

Town of Colonial Beach Planning Commission Minutes

Date: November 04, 2010 – Town Center, 22 Washington Avenue

Time: 4:30 P.M.

Present: Maureen Holt - Vice-Chairperson
Margaret McMullen
Kent Rodeheaver
David H. Coombes
Desiree Urquhart
Cynthia Misicka

Also Present: Val Foulds, Town Manager
Gary Mitchell, Director of Building and Zoning
Andrea Erard, Town Attorney

Absent: Ed Grant

CALL TO ORDER

Ms. Holt called the meeting to order at 4:30 P.M. All members were present with the exception of Mr. Grant who was absent.

Ms. Holt stated that Mr. Grant was ill and they sent him their best wishes.

APPROVAL OF THE MINUTES FROM THE OCTOBER 07, 2010

Ms. Holt stated that the first order of business was to approve the minutes from the October meeting. Ms. McMullen expressed that she had two changes she would like the Commission to consider.

Ms. McMullen stated the on page 7, paragraph 9. She said that the statement should say that “there are public rights of way at these locations.”

Proposed language change -

Ms. McMullen said she thought some of them were surprised that there ~~was no fence at~~ were public right of ways at these locations.

Ms. McMullen stated that she had spoke with Ms. Mills earlier and stated that sometimes her voice just does not come through. She stated she appreciated them taking the time to go through this.

Ms. McMullen stated that on page 13 at the end of last paragraph on the top sentence.

It should say -

Proposed language change -

Ms. McMullen stated that this is the type of information that a citizen should offer at meetings.

Mr. Mitchell should not be carrying messages for public comment from citizens at our meetings.

Ms. Mills stated that she would go back and listen to the tape again.

Mr. Coombes stated that he did not feel comfortable adding Ms. McMullen's statement unless it shows up on the tape.

Ms. Mills reminded the Commission that it was agreed upon a few years ago that not every part of the minutes are transcribed verbatim. She stated that if that was what the Commission wished to see then they needed to go back and revisit this.

Mr. Coombes stated that only the public hearings were to be transcribed verbatim. Mr. Coombes stated that they left what was put into the minutes at Ms. Mills discretion.

Mr. Coombes stated that adding statements after the fact was not acceptable in his opinion.

Ms. Urquhart asked Ms. McMullen if the last statement she made was an addition to the minutes or a correction to the minutes.

Ms. McMullen stated a correction and she may have misplaced her page number.

Ms. Erard stated that if there are corrections then she would suggest that the clerk go back and check the tape and defer the approval of the minutes to the next meeting.

There was general agreement from the Commission to defer the approval of the October 07, 2010 meeting minutes until the December meeting.

PUBLIC HEARING FOR A REQUEST TO MAKE AN AMENDMENT TO THE RESORT COMMERCIAL (RC) DISTRICT ADDING THE PERMITTED USE OF "PERSONAL SERVICE ESTABLISHMENT".

Ms. Holt stated that the next item on the agenda was a public hearing to add the permitted use of "Personal Service Establishment" to the Resort Commercial district.

Ms. Holt said that at this time they will hear from the Staff.

Mr. Mitchell reads the following Staff report.

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
PROJECT NAME: Ordinance Amendment	Planning Commission Meeting Date: November 4, 2010
Case Number: ZOA-02-2010	Applicant: Peace of Mind & Body
Project Status: <input type="checkbox"/> Preliminary Sketch <input type="checkbox"/> Rezoning Application <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Conditional Use <input type="checkbox"/> Preliminary Final Plat <input type="checkbox"/> Concept Plans <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Vacation	Owner: Tom Hagedorn, Chesapeake Development Group
	Location: Resort Commercial District
	Voting District: NA
	Parcel Number: NA
	Total Site Area: NA
	Site Area Developed: NA
Existing Structures: None	CBPA: NA
Flood Hazard: NA	Additional Site Data: NA
Current Zoning: Resort Commercial (RC)	
Action Request: Approval as presented	
	Staff: G. Mitchell Date: 11-1-2010

