

Planning Commission Meeting Minutes

July 6, 2020

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CITY OF PERRY

Meeting conducted in Perry City Hall Council Chambers

Members Present: Cottrell, Sanford, Lewis, Porter, Lambert, Elliott -- Member Absent: Ottke

Guest(s) Present: Mindy Galbavi

Meeting called to order at 7:00 PM by Vice-Chairman (Elliott)

Approval of Agenda: Agenda approved unanimously with one addition to New Business - "Review of Proposed Revisions to City Ordinance Chapter 1220"

Approval of Minutes from June 1, 2020 Meeting: Moved by Cottrell, Second by Sanford - Passed Unanimously

Old Business:

- Parks and Recreation Review

Group agreed to table this topic until the August 3<sup>rd</sup> meeting. Elliott agreed to invite Perry Parks and Recreation Committee representative (Chris Powell) to our next meeting to review their current activities, future plans, and support needed from the Planning Commission.

- Fee Schedules

Further discussion and action on this topic was tabled until the August 3<sup>rd</sup> meeting due to other priority items on this month's agenda. Each member agreed to review the materials they had gathered on this topic as it regards their specific city "assignments" and bring proposed fee schedule revisions and penalties for discussion next month.

Meeting Temporarily Adjourned at 7:15 PM by Elliott to Conduct Public Hearing

Public Hearing called to order by Elliott at 7:15 PM to receive comments regarding the proposed rezoning of Parcel #: 024-58-006-000 on Lansing Road from B-1 to I-1 (Commercial Business to Light Industrial).

Guests Present for the Public Hearing: Leland Scott, Todd Brannock – Motembo Foods, Justin Horvath – Shiawassee Economic Development Partnership

Justin Horvath spoke very favorably and in support of the proposed rezoning as requested by Motembo Foods. It is in line with the work that his organization is doing to support further development along that portion of Lansing Road. He expressed that Motembo Foods represents a blend of agriculture and light industry which is a good fit with the identity of Shiawassee County.

Public Hearing Adjourned at 7:22 PM by Elliott

Planning Commission Meeting called back to order at 7:22 PM by Elliott

Old Business (Cont.):

Moved by Porter and Second by Lambert to recommend to City Council that Parcel #: 024-58-006-000 by re-zoned from B-1 (Commercial Business) to I-1 (Light Industrial) as requested by Motembo Foods LLC – Passed Unanimously

New Business:

- Lambert reviewed three proposed revisions to the City of Perry Planning Commission Ordinance (Chapter 1220) for Planning Commission consideration. All proposals are in compliance with the Michigan Planning Enabling Act (Act 33 of 2008) and the Open Meetings Act (Act 267 of 1976) – (Note: Specific detailed content of the proposals and references to the subject Michigan Acts are contained in the attachment to these minutes) :
  - Proposal #1 (1220.04) – Recommends revising the current requirement that calls for a minimum of 15 days advanced notice of a special meeting of the Planning Commission to 48 hours advance notice. Moved by Cottrell and Second by Porter to forward proposed revision to City Council for their consideration and action – Passed Unanimously
  - Proposal #2 (1220.06) – Recommends revising the Planning Commission’s required frequency of actions regarding the City’s Master Plan. Currently the Ordinance requires a full update of the plan every five years with an annual review conducted to address any changes. The revision would move to a review at least every five years to determine if any action on the plan is required. The annual review requirement would be eliminated. Moved by Sanford and Second by Cottrell to forward proposed revision to City Council for their consideration and action – Passed Unanimously
  - Proposal #3 (1220.06) – Recommends eliminating the Planning Commission’s responsibility to draft an annual recommended Capital Improvement Plan for submission to the Mayor and City Council. It would be replaced by an annual written report by the Planning Commission to the Mayor and City Council concerning its operation and planning activities. Moved by Cottrell and Second by Sanford to forward proposed revision to City Council for their consideration and action – Passed Unanimously
- Additional Items to be considered for August 3<sup>rd</sup> meeting agenda:
  - Request an update from Leland Scott on status of commercial projects (i.e., KFC, etc.) in the City
  - Review and document Planning Commission actions and timing on Master Plan update

Meeting Adjourned at 7:50 PM by Elliott

Meeting Minutes Submitted By: Larry Lambert – Secretary

# Proposed Revisions to City of Perry Planning Commission Ordinance (Chapter 1220)

## Proposal #1: Notice of regular and special meetings

### Current City Ordinance

#### 1220.04 CHAIRPERSON; MEETINGS; RULES; RECORDS; NOTICE

(a) The Planning Commission shall annually elect a Chairperson, a Vice-Chairperson and a Secretary from among the appointed members and create and fill such other offices as it may determine. The Commission shall hold at least one regular meeting in each month. *(Insert)* It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record and open to inspection in the office of the City Clerk.

(b) The Planning Commission shall give notice of the time and place of regular and special meetings by *publication in a newspaper of general circulation in the City. Notice shall be given not less than fifteen days before the meeting.* The Commission is subject to the Open Meetings Act. (1976 P.A. 267, MCL 15.261 to 15.275).

#### MICHIGAN PLANNING ENABLING ACT

##### Act 33 of 2008

#### **125.3821 Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public.**

Sec. 21. (1) A planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.

(2) The business that a planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

(3) A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

#### OPEN MEETINGS ACT

##### Act 267 of 1976

#### **15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; posting; statement of date, time, and place; website; recess or adjournment; emergency sessions; emergency public meeting; meeting in residential dwelling; limitation; notice; duration requirement.**

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled public meetings. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature.

A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

### Proposed Revision to 1220.04

**(a) The Commission shall hold at least one regular meeting in each month. *(Insert)* A special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. The secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.**

**(b) The Planning Commission shall give notice of the time and place of regular and special meetings by *(Replace)* posting in a prominent and conspicuous place at both City Hall and on the City's official internet website. Notice shall be given at least 48 hours before the meeting.** The Commission is subject to the Open Meetings Act.

## Proposal #2: Master Plan review and update requirements

### Current City Ordinance

#### 1220.06 POWERS AND DUTIES

(a) The Planning Commission shall make and approve a master plan as a guide for development within the City. *The Planning Commission shall make a full update of the Master Plan every five years, and shall review the document once each year to address any changes in status of projects, programs, or other information.*

#### MICHIGAN PLANNING ENABLING ACT

##### Act 33 of 2008

**125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.**

(2) At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.

## Proposed Revision to 1220.06

*(Replace)* At least every 5 years after adoption of a master plan, the Planning Commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the Planning Commission.

## Proposal #3: Draft of annual Capital Improvement Plan

### Current City Ordinance

#### 1220.06 POWERS AND DUTIES

(b) The Planning Commission shall *draft an annual recommended Capital Improvement Plan in preparation for development of the City's annual budget. The Planning Commission shall have the recommended Capital Improvement Plan completed and provided to the Mayor and City Council by the first City Council meeting in April. All department heads and necessary entities must submit their planned projects and programs that will be integrated into the Capital Improvement Plan to the Planning Commission prior to February 1 of each year.*

#### MICHIGAN PLANNING ENABLING ACT

#### Act 33 of 2008

#### **125.3819 Bylaws; adoption; public record requirements; annual report by planning commission.**

(2) A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

## Proposed Revision to 1220.06

(b) The Planning Commission shall *(Replace)* **make an annual written report to the Mayor and City Council concerning its operations and the status of planning activities.**