



### AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
  - Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
  - Introduction       Resolution
  - Ordinance         Grant/MOU
  - By Motion          Bylaws

PRESENTER: Debi Sandlin      PRESENTER TITLE: Community & Economic Development

AGENDA ITEM: Recording Planning Commission, Architectural Review Board and Board of Zoning Appeals Meetings

BACKGROUND / SUMMARY:

Information summary on recording boards and commission meetings as a follow-up to a directive by Town Council during the October 11, 2011 Council meeting.

Review the attached memo summarizing 1) the reasons for recording boards and commission meetings, 2) examine the policies and procedures for recording boards and commission meetings by other small municipal governments and 3) review options for Council to consider.

ATTACHMENTS: Memo summarizing information and a chart outlining the policies and procedures of other communities.

REQUESTED ACTION:  NO ACTION REQUESTED

FOR MORE INFORMATION, CONTACT: Name: \_\_\_\_\_

Phone#: \_\_\_\_\_ E-mail: \_\_\_\_\_

*FOR USE DURING MEETING*

<i>FOR USE DURING MEETING</i>			VOTE:		<input type="checkbox"/> PASSED		<input type="checkbox"/> NOT PASSED	
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## MEMORANDUM

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**TO:** Town Council  
**FROM:** Debi Sandlin, Director of Community and Economic Development  
**DATE:** December 20, 2011  
**RE:** Recording Planning Commission/ARB and BZA Meetings

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### SUMMARY

The Town Attorney and Town Zoning Administrator/Planner recently recommended to Council that the Planning Commission, Architectural Review Board and Board of Zoning Appeals Public Hearings and meetings be recorded. The purpose for this recommendation is to 1) keep all Town business transparent to the public, 2) have an audio record of all of the proceedings including comments made by the board and commission members, the public and the applicant during meetings and especially public hearings as support for the accuracy of hand-written minutes, and 3) allow for members who currently take hand-written notes/minutes to more fully participate in the meetings; and 4) create a clear record of proceedings in the event that decisions of a board or commission is challenged and results in litigation.

At the October 11, 2011, Town Council meeting, Council took under consideration and discussed the recommendations made by the Town Attorney and Town Zoning Administrator/Planner to record the abovementioned meetings. The Council made the decision to defer any further discussion until staff had an opportunity to go back to the respective boards and commission and get their feedback and input on recording of meetings and to come back to Council at a later date with more information.

Staff has met with each of the Boards and Commissions to, 1) discuss the legal advantages of video recording/audio recording of meetings and hearings and 2) using this option as a means to keep Town residents informed of policies and decisions being made by each of the respective Boards and Commissions. Both the Planning Commission and Architectural Review Board (ARB) expressed concerns as well as support for recording meetings. Their primary concerns were that free flow of discussion would be curtailed if their conversations were being recorded and that as seats become vacant they would have an even more difficult time in recruiting residents to volunteer to serve on the ARB and the Planning Commission. However, most members conceded and agreed that recording of public hearings and cases would be acceptable.

In addition, staff researched four other small jurisdictions to see what their policies and procedures were for video tapping, audio recording and broadcasting their Boards and Commission meetings. The four jurisdictions included:

1. The Town of Leesburg
2. City of Falls Church
3. City of Fairfax

#### 4. City of Fredericksburg

Staff found that each of the jurisdictions recorded all of their Boards and Commission meetings in their entirety (see attached chart). The practice of recording meetings is common practice in municipal governments and is used to keep government business transparent and to also provide residents who cannot attend meetings, an opportunity to watch the meetings from home or at a later date on the public TV Channel or online. The recordings are also used as a supplemental back-up to written records taken during meetings as a way to resolve any disputes about what was said or not said during a meeting.

Town Council has expressed on several occasions the desire to keep all of the Town's business open and transparent to the public. Recording all Boards and Commission meetings whether by video, audio, live broadcasting, webcasting or a combination of any or all, is another tool that can be used to ensure policies or decisions being made by each of the Boards and Commissions is accessible at all times and through various channels.

### **OPTIONS FOR COUNCIL'S CONSIDERATION**

Option 1: To not video/record or broadcast live any of the meetings or Public Hearings.

Option 2: To video and audio record all meetings but not broadcast live and upload to the Town website for viewing by the general public and/or keep on file at Town Hall for any requests made by the general public to view a specific meeting or all meetings.

Option 3: Only audio record the meetings to use for clarification on potential questions relating to specific comments made during a meeting/public hearing by a citizen, applicant and/or board and commission members.

Option 4: To video, audio record and broadcast live all Planning Commission and Board of Zoning Appeals meetings and Public Hearings for viewing by residents and members of the business community unable to physically attend the meetings but can watch from home.

Option 5: Audio record all Architectural Review Board meetings to use for clarification on comments made by an applicant requesting a Certificate of Appropriateness or members of the ARB during the discussion of a case and to record discussions on any policy or recommendations the ARB will be taking to Council to consider.

Option 6: To video, audio record, broadcast live all board and commission meetings/public hearings and upload to the Town website for viewing by the public.

### **RECOMMENDATION**

Staff recommends Council consider (option 4) for the Planning Commission and Board of Zoning Appeals, which is to video, audio record and broadcast live their meetings in their entirety. This approach will afford all residents and businesses the opportunity to watch the meetings if they are unable to physically attend the meetings and keep them informed and up-to-date on decision and policies being discussed by each of these bodies.

For the Architectural Review Board meetings, staff recommends (option 5), audio record all Architectural Review Board meetings to use for clarification on comments made by an applicant requesting a Certificate of Appropriateness or members of the ARB during the discussion of a case and to record discussions on any policy or recommendations the ARB will be taking to Council to consider.

Each of these boards and commission are appointed by Town Council and are the recommending bodies to the Council regarding policies and decisions being made impacting Town residents and businesses.

The Architectural Review Board has the legal authority to make decisions on cases requesting a Certificate of Appropriateness without having to bring their recommendations before the Town Council for consideration. The Board of Zoning Appeals has the legal authority to overturn the Town Council's decision and has a greater chance of being taken to court over a decision they may make. Having a recording of these proceedings is a safe guard for the Town in any potential litigation over a decision made by any of these bodies.

Please feel free to call me if you have any questions or need any further clarification.

CC: Dan Taber, Town Manager  
Christine Sanders, Town Attorney

Towns and Cities Recording Policies for Meetings					
	Town of Leesburg	City of Fairfax	City of Fredericksburg	City of Falls Church	Whole meeting or partial
Planning Commission	Video & Audio - broadcast live & records to DVD	Video & Audio - broadcast live & records to DVD	Video & Audio - webcast & records to DVD	Video & Audio - Broadcast live & records to DVD	Whole meeting all (4)
Architectural Review Board	Video & Audio - broadcast live & records to DVD	Audio only	Video & Audio - webcast & records to DVD	Audio only	Whole meeting all (4)
Board of Zoning	Video & Audio - broadcast live & records to DVD	Video & Audio - records on DVD	Video & Audio - webcast & records to DVD	Video & Audio - records on DVD	Whole meeting all (4)

Note: All four (4) jurisdictions record their meetings from beginning to end and not just certain portions of the meetings