

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, July 9, 2009

7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planing Commission can take action to approve the July 9, 2009 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the June 4, 2009 meeting Minutes.

V Public Hearing

PC-2009-06 City of Manistee, Robert A. Archey, Jr., Susan R. Archey, David R. Kellicut - Street Vacation

A request has been received from the City of Manistee, Robert A. Archey, Jr., Susan R. Archey, David R. Kellicut to vacate that portion of Sweetnam Drive between Twelfth Street and Reigle Street. The June 13, 2008 storm has made that portion of Sweetnam Drive unsafe and dangerous. Robert and Susan Archey, 1073 Sweetnam Drive (Parcel #51-373-704-05, #51-373-704-09, #51-373-704-13, & 51-373-702-25) have access to their property from Reigle Street and David R. Kellicut, 1019 Sweetnam Drive (51-373-702-15) has access to his property from Twelfth Street.

The vacated portion of Sweetnam Drive would be added to the adjoining property owners as provided for by State Law.

At this time the Chair shall open the hearing.

The Applicant shall present any comments and explanation of the case.

City Staff shall present staff review

The hearing will be opened for public comments

The hearing will be closed

VI New Business

PC-2009-06 City of Manistee, Robert A. Archey, Jr., Susan R. Archey, David R. Kellicut - Street Vacation

A Public Hearing was held earlier in response to a request from the City of Manistee, Robert A. Archey, Jr., Susan R. Archey, David R. Kellicut to vacate that portion of Sweetnam Drive between Twelfth Street and Reigle Street.

At this time the Planning Commission could take action to make a recommendation to City Council on the request from the City of Manistee, Robert A. Archey, Jr., Susan R. Archey and David R. Kellicut to vacate that portion of Sweetnam Drive between Twelfth and Reigle Street.

By-Law Update

City Council has developed language to be used by all the City of Manistee Boards and Commissions regarding absences. This language has been incorporated into the Planning Commissions By-Laws.

At this time the Planning Commission can take action to amend their By-Laws to reflect the new language relating to absences.

VII Old Business

VIII Public Comments and Communications

At this time the Chair will ask if there are any public comments.

IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

X Staff Reports

At this time the Chair will ask Staff for their report.

XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XII Adjournment



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 

DATE: July 1, 2009

RE: July 9, 2009 Planning Commission Meeting

Commissioners, Enclosed is your packet for the **July 9, 2009** Planning Commission Meeting. We have the following items on the Agenda:

PC-2009-06 City of Manistee, Robert A. Archey, Jr., Susan R. Archey, David R. Kellicut - Street Vacation - A request has been received from the City of Manistee, Robert A. Archey, Jr., Susan R. Archey, and David R. Kellicut to vacate that portion of Sweetnam Drive between Twelfth Street and Reigle Street. The June 13, 2008 storm has made that portion of Sweetnam Drive unsafe and dangerous. Robert and Susan Archey, 1073 Sweetnam Drive have access to their property from Reigle Street and David R. Kellicut, 1019 Sweetnam Drive has access to his property from Twelfth Street. The vacated portion of Sweetnam Drive would be added to the adjoining property owners as provided for by State Law.

By-Law Update - City Council has developed language to be used by all the City of Manistee Boards and Commissions regarding absences. This language has been incorporated into the Planning Commissions By-Laws.

Vice Chair Fortier will be giving the Annual Report to City Council on Tuesday, July 7th. A copy of the report is enclosed.

Wishing all of you and your families a wonderful Fourth of July!

If you are unable to make the meeting please call me at 398-2805. See you Thursday!!

:djb



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MEMORANDUM

TO: Planning Commissioners

FROM:  Jon R. Rose
Community Development Director

DATE: June 22, 2009

RE: Sweetnam Drive Street Vacation Request

Commissioners, a request has been received from the City of Manistee, Robert A. Archey, Jr., Susan R. Archey, and David R. Kellicut to vacate that portion of Sweetnam Drive between Twelfth Street and Reigle Street.

We all remember the storm on June 13, 2008 that washed out the end of Twelfth Street and part of Sweetnam Drive. After the storm Robert and Susan Archey, 1073 Sweetnam Drive received access to their property from Reigle Street. David R. Kellicut, 1019 Sweetnam Drive has access to his property from Twelfth Street.

Funds have been received from Federal Emergency Management Agency (FEMA) and Natural Resource Conservation Service (NRCS) to make repairs to Twelfth Street. The plan is to install a cal-du-sac at the end of Twelfth Street and eliminate all access to Sweetnam Drive between Twelfth Street and Reigle Street.

Now is the appropriate time to Vacate that portion of Sweetnam Drive. The vacated portion of Sweetnam Drive would be added to the adjoining property owners as provided for by State Law.

A copy of the request is enclosed.

:djb

06/19/2009 15:32 FAX 231 398 7986

DRK CABINETRY

06/19/2009 15:31 231-723-1546

CITY OF MANISTEE

001 PAGE 02



June 19, 2009

City of Manistee Planning Commission
City Hall
70 Maple Street
Manistee, MI 49660

RE: Street Vacation

Commissioners:

The City of Manistee, Robert & Susan Archey and David R. Kellicut are requesting the vacation of the portion of Sweetnam Drive between Twelfth Street and Reigle Street as shown on the attached drawing.

The June 13, 2008 storm has made that portion of Sweetnam Drive unsafe and dangerous. Robert and Susan Archey, 1073 Sweetnam Drive (Parcel #51-373-704-05, #51-373-704-09, #51-373-704-13, & 51-373-702-25) have access to their property from Reigle Street and David R. Kellicut, 1019 Sweetnam Drive (51-373-702-15) has access to his property from Twelfth Street.

The vacated portion of Sweetnam Drive would be added to the adjoining property owners as provided for by State Law.

Sincerely,

Mitchell D. Deisch 6/22/09

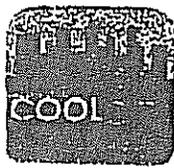
Mitchell D. Deisch
City Manager

Robert A. Archey, Jr.
Robert A. Archey, Jr.
1073 Sweetnam Drive

Susan R. Archey
Susan R. Archey
1073 Sweetnam Drive

David R. Kellicut 6-19-09
David R. Kellicut
1019 Sweetnam Drive

- CITY HALL
70 Maple Street
- CITY MANAGER
231.398.2801
- CITY ASSESSOR
231.398.2802
- PLANNING INSPECTOR
231.398.2806
- PLANNING, ZONING & COMMUNITY DEV.
231.398.2805
- CITY CLERK
231.398.2803
- CITY TREASURER
231.398.2804
- WATER BILLING
231.723.2559
- ADMINISTRATION
FAX 231.723.1546
- CLERK/TREASURER
FAX 231.723.5410
- PUBLIC DEPARTMENT
70 Maple Street
231.723.2533
FAX 231.398.1012
- FIRE DEPARTMENT
281 First Street
231.723.1509
FAX 231.723.3819
- PUBLIC WORKS
280 Washington St.
231.723.7132
FAX 231.723.1803
- PARKS DEPARTMENT
231.723.4051
- WATER MAINTENANCE
231.723.5041
- WASTEWATER PLANT
58 Ninth St.
231.723.1553

