

**BENZIE COUNTY PLANNING COMMISSION
BENZIE COUNTY GOVERNMENT CENTER
OCTOBER 9, 2008**

MEMBERS PRESENT: Ralston, Moorman, Pitcher, Tanner, Roberts, Ross, Damm
STAFF PRESENT: Dave Neiger, Planning Director
OTHERS PRESENT: Eric Van Dussen, Don Smeltzer, County Commissioner, Al Brown, Wilfred Swiecki, ***Marcia Stobie, County Commissioner, Ted Curran, Robert Bigelow.***

I. Call the Meeting to Order

- II. Approval of the Agenda** The agenda was amended by adding under Old Business
- A. Planning Commission Ordinance and
 - B. Response to the Board of Commissioners with subheadings (1) Budget and (2) Zoning Re-write.

Motion by Moorman seconded by Pitcher to approve the agenda as amended. Ayes: All
Nays: None **Motion Carried.**

III Approval of the Minutes of the ^{cf} September 8, 2008

Corrected as follows:

- 1. (Page 1, Item III) Eric VanDussen ~~points out that he was incorrectly paraphrased in line 10. , It was corrected by the error was corrected by~~ deleting “read” and inserting “ignore”.
- 2. (Page 1 Item IV) in the first sentence delete the word “acrimonious”.
- 3. (Page 2 line 11) delete the word “only”
- 4. (Page 2 Line 15) delete “of” and insert “exceeding”.
- 5. (Page 2 Item V, line 20) **change** MSUE ~~was corrected~~ to MSU. **Motion by Moorman seconded by Ross to adopt the minutes as corrected. Ayes: All Nays: None Motion Carried**

Minutes of September 11, 2008

Corrected as follows:

- 1 (Page 1 starting with Item III) the balance of the agenda is renumbered correctly.
- 2 (Page 1, Approval of the minutes, now item IV), change Sept. to August.
- 3 (Page 2, Committee Reports, now item VI.B.2. lines 7 & 8), delete “many people” and insert “population segments”.
- 4 (Page 4, Item VIII.A. line 7 delete) overly and insert “overlay” and line 14 delete “beeds: and insert “needs”.
- 5 (Page 9 Item XII line 10) insert after . . . very well tonight. “Tanner apologized for his outburst, commenting that he’s been at this a long time and doesn’t think he has ever before lost his temper like that.”

Motion by Moorman to approve the Sept. 11 minutes as corrected, seconded by Ross. Ayes: All
Nays: None **Motion Carried**

IV. Public Input – Items on the Agenda ~~Wilfred Swiecki, Platte Lake Improvement Association states that he has presented the Platte Lakes Area Management Plan in 2005 and again in September of 2008. He states that Craig Seger told him he couldn’t do anything until the Planning Commission approved him working on it. There was discussion that the Planning Commission was waiting for clarification from the County Board as to who is writing ordinances. Discussion on the cancelation of the Article 16 public hearing. Mr. Swiecki states that the~~

~~overlay has been written (and adopted by Lake Township) so only some background work and get the attorney's opinion is necessary now. Discussion on protocol. Discussion that the ZORC probably needs to meet and work on this. Mr. Swiecki asks who he should be talking to, to get this going. Issue postponed until later in the meeting.~~

Wilfred Swiecki, Platte lake Improvement Association stated that he has presented the Platte lakes Area Management Plan in 2005 and again in September of 2008, and Craig Seger told him he could not do anything until the Planning Commission approved his working on it. There was discussion the Planning Commission was waiting for clarification from the County Board as to who is writing ordinances, and on the cancelation of the Article 2, 3, and 16 public hearing. Swiecki stated that the overlay has been written (and adopted by Lake Township so only some background work and getting the attorney's opinion is needed. Discussion on protocol to deal with this issue and that the ZORC probably needs to meet and work on this. Issue postponed until later in the meeting.

Al Brown asks why Craig Seger is not in attendance. There was discussion on the list of people who were sent the agenda.

