



City of Grand Island

Tuesday, March 28, 2006

Council Session

Item F5

**#9038 - Consideration of Creating Chapter 37 of the Grand Island
City Code Relative to Planning**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: March 28, 2006

Subject: Creating Chapter 37 of the Grand Island City Code
Relative to Community Development

Item #'s: F-5

Presenter(s): Douglas R. Walker, City Attorney

Background

As part of the process of revising the City Code, the code revision committee met and discussed reorganizing the City Code. The proposed Chapter 37 of the City Code has been created to consolidate the Planning and Community Development articles into one chapter of their own.

Discussion

In reviewing Chapter 2 of the City Code, the code revision committee decided that it would be a more logical organization of the articles of the code to put together the Planning and Community Development articles in their own chapter. The primary changes would be as follows:

- Chapter 2, Article III on the Planning Commission will be moved to Chapter 37, Article I.
- Current code section 2-52 will be removed since this code section as currently drafted does not reflect current practices of the city.
- Chapter 37, Article II, Interjurisdictional Planning Commission is a new Article and these code sections have been drafted to implement the requirements of State Statutes for establishing an interjurisdictional planning commission, which has been requested by Merrick County.
- Chapter 2, Article IV has been moved to Chapter 37, Article III.
- Current code section 2-59 for director appointment has been revised to indicate that the director of the Regional Planning Department shall be managed by and subject to the personnel rules for the City of Grand Island.

- The code sections currently in Article XI of Chapter 2 dealing with the Community Redevelopment will be moved to Article IV, Chapter 37 of the City Code.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the revisions to the City Code as drafted by city staff.
2. Disapprove or deny the ordinance which would revise the City Code in which event the current provisions of the code would remain in effect.
3. Modify the recommendations of city staff for changing the City Code.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the changes recommended by city staff to create Chapter 37 of the City Code.

Sample Motion

Motion to approve the ordinance creating Chapter 37 of the Grand Island City Code.

CHAPTER 37

PLANNING and COMMUNITY DEVELOPMENT

Article I. Planning Commission

§37-1. Planning Commission; Created; Duties

Authority is hereby conferred upon the city council to enter into an interlocal cooperation agreement to create a regional planning commission in joint agreement with the County of Hall and any villages within the County of Hall which may wish to participate; said regional planning commission to have the full authority and responsibility of a city planning commission for the City of Grand Island, Nebraska, as provided for and authorized by state statutes.

§37-2. Composition; Appointment of Member

The joint planning commission shall include four members who reside in the City of Grand Island and who shall represent, insofar as possible, different professions or occupations in the City, and who shall be appointed by the mayor by and with the approval of a three-fourths vote of the city council.

§37-3. Term of Members

The term of each appointed city member of the regional planning commission shall be three years, except that one city member of the first regional commission appointed shall serve for a term of one year, one for a term of two years, and two for a term of three years. No member shall be appointed for more than two successive terms.

§37-4. Members; Compensation; Other Office

All city members of the regional planning commission shall serve as such without compensation and shall hold no other municipal office.

§37-5. Removal of Members; Vacancies

Any city member of the regional commission may, after a public hearing before the city council, be removed by the mayor by and with the consent of a three-fourths vote of the Council, for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor, by and with the approval of a majority vote of all the members elected to the council.

§37-6. Powers and Duties Generally

It shall be the function and duty of the regional planning commission to perform those duties as required by state law of city planning commissions or as customary for planning commissions generally in the same manner as if a city planning commission were appointed and acting pursuant to law.

~~§37-7. Operating Funds; Expenditures~~

~~—————The city council may provide fifty percent of the funds, equipment, and accommodations necessary for the work of the regional planning commission, said fifty percent, exclusive of gifts, shall be within the amounts appropriated for that purpose by the city council, and no expenditures nor agreements for expenditures shall receive city participation in excess of such amounts appropriated.~~

§37-7. Reserved

§37-8. Reserved

§37-9. Reserved

§37-10. Reserved

Article II. Inter-Jurisdictional Planning Commission

§37-11. Interjurisdictional Planning Commission; Created; Duties

An Interjurisdictional Planning Commission is hereby created with Merrick County, Nebraska, pursuant to the requirement of Neb. R.R.S. §19-930, et seq. Said Interjurisdictional Planning Commission shall have the powers, duties, responsibilities and functions of the regional planning commission for the City of Grand Island in the unincorporated area of Merrick County that is within two miles of the corporate boundaries of the City of Grand Island.

§37-12. Composition; Appointment of Members

The Interjurisdictional Planning Commission shall consist of six members. Three members shall be chosen by the Mayor with the approval of the council from the City's members on the Hall County Regional Planning Commission which acts as the City's planning commission. The remaining three members shall be chosen by the Merrick County Board from members currently serving on the Merrick County Planning Commission.

§37-13. Term of Members

The term of each appointed member shall be for one year and until their successors are appointed and qualified. The City of Grand Island members of the Interjurisdictional Planning Commission may be reappointed to successive one-year terms during their tenure on the Hall County Regional Planning Commission.

§37-14. Interjurisdictional Planning Commission; Meetings

The Interjurisdictional Planning Commission shall hold regular meetings, at least annually and on other occasions as necessary, to carry out the duties and responsibilities of the commission. A majority of the members must be present to constitute a quorum.

§37-15. Members; Compensation

All members of the Interjurisdictional Planning Commission shall serve without compensation and without reimbursement for expenses incurred pursuant to fulfilling the requirements of Neb. R.R.S. §19-930 through §19-933.

