

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: PLANNING COMMISSION BY-LAWS AND RULES UPDATE
DATE: APRIL 14, 2021

The Michigan Planning Enabling Act, Public Act 33 of 2008, allows the Planning Commission of each community throughout the State of Michigan to provide for their own By-Laws and Rules of Procedure. Novi's document was last updated in 2011, and has served the Planning Commission well in outlining the roles and responsibilities of the Planning Commission in the following sections:

- Authority
- Officers/Members
- Meetings
- Minutes
- Planning Commissioner Training
- Open Meetings and Freedom of Information Provisions
- Standards of Conduct
- Amendments to the By-Laws and Rules of Procedure

On review, staff and the City Attorney's office have proposed a few updates. A Planning Commission Rules Committee meeting was convened on Wednesday, April 14 to allow discussion of the suggested changes and to add or modify sections as recommended by the Committee. Members Pehrson, Avdoulos and Lynch were available to attend the meeting. Attached is the updated strike-through version of the Planning Commission By-Laws and Rules of Procedure prepared following the meeting to address the comments and suggestions of the Committee.

The proposed Rules and By-laws updates include minor changes such as to titles and department names (Planning Division instead of Planning Department), technology updates (packets are now posted, instead of delivered) and procedural updates (allowing a voice vote and/or roll call vote in certain situations). A few typographical mistakes are also shown to be corrected.

More substantive changes include the following:

1. Composition of the Planning Commission Committees on page 4-5 proposes changes:
 - a. Adjusting the CIP Committee, Walkable Novi, and Master Plan and Zoning Committee to include regular members plus one alternate member to facilitate the scheduling meetings.
 - b. Removal of the City's Main Street committee since is no longer a standing committee.

2. Page 5 is updated to reflect that Planning Commission meeting notices are not only posted at the Civic Center in accordance with the Open Meetings Act, but are also posted on the City of Novi's website.
3. Pages 6 and 9 notes that those members of the public wishing to speak during a Public Hearing or during Audience Participation shall clearly state their name and address for the record.
4. Page 8 provides a correction to the minimum number of Commission members required for an affirmative vote on the adoption of and amendments to the Master Plan for Land Use. An affirmative vote of 5 members is required in this instance. Page 8 also proposes to remove a rule that has not been applied recently regarding the additions of agenda items by Planning Commission members.
5. Correspondence on Page 10 is proposed to be adjusted to remove the restriction limiting additional correspondence from the consultants, staff and petitioners from being shared with or presented to the Planning Commission after 6 p.m. the night before a Planning Commission meeting unless a vote of the Planning Commission allowed it to occur. This restriction on the timing may be problematic because it may not allow the flexibility for applicants to provide information that would be helpful to the decisions of the Planning Commission, or for staff to provide clarifying information if it was determined to be needed prior to the meeting. This section further clarifies that written correspondence from the members of the public shall be received prior to 4 p.m. the day of the Planning Commission meeting.
6. Page 14 indicates that Planning Commission members are encouraged to attend training sessions and conferences as the City Budget allows. Further, it adds that Members of the Planning Commission are encouraged to share a brief summary of relevant information learned during a conference or convention, as determined by each member, during the Supplemental Issues section of the Planning Commission agenda.
7. Page 15 adds the expectation that Members of the Planning Commission shall utilize their City email account for all matters relevant to their position on the Planning Commission.

The Planning Commission is asked to review the attached strike-through version of the document and will be asked to consider the amended By-Laws and Rules of Procedure for consideration and adoption at the Planning Commission meeting on May 12.

**STRIKE-THROUGH
DRAFT AMENDMENTS TO
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURE**

CITY OF 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, MCL 125.3810, et seq.; the Open Meetings Act, Public Act 267 of 1976, as amended, MCL 15.261, et seq., 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 either a roll call vote or a voice 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 1st 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 Deputy Director~~ City Planner 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~~Division.
- 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~~same meeting ~~after as~~ 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, or via an email response to the City Planner. 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, and 1 alternate, 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 (~~3-2~~ members and 1 alternate)

City Committees:

~~1) Main Street (2 members)~~

City Capital Improvements Program and Planning Studies & Budget (2 members and 1 alternate)

~~& Budget (2 members and 1 alternate)~~

~~(f)~~(d) Member(s) may be appointed to City or other committees, or act as liaisons to organizations, on an as needed basis.

