

**Village of Mackinaw City  
Regular Meeting  
Planning Commission  
April 9, 2009  
Approved Minutes**

Members: Rob Most (Chairman), John Riemer, Bo Whipkey, Florence Tracy, Mary Clark,  
Paul Allers, Rosada Mann, and Nancy Dean.

Staff: Jeff Lawson (Village Manager)

Guests: Jonathan Eppley, Dick Moehl and Peg Smith

<b>PUBLIC HEARING</b>		
	<b>Call to Order and welcome</b> Meeting called to order at 7:03 p.m. by Chairman Most	<b>Call to Order</b>
<b>1</b>	Staff provided a review of the property to be rezoned and the following was addressed: -Property is currently zoned municipal. -Property is currently vacant, and is an open wooded lot. -Property is located next to a sand pit and storage facility. -Village owns the property. -Rezoning is for a 300' x 667' parcel from municipal to manufacturing. -County zoning is listed as general industrial.	<b>Rezoning portion of parcel 42-03-24-100-03 located on Trails End Road from Municipal to Manufacturing</b>
	<b>Motion Clark and supported by Allers to close the public hearing. Voice vote – all ayes. Absent – Tracy. Motion carried.</b>	<b>Public Hearing Closed</b>
<b>SPECIAL MEETING</b>		<b>Special Meeting</b>
<b>1</b>	<b>Call to order and welcome</b>	<b>Call to Order</b>
<b>2</b>	Meeting called to order at 7:08 p.m. by Chairman Most. Roll call members present: R. Most, J. Riemer, B. Whipkey, M. Clark, P. Allers, R. Mann, and N. Dean Members absent: F. Tracy	<b>Roll Call</b>
<b>3</b>	<b>Pledge to Flag was recited.</b>	<b>Pledge to Flag</b>
<b>4</b>	<b>Motion Mann supported Allers to approve the minutes of the meeting held on March 26, 2009, as revised. Voice vote – all ayes. Absent – Tracy. Motion carried.</b>	<b>Review and approval of minutes</b>
<b>5</b>	<b>Public Comment:</b> There were no public comments presented.	<b>Public Comment</b>
<b>6</b>	<b>New Business</b>	<b>New Business</b>
<b>6A</b>	Staff provided a general review of the Zoning Analysis provided within their packets. The following was reviewed: -Clarification of uses between manufacturing and municipal uses as it relates to the noise ordinance. -Public utilities and noise violations come under the Village's general ordinances. -Public Hearing notices were sent to property owners within 300' feet of the property. -Public Hearing notice was published in the Cheboygan Tribune. -No comments were received from adjacent property owners.  <b>Motion Mann supported Allers to recommend to Village Council to approve the rezoning of that portion of parcel number 42-03-24-100-03 as depicted, located on Trails End Road and owned by the Village of Mackinaw City from Municipal to Manufacturing Research,</b>  Reasons given for rezoning were: 1) Rezoning supports the Village's Master Plan goals; and,	<b>Rezoning portion of parcel 42-03-24-100-03 located on Trails End Road from Municipal to Manufacturing</b>

