

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, April 14, 2014 - 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 7:02 p.m. by Chair John Hess.

B. Roll Call

Chair: John Hess

Members Present: RJ Waddell, Toni Felter, Keith Sherwood, Judy Clock, Sherm Chamberlain

Members Absent: Dave Novotny, John Elzinga

Planning Intern: Zach Panoff

C. Inquiry Into Potential Conflicts of Interest

None.

D. Approval of Agenda

No changes.

E. Approval of February 14, 2014 Minutes

Motion by Member Felter, second by Member Clock to approve the February 14, 2014 minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment not Related to Agenda Item

None.

G. New Business

1. Review of Draft By-Laws.

a) Staff Presentation.

Planning Intern Zach Panoff provided a copy of the memo from Assistant City Attorney Bryan Graham to the Commission and incorporated the his changes into the Draft By-Laws. Intern Panoff also provided the members with a copy of the City's Code of Ethics.

b) Planning Commission discussion.

Chair Hess stated that he did not like the term "nonfeasance of office" for missing three meetings and Member Chamberlain stated that there should be language to address illness or injuries beyond the control of the member. Chair Hess stated that every Board/Commission he has served on had the option to call in ahead of time and ask for an excused absence. Member Clock noted that the draft references "three meetings" but not over what time period, and Chair Hess responded that it specifies "three consecutive meetings".

Member Clock suggested that references to "Commission Secretary", and "Acting Secretary" should be changed to "Recording Secretary".

Discussion followed regarding absences from Commission meetings (Section 2.4) and it was agreed upon that the first sentence of the subsection should read: "Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings that shall be considered a malfeasance in office."

The Commission next discussed subsection 2.6c(3), regarding the requirement for a member with a conflict of interest to leave the meeting until the agenda item is concluded. Member Clock reported that she had heard at numerous trainings that the member with the conflict should leave the meeting and that Mr. Graham had recommended changes to this language. The Commission agreed to keep the language of this subsection as provided with the agenda packet, not the language provided by Mr. Graham.

Intern Zach Panoff reviewed Item 6 of Attorney Graham's memo, regarding his recommendation to delete Section 3.3 in its entirety. In his memo, Mr. Graham states that the only possibility that an individual could potentially vote on a decision that the individual previously made is an appeal to the ZBA; therefore, this rule should be in the ZBA Bylaws and is not necessary at the Planning Commission level. Member Clock stated that the Commission should leave the original draft language in the By-Laws as the Planning Commission could have a member of the City

Commission or the Zoning Board of Appeals sit as a member of the Planning Commission. This scenario has happened in the past; and the Commission agreed to retain the original language.

The Commission discussed Section 5.1 and agreed to change the first sentence to read: "Regular Meetings. Meetings of the Commission will be held the second Monday of every month at 7:00 p.m., unless otherwise indicated, at 210 State Street."

The Commission reviewed the remainder of the revisions proposed by the Assistant City Attorney. Discussion followed regarding proposed language for Section 10.3 and the Commission agreed to include the following language: "A two-thirds (2/3) vote of the entire Planning Commission members, regardless of any vacancies, shall be required."

Member Waddell clarified that he served on the By-Laws Subcommittee, not Member Chamberlain, as indicated in Planner Spencer's memo dated April 10, 2014.

c) Call for public comments.

None.

d) Motion.

The Commission decided to consider approval of the By-Laws changes, with all the incorporated revisions, at the next regular meeting.

H. Old Business

None.

I. Staff Updates

1. Discussion on Planning Commission membership.

Zach Panoff reported that Planning Commission membership was discussed by City Council and that Council is not in favor of allowing individuals from outside the City to serve on the Planning Commission.

J. Request for Next Month's Agenda or Research Items

None.

K. Adjournment

Motion by Member Clock, second by Member Felter, to adjourn. Motion passed by unanimous voice vote.
Meeting adjourned at 7:46 p.m.

Joyce M. Golding/fgm

City Clerk

John Hess

Chair