

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720
PLANNING COMMISSION PUBLIC MEETING AGENDA

MONDAY, JUNE 11, 2018 AT 6:00 PM in the City Council Chambers, 210 State Street,
Charlevoix, MI

- A. Call to Order/Pledge of Allegiance
- B. Roll Call
- C. Inquiry into Potential Conflicts of Interest
- D. Approval of Agenda
- E. Approval of the Minutes
 - 1. May 14, 2018 Meeting Minutes
- F. Call for Public Comment Not Related to Agenda Items
- G. New Business
 - 1. Introduce new Planning Commission members
 - 2. Public Participation Plan
 - 3. Remote Attendance Policy
 - 4. Update Bylaws
- H. Old Business
 - 1. Long Term Housing Discussion Continued
- I. Staff Updates
- J. Requests For Next Months Agenda or Research Items
- K. Adjournment by 8:00 PM unless extended by a motion.

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks' notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX

Approval of the Minutes

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: May 14, 2018 Meeting Minutes

DATE: June 11, 2018

BACKGROUND

Please look carefully at the minutes for the May 14, 2018 meeting. Some blanks on who made/seconded the motions will need to be filled in before the minutes are adopted.

ATTACHMENTS:

- ▣ May 14, 2018 draft minutes

CITY OF CHARLEVOIX
PLANNING COMMISSION MEETING MINUTES
Monday, May 14, 2018 - 6:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

A. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Chamberlain.

B. Roll Call

Chair:	Sherm Chamberlain
Members Present:	Judy Clock, Mary Eveleigh, Nelson Fletcher, Dennis Halverson, RJ Waddell, Toni Felter
Members Absent:	Rick Golding, Brian Gelb
Staff Present:	Kathy Egan, Community Planner Networks Northwest

C. Inquiry into Potential Conflicts of Interest

D. Approval of Agenda

Motion by Member _____, second by _____, to approve the agenda as presented. Motion passed by unanimous voice vote.

E. Approval of the February 12, 2018 Minutes

Motion by Member Waddell, second by Member _____, to approve the April 9, 2018 meeting minutes as presented. Motion passed by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Presentation from Lindsey Dotson, Main Street Executive Director, on the History of Historical Districts in Charlevoix
Executive Director Dotson provided a handout showing a map of the Earl Young Buildings Historic District, a listing of the addresses and other design elements included in the district, a map of the Train Depot Historic District, notes from a presentation on the forming of a historic district, standards of rehab, application procedures for any changes in the historic districts, and a chart of affected building features. She explained the process of creating a district and the benefits it brings. She spoke to the possibility of future districts. Commissioners had questions about the process and the actual ordinance creating a district and what is the role of the Planning Commission. Executive Director said she will provide the ordinance to the commissioners

2. Annual Report

Commissioners reviewed the draft Charlevoix Planning Commission Annual Report 2018. Commissioners asked about the annual CIP process and when that document will come before the Planning Commission. It has been done in May in previous years, and it is time to review it. Planner Egan will verify the timing of the process with the City Manager and will share the Planning Commission's concerns. Changes made to the Annual Report included:

- correcting the name Harriman to Herriman on page two
- adding the names Rick Golding and Dennis Halverson to the members of the Short Term Rental Committee
- Changing the second sentence in the Local Economy Support section to read – "And that is the case for Charlevoix even as we enter into the 40th year of the history of Charlevoix Master Plans which dates back to 1978 and was most recently adopted in 2016."

Motion by member Fletcher, second by Member Felter, to adopt the Charlevoix Planning Commission Annual Report 2018 as amended and forward on to City Council. Motion passed by unanimous voice vote.

H. Old Business

1. Long Term Rental Discussion

Commissioners went around the table and each expressed their leading concerns with regard to rental housing. Commissioners want to know what is required at the state level, and they want to continue working on the topic.

2. Priority List as ranked by Planning Commission

The Compiled To-Do List by Category as determined at the April meeting was part of the packet. There was no discussion on the handout.

I. Staff Updates

Planner Egan said she had a few items that could be put together to form a Housekeeping Amendment.

Waddell inquired about the Short Term Rental registration process; has it been enacted? Planner Egan explained that a letter was written to go out to property owners; when and to who still needs to be determined. There have been many calls and a few registrations so far.

Planner Egan also reported that there is a first draft of a rewrite/review of the Site Plan Review article. The next step is for the Zoning Administrator to review it.

There will be a new City website scheduled to launch in the fall. Both she and Zoning Administrator Scheel have been drafting language to update both the current website and the new site.

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

Commissioners want to continue working on rental standards.

K. Adjournment

Motion be Member _____, second by Member _____, to adjourn the meeting. Motion passed by unanimous vote. Meeting adjourned at 7:37 p.m.

Joyce M. Golding/ke

City Clerk

Sherm Chamberlain

Chair

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Introduce new Planning Commission members

DATE: June 11, 2018

BACKGROUND

Welcome to the two new planning commissioners: Jennifer Muladore and Philip Parr. We also extended a gratitude to the outgoing Judy Clock and Mary Eveleigh for their dedication and service to the city.

The Planning Commission will need to elect a new vice-chair at this meeting.

Attached is an updated roster for your files.

ATTACHMENTS:

▣ Planning Commission Roster 2018

Charlevoix Planning Commission

	Member	Phone		Term	Email
Chair	Sherm Chamberlain	231-547-7046	210 E. Lincoln	2019	sherm@fcasurveying.com
	Toni Felter	231-881-5395	116 E. Hurlbut	2020	tonifelter@chartermi.net
	Nelson Fletcher	231-547-4803	907 State St.	2018	nelsonfletcher@hotmail.com
	Brian Gelb	231-838-2593	105 E Dixon	2019	bhgelbers@aol.com
	Rick Golding	231-818-9448	12 Chicago Club D	2019	rgolding@chicagoclub.org
	Dennis Halverson	231-675-8701	104 Overlook Dr.	2020	dshalverson@gmail.com
	Jennifer Muladore	231-350-3614	1020 Strout Ct.	2021	jennifer.muladore@gmail.com
	Philip Parr	517-282-1091	108 Green St.	2021	parrphil14@gmail.com
	R.J. Waddell	231-881-4445	303 Antrim St.	2020	1rjwaddell@att.net

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Public Participation Plan

DATE: June 11, 2018

BACKGROUND

The attached Public Participation Plan is for your information. It is a requirement for the Redevelopment Ready Communities (RRC) process that the city is engaged in. The City Council adopted it at their last meeting.

ATTACHMENTS:

▣ Public Participation Plan



**CITY OF
CHARLEVOIX**

Public Participation Plan

City of Charlevoix
210 State Street
Charlevoix, MI 49720

April 2018

Purpose

The City of Charlevoix has developed this Public Participation Plan to serve as a guide to gather public input during the planning and development review and approval process. This plan shall outline a process for seeking and gathering public input, and to create a uniform understanding of all requirements and goals of the City of Charlevoix in utilizing public opinion. While the City already engages with the public throughout the planning and development process, this plan will increase transparency and predictability between the City and local stakeholders and will be updated as needed.

“Public Participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.” – International Association of Public Participation, Core Values

Goals

In order to be consistent, it is important to tie the goals of this plan to what the City has already committed to do, as such, per the 2017-2018 City of Charlevoix, City Council Goals:

Provide strong stewardship of public resources and promote good governance:

We will seek collaboration with other entities around the area and look for ways to efficiently provide the quality services the community expects. Charlevoix government should be organized around gathering public input and effectively giving staff and Council good recommendations for public policy.

Improve the City’s website and include more information for those seeking to live, visit, and build a business in Charlevoix; include ways for residents to keep in contact with the City through electronic methods

We also strive to:

- Seek broad identification and representative involvement of all residents of the community
- Utilize effective and equitable avenues for distributing information and receiving comments
- Support and encourage continuous improvement in the methods used to meet the public need for information and involvement
- Record results of public engagement and recount these results back to the public
- Update our communications strategies and needed

State and Local Regulations

The City of Charlevoix is subject to a number of State and local regulations pertaining to public participation. City Council, Planning Commission, committees follow the guidelines contained within the following acts:

- Charlevoix City Charter
- Charlevoix Code of Ordinances
- The Michigan Open Meetings Act (PA 267 of 1976)
- The Michigan Planning Enabling Act (PA 33 of 2008)
- The Michigan Zoning Enabling Act (PA 110 of 2006)
- Downtown Development Authority Act (PA 197 of 1975)
- Brownfield Redevelopment Financing Act (PA of 381 of 1996)
- Local Historic Districts Act (PA 169 of 1970)
- Other pertinent local and/or State legislation.

