

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
August 22, 2013

VII.) PUBLIC COMMENT

13-131 A request by the City of Columbia to revise Section 20-38 of the City Code pertaining to Planning and Zoning Commission member attendance requirements and Section 6 of the Planning Commission Rules of Procedure pertaining to the "Duties of the Chairman".

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends approval of the proposed ordinance and Rule of Procedure amendments.

MR. WHEELER: The only thing I'd like to clarify is these absences are in any 12-month period. It's not necessarily -- that's the way we will keep track of them.

MR. ZENNER: Yes. It is a calendar year.

MR. WHEELER: And you're going to need two separate actions this evening?

MR. ZENNER: Yes. I'd like to take two just for the purposes of clarity within the minutes.

MR. WHEELER: Thank you very much. Are there any questions of Staff? Mr. Reichlin?

MR. REICHLIN: At the work session, we talked about getting a read of where the current commissioners stand from January to coming into the end of 2013. Is that something that Staff is going to be able to generate?

MR. ZENNER: Yes. We can produce that for you for the next meeting, Mr. Reichlin. I apologize. Slipped my mind. Been spending too much time in the sun.

MR. WHEELER: Are there any other questions of Staff? All right. Oh, Mr. Lee?

MR. LEE: Mr. Zenner, I'm a little concerned -- or confused. He said any 12 months and you said calendar year. So is it January to December or is it any 12 months?

MR. ZENNER: Well, it was my understanding -- and correct me if I am wrong -- I thought it was within a 12-month period. So if you are appointed -- if you are appointed mid year, your 12 months -- it actually reads -- within the amendment it reads calendar year, is how the amendment is read currently. Now, if we want it within a 12-month period, based on the members appointment -- if you're being appointed in the middle of a year --

MR. WHEELER: If I may, my -- the reason I clarified that is because if the problem starts in September, it doesn't matter. To me, the problem started in September and so it's a 12-month period. I think that's fair. Because this whole thing was based on we have approximately 24 meetings a year, about, and six meetings generated 25 percent. So that was the thinking behind the whole thing. So to me, it's -- to say a calendar year, then, you know, you can look at just where am I at in this -- I would prefer that the thinking was how have I done, what's my attendance like for, you know, this 12-month period of time. And so that was my thinking.

MR. LEE: That answers the question. If you're appointed in May, it runs through the following June.

MR. WHEELER: You know, and I think if from September to September was the issue, then that's what we're looking at, any 12-month period of time that -- where it became an issue. And I believe that's what we were discussing. Is it not? Does anybody have an issue with that language?

MR. REICHLIN: I didn't think we were discussing it like that.

MR. WHEELER: Oh, okay.

MR. REICHLIN: I got the impression, and from what I understand Staff saying now, that that's not what's in the -- that's not what's being presented.

MR. ZENNER: What's being presented in the amendment is based on a calendar year.

MR. REICHLIN: Right. And I don't know if you were here for that work session.

MR. WHEELER: I was not here for that work session.

MR. REICHLIN: It's possible that --

MR. ZENNER: And I --

MR. WHEELER: And that's fine. Mr. Vander Tuig?

MR. VANDER TUIG: I simple solution maybe is just that it's prorated. Right? I mean, if you come in in September, it's just prorated to how many meetings.

MR. TILLOTSON: Any 12 months, though, it would be --

MR. ZENNER: Yeah. If it's --

MR. TILLOTSON: Like, in August, and it's September, then I look at the last 12 months, in October, I look at the last 12 months.

MR. ZENNER: I think --

MR. WHEELER: It's cleaner.

MR. ZENNER: And the concern we end up with, from a monitoring perspective, if I may, the concern is if you do it on a prorated or you do it on any 12 months -- any 12-month period, it's -- we're going to have variability as it relates to the Commissioners, based on appointments and vacancies, which just complicates from a reporting perspective. Likely that you'd end up with -- we're constantly having to modify -- well, we're only reporting Mr. Wheeler from October to October and we're reporting, you know, Mr. Tillotson from January to December.

MR. WHEELER: And I completely disagree with that. To me, we are keeping a record anyway. All you have to do is look at the record to see if you're in attendance, and if you've missed six meetings in any 12-month period of time, that's not -- I see it completely -- I don't -- and this is -- I'm not going to fall on this sword, but January to December, I don't really care. I mean, if somebody -- we're going to have a new Commissioner appointed probably in September. So their period, we can either prorate that and then everybody's on the same page in January. But what I don't want to see is someone -- you know, I can miss three meetings between September and December, and then next year I got to be kind of careful, you know, or I've got six more meetings, you know, that I can meet

next year. So, you know, if they miss six meetings between -- if they miss three between September and December, and they miss six between January and August, they've still complied with this calendar year, however they've missed nine meetings. So 12 months makes more sense to me. So any 12-month period of time, and that accomplishes what I think we're trying to accomplish, which is you get six absences, period, you know, in this period of time, without a review. And if there's special circumstances, obviously the -- you know, the exec committee's going to take that into consideration. And I'm not even going to be on the exec committee next year, so it won't matter to me.

MR. TILLOTSON: Yeah. But you get a pay raise if you stay.

MR. WHEELER: Anyway, Mr. Reichlin?

MR. REICHLIN: I would disagree with that premise. I would think that it would be easier for Staff to track. And if somebody's coming for half a year or three months of that first year, it seems like it's cleaner for all of us to know that January 1's the start, December 31's the end, and that's the same for everybody. Because over the course of time, the half years here or quarter years there are going to average out. And we're all on the same page with regard to tracking and contributions. And that would be all I have to say about that.

MR. WHEELER: Well, I would just simply say -- and I will not argue with that, because like I said, I won't fall on that sword -- Mr. Zenner's document, the document as presented, does say a calendar year. And so we'd actually have to amend what has been presented in order to swing it the way I was talking about anyway, which I still say is better, but I don't want to amend it. I'd rather go home. So do we want to discuss this some more or are you comfortable with the way it's written currently?

MR. REICHLIN: I'm comfortable with the way it's written.

MR. WHEELER: Okay. How does everybody else feel?

MR. LEE: And I'm sorry I opened a can of worms.

MR. WHEELER: Is there any other discussion? We apparently need two motions this evening, one on Chapter 20 and one on Rules of Procedure. Mr. Reichlin?

MR. REICHLIN: I make a motion to recommend approval of Chapter 20 revisions.

MR. STRODTMAN: Second.

MR. WHEELER: Motion has been made, and seconded by Mr. Strodman. And we'll do a voice vote -- or a roll call on this, so -- motion has been made and seconded. Is there any discussion on the motion? Okay. When you're ready.

MR. VANDER TUIG: Oh, it is a roll call on this one? Okay.

MR. VANDER TUIG: Motion's been made and seconded for Case No. 13-131, first part of it, to pass a motion recommending approval of Chapter 20 per Staff's recommendations.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Mr. Reichlin, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 7-0.

MR. WHEELER: All right. Recommendation for approval will be forwarded to City Council for that one. Discussion on the motion -- or does someone want to make a motion, I guess. How about I make a motion that we amend the P and Z Rules of Procedure as presented.

MR. STANTON: Second.

MR. LEE: Second.

MR. WHEELER: Motion has been made and seconded. Mr. Stanton was in there first. So if we -- is there any discussion on the motion?

MR. VANDER TUIG: Okay. We have a motion and a second for a amendment to the P and Z rules and procedures.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Mr. Reichlin, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 7-0.

MR. WHEELER: So that one is automatically in place now. Our rules of procedure have been amended at this point.

MR. ZENNER: That's correct and they will be executed this evening with today's date.

MR. WHEELER: Thank you, sir.

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 248-13

AN ORDINANCE

amending Chapter 20 of the City Code as it relates to Planning and Zoning Commission member attendance requirements; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 20 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 20-38. Attendance; forfeiture of office.