~~Eric Van Dussen commented on Craig Seger's absence, wanting the draft minutes by day 8 after the meeting, the secretary isn't doing it, on Chris Flynn's absence, suggesting the Planning Commission might want to get a different secretary, the Planning Commission getting input on appointees to the Planning Commission and on Chuck Clarke's evaluation. He also commented on a letter in the Record Patriot regarding Mary Pitcher researching contracting out the writing of a Master Plan. He states doesn't know why the Planner is being eliminated but 1 1/2 secretaries are being kept in Zoning, he doesn't know if there was a recommendation to eliminate the 1/2 time secretary. He asks why Chuck Clarke needs 2 secretaries if the County can't afford to keep a planner.~~

Eric Van Dussen commented on Craig Seger's absence and on having draft minutes by day 8 after the meeting, saying that the secretary isn't doing it, on Chris Flynn's absence. He further suggested the Planning Commission get a different secretary. Van Dussen also discussed the Planning Commission getting input on appointees to the Planning Commission and Chuck Clarke's evaluation, as well as a letter in the Record Patriot regarding Mary Pitcher researching contracting out the writing of a Master Plan. He doesn't know why the Planner is being eliminated by 1 1/2 secretaries are being kept in Zoning; he doesn't know if there was a recommendation to eliminate the 1/2 time secretary. Finally, he asked why Chuck Clarke needs 2 secretaries if the County can't afford to keep a planner.

A citizen asks why don't you ^ the PC doesn't ask for volunteers to put plans together, I'm sure since there are people who would do that for nothing.

V. Committee Reports

A. Zoning Ordinance Update Committee Report – ~~Neiger comments that it should be Graves or Seger giving the report, but Graves is gone. He Neiger states there have been no meetings. Pitcher : asks asked for status and if the ZORC is continuing? . Ralston: states The zoning re-write is under unfinished business.~~

1. Updating Comprehensive Plan

a. Status Report – Committees Neiger: reports t There wasn't a CPUC meeting in September, or there was one but he was not there. Damm: reports e Only 2 people came because of confusion about what's going on. and it's been quite upsetting and a confusing time for all of us. Neiger reports there is a CPUC committee meeting scheduled for October 22, 2008 at 6:30 p.m. in the lower level conference room. Neiger reports that the The next Government Committee meeting will review the output from the focus group session that Karen Roberts, Steve Fouche and himself Neiger were involved in. Tanner asks for a report on the setting up of the October 27, 2008 meeting as pertinent to the Master Plan Process.

~~Neiger: reports that he He did a mass mailing the government committee mailing list as well as the Planning Commission and the Parks and Rec Commission and may have included the EDC and Chamber of Commerce. Tanner: comments that the Parks Commission has a meeting at 5:00 p.m. on October 27, 2008 at the Government Center and at 7:00 p.m. they will adjourn to the Mills Community Community House for the recreational hearings.~~

~~Tanner: The Parks Commission has a meeting at 5:00 p.m. on October 27, 2008 at the Government Center, and a joint meeting with the PC on the Recreational Plan at 7:00 p.m. at the Mills Community House. Discussion that it is a joint meeting with the Planning Commission.~~

2. Implementation of Intergovernmental Strategies

a. Report on sub-committees activities ~~Ralston reports the ICC committee meets tomorrow morning for its monthly meeting. They are working on agenda for the Summit and hopefully will get some people from Michigan State to come in and talk about communication issues, such as broadband and possibly utilizing the trail system. The possible dates for the Summit are 19, 21 and 25th of February, 2009. Ralston also reports that the committee has been working on the objective of establishing a set of guidelines and have gathered some ethical guidelines from various organizations. Another goal is possibly creating a forum for grievances that come up in the County and would be like a government committee but could handle grievances that come up. Roberts reports on the August 20th meeting of the Government Committee. She reports approximately 23 people attended from 14 units of government, who completed a questionnaire with 4 questions, and she is in the process of compiling the responses. She thinks the next meeting should be for them to match up problems and solutions. She reports the overwhelming response on the Comprehensive Plan is that they didn't read it, but there was some good feedback about the value of this type of session. She states many said they were going to read the Comprehensive Plan. Neiger reports that he sent out minutes and procedure.~~

Ralston: The ICC committee meets tomorrow morning for its monthly meeting. They are working on the agenda for the 2009 Summit and plan to get some people from Michigan State to come in and talk about communication issues, such as broadband and possibly utilizing the trail system. The possible dates for the Summit are 19, 21 and 25th of February 2009. The committee has been working on the objective of establishing a set of guidelines and has gathered some ethical guidelines from various organizations. Another objective is creating a forum for grievances that come up in the County; it would be like a government committee.

