MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

December 7, 2006

A Meeting of the Manistee City Planning Commission was held on Thursday, December 7, 2006 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT:	Dave Crockett, Ray Fortier, Eric Gustad, Harlo Haines, Tony Slawinski, Roger Yoder
MEMBERS ABSENT:	Maureen Barry, Ben Bifoss and Tamara Buswinka
OTHERS:	Cean Burgeson (Manistee News Advocate), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning)

Meeting was opened at 7:00 p.m. by Chairman Yoder.

PUBLIC HEARING:

None

APPROVAL OF MINUTES:

Planning Commission Special Meeting of November 28, 2006

MOTION by Ray Fortier, seconded by Tony Slawinski that the minutes of the November 28, 2006 Planning Commission Special Meeting be approved.

With a roll call vote this motion passed 6 to 0.

Yes: Crockett, Gustad, Fortier, Slawinski, Yoder, Haines
No: None

NEW BUSINESS:

By-Law Adoption.

The Planning Commission has been working on the development of new By-Laws which reflect the new Zoning Ordinance . Final changers were made at the Worksession on November 16, 2006.

MOTION by Ray Fortier, seconded by Dave Crockett that the City of Manistee Planning Commission adopt the By-Laws and Rules of Procedures (attached).

With a roll call vote this motion passed 6 to 0.

Yes: Haines, Gustad, Fortier, Slawinski, Yoder, Crockett
No: None

Election of Officers 2007

According to the By-Laws of the City of Manistee Planning Commission their annual election of Officers is held at the December Meeting for the following year.

Chair

At this time the meeting was turned over to Jon Rose who asked for nominations for the Position of Chair 2007.

Ray Fortier nominated Roger Yoder for the position of Chair

Nominations were asked for three times, there being no other nominations, nominations were closed.

With a roll call vote, Roger Yoder was elected Chair of the Planning Commission for 2007, 6 to 0 with voting as follows:

Yes: Haines, Gustad, Slawinski, Crockett, Fortier, Yoder
No: None

Vice-Chair

Chairman Yoder asked for nominations for the Position of Vice-Chair.

Dave Crockett nominated Ray Fortier for the position of Vice-Chair

Nominations were asked for three times, there being no other nominations, nominations were closed.

With a roll call vote, Ray Fortier was elected Vice - Chair of the Planning Commission for 2007, 6 to 0 with voting as follows:

Yes: Yoder, Fortier, Slawinski, Crockett, Haines, Gustad
No: None

Secretary

Chairman Yoder asked for nominations for the Position of Secretary.

Ray Fortier nominated Maureen Barry for the position of Secretary

Nominations were asked for three times, there being no other nominations, nominations were closed.

With a roll call vote, Maureen Barry was elected Secretary of the Planning Commission for 2007, 6 to 0 with voting as follows:

Yes: Fortier, Yoder, Slawinski, Gustad, Crockett, Haines
No: None

Appointment of a Recording Secretary 2007. Once Elected the Secretary may appoint a Recording Secretary to handle the administrative functions of the office.

Maureen Barry was absent. The Appointment of a Recording Secretary for 2007 will be put on the January Agenda.

UNFINISHED BUSINESS:

None

OTHER COMMUNICATIONS:

On January 31, 2007 at 6:30 p.m. will be the final Joint Planning Finding Common Ground Joint Workshop for Benzie and Manistee Counties. The Workshop will be had at 6:30 p.m. at the Arcadia Township Hall.

There is no Worksession scheduled for December.

Planning Commission asked that a letter be prepared on their behalf congratulating former Commissioner Cyndy Fuller who was appointed as Mayor.

CITIZEN QUESTIONS AND CONCERNS:

None

WORK/STUDY SESSION:

Planning Commissioners reviewed copies of Amendments that have been prepared for the Zoning Ordinance. This is the first group of changes, more will be coming from the Ordinance Re-write Committee.

Chairman Yoder will be making Committee Appointments in January. Some changes have been made to the committees. An updated list will be forwarded to members in their packets for the January Meeting. Members were asked to review the list and see what committee's they would like to serve on.

The Planning Commission wishes the community a Merry Christmas and safe holiday season.

ADJOURNMENT:

MOTION by Tony Slawinski, seconded by Ray Fortier that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 7:55 P.M.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

CITY OF MANISTEE
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURES

1. AUTHORITY

These By-laws and Rules of Procedures are adopted by the Planning Commission of the City of Manistee, County of Manistee, (hereinafter referred to as the Commission) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; the City of Manistee Zoning Ordinance, and the Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1 Selection. At the December meeting, the Planning Commission shall elect a chair, vice-chair and secretary who shall serve for the next twelve (12) months and who shall be eligible for re-election. Vacancies in an office of the Commission shall be filled at the next regular meeting of the Commission. The membership shall elect one of its members to fill the vacancy until the next annual election.

