

Below is a discussion related to all recommendations included in the Communication Task Force final report. The recommendations included in the final report were organized into three categories/subcommittees, Citizen Outreach, Communication Mechanisms, and Development Review Process. This document is organized by the three subcommittee's recommendations.

## **Citizen Outreach Recommendations:**

### **Budget:**

**Every undertaking of the City should, at a minimum, set forth a dollar figure and that figure should appear in every form of communication used to present the project.**

Each item on the Mayor and Council agenda includes a fiscal impact section. When projects are discussed in other City communication, budgeted costs will be included whenever possible and appropriate. For instance, when sending out a neighborhood advisory on a sidewalk project, the advisory will include the budgeted amount for the project.

**Every significant increase in the basic cost of a project must be laid out and subject to additional scrutiny by citizens and the Mayor and Council.**

All project increases and decreases are listed in budget amendments, the Mayor and Council's quarterly financial reports, or the adopted budget book. Each of these items is presented in an open meeting to give the public and the Mayor and Council an opportunity to address their concerns. These items are also available online.

**Information about City projects should include a project description, the needs driving the project, the fit with the overall strategic plan, a detailed budget spreadsheet with explanation of costs, a public cost/benefit analysis, and the opportunity cost.**

This information is available in the adopted CIP book on each project sheet. All major changes to the adopted budget that are made during the fiscal year are presented to the Mayor and Council in the form of a budget amendment. Each amendment includes a description of the change(s) and future budget impacts if/when appropriate. Budget amendments are presented in an open meeting to give the public and the Mayor and Council an opportunity to address their concerns. All materials are available online.

**Information about the City budget should include a budget narrative that provides an overview of the major components of the budget. It should include a detailed budget spreadsheet with expenditure descriptions, cost breakdowns and explanations. There should be a spreadsheet that is easily available and understood.**

This information is available in the adopted operating budget books. A complete budget narrative is provided in the City Manager's message and throughout the department sections, detailed revenue and expenditure breakdowns by fund are in Section 3 and 4, breakdowns by service/program are by department in Sections 5 through 14, and a breakdown by object code can be found in Section 16. Section 16 also includes a Cost Center Summary spreadsheet that includes revenues, expenditures, and adopted FTEs for each unit. These items in Section 16 are new for FY 2011, and were included based on requests that staff received from the Mayor and Council.

**The website should be used as a repository and resource for ALL information about the City budget and projects.**

All budget information is currently on the website including budget documents (from FY 2004 to present), popular annual financial reports (PAFRs), quarterly financial reports, budget amendments, budget process presentations, Mayor and Council agenda reports, etc. In addition, the budget and budget process are highlighted on the City's homepage and in Rockville Reports throughout the year.

### **Rockville's 11 should be used to present programs on complex City issues**

Channel 11 strives to create original, watchable programming. For instance, Channel 11 is currently working with the budget staff to create a series of shows that explain Rockville's budget process.

Other examples of programming designed to explore issues facing the City include:

- Planning Academy
- Q & A: A Citizens Guide to Getting Things Done at City Hall – a series devoted to answering citizen questions
- Election Coverage
- Where We Live – an inside look at various neighborhoods
- Sidewalks – what is expected of citizens after a snowstorm in relation to clearing sidewalks

The amount of new programming is limited. Channel 11 has a small staff and limited equipment, which restricts the amount of shows that can be produced.

### **The City should send communications to a minimum of two officers of each neighborhood association.**

The City's neighborhood association e-mail contact list includes at least one board member from each association and two or more members for some associations. The property manager is also included for associations that have one.

There is value in having more board members receive City communication. In November, staff will request a second contact from those associations that currently have only one. Staff will also continue asking association to include City information in neighborhood newsletters and listserves. Those are valuable communication tools within neighborhoods.

### **The City should update its association membership information at least once a year and make sure to communicate any changes to all departments citywide.**

Neighborhood Resources requests updated contact information from neighborhood associations quarterly. The information is posted on the City's intranet where it's accessible by all employees with a computer.

## **Communication Mechanisms Recommendations:**

### **Channel 11:**

#### **More tightly integrate Channel 11 programming with the website.**

All of Channel 11's programming is available on the City's website on demand. The City also maintains a YouTube page and all original programming can be seen there. In addition, the City's homepage features various videos. Channel 11 programming also refers viewers to the web site for more information.

#### **Video on demand, scheduling and other content can be more broadly present on the website. This may open the door for franchise fee-funded staff to take on more content duties for the website.**

Franchise fees are unrestricted and placed directly into the general fund. Web costs would not be offset by expanding cable duties to include things typically done by web staff.

