WORK STUDY MINUTES

I. CALL TO ORDER

Meeting called to order by Chair McCandless at 6:35 pm.

II. ROLL CALL

Present: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerry Stermer and Ken Killebrew. A quorum was present.

III. APPROVAL OF AGENDA

IV. BUSINESS ITEM

Amend Planning and Zoning Commission Rules for the Transaction of Business to include videoconference meetings, with associated procedures.

Chair McCandless: This meeting has two goals. One is to familiarize ourselves with this platform. The second is to take a look at our protocols. We have two documents that relate to our meetings. One is the Rules for the Transaction of Business, the other is our Resolution 20-01 establishing regular meetings. We should look at relevant portions of both of those documents. Did everyone have a chance to take a look at the guidance to public entities, put out by the AG’s office? I thought we’d look at these bullet points and see where they apply. Laurie and I will look at your recommendations, prepare a draft, and run it by the Village attorney. Then bring it back to the regular meeting in May. At that point we can ratify the changes that we made, if we’re all good with it.

Commissioner Morris: On May 20th, we’re going to notify the public that they can attend that meeting (via teleconference)?

Planning & Zoning Administrator Stout: Correct.

Commissioner Morris: But that’s not part of our current rules for transaction of business. Can we use this new way of having people appear, before we’ve actually adopted it?
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Commissioner Sawina: All we’re doing is changing the location of our meeting.
PZA Stout: When the certified letters go out for the May 20th meeting, I’ll ask folks if they would please email me or call if they think they would like to speak about an agenda item, so we can get an idea up front of who’s going to be “in the room”.
Commissioner Killebrew: The main thing is that we notify the public that we’re having a meeting. As long as a good faith attempt is made. Just like in a regular meeting, folks need to “sign in” and notify us that they intend to speak.
Chair McCandless: I think we’re going to have to build that in. If they are notifying us ahead of the meeting, that is fairly significant. Currently people just show up and sign in. Let’s think about that. I’d like to tackle some of the bullet points on the AG’s memo, and see if some solutions don’t come out of that discussion.
Commissioner Thompson: I suggest we schedule our meeting at the normal time, but wait an extra 15 minutes and have people getting onto the call, identify those who are going to speak.
Chair McCandless: Perhaps we could open the zoom meeting 15 minutes early, at 6:15pm, and also utilize the chat box.
Commissioner Killebrew: That is number four and five in the bullet points.
Commissioner Morris: The (AG memo says) if a public entity has an emergency or time-sensitive matter to attend to, it may proceed with a virtual meeting. I guess we are assuming that we have time-sensitive matters. It says the most prudent thing to do is postpone any non-essential public meeting.
Chair McCandless: Let’s see how the (AG recommendations) apply. The first bullet point I see is the notice of the meeting must still comply with the mandates of the Open Meetings Act and should contain detailed information on how members of the public can attend. Our notification information is on our Resolution 20-01, which talks about the different kinds of (Commission) meetings: regular, special, emergency, etc. I was wondering if we would like to add another type of meeting, a Section 5, call it a virtual meeting, and have a first point that we would hold virtual meetings in the event of a state of emergency.
Commissioner Killebrew: This is an emergency type of meeting. It seems like it fits under (current emergency meetings category.)
Chair McCandless: My only concern with that is the last clause (under Emergency meetings) which says “the matter to be considered, if not addressed immediately by the Commission, will likely result in injury or damage to persons or property, or substantial financial loss to the Village”. That doesn’t seem to apply; what we’re really trying to do is hold a regular meeting.
Commissioner Sawina: I think our business is significantly different from the Village Council. (They) can act on things without necessarily getting input from the people. What we do is have people come before us to ask about their application. Often there are neighbors who care about that and want to speak and have a right to speak because of our laws. I’m thinking it’s going to be difficult to do this via zoom meetings—someone’s not going to get the message. If something is controversial, someone is going to say they couldn’t get on, or speak. Is it possible for applicants and the public—anyone who wants to speak—to come to our normal chambers? I’m really troubled by this, because our business is about granting permission, and the public, neighbors, should be able to speak. I’m pessimistic that it can work in this virtual environment.
Commissioner Thompson: I do empathize with what’s being said, and have had that concern myself, but I believe the stipulations from the Governor preclude there being any kind of audience. I can’t see us having any people there at the Council chambers.
Chair McCandless: Laurie and I originally thought that she and I could be in the Council chambers, and no, that can’t be done. I think we’re just going to have to do (virtual meetings), and if it goes on for a while, we’re just going to have to ask everybody’s forbearance and patience. In our Rules, there is an
option for people to send in written comments. They need to arrive 5 (business) days before the meeting, 
but if we emphasize that, people who have a concern can send comments in writing. We can then include 
them in the packet and consider them in the virtual meeting.