Prior Actions / Case History

Rezoning: NA
Conditional Use Permit: NA
Variances: NA
Subdivisions: NA
Other Data: NA

DISCUSSION:

The operator of an existing business here in the Town approached staff regarding establishing a personal services establishment (yoga studio) in the Potomac Renaissance Condominium building (1st Floor) located on Taylor Street. The business owner already operates a retail operation selling yoga supplies and candles. They wish to offer other services such as mediation, day spa services (massages and/or aroma therapy). These types of services are most typically associated with a resort area. These types of services will offer our visitors some alternative resort oriented activities often found in resort areas like the Outer Banks of North Carolina, Sandbridge and/or Chesapeake Beach. Massage services shall be only offered by massage therapists licensed by the Commonwealth of Virginia.

Currently, we already have a category in the ordinance called *Personal Service Establishment*. This type of business is currently defined by the ordinance as;

Personal Service Establishments: An establishment which principally provides the provision of frequent or recurrent needed services of a personal nature, typically services include: barber shops, beauty salons, tanning salons, nail salons, day spas, tailor shops, shoe repair shops, dry cleaners, and wig shops.

Staff proposes that the Planning Commission should add this use in the Resort Commercial Zoning District as a permitted use. Staff believes that the services that the current business wants to offer are consistent with the definition.

In order to be consistent with other provisions of the ordinance staff also included a new introductory sentence stating that these uses are permitted uses within the Resort Commercial District with an approved site plan. This language is consistent with the other sections of the ordinance.

All the proposed text changes are attached for reference.

PROCESS:

After the Planning Commission acts on this proposed text amendment then it will be forwarded to the Council Economic Development Committee for consideration. Based upon the action of the Council Committee it will be brought forward at the following Town Council meeting for a public hearing.

COMPREHENSIVE PLAN:

Numerous times in the 2009-2029 Colonial Beach Comprehensive Plan recommends that more recreation and development of small businesses need to be fostered and supported here in the Town. This is a small business which desires to offer more recreational services as well as expand its operations accordingly. Typically, approximately 1/3 of economic development is derived by expansion/retention of small businesses. In fact nearly 90% of the respondents to the survey in the comprehensive plan stated that increased Tourism is a type of economic develop they would favor. This text amendment supports that sentiment expressed in the Comprehensive Plan (see Appendix A).

STAFF RECOMMENDATION:

Staff recommends sending this proposal to the Council Economic Development Committee with a recommendation of approval.

ARTICLE 7
RESORT COMMERCIAL (RC) DISTRICT

STATEMENT OF INTENT

That portion of Colonial Beach referred to as the downtown beach front provides a resort area for tourists. Land use in this district shall orient itself to the development of an attractive, viable resort area. Land uses which go against this concept or adversely affect the operation thereof shall be excluded from the district.

7-1 Permitted Uses:

~~Within the Resort Commercial District, a building and/or land shall be used only for the following purposes.~~ The following uses are permitted within the Resort Commercial (RC) District with an approved site plan:

- a. Accessory Structures
- b. Arts and Crafts Studios
- c. Community Facility/Open Space
- d. Flea Markets
- e. Golf Cart, Moped and Bicycle Sales and Rental Establishments.
- f. Museums
- g. Offices
- h. Personal Service Establishment
- i. Private, Public and Commercial Piers
- j. Public Buildings and Facilities
- k. Public Utilities.
- l. Restaurants, excluding those with drive in facilities
- m. Retail Establishments
- n. Wayside Stands.

Mr. Mitchell said that he proposed just adding “personal service establishments” to the resort commercial district. Also to be consistent with other provisions of the ordinance, we have included one other little sentence there. If you look on the third page of the staff report you will see where it says “The following uses are permitted within the Resort Commercial (RC) District with an approved site plan”. He stated that the site plan has already been approved for Potomac Renaissance Condos, but for any future development it just means we have to have an approved site plan.