Open Meetings Act

The Michigan Open Meetings Act was created to ensure government transparency and accountability to citizens. It required certain meetings of public bodies to be open to the public, timely public notice of these meetings, and the keeping of minutes at these meetings.

The entirety of the act can be accessed: [Open Meetings Act-267-of-1976](#)

In accordance with PA 267 of 1976, the City of Charlevoix will hold meetings in the City Hall building located at 210 State Street, which is accessible to the public.

Planning Enabling Act (PA 33 of 2008)

The Michigan Planning Enabling act serves to codify laws regarding county, city, and village planning. The entirety of the act can be accessed: [Planning Enabling 33 of 2008](#).

In accordance with PA of 33 of 2008, the necessary parties will be notified via first class mail, personal delivery or electronic mail a notice explaining the Planning Commission's intent to plan and requesting the recipient's cooperation and comment.

Before approving a proposed master plan, a Planning Commission will hold not fewer than one public hearing on the proposed master plan. The hearing will be held after the expiration of the deadline for comment as outlined in the act.

The Planning Commission will give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within Charlevoix.

The Planning Commission will also submit notice of the public hearing by first class mail, personal delivery or electronic mail to the previously listed entities for review.

After the adoption of the master plan, the Planning Commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

Key Stakeholders

This Plan identifies important groups that can assist and enhance the public participation process, as well as identify groups that are not often at the visioning table. The following list represents a diverse set of individuals, groups and organizations that may be interested in or affected by the planning process. Engagement with groups will vary according to the project being reviewed. Possible key stakeholders include, but are not limited to:

- Local residents
- City Council
- Planning Commission
- Zoning Board of Appeals
- Charlevoix Area Chamber of Commerce
- Charlevoix Convention and Visitors Bureau
- Charlevoix Public Schools
- Charlevoix Montessori School
- St. Mary's Catholic School
- Commercial Developers, Brokers, Real Estate Professionals
- Potential Investors
- Northern Lakes Economic Alliance
- Charlevoix County Commission on Aging
- Local Business Owners
- Community, Civic and Social Groups
- Students and Student Groups
- Neighboring Communities
- Major Employers
- Neighborhood Associations
- Students
- State Agencies

Communications Toolbox

There are many situations in which the city will solicit public input for a plan or project. Public participation in the planning process not only satisfies political and public need, it also increases the likelihood of plan success. Broad engagement in the planning process also helps to prevent delays caused by unforeseen issues.

The following methods are used to advertise the public meetings of the City Council, Planning Commission, and other boards and commissions acting as advisory bodies to the City Council when taking action on land use or development applications. This list is flexible and can change based on needs and circumstances. The City of Charlevoix plans to use new technology as it becomes available and will update this plan to reflect updates and changes.

The City of Charlevoix makes all attempts to communicate with and reach all affected stakeholders.

- Inform: A variety of one-way communication formats are used including, newspaper, website and social media postings, flyers posted in public locations, mailings, various newsletters, television and radio announcements, press releases, attachments to utility bills.
- Consult: Other public participation methods of communication include in person, by phone or mail and online surveys, community workshops, focus groups, walkabouts, One-on-one interviews for the more vocal stakeholders, standing committees (Main Street or more projects specific), partnerships (schools, employers, groups), Manager's Call.
- Involve: Public Meetings shall take place at City Hall and/or the Charlevoix Public Library, a barrier-free and accessible location. At times, meetings may be held in other locations (i.e. library) to better accommodate residents.

City Council meetings 1st and 3rd Mondays at 6pm in Council Chambers

Planning Commission 2nd Monday 6pm

Downtown Development Authority/Main Street 4th Monday 5:30pm

Board of Review as posted

Zoning Board of Appeals (ZBA) as needed

Recreation Board as posted

Strategies for Outreach

This plan aims to outline how the City of Charlevoix plans ahead for public input and involve the public sooner rather than later in the development process. Proactively engaging a diverse group of stakeholders, including those in our community that may be under-represented, fosters a sense of ownership and prevents delays caused by unforeseen issues.