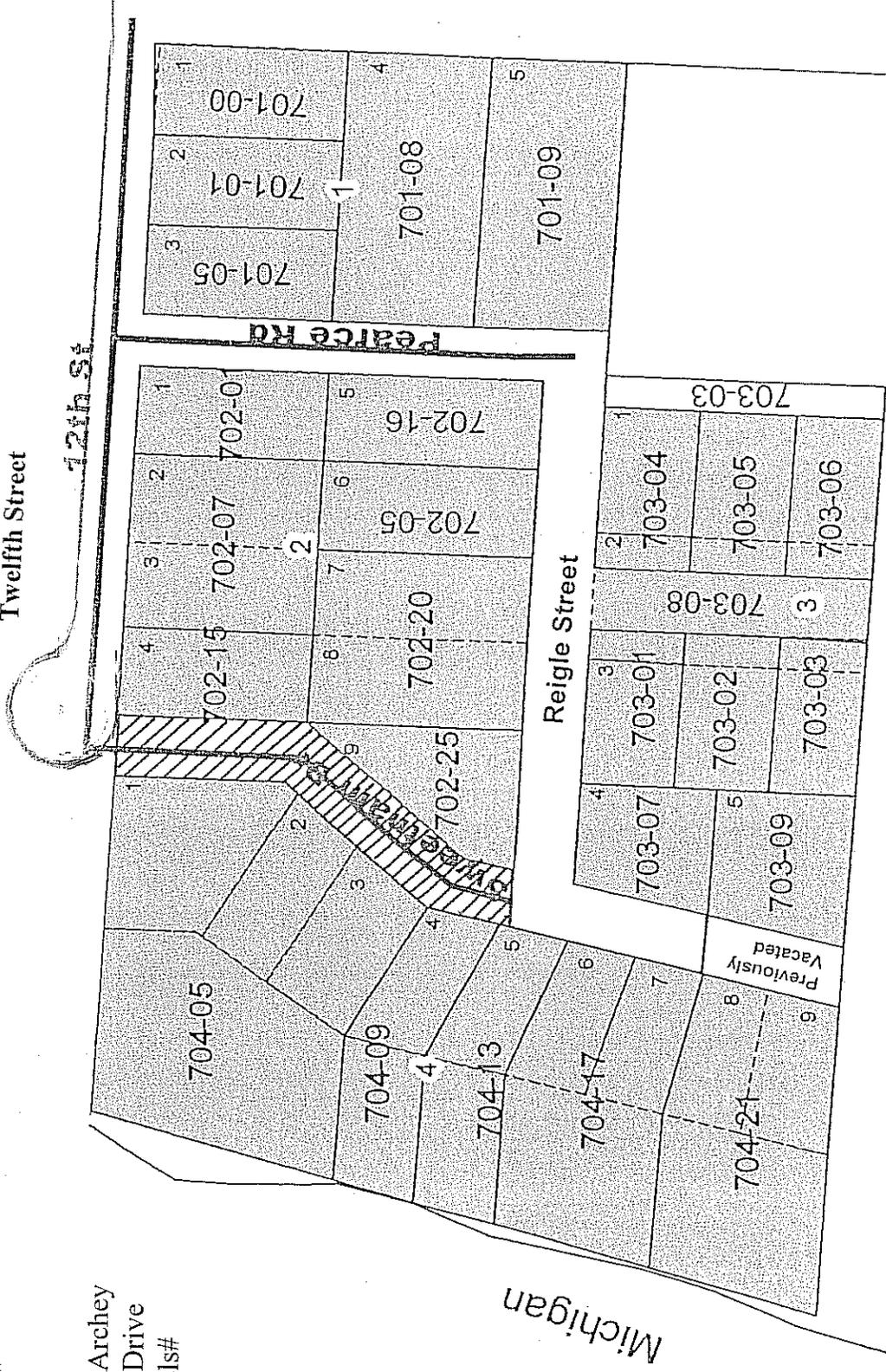


**Request to Vacate that portion of Sweetnam Drive
between Twelfth Street and Reigle Street**

David R. Kellicut
1019 Sweetnam Drive
Owner of Parcel#
51-373-702-15

Robert & Susan Archey
1703 Sweetnam Drive
Owners of Parcels#
51-373-704-05
51-373-704-09
51-373-704-13
51-373-702-25

A Cul-du-sac
is to be constructed
at the end of
Twelfth Street





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www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners

FROM: Jon R. Rose
Community Development Director

DATE: June 22, 2009

RE: By-Law Update

Commissioners, City Council has developed language that will be used by all the City of Manistee Boards and Commissions for absences. This language has been incorporated into the Planning Commissions By-Laws.

A draft of the By-Laws incorporating the changes are enclosed for your review.

JRR:djb



MEMO

CITY CLERK'S OFFICE

To: Mitch Deisch, City Manager *MD*
From: Michelle Wright, City Clerk/Deputy Treasurer *MW*
Subject: Agenda Request - Boards & Commissions Absences
Date: May 26, 2009

Mitch,

At the May 12, 2009 City Council work session, Council reviewed the proposed boards and commissions bylaw language pertaining to board member absences and gave their approval to proceed with including that language in the bylaws of all boards and commissions.

This request is for Council to direct all Boards and Commissions to amend their bylaws to include the language, as written and attached, and to delete any conflicting statements currently written in their bylaws. They should be further directed to have these changes made as soon as possible in the bylaws, presented at their next meeting, implemented, and followed in accordance to Council's wishes.

Please place this request on the June 2, 2009 City Council agenda. An agenda request form is attached.

Thank you.

Board Absences.

In order to maintain the maximum participation of all appointed (*Board name*) members at all scheduled meetings, the following is the attendance guide and Board member replacement policy for “excused” or “unexcused” absences:

1. When appointed, each Board member should state his/her willingness and intention to attend each scheduled meeting of the (*Board name*).
2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Board member from attending the scheduled meeting; the Board Chair or staff liaison to the (*Board name*) should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Board member upon this notification will receive an “excused absence” for the involved scheduled meeting.
3. If any Board member is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Board member shall be reported in writing to the City Manager. The City Manager will contact the Board member in writing and question his/her continued ability or interest in being on the Board, giving the member a chance to rectify the attendance issue or submit a resignation.
4. There will be no limit on the number of consecutive “excused absences” for any Board member. However, if the Board member is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Board member in writing and question the member’s continued ability or interest to be on the Board. The Board member will be considered for an appointment nullification when the absences total six in the calendar year.
5. The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.

