



## MEMORANDUM

TO: Members of the Planning Commission  
FROM: Barbara <sup>Barb</sup> McBeth, AICP, Community Development  
SUBJECT: Election of Officers and Appointments to Committees  
DATE: July 22, 2011

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At the July 13<sup>th</sup> Planning Commission meeting, the election of officers and appointments to committees was discussed briefly. At the request of Chair Pehrson, further discussion was delayed until the second meeting in July. The committee selection matrix was distributed for consideration at the upcoming July 27<sup>th</sup> meeting. Commission members were asked to provide selections to the department prior to the meeting for tabulation. Updates received to date are now provided on the attached form.

### **Officers**

Section 2.1 of the Planning Commission By-Laws and Rules of Procedure provides for the selection of officers (Chairperson, Vice Chairperson and Secretary). An excerpt is attached for reference. Please note, on the selection form, the officers are identified in the first column as the Administrative Liaison Committee.

### **Committees**

Planning Commission members serve on Committees for a term of one year, or until the next Committee appointments are made, as provided in Section 2.4 of the Planning Commission Rules. Commission members are asked to review and fill out the attached "Planning Commission Committees Selection Form" for preference of which Committees would best suit each person's interests and email the selections to my attention at [bmcbeth@cityofnovi.org](mailto:bmcbeth@cityofnovi.org) or fax to 248-735-5633. Staff will compile the selections and present an updated form at Wednesday's meeting.

### **Joint Planning Commission/ZBA Member**

Previously, the Commission voted to recommend a Planning Commission member to serve as joint member with the Zoning Board of Appeals. Changes to State law a few years ago required communities to provide this joint member. The law has changed again and it is now an option for communities to provide this joint member. The City Council discussed this matter on July 11<sup>th</sup> (see attached meeting minutes excerpt).

City Council discussed the need for Commission members to recuse themselves on ZBA cases that had previously come before the Planning Commission, and questioned whether Novi's peer communities have modified their policies based on the new law. Staff provides the following research into those issues:

- Novi's ZBA Action Summaries for the meetings held in 2011 show that out of the 50 cases brought before the ZBA so far this year, a total of 7 had previously been heard by the Planning Commission (14% or an average of 1 per month).
- A survey of some of our surrounding communities shows that all of the following communities maintain a joint Planning Commission/ZBA member: Farmington Hills, Troy, Canton, Plymouth, Northville Township, and the City of Northville.

The City Council asked the Planning Commission for input on whether there is value and interest in continuing this practice. The Planning Commission is asked to discuss this matter at the July 27<sup>th</sup> meeting and provide the requested input to the City Council as a matter of on-going policy. The Planning Commission may also wish to recommend a member to serve in this capacity, if that is the suggested course.

Please contact the department if there are any questions.

**UPDATED  
COMMITTEE SELECTION MATRIX**

## 2011-12 Planning Commission Committees

Member	Adminis- trative Liaison		CIP & Budget & Planning Studies		Environ- mental and Walkable Novi		Implemen- tation		Main Street		Master Plan & Zoning		Rules		Zoning Board of Appeals	
	2010-11	2011-12	2010-11	2011-12	2010-11	2011-12	2010-11	2011-12	2010-11	2011-12	2010-11	2011-12	2010-11	2011-12	2010-11	2011-12
Anthony																
Baratta					X						X					
Greco	Secre- tary				X				X				X			
Gutman	Vice Chair		X	1		5	X	3			X	2		4		
Lynch			X								X					
Pehrson	Chair		A		X		X									
Prince											A		X			
Size	Required	Vacant	Required	Vacant	Required	Vacant	Required	Vacant	Required	Vacant	Required	Vacant	Required	Vacant	Required	Vacant
Liaison	3	0	2 + A	0	3	0	3	0	2	0	3	0	3	0	?	0
	McBeth		McBeth		Spencer		Kapelanski		Pearson		Spencer		Kapelanski		Pawlowski	

KEY:

X = Member; A = Alternate

Required: Committee size based on Planning Commission Rules

Vacant: Number of vacancies

**EXCERPT FROM  
PLANNING COMMISSION  
BY-LAWS AND  
RULES OF PROCEDURE**

**NOVI PLANNING COMMISSION**  
**BY-LAWS AND RULES OF PROCEDURE**

**1. AUTHORITY**

These By-Laws and Rules of Procedure are adopted by the City of Novi, Oakland County, Planning Commission (hereinafter called the Planning Commission) pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, the Open Meetings Act, MCL 15.261, and Section 27-25 of the Novi Code of Ordinances.

