

DRAFT MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – August 17, 2010

Time: Chair Mahler called the meeting to order at 7:00 p.m.

Place: Guy C. Larcom, Jr. Municipal Building, 100 North Fifth Avenue, Second Floor, Council Chamber, Ann Arbor, Michigan.

ROLL CALL

Members Present: Bona, Carlberg, Derezinski, Giannola, Mahler, Westphal

Members Absent: Briggs, Pratt, Woods

Staff Present: Rampson, McDonald

INTRODUCTIONS

None

APPROVAL OF AGENDA

Moved by Westphal, seconded by Derezinski, to approve the agenda.

A vote to approve the agenda showed:

YEAS: Bona, Carlberg, Derezinski, Giannola, Mahler, Westphal,

NAYS: None

ABSENT: Briggs, Pratt, Woods

Motion carried.

MINUTES OF PREVIOUS MEETING

None

REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL,
PLANNING MANAGER, PLANNING COMMISSION
OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

a. City Administration

None

b. City Council

Derezinski reported that the City Council had nominated John Splitt to be reappointed to the Downtown Development Authority and Erica Briggs be appointed to the Zoning Board of Appeals. Alex Milstyn and Bob Guenzel were also nominated to the Zoning Board of Appeals and Downtown Development Authority, respectively.

c. Planning Manager

Rampson reported on upcoming meetings and events;

- On September 28, 2010 at 7 pm, Pat Murphy, special lecturer, will be speaking at Mallets Creek Branch Library about climate change.
- The Michigan Association of Planning has their annual conference in Detroit this year in October, and Commissioners interested in attending should let Rampson know.

d. Planning Commission Officers and Committees

Bona reported that the Ordinance Revisions Committee met today to discuss zoning issues relative to the Medical Marijuana ordinance and will be meeting again on August 20, 2010 at 3:30 pm.

Derezinski reported that the Washtenaw Joint Technical Committee has reviewed the presentation regarding the Washtenaw Area Corridor Study that will be given to the City Council on September 13, 2010.

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

None

REGULAR BUSINESS

a. Action on Two Parkland Rezoning: (1) Arbor Hills Nature Area Rezoning, Green Road between Kilburn Park Circle and Gettysburg Road. A request to rezone this site from PUD (Planned Unit Development District) to PL (Public Land District) for public park use. (2) Kilburn Park Rezoning, northwest corner of Kilburn Park Circle and Dunwood Road, north of Green Road. A request to rezone this site from PUD (Planned Unit Development District) to PL (Public Land District) for public park use. (Postponed at the 3/16/2010 meeting) – Staff Recommendation: Postpone

Rampson presented the staff report and explained the proposed project, outlining what had transpired since the Planning Commission had postponed the item at its March 16, 2010 meeting. She indicated that staff were still working to resolve a few outstanding issues, noting that the project was more challenging than other rezoning but she would keep the Commission informed.

Noting no further speakers, Mahler declared the public hearing closed.

Moved by Carlberg, seconded by Bona, that the Ann Arbor City Planning Commission hereby recommend that the Mayor and City Council approve the Arbor Hills Nature Area and Kilburn Park Rezoning to PL (Public Land District).

Moved by Bona, seconded by Derezinski, to postpone action until outstanding issues have been resolved.

A vote on the motion to postpone showed:

YEAS: Bona, Carlberg, Derezinski, Giannola, Mahler, Westphal,
NAYS: None
ABSENT: Briggs, Pratt, Woods

Motion carried unanimously.

b. Resolution to Adopt Amended City Planning Commission Bylaws (Postponed at the 7/10/2010 meeting)

Rampson presented Senior Assistant City Attorney Kevin McDonald, who reviewed the Planning staff's suggested changes.

McDonald handed out a revised draft dated 8/17/2010 and pointed out the following items in that draft;

- Page 2, Article IV, Section 1; Membership; McDonald informed the Commission that the word *shall* was part of the requirements of State law as part of the Michigan Enabling Act and therefore cannot be changed or replaced.
- Page 5, Article V; Previously Section 13 was a repetition of Section 12 and had been removed.
- Page 5, Article V, Section 5; McDonald added the words *gifts* and *persons* and in so doing was able to eliminate Section 6.
- All references to *business* meetings have been taken out, leaving only *regular* and *special* meetings to reflect the current meeting set-up.
- Page 15, Article XIII, Section 1; Parliamentary Authority; McDonald has replaced the word *adopted* with the word *followed* per the Commission's suggestion.
- Page 15, Article XIII, Section 2; Parliamentary Authority; McDonald has replaced the word *prescribed* with the word *allowed* per the Commission's clarification.

- Page 10, Article VII, Section 17; Meetings; McDonald explained that the specific section was written to respond to Commissioner's concerns regarding electronic communications received during meetings. He noted that his understanding was that the Commission was also concerned about members of the public bringing items to their attention outside of the public comment time allotted.

Mahler explained that there have been times when Commissioners have received suggestions, i.e., they ask specific questions related to items on the agenda.