~~(g)~~(e) Any committee member may designate (with approval of the designee) an alternate Planning Commissioner as his/her replacement at any committee meeting.

~~(h)~~(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, and on the City of Novi website.
- (b) Notices shall include the date, time, and location of the meeting.
- (c) Changes in the ~~date~~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

- (a) The presence of a majority of the Planning Commission shall constitute a quorum of the Planning Commission.
- (b) If a quorum is not present, the members of the Planning Commission shall take no action until the next Regular or Special Meeting, except recessing the meeting or adjourning the meeting.
- (c) All Public Hearings without a quorum shall be rescheduled for the next Regular or Special Meeting.

3.4 Public Hearings

- (a) Public Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinances cited in Section 1 of these By-laws and Rules of Procedure.
- (b) The order of presentation shall be as follows:

Community Development Department Staff and/or
City Consultants
Petitioner
Public Comment and Correspondence
Petitioner Response
Close Public Hearing
Commission Discussion/Decision
- (c) The petitioner shall limit his/her remarks to ten (10) minutes, unless additional time is requested and granted by the Chairperson. If the petitioner has additional presenters, the sum total of all presenters shall not exceed the time limit of this rule without permission from the Chairperson.
- (d) In order to ensure accuracy in the minutes, any member of the public wishing to address the Planning Commission during a Public Hearing shall be asked to ~~fill out an Audience Participation card giving clearly~~ state his/her name, address and the item(s) he/she wishes to discuss.
 - 1) The general public shall limit their remarks to three (3) minutes each. Speakers shall not exceed the time limit of this rule without permission from the Chairperson.

- 2) Any person speaking on behalf of a group shall limit his/her remarks to five (5) minutes, provided that those in the audience being represented identify themselves.
- 3) Speakers shall address their remarks only to the Chairperson.
- 4) No member of the audience shall be allowed to address an issue for Public Hearing following the closing of that Public Hearing by the Chairperson (except during "Audience Participation" pursuant to 3.8.a).

(e) The Chairperson shall instruct all those who wish to speak during the Public Hearing to sum up their remarks when the Chairperson or Planning Commission members feel that they have exceeded their time limit, strayed from the pertinent facts, or have become repetitive or disrespectful.

(f) Once a Public Hearing has been scheduled, noticed, and published on an Agenda, the Public Hearing shall be heard at the designated Planning Commission meeting. However, the Planning Commission may, in its discretion, continue the Public Hearing to a specific date.

3.5 Motions

- (a) If requested, motions shall be restated before a vote is taken.
- (b) The names of the maker and seconder of the motion shall be recorded.

3.6 Voting

- (a) An affirmative vote of the majority of those Planning Commission members present for the conduct of business shall be required for the approval of any requested action or motion placed before the Planning Commission (except Master Plan for Land Use decisions).

- (b) ~~Adoption of and amendments~~ to the Master Plan for Land Use in the City of Novi require the affirmative vote of ~~five~~ four members of the Planning Commission.
- (c) Roll call votes shall be required for all Public Hearing items and Matters for Consideration, except approval of minutes, which may be by a voice vote. Consent Agenda items shall ordinarily be recorded by voice vote. A roll call vote shall be taken if requested by any Planning Commission member for any other matter(s).
- (d) Roll call votes shall be conducted in alphabetical order. The first such vote during the meeting shall begin with the first surname alphabetically; the second shall begin with the second surname alphabetically; and so forth.
- (e) A member shall vote unless excused by the unanimous consent of the remaining members present and voting. However, a member shall be recused where the member has a financial interest other than the common public interest, or where the member clearly cannot render an impartial decision. The vote of the remaining Commission members shall be with regard to whether such financial interest or other basis for not voting has been sufficiently established by the member seeking recusal from voting.