**2. OFFICERS/MEMBERS**

2.1 Selection of Officers



- (a) The offices of the Planning Commission shall consist of Chairperson, Vice Chairperson, and Secretary elected by the general membership of the Planning Commission.
- (b) The election of officers shall generally occur at the Planning Commission's first meeting in July or as otherwise determined necessary by the Planning Commission. A minimum of two-thirds of the current membership must be present for the election to take place.
- (c) Any member nominated for an office on the Planning Commission shall have served on the Planning Commission for at least eleven (11) months at the time of nomination. In the event that at least three members do not meet this requirement, the most senior member(s) with less than eleven (11) months service shall be eligible for nomination. Previous, non-consecutive service on the Planning Commission shall be considered when determining length of service.
- (d) Nominations of members for an office shall be from the floor by a current member of the Planning Commission during the meeting when elections are held.
- (e) All nominations shall be seconded by another member of the Planning Commission to be considered a valid nomination.
- (f) Nominees must accept or decline the nomination before each vote is taken. If a Planning Commission member is unable to attend the meeting to elect officers and would

accept an officer position(s), a written letter of intent of acceptance for an office must be submitted to the Planning Commission prior to the meeting.

- (g) Each election shall be conducted by a roll call vote. If there is only one nominee for an office, that nominee shall be assumed to be unanimously elected.
- (h) To be elected to an office, a nominee must receive a majority of the votes of those present.
- (i) All terms of office shall be for one year or until the time of the next election of officers.
- (j) A member assuming an office prior to January 1<sup>st</sup> of any given year shall be considered to have served a full term at the time of the next election of officers.
- (k) A member of the Planning Commission may serve in the same office of the Planning Commission for any number of terms.

## 2.2 Resignation of Officer

- (a) An officer may resign his/her office by submitting a letter to the Planning Commission addressed to the Chairperson or Vice Chairperson, as appropriate.
- (b) The resignation from office will not become effective until accepted by the Planning Commission at its next regularly scheduled meeting. A majority vote of the Commissioners present shall be required to accept a resignation. Resignation of office for the purposes of this Section 2.2 is not intended to mean resignation from the Planning Commission.

## 2.3 Duties of the Officers

- (a) The Chairperson shall:
  - 1) Preside at all meetings and conduct all meetings in accordance with the rules provided herein. In the absence of the Chairperson, the Vice Chairperson or Secretary shall perform the duties of the Chairperson.
  - 2) Clearly state the issues before the Planning Commission.

- 3) As appropriate, act as a liaison between the Planning Commission and the Community Development Department Staff, Consultants and other pertinent agencies or agents of the City of Novi, utilizing proper administrative/management chains of authority.
  - 4) Reserve his/her opinions on an issue until the other members of the Planning Commission, who so wish, have spoken on the issue.
  - 5) Upon request by City Council or Zoning Board of Appeals, attend those meetings that include a Planning Commission issue. The Chairperson may delegate another Planning Commission member to attend.
  - 6) Set a reasonable agenda in consultation with the Community Development Department Deputy Director or his/her designee. A reasonable agenda, for purposes of this provision, is one designed to be completed prior to 11:30 PM. The Chairperson shall have the final approval on the agenda.
  - 7) Designate an acting secretary from the general membership as required.
- (b) The Vice Chairperson shall:
- 1) Act in the capacity of the Chairperson when the elected Chairperson is absent or otherwise unavailable.
  - 2) Assist the Chairperson in recognizing those who may wish to speak.
  - 3) Succeed to the office of Chairperson in the event of a vacancy in that office, in which case the Planning Commission shall elect a successor to the office of Vice Chairperson at the earliest practicable time.
- (c) The Secretary shall:
- 1) Act in the capacity of the Chairperson when the elected Chairperson and Vice Chairperson are absent or otherwise unavailable.
  - 2) Designate an acting Secretary from the general membership while acting as Chairperson during Planning Commission Meetings.



- 3) Summarize pertinent correspondence received by the Planning Commission concerning issues before the Planning Commission.
- 4) Assist the Chairperson on time limitations as established in these By-laws.
- 5) Coordinate Public Notices published by the Planning Commission with the Planning Department.
- 6) Be replaced, should a vacancy occur, by the election of a successor at the earliest practical time.

2.4 The Planning Commission Members:

- (a) Members shall not speak until recognized by the Chairperson.
- (b) Generally, members shall serve on at least two of the Planning Commission committees (or other committees requiring Planning Commission representation as they may be established) for a term of one year or until the next committee appointments are made. Appointment shall be by nomination and vote by Planning Commission members present. Appointment to committee membership shall occur at the next regularly scheduled meeting after the annual election of officers.
- (c) Members shall submit to the Planning Commission a statement of interest in serving on particular committees, on a form prepared by the Community Development Department. Members shall be eligible for reappointment to any committee provided the minimum requirements are met. Previous, non-consecutive service on the Planning Commission shall be considered when determining length of service.

**Planning Commission Committees:**

- 1) Administrative Liaison (Membership shall be the Chairperson, Vice Chairperson, and Secretary of the Planning Commission)
- 2) Implementation (3 members)
- 3) Master Plan and Zoning (3 members, a minimum of 2 members shall have served on the Planning Commission for at least eleven (11) months before appointment, when possible)



- 4) Rules (3 members, members must be on the Planning Commission for at least eleven (11) months before appointment, when possible)
- 5) Environmental and Walkable Novi (3 members)

**City Committees:**



- 1) Main Street (2 members)
  - 2) City Capital Improvements Program and Planning Studies & Budget (2 members and 1 alternate)
- (d) Member(s) may be appointed to City or other committees, or act as liaisons to organizations, on an as needed basis.
- (e) Any committee member may designate (with approval of the designee) an alternate Planning Commissioner as his/her replacement at any committee meeting.
- (f) In the event of a Planning Commission vacancy that results in a committee vacancy, the appointment process shall follow 2.4.b. and 2.4.c.