Commissioner Killebrew: The main thing is we make our best effort to give people a platform (to 
comment). We can’t just shut down the meetings.

Chair McCandless: If there is situation where a community member feels very strongly that they need to 
communicate, and they are unable to, then maybe we just postpone.

Commissioner Anderson: If we can get their comments in writing, hopefully ahead of time, that’s best. 
But we can’t stop the whole process of P&Z. We still have to keep the system moving. Because 
someone’s business, or them dividing land, we’d be stopping them from proceeding. If we can take 
comments via email, that would keep the process going.

Commissioner Killebrew: Did the Council change their meeting procedures, formally?

PZA Stout: Aaron indicated (via chat box) that the Council did not, because of the emergency meetings 
act. They were given direction to carry on, with the format now being online.

Commissioner Killebrew: Why can’t we just do that same thing?

Chair McCandless: I think the value of doing this, for our Rules for Transaction of Business, we were 
due to ratify those anyway. The other advantage of working through some of these procedures is so we 
anticipate some of these issues, and have a set of protocols for when we go into the meeting. The idea of 
how to address public comment is challenging.

Commissioner Morris: Does Council not have to accept public comment?

PZA Stout: Council does have a Corralenos Forum. In their agendas, just like the ones I will send out, 
the public is invited to attend. In the certified letters that will go to neighbors of (planning and zoning) 
applicants, as always, there will be very explicit instructions on how to join the meeting. If they think they 
would like to speak to a specific agenda item, I’m asking them to please contact me. They also are given 
the option of putting any concerns or questions in writing.

Commissioner Stermer: I think the whole community is going through this struggle. I like the idea of 
very clear encouragement to the neighbors, anyone who might like to speak, to participate. If there is a 
case where someone can’t be online, they can patch in by phone. I think we should do the people’s 
business and not be afraid of the technology.

Chair McCandless: Let me run this by you. It’s a rough draft. (For Resolution 20-01) we would take the 
existing Section 5 “Notice” and make it Section 6. We would add new Section 5 “Virtual Meetings”.

Add: Virtual meetings by videoconference or teleconference may be called by the Chair, or a majority of 
members, in the event that a state of emergency is called by the Federal, State, County or Village 
government. That would be point A. Two: the teleconference or videoconference meeting can be used for 
Regular, Special, Emergency meetings, as defined in the same document. Three: Notification 
requirements should follow the requirements noted for each type of meeting, except that the agendas for 
all types of meetings will be posted on the Village website. Such notifications should include instructions 
on how to attend the meeting. All virtual meetings will be recorded. The Chair can suspend any meeting if 
technical difficulties arise. The Chair has the ability to mute the comments of a participant in the event of 
unruly or inappropriate comments or behavior. Finally, community participants must join the meeting no 
later than the first five minutes of the meeting. So, we might say the meeting opens at 6:15, and you must 
join no later than 6:35. We might want to add that people can exit the meeting whenever they wish, but 
they need to be present at the beginning.

Commissioner Thompson: I think that is very complete. Does Aaron have the ability to mute all 
members of the public, and then call on them like we normally do?

Aaron Gjullin (meeting host): There are a couple different ways to handle it. For instance, the Court is 
going to use the “waiting room” feature that zoom offers. People are in the waiting room, and can hear
what is going on, but cannot speak. It is not until they are let into the meeting that they have the ability to speak. I would have to do some testing, but I believe they can still raise their hand within the zoom app and be let in on whatever specific item they want to speak to. The other option is you mute everyone as they come in. They have the ability to unmute themselves, or we can. The only issue with that is they can unmute themselves, but we also have the ability to remove someone from the meeting if they are being disruptive or crude. Those people cannot rejoin the meeting. That was something that the lawyer was looking at, just to make sure it was ok to not allow them to rejoin. The policy for Council meetings is that we are only offering them the ability to call in by phone. You have a lot of options available to you.