McDonald maintained that he didn't believe that the Bylaws allowed for participation outside of the specific allotted participation period, according to page 10, Section 19, which addressed audience participation. He stated that if the Commission felt it necessary, he could craft an additional item (c.) to that section that would read, *No other communication with Commissioners is allowed.*

McDonald noted that the Bylaws already specifically addressed written communication to the Commissioners in Article IX, Section 4. He indicated that individual communications to Commission members were also addressed on Page 5, Section 7. He stated that this section was intended for public meetings as well.

Mahler stated that the Commission would like clarification on how communication that is received prior to and/or during meetings could or should be presented to all Commission members.

McDonald maintained that the Commission had a set of rules through the Bylaws when members of the public were able to address the Commission. He observed that if the Commission begins to accept any communications outside of the public participation periods, then they would need to accept all such communications, which could bring any item back to the public hearing period. McDonald stated that public hearings are not intended to be interactive, whereas Commission deliberation are, so he didn't believe that the current rules allowed for such practices.

Mahler explained that it wasn't a practice, but the Commission felt this was the correct forum for clarification on such issues and asked if they allowed one such communication, would they have to allow any and all such communications.

McDonald remarked that he was reluctant to be overly prescriptive in saying that, *No other communication by the public is allowed*, but he could draft such language if they requested him to move in that direction.

Westphal noted that Section 19 allowed for the Chair's discretion to be the deciding factor on a case by case basis.

Mahler noted that discretion could allow for any and all such communications and might lead to difficulty to close public hearings.

Derezinski felt that it would be much clearer if there was a specific rule that the Commission could rely on, rather than generic language and individual interpretations. He suggested adding the following language to Page 12, Article IX, Section 4, second to the last sentence; *Communications from the public on particular items shall be made available to Commission members prior to Commission meetings at which those items will be considered, and not during the meeting itself, nor communications with individual members during the meeting itself.* [underlined in minutes only]

Mahler stated that on Page 15. Article XIII, Section 1 and Section 2 there seemed to be some confusion as to what was allowed and what could be considered flexible and discretionary.

McDonald clarified that the Section 1 is simply giving guidance to the Chair regarding discretionary parliamentary procedures and not forcing him/her to strictly follow Robert's Rules of Order given the needs of

the Commission, and Section 2 denotes that the Commission cannot adopt or follow any other operating rules, outside of the Commission, of the Bylaws.

Mahler suggested for clarification adding to Page 15, Article XIII, Section 1, Parliamentary Authority, last sentence, the word *parliamentary* before procedure.

Bona asked for language clarification on Page 5, Article V, Section 6, *planning organizational affiliations*.

McDonald explained that he has now changed the language to make it more specific as the intent relates more so to employers or other affiliations that could lead to conflict.

Bona questioned if on Page 5, Article V, Section 7, there were too many *specifics* in the first sentence.

McDonald agreed that on line two (2) the first *specific* should be removed.

Bona expressed concerns with the language on, Page 11, Article IX, Section 1, b. ...*where all persons interested in the subject will be heard*...

Mahler responded that this was standard language intended to mean anyone at the meeting would be heard.

McDonald noted that in order to clarify meeting cancellations he had added language to Page 9, Article VII, Section 9, *The Chair may cancel a meeting if there is no business on the agenda or if it is certain that a quorum will not be present. The Chair may also cancel a meeting...* [underlined in minutes only]

McDonald had also added the word, *schedule* to Page 8, Article VII, Section 1.

Mahler questioned if the Chair might be granted too much discretion through both setting and cancelling a meeting.

McDonald responded that the Planning Manager together with the Chair sets the agenda, and all public notices would already have been noted prior to an agenda being set, so he didn't feel that it would be granting too much discretion.

Westphal asked if on Page 8, Article VII, Section 3 could be eliminated entirely with the proposed changes.

McDonald responded that it could be removed without taking away from the Commission's current powers, since the section currently serves only as information purposes given the other changes made to the Bylaws.

Derezinski supported this change and any simplification of the document without changing the Commission's intent.

Carlberg noted a grammatical error on Page 9, Article VII, Section 9, second line; stating that she believed the words ...*due to*... referred to bills and should be changed to read, ...*because of*...

McDonald noting the request agreed.

McDonald indicated that on Page 16, Article XIV, Section 1, at the beginning of the second and third sentence, the words *A draft of*...should be added, in order to capture the intent of proposed amendments.

Moved by Derezsinski, seconded by Giannola, that the Ann Arbor City Planning Commission hereby adopts the amended Planning Commission Bylaws, including modifications to the 8/17/10 draft discussed during the meeting, subject to Council Review and Approval.

A vote on the motion showed:

YEAS: Bona, Carlberg, Derezsinski, Giannola, Mahler, Westphal,
NAYS: None
ABSENT: Briggs, Pratt, Woods

Motion carried unanimously.

AUDIENCE PARTICIPATION

None

COMMISSION PROPOSED BUSINESS

None

ADJOURNMENT

Moved by Derezsinski, seconded by Westphal, to adjourn the meeting at 8:00 p.m.

A vote on the motion showed:

YEAS: Bona, Carlberg, Derezsinski, Giannola, Mahler, Westphal,
NAYS: None
ABSENT: Briggs, Pratt, Woods

Motion carried unanimously.

Wendy L. Rampson, Planning Manager
Planning and Development Services

Diane Giannola, Secretary