#### **Solicit on-air for viewer feedback and programming submissions/suggestions.**

Rockville 11 is in the process of a web presence re-design where viewer feedback is the priority. A communication plan for the redesign has been put in place and Rockville 11 is working to include multiple avenues for viewer interaction and feedback including:

- Television program rating system
- Television program comment area
- Top 10 most viewed online videos more prominently positioned

- Viewer content suggestions area
- Survey section for viewers with results

In addition to online feedback, Rockville 11 plans to use more “viewing parties” or “open screenings” for new shows where the community is invited to view a new show and give comments. This was done with the “A Pair of Jacks” program in collaboration with Peerless Rockville and it proved to be quite successful on providing feedback and interactively between Rockville 11 and the community.

**Use website data to schedule and generate programming around popular concerns and interests. In turn, refer back to the website with all programming.**

Currently, communication staff utilizes web analytics to determine what content on the City's website is the most popular. While this information is used to determine what web pages and links should be kept or revised, web data has not been used to determine programming. However, this is an excellent idea. One of the most popular pages on our web site is the virtual tour of Glenview Mansion. With that in mind, Channel 11 is planning to do a short show featuring the mansion.

**Utilize on-screen messaging for schedule information. Such information is not available in on-screen guides offered by Comcast, et al. Request that channel providers include this information in their on-screen guides.**

Because of the requirements of the cable stations (providing programming far in advance, the inability to make schedule changes easily or quickly), the PEG channels have been reluctant to utilize on screen scheduling.

Recently, the county has begun testing the use of the on-screen scheduling offered by the cable channels. Channel 11 is in close contact with Montgomery County and will benefit from their lessons learned in this endeavor. Channel 11 would like to provide on-screen scheduling for viewers. Until this option can be utilized, Channel 11 is working to improve the scheduling guide provided online.

**Maximize relationships with cable providers to implement citizen volunteer training so Rockville residents can contribute programming.**

Access Montgomery, the County's public access channel provides a robust citizen training program where anyone can learn about television production and the state-of-the-art resources are readily available. They generally train about 600 people each year through this program. It is one of the main missions of Access Montgomery to provide television access to Montgomery County residents. Channel 11 is a government channel whose mission is to educate citizens about Rockville and issues that are important to the citizens of Rockville.

**Consider producing a program for the Mayor on Channel 11 to respond directly to citizen concerns**

**(“Mayor on the Street,” “Mayor’s Mailbag”).**

Rockville 11 understands the importance of providing access for citizens to their elected officials. This is the genesis for the Mayor & Council One-on-One news segment, in which members of the Mayor & Council can address issues, concerns or suggestions within a self-contained, “in the field” news segment.

These segments air monthly within the Rockville's 11 newscast and are usually 3-4 minutes in length. They are also available online and promoted on the website home page, Rockville 11 page and specific department or division pages as appropriate. These segments work well for the newscast, which plays for an entire month. Segments can be played online longer than the monthly newscast, depending on the timeliness of the content.

Each month Rockville 11 produces its monthly newscast, featuring 11 short story segments, and one original documentary-style program, such as “Where We Live” or “City behind the Scenes,” in

addition to about eight monthly public meetings. Channel 11 also tapes special events such as the Planning Academy and the Nutcracker. In order to fill available airtime, it is essential that programming is able to run on the channel for a considerable amount of time. Creating additional programming would require Channel 11 to reduce or eliminate current programming, or increase resources.

Rockville 11 is open to exploring options for providing a forum for members of the Mayor and Council to directly respond to citizens' concerns. Below are two possible options.

*Mayor and Council Mail Bag*

Consists of short, taped segments to air in conjunction with the City's monthly newscast. The Mayor and Council will be featured answering citizens' questions, which would be solicited ahead of time. The station manager would contact the Mayor and Councilmembers one week prior to each taping to organize and discuss. Each member of the Mayor and Council could be taped separately, and each member could answer one question. The taping would take place in the Mayor and Council chambers, and would happen once per month.

*Mayor and Council Roundtable Show*

Consists of a one-time show with the Mayor and Council hosted by a Rockville personality where topics are discussed in a free-flowing conversation. This would be a one-hour show taped in the Council Chambers. A two to three hour time commitment would be needed from the Mayor and Council. This show could air several times per week. If more than two members of the Mayor and Council were involved, the meeting would have to be open to the public, advertised ahead of time, and minutes would be taken.

**Rockville Reports:**

**Promote the ability to read content online.**

When the Rockville Reports redesign was launched, the online version of Rockville Reports was also improved. It is a priority for the Communication Division to promote all web content as much as possible. By offering an improved Rockville Reports, the goal is to ultimately drive most or even all traffic to the web, making the elimination of the printed Rockville Reports possible in the future.

