



**Prince Edward County Planning Commission
Meeting Minutes
February 24, 2015
7:30 pm**

Members Present: John Townsend, Chairman Chris Mason, Vice Chairman
 Mark Jenkins Preston L. Hunt
 Jack Leatherwood John “Jack” W. Peery, Jr.
 John Pregelman Cannon Watson

Absent: Donald Gilliam Robert “Bobby” Jones

Staff Present: Wade Bartlett, County Administrator

The February 24, 2015 organizational meeting was called to order at 7:30 p.m. by Wade Bartlett, County Administrator. He welcomed new Commission members, John Pregelman and John “Jack” W. Peery, Jr.

Election of Chairman

Mr. Bartlett called for nominations for the position of Chairman. Commissioner Watson nominated Commissioner Mason, who respectfully declined. Commissioner Mason nominated Commissioner Townsend. Mr. Bartlett called for any additional nominations. There being none, he closed the nominations. Mr. Bartlett called for the vote for Commissioner Townsend as Chairman. The motion carried:

Aye: Preston C. Hunt Nay: (None) Abstain: John Townsend, III
 Mark Jenkins
 Clifford Jack Leatherwood
 Chris Mason
 John “Jack” W. Peery, Jr.
 John Pregelman
 Cannon Watson

Absent: Donald Gilliam
 Robert M. Jones

Mr. Bartlett turned the meeting over to Chairman Townsend.

Election of Vice-Chairman

Chairman Townsend called for nominations for the position of Vice-Chairman. Commissioner Watson nominated Commissioner Mason. Chairman Townsend called for any additional nominations; there being none, he called for the vote for Commissioner Mason as Vice-Chairman. The motion carried:

Aye:	Preston C. Hunt Mark Jenkins Clifford Jack Leatherwood John "Jack" W. Peery, Jr. John Prengaman John Townsend, III Cannon Watson	Nay: (None)	Abstain: Chris Mason
Absent:	Donald Gilliam Robert M. Jones		

Set Day, Time and Place of Regular Meetings

Chairman Townsend called for suggestions for regular meetings.

Commissioner Watson suggested an amendment to the By-Laws (Section 1), to change the meeting time to 7:00 p.m. on the third Tuesday of the month. Discussion followed.

Chairman Townsend made a motion to amend the By-Laws to hold the regular Planning Commission meetings on the third Tuesday of the month at 7:00 p.m., seconded by Commissioner Prengaman. The motion carried:

Aye:	Preston C. Hunt Mark Jenkins Clifford Jack Leatherwood Chris Mason John "Jack" W. Peery, Jr. John Prengaman John Townsend, III Cannon Watson	Nay: (None)
Absent:	Donald Gilliam Robert M. Jones	

Mr. Bartlett stated the change in the Bylaws must go before the Board of Supervisors for approval.

Adoption of Commission Bylaws

Chairman Townsend emphasized Section 16 of the By-Laws, regarding the Certified Planning Commissioner's Training Program; he strongly encouraged the members to attend.

Commissioner Mason made a motion, seconded by Commissioner Hunt, to adopt the Bylaws with the amendment in the time of the meetings at 7:00 p.m.; the motion carried:

Aye:	Preston C. Hunt Mark Jenkins Clifford Jack Leatherwood Chris Mason John "Jack" W. Peery, Jr. John Prengaman John Townsend, III Cannon Watson	Nay: (None)
Absent:	Donald Gilliam Robert M. Jones	

**Bylaws Of
Prince Edward County Planning Commission**

- 1) Meetings shall be held on a monthly basis, normally on the third Tuesday of the month at 7:00 P.M. in the Board of Supervisor's room. The schedule may be altered at any regularly scheduled meeting. Meetings may be cancelled due to lack of business, but the Commission shall meet at least every two months.
- 2) Additional meetings may be held at any time upon the call of the chairman, or by a majority of the members of the commission, or upon request of the Board of Supervisors following at least twenty-four hours' notice to each member of the commission.
- 3) The commission at its regular meeting in January of each year shall elect a chairman and vice-chairman. The recording secretary shall be the Director of Planning and Community Development or a designated alternate, who shall make an audiotape of the proceedings of each meeting and prepare minutes for the permanent records of the commission.
- 4) The duties and powers of the officers of the planning commission shall be as follows:
 - A. Chairman
 - Preside at all meetings of the commission.
 - Call special meetings of the commission in accordance with the bylaws.
 - Sign documents of the commission.
 - See that all actions of the commission are properly taken.
 - B. Vice-Chairman

During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all duties and be subject to all the responsibilities of the chairman.
 - C. Recording Secretary
 - Prepare an audiotape of the proceedings of each meeting of the commission.