3.7 Order of Business

- (a) A written agenda for all meetings shall be prepared and followed. ~~No additions to the agenda by Planning Commission members within seven (7) days of the meeting date will be permitted except by vote of the Planning Commission.~~ The order of business shall be the following:

CALL TO ORDER
 ROLL CALL
 PLEDGE OF ALLEGIANCE
 APPROVAL OF AGENDA
 AUDIENCE PARTICIPATION
 CORRESPONDENCE
 COMMITTEE REPORTS
~~COMMUNITY DEVELOPMENT DEPUTY DIRECTOR CITY~~
PLANNER REPORT

CONSENT AGENDA - REMOVALS AND APPROVALS
PUBLIC HEARINGS
MATTERS FOR CONSIDERATION
CONSENT AGENDA REMOVALS FOR COMMISSION
ACTION
MATTERS FOR DISCUSSION
SUPPLEMENTAL ISSUES-TRAINING REPORT
AUDIENCE PARTICIPATION
ADJOURNMENT

- (b) A written agenda for Special and/or Committee Meetings shall be prepared and followed; however, the order of business as listed above shall not be necessary. A minimum of one audience participation is required at all meetings.

3.8 Audience Participation

- (a) During an Audience Participation portion of the agenda, a member of the audience may address the Planning Commission on any issue that is not scheduled for a Public Hearing on that agenda, unless the audience member will not be available to speak during the Public Hearing.
- (b) In order to ensure accuracy in the minutes, any member of the public wishing to address the Planning Commission shall be asked to fill-out-an-Audience-Participation-card giving-clearly state his/her name, address and the item(s) he/she wishes to discuss.
 - 1) The general public shall limit their remarks to three (3) minutes each. Speakers shall not exceed the time limit of this rule without permission from the Chairperson.
 - 2) Any person speaking on behalf of a group shall limit his/her remarks to five (5) minutes, provided that those in the audience being represented identify themselves.
 - 3) Speakers shall address their remarks only to the Chairperson.
- (c) The Chairperson shall instruct all those who wish to speak during Audience Participation to sum up their remarks when the Chairperson or Planning Commission members feel that they have exceeded

the time limit, strayed from the pertinent facts, or have become repetitive or disrespectful.

3.9 Correspondence

- (a) No correspondence pertinent to the published agenda items from the ~~consultants, staff, or petitioners~~ members of the public shall be presented to the Planning Commission members if received after ~~46:00~~ 4:00 P.M. of the night ~~preceding of~~ the meeting on which the issue appears on the agenda, unless a majority of the Planning Commission chooses to accept the correspondence.
- (b) No Matters for Consideration shall be accepted after the packets have been ~~delivered~~ posted, unless legal counsel recommends and the Planning Commission agrees that it is of an emergency nature and must be acted upon at ~~that~~ meeting.

3.10 Rules of Order

- (a) To the extent reasonably possible, all meetings of the Planning Commission shall be conducted in accordance with generally accepted parliamentary procedure.
- (b) All pagers and cell phone ringers are requested to be turned off while meetings are in session.

3.11 Beginning and Ending Times

- (a) All regular Planning Commission meetings ~~are~~ typically scheduled to begin at 7:00 PM
- (b) The Planning Commission may vote to adjourn a Regular Meeting prior to completion of the Agenda only in case of a weather emergency or when all of the following have been satisfied:
 - 1) There are no petitioners remaining on the agenda.
 - 2) Community Development Department staff receives direction on all matters that cannot wait until the next meeting.
 - 3) Both Audience Participations have been held.

- (c) The Planning Commission shall take breaks as determined by the Chairperson (ninety (90) minute meeting segments recommended).

3.12 Site Plans

- (a) Except in extraordinary circumstances found to exist by the Planning Commission Chairperson, no Site Plan shall be considered by the Planning Commission unless the following conditions have been met:
 - 1) The Site Plan meets all of the required Site Plan submission conditions of Section ~~2516-6.1~~ of the City of Novi Zoning Ordinance.
 - 2) Consultant and City Staff review letters are completed by the Monday of the week prior to the meeting during which the Site Plan would normally be considered.
 - 3) The petitioner has responded in written form to all variances, waivers, and other issues of concern expressed in the Consultant and City Staff reviews. Such correspondence shall be included in Planning Commission packets.
- (b) The Planning Commission reserves the right to limit its agenda so that meetings can end at a reasonable adjournment time, as stipulated in Section 2.3(a) 6. Therefore, a Public Hearing or Matter for Consideration by the Planning Commission might not make the first agenda for which it would be eligible.
- (c) No Public Hearing or Matter for Consideration that otherwise meets the requirements of these By-laws and Rules of Procedure should be delayed from the agenda for more than two consecutive meetings (excluding Special Meetings established for planning and/or training purposes only). That is, it should appear no later than the third meeting for which it is eligible.