2.2 Duties. The chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.

The vice-chair shall act in the capacity of the chair in the absence of the chair or in the event of a vacancy in the office of chair; in which case, the Commission shall select a successor to the office of vice-chair at the earliest practicable time.

The Secretary shall be responsible for execution of documents in the name of the Planning Commission, the preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the Commission, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Commission operations. The Secretary may appoint a Recording Secretary to handle the administrative functions of the office. In the event the Secretary is absent, the chair or acting chair shall appoint a temporary secretary for such meeting.

2.3 Tenure. The officers shall take office at the first regularly scheduled meeting immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

3.1 Meeting Notice. Notice of all meetings shall be posted at City Hall by December 31st of each year. The notice shall include the date, time and place of the meeting. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meeting act.

3.2 Attendance A member may be removed from office by the appointing City Council for neglect of official duty or misconduct in office after being given a written statement for reasons and an opportunity to be heard thereon. Un-excused absences may be reason for removal and three (3) un-excused absences in a row, shall be reported in writing to the City Manager.

3.3 Special Meetings. A special meeting may be called by three members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open meeting Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meeting act, and the Secretary or Recording Secretary shall provide notice to commission members by writing, telephone, or e-mail.

3.4 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least five of the nine members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the commission may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.

3.5 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure.

1. The Chair of the Planning Commission shall announce that a public hearing will be conducted on a request.
2. The Chair shall read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
3. The Chair shall announce the following hearing rules:
   a. The Chair will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
   b. Each speaker shall state their name and address for the record and may present written comments for the record.
   c. Speakers shall address all comments and questions to the Planning Commission and comments will be limited to the subject matter of the Public Hearing.
   d. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for collective comments of the group as presented by that speaker.
   e. The Chair may require that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak. Everyone shall have an opportunity to speak before someone is allowed to speak a second time.
   f. The Chair may establish additional rules of procedure for particular hearings as he/she determines appropriate.
   g. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
4. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the Planning Commission may initiate a motion to close the hearing.
5. Public Hearings shall be carried out in the following format:
   a. The Chair shall open the hearing.
   b. The Applicant shall present any comments and explanation of the case. Applicant's presentation shall not be subject to the five (5) minute limitation.
   c. The City staff and any consultants serving the City shall present their reports.
   d. The hearing will be opened for public comment.
   e. The public comment period will be closed.
   f. Deliberation and discussion by the Planning Commission.
   g. Disposition of the case by the Planning Commission.

3.6 Motions. Motions shall be restated by the Chair before a vote is taken. The name of the maker and supporter of each motion shall be recorded.

3.7 Voting. An affirmative vote of the majority of those members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last.

3.8 Order of Business. A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:

Call to Order.
Roll Call
Approval of Agenda
Approval of Minutes
Public Hearings
New Business
Old Business
Public Comments and Communications concerning items not on the agenda
Correspondence
Staff Reports
Members discussion
Adjournment

A written agenda for special meeting shall be prepared and followed, however the form as enumerated above shall not be necessary.

3.9 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.

3.10 Agenda Items. For an item to be considered at a regular Planning Commission meeting, it must be submitted to the City Community Development Department no later than the established policy of the City prior to the next scheduled Planning Commission Meeting.

3.11 Conflict of Interest:

1. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
   a. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
   b. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.
   c. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss.
   d. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to himself.
   e. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
   f. A commission member may consider the possibility of declaring a conflict of interest if his/her home falls within a notification radius used for a Public Hearing. Because the sending of the notice automatically presumes some degree of interest, this fact should be recognized by declaring a conflict, particularly if a financial impact is likely.
   g. A commissioner who feels, in his/her judgement that his/her job, scope of duties and/or position may be at risk, pending the outcome of the permitting process.
2. A commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining a conflict exists:
   a. declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
   b. refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
   c. refrain from casting a vote on any motion having to do with the case.

4. MINUTES

4.1 Preparation. Commission minutes shall be prepared by the Secretary or Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action and resolutions shall be attached to the minutes.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.

5.2 All deliberations and decision of the Commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters at the time designated for such comments.

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

5.5 All 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. COMMITTEES

6.1 Executive Committee. The Executive Committee of the Planning Commission shall consist of the Chair, Vice -Chair and Secretary. The Executive Committee shall be the Joint Ordinance Review Committee.

6.2 Ad Hoc Committees. The Planning Commission or Chair of the Planning commission may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on an ad hoc committee at any given time. Committee appointments shall be made at the first regular meeting held in January of each year or at the time the committee is formed.

6.3 Rules of Procedure. All Sub-committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action and shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.

7. ANNUAL REVIEW OF BY-LAWS

The Commission shall annually review their By-Laws at the regularly scheduled meeting in January .

8. AMENDMENTS

These rules may be amended by the Commission by a concurring vote subject to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

I HEREBY CERTIFY that the above Bylaws were adopted the 7th day of December, 2006.

Maureen Barry

Maureen Barry, Secretary

Approved by the City of Manistee Council

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Date

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Cynthia A. Fuller, Mayor