't act on something or initially act on it within 30 days it can be deemed as approved, think that the issues of attendance aside, they want to make sure the applicants are getting through the process in a timely matter so think 4 is the number they should stay with.

[7:00:10 PM](#)

City Attorney Roberts stated there was also some discussion about remote participation where if a person, the concern was they don't just want someone calling in their pajamas from home unless they are seriously ill so if they had someone who was seriously ill but still wanted to participate then they could or if the person is out of town they could participate remotely. Just need to make sure it is noticed properly, one easy way to do that is to just have it printed on the bottom of every agenda, it would just say one or more Commission members may participate electronically. If they start doing that then if one gets sick or has to leave town unexpectedly and still want to participate, then could. There is already a resolution that the Council has adopted with procedures and how it is done so it wouldn't require a code change or anything but thought they could put it in there if that is something that the Commission is interested in. Would be a full participate so would vote Yay and Nay and be able to ask questions and interrupt people just as if they were here. It doesn't technically need to be in the Bylaws but just thought if they put it in then they have the guidelines of when it would be appropriate and when it wouldn't.

[7:01:34 PM](#)

Commissioner Jensen stated the one thing he does have an issue with is 'arrangements for remote participation should be made one week in advance' should isn't shall but what he doesn't want to encourage is a Commissioner has got some type of contagious illness or something but they still want to participate, if they are not available that one week window they might show up and give the rest of them the plague or whatever so think that one week should be contemplated maybe 24 hours in advance or something so staff has plenty of time, think one week is a little too hard to predict. City Attorney Roberts stated thinks the reason that was put in there was because they publish the notice the agenda the week before so it is whether to know whether to put that notice on there or not. If they adopt the provision where they just put it on every agenda then any sort of reasonable notice would be fine. That is a question or the Commission if they want it put on all agendas then staff can do that. Commissioner Day stated if someone has an illness

such as a cold or the flu don't think they will want to participate remotely they might be flat on their backs, so think this more or less pertains to someone who could give a weeks' notice. Commissioner Vaughan asked staff if this is the City Council's standard, one week advanced notice. City Attorney Roberts stated he does not know what the Council's standard is.

[7:03:08 PM](#)

Commissioner Thorson stated in their training it talked about electronic communications and as long as they were noticed, they were acceptable and legal and think the one week is just to satisfy that.

[7:03:19 PM](#)

City Attorney Roberts stated Councilman Gailey just informed him that it is not set in stone but that is sort of the general guideline that they have is that they give enough notice that it can get in the agenda and get noticed properly and make sure they have all the equipment is ready because they would have to make special arrangements, get a phone, by a microphone and things like that. Commissioner Vaughan asked City Attorney Roberts if this is what he would recommend the way it is presented. City Attorney Roberts stated it can adopted this way, the one week was just there solely for the agenda, they can always publish an amended agenda at least 24 hours in advance, so if they aren't going to be putting that notice on every agenda, it could be a 24 hour thing, sometimes it is just a matter of logistics making sure staff is prepared for it.

[7:04:07 PM](#)

Commissioner Thorson stated he would make a change to what is proposed, he likes the idea of just noticing it on all the agendas that it may occur, it gets them out of any problems that way and it isn't hard to print it. The other change he would make is that electronic participation is at the discretion of the Chairman, think then the Chairman has the ability to limit abuse and the Chairman has the ability to say, they have 6 people here so don't worry about calling in we got it or if they only have 3 people present has the opportunity to call someone and thinks that is a way to not abuse the electronic participation but keep it available as a tool for them and trusts the Chairman with that power.

[7:05:11 PM](#)

Commissioner Jensen stated he concur that he agrees with the reoccurring notice on the agenda to meet the noticing requirements, thinks that is the easiest way to do that, maybe they just, not sure if they have to phrase that in the Bylaws necessarily but would just way as far as the one week, when feasible might be a good addition. City Attorney Roberts stated they could put when feasible but not less than 24 hours in advance.

[7:05:46 PM](#)

Commissioner Vaughan asked staff what the physical capacity of the system is, are they limited to one, two or three, basing that on the observation that sometimes they have had 3 people absent. Planner Steele stated it depends on what type of equipment is available to use. City Attorney Roberts stated they could have an electronic meeting under the Open Meetings Act, so they could have everyone Skype in if they really wanted to, they would have to notice it that way and it would be deemed an electronic meeting, don't think they are planning on doing that but that would really be a question for the IT Director, don't know what our capability is to have more than one, don't know that it would come up very often. Commissioner Vaughan stated he hopes not but wanted to deal with the possibility if they can only do one at a time then it is a case of first come first serve and the others are left out.

[7:07:16 PM](#)

Commissioner McCuiston stated he likes the changes suggested, having the option of doing less than a weeks' notice seems to be, is prudent. Commissioner Rackham stated his only question is, is this already set up or does the IT Department have to do something to get it and how long will that take. Commissioner Vaughan stated it is set up, Council has. City Attorney Roberts stated they have but. Commissioner Rackham stated sometimes they have to get a conference number and have to set up and get things going to do the conference. Commissioner Vaughan stated that is why the time limit, some type of a minimum time limit allows for IT Department to come in. Commissioner Rackham stated he understand the 24 hours, but is 24 hours enough. City Attorney Roberts stated he is confident they have the capability it is just a matter of it being set up and teaching staff how to do it, once staff knows how to do it probably can do it on our own at pretty short notice.

[7:08:23 PM](#)

Commissioner Vaughan asked if everyone was okay with it being changed to 24 hours. Commissioner Jensen stated he thought it should be one week in advance when feasible and shall be at least be 24 hours, because should is a kind of a suggestion. City Attorney Roberts stated if they are going to be noticing it every time they could even just say recommend that let staff know, don't have to give any notice, but if noticing the public that is what really matters, if the public knows and that there is enough time for staff to get it together, so if they just want to put, should be given to the Chair when feasible with 24 hour notice, staff can be flexible and make it work. Commissioner Jensen stated would suggest 'arrangements for oral participation shall be noticed and shall be made 24 hours in advance when feasible'.

[7:09:43 PM](#)

Commissioner McCuiston stated he thought Commissioner Thorson had a fantastic idea to say notice it on every one and then at the discretion of the Chair, that is simple and don't have to put a bunch of extra words in there. Commissioner Day stated he doesn't see this being used that often, think they are kind of overthinking it. Commissioner McCuiston sated like they do everything, they want to wordsmith it all day long, it is just simple, it is done. Commissioner Day stated if 3 people want to electronically participate think would just be highly unusual.

[7:10:26 PM](#)

Commissioner Vaughan stated they will make it 24 hours and just to be clear don't think they need to put it in there but as far as matter of policy, 24 hours in advance of a meeting would be 6pm Monday and the only way to make sure that it is prior to 6pm would be in the form of an email that is timed because making a phone call to the Chairman doesn't necessarily guarantee that he is notified but as far as email notice or a phone call to staff, Commission Secretary by 5pm, close of business, a phone call between 5 and 6 doesn't cut it. Commissioner Rackham stated maybe it should be 25 hours. Commissioner Vaughan stated he is just trying to set the game rules because it is a sensitive issue and if they all understand it then they can just say 24 hours. Commissioner McCuiston stated it might work for him personally but if a new Chair comes on who has more or less time they should probably set policy just with them and don't know if it should be included in the Bylaws.

[7:11:45 PM](#)

Commissioner Thorson stated that by adding the statement in there that time arrangements of any kind be made in any advance of the notice eliminates the possibly of calling anyone on the spot, is that their goal, because believes that is one of the goals is to be able to call someone on the spot. Commissioner Vaughan stated defacto and dejure, which way does he want to look at it. Commissioner Thorson stated he would eliminate 'arrangements for participation should be made' at all, would eliminate the first half of that sentence. Thinks courtesy would say, I'm going to be out of town but would like to participate because there is this issue and the Chairman would say sure because it was noticed, it is noticed on every agenda or have the opportunity if only 3 present that even though home sick in bed ask to participate. Those are the 2 scenarios they are looking at and would eliminate any time period in order to encapsulate both of them.

[7:12:51 PM](#)

Commissioner Vaughan stated speaking as the current Chair, would like to remain as neutral as possible on this trying to figure out what any other Commissioner would do if they were sitting in the center seat, which is why he has been asking questions rather than saying this is what he would like to see.

[7:13:15 PM](#)

Commissioner Jensen asked Commissioner Thorson if his suggestion is basically 'arrangements for remote participation may only occur if the agenda is provided requisite notice of the arrangement'. Commissioner Thorson stated yes, that is how he would word it. Commissioner Day stated perfect, put it on all the agendas, if they need someone they can call them, if they want to call in and they say that is fine, think it would work out just fine.

[7:13:59 PM](#)

Commissioner Jensen stated so strike from should to occur. City Attorney Roberts stated he would also strike 'arrangements for' and just say 'remote participation may only occur if the agenda'.

[7:14:11 PM](#)

City Attorney Roberts stated the last item was discussed pretty extensively and didn't really have a way to amend it, section VI, Voting, currently it says 'except as otherwise specifically provided in these rules, a vote of 4 members of the Commission shall be required and shall be sufficient to transact any business before the Planning Commission'. There were concerns, it was brought up if they only have 4 Commissioners present do they want to have a unanimous vote or would it be okay to just have a majority of those present and voting. They could have a meeting where 5 are present and 1 person recuses themselves and have to have the unanimous vote of the remaining 4, the concern was if they change this rule then it would encourage non-attendance or it would, people would just think their vote is not that critical because sure there will be 5 or 6 others there, so that was a concern. Think in this case if they want to, another thing Commissioner Thorson brought up was they could have a special rule that says 3/2 carries the day if 5 people are voting rather than requiring 4. Would like to have is the Commissions input, the Council can do with it what they want to do with it but sure they value their opinion and want to know what the Commission thinks would be a sufficient vote, so leave it to the Commission to decide if want it changed or leave it the same.

[7:15:56 PM](#)

Commissioner Jensen stated his suggestion would be the majority of Commissioners present shall be required. Commissioner Day stated that is his thought as well, this is not where to you encourage attendance. Commissioner Jensen stated that is already covered in another section. Commissioner Thorson stated he agrees with the way it is presented, with his thoughts being 3 out of 4 is pretty good representation of the Planning Commission. Commissioner Vaughan stated his concern is would the City Council be happy with a majority or would they like to see 4. Commissioner Thorson stated he knows that they were pretty concerned and they kind of compared the Planning Commissions situation with the City Council in that they have to have 3 affirmatives but that is not true either, in the case of a 2/2 tie with 4 the Mayor gets to add a vote and so a 4 affirmative isn't truly a straight comparison to the City Council so like the majority of present. Commissioner Day stated if quorum is 4 to be able to transact business with a quorum of 4 and so likes the way it is written. Commissioner Thorson stated he believes the City Council would reject it and go back to 4 and don't think it will affect them too much anyway, but would like to present it as majority rather than 4 affirm. Commissioner Moultrie stated he likes it.

[7:17:36 PM](#)

City Attorney Roberts stated it is okay if the Council disagrees with them, they have the final say and know that but thin it is important to let them know that the Commission thinks a majority is sufficient, if they have business to transact and they only have 4 people but have 1 person who doesn't agree with it, think 3 should be able to override the 1, that is okay, express yourself and if the Council disagrees, they disagree, that is alright.

[7:17:56 PM](#)

Commissioner Jensen stated just for the benefit of the Commissioners this is their recommendation, the Council is the one that approves the Bylaws not the Commission so if they want to make a change they can but should submit the recommendation that they want.

[7:18:14 PM](#)

Commissioner Vaughan stated they have a choice whether they can ask for 4 or the majority, it. Commissioner Jensen stated he likes the majority of Commissioner's participating, because a quorum is already required anyways so it can't just be 3 Commissioners. Commissioner Day asked if they have a majority or 4 that agree with that right now. Commissioner McCuiston stated thinks they have a majority. Commissioner Thorson stated right now it is 4 affirmative and they've broken that rule. Commissioner Jensen stated multiple times. Commissioner Rackham stated he wants to go on record supporting the majority. Commissioner McCuiston stated majority. Commissioner Day stated majority. Commissioner Moultrie stated majority. Commissioner Vaughan asked if they can be in agreement that it stands as presented.

[7:19:06 PM](#)

City Attorney Roberts stated that is all that he had for the Bylaws. Commissioner Jensen stated he would like to go up to Order and Decorum really quick if they can, under G, they have made an addition but has an issue with how the addition is phrased, the second line has an issue with, 'members of the public shall not be permitted to further engage with the applicant or staff', has an problem with 'shall not be permitted' because sometimes staff may not be entirely clear what it is that they were asking so staff may want to ask the person that raised the concern, what exactly is their concern, so would be good with 'shall be discouraged to further engage' but don't like shall not be permitted, think that should be at the Chairman's discretion. City Attorney Roberts stated the overall goal was they don't want back and forth, where more people keep getting up. Commissioner Jensen agreed but by the same token there is sometimes that the back and forth is needed, why said 'should be discouraged' would be better than 'shall not be permitted', that way it is at the Chairman's discretion.

[7:20:31 PM](#)

Commissioner Day stated he likes the way it is written, the way it is presented. Commissioner Thorson stated he likes the way it is written, want to kind of make sure that they are not given the opportunity to open Pandora's Box again, they can only address newly, new information in their rebuttals, it looks like that is the way it is phrased, they can respond to questions, criticisms and concerns but can't open up new information and present after the public had a chance to talk then they can present new information and that is not the case. Commissioner Vaughan stated if this was the court of law, that would be the rule, but because thinks they are interested in hearing from the applicants and people. Commissioner Thorson stated but that offends the rights of the public, if the applicant presents new information in their rebuttal and the public doesn't have a chance to respond to that new information. Commissioner Vaughan stated they could always direct the Chair to request the applicant to limit his comments to those negatives that were expressed. Commissioner Jensen stated his concern here is and as Chairman basically how he did it was they are here to serve the public and not to hide behind the rules and so think it is to the City's benefit to try to get as much good information as they can and sometimes rules can get in the way of that so they should be mindful to not create rules that are going to block them from getting the information they need when making decisions.

[7:22:15 PM](#)

Commissioner Vaughan stated taking the other side of the street on behalf of the last applicant gave a nice presentation on opening remarks they asked a couple questions they had some people speak and then the applicant came back and said oh yeah I also forgot to mention this, they wouldn't be able to allow him to refresh his memory, given as though the applicants are generally not professionally trained to be representatives of an applicant they are regular citizens, their presentations are not going to be perfect every time and would hate to slam the door on someone who innocently forgot something that is now important. Commissioner Thorson stated in that case would go with Commissioner Jensen's recommendation that the Chair allows a back and forth at your discretion. Commissioner Jensen stated that is why said should be discouraged so under normal circumstances don't allow it but if the Chairman feels that it is extenuating circumstances can make that call instead the one running the meeting. Commissioner Vaughan stated the 3 Chairs he has had experience with have all allowed that and don't think they would have a problem with that. Commissioner Day stated think they would lose decorum if they allowed the public especially on a hotly contested item to just freely comment, think would get a situation where the applicant is speaking and get the public clamor sort of disrupting the thought process and the presentation, so like the way it is written, if the Chair wants to ask the public to come up after the applicant is addressed could but for the most part like the way it is written and would discourage the re-opening of public hearing per se and flood gates gain. Commissioner Vaughan stated they are professional discerners of truth. Commissioner Day stated they are very good at it too, has noticed. Commissioner Vaughan stated there are a lot of times they have had questions come up where sometimes they wanted to ask the person in the audience and they have done that in the past and don't think they have a problem, he certainly wouldn't want to be limiting. With the 3 past Chairman's in one sitting, that is a pretty good panel. Commissioner Jensen stated 'shall be discouraged' would do it.

[7:24:42 PM](#)

Commissioner Vaughan asked if any problems accepting as presented, noting their discussions in case Council has any questions.

[7:24:56 PM](#)

Minutes of the Syracuse Planning Commission Regular Meeting, February 2, 2016

City Attorney Roberts stated that is all that he had. The question now is does the Commission want him to make some changes and bring back in 2 weeks or want to pass it with changes made in a motion or what is their preference, seems like wanting to move it on. Majority of Commissioners stated move it on.

[7:25:21 PM](#)

COMMISSIONER DAY MADE A MOTION TO FORWARD THE BYLAW AMENDMENTS TO CITY COUNCIL FOR APPROVAL. COMMISSIONER MCCUITION SECONDED THE MOTION. COMMISSIONER JENSEN VOTED NAY. ALL OTHER COMMISSIONERS VOTED IN FAVOR.

[7:25:57 PM](#)

8. **Adjourn**

COMMISSIONER DAY MADE A MOTION TO ADJOURN STRAIGHT INTO WORK SESSION IN THE CHAMBERS.

Ralph Vaughan, Chairman

Stacy Adams, Commission Secretary

Date Approved: _____