**Allow for content and comments to be submitted online.**

One of the future "to-dos" for the online Rockville Reports is to make each article available for comments. Right now, comments can be submitted, but the technology to make them visible to other readers is unavailable with the City's current web. The City is always open to suggestion for content from readers. Some added content that was driven by citizen feedback is:

- Neighborhood Notes – information about neighborhoods
- Quarterly Development Review – looks at projects throughout Rockville
- Expanded event coverage
- Expanded descriptions about Boards and Commissions

**Encourage community submissions for calendar of events.**

Currently the policy is to include all events sponsored by the City in some way, or school events.

Technically, a community calendar would be possible. Other than staff time, no other costs would be incurred. Some considerations are:

- If such a calendar were established, the City would have to decide if all submissions would be published online, including submissions for political, private business and religious events. There may be legal ramifications if any restrictions were placed on submissions.
- Currently, a community calendar known as "Rockville Living" is available online. It includes events from all over the community, including City events. A City endeavor may inadvertently become this calendar's competition.

**Promote other City mechanisms, including Channel 11 programs. Include, to the extent possible, the upcoming Channel 11 schedule.**

Rockville Reports regularly includes “teasers” for Channel 11 programs. In fact, when programs are promoted in Rockville Reports, the number of views for those videos spikes right after residents receive Rockville Reports, indicating this is an effective way to promote Channel 11 content.

In the past, the program guide was included on the back cover of Rockville Reports. The decision was made to stop printing it because it is impossible to print an accurate schedule. The length of public meetings (Mayor and Council, Board of Appeals, Historic District Commission and Planning Commission) is unpredictable, often varying up to one or two hours. Programming is scheduled 24 hours each day, but often programming is pre-empted by public meetings, both live and replayed. Staff determined that the space could be better utilized. The online version of Rockville Reports includes a Channel 11 programming schedule.

**Offer limited promotional space for local businesses or business/community events, perhaps through the Chamber of Commerce.**

The City does not offer advertising in any of its publications. The decision to discontinue all advertising came several years ago when a candidate for political office attempted to purchase a political advertisement in the City’s Recreation Guide. It was determined that advertisements could not be restricted based on content, and that it was in the City’s best interest to not sell ad space in any publications.

**Consider columns (in Rockville Reports) or other space for direct messages from Mayor and Council members to residents, without overwhelming the content. Invite feedback.**

Currently, the editors of Rockville Reports look for opportunities to include the Mayor and Council in each edition of Rockville Reports with quotes and pictures. If the Mayor and Council want to include a column for direct messages, staff can accommodate this direction.

If the columns were to take up one page in Rockville Reports, each member of the Mayor and Council could have about 300 words each month, and content would be due the first Friday of the month before (ex: content for the November issue was due Friday, October 1). The content could be up to each member of the Mayor and Council, or the editors could ask a series of questions or a topic could be determined that would enhance other featured stories.

**Printing was recently downsized from 12x/year to 10x/year. Consider a publishing change to bimonthly, 6x/year.**

If Rockville Reports were to be published six times per year, the City would realize a savings of about \$23,000 in postage and printing costs.

If Rockville Reports were to be printed six times each year, the Communication Division would continue to do an online version 10 times per year.

**Rockvillemd.gov:**

**Link all other communication mechanisms to website features and content.**

All of the City’s communication is cross-promoted on all forms of the City’s media.

**Add top most visited links to home page**

A new section was added to the home page called “Most Visited.” This section includes the top 5 most visited links and is updated each week.

**Add links to top city-assigned priorities to home page.**

The center section of the home page, entitled “News and Highlights” is the place where the top stories in the City are highlighted. These stories change daily. In this space, we feature the most

current events and City news. When a large number of citizens are contacting the City for information on a particular topic, we will feature that topic in this section so citizens can find the information without having to conduct a search.

**Allow visitors to provide feedback on every page.**

An email link is provided on every web page inviting feedback and comments. As with Rockville Reports, the City's web software does not allow comments to be posted and seen by other users.

Changing software is an option and will be evaluated as part of a comprehensive redesign.

**Upgrade the City's web site.**

This is needed and will be among the priorities considered in the recommended FY2012 budget.

**Assign a person from every department to keep content current.**

Each department does have one person who has the overall responsibility of keeping the department's web pages up to date. The web team works closely with departments to help them keep content up to date. The Communication Division is also working on a web inventory project. Every one of the more than 6,000 pages currently on the City's site will be reviewed. Using feedback from departments and number of visitors to these pages, each will be eliminated, archived, kept as-is or updated.

**Simplify and categorize navigation.**

We are working on this. Our overall navigation problem will need professional consulting assistance to fix, which would be part of a redesign. In the meantime, we are trying to make it easier to navigate through the home page and to sign up for alerts and other information. In addition, we believe by eliminating unnecessary pages, our search function will be much improved.

**Pare down the number of links on the home page.**

Many of the links have been removed from the home page. Web data is used to determine which links are "underperforming." If a link is not of interest to our visitors, it is either removed or edited to drive interest.

The home page needs a professional redesign and the entire site could use an overhaul that reorganizes all available information.

**Place all email subscriptions, social media links on one page.**

This can be found on the City's web page at [www.rockvillemd.gov/connections](http://www.rockvillemd.gov/connections)

**Use dynamic photos and avoid clip art and stock photos.**

Making the City's website as accessible and attractive as possible is important. The information should be organized well and in a manner that is user friendly. The web site is also an important tool in marketing the City, the Rockville community and all we have to offer.

One area the web site is lacking is high quality photography. As part of the web site redesign, it will be necessary to hire a professional photographer to take "beauty shots" of all City facilities and other important Rockville landmarks. Once the City's image library is built up, those images can be used over and over to assist in the continued branding of Rockville.

The communication division shares the task force's dislike of clip art and stock photos.

**Consider an online version of Rockville University.**

Communication staff has partnered with Neighborhood resources to place Rockville University materials online in time for the October session.

**Use feedback from citizens to fine tune Channel 11, Rockville Reports and rockvillemd.gov**

The Communication Division uses feedback gathered from citizens, web data, the bi-annual citizen survey and CSRs to help determine what information residents most want. Some examples of items that have been developed in response to citizen feedback are:

- Neighborhood Notes in Rockville Reports and online, focuses on what our residents are doing in their communities and highlights their good efforts. Also, good neighbors are spotlighted on the City's web page.
- Information about development has been vastly improved on the City's website and a City Projects Updates page has been added quarterly to Rockville Reports to let residents know the status of projects in the city.
- Free events in the City are specifically highlighted in Rockville Reports.
- Expanded and updated Traffic and Transportation web pages.
- Expanded information about the budget, entitled "It's Your Money".
- Improved zoomable bike map online.
- Google search function, improved searches on the City's web site.
- Google translator translates all web pages into 10 languages other than English.

**Clearly communicate through existing mechanisms that the City is hearing feedback from its citizens and plans are in motion to address common concerns.**

When an issue arises that is of concern to a large number of citizens, the City works to answer common questions and requests for information. For instance, knowing leaf collection is a popular topic; the map and schedule are made public using every media tool available. In addition, all telephone-answering stations are given the information.

The same strategy is used when an issue arises that quickly becomes a hot topic. Getting information to the people who speak to the public is important, as well as getting the information out on the City's various media channels.

**Publish a monthly "top 10" list of categorized tickets so that City staff and citizens know what are the top concerns at any time.**

The City does not have a "trouble ticket" system, but does utilize a system known as the CSR system. This system tracks a limited number of citizen requests and emails. Most citizen communication is fielded directly by departments, making it difficult to track the top 10 concerns.

As part of the IT Strategic Plan that is being developed, Customer Relationship Management software has been identified as a need in the City. This software would track all citizen requests.

With our current system, we do not believe that the limited information available creates a valuable, or even accurate top 10 list of citizens' concerns.

**Continue to develop the City's social media presence, and use feedback to inform the City's use of Rockvillemd.gov, Channel 11 and Rockville Reports.**

The City's use of Facebook and Twitter has increased in frequency and effectiveness. The City has also launched a blog with limited success. Social networking has been a new and exciting way for the City to promote its programs. The Communication Division is committed to continued development of this very important tool.

## **Development Review Process:**

**Institute Methods for Dispute Resolution Prior to Resorting to the Courts - While Rockville currently allows citizens to request a review of a decision, this review occurs in parallel with the timeline established by state law for submitting a petition to the courts. Effectively citizens cannot wait for the review of a decision without giving up their right to seek redress in the courts. Further, the review is conducted by the same body that issued the decision, which precludes an independent assessment of the merits of citizens' claims. Most citizens felt that the process, as it currently exists, does not afford them a way to resolve their issues without hiring attorneys and incurring significant expense.**

**Accordingly we recommend the institution of dispute resolution methods as follows: Create an Inspector General or Ombudsman reporting to Mayor and Council – An independent person/body with the authority to investigate the approval process and preliminary decision of an approving authority, if evidence presented by citizens indicates that the process is seriously flawed.**

The staff supports an alternative process such as the ADR mentioned below. However, the Inspector General suggestion below is not an appropriate role for a staff position. If the approving authority is not following the process correctly, the City Attorney or the Mayor and Council should correct this. If the staff is not following the process correctly, the Director or City Manager should correct this. If "the process is seriously flawed" the Mayor and Council should change the process in the code.

**Institute Alternative Disputes Resolution (ADR) Procedures - These procedures allow for an independent person/body to hear both sides of the case, apply mediation/arbitration methods and recommend a resolution that may or may not be binding. Alternative dispute resolution lends itself well to virtually all types of disputes, including the following: Property, Real Estate, and Land Use including land use/zoning. For further information refer to Exhibit 3.**

The staff agrees and supports a dispute resolution process to be available to either side as an alternative to or prior to litigation. The City Attorney should be consulted on how this could be instituted given the 30-day appeal period in State Code.

**Revise development review process to include a step that allows citizens to engage in Dispute resolution. One possible approach follows:**

- **A Preliminary Decision would be issued by the Deciding Authority prior to the Final Decision.**
- **Citizens would be given a specified time to apply for dispute resolution in the period between the Preliminary and Final Decisions.**

Dispute resolution is typically voluntary by all parties and takes place after a decision is rendered. It is unclear how this would work prior to a decision being made. City Attorney should be consulted to determine if this usurps the authority of the boards and commissions, and whether they can make "preliminary" decisions. Or, in lieu of dispute resolution (or in addition), perhaps professional facilitators from a local university can be used to assist the commissions or board in resolving difficult projects.

**Create a Legal Defense Fund for Citizens - Many communities around the country have created legal defense funds to offset the wide disparity between the resources available to developers and those available to average citizens. A legal defense fund provides a way to assure that citizens can operate on an equal playing field. Exhibit 4 provides case histories of other communities that have created Legal Defense Funds.**

This should be a Mayor and Council decision.

**Rewrite the City's Development Review Processes to include Citizens – In the current processes citizens are only shown as recipients of the actions of others. These processes need to be revised to include citizens as active players and show their roles at each step of the process.**

The current process was outlined by the RORZOR Committee and vetted through the Planning Commission and adopted by Mayor and Council. The Mayor and Council may initiate a text amendment at any time, with direction on the changes desired. See details on the remaining items.

**Review the Fees Paid by Developers to Determine if they Reflect the “True Costs” Incurred by the City.**

This should be a Mayor and Council decision.

**Review and Potentially Revise Special Exceptions – This last recommendation is not strictly within the mission of the Communications Task Force, but it was raised so many times by the citizens that we interviewed that we thought it was worthy of being brought to your attention.**

**As the findings show, citizens believe that special exception applications need to be “special” and not routine approvals. Many suggested that the portion of the Zoning Ordinance on special exceptions needs to be reviewed and revised to better protect and preserve neighborhoods. They felt that both the zones in which special exceptions are allowed and the maximum parameters allowed, such as height, should be evaluated.**

The staff agrees and supports this suggestion. The uses (permitted or otherwise) are virtually the same in all of the residential zones. This seems unusual given the wide range of residential zoning districts and lot sizes. The non-residential or institutional uses within all residential zones should be re-evaluated to distinguish between uses that can be reasonably developed to be compatible with existing single-family homes with an established pattern of smaller lot sizes vs. those that should occupy larger lots (i.e. R-200, 400). Some of the mixed use zones (MXT, MXNC and possibly MXC) should also be reviewed on the same basis.

For example, is a hospital, nursing home or private club compatible in any residential zone just by virtue of the size, employees, visitors, deliveries, etc. that typically are part of such a use? Is it feasible to design one to be compatible if located in a large lot zone through a special exception process? Could a charitable institution occupy an existing house or design an office to blend into a neighborhood and accommodate needed parking in a larger lot size zone but not an area developed as R-60 or R-90? Currently, the code designates all of these uses in all residential zones as special exceptions. Changing some of these uses may cause some existing businesses to become non-conforming but eliminating them from the code would prevent creation of new ones.

Regarding the height waiver for Senior Adult and Disabled Housing: this should also be reevaluated for all or some zones based on the typical lot sizes and existing development in those zones. As mentioned above, properties in the zones with larger lot sizes may be able to design a compatible building with more land and buffers, and may be more in character with a large lot zone than a small lot zone.

**Specific Recommendations for Changes to the Development Review Process**

**Pre-Application Phase**

**Notification of Citizens- They need to be brought in from the beginning.**

**As soon as a developer files a pre-application, 15 days for example, citizens should be notified of the pre-application including an overview of the location, intended use and size of the proposed project; information on the availability of citizen training on the approval process and date of the Pre-Application Area Meeting.**

*This is possible, however, the Mayor and Council or the community should decide whether it wants the Area Meeting before the DRC conducts their pre-application meeting – or after.*

*See below for staff suggestions on how the process could be changed – incorporating some of these, some of Council member Pierzchala’s ideas and based on one year of experience with the code.*

While we do not recommend designing the process for the worst projects or the applicant that does not want to cooperate, there are changes that could improve some of the primary criticisms of the current code.

The intent of these steps would be to insure that the pre-application area meeting is conducted sufficiently in advance of the DRC and the application submission, and that these meetings are attended by staff, and that minutes are taken by an objective source. In addition, it increases public education and resources to become more effective participants in the process. Additional details and code amendments would be required if the Mayor and Council are interested in such changes, with the concept including the following changes:

1. The Pre-application Area Meeting should occur prior to the Pre-application DRC Meeting.
2. The Post-application Area Meeting is attended by City staff to answer questions but is conducted by the applicant.
3. Minutes of all Area Meetings are taken by an objective outside source and paid for by the applicant.
4. The notice of filing should include the date of the DRC meeting.
5. Notices should include: the brochure (already implemented), information on the Planning Academy, anticipated timeline, location map, site plan if appropriate, and a brief project description (i.e. 3-4 pages).