- Prepare minutes from the audiotape of each meeting in detail sufficient to include the tenor of public comments and the commission's reasoning underlying each decision or recommendation.
 - Circulate a copy of the minutes to each member of the commission before the next meeting.
 - Prepare the agenda for all commission meetings.
 - Be custodian of commission records.
 - Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
 - Handle funds allocated to the commission in accordance with its directives, state law, and county ordinances.
 - Sign official documents of the commission.
- 5) All maps, plats, site plans, and other materials submitted to the commission shall be filed in the office of the Director of Planning and Community Development and maintained for public access until the project to which they relate has been completed or vacated. Minutes of the commission's meetings shall be permanently filed in the office of the planner and maintained for public access.
- 6) Matters referred to the commission by the Board of Supervisors shall be placed on the calendar for consideration and possible action at the first meeting of the commission after the referral and appropriate public notification.
- 7) A majority of the members of the commission shall constitute a quorum for the transaction of business, but no quorum shall be required for informational meetings at which no action is to be taken.
- 8) Reconsideration of any decision of the commission may be taken when the interested party for such reconsideration makes a showing satisfactory to the chairman that, without fault or deliberate omission on his own part, essential facts were not presented to the chairman.
- 9) Roberts Rules of Order for Committees shall govern the commission's proceedings in all cases not specifically ordered by these bylaws.
- 10) Order of consideration of agenda items in a public hearing:
- Director of Planning and Community Development or other staff member presents report including summary of all comments (written, electronic and verbal) received from interested parties and makes a recommendation.
 - Commission members may question the staff member on the presentation.
 - Proponent(s) of the agenda item make presentations as appropriate.
 - Opponent(s) of the agenda item make presentations as appropriate.
 - Applicant make rebuttal of objections not previously covered.
 - Commission members may question applicant, proponents, or opponents or may offer comments on the agenda item.
 - Commission may opt to gather additional information about the matter and take action at a future meeting, or vote on recommendation, whether approving or denying request, to Board of Supervisors.

- 11) Any member of the commission who has any personal or financial interest in any matter before the commission shall declare the nature of that interest and shall if the interest constitutes a legal conflict of interest by Virginia law recuse him/herself from the deliberations on that matter, including lobbying other members, participating in the discussions, or voting on the matter. In cases where the interests do not raise to the level of legal conflict of interest by Virginia law, a member may voluntarily recuse him/herself in the interest of avoiding the appearance of conflict. All commission members shall be sensitive to the importance of impartiality and shall endeavor to always avoid any actual or appearance of conflict of interest.
- 12) Each member of the commission who has knowledge that he/she will be unable to attend a scheduled meeting of the commission shall notify the County Administrator's office at the earliest opportunity. The Director of Planning and Community Development shall notify the chairman if projected absences will produce a lack of quorum. Members who are absent from three consecutive meetings, or who are absent from more than half of the commission's meetings during a calendar year, will be referred to the Prince Edward County Board of Supervisors for possible replacement.
- 13) The vice-chairman shall succeed the chairman if he vacates his office before his term is completed. A new vice-chairman shall be elected at the next regular meeting.
- 14) These bylaws may be recommended for amendment at any meeting having a quorum present by a majority vote, provided that notice of such proposed amendment has been given to each member in writing at least two weeks prior to its consideration. If recommended for approval, proposed amendments must then be adopted by the Board of Supervisors before becoming effective.
- 15) Planning Commission members are strongly encouraged to attend a Virginia Certified Planning Commissioner's Training Program within two years of their appointment to the Planning Commission. This certification course will provide a basic foundation of planning law, history, and technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations. Costs associated with the program will normally be paid by Prince Edward County.

Approval of Minutes: December 16, 2014:

Chairman Townsend requested any changes or corrections be made known. Commissioner Mason stated in the "New Business" section, the location of the bridge project is on Lockett Road Bridge over Sailor's Creek.

Chairman Townsend made a motion to approve the December 16, 2014 minutes as corrected; the motion carried:

Aye: Preston C. Hunt
Mark Jenkins
Clifford Jack Leatherwood
Chris Mason
John “Jack” W. Peery, Jr.
John Prengaman
John Townsend, III
Cannon Watson
Absent: Donald Gilliam
Robert M. Jones
Nay: (None)

Review of Board of Supervisors Actions

Mr. Bartlett reported the following items:

- the Board of Supervisors appointed Sam Coleman to the Board of Zoning Appeals. He will replace Mr. Garnett. Per Section 15.2-2308 of the *Code of Virginia* “members of the BZA shall hold no other public office ...” Mr. Garnett serves on the Piedmont Regional Jail Board, and could not also serve on the BZA.
- the Board voted to approve the dissolution of the RC&D Council.
- The Board authorized the preparation of an Enterprise Zone Boundary Amendment. This will include an application period, a public hearing and submission of any changes to the Department of Housing and Community Development (DHCD). Mr. Bartlett stated the focus will be west on the Route 460 Corridor.

Mr. Bartlett introduced Mr. Robert “Rob” Fowler; the new Director of Planning and Community Development has 27 years’ experience and began on January 5, 2015.

Mr. Fowler said he worked in the Hampton area for 11 years and in Lynchburg for 16 years, and looks forward to working with the Commissioners and Prince Edward County.

Old Business

Commissioner Mason requested the new contact list. Discussion followed.

New Business

Chairman Townsend the sign ordinance was just completed. Mr. Bartlett stated issues have been found with the sign ordinance and it may need to be revisited. Chairman Townsend stated work was coming up on the subdivision ordinance, coordinated with VDOT. The family subdivision ordinance was worked on and may have been included in the main Subdivision Ordinance; nothing was included except to say that

a family subdivision may be done. Mr. Bartlett stated that in the Zoning Ordinance, the family subdivision is exempt, but it is vague and needs to be better defined.

Mr. Bartlett stated the County staff will have more man-hours available to complete various projects. It is the recommendation of the County Staff that the Planning Commission discuss work items that the Commission would like to see accomplished in the next year. Discussion followed regarding the following:

- Review the zoning ordinance to determine if additional amendments or additions are necessary
- Reprinting the zoning ordinance to include all past changes and amendments
- Definition of Conforming Lots
- Distribution of the updated Comprehensive Plan to all members

Correspondence / Informational

Mr. Bartlett reviewed HB1849, which proposes to make substantial changes to the approval of variances by changing the definition of “variance.” The bill is complex and makes major changes to the standards for granting zoning variances, which is a process that has been clarified by years of case law. This bill will make it easier to obtain a variance and changes the rules and procedures for local staff interacting with the Board of Zoning Appeals (BZA). When an applicant has an application for a variance or an appeal of a zoning administrator’s decision, the “non-legal staff” of the locality and the applicant may not talk with BZA members about the matter without the applicant being there. If this rule is violated, the information must be conveyed to the other party; the restriction does not apply to the lawyers for the locality or board. Mr. Bartlett said it still states the burden of proof is on the applicant; he added there is a lot of case law. He added he will advise the Planning Commission of the final outcome.

Sandy River Outdoor Adventure, LLC

Mr. Bartlett reported staff has received concerns about the operation of Sandy River Outdoor Adventures, LLC, located at 185 Monroe Church Road, Rice, (Tax Map #53-A-27C), regarding compliance with the operating hours and conditions approved by the Board of Supervisors on April 10, 2012.

Mr. Bartlett reported staff has reviewed materials concerning these issues. Complaints have been focused on two items: 1) Operating past the approved hours of operation and 2) Operating outside the approved “season.”

Mr. Bartlett stated when the Board of Supervisors approved the Special Use Permit, they approved the use per the Planning Commission’s recommendation. One condition imposed stated “the hours of operation will be adhered to per the proposed hours.” The proposal stated the hours would be from 8:00 a.m. – 5:00 p.m. but added, “Special hours by appointment for groups (e.g. birthday parties, church events, college clubs).” After review by the County Attorney, the County was informed that due to this sentence, the business could operate at any time except at night.

Mr. Bartlett stated the season was discussed by the Board of Supervisors and Mr. Smith made it clear the request for special hours for groups also included dates outside the proposed seasons. The Board of Supervisors agreed to this provided the hours were between 8:00 a.m. – 5:00 p.m.

Mr. Bartlett recommended staff send a letter to address the citizen's complaints specifying the Board of Supervisors' actions, authorizing the Sandy River Outdoor Adventure, LLC to operate with groups outside of the regularly scheduled hours.

After some discussion, Chairman Townsend stated that once the Planning Commission has made its recommendation and the Board of Supervisors has taken action to approve or disapprove a special use permit, it is up to County staff to ensure compliance. Staff takes the complaint, determines the steps necessary, and if necessary, go to court. Mr. Bartlett stated a letter will be drafted and sent to the complainant.

Mark and Candace Smith, owners of Sandy River Outdoor Adventure, LLC, were present and provided an overview of their park and the activities it offers. Mr. Smith added the business has promoted tourism in Farmville and Prince Edward County as a whole, and currently employs six full-time employees and eight part-time employees and interns. He added there have been no serious injuries; all staff is trained in CPR and First Aid, with yearly site specific training and rescue procedures.

Chairman Townsend reminded the Commission that the next meeting will be held Tuesday, March 17, 2015 at 7:00 p.m.

Chairman Townsend declared the meeting adjourned at 8:28 p.m.

Next Meeting: March 17, 2015 at 7:00 p.m.