§37-16. Removal of Members; Vacancies

Any city member of the Interjurisdictional Planning Commission may, after a public hearing before the city council, be removed by the mayor by and with the consent of a three-fourths vote of the council, for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of a member's term shall be filled for the remainder of the unexpired term by the mayor, by and with the approval of a majority vote of all the members elected to the council.

§37-17. Termination

The Interjurisdictional Planning Commission shall continue until such time as the City of Grand Island and Merrick County agree by a majority vote of each governing body to eliminate the Interjurisdictional Planning Commission. Upon termination, jurisdiction shall transfer to the Hall County Regional Planning Commission which is the planning commission for the city.

§37-18. Reserved

§37-18. Reserved

§37-20. Reserved

§37-21. Reserved

Article III. Community Development Division

§37-22. Community Development; Purpose

The purpose of this article is to set forth the manner in which the City shall exercise all the power and authority to engage in community development activities granted to the City under the statutes of this state, including but not limited to, the Community Development Law set forth in Neb. Rev. Stat. §18-2101, et. seq. Pursuant to §18-2101.01 of that Act, the City hereby assumes all the power and authority granted to an urban renewal authority under said Act.

§37-23. Community Development Division

There is hereby created a division of the Regional Planning Department to be known as the Community Development Division, which shall be responsible for the performance of all administrative tasks involved in the implementation of the City's community development projects, programs, policies, and procedures adopted under the provisions of this article.

§37-24. Director; Appointment

The director of the Regional Planning Department shall act as director of the Community Development Division. The director shall be managed by and be subject to the personnel rules for the City of Grand Island.

§37-25. Director; Duties

The director of the Regional Planning Department shall be responsible for performing the professional work involved in carrying out the purposes of this article, for directing the work of the Community Development Division, and for coordinating all the City's community development programs and projects.

§37-26. Advisory Committee

There is hereby created a Community Development Advisory Committee consisting of seven members. Six of the members shall be residents of the city of Grand Island. The seventh member shall be a member of the Grand Island City Council. All members shall serve without compensation. The initially appointed representatives shall consist of two appointed for a three-year term, two appointed for a two-year term, and two appointed for a one-year term. Thereafter, all appointments, other than vacancies, shall be for terms of three years. Appointments to fill vacancies shall be for the remainder of the term of the vacated position.

All members shall be appointed by the mayor and confirmed by the city council. Members may be removed without cause by the mayor with the consent of the city council. The advisory committee shall establish such rules and procedures as are necessary to carry out its duties. The Community Development Advisory Committee shall have the following duties:

- (1) Monitor and investigate all existing and potential Community Development programs and projects.
- (2) Make recommendations on all existing and potential Community Development programs and projects, procedures, and all other aspects of the City's community development program.

§37-27. Reserved

§37-28. Reserved

§37-29. Reserved

§37-30. Reserved

Article IV. Community Redevelopment Authority

§37-31. Community Redevelopment Authority; Creation

There is hereby created the Community Redevelopment Authority of the City of Grand Island, Nebraska, pursuant to the provisions of Neb. Rev. Stat. §18-2102.01 (Reissue of 1991).

§37-32. Officer

Five persons, all of whom shall be residents of the City of Grand Island, shall constitute the Authority. The five members shall be appointed by the Mayor, with the approval of the City Council. The Mayor shall designate the term of office for each member as provided in Neb. Rev. Stat. §18-2102.01 (Reissue of 1991). The Authority shall select one of its members as chairperson and another as vice-chairperson. A total of four members of the Authority shall constitute a quorum for the transaction of business. The Authority shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and recommendations, which records shall be made available for public inspection during regular business hours.

§37-33. Director

The City Administrator shall designate a person to serve as the Director and Ex Officio Secretary of the Community Redevelopment Authority, and that person shall perform such duties as may be assigned by the Authority, including the necessary administrative functions described in Neb. Rev. Stat. §18-2102.01 (Reissue of 1991).

§37-34. Funds

All income, revenue, profits, and other funds received by the Authority shall be deposited with the Treasurer of the City of Grand Island, as Ex Officio Treasurer of such Authority without commingling such money with any other money under the Treasurer's control. The money of the Authority shall be disbursed by the Treasurer by check or draft only upon warrants, orders, or requisitions, specifying the purpose thereof, duly executed by the Chairperson of the Authority, or such other person as may be duly authorized and designated by the Authority of any such activity.

§37-35. City Council Liaison

The Mayor, with the approval of the City Council, shall appoint one member of the city council to act as a liaison between the City Council and the Community Redevelopment Authority.

ORDINANCE NO. 9038

An ordinance to establish Chapter 37 of the Grand Island City Code; to move city code articles pertaining to the Planning Commission, the Community Development Division and the Community Redevelopment Division from Chapter 2 of the Grand Island City Code into Chapter 37 of the Grand Island City Code; to add Article II to Chapter 37 of the city code creating an Inter-Jurisdictional Planning Commission; to amend various sections pertaining to housekeeping issues; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, it has been recommended that city code articles contained in Chapter 2 pertaining to the Planning Commission, the Community Development Division and the Community Redevelopment Division be moved into a newly created Chapter 37 of the Grand Island City Code; and

WHEREAS, it is further recommended that an Interjurisdictional Planning Commission be created and the parameters of such commission be incorporated into Chapter 37 of the Grand Island City Code; and

WHEREAS, it is further recommended that various sections pertaining to the Planning Commission and Community Development Division be amended for housekeeping related matters.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Chapter 37 of the Grand Island City Code is hereby established and approved as set forth in Exhibit "A" attached hereto.

ORDINANCE NO. 9038 (Cont.)

SECTION 2. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 4. That this ordinance shall be in force and take effect from and after its passage and publication in pamphlet form, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: March 28, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk