



City of Ann Arbor
Formal Minutes - Final
Planning Commission, City

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Thursday, February 20, 2014

7:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

10-b 14-0270 Bylaw Amendments

Rampson provided the staff report.

PUBLIC HEARING:

Noting no speakers, the Chair declared the public hearing closed.

Moved by Adenekan, seconded by Giannola, that the Ann Arbor City Planning Commission hereby adopts amendments to Article VIII, Public Hearings, of the Planning Commission Bylaws, subject to Council review and approval.

COMMISSION DISCUSSION

Bona said she struggled with limiting the speaking time for public hearings, but she now sees the need to create consistency. She said she likes that the bylaws state that the Planning Commission can waive the speaking time limit. She said she has come around to seeing this as clarifying the procedures.

Peters said the idea behind the changes is to provide a clearer methodology and match City Council's practice. He said if the Commission decides this is not in their interest, he wanted them to know he was not trying to force the amendments through; rather he is aiming for clarity.

Briere read the staff report as a goal statement, noting that they will allow people to speak, but said she had difficulty reconciling the wording in Section 5 against the goal statement.

Peters said the last sentence in Section 3 allows for the Commission by a simple majority vote to waive the time limitations within a public hearing. He said Section 5 was intended to clarify when a public hearing begins and ends. He said he felt the last sentence in Section 3 was the key to explain the continuance when a public hearing spans over 2 meetings.

Westphal said that Section 5 seems to undo Section 3.

Moved by Peters, seconded by Bona, to amend to Section 3 by taking the last sentence of Section 3, and moving it to a new Section 6, and changing "Section" to "Article", to read:

Section 6. The Commission may, by majority vote, modify or waive the limitations made within this article.

Friendly Amendment that the words 'Sections 3 and 5' be added to read:

Section 6. The Commission may, by majority vote, modify or waive the limitations made within Sections 3 and 5 of Article 8.

On a voice vote, the Chair declared the motion carried and the amendment revised.

Westphal asked if the amendments would still be subject to a review by the City Attorney.

Rampson said yes.

Westphal said the Commission would not set forth any changes to Sections 1 and 2. He also noted that the Commission needs to be mindful to remind speakers of the requirements.

On a roll call for the main motion, as amended, the vote was as follows with the Chair declaring the motion carried.

Yeas: 6 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Sabra Briere, and Jeremy Peters

Nays: 0

Absent: 3 - Wendy Woods, Kenneth Clein, and Paras Parekh

Moved by Giannola, seconded by Adenekan, that the Ann Arbor City Planning Commission hereby adopts an amendment to Article V, Ethics and Conflict of Interest, of the Planning Commission Bylaws, subject to Council review and approval.

COMMISSION DISCUSSION:

Peters said it is in the best interest of Council members to manage their own conflict of interests, adding that he agrees with the proposed change.

Briere said she had thought about whether this would present a problem, but has not been able to think of any. She said she was trying to

anticipate unintended consequences of the proposed change. She commented that she has no recollection of any such situations that have occurred during her time of service where a Council member would come as a developer and represent him/herself as a petitioner before the Planning Commission.

Westphal said he had heard Council member Briere bring back concerns about whether a Council member could speak in support or opposition to a rezoning of their property. He asked if the Commission felt it would be appropriate to add the option of exclusion by majority vote.

Giannola said that Historic District Commission members cannot bring an application [for example to remodel their house] before the HDC while serving on the Historic District Commission, so a Council member would not be able to bring an item as long as they are serving on Council.

Briere said that her understanding is that your spouse, lawyer or representative could speak on your behalf before the Commission. She said she could imagine a future where a developer could be elected to Council and would be represented by a legal team or by someone else. She said an individual coming before the Planning Commission would be the last unintended consequence. She asked Rampson if she recalled any Council person coming before the Commission as a developer.

Rampson said she couldn't recollect any.

Peters added that while the concern exists, even with the possibility for that person to be represented by someone else, he felt this would prevent any perceived conflict of interest, even if it wasn't in the bylaws.

On a roll call, the vote was as follows with the Chair declaring the motion carried.

Yeas: 6 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Sabra Briere, and Jeremy Peters

Nays: 0

Absent: 3 - Wendy Woods, Kenneth Clein, and Paras Parekh