He stated that with that he would ask that the Commission recommend this and send it to the economic development council committee.

Ms. Holt stated that she would now open the public hearing. She asked if there was any public comment on this matter.

Ms. Ursula Finney, 1501 Bancroft Avenue stated that she agreed with their assessment of personal service establishment but she believes this is professional services because the practice is of the healing arts fits (inaudible) then personal services. She stated that she felt it is under the wrong category. She said that the other thing noted in the paper is the Town Code 17-31 which basically prohibits everything regarding rubbing and massage and that kind of thing. She stated this would need to be eliminated in the Town Code. She stated that another thing is that a day spa which is probably what the owner is going for requires many licenses, health department, cosmetology and Virginia licenses. She said that she would want to make sure that every single license is done and not just glossed over. She stated there is a lot of them dealing with day spas. She said her problem is that she tried to look this stuff up on the computer and it is so crazy that you can't find anything, from the Town Codes, licenses and all that kind of thing. She stated it is really not very clear were to find things. She stated that when they mentioned personal services it took her a ½ hour to find it. She said that when they make these statements about what they are going to do at the next meeting it would be very helpful if it was notated where the information could be found. Otherwise it takes half a day to find anything. She said

that when they said personal services, it took her a while to figure out what to look under. She stated that it should be marked as to where people could check into it.

There was no other public comment.

Ms. Holt closed the public hearing. She opened the subject up for discussion among the Planning Commission members.

Ms. McMullen stated that she thought that the woman (Ms. Finney) that spoke pointed out some things that they should talk about or think about. Perhaps, professional services could furnish an explanation of the licenses required. She stated that it is something they should consider or maybe they could get some more information on this now.

Ms. Holt asked Mr. Mitchell if he could respond to this.

Mr. Mitchell stated that licensing is regulated by the State.

Ms. Erard said they could certainly define this however they want but generally speaking in terms of Professional Services they are things like accountants, lawyers, doctors... that is generally how she sees it.

Ms. Misicka asked if she could make a comment. She stated that she does not think licensing has anything to do with what they are doing. She said that restaurants need licenses and gas stations need licenses, attorneys need licenses. She stated that they were simply saying what uses are permitted. So, it seems that it is not within the purview of what they are doing.

Mr. Coombes asked if the applicant was here tonight.

Mr. Mitchell stated that the applicant was not available because of a previous engagement.

Mr. Coombes asked if the applicant was Chesapeake Ventures.

Mr. Mitchell stated no that was the property owner, the applicant is the business owner Peace, Mind and Body who has a business on the first floor.

Mr. Coombes stated that they are two different people then.

Mr. Mitchell replied yes.

Mr. Coombes asked if anybody on the Commission remembered why they excluded Personal Service Establishments in the resort area. He said that he remembered a couple of years ago having major discussions on what was to go in down in the resort commercial area. He stated there was reason they did not put that in.

Ms. Holt stated that they were concerned that it would go too far in the direction that somebody could come in and ask for something that the town may not want. Like a potential adult oriented business.

Mr. Coombes said right like adult businesses, I remember all of that. That was a deep discussion and that was the reason we excluded it, either as permitted use or a conditional use. We excluded it all together and that was few years ago. We need to bare that in mind as we consider this. We have a couple things here, we want to encourage businesses and not dismiss various types of things. But also be fearful of certain types of things that may be coming down the road. We don't want to give something to one applicant and not to another and pretty soon we have the problem of having a court action or something .

Ms. Holt asked how would it affect them if it was not a permitted use but a conditional use.

Mr. Mitchell stated he looked at the definitions and felt like the definition for personal service would work. He said this falls under barber shop, tanning salon and so forth. He stated it did not have anything in there about lewd kinds of stuff.

Mr. Mitchell said they could make it a conditional use if they wanted.

Mr. Coombes asked why Mr. Mitchell suggested making it a permitted use.

Mr. Mitchell responded to maintain a business friendly approach with the Town.