*Note: some of the remaining suggestions seem to be unrelated to the Pre-application phase. The intent should be clarified and the staff could reevaluate their responses if desired.*

**The notification should be written in user-friendly text (i.e. plain English).**

*Agreed*

**The notification should be prepared and sent by the City. It should be funded by the developers.**

If the City prepares the notices, additional staff will be required (i.e. replace the administrative position that was cut in the budget). Funding for a “typical notification process” would be reflected in the application fees.

**The area of notification should to be expanded to reach a wider group of citizens- the Zoning**

**Ordinance needs to be modified accordingly.**

This can be included in a text amendment to the code based on direction from the Mayor and Council for the desired distance. The radius used by the City for mail notification is quite broad (to properties within 750-1,500 ft and associations within 500 ft) compared with the County and City of Gaithersburg requirements. The County requires notification of "Adjoining and Confronting" property owners; in addition, associations within a 1-mile radius of the property are notified. Gaithersburg requires notification to the "Petitioner, Owner of the Property and Abutting and Confronting property owners" for Board of Appeals items (Special Exceptions and Variances). Planning Commission items (other than consent or minor amendments which require 2 days) are placed on a tentative agenda which is mailed 9-days prior to the hearing to "abutting and confronting" property owners and Parties of Record.

**Training for Citizens**

**Training sessions should be available to teach citizens about how the development approval process is conducted by the City and how they can effectively engage.**

The Planning Academy is available online on the Channel 11 – Video on Demand screen.

**These should be available upon request from citizens.**

The Planning Academy presentation is available on request and has been repeated for the two other groups who requested it. Notice of this opportunity has been emailed to all neighborhood and civic associations through the Neighborhood Resources Office, and announced at several commission, board and Council meetings. Neighborhood Resources will continue to periodically offer presentations to neighborhood associations and coordinate with staff and board members to arrange the presentations.

**Citizens would learn of the availability of these training sessions as part of the notification of a pre-application submitted to the City.**

Good idea; this will be incorporated into the brochure at next printing and has been added to the back of the agendas for board and commission meetings adjacent to the Video on Demand notice.

**This training course should be specific to the Approval Process that is required by the Zoning Ordinance (e.g. Level II Site Plan or Special Exception).**

Does this mean a different training course is desired for each type of application? The differences between the types of applications doesn't seem to warrant the cost of producing different courses. More importantly, there is no substitute for personal communication and Q&A to explain the nuances of the process and the various codes and departments that are involved. This is not only a CPDS and Zoning Code issue –there are many other codes and departments that are involved in every application.

**The course should be available on-line. City staff should be available to hold follow-up meetings with citizens to clarify issues in the training session.**

The course is available online and the staff is available for follow up with individuals or groups – in person and/or on the phone.

**The training course should include specific examples of the findings required by the Zoning Ordinance.**

All or most staff reports include findings as required by the ordinance. Examples of previous cases could be included in the next course.

**Stakeholders Meetings**

**A joint meeting of stakeholders (i.e. Citizens, developer, City staff) should be conducted to layout the process, events, schedule and mechanism for sharing documents and modifications to the application as soon as the pre-application is filed.**

This is the purpose of the pre-application area meeting and the instructions for this are included in the Development Review Manual, and online.

**A community benefits agreement, or CBA, is a private contract between a developer and a community coalition that sets forth the benefits that the community will receive from the development. CBAs ensure that development is equitable and benefits all members of the community, eventually contributing to stronger local economies, livable neighborhoods and increased public participation in the planning process. CBA's are strongly encouraged for implementation for all infill-development.**

The City Attorney should respond to this.

**Development Review Committee (DRC) Meetings**

(note: this is listed under the Pre-application section but we are assuming this is meant to apply to the entire process)

**Include citizens in meetings of the DRC and notify them of the DRC meetings scheduled for their project.**

The City Attorney should respond.

**Meetings of the DRC should not be conducted until after the Pre-Application Area Meeting has been held.**

Should applicants be discouraged from meeting with staff to get information on proper process and substantive code and design issues? This may make the non-complex, non-controversial projects seem worse. If the pre-application area meeting is required to be first, the ordinance must be changed. See attachment for possible alternative process.

**Modifications to an application must be given in a timely manner to all interested parties. The schedule established in the Stakeholders meeting will be modified to reflect the additional time required by staff and citizens to review and understand the modification.**

The current process typically requires 30 days for a modified plan review. This is for circulation and review by all departments and drafting conditions and the staff report prior to being heard at a public meeting. What timeframe is suggested by the Task Force?