The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. ~~Any member who is absent, without being excused, from twenty-five (25) percent of the regular commission meetings held in a calendar year shall automatically forfeit the office.~~ Any member who is absent, without being excused, from three (3) consecutive regular meetings in a calendar year shall automatically forfeit their office. Furthermore, a member shall not be absent from more than six (6) regular meetings in a calendar year. If a member has a combination of six (6) excused and unexcused absences within a calendar year, the chair, vice-chair and secretary shall confer to determine if such member shall forfeit their office. Such conference shall determine if extenuating circumstances existed to justify such absences. It shall be the duty of the chair to promptly notify the council of the vacancy.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

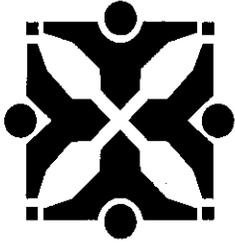
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Sep 3, 2013

Re: Planning and Zoning Commission attendance requirements (Case 13-131)

EXECUTIVE SUMMARY:

A request by the City of Columbia to amend Section 20-38 of the City Code as it pertains to Planning and Zoning Commission member attendance requirements. (Case 13-131)

DISCUSSION:

Recent concerns relating to establishing a quorum at Planning and Zoning Commission meetings prompted the Commission to review its enabling legislation which is found in Chapter 20 of the City Code. Upon review of the section that addresses attendance and forfeiture standards (Section 38), the Commission believed a revision was necessary to add clarity to those requirements.

A draft of the attached ordinance was presented to the City Council on July 15. At that meeting, the Council directed Commission to prepare the formal amendment and hold a "public comment" session at a future Planning Commission meeting. This report and the attached formal amendment fulfill Council's directive.

The attached amendment will provide clarity regarding the total number of absences (excused or unexcused) that a commissioner may have within a given calendar year prior to either 1) forfeiting their office or 2) having their attendance reviewed by the Commission's Executive Committee (Chairman, Vice-Chairman, and Secretary) prior to determining if that member should be asked to forfeit their office.

The amendment specifically will eliminate the currently stated percentage of meetings a commissioner can miss and replace it with a specific maximum. The revision proposes six (6) total absences (excused or unexcused) within a calendar year. The existing provision stating a commissioner may have no more than three (3) unexcused absences prior to forfeiture of their position will remain; however, the condition that such absences must be consecutive is to be removed.

The proposed consultation provisions acknowledge the need to retain institutional knowledge on the Commission and that potentially excessive excused absences often occur for justifiable reasons. The Commission; however, was resolved that if a member had more than three (3) unexcused absences that they should automatically forfeit their office.

The Commission held the Council desired "public comment" session on the proposed amendment at its August 22, 2013, meeting. No one from the public spoke regarding the matter and the Commission voted unanimously (7-0) to recommend that Council adopt the amendments as proposed. There was Commission discussion regarding the period of time in which absences should be calculated. The discussion focused on either calculating based on a "calendar year" or "any 12 month period". Once discussion was complete, the Commission's vote was to leave the calculation based on a "calendar year".

A copy of the staff report which also includes discussion regarding a PZC Rules of Procedure revision not requiring Council action and the meeting excerpts are attached for your review.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approve the amendment to Section 20-38 of the City Code as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 22, 2013**

SUMMARY

A request by the City of Columbia to revise Section 20-38 of the City Code pertaining to Planning and Zoning Commission member attendance requirements and Section 6 of the Planning Commission Rules of Procedure pertaining to the "Duties of the Chairman". **(Case # 13-131)**

DISCUSSION

In response to recent issues relating to establishing a quorum of the Planning and Zoning Commission at regularly scheduled meetings, the attached text and rule of procedure changes have been prepared. The proposed revisions are aimed at emphasizing the importance of commissioner attendance, establishing clear limits and consequences for commissioners who miss meetings, and affording the Chairman the ability to maintain or cause to be maintained an attendance log.

The desired revisions will affect two different documents – Chapter 20 of the City Code and the Planning and Zoning Commission's (PZC) Rules of Procedure. Revisions to Chapter 20 must be made through an ordinance adopted by City Council. Revisions to the PZC Rules of Procedure can be effectuated by majority vote of the Commission – they do not require Council action.

The revisions to Section 20-38 propose to eliminate the currently stated percentage of meetings a commissioner can miss and replace it with a specific maximum. The revision proposes six (6) total absences (excused or unexcused) within a calendar year. The existing provision stating a commissioner may have no more than three (3) unexcused absences prior to forfeiture of their position will remain; however, the condition that such absences must be consecutive is to be removed.

Additionally, the proposed revision recommends adoption of a consultation process between the PZC Chairman, Vice-Chairman, and Secretary to evaluate the need to dismiss any commissioner who has any combination of six absences in a given year. The reason for such consultation is to avoid unnecessarily dismissing commissioners with justifiable circumstances relating to the absences and to avoid the loss of institutional knowledge. This would not apply to any commissioner who has 3 unexcused absences.

