

January 23, 2006

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate & Development Director
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – Election of Planning Commissioner Officers for 2006

Article II, Section 1, of the Planning Commission By-Laws provides the Planning Commission selects a Chair, Vice Chair, and Board of Zoning Appeals (BZA) Representative and Alternate. Article II, Section 1, requires that the election of officers shall occur at the January Regular Meeting. The By-Laws state that the officers of the Commission shall consist of a Chair and a Vice Chair. The Board of Zoning Appeals Representative and Alternate must be approved by City Council as per the City of Troy Zoning Ordinance.

At their January 10, 2006 Regular Meeting, the following Resolution was adopted by the Planning Commission.

Resolution # PC-2006-01-013

Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That Tom Strat and Robert Schultz be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2006, and that Wayne Wright and Larry Littman be recommended to the City Council as the Commissioner's Board of Zoning Appeals representative and alternate, respectively, for 2006.

BE IT FURTHER RESOLVED, that nominations be closed and that these officers be elected and representatives recommended, as indicated.

Yes: Kerwin, Schultz, Strat, Vleck
No: Drake-Batts, Littman, Wright
Absent: Khan, Waller

MOTION CARRIED

Prepared by: K. Czarnecki

13. ELECTION OF PLANNING COMMISSION OFFICERS - 2006

Ms. Drake-Batts announced a proposal to elect as the Chairperson, Bob Schultz; the Vice Chair, Wayne Wright; the BZA representative, Mary Kerwin; and the alternative BZA representative, Larry Littman.

Mr. Littman said he would second it.

Chair Strat called for a Roll Call.

Discussion.

At the request of Mr. Vleck, Ms. Drake-Batts repeated her nominations.

Ms. Kerwin asked if the nominated members had any interest in the positions for which they were nominated.

Mr. Schultz said he would have no problem being Chair. Mr. Schultz said early last year there were discussions outside of an official meeting format on maintaining officers for two-year periods for the purpose of consistency and longevity. He personally would prefer two-year terms, but said he would be happy to serve as Chair should the members choose.

Mr. Vleck said it is his experience that the person in office no sooner learns and understands the workings of the position, that a new person takes office. Mr. Vleck said he would be more comfortable with the positions of Chair and Vice Chair serving more than one year.

Ms. Drake-Batts thinks one-year terms are sufficient. Ms. Drake-Batts said the Vice Chair position is a learning period, and she knows the current Chair and Vice Chair have worked closely together. Ms. Drake-Batts feels Mr. Schultz is ready to take over the Chair position.

Mr. Littman said there was discussion about changing the Bylaws to require two-year terms, and legal representation informed the members that term requirements are not addressed in the Bylaws.

Ms. Kerwin asked the election procedure followed by the Commission as relates to acceptance of additional nominations and closing of nominations.

Mr. Miller replied that the draft Resolution provided by the Planning Department indicates to close the nominations and to elect the officers and recommend the representatives as offered. Mr. Miller said that portion of the Resolution has not been read up to this point.

Ms. Drake-Batts said to put it at the end.

Ms. Kerwin said it appears that the Resolution is not complete and an offering of other candidates for the positions could be made.

Ms. Drake-Batts said she would add that section to the end of the Resolution she made.

Mr. Schultz said he believes anyone on the board can put forth a substitute resolution should they choose and are welcome to do so. He said in the past, if a Resolution on the floor passed, it passed; if it failed, a new Resolution was then entered for a different slate of officers. He said a vote would be taken on the substitute Resolution and then they would go back to the main motion.

Mr. Vleck asked the Assistant City Attorney if he could put a substitute Resolution on the floor at this point in time, or if a vote must be taken on the Resolution on the floor.

Mr. Motzny replied that a substitute Resolution could be moved at this time, and a second to that motion would be necessary. Mr. Motzny indicated it would be the final decision of the Commission should the substitute motion pass and the Resolution reads that the nominations are closed and the officers be elected and representatives be recommended as offered.

Mr. Vleck put the following alternate Resolution on the table.

Resolution # PC-2006-01-013

Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That Tom Strat and Robert Schultz be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2006, and that Wayne Wright and Larry Littman be recommended to the City Council as the Commissioner's Board of Zoning Appeals representative and alternate, respectively, for 2006.

BE IT FURTHER RESOLVED, that nominations be closed and that these officers be elected and representatives recommended, as indicated.

Discussion.

Mr. Kulesza asked what happened to the first Resolution. He said an amendment was going to be made to the first Resolution to close the nominations and the Resolution was ignored from that point on. Mr. Kulesza said roll call was called on the first Resolution, and a vote must be taken according to Robert's Rules of Order.

Mr. Motzny said if the Resolution made by Mr. Vleck was indicated as a substitute Resolution, that Resolution would replace the initial Resolution and would be voted on.

Mr. Kulesza said an amendment to a Resolution could be made as long as it has not been voted upon, and he thought there was a motion to amend the initial Resolution to close the nominations.

Mr. Motzny said a provision that the nominations be closed has not been voted upon. Mr. Motzny said that should the substitute Resolution not pass, another Resolution could be voted upon.

Ms. Drake-Batts asked what happened to the first Resolution she made. She asked if the Resolution would be ignored because she didn't add those words.

Mr. Motzny replied that Ms. Drake-Batts would have to make another Resolution in place of the initial Resolution should the substitute Resolution be approved.

Mr. Schultz said it is his understanding that Mr. Motzny is saying that should the substitute Resolution pass, the first Resolution dies; if the substitute Resolution does not pass, the original Resolution is voted on.

Mr. Motzny said that is his interpretation.

Ms. Kerwin addressed a "point of order" in terms of discussion and asked if it would have been appropriate to have discussion if she had begun with a "point of order".

Mr. Motzny replied in the affirmative. He said there are only certain types of motions in which there is no discussion allowed under Robert's Rules of Order, such as a motion to table.

Vote on the substitute motion on the floor.

Yes: Kerwin, Schultz, Strat, Vleck
No: Drake-Batts, Littman, Wright
Absent: Khan, Waller

MOTION CARRIED

Mr. Motzny confirmed a simple majority is sufficient and the motion passed.

Mr. Littman said he is a believer in the one-term concept for the Chair. Mr. Littman said he does not think any one of the members is any better or smarter than the other. He shared that he was asked to relinquish the Chair position when he was

next in line because Mr. Chamberlain wanted to chair an additional year in order to continue working on various projects.

Mr. Wright agreed with the comments of Mr. Littman.

Ms. Drake-Batts said she did not know about the reappointments prior to tonight's meeting and thought the officer positions would have been discussed as a group before the meeting. Ms. Drake-Batts said there was no discussion and no time to review the matter.