

PLANNING COMMISSION
GLADSTONE, MISSOURI
City Hall Council Chambers

Monday
July 2, 2012
7:30 pm

Item 1 on the Agenda: Roll Call.

Present: Mr. Harman
Mr. Markenson
Mr. Ringhausen
Mr. Ward
Mr. Whitton
Mr. Velasquez
Mr. Yarber
Chairman Turnage

Absent: Ms. Alexander
Ms. Smith
Mr. Steffens

Council & Staff Present:

Scott Wingerson, Assistant City Manager
Becky Jarrett, Administrative Assistant

Item 2 on the Agenda: Pledge of Allegiance.

Chairman Turnage led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of the June 4, 2012 minutes.

MOTION: By Mr. Ringhausen, second by Mr. Markenson to approve the June 4, 2012 minutes as presented. The motion carried.

Item 4 on the Agenda: Communications from the Audience.

None.

Item 5 on the Agenda: Review of Code of Conduct.

Mr. Wingerson reviewed the Rules of Procedure which each Board and Commission is to adopt on a periodic basis. He highlighted a few key areas such as Rule 3.2 which explains that everything they talk about shall be open to the public. One of policies the Council asks staff to

reinforce with everyone is that 75% of the meetings are to be attended that are scheduled. It helps Commissioners keep up and stay informed and keep a good image for the City. If you can't attend; it is understandable, but please contact Chairman Turnage or a member of City staff.

Rule 9.1 talks about the applicant "shall" appear before the Commission. He said that staff will *always* encourage the applicant to attend these meetings out of respect for the Commission and the process and obviously, their own interest. As some of them know though, that doesn't always happen. In some cases it doesn't matter; but in some it's a very big deal.

Conflicts of interest, addressed in Rule 12, do happen. Mr. Wingerson explained that all of them, in some way or another, will all have a conflict of interest; however, it's a pretty broad definition. Just because they may know the other person or applicant, that's not necessarily a conflict of interest. If you did business with them in a previous life; that's not necessarily a conflict of interest. It kind of depends on what's being presented to you and what your relationship is to the person as well as to the issue being presented. If there is no real good connection there, it's probably not a conflict of interest. There may be a perception of a conflict of interest, which is a very powerful kind of premise and being a perception of the entire City. If it looks like you're too friendly or too close to a certain side of a particular issue you may want to politely remove yourself from that, especially during the public process. Certainly staff is going to encourage you not to have private discussions with anyone you know about anything that's coming forward to the Planning Commission until you have taken your position. Staff will further encourage you not to talk about these issues until the City Council has had a chance to make their decision. He told them to remember that they may have made their decision or maybe it's a split vote, but it's very difficult for the City Council to have some of the Commission come to them and say "you should do this" or "you should do that," when they don't even have the record yet. It can be an awkward position for the Council. He said if there's any question whatsoever just call City staff, Chairman Turnage, or Counselor Thompson and they will help walk you through it.

Mr. Wingerson covered Principles For the Ethical Conduct of Planning Commission Matters, which are adopted as guide for the members of the Commission in their conduct of public responsibilities. From staff's perspective, supporting citizen participation comes to light when the Planning Commission is allowed to ask questions that do not have anything to do with the planning topic at hand. Staff allows this to occur, as long as it doesn't put the City in a position to cause litigation, because that's the "public participation" process. He talked about how staff may have to cut off the conversation and the two ways that could happen: one would be for staff to redirect the conversation and get off the topic; the other would be to call for a recess.

Mr. Wingerson reminded them that their decisions will be around for the next 50 or 60 years. Decision about future purchases are sometimes mentioned in these hearings, especially as it relates to real estate. He advised them to be very careful with this information as well as any financial information they may see. The most important thing is that the public know that the Commission is transparent and that they are volunteers making the very best recommendation in their power to forward to the City Council, who has been elected by the citizens to make the difficult decisions. He asked for any questions at this time.

