



MINUTES

Committee on Development and Planning Special Meeting

Monday, April 23, 2018 @ 5:15 p.m.

Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 5:16 p.m.

PRESENT

Council Member Hussain, Chair
Council Member Spitzley, Vice-Chair
Council Member Washington, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Brian McGrain, Economic Development & Planning
Susan Stachowiak, Economic Development & Planning
Jim Smiertka, City Attorney
Kathy Miles
Elaine Womboldt

PUBLIC COMMENT

No public comment at this time.

DISCUSSION/ACTION

Clarification from the City Attorney

Mr. Smiertka provided an overview of the memo he submitted to the Committee on the analysis of legal requirements related to certain development and planning matters. He noted that when there is a rezoning, which is an amendment to the zoning ordinance, the Zoning Enabling Act requires a hearing only at the Planning Board level, however the City Charter states the City Council has to have a hearing as well. The Zoning Enabling Act, although only requiring a public hearing at the Planning Board level, does require that the legislative body consider and vote on any rezoning request. Therefore, when combining the requirements of the Zoning and Enabling Act and City Charter, amendments to our zoning code are required to have a public hearing and vote by the full body. Mr. Smiertka then assured the Committee that everything else that the Committees reviews and takes action on can be kept in Committee unless Council refers it to the Committee and requests a report. Council Member Spitzley asked for clarification, once it is acted on and voted down, is it considered “dead” at Committee. Mr. Smiertka clarified that once it is voted on, they have to report to Council the findings or action, in whatever formats the

Committee determines, although Council can discharge matters from the Committee. According to the Council Rules, to discharge an issue from committee, a 2/3 vote of the members at a Committee of the Whole or City Council meeting is needed. In 2016, Law determined that the 2/3's applied to the members at that meeting. Council can interpret their own rules, but if there are 8 Members at the meeting, it would need 6 members to pass, if there are 7 Members at the meeting it would need 5 Members. Council Member Spitzley asked Mr. Smiertka if someone at the Council meeting tonight asked for this PILOT to be discharged, would they need 5 votes since there will only be 7 members present, and Mr. Smiertka confirmed stating that is what the Council Rules state. If Council wants to amend the Rules, that would require another vote. Council Member Hussain asked if the discharge has to be done immediately following the meeting where the Committee reports out their determination, and Mr. Smiertka referred to Council Rule 17 which states "any Council Meeting".

Ms. Womboldt asked if a discharge from Committee requires a roll call vote of Council. Mr. Smiertka stated that a roll call vote is only required would be for the ordinance itself.

Council Member Hussain asked what occurs with a Special Land Use. Mr. Smiertka confirmed that the requirement to Council is only for zoning amendments.

Ms. Miles asked if Mr. Venker's objection from the last Committee meeting negated the denial vote. Mr. Hussain confirmed for her it did not, the question was if the PILOT discussion from the last Committee meetings needed to come out of Committee for final action. The discussion today is also about what steps are taken if a Member calls for reconsideration.

Ms. Miles asked why the Council has Committees. Council Member Spitzley assured her that Committees vet proposals, make sure applications are complete, and there is always a reason for Committee review and action. There is a process in place and allowable.

Council Member Hussain assured Ms. Miles and Ms. Womboldt that the Committee also wanted the legal opinion from the City Attorney himself since the opinions from Law have been contrary to what has been stated from that office in the past.

Mr. Smiertka reiterated the earlier statement from Council Member Spitzley, that the Committees are part of the process to provide vetting on applications. He then encouraged the Council to also review the Council Rules, Rule 4 which speaks to "no more than four (4) members on any standing committee".

Other

No other topics.

Adjourn

Adjourned at 5:28 p.m.

Submitted by, Sherrie Boak,

Recording Secretary,

Lansing City Council

Approved by the Committee on May 8, 2018