In order to accomplish this goal, this plan incorporates methods and tools that facilitate strong relationships and ongoing conversations with our residents and partners.

Communicating Results

The City of Charlevoix is dedicated to promoting transparency and therefore acknowledges the need to share public participation outcomes with the community in a timely and thorough manner.

Public Meetings: All meeting minutes will be posted online and available in City Hall in a timely manner.

Social Media: At this time response to public posts and communication of announcements is fluid and not an official method of communication from the City to the public, although many announcements will be posted this way. We plan to develop an official process in the future.

Surveys: We strive to improve the distribution and use of surveys whenever possible, beneficial and feasible, to identify key citizen concerns. These surveys will be compiled, evaluated and results may be posted online and communicated to the City Council, residents, survey participants and other stakeholders in the planning process for upcoming events.

Community workshops/focus groups: The City and other local boards or committees may conduct focus groups for gathering the community's opinion on specific issues, as needed. The minutes or reports from these meetings may be shared with the participants and the community as well as included in any report or plan generated on the feedback collected during these meetings.

Attach: (documents or links)

Updated meeting schedules (published as amended)

Updated planning review process (in development)

Community engagement tree/flow chart (in development)

RRC – Internal Public Participation Evaluation (see below)

RRC – Community Event Satisfaction Survey – making an effort to reach seniors and to city council (see below)

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Remote Attendance Policy

DATE: June 11, 2018

BACKGROUND

At the last City Council meeting, Council adopted a resolution for a Remote Participation Policy. The resolution was drafted by the City Attorney establishing a blanket policy to permit remote participation for all volunteer boards/commissions/committees. Members can participate remotely if:

1. They give proper notice.
2. A quorum is established with members physically present at the meeting.
3. Remote members can vote using a roll call vote.

If you have remote participants during a meeting, please note that during your roll call for the minutes.

ATTACHMENTS:

- ▢ Remote Participation Policy

**CITY OF CHARLEVOIX
RESOLUTION NO. 2018-05-01
REMOTE PARTICIPATION POLICY**

- WHEREAS,** the City Council for the City of Charlevoix has determined that sufficient technology exists to allow for remote participation in meetings by members of the Charlevoix City Council or any City commission, board, committee, or sub-committee; and
- WHEREAS,** the City Council has determined that remote participation will facilitate better attendance, participation and decision making by members of Council and other City commissions, boards, committees, or sub-committees; and
- WHEREAS,** the Michigan Courts have determined that telephonic participation of a hearing that is open to the public does not violate the Open Meetings Act, M.C.L. 15.261 et seq. (See *Goode v Dept. of Soc. Services*, 143 Mich. App 756, 758 (1985).

NOW THEREFORE BE IT RESOLVED, the Charlevoix City Council adopts this Remote Participation Policy.

- A. Any member of the Charlevoix City Council or any City commission, board, committee, or sub-committee may be connected to a meeting and participate in that meeting remotely under the following conditions:
- (1) In the case of City Council, the request to participate has been submitted to the City Manager at least 24 hours in advance of the meeting. In the case appropriate any other City commission, board, committee, or sub-committee the request to participate has been submitted to the City staff member, or chair of the commission, board, committee, or sub-committee at least 24 hours in advance of the meeting.
 - (2) The remote connectivity is sufficient for all persons attending the meeting to hear the remote participant and the remote participation will not interfere with the progress of the meeting.
 - (3) A remote participant may vote or take any action as part of the meeting as if the remote participant were attending the meeting in person. All votes at the meeting shall be by roll call vote of the members present and the remote participant.
 - (4) Remote participation in a meeting shall not be considered attendance for the purpose of establishing a quorum or receiving per diem. All other provisions of the Open Meetings Act shall be observed.
- B. The bylaws of any City commission, board, committee, or sub-committee shall be amended to incorporate this Remote Participation Policy.

RESOLVED this 21st day of May, 2018 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas:

Nays:

CITY OF CHARLEVOIX

New Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Update Bylaws

DATE: June 11, 2018

BACKGROUND

The Bylaws will need to be updated to reflect the new Remote Participation Policy. Attached are a set of draft Bylaws for your review. Sections 35.3 and 5.5 include some suggested edits.

ATTACHMENTS:

▢ Draft Bylaws



CITY OF CHARLEVOIX

210 STATE ST. CHARLEVOIX, MICH. 49720 www.CityofCharlevoix.org

Planning Commission Bylaws

Adopted May 12, 2014

Amended April 9, 2018

1.0 Purpose.

- 1.1 The name shall be the City of Charlevoix Planning Commission, hereafter known as the "Commission". The City of Charlevoix hereafter shall be known as the "City."
- 1.2 These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."
- 1.3 These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

2.0 Membership. Members of the Commission are appointed pursuant to Title I, Chapter 7, Article V of the City Code, entitled Planning Commission. (Ord. 751)

- 2.1 Each member shall represent and advocate what is best for the City as a whole, putting aside personal or special interests.
- 2.2 In an effort to establish a diverse Commission, the City shall make every effort to appoint members who represent important sectors of the community and economy consistent with the requirements of Title I, Chapter 7, Article V of the City Code.
- 2.3 Liaisons. The purpose of liaisons is to provide technical assistance and advice, participate in discussions with the Commission, and answer questions from the general public or the Commission. Liaisons may include Planning Department staff, City department heads, planning consultants, the City Attorney, surveyors, engineers, or other qualified consultants.
- 2.4 Attendance. A Commission member's absence from three consecutive regularly scheduled meetings shall be considered nonfeasance in office. Nonfeasance in office shall be grounds for the City Council to remove a

member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.

2.5 Training. Each member is encouraged to attend at least four hours per year of training in planning and zoning during the member's current term of office.

2.6 Incompatibility of Office.

a.) Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- (1) Issuing, deliberating on, voting on, or reviewing a case concerning the member, on land owned by the member, or if the case involves land adjacent to the members property.
- (2) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- (4) Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the commissioner, or a friend or family member of the commissioner.
- (5) Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
- (6) Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant, or has a direct interest in the outcome.

b.) If a question exists whether the circumstances actually present a conflict of interest, the Planning Commission member or zoning staff shall make a reasonable attempt to contact the city attorney prior to the Planning Commission meeting at which the matter that may give rise to the conflict of interest will be considered to obtain a legal opinion concerning whether a conflict of interest legally exists. If the Planning Commission member or zoning staff is not able to obtain a legal opinion from the city attorney then the Planning Commission may, by majority vote of the members present, adjourn the case to a specific time, date, and place in order to obtain a written opinion from the city attorney.

- c.) When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - (1) declare a conflict exists at the next meeting of the Commission or committee:
 - (2) cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - (3) during deliberation of the agenda item before the Commission or committee, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
- d.) If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

3.0 Duties of all members.

3.1 *Ex Parte* contact

- a.) Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
- b.) Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

3.2 Site Inspections

- (a) Planning Commissioners are encouraged to do a site inspection prior to any public meetings or hearings where a decision may be made on a particular lot or parcel. Planning Commissions should visit the site by themselves and avoid contact with the applicants, property owners, and neighbors. If requested, members may visit the site with the Zoning Administrator or liaison.

3.3 Code of Conduct/Accepting gifts.

- a.) Each Planning Commissioner shall abide by the City of Charlevoix Code of Ethics and Conflict of Interest Policy. Gifts shall not be accepted by a member of the Commission or liaisons.

4.0 Officers

- 4.1 Selection: At the first regular meeting of each calendar year, the Commission shall select from its membership a Chair, and Vice-Chair. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the

- unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term.
- 4.2 Tenure. The Chair and Vice-Chair shall take office at the first regular meeting of the calendar year following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- 4.3 Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
- a.) Preside at all meetings with all powers under parliamentary procedure;
 - b.) Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
 - c.) Call special meetings if deemed necessary;
 - d.) Review with the staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 - e.) Periodically meet with the Planning Director and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
 - f.) Chair or perform a major role in the interview and selection process for a Planning Director;
 - g.) Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 - h.) Represent the Commission before the City of Charlevoix; and
 - i.) Perform such other duties as may be ordered by the Commission.
- 4.4 Vice-Chair's Duties. The Vice-Chair shall:
- a.) Act in the capacity of Chair, with all the powers and duties found in Section 4.3 of these Rules, in the Chair's absence;
 - b.) Perform such other duties as may be ordered by the Commission.
- 4.5 Recording Secretary's Duties. The Recording Secretary shall be the City staff designated by the Planning Commission to properly notice meetings, record the audio, and compose draft minutes.

5.0 Meetings

- 5.1 Regular meetings. Meetings of the Commission will generally be held the second Monday of every month at 6 p.m. at 210 State Street. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
- 5.2 Special Meetings. Special meetings shall be called by the Chair, by any two members of the Commission, or by the Chair at the request of any

non-member of the commission. Special meetings shall be properly notice in accordance with the Open Meetings Act.

- 5.3 Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Commissioners connected to a meeting remotely shall not be considered attendance for the purpose of establishing a quorum (City Council Resolution 2018-05-01). Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

5.4 Motions.

- a.) Motions shall be restated by the Chair before a vote is taken.
- b.) Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.
 - (1) A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - (2) Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - (3) The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

- 5.5 Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". ~~Members must be present to cast a vote.~~ Commissioners connected to a meeting remotely may vote and take any action as part of the meeting as if the remote participant were attending the meeting in person (City Council Resolution 2018-05-01). Voting by proxy shall not occur. Except as provided herein, the affirmative vote of a majority of those present shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

- 5.6 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

- 5.7 Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.

- a.) All public comments not specifically related to agenda items shall be provided at the beginning of the meeting in accordance with the agenda. Public comments on specific agenda items shall be called for at the appropriate time by the Chair.
 - b.) The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.
- 5.8 Order of Business. Agenda. The Recording Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- a.) Call to order and Pledge of Allegiance.
 - b.) Roll call.
 - c.) Inquiry into potential conflicts of interest.
 - d.) Approval of agenda.
 - e.) Approval of the minutes.
 - f.) Call for public comment not related to agenda items.
 - g.) New business
 - h.) Old business
 - i.) Staff updates/Planning Commission general comments/Request for research items.
 - j.) Requests for future agenda items, research, or miscellaneous business.
 - k.) Adjournment.
- 5.9 Placement of Items on the Agenda.
- a.) The City Planning Director/Zoning Administrator or City Manager may place items on the agenda with approval from the Chair.
 - b.) The Chair, Vice-Chair, any member of the Commission may request specific items be placed on the agenda.
 - c.) Any member of the public may request items be placed on the agenda, with prior approval from the Planning Commission Chair.
- 5.10 Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:
- a.) Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)
 - b.) Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
- 5.11 Retention. Commission records shall be preserved and kept on file in accordance with the State of Michigan
- 6.0 Committees**
- 6.1 The Planning Commission may establish executive, ad-hoc, or citizen committees to assist the Commission in research, creation of

neighborhood plans, to increase public involvement, or other specific purposes. Any committee established by the Commission may include not more than three Planning Commissioners. All committees are considered advisory and shall be required to follow the State of Michigan Open Meetings act.

7.0 Mileage and Per Diem

7.1 If requested, mileage shall be paid to members of the Commission at rates established by the City of Charlevoix for attending Commission meetings and other authorized meetings and trips to represent the City of Charlevoix. City Council may establish a per diem rate for Commissioners. Commissioners may be reimbursed for travel expenses to attend training sessions or conferences with prior authorization from the City Planner/Zoning Administrator.

8.0 Hearings

8.1 Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the City Council, the Commission shall hold at least one public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in a newspaper of general circulation within the city.

8.2 Any other hearings required by the Zoning Ordinance or special hearings requested by the Planning Commission shall be properly noticed in accordance with the City Zoning Ordinance, the Zoning Enabling Act, or Open Meetings Act.

