

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B136-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 19, 2014

Re: An Ordinance Amending Chapter 20 to Shorten Planning & Zoning Commissioner Terms

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Excerpts from Minutes

Executive Summary

Attached for City Council consideration is an ordinance changing the terms of City of Columbia Planning & Zoning Commissioners from five years to three years. Currently the Planning & Zoning Commission consists of nine members and members serve five-year staggered terms. The proposed ordinance retains the staggered terms with the City Council appointing or re-appointing three members each year.

Discussion

The composition, appointment, and terms of the City Planning & Zoning Commission are described in Chapter 20 of the City Code entitled "Planning," Section 20-37. The nine-member Commission is appointed by the City Council to terms of five years. The five-year terms are staggered with two members appointed or reappointed each year; with one member appointed or reappointed in the fifth year of the cycle.

The proposed ordinance shortens the term length from five to three years. The terms of members would remain staggered. In the attached ordinance, the terms are staggered over a three year rather than the current five year period.

In requesting this ordinance, Council pointed out the possibility that more Columbia citizens might be interested in serving and fewer might leave the Commission in mid-term if the number of years were shortened. Since the Commission has nine members, the three-year period also adds uniformity to the staggered appointments: three appointments could be made each year.

In the original Standard City Planning Enabling Act, published in the 1920s and essentially the model for the Missouri planning enabling statute, City Planning Commissions were to have longer terms than the City legislative bodies they advised to foster independence and long-term perspective on the Commission. In a footnote to the suggested six year term, the Act said

"Six years": The principle which explains this period is that the terms of members of the planning commission should so overlap the terms of councilmen and the officials of the city administration that, in the first place, the whole planning commission will not go out when a city

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administration or council goes out and, in the second place, that no city administration shall during a single term have the power to name a majority of the members of the planning commission.”

In the model statute there is no particular number that is mandatory, however, the principle quoted above should apply to term length and the timing of appointments.

City of Columbia Planning & Zoning Commissioners strongly prefer the longer terms because they believe they are more conducive to learning the job; longer terms build institutional memory and foster continuity on the commission.

The State of Missouri Planning Statute states that City Planning Commissions shall consist of seven to fifteen members appointed to *four* year terms. As a Charter City, Columbia elected to use the longer term of five years. It would be hard to argue against an amendment that changes the term from five to four years because that aligns with the current Missouri Revised Statutes provision for all cities in Missouri.

An additional issue for Council to consider is the effective date of the ordinance and its impact on existing commissioner terms. Currently there are two five year terms ending in 2015, 2016, 2017 and 2019; one five year term expires in 2018. The Council could phase in the shorter terms or reset existing commissioner terms as it sees fit.

Fiscal Impact

Short-Term Impact: There is no measurable fiscal impact associated with this request because the Commission is an all-volunteer advisory body and their expenses are already reflected in the City budget.
Long-Term Impact: Staff does not anticipate any long-term fiscal impacts of this change

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development, Governance and Decision Making

Strategic Plan Impact: Customer Focused Government, Growth Management

Comprehensive Plan Impact: Land Use & Growth Management, Environmental Management, Infrastructure, Mobility, Connectivity, and Accessibility, Economic Development, Inter-Governmental Cooperation, Livable & Sustainable Communities

Suggested Council Action

Staff prepared this ordinance at Council request for Council's consideration.

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Legislative History

Chapter 20, Section 20-37 has been amended twice in recent years. In 1998 the City amended the ordinance to reduce the size of the membership from ten to nine (the Public Works Director had served as the tenth member) and in 2006 the Council amended the section to provide that a member shall serve up to one month after the expiration of that members term if no successor had been appointed.


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 136-14

AN ORDINANCE

amending Chapter 20 of the City Code to change the terms of Planning and Zoning Commission members from five years to three years; 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. 20-37. Composition; appointment; term; qualifications; vacancies; compensation.

(a) The commission shall consist of nine (9) members appointed by the council for staggered terms of ~~five (5)~~ three (3) years. ~~Two (2)~~ Three (3) members shall be appointed annually for terms beginning on the first day of June, ~~except in each fifth year, when only one member shall be so appointed.~~ All members serving on the commission on June 2, 2014 shall complete such member's existing term. Thereafter, the term of each member shall be three (3) years, provided that, in order to maintain staggered terms, one member whose current term expires in June 2016 shall be reassigned to a one (1) year term expiring in June 2017 and thereafter to subsequent three (3) year terms as provided herein.

(b) The city manager shall designate the director of an administrative department as consultant and advisor to the commission but such person shall not be a member of the commission. The members of the commission shall be qualified voters, residents of the city at least one year immediately prior to the date of their appointment, and shall hold no other office or position in the city administration. Appointments to fill vacancies shall be for unexpired terms only. All members shall serve without pay. A member shall serve for up to one (1) month after the expiration of the member's term if no successor has been appointed.

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

PASSED this _____ day of _____, 2014.

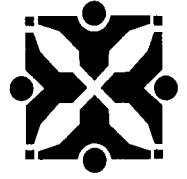
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Excerpts from Minutes

what you've got coming up on your agenda. We have two subdivision plats, Joann Subdivision, and this is up off of Mills Drive and Joann Street for subdivision of two existing lots. And then Farley's Plat No. 4. This is again another final plat. We will not have Item No. 13-55 on the agenda. After calculating the advertising requirements, we have missed the advertising deadline to properly -- advertising deadline to properly advertise that, so the only item that we will have is the returning C-2 district revisions, as we discussed in work session today. We will have some additional information for you at that point and probably receive additional public comment. Other than that, that is all we have to offer for this evening. We thank you very much for your time and attention.