3.13 Special Planning Meetings

- (a) The Planning Commission may hold Special Meetings for planning and/or training purposes, on an as-needed basis.

- (b) The Planning Commission may hold a Special Meeting for a project determined to be complex in nature.
- (c) Notification of such Special Meetings shall be in accordance with Sections 3 and 6 of these By-Laws and Rules of Procedure.
- (d) Special Meetings may be held with another agency ~~(ies)~~or agencies of the City.

3.14 Goals and Objectives

- (a) Prior to the end of the calendar year, the Planning Commission shall prepare a specific set of goals and objectives for the coming fiscal year. This discussion is essential to the preparation of the budget for the next fiscal year.
- (b) The Planning Commission shall review and/or revise, as necessary, its goals and objectives after the budget is approved.
- (c) Committee Chairpersons will be responsible to present their Committee priorities to the Planning Commission.

3.15 Committee Meetings

- (a) At the first Committee meeting after Committee appointments, a Chairperson shall be selected. The most senior member has first right of position.
- (b) An annual calendar of Committee meeting dates and times shall be established by Committee Chairs within sixty (60) days of Chair selection.
- (c) During the first meeting after appointments, each Committee shall establish goals and objectives. These goals and objectives shall be reviewed and revised as necessary throughout the year.
- (d) All requests for zoning ordinance review and/or revision(s) shall be addressed to the Planning Commission for possible consideration by the Implementation Committee.

4. MINUTES

- 1.1 The Planning Commission minutes shall be prepared by the Planning Division and approved by the Planning Commission.
- 2.2 The Planning Commission minutes shall contain the following:
 - (a) a record of attendance,
 - (b) a complete record of the considerations or recommendations made on all actions,
 - (c) a complete restatement of all motions specifying the maker and seconder of the motions, and
 - (d) a record of the outcome of Planning Commission votes.
- 3.3 The minutes of Committee Meetings, need not be verbatim, but shall contain the following:
 - (a) a record of attendance,
 - (b) a synopsis of the meeting,
 - (c) a restatement of all motions specifying the maker and seconder of the motions, and
 - (d) a record of the outcome of the votes and the basis for such votes.
- 4.4 The approved minutes of the Planning Commission, including all communications, exhibits, actions and resolutions, relevant to that meeting shall be provided to the City Clerk.

5. PLANNING COMMISSIONER TRAINING (As the city budget allows)

- 1.1 Providing training of the Planning Commissioners should be a priority of the Planning Division.
- 2.2 In-House Training
 - (a) New Planning Commissioners should receive orientation material and/or training prior to their first meeting, but in no case later than one month after his/her appointment.

- (b) The Planning Commission as a whole should schedule at least one annual training session. Training topics shall be determined by the Planning Commission.

3.3 Certification

- (a) Planning Commissioners are encouraged to pursue completion of the ~~State of Michigan~~ State University's Citizen Planner Certification during their first term of appointment, subject to course availability.

4.4 Planning Conventions/Conferences

- (a) For National conventions, a maximum of three ~~(3)~~ Planning Commissioners shall be eligible to attend if the budget allows, and subject to the rules that the City Council has established for its attendance at conventions and conferences. One (1) Planning Commissioner from each group of appointees, based on expiration date, shall have first right of attendance. Based on this criterion, all Planning Commissioners will have the opportunity to attend at least one National conference during their three-year term.
- (b) For State of Michigan conventions, all Planning Commissioners not attending that year's National Convention shall have first right of attendance, if the budget allows.
- (c) Members of the Planning Commission are encouraged to share a brief summary of relevant information from a conference or convention, as determined by each member during Supplemental Issues section of the agenda.

6. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 1.1 Subject to the provisions of the Open Meetings Act, all meetings of the Planning Commission shall be open to the public and held in a place available to the general public.
- 2.2 Subject to the provisions of the Open Meetings Act, all deliberations and decisions of the Planning Commission shall be made at a meeting open to the public.
- 3.3 A person shall be permitted to address a Public Hearing of the Planning Commission under the rules established in subsection 3.4 and to address the Planning Commission concerning non-Public Hearing matters under the rules established in subsection 3.8, to the extent that they are applicable.

4.4 A person shall not be excluded from a meeting of the Planning Commission except for breach of the peace committed at the meeting.

5.5 All non-exempt records, files, publications, correspondences and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6.6 Members of the Planning Commission shall utilize their City email account for all matters relevant to their position on the Planning Commission.

7. STANDARDS OF CONDUCT

7.1 The most current City of Novi Standards of Conduct for Officers, Employees, and Consultants shall apply to all Planning Commissioners.

7.2 Discussion outside of meetings by Planning Commissioners of matters pending or that may come before the Commission is not encouraged.

7.3 Any Planning Commission member who speaks to the media may not speak on behalf of the entire Planning Commission.

7.4 Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. For purposes of these By-laws, a "conflict of interest" exists when a member of the Planning Commission or a member of his or her family has a proprietary or financial interest in an issue or matter that is before the Planning Commission beyond that which is experienced by the public in general; or where the member may receive or gain a financial benefit as a result of a vote on such issue or matter; or where the vote would result in a violation of the Standards of Conduct for Public Officers and Employees Act, 196 PA 1973 (being MCL 15.341 *et seq.*), the Incompatible Public Offices Act, 566 PA 1978 (being MCL 15.181 *et seq.*), or any other state law or City ordinance or policy applicable to conflicts of interest.

7.5 A Planning Commission member may be removed from office by the City Council for misfeasance, malfeasance or nonfeasance —upon written charges— and— after— a public hearing.

8. AMENDMENTS

These By-Laws and Rules of Procedure may be amended by the Planning Commission by a concurring vote pursuant to subsection 3.6 during a Regular Meeting, provided that all members have received an advance copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

CITY OF NOVI PLANNING COMMISSION ADOPTED THE ABOVE STATED BY-LAWS AND RULES OF PROCEDURE ON WEDNESDAY, _____, 2021 JUNE 29, 2011.

Mark Pehrson
Chairperson

~~Andrew Gutman~~
John Avdoulos
Vice Chairperson

~~David Greco~~
Michael Lynch
Secretary

- Rules Committee at the time of adoption:

~~David Greco~~
~~Brian Larson Leland Prince~~
Mark Pehrson
Mike Lynch
John Avdoulos

CLEAN
DRAFT AMENDMENTS TO
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURE

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

1. AUTHORITY

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- (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 either a roll call vote or a voice 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 1st 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 City Planner 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 Division.
- 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 same meeting as 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, or via an email response to the City Planner. 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, and 1 alternate, 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) Walkable Novi (2 members and 1 alternate)

City Committees:

City Capital Improvement 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, and on the City of Novi website.
- (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

- (a) The presence of a majority of the Planning Commission shall constitute a quorum of the Planning Commission.

- (b) If a quorum is not present, the members of the Planning Commission shall take no action until the next Regular or Special Meeting, except recessing the meeting or adjourning the meeting.
- (c) All Public Hearings without a quorum shall be re-scheduled for the next Regular or Special Meeting.

3.4 Public Hearings

- (a) Public Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinances cited in Section 1 of these By-laws and Rules of Procedure.

- (b) The order of presentation shall be as follows:

Community Development Department Staff and/or
City Consultants
Petitioner
Public Comment and Correspondence
Petitioner Response
Close Public Hearing
Commission Discussion/Decision

- (c) The petitioner shall limit his/her remarks to ten (10) minutes, unless additional time is requested and granted by the Chairperson. If the petitioner has additional presenters, the sum total of all presenters shall not exceed the time limit of this rule without permission from the Chairperson.

- (d) In order to ensure accuracy in the minutes, any member of the public wishing to address the Planning Commission during a Public Hearing shall be asked to clearly state his/her name, address and the item(s) he/she wishes to discuss.

- 1) The general public shall limit their remarks to three (3) minutes each. Speakers shall not exceed the time limit of this rule without permission from the Chairperson.