We do have the ability to make the Chair the host, and have the ability to mute or remove people. When Laurie and I were talking about it, we decided that it was a good idea that I be the host/moderator, so that you as Chair and Laurie as the administrator can focus on whatever issue you are discussing and not constantly be working on (the technical aspects) of the meeting itself.

Commissioner Sawina: Would we be able to see the person who’s speaking or is it just audio?

Aaron: The public has the ability to choose whether they are seen, or not.

Chair McCandless: That raises a good question. Do we need to see an applicant, or a community member when they are providing input, or is the audio adequate?

(Discussion of audio only participation.)

Commissioner Thompson: For the next meeting, we’ll see how it goes.

Commissioner Sawina: I have a continuing concern that maybe we just need to wait. But I will support what we’re doing as a group.

Commissioner Stermer: I also prefer to have people participate by audio and video. But I think there are going to be people who don’t have computers, and we should give them the opportunity to call in.

Commissioner Killebrew: As long they are given a voice, and the opportunity to (speak).

Chair McCandless: Do we have a consensus? On one end of the spectrum we’ve got people advocating for audio only, the other saying whatever format people are able to use, preferably we would encourage video. But if they are unable to do video, audio would be fine.

Commissioner Sawina: I move that we do everything possible to allow the witnesses, and the applicants, to testify by video if at all possible, and audio, if not.

Commissioner Anderson: What about submitting comments in writing?

Chair McCandless: That is in our Rules already, so I would think that is addressed. This is just really addressing the live portion of the meetings.

Commissioner Stermer: I’ll second.

(Roll call vote: Sam Thompson, yes; John McCandless, yes; Michele Anderson, yes; Tim Sawina, yes; Ken Killebrew, yes; Melissa Morris, yes; Jerry Stermer, yes. Passed unanimously.)

Chair McCandless: Ok, we’ll put that into the revisions that we make. Another thing we need to address is voting. We state in our Rules that Commissioners cannot vote in absentia. Section 7 (a) Rules for the Transaction of Business says: Voting is not permitted in absentia, or by telephone, fax or other written or electronic means, except as expressly provided for by the Commission.

We should amend that, either add another bullet point 7 (c) to allow, in the case of virtual meetings held under the auspices of emergency meetings act, voting by videoconference or teleconference, in the collective environment.

Commissioner Thompson: Under #2 Meetings, we could add a final point I call “extraordinary circumstances” which could address a state of emergency which precludes meetings in person, that virtual meetings can be conducted. I think you can then change under Voting (Section 7) “in the event virtual meetings are required”.

Chair McCandless: You are suggesting under Section 2 Meetings, that we add a point (g)?

Commissioner Thompson: Yes.
Stating that under extraordinary circumstances, and we would describe those using the same language as in Resolution 20-01?

**Commissioner Thompson:** I would, where you talk about “in the event a state of emergency is declared”. The state of emergency declared by Federal, State, or local government.

**Chair McCandless:** And then, on Section 7 you would add a point (c) “in the event that a virtual meeting is required, that voting via teleconference or videoconference is allowed”. I had a couple of other questions, looking at the AG’s memo. How do we ID speakers? I guess we ask them to identify themselves, and they can check in via the chat box. Also, how do we limit speakers? I guess that could just remain as it does now, at the discretion of the Chair. That’s about all I had.

**Chair McCandless:** At the next meeting, we will add to the two scheduled hearing items approval of the two resolutions. One thing we talked about is that Ms. Stout is starting to develop a backlog of applications. At some point we will need to address that, and may need to call an additional meeting, rather than just doing once a month. Thank you to Aaron and Laurie for their help getting tonight set up.

V. **NEXT MEETING:** May 20, 2020 (Regular Meeting – via Teleconference)

VI. **ADJOURNMENT**

**Motion to adjourn:** Sam Thompson. **Second by:** Tim Sawina. **Vote, yes:** John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerome Sterner, and Ken Killebrew. **(Unanimous.)**

![Signature]
Laurie Stout, Planning and Zoning Administrator Date 5-22-2020

![Signature]
John McCandless, Chair, Planning and Zoning Commission Date 5/03/20