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; Public Act 33 of 2008, as amended being the Michigan Planning 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 Removal from Office. The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
~~Unexcused absences may also be reason for removal and three (3) unexcused absences in a row, shall be reported in writing to the City Manager.~~
- 3.3 Commission Absences. In order to maintain the maximum participation of all appointed Planning Commission members at all scheduled meetings, the following is the attendance guide and Commissioner replacement policy for “excused” or “unexcused” absences:
1. When appointed, each Commissioner should state his/her willingness and intention to attend each scheduled meeting of the Planning Commission.
 2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Commissioner from attending the scheduled meeting; the Commission Chair or staff Liaison to the Planning Commission should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Commissioner upon this notification will receive an “excused absence” for the involved scheduled meeting.
 3. If any Commissioner is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Commissioner shall be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.
 4. There will be no limit on the number of consecutive “excused absences” for any Commissioner. However, if the Commissioner is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manger. The City Manger will contact the Commissioner in writing and question the member’s continued ability or interest to be on the Commission. The Commissioner will be considered for an appointment nullification when the absences total six in the

calendar year.

5. The appointment nullification action would be initiated by the City Manger and forwarded on to the City Council for official action.
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- 3.4 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.

 - 3.5 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.

 - 3.6 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 may 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 may 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 may 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.

3.7 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.

3.8 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.

3.9 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
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.

- 3.10 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.
- 3.11 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.
- 3.12 Conflict of Interest: Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission.
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 Committees. The Planning Commission or Chair of the Planning commission may establish and appoint standing and/or ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on a standing and/or 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 ~~5th day of March, 2009.~~ 4th day of June, 2009.

Maureen Barry, Secretary

As Amended by the Planning Commission at their regularly scheduled meeting of March 5, 2009.

[Amendments included requirements of the new Michigan Zoning Enabling Act and Michigan Planning Enabling Act.]

[Annotation: As approved by the City Council at their June 2, 2009 Meeting - Council authorized the bylaw amendments for all Boards and Commissions to include the new Board Absences language; directed all boards or commissions to implement and follow these changes as Council has requested; and authorized the Mayor to sign the amended bylaws.]

Approved by the City of Manistee Council

Date

Cynthia A. Fuller, Mayor

**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; Public Act 33 of 2008, as amended being the Michigan Planning 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 Removal from Office. The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- 3.3 Commission Absences. In order to maintain the maximum participation of all appointed Planning Commission members at all scheduled meetings, the following is the attendance guide and Commissioner replacement policy for “excused” or “unexcused” absences:
1. When appointed, each Commissioner should state his/her willingness and intention to attend each scheduled meeting of the Planning Commission.
 2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Commissioner from attending the scheduled meeting; the Commission Chair or staff Liaison to the Planning Commission should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Commissioner upon this notification will receive an “excused absence” for the involved scheduled meeting.
 3. If any Commissioner is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Commissioner shall be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.
 4. There will be no limit on the number of consecutive “excused absences” for any Commissioner. However, if the Commissioner is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Commissioner in writing and question the member’s continued ability or interest to be on the Commission. The Commissioner will be considered for an appointment nullification when the absences total six in the calendar year.

5. The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.

3.4 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.

3.5 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.

3.6 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 may 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 may 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 may 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.

3.7 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.

3.8 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.

3.9 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
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.

- 3.10 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.
- 3.11 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.
- 3.12 Conflict of Interest: Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission.
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 Committees. The Planning Commission or Chair of the Planning commission may establish and appoint standing and/or ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on a standing and/or 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.

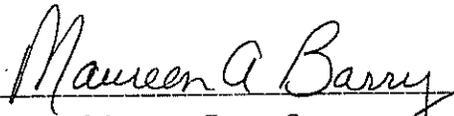
7. ANNUAL REVIEW OF BY-LAWS

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 9th day of July, 2009.



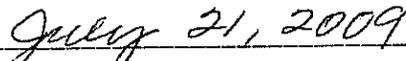
Maureen Barry, Secretary

As Amended by the Planning Commission at their regularly scheduled meeting of March 5, 2009.

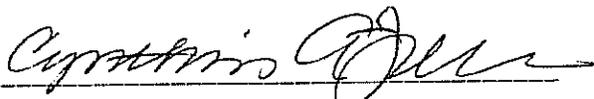
[Amendments included requirements of the new Michigan Zoning Enabling Act and Michigan Planning Enabling Act.]

[Annotation: As approved by the City Council at their June 2, 2009 Meeting - Council authorized the bylaw amendments for all Boards and Commissions to include the new Board Absences language; directed all boards or commissions to implement and follow these changes as Council has requested; and authorized the Mayor to sign the amended bylaws.]

Approved by the City of Manistee Council



Date



Cynthia A. Fuller, Mayor