- 2) Any person speaking on behalf of a group shall limit his/her remarks to five (5) minutes, provided that those in the audience being represented identify themselves.
 - 3) Speakers shall address their remarks only to the Chairperson.
 - 4) No member of the audience shall be allowed to address an issue for Public Hearing following the closing of that Public Hearing by the Chairperson (except during "Audience Participation" pursuant to 3.8.a).
- (e) The Chairperson shall instruct all those who wish to speak during the Public Hearing to sum up their remarks when the Chairperson or Planning Commission members feel that they have exceeded their time limit, strayed from the pertinent facts, or have become repetitive or disrespectful.
 - (f) Once a Public Hearing has been scheduled, noticed, and published on an Agenda, the Public Hearing shall be heard at the designated Planning Commission meeting. However, the Planning Commission may, in its discretion, continue the Public Hearing to a specific date.

3.5 Motions

- (a) If requested, motions shall be restated before a vote is taken.
- (b) The names of the maker and seconder of the motion shall be recorded.

3.6 Voting

- (a) An affirmative vote of the majority of those Planning Commission members present for the conduct of business shall be required for the approval of any requested action or motion placed before the Planning Commission (except Master Plan for Land Use decisions).

- (b) Adoption of and amendments to the Master Plan for Land Use in the City of Novi require the affirmative vote of five members of the Planning Commission.
- (c) Roll call votes shall be required for all Public Hearing items and Matters for Consideration, except approval of minutes, which may be by a voice vote. Consent Agenda items shall ordinarily be recorded by voice vote. A roll call vote shall be taken if requested by any Planning Commission member for any other matter(s).
- (d) Roll call votes shall be conducted in alphabetical order. The first such vote during the meeting shall begin with the first surname alphabetically; the second shall begin with the second surname alphabetically; and so forth.
- (e) A member shall vote unless excused by the unanimous consent of the remaining members present and voting. However, a member shall be recused where the member has a financial interest other than the common public interest, or where the member clearly cannot render an impartial decision. The vote of the remaining Commission members shall be with regard to whether such financial interest or other basis for not voting has been sufficiently established by the member seeking recusal from voting.

3.7 Order of Business

- (a) A written agenda for all meetings shall be prepared and followed. The order of business shall be the following:

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
APPROVAL OF AGENDA
AUDIENCE PARTICIPATION
CORRESPONDENCE
COMMITTEE REPORTS
CITY PLANNER REPORT

CONSENT AGENDA -REMOVALS AND APPROVALS
PUBLIC HEARINGS
MATTERS FOR CONSIDERATION
CONSENT AGENDA REMOVALS FOR COMMISSION
ACTION
MATTERS FOR DISCUSSION
SUPPLEMENTAL ISSUES/TRAINING REPORT
AUDIENCE PARTICIPATION
ADJOURNMENT

- (b) A written agenda for Special and/or Committee Meetings shall be prepared and followed; however, the order of business as listed above shall not be necessary. A minimum of one audience participation is required at all meetings.

3.8 Audience Participation

- (a) During an Audience Participation portion of the agenda, a member of the audience may address the Planning Commission on any issue that is not scheduled for a Public Hearing on that agenda, unless the audience member will not be available to speak during the Public Hearing.
- (b) In order to ensure accuracy in the minutes, any member of the public wishing to address the Planning Commission shall be asked to clearly state his/her name, address and the item(s) he/she wishes to discuss.
 - 1) The general public shall limit their remarks to three (3) minutes each. Speakers shall not exceed the time limit of this rule without permission from the Chairperson.
 - 2) Any person speaking on behalf of a group shall limit his/her remarks to five (5) minutes, provided that those in the audience being represented identify themselves.
 - 3) Speakers shall address their remarks only to the Chairperson.
- (c) The Chairperson shall instruct all those who wish to speak during Audience Participation to sum up their remarks when the Chairperson or Planning Commission members feel that they have exceeded

the time limit, strayed from the pertinent facts, or have become repetitive or disrespectful.

3.9 Correspondence

- (a) No correspondence pertinent to the published agenda items from the members of the public shall be presented to the Planning Commission members if received after 4:00 P.M. of the night of the meeting on which the issue appears on the agenda, unless a majority of the Planning Commission chooses to accept the correspondence.
- (b) No Matters for Consideration shall be accepted after the packets have been posted, unless legal counsel recommends and the Planning Commission agrees that it is of an emergency nature and must be acted upon at that meeting.

3.10 Rules of Order

- (a) To the extent reasonably possible, all meetings of the Planning Commission shall be conducted in accordance with generally accepted parliamentary procedure.
- (b) All pagers and cell phone ringers are requested to be turned off while meetings are in session.

3.11 Beginning and Ending Times

- (a) All regular Planning Commission meetings are typically scheduled to begin at 7:00 PM
- (b) The Planning Commission may vote to adjourn a Regular Meeting prior to completion of the Agenda only in case of a weather emergency or when all of the following have been satisfied:
 - 1) There are no petitioners remaining on the agenda.
 - 2) Community Development Department staff receives direction on all matters that cannot wait until the next meeting.
 - 3) Both Audience Participations have been held.

- (c) The Planning Commission shall take breaks as determined by the Chairperson (ninety (90) minute meeting segments recommended).

3.12 Site Plans

- (a) Except in extraordinary circumstances found to exist by the Planning Commission Chairperson, no Site Plan shall be considered by the Planning Commission unless the following conditions have been met:
 - 1) The Site Plan meets all of the required Site Plan submission conditions of Section 6.1 of the City of Novi Zoning Ordinance.
 - 2) Consultant and City Staff review letters are completed by the Monday of the week prior to the meeting during which the Site Plan would normally be considered.
 - 3) The petitioner has responded in written form to all variances, waivers, and other issues of concern expressed in the Consultant and City Staff reviews. Such correspondence shall be included in Planning Commission packets.
- (b) The Planning Commission reserves the right to limit its agenda so that meetings can end at a reasonable adjournment time, as stipulated in Section 2.3(a) 6. Therefore, a Public Hearing or Matter for Consideration by the Planning Commission might not make the first agenda for which it would be eligible.
- (c) No Public Hearing or Matter for Consideration that otherwise meets the requirements of these By-laws and Rules of Procedure should be delayed from the agenda for more than two consecutive meetings (excluding Special Meetings established for planning and/or training purposes only). That is, it should appear no later than the third meeting for which it is eligible.

3.13 Special Planning Meetings

- (a) The Planning Commission may hold Special Meetings for planning and/or training purposes, on an as-needed basis.

- (b) The Planning Commission may hold a Special Meeting for a project determined to be complex in nature.
- (c) Notification of such Special Meetings shall be in accordance with Sections 3 and 6 of these By-Laws and Rules of Procedure.
- (d) Special Meetings may be held with another agency or agencies of the City.

3.14 Goals and Objectives

- (a) Prior to the end of the calendar year, the Planning Commission shall prepare a specific set of goals and objectives for the coming fiscal year. This discussion is essential to the preparation of the budget for the next fiscal year.
- (b) The Planning Commission shall review and/or revise, as necessary, its goals and objectives after the budget is approved.
- (c) Committee Chairpersons will be responsible to present their Committee priorities to the Planning Commission.

3.15 Committee Meetings

- (a) At the first Committee meeting after Committee appointments, a Chairperson shall be selected. The most senior member has first right of position.
- (b) An annual calendar of Committee meeting dates and times shall be established by Committee Chairs within sixty (60) days of Chair selection.
- (c) During the first meeting after appointments, each Committee shall establish goals and objectives. These goals and objectives shall be reviewed and revised as necessary throughout the year.
- (d) All requests for zoning ordinance review and/or revision(s) shall be addressed to the Planning Commission for possible consideration by the Implementation Committee.

4. MINUTES

1. The Planning Commission minutes shall be prepared by the Planning Division and approved by the Planning Commission.
2. The Planning Commission minutes shall contain the following:
 - (a) a record of attendance,
 - (b) a complete record of the considerations or recommendations made on all actions,
 - (c) a complete restatement of all motions specifying the maker and seconder of the motions, and
 - (d) a record of the outcome of Planning Commission votes.
3. The minutes of Committee Meetings, need not be verbatim, but shall contain the following:
 - (a) a record of attendance,
 - (b) a synopsis of the meeting,
 - (c) a restatement of all motions specifying the maker and seconder of the motions, and
 - (d) a record of the outcome of the votes and the basis for such votes.
4. The approved minutes of the Planning Commission, including all communications, exhibits, actions and resolutions, relevant to that meeting shall be provided to the City Clerk.