Chairman Turnage asked about Rule 3.2, which states that “The public shall also be given the opportunity to address the Commission on matters relevant to the Commission's responsibility which are not listed on the meeting agenda.” He wondered if someone were to come to a Planning Commission meeting upset about something; what would be a relevant issue?

Mr. Wingerson couldn't think of a time that ever happened. If someone had been denied a variance due to a setback they might come to the Planning Commission and ask them to consider an ordinance change. That is something that could happen. Staff would recognize comments from the public and then work with them to move forward.

Mr. Turnage also asked about page 10 where it talks about not disclosing or improperly using confidential information for financial gain. He understood the financial gain portion, but used the example of someone coming to a Commissioner and lobbying to get them to vote against an application.

Mr. Wingerson says it does happen. It's a difficult position and each member has to decide how best to handle that based on their personality. Staff would always suggest a pretty direct approach that would go something like this, “Look, I appreciate what you're saying. I don't have all of the information yet. Please come to the public hearing and tell the entire Commission what you're telling me know and we'll do the best we can to address the issues that you have and forward our recommendation to the City Council.” He added that staff would not encourage them to say, “Yeah, I'll take care of you. I'll get everyone to vote no.” Of course that's the wrong thing to say!

Mr. Velasquez asked about page 9 where it talks about “expand choice and opportunity for all persons”. He said it seems like daycare centers are pretty common things, but he recalled one recently that the Planning Commission recommended approval, but then the City Council more or less reversed what they said and he wondered where they [PC] went wrong. He said the Council probably had more information and wondered if as a courtesy the Commission could know how those decision turn out.

Mr. Wingerson said that staff has tried various ways of keeping the Commission informed on Council decisions and it has been harder lately with the lack of meetings, but it is definitely something staff needs to work on. He said that the important thing to remember is that the City Council always has the right to make a different decision than the Planning Commission; it doesn't mean the Planning Commission decision was wrong or right; nor that the City Council decision was wrong or right; it just means that they are different.

Mr. Markenson asked to what extent a Commissioner would disclose an ex parte conversation with a neighbor, a bridge club member or a friend.

Mr. Wingerson answered that each member has to have their own tolerance for that and judge the situation on a one-on-one basis. For example, if it's a discussion at the bridge table you may say, “Hey, I'm in a bridge club with Betty and we talked about this application a little bit.” If there is no pertinent information exchanged, then there's no need to disclose that. The risk each member runs is a member of the audience saying, “Me and Gary had coffee the other day and had a real nice conversation about this and I appreciate your support, Mr. Markenson.” That is

what you want to guard against. They're not doing it on purpose, they're just thanking you for your time; but the way it gets said makes it look bad to the rest of the audience.

Mr. Ringhausen said that he has seen two difference sides to reviewing the information for a case ahead of time. In one instance he has heard to always understand the area and the property in question and in one instance he has heard to never go anywhere near the area because of the opportunity for those ex parte conversations with neighbors. He asked if there was an official policy in that regard or if Mr. Wingerson could offer any advice.

Mr. Wingerson said there was no official policy, but offered a thought process. He explained that staff tries to send them not too much information but not enough information as part of the packet. They try to highlight the issues when they know what they are from the public's perspective. He thinks that it's very helpful to drive by the site. Depending on the application, he would drive by, maybe at the street speed limit, because you don't want to get stuck there. The second one neighbor comes out or you run into the developer, things can get blown out of proportion and you're on the defensive.

Briggin's Rules is a handout that Mr. Wingerson referred to that the Commissioner's had at their places tonight. He said it's a pretty funny handout; but also has some very valuable information. He briefly read through a few paragraph headlines and offered to answer any questions. Hearing none he proceeded to the video presentation.

Item 6 on the Agenda: Video Presentation

Mr. Wingerson presented a training video from the City of Santa Monica, California, which discussed parliamentary procedures, the roles of the Board and Commission, rules of order and running effective public meetings.