**Post Application Phase  
Interaction with City Staff and Boards and Commissions**

**Citizen testimony must be included in the analysis provided to the Decision Authority. Currently the timing of staff reports does not allow citizen testimony to be part of this analysis. In the future staff reports should be based on input from all sources. An alternative approach for including citizen testimony is to create a hearing examiner with responsibility to evaluate testimony provided by all parties-developers, citizens and staff.**

The staff report format has been modified with a section titled "Public Response" to highlight and acknowledge written or email comments received and give a general overview of the substance of the comments. These will continue to be attached to the staff reports – and will include previous comments received on the pre-application case which is technically a different case number, fee, for tracking purposes.

The required notice period is typically 14 days prior to the public meetings and the Planning Commission briefbook is distributed 12 days prior to the meeting, the HDC and the BOA briefbooks are distributed 7 days prior to the meeting. As a result of this timing of the briefbook deliveries as compared to the timing of the public notice, there is little public comment received in advance of staff report preparation.

Regarding a Hearing Examiner, the City Attorney can provide additional information if the Mayor and Council wish to pursue such a course. These are typically used in jurisdictions with high volume caseloads - instead of boards and planning commissions. In most setups, the staff provides a report to the Examiner who provides a recommendation directly to the Approving Authority.

Finally, regarding roles and responsibilities. There is a need to clarify the legal and professional role of the staff vs. the Planning Commission and the Board of Appeals. Perhaps an outside advisor from one of the many planning or law schools or associations may be able to assist in a better understanding of these roles and responsibilities.

The Task Force report indicates that the staff report "does not allow citizen testimony to be part of this analysis". The staff does analyze applications for consistency, compatibility and compliance based upon the Master Plans, the codes in effect and prior precedent in similar situations. The code and plans are the embodiment of the city's values and official policy. The staff is supposed to remain consistent and apolitical, and not base its decision on individual or incremental comments from the public. However, the reason that Planning Commissions and Boards were established was to receive such testimony collectively and with all parties in context of a public hearing. The law gives them discretion to apply the stated code or policy differently in a given situation. By law, the commissioners and boardmembers have more discretion, where the staff's perspective is very narrow and supposed to be based upon the current plan and codes. Further,

the staff must be careful to avoid requiring conditions that are not mandatory or are not consistent with requirements in similar situations, whereas the board/commission may take additional latitude and consideration of the public hearing testimony.

**Evaluations will be developed on a factual basis.**

They have been and will continue to be.

**When conflicting testimony is provided “ground truth” must be determined. When alternative views are presented by developers and citizens, an evaluation needs to be conducted to accurately and factually assess the benefits/detriments of the alternative views.**

Agree. This is the appropriate role for the boards and commissions.

**All Decision Criteria must be addressed by Boards/Commissions. All criteria specified in the Zoning Ordinance must be evaluated by the Boards/Commissions with decision authority and documented in the written decision issued by the Board/Commission. The staff should provide analysis and pertinent information to the Board/Commission to assist them in their evaluation.**

Agree. This is done now. The City Attorney will have to opine whether “all” criteria in the Zoning Ordinance must be included in the written decision issued by the Board/Commission vs. documenting the findings. Beyond the staff report, the level of staff assistance is up to the discretion of the board.

**The focus of staff reports should be on assembling all of the information needed by commissioners to be able to thoughtfully and comprehensively weigh all issues that affect a decision on approval. It is the responsibility of the decision authority to integrate this information and reach a decision.**

Agree. This is done now. This is why the process, universally, is set up as it is - to have the public hearing as the focus of the decision process. As has been noted in previous public and private meetings and the Planning Academy, the staff’s report should be based upon the adopted codes and Master Plans, and professional planning, engineering and forestry practice. The staff report is but one layer of information and is intended to inform the commission of the compliance issues and other professional engineering and planning advice. The staff report is not intended to be the sole basis of the commission’s decision. By law, the boards and commissions have greater discretion than the staff – and they are empowered to make their decision and impose conditions based upon the testimony heard and received as part of the public record.

**Staff reports should be available to all interested parties 15 days before the decision meeting of an approving authority. Citizens’ comments must be included in the evaluation presented.**

This is possible, however, as noted above, due to the timing of the briefbook deliveries as compared to the timing of the public notice, there is little public comment received. Distributing briefbooks earlier may further reduce advance comments received but certainly could be coordinated so that the notices deadline and the briefbook distribution are both 14 days. An alternative could be to leave current timeframes as is except give 30 days for Project Plans. Should board/commission members be consulted on this issue?