VIII) COMMENTS OF COMMISSIONERS

DR. PURI: Mr. Wheeler?

MR. WHEELER: Well, I guess this is my only chance to publicly say that what's been proposed on the terms of -- of -- well, maybe I could come into Council and say this, but I'll say it now. The -- what's been proposed to a term limit of three years for P & Z Commissioners doesn't make sense for a lot of reasons we discussed in our work session, but, most notably, it takes a little while for a Commissioner to get their legs underneath them, for lack of a better phrase. So, you know, given that, five years makes a lot more sense as a term for a Commissioner than three, and it's very important, I think, for sound decisions to come from this body for a Commissioner to be comfortable with making informed decisions and -- and making, for that matter, informed remarks, which it sounds like I just did not make. But that said, we'll put that out there and hope you all show up on the 19th to hammer City Council.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: I would just like to also echo the same that Mr. Wheeler did, and I would just like to add one comment, that my concern with changing it from three -- or from five to three is, I believe it -- when it comes a three-year term, it becomes a little more -- it becomes a much more political arena for us. And I think, right now, it's very important for us not to be tied to a political agenda as much so that we can hopefully evaluate the planning process a little more nonbiased and give it, you know, a community approach as opposed to an agenda approach. And I just feel that if we're tied to the City Council, we're going to be a political motivation factor, and then I think our decision-making will be tied back to that political connection and I think that that's just a bad choice. And I think, as a community, we will get a product that is very slanted to that current City Council. Thank you.

DR. PURI: Anybody else? Mr. Lee?

MR. LEE: I would echo the comments of both previous Commissioners, but I would also say that there's great value to institutional knowledge, and someone who has been on this Commission for five years and may be even serving a second term, they have a lot of knowledge about what has gone on in the past and can pass that on to other Commissioners. And I would also say that in my first six, eight months on this commission, I wasn't lost, but I -- I was wandering because of the language that you need to learn and the designations and status. Comments are usually highly technical, so it was a high hill to climb on the learning curve. Thank you.

DR. PURI: Ms. Burns?

MS. BURNS: As the newest member of the Commission, I definitely agree with that, that there's a huge learning curve. It's pretty much vertical at this point in time for me, but I'm enjoying it. And I'll look forward to the 19th for a lively discussion.

MR. TEDDY: Mr. Chairman, I'm sorry for the interruption. Ordinance would be introduced on May 19; public discussion will be June 2nd.

DR. PURI: Thank you, Mr. Teddy. I would just like to myself echo Mr. Wheeler and most of the Commissioners. You know, I just always say when something is not broken, you don't go try to fix it. But I think the message that is coming across from Council is that maybe the Commission is broken, which is disappointing. The amount of work that has been put out by this Commission over the last few years I've been on it, and ten years Mr. Wheeler has put on it, and good work has come out of the Commission with the help of the staff. And it's a wrong message to send out for the Commission as the type of work we do, there has to be a lot of it learned on the job. Most people that are coming on here are not planners. It takes time to learn the language, the jargon, and -- and understanding development, understanding the impact of development. And I think that to say that this can be a three-year turnover I think is an injustice to this Commission. All these years, in this tenure that has been present here, this has been working just fine, in my opinion, before I started serving on it, and even now since I've been on it for nearly seven -- seven years or so -- I'm sorry -- close to five years. So under the circumstances, I think that to introduce three-year term limit for Commissioners I think is -- is an idea that is definitely broken. And if somebody needs to understand, then they can just serve on this Commission and find out. Before you even get confidence and gain traction on the ground, it takes a year, year and a half to do that. And then when you start to get comfortable, another year or so, so that when you start to make a difference, you're going to be -- you know, having turnover. I think this is a grave injustice to this body, and if the Council seems to think that this is broken, then they should completely utterly explain that -- you know, how it's broken, why the terms has to be changed to three years, and that's all I have to add. Mr. Stanton?

MR. STANTON: I concur with everybody's statement. We have two -- we have two obligations, the planning side and the zoning side. And I feel it takes a year for each, you know. I'm just getting ahold of the codes and the zoning regulations. And we have to worry about planning -- does it fit the City. What is good for City growth? What is smart growth? Those are two different tracts of learning that have to happen, and that's at least a minimum of two years. So by the time you get ahold of everything you need, you're looking to go out the door, so you're a short time in. It's like some people on the Commission are right now, and so that means you've probably got six months of effective decision-making before your term is up. So, yeah, I disagree with the current direction and they're going with the term limits.

DR. PURI: Anybody else? Mr. Tillotson?

MR. TILLOTSON: I concur with what's been said. I think what makes this Planning and Zoning so good a position and so unique is there's several of us and if you've ever sat through one of our work sessions, you find that we have a lot of disagreements, and that's what I think works so well, because we look at every issue and every topic that comes before us with sincerity. Our staff puts a lot into it and

brings a lot of value to our opinions and educating us. And I think if we become a body that's just hand-picked to follow and make decisions that the City Council wants made, then if you're going to eliminate the five-year term, why even have a Planning and Zoning Commission at all, so that's my opinion.

DR. PURI: Mr. Lee?

MR. LEE: I would just like to make one additional comment about the Council. In my little over two years on this Commission, I've never seen a City Council person sit in this audience -- not one time.

DR. PURI: Anybody else?

IX) ADJOURNMENT

DR. PURI: All right. We're adjourned.

(The meeting was adjourned at 8:10 p.m.)