9.0 Planning Commission Responsibilities

9.1 Planning Commission responsibilities and duties shall include all those delegated to the Commission by the Planning Enabling Act, the Zoning Enabling Act, the Land Division Act, Condominium Act and the City of Charlevoix Zoning Ordinance. Examples include but are not limited to:

- a) Adoption and amendment to the City Master Plan and Parks and Recreation Master Plan.
- b) Review of adjacent, or contiguous, local government plans from surrounding townships or Charlevoix County.
- c) Review of the annual Capital Improvement Plan (CIP) and subsequent recommendation to City Council.
- d) Review of new capital improvement projects not included in the annual CIP as defined by the adopted Capital Improvement Review Policy. (Resolution 2013-10-02 adopted on October, 21 2013)
- e) Recommendations to City Council on zoning map and text amendments, Level B Site Plan Reviews, PUDs, and Site Condominiums.
- f) Review and decision on Special Use Permit applications.

9.2 The Planning Commission may make other decisions or recommendations pertaining to land use if requested by City Council or the general public.

9.3 All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

10.0 Adoption, Repeal, Amendments

- 10.1 Upon adoption of these Bylaws of May 12, 2014, they shall become effective and all previous Bylaws, shall be repealed.
- 10.2 The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- 10.3 These Bylaws may be added to, amended or repealed in whole or in part. Proposed changes to these Bylaws must be submitted in writing to the members of the Planning Commission at least one (1) month in advance of the meeting at which the proposed changes will be considered. A majority vote of the entire Planning Commission members, regardless of any vacancies, shall be required to amend these Bylaws. OR A vote of two-thirds (2/3) of the Planning Commission members present shall be required to amend these Bylaws.

CITY OF CHARLEVOIX

Old Business

TO: Planning Commission

FROM: Kathy Egan

SUBJECT: Long Term Housing Discussion Continued

DATE: June 11, 2018

BACKGROUND

See the attached memo for tonight's discussion focus.

ATTACHMENTS:

▣ Housing Discussion

City of Charlevoix
Planning Commission
Meeting: June 11, 2018
Topic: Long Term Rentals

Background

After a short term rental ordinance was research, drafted and adopted last year the Planning Commission began discussing other aspects of housing. One area of concern was about the availability of adequate housing stock for the employees of area businesses. Another concern was about the safety of renters, specifically overcrowding and fire safety. The discussion has continued over the past few months as time has allowed at the meetings.

Discussion

It is becoming clear that there are two housing conversations happening simultaneously: one that deals with safety of the renter, and another regarding different types of multi-family structures in the various zoning districts. The two topics need to be separated in order to move them both forward.

This month we will focus on the idea of a health, safety and welfare ordinance. If the Planning Commission feels strongly that such an ordinance is needed they should pass their reasons on to City Council. The Planning Commission should get input and guidance from Council before continuing. Council will have to take any permitting and enforcement into consideration and determine if the city has the desire and capacity to enact such an ordinance.

Research

I was asked to look into state-level regulations over rentals. The state statutes having anything to do with tenant/landlord situations cover topics such as security deposits, rental agreements, and relationships between landlords and tenants (Landlord and Tenant Relationships, Act 348 of 1972; Truth in Renting Act – Act 454 of 1978). In addition there are laws at both the state and federal level protecting tenants from unlawful discrimination (race, color, religion, sex, national origin, familial status, disability, marital status, and age).

There are no state or federal regulations associated with the health, safety, welfare of the tenant. Those ordinances fall to the local government to adopt and enforce.

There are many levels of local ordinances covering rentals. Here are a few examples:

- Holland, Michigan has 56 page code that applies to all properties and structures.
 - It covers both the exterior and interiors of the structure, light, ventilation, minimum space requirements, egress, fixtures, storage, and fire protection.
- Traverse City has a code that covers rental properties.
 - It covers exterior and interior, plumbing, heating, ventilation, fire safety, and sanitation.
- Saugatuck, Michigan has an in-depth ordinance that deals only with fire safety of rentals.
 - It includes standards for grills, fire safety plans, electrical service requirements, storage of combustibles, fire extinguishers, smoke alarms, carbon monoxide detectors, and egress requirements.

Next Steps

Does the Planning Commission feel that there is a current need for an ordinance that would protect the health safety and welfare of renters? Regardless of the level of standards you may want to consider the next step would be to present your recommendation of an ordinance to City Council to gain their support. It will be up to Council whether the Planning Commission further pursues this topic at this time. Do you want to recommend a health, safety, welfare rental ordinance to City Council as a priority? Is such a recommendation a priority of the Planning Commission at this time?