5. PLANNING COMMISSIONER TRAINING (As the city budget allows)

1. Providing training of the Planning Commissioners should be a priority of the Planning Division.
2. In-House Training
 - (a) New Planning Commissioners should receive orientation material and/or training prior to their first meeting, but in no case later than one month after his/her appointment.

- (b) The Planning Commission as a whole should schedule at least one annual training session. Training topics shall be determined by the Planning Commission.

3. Certification

- (a) Planning Commissioners are encouraged to pursue completion of the Michigan State University's Citizen Planner Certification during their first term of appointment, subject to course availability.

4. Planning Conventions/Conferences

- (a) For National conventions, a maximum of three (3) Planning Commissioners shall be eligible to attend if the budget allows, and subject to the rules that the City Council has established for its attendance at conventions and conferences. One (1) Planning Commissioner from each group of appointees, based on expiration date, shall have first right of attendance. Based on this criterion, all Planning Commissioners will have the opportunity to attend at least one National conference during their three-year term.
- (b) For State of Michigan conventions, all Planning Commissioners not attending that year's National Convention shall have first right of attendance, if the budget allows.
- (c) Members of the Planning Commission are encouraged to share a brief summary of relevant information from a conference or convention, as determined by each member during Supplemental Issues section of the agenda.

6. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 1. Subject to the provisions of the Open Meetings Act, all meetings of the Planning Commission shall be open to the public and held in a place available to the general public.
- 2. Subject to the provisions of the Open Meetings Act, all deliberations and decisions of the Planning Commission shall be made at a meeting open to the public.
- 3. A person shall be permitted to address a Public Hearing of the Planning Commission under the rules established in subsection 3.4 and to address the Planning Commission concerning non-Public Hearing matters under the rules established in subsection 3.8, to the extent that they are applicable.

4. A person shall not be excluded from a meeting of the Planning Commission except for breach of the peace committed at the meeting.
5. All non-exempt records, files, publications, correspondences and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.
6. Members of the Planning Commission shall utilize their City email account for all matters relevant to their position on the Planning Commission.

7. STANDARDS OF CONDUCT

- 7.1 The most current City of Novi Standards of Conduct for Officers, Employees, and Consultants shall apply to all Planning Commissioners.
- 7.2 Discussion outside of meetings by Planning Commissioners of matters pending or that may come before the Commission is not encouraged.
- 7.3 Any Planning Commission member who speaks to the media may not speak on behalf of the entire Planning Commission.
- 7.4 Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. For purposes of these By-laws, a "conflict of interest" exists when a member of the Planning Commission or a member of his or her family has a proprietary or financial interest in an issue or matter that is before the Planning Commission beyond that which is experienced by the public in general; or where the member may receive or gain a financial benefit as a result of a vote on such issue or matter; or where the vote would result in a violation of the Standards of Conduct for Public Officers and Employees Act, 196 PA 1973 (being MCL 15.341 *et seq.*), the Incompatible Public Offices Act, 566 PA 1978 (being MCL 15.181 *et seq.*), or any other state law or City ordinance or policy applicable to conflicts of interest.
- 7.5 A Planning Commission member may be removed from office by the City Council for misfeasance, malfeasance or

nonfeasance upon written charges and after a public hearing.

8. AMENDMENTS

These By-Laws and Rules of Procedure may be amended by the Planning Commission by a concurring vote pursuant to subsection 3.6 during a Regular Meeting, provided that all members have received an advance copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

CITY OF NOVI PLANNING COMMISSION ADOPTED THE ABOVE STATED BY-LAWS AND RULES OF PROCEDURE ON WEDNESDAY, _____, 2021 .

Mark Pehrson
Chairperson

John Avdoulos
Vice Chairperson

Michael Lynch
Secretary

- Rules Committee at the time of adoption:
Mark Pehrson
Mike Lynch
John Avdoulos