Ms. Misicka stated that she would just like to say that she would hate for them to throw out the baby with the bathwater. She stated that all other municipalities manage to have barber shops and beauty salons and day spas without having porn sites or businesses coming to town. She said if that is something they are concerned with maybe the best way to do it without putting the burden on these legitimate establishments is to put language in there that says this personal service establishment shall not include sexual services or non- licensed massages. If that is what people are concerned with.

Mr. Coombes asked if she meant putting it in the definition.

Ms. Misicka stated that she is not recommending that she is just saying that if that is a legitimate concern it may be a better way to do it rather than handcuff this business...

Mr. Coombes said it is not his concern today but maybe down the road they should talk about it because if they change the definition they would need to have a public hearing.

Ms. Erard said that when you look at the definition of personal service establishment she was not sure if maybe there were some environmental issues with drycleaners.

Mr. Mitchell stated that it was in there.

Ms. Erard said she understood that it was in there but recently what she has seen is that some businesses that seek to define themselves as personal service establishments are piercings and tattoo parlors. She said that they generally allege themselves as being personal service establishments. That would probably be encompassed by this definition.

Ms. McMullen stated that it is mentioned in there somewhere that there are prohibitions. She asked if they have the exact language for that.

Mr. Mitchell stated that he did not have that with him. He said that it refers to the obscenity section of the Town Code. He stated that none of this is obscenity in terms of adult oriented activities. He said that he felt they were two different code sections.

Ms. McMullen asked if that would take care of this.

Mr. Mitchell stated that yes if you were trying to operate one of these businesses and do that then the police would get involved. He said that one code does not cross out the other one.

Ms. McMullen said that she thought if they wanted to prohibit, the point was well made. The Tattoo parlor may be something we might not want to encourage.

Ms. Erard said the other related issue is that there are some beauty salons that offer permanent make up which is technically considered a tattoo. She said it is all very licensed.

Ms. McMullen stated that she agreed with Ms. Misicka. She said it is a legitimate business as she sees it. She said she would encourage it and believes they should make it as simple as possible for the applicant.

Mr. Coombes suggested moving on with this and dealing with the definition that Ms. Misicka and Ms. McMullen were talking about at another meeting. He said then if they feel they need limitations put into this definition then they can do it.

Ms. Urquhart asked if they were going to propose this as is.

Mr. Coombes said as presented by Mr. Mitchell.

Mr. Coombes stated that they can't change the definition at this meeting and if they go with the permitted use then they can't put conditions on it.

Ms. Misicka stated that she would just like to say that she feels the definition is fine and she personally has no fears about tattoos and piercings. She stated that she has two pierced ears although she has no tattoos. She said she just feels they need to enter the 21st century. She said yoga is what is being taught at this salon, she said she has taken the classes and they are wonderful. She said if a tattoo or piercing parlor opened up on the boardwalk it would probably get a heck of a lot of business.

Ms. Holt asked if there was a motion.

Mr. Coombes reads the recommendation into the record.

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD, THURSDAY, NOVEMBER 04, 2010, AT THE COLONIAL BEACH TOWN CENTER

Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the recommending approval of ZOA-02-2010, and,

Now therefore be it resolved that the Colonial Beach Planning Commission hereby forwards this petition to the Town Council of Colonial Beach with a favorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

MOVED BY: Coombes

SECONDED BY: McMullen

Ms. McMullen: Aye
Mr. Coombes: Aye
Ms. Misicka: Aye
Ms. Urquhart: Aye
Mr. Rodeheaver: Aye
Ms. Holt: Aye

MOTION PASSES AND IS RECOMMENDED TO COUNCIL

PUBLIC COMMENT ON PLANNING COMMISSION

Ms. Holt stated that the next order of business was any comments from the public on Planning Commission matters.

Ms. Ursula Finney speaks out of order. She asked if the Commission did not just read what she is talking about. She said that it seemed she had been talking to them but they ignored what she had said.

Ms. Holt stated that if she wished to speak she would need to come to the podium and state her name and address.