**3. MEETINGS**

3.1 Notices

- (a) Notices shall be posted at the Novi Civic Center according to the Open Meetings Act.
- (b) Notices shall include the date, time, and location of the meeting.
- (c) Changes in the date, time, or location of the meeting shall be posted and noticed as required.

3.2 Regular Meetings

- (a) Regular Meetings of the Planning Commission shall be held at least once a month, generally on Wednesday evening in the Council Chambers.
- (b) When a Regular Meeting date falls on or near a legal holiday, the Planning Commission may select an alternate meeting date in the same month, to be noticed in accordance with the Open Meetings Act.

3.3 Quorum

**EXCERPT FROM  
CITY COUNCIL MEETING MINUTES  
JULY 11, 2011**

**EXCERPT FROM  
REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JULY 11, 2011 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members Fischer, Margolis, Mutch, Staudt, Wrobel

**MAYOR AND COUNCIL ISSUES**

**1. Consideration of elimination of Planning Commission Representative on Zoning Board of Appeals – Council Member Wrobel**

Member Wrobel said the idea came about with the new Planning Act, the opportunity presented itself for a member of the Planning Commission to serve on the ZBA as a conduit to keep the ZBA informed of what the Planning Commission was thinking on various ideas and cases. He said at that time he thought it was a very good idea and he served as that position for the first year. He said based on how the law was revised, the Planning Commission representative could no longer discuss or vote on anything that appeared before Planning Commission while serving on the ZBA. He said it made that position no longer beneficial and he didn't think it was necessary to have that position anymore.

Member Fischer said it was an interesting proposal and was worthy of discussion. He said it was unfortunate that being on the Planning Commission precluded someone from partaking in discussions at the ZBA level. He said his understanding of the law was that it was possible to appoint a Zoning Board of Appeals member to the Planning Commission.

Mr. Schultz said the ZBA section of the Zoning Statute initially said any member of the Zoning Board of Appeals shall be a member of the Planning Commission. He said in 2006 there was a member of the ZBA who was also on the Planning Commission. He said when they amended the statute to clarify the conflicts that people were originally concerned about; they also clarified that the Planning Commission member who was sitting as a full member on the ZBA could be limited. He said there was a seat on the ZBA that could be

a Planning Commission member. He said the statute was worded to say if you had done something at the level of the Planning Commission then you were potentially limited at the ZBA level.

Member Fischer said historically that member had been decided by the Planning Commission.

Mr. Schultz said the way the Council had filled that seat of the ZBA was to defer to the Planning Commission to see who they wanted to designate.

Member Fischer said he always supported the set up. He said in spite of the ability to vote on specific cases that went before both the Planning Commission and the ZBA, the member of the Planning Commission provided a different perspective on other Planning matters that came before the ZBA. He said he thought there was still some added value.

Member Margolis said the issue was the amount of work that someone had to do. She said she would be interested in how it was being handled in other communities.

Mr. Pearson said there was a window of opportunity with the upcoming vacancies and appointments. He said if they wanted to follow through on it they would want to do so now because next month there would be an appointment and a vacancy.

Mr. Schultz said the ordinance was already in place stating they may have a joint member.

Mayor Landry said he served on the Planning Commission for a short time but it was not while there was a joint member. He said not having served on the ZBA he would defer to those who had for the usefulness of this member. He said it seemed to him to be difficult to serve and not be able to vote because they would have to absent themselves from any issue that would potentially come in front of the Planning Commission. He asked what percentage of issues that came in front of the ZBA a Planning Commissioner would have to recuse themselves from.

Member Wrobel said from recollection it could have been one every other meeting.

Mayor Landry asked if the benefits to the ZBA and/or the Planning Commission of having that member present for all of the other discussions outweighed the burden of having the person not be able to participate in some cases. He asked what they did if one of the 5 members didn't want to serve.

Mr. Schultz said they couldn't order them to have a Planning Commissioner serve on the ZBA. He said they had been careful to discuss who would be the joint member and so far people had been interested. He said if no one volunteered it would be up to the Mayor to appoint someone.

Mayor Pro Tem Gatt suggested they asked the Planning Commission members if one of them wanted to serve on ZBA, knowing the rules and ramifications, and if they didn't then he thought the course was clear.

Mayor Landry asked if anyone disagreed with Mayor Pro Tem Gatt's suggestion.

Member Wrobel said he agreed with having the Planning Commission make the decision.

Member Fischer said he also agreed with opening it up to the Planning Commission for a recommendation. He said he would like to see some sort of long term policy decision made instead of a year by year basis.