	<p>2) Property is consistent with adjacent County zoning and development to the east.</p> <p>Motion was discussed as follows:</p> <ol style="list-style-type: none"> <li>1) Permitted uses and special uses were addressed.</li> <li>2) Differences between selling property leasing property: 1) sale of the property allows the Village to place the property on the tax rolls; 2) leasing the property does not generate tax income.</li> <li>3) Proposed use is consistent with industrial uses.</li> <li>4) Property was annexed into the Village in 1998.</li> <li>5) Value of the property is based on appraisal.</li> </ol> <p><b>Roll call on original Motion:</b>  <b>Ayes: Dean, Mann, Allers, Clark, Riemer, and Most</b>  <b>Nays: Whipkey</b>  <b>Absent: Tracy</b></p> <p><b>Motion carried.</b></p>	
<b>6B</b>	<p>Dick Moehl provided an overview of grand opening celebration scheduled for May 30, 2009 at McGulpin Point Lighthouse. Moehl provided an update on the refurbishments. The celebration will begin at noon and cruise at 3:30 p.m.</p>	<b>McGulpin Point Lighthouse</b>
	<p>Most called for recess at 7:57 p.m.  Meeting resumed at 8:03 p.m. by Most</p>	<b>Recess</b>
<b>7</b>	<b>Old Business</b>	<b>Old Business</b>
<b>7A</b>	<p>Most initiated a final review of the fifth proposed final draft of the Planning Commission Bylaws.</p> <p><b>Motion Allers supported Mann to accept the final draft of the Planning Commission Bylaws as presented.</b></p> <p>The Motion was discussed as follows:</p> <ol style="list-style-type: none"> <li>1) Bylaws completion date.</li> <li>2) Dean asked for clarification of II, 8 training.</li> <li>3) Most would like to approve the Bylaws in a final format.</li> <li>4) Dean asked to modify section XII, to clean up and change the sentences from an itemization back to paragraph form. Dean requested a clean up the definition of “ex parte contact” and to also modify the use of the word “shall”. Staff provided an explanation of “ex parte” communication and ethics as it relates to lobbying by the public and what is acceptable with regard to Planning Commission members providing their position to the public outside of a public meeting on matters that will come up for a vote at a meeting.</li> <li>5) Staff was directed to provide an “ex parte” definition before voting on the final draft.</li> <li>6) Discussed not approving the Bylaws until the final revisions are made.</li> </ol> <p><b>Roll call on original Motion:</b>  <b>Nays: Riemer, Whipkey, Most, Clark and Dean.</b>  <b>Ayes: Allers and Mann</b></p> <p><b>Motion failed.</b></p>	<b>Review final draft of Planning Commission Bylaws</b>

	<p>Dean requested that XIV, F, be changed as follows:  <del>A person on the prevailing side must make reconsideration of a decision on any motion.</del> <u>Reconsideration of any decision on any motion must be brought by a person of the prevailing side by a new motion.</u> The motion to reconsider is in order at the same meeting or the next meeting.</p>	
	<p>-Clark questioned the time limits identified in XIV, I.  -Whipkey requested clarification of “ex parte” communication within the document.</p> <p>Staff explained that public requests or concerns presented to Planning Commission members outside of a public meeting need be provided to Village staff for distribution to all Commission members. Concerns requested by the public outside a public meeting to Commission members should be provided in writing to the Village so the Village can provide the public’s requests or concerns to all Commission members for discussion in a public forum. The public should be encouraged to bring their requests or concerns directly to a public meeting. This disclaimer is placed on public notices. Appointed members of the board should not discuss their decisions outside of a public meeting. Violations are based on interpretation of the law.</p> <p>Staff asked the board for guidance on whether or not to use “specific language” versus “general language” for inclusion in the Bylaws. Most requested additional dialogue to define the practicability of discussing matters outside the meeting.</p> <p>Staff again defined that the members are not to discuss matters privately amongst other commission members prior to a vote, whether it is on the agenda or is coming up.</p> <p>Staff will provide a copy of the Open Meetings Act to board members.</p>	
<b>7B</b>	A draft of the Demographics chapter of the Master Plan was provided for review and consideration.	<b>Mast Plan – Demographics</b>
<b>8</b>	No comments were presented.	<b>Commissioner Comments</b>
<b>9</b>	<p>April 23, 2009 at 7:00 p.m. – Regular Meeting  May 14, 2009 at 7:00 p.m. – Special Meeting  May 28, 2009 at 7:00 p.m. – Regular Meeting</p>	<b>Commissioner Calendar</b>
<b>10</b>	<b>Motion Clark supported Allers to adjourn at 9:03 p.m. Voice vote – all ayes. Absent – Tracy. Motion carried.</b>	<b>Adjournment</b>

Planning Commission Minutes respectfully submitted:

Rob Most, Chairman

Mary Clark, Secretary