Ms. Ursula Finney, 1501 Bancroft Avenue. She asked if she could just read two sentences from professional services, it means services performed by architects, attorneys at law, certified public accounts, dentists, engineers, surveyors and practioners of the healing arts. She asked what is yoga, it is a healing art. The arts and science are dealing with the prevention and treatment and cure or the alleviation of human physical and mental ailments. Does not a yoga studio fit under professional services?

Ms. McMullen stated your point is well taken and thank you.

Ms. Holt asked if anybody else had any comments on Planning Commission matters.

Mr. Coombes said he had just one comment as a result of Ms. Finney's comments. He stated that as they go back within the next month and the month after relooking at the definition of personal services then they should take in to consideration the (inaudible word) between that and professional services. He stated that it would be his recommendation to the Planning Commission that they look at both.

Ms. Holt stated to Ms. Finney that what they were discussing earlier is that changes can be made to the definitions once it is adopted. She stated that they can't make them now but they can later. She said that is why they are going to pass it on and then they can look at it again later.

DISCUSSION ON RECOMMENDED UPDATES TO SECTION 6, PLATTING REQUIREMENTS OF THE SUBDIVISION REGULATIONS.

Mr. Mitchell stated this was part of what they had been doing for several months now. He stated that he has been bringing them sections of the subdivision ordinance for them to look at. He said they can make sure the contents and the intended purpose is there. He stated that once they agree on it and that they have not left anything out then they will bring the entire document back for a final review and then after that they will have a public hearing.

He stated that this is just the platting section.

Ms. Holt asked Mr. Mitchell if there is anything on here that he would like to point out.

Mr. Mitchell stated that number 14 on the first page and they would see it on other pages in this document but it was part of the Chesapeake Bay language that they need to change in terms of being compliant with phase three. He stated that one of the things that they did not have on their check list for plat approval is the language that states that the Town itself is an RMA (Resource Management Area). He said that the Resource Protection area is the area that cannot be disturbed. Other than that much of this is existing. He said the things that he changed was underlined and he either added language or tried to make it clearer. He said this prevents having situations in Town where you have a developer who did not post a bond and then does not finish something out and the Town has to find the money to pave roads. He said that those types of protections are now built in.

Mr. Coombes asked if everything that was underlined is either changed or new.

Mr. Mitchell stated yes.

Mr. Coombes asked about the new person referenced in the document called the subdivision agent. He asked who is the Planning Director or Director of Community Development? Mr. Coombes asked if there is any consistency in terms of ...

Mr. Mitchell explained that his job had many hats.

Mr. Coombes said that is fine with him.

Mr. Mitchell asked if they had any issues with the content of this document.

Mr. Rodeheaver said he had a question regarding number 6 on the 1st page. He asked what a closure is.

Mr. Mitchell said that when a survey is done a line has to close with a certain standard of accuracy. He said that is kind of a state standard. He said that most surveyors do that.

Mr. Rodeheaver asked then an accuracy of not less than one in twenty-five hundred...

Mr. Mitchell said it should say one in twenty five hundredth of a square foot.

Mr. Rodeheaver asked how can they do that. He said that later on it is mentioned one in ten thousandth on the next to the last page.

Mr. Mitchell said that this language is existing, but it should be consistent with the first and he would change that.

Mr. Rodeheaver said it seems like it would be impossible to do.

Mr. Coombes asked if these are state standards.

Mr. Mitchell stated yes. He said that most surveyors have lasers and other things that get those accurate measurements.

Ms. Holt asked if Mr. Mitchell was asking them to look over those and discuss further at the next meeting.

Mr. Mitchell said yes that is fine. He said if they do not understand something then email him and that would be okay.

Mr. Coombes asked how many more sections were there. Mr. Mitchell said two.

Mr. Coombes said he remembered Ms. Erard stating that this was a major undertaking and it seemed to be. He said especially if everything that is underlined is new. He said apparently this document was woefully deficient. He asked if this was an accurate statement.

Both Ms. Erard and Mr. Mitchell agreed.

Mr. Rodeheaver asked about the definition of Mylar plats.

Mr. Mitchell explained that Mylar plats are virtually indestructible. He said a paper plat tears and deteriorates over time.

Mr. Rodeheaver said that it is a much more expensive process.

Mr. Mitchell said they would be making money on the lots.

Mr. Rodeheaver said what about being business friendly. He stated he could understand if it was for a large development. But not for the guy who just subdivides two lots.

Mr. Mitchell explained that this would not apply to the guy who just subdivides two lots.

DISCUSSION ON UPDATES TO THE PLANNING COMMISSION BY-LAWS.

Ms. Holt explained that this discussion was specifically regarding disclosure statements.

Mr. Mitchell stated that at the last meeting Ms. McMullen had asked about this subject and he brought it to Ms. Erard's attention and asked her to explain this to them.

Ms. Erard said that it was her understanding that Ms. McMullen was interested in having disclosure statements filed. She stated that she had pulled the disclosure statements for them and included the requirements.

Mr. Coombes asked if the requirement did not go into effect until the census met 3,500 people.

Mr. Coombes said he assumed that if they had to do it then the Council would also have to do this.

Ms. Erard stated yes. She said also the Town Manager.

Ms. McMullen inquired about whether or not the Planning Director was included. Ms. Erard said that she did not think he was subject to this.

Ms. Erard said that she also included forms.

Ms. McMullen said that they were given a whole packet on this subject some time ago which was very helpful.

Mr. Coombes asked if they needed to hold a public hearing if they change the By-Laws.

Ms. Erard said no.

Ms. Misicka stated that she had one question and two comments. She asked if there was a particular concern regarding conflicts of interest that would make them impose a disclosure requirement upon themselves before it is required.

Ms. McMullen said she did not have any particular concern with anybody on the Commission. She said it takes a while to fill out these forms. She stated that they could set a deadline like in January or something then they would be ready when the census comes out.

Ms. Holt asked when would they find out that they reached the 3500.

Mr. Mitchell stated around April is when the census numbers will come out.

Ms. Foulds said in the spring time and that she expects that they are over the 3,500 number.

Ms. Holt asked if this would be something beneficial for them to start on.

Ms. Erard said yes, they could start filling out the form.

Ms. Misicka stated that she had two comments about the By-Laws if they were changing them. She said the first was a new idea everybody may not be comfortable with agreeing on right now but she asked that they consider it. She stated under Terms and Vacancies, members are currently serving terms of four years and may be reappointed. She said it is her suggestion to impose term limits to the By-Laws. She said she is a huge component of term limits for any elected or appointed office. She said she feels there are really important reasons why governments should change. She stated that she was suggesting limiting themselves to no more than two terms. Which would mean nobody would be able to serve consecutively no more than eight years. She said if they wanted to grandfather themselves in then that would be something else to consider. She said that it is a new concept that she asked that they think about.

Ms. Erard stated that there are other localities that have that requirement.

Ms. Misicka said the other comment she had was that all the language in the By-Laws be gender neutral.

Ms. Erard stated that on page 5. Number 6 there was an old state code that needed to change. She said the new code section was 15.2-2204.

Mr. Rodeheaver stated that on the issue of limits he said he felt they should not take that up but he said that should be up to the Town Council.

Ms. Erard stated that the By-Laws are up to the Planning Commission but the Town Council could separately adopt an ordinance.

Ms. Holt asked if anybody would like to take action on either item.

Ms. McMullen stated that since they were discussing ideas she would like to throw out the topic on the very last paragraph where it states *The Commission's goal is to have all of its members to attend and complete training sessions sponsored by the Citizens Planning Education Association of Virginia in order to more effectively carry out their responsibilities to meet objectives of the Commission.* She suggested that it state *and complete Planning Commission certification.*

She stated that she would like to make this mandatory in the first year of serving, excluding everybody who is at the table.

Mr. Mitchell stated that he thought that he and Ms. McMullen talked about it at the conference and they agreed any new members.