Mr. Wingerson said he thought the most interesting thing in the whole video for him was the serial meeting concept. Although a little bit harder for the Planning Commission because of the size, email or texting at the City Council level can quickly become a quorum if three members are involved. If Becky were to send the Commission a meeting packet and you want to send a comment to one member and instead you hit "reply all," all of a sudden everyone is talking about the issue.

One other thing to think about is that just last week the City Council went to live streaming video on the internet. His guess is that when that is perfected, these meetings will be live streaming too. This could effect public comments.

He thanked the Commission for participating. Staff really takes this training seriously. Of all the litigation that the City could be faced with; land use litigation is typically the most dangerous and the most expensive. Gladstone prides itself in being a long time, if ever, that the City has been sued on a land use decision.

Item 7 on the Agenda: Discussion of Board & Commission Academy.

Mr. Wingerson explained that back in October, the City Council said that one of their objectives was to make sure that the Board and Commissions are getting the information that they need to

be able to fully experience their local government. They began to think about a Board and Commission Academy where on a periodic basis either individually or as groups, they could bring Boards and Commissions together to talk about “stuff.” Mr. Wingerson said that he has put together a group of topics to ask them about tonight to see if any of them are of interest.

As proposed at this time, other Boards and Commissions, or staff, would either provide information to them, twice a year. For example, the City Council might meet with all of the Boards and Commissions and present their goals. The Capital Plan might be presented. The City operating budget. Other topics might be: emerging trends, parks, orientation and training. It would probably turn into two large meetings a year. He asked them what they thought of the idea.

Mr. Ringhausen asked if there might be an opportunity for staff to present challenges that other cities similar to Gladstone, either here or in other states, have faced.

Chairman Turnage asked where a group that large might meet. Mr. Wingerson said it would probably have to be at the Community Center.

Mr. Ward suggested that two meetings might be offered in the same week to give members some options.

Mr. Ward asked if there would be a way to learn about other cities Planning Commission meeting outcomes.

Mr. Wingerson thanked them for their ideas and for their attention this evening.

Item 8 on the Agenda: Communication from the City Council and City Staff

None.

Item 9 on the Agenda: Communication from the Planning Commission Members

Mr. Markenson said that he heard a rumor, from a not very reliable source, that the McDonalds on Antioch Road might be moving to the old Shell Station on Vivion and Antioch.

Mr. Wingerson said he hadn’t heard that specific rumor, but he has heard a couple of rumors like that. The new plan for the Antioch Center area is for Burlington Coat Factory and Sears to stay and then a new Sr. Housing apartment complex to be added with some pad sites. One of those pad sites is rumored to be McDonalds.

Mr. Markenson said his concern is another abandoned McDonalds building.

Mr. Wingerson said the City has been working with the owner for a while, off and on, and there just isn’t much that can be done with the site. The argument staff has it not with McDonalds, but how can a first-tier suburb our size hope to compete with the development incentives offered by Kansas City Missouri and the State of Missouri to redevelop Antioch Mall? How can McDonalds not do it? We just have to hope that we’re a better community and they see that and they want to stay and then we can help them.

Mr. Yarber said he's sure everyone here is registered to vote, but that July 11th is the last day to register before the primaries.

Mr. Ward wondered if there are motorized vehicles allowed on the Happy Rock trail because there have been some mopeds on it around 12-1:00 pm.

Mr. Hartman asked what is going into LC's.

Mr. Wingerson said it is going to be a coffee shop called Headrush Roasters. They will add a door in the front along with indoor and outdoor seating.

Item 10 on the Agenda: Adjournment

Chairman Turnage adjourned the meeting at 8:32 pm.

Respectfully submitted:

Bill Turnage, Chairman

Approved as submitted _____

Becky Jarrett, Recording Secretary

Approved as corrected _____