**It is recommended that the time constraints imposed on testimony from citizens be changed.**

**Current time limits given to citizens are unreasonable. Where citizens have valid information to present they should be afforded adequate time to do so. It should be the judgment of the members of the Board/Commission that guides the amount of time given to citizens.**

This is up to the Chairs, members and the Rules of Procedure of each board/commission.

**Cross Examination - Right to Question Others at a Public Hearing**

**Citizens as well as the developer should be allowed to ask questions of any individuals who testify at a public hearing.**

Per the City Attorney, this is already allowed by Maryland law.

**Replace Courtesy Reviews with formal meetings since recommendations emanating from them are regarded as authoritative by the Decision Authority and often have significant impact on the decision issued.**

The term Courtesy Review is a term of art and used in the ordinance. The HDC has taken public testimony even for those Courtesy reviews that are requested by the applicant (and not required). In those cases where the HDC recommendation was either required or requested by the Planning Commission or the Board of Appeals, public notice and public testimony was provided just as for a Certificate of Approval. In those cases where a recommendation was requested or required by another board/commission, a written recommendation was provided for the record.

### **Area Meetings**

**Revised guidelines for conducting an area meeting should be developed. It is the goal that everyone hear the same commentary and hear the same questions and answers.**

**A series of meetings with individuals should not count as an area meeting.**

**A charette-style meeting should not count as an area meeting.**

A series of meetings with individuals does not count as an area meeting. A charrette is typically a very hands-on, positive and effective way to design or alter a design of a project; why should this not count as an area meeting if the applicant and stakeholders wanted to interact at that level of detail?

**The area meeting should begin with an overview of the development approval process and information on training that is available to citizens.**

Agree. This is included in the guidelines for an area meeting; the city will revise the brochure or provide additional information about the availability of training.

**A member of the City staff should act as impartial moderator and minute taker. At the Post-Application Area Meeting if information provided by the applicant is in conflict with information in the application or recommendations of the DRC, the moderator should advise citizens of this discrepancy.**

It is suggested that the new process include the staff attendance at the post application area meeting but not the pre-application area meeting (see attachment for suggested sequence). Other DRC members should also attend. The developer should run the meeting according to the guidelines so that schedule, training, process overview, etc. is covered. The overall intent is for the developer to present his application and entertain questions and changes, if suggested. The staff should be present to respond to questions, provide technical clarifications and monitor that the intent of the meeting is met and should not be moderating or taking minutes.

A neutral or third party should take minutes and a copy of the minutes should be provided to the City for the file.

**Any reasonable requests for information from citizens should receive a response from the applicant within 7 days. Failure to comply should result in delays of the schedule.**

Agree that 7 days or "a mutually agreed upon timeframe" if complex information or site plan revisions are necessary.

**Copies of the materials used in the meeting should be available to anyone. These can be in digital form using commonly available file formats such as PDF files.**

Applicants are already required to provide copies of meeting materials to the City for the files. And all materials in the files are available for public review. Format should be decided at the meeting based upon the type of information being discussed. Not everyone likes digital format and certainly not everyone can print out color or site plan documents, especially if they are large-size drawings.

**To ensure transparency full identification of all attendees should be required.**

Not sure what is meant here; it is assumed that most people would want to identify themselves.

**Mechanisms for Citizen Communications from beginning to end of approval process**

**Create a log of Citizens questions and a tracking system to assure responses.**

Please clarify the intent. If the intent is to document every phone call and email for every application, that does not seem feasible or an efficient use of funds. It would not only be costly, it would force all questions to be routed to one person (in each of the three DRC departments), thereby slowing response times considerably. These cases are very complex and often technical questions taken out of context, or those that apply to one case would rarely, if ever, apply to another use or site.

**Create a tickler list on the internet for each project. Citizens may elect to be on the tickler list for any project that they choose. The tickler list would include schedule information, document submissions, document availability and other pertinent information.**

The Development Review webpage documents this type of information. We have already been in discussion with the PIO office to determine the feasibility of sending emails when the site data changes. This is under discussion.

**Availability of Documents, such as applications, staff reports, DRC minutes, should be available to citizens on request, mostly through on-line sources. However, for complex site plans which are very difficult to read on-line, a specified number of hard copies should be available to citizens for their use and retention. These should be provided by the applicant at no cost to citizens.**

Most of these materials are already available online through the Development Review webpage. Although the one page application form is not posted, the applicant's project description and site plan are posted. The application form could be added, if desired. All case-related files are open and available to the public on request (by practice and by law). Copies are available at no cost upon request. As noted in previous discussions with the Mayor and Council, the Task Force and others, the feasibility of putting all application-related documents online is not effective or efficient. DRC minutes are in the file and available for review and copies. Given the number of cases that go through with little calls for that level of detail, is it worth the resources to scan and post that information for all cases, or provide it upon request with the hope that the staff will also be able to answer questions that the citizen may have. Staff reports are available on line with the agenda for each board and commission.