The revision to the PZC Rules of Procedure simply adds a provision at the end of Section 6 that allows the Chairman to maintain a log of commissioner absences or to have staff do so.

On July 15, 2013, the City Council reviewed a draft of the attached proposed changes. The Council indicated that the Commission should proceed with the preparation of the formal revisions and obtain any public comment on them. This report and the attached amendments fulfills Council's directive.

RECOMMENDATION

Approve the proposed ordinance and Rule of Procedure amendments.

Report prepared by Patrick Zenner

Approved by Patrick Zenner

An Amendment

to Section 6 of the Rules of Procedures of the City of Columbia Planning and Zoning Commission as it relates to the duties of the Chairman.

BE IT ORDAINED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Section 6 of the Rules of Procedure of the Planning and Zoning Commission, are hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added **bold & underlined**.

Section 6. Duties of the Chairperson

The Chairperson shall preside at all meetings in which he or she is in attendance, shall preserve order and decorum and decide all questions of order subject to an appeal to the Commission.

At the hour designated for Commission meetings, the Chairperson shall call the Commission to order, and after roll call, if a quorum be present, he or she shall present the minutes of the last meeting for correction and approval.

The agenda, which has been prepared by the Chairperson, or caused to have been prepared by him, shall then be followed as to the order of business unless changes in the order of business are made by a majority of the Commissioners present.

The Chairperson shall conduct all meetings expeditiously and may, if the situation warrants, set reasonable time limits at public hearings. The Chairperson may introduce motions on his or her own.

The Chairperson shall keep a record or cause a record to be kept of each Commissioners attendance and the record shall include a log of each excused/unexcused absence.

SECTION 2. This amendment shall be in full force and effect from and after its passage.

Passed this _____ day of _____, 2013.

Attest:

Secretary – Planning Commission

Planning Commission Chairman

REP108-13 Planning and Zoning Commission Member Attendance.

Mr. Teddy provided a staff report.

Mr. Skala made a motion authorizing the Planning and Zoning Commission to prepare an ordinance amending Section 20-38 of the Columbia Code of Ordinances. The motion was seconded by Ms. Nauser.

Mr. Skala stated he believed the provision regarding a conference was a good idea.

The motion made by Mr. Skala and seconded by Ms. Nauser authorizing the Planning and Zoning Commission to prepare an ordinance amending Section 20-38 of the Columbia Code of Ordinances was approved unanimously by voice vote.

REP109-13 Update on Building Codes.

Mr. Teddy provided a staff report.

Mayor McDavid asked how the points of contention would be addressed. Mr. Teddy replied it would be laid out in the memo to Council with the first read of the ordinance in September along with a summary of proposed changes. This draft ordinances provided tonight provided the entire Chapter 6 language and did not identify the changes.

Ms. Hoppe noted she planned to propose an amendment as she wanted to adopt the unamended 2012 International Residential Code including the full chapter on energy efficiency requirements, and asked if that could be prepared for September as well. Ms. Thompson replied yes. She understood Ms. Hoppe meant the text amendments that dealt with construction standards and not necessarily the administrative portions. Ms. Hoppe stated that was correct.

Mr. Skala understood there were three positions, and those included the Building Construction Codes Commission position, the Environment and Energy Commission position, and the option to adopt the codes as written. Ms. Thompson pointed out each code book contained some administrative provisions as it related to the structure of the appeals process and local amendments as well as performance standards. As a result, it would be unamended as it related to performance standards, but would be amended as it related to the administrative provisions.

Ms. Nauser stated she had been asked to address some innovative building methods and understood it would be better to bring that up in September. She noted she had also been contacted about hard cover waste trash bins and receptacles being outside of buildings, as some felt it was a precursor to the roll carts. Mr. Teddy understood that was in the Property Maintenance Code and it was a model provision that indicated one had to contain its trash.

REP110-13 City of Columbia Receives Silver Environmental Health Services Certification.

Mr. Matthes and Mr. Glascock provided a staff report.

Ms. Nauser commented that every time she came to City Hall, she saw these employees working very hard and diligently, and commended them as it was not an easy job.