Mr. Rodeheaver stated that he thought when they first implemented this they had said that they wanted the majority of people on the Commission be certified which would mean four out of seven.

Mr. Rodeheaver said that it would be up to the Chairman of the Commission to implement that. He said he felt four out of seven is adequate. Mr. Rodeheaver said in some cases it is just hard for people to go.

Mr. Coombes said his concern is that if they make it mandatory that they will not get applications from some very good people who's time may be limited. He said they may be doing themselves a disservice by not getting those applications. He said he came on the Commission in 1996 and then maybe one person was certified but it did not deter them from doing their job. He said he felt certification is fine and he is glad that they had went several years ago. He stated that he has a real problem making it mandatory because time may be a factor for some potentially good applicants. He said this is becoming more complicated as time goes by and things develop. He said he would need to think it through but he does not think he would support a mandatory requirement. He said what happens when you give a person a year and they don't do it. He said if they were good enough to come on the first time and they are doing their job then why dismiss them.

Mr. Rodeheaver suggested maybe instead of doing that they could bring somebody in for a training session every year.

Ms. McMullen stated that she thought they could arrange somebody to come here.

Mr. Mitchell explained that Dr. Chandler who is the Director of the CPEAV does do on site training. He said that they can do all types of training for a day or week.

Ms. Holt stated that they had three items they had been discussing so she said they would vote on them one by one.

Ms. Holt asked for action to be taken on Planning Commission certification. ***The Commission decided to leave that topic for now.***

Ms. Holt asked for action to be taken on the Disclosure Statement. Ms. McMullen made a motion to adopt the language provided by the Attorney and add it to the By-Laws. Ms. Urquhart seconded the motion.

Mr. Rodeheaver stated he is not in favor of doing this until they have to.

Mr. Coombes stated that this will have to make them file by January 15, 2011. He stated he concurred with Kent and felt they probably should not do this until they see what the census is going to be. He said they could put a caveat in there that would state that they would wait until they see the census.

Mr. Rodeheaver said that he would even be willing to take an oath. He said that the document is pages long.

Ms. McMullen stated that she personally would like to get started because the document is so long.

Ms. Holt asked if Ms. McMullen would like to amend her motion.

Ms. McMullen stated no she would not.

Ms. Holt stated then they will vote on the original motion.

Cynthia Misicka -	Nay
Desiree Urquhart -	Aye
Kent Rodeheaver -	Nay
David Coombes -	Nay
Margaret McMullen -	Aye
Maureen Holt -	Nay

The motion fails.

Ms. Holt asked if anybody would like to make a motion that they add this at the time of the census.

Ms. Erard explained that they did not have to do this and that it would happen automatically then.

Ms. Holt asked if they would like to make a motion on the topic of **Term lengths**.

Ms. McMullen stated that she would like to think about this issue.

Ms. Misicka stated they could wait on this issue and maybe discuss it next month.

The Commission agreed to wait on this issue.

Ms. McMullen stated that she would like to make a motion to change the language in the By-Laws to be gender neutral.

Ms. Misicka seconded that motion.

There was general agreement to change the By-Laws to reflect gender-neutral.

Ms. Holt asked that they vote on the updates of the code section in the By-Laws.

Ms. McMullen motion to update the code section.

Ms. Urquhart seconded it.

There was general agreement to update the code section.

NEW BUSINESS

Ms. Holt asked if there was any new business. Mr. Mitchell stated the only business that he wished to discuss was the Biographies in the news letter he was working on. He asked that the Commission each read their own Bio and check it for in-accuracies or errors. He asked that they try and give him the changes by Friday afternoon because he would like to get the news letter out as soon as possible.

Mr. Mitchell stated that he had given each member a Chesapeake Bay handout for them to look over.

ADJOURNMENT

Mr. Coombes motioned to adjourn and Mr. Rodeheaver seconded the motion.

Meeting was adjourned at 5:30 P.M.

Maureen Holt, Vice-Chairperson