Roberts: At the August 20th meeting of the Government Committee, approximately 23 people attended from 14 units of government. They completed a questionnaire with 4 questions, and she is in the process of compiling the responses. The next meeting should be to match up problems and solutions. Many attendees had not read the Comprehensive Plan, but there was some good feedback about the value of this type of session, and many said they were going to read it. Neiger: He sent out minutes and procedure.

B. Grand Vision ~~Pitcher reports that the Benzie Kickoff is at Benzie Central on October 14, 2008 from 6 to 7:30 p.m. and b Ballots are currently available online and in ballot boxes in various locations in the County. There is a 3 week voting period. Neiger reviewed the places where the ballot boxes are located, including Benzie Central Schools. Pitcher reports that the Regional meeting was this past Tuesday evening in Traverse City. Neiger reports excellent turnout at the regional meeting.~~

Pitcher: The Benzie Kickoff is at Benzie Central on October 14, 2007 from 6 to 7:30 p.m., and ballots are currently available online and in ballot boxes in various locations in the County. There is a 3 week voting period. Neiger: the ballot boxes are located in many public places, including Benzie Central Schools. Pitcher: The Regional meeting was this past Tuesday evening in Traverse City. Neiger: There was excellent turnout.

VII. Unfinished Business

A. Planning Commission Ordinance ~~Ralston reports on discussions with Mark Roper regarding the townships that we do zoning for and representation. She comments that the issue is addressed in this draft of the ordinance which has been sent to Dick Figura for review. She reports another option is to have a meeting with the townships, Board of Commissioners and the Planning Commission. There was discussion on letting everyone know we are working on this, and also how we're addressing our issues with our personnel and staff. There was discussion on issues to be deal with in the immediate future and we're trying to draft this ordinance so that some of these concerns are addressed and also come up with some kind of idea or a plan for the future. Ralston comments the meeting could be facilitated by Dick Figura and Kurt Schindler.~~ *Ralston: Discussions with Mark Roper have been held regarding the townships that we do zoning for and their representation. The issue is addressed in this draft of the PC ordinance, which has been sent to Dick Figura for review. Another option is to have a meeting with the townships, Board of Commissioners and the Planning Commission. There was discussion on letting everyone know we are working of this, and how we're addressing our issues with our personnel and staff. There are near-term issues to be dealt with, and we will draft this Ordinance so that some of these concerns are addressed and we can plan. Dick Figura and Kurt Schindler could facilitate the meeting.*

~~There was discussion on when to hold this meeting. There was discussion on the number of members of the Planning Commission as stated in the draft. There was discussion on ex-officio and regular membership. There was discussion on Planning Commission participation in the appointment of members, the County Board policy and the proposed ordinance. There was discussion on the annual report and presenting it, with goals and objectives included prior to the beginning of the budget process, with a request for funds for the following year. It was commented that the County may provide funding for staff as specified in the Act and also as possibly specified in the annual report. There was considerable discussion on the "Guidebook" which f-paraphrases what the act says. There was more discussion on the annual report and it's contents, when to submit the report and including a budget for the following year. Neiger reports that he gave everybody a copy of the new Zoning Enabling Act and the Michigan Planning and Zoning Act. There was discussion on including funding for consultants and staff. There was discussion on the process of appointing persons to the Planning Commission.~~ *There was discussion on when to hold this meeting, in the number of members of the Planning Commission as stated in the draft, and on ex officio and regular membership. There was discussion on Planning Commission participation in the appointment of members, the County Board policy and the proposed ordinance, as well as presentation of the annual report and the need to develop goals and objectives prior to the budget process in order to request funds for the following year. The County may provide funding for staff as specified in the Act and as possibly specified in the annual report. There was considerable discussion on the "Guidebook" which paraphrases the Act. Neiger: Everyone has a copy of the new Zoning Enabling Act and the Michigan Planning and Zoning Act. There was discussion on including funding for consultants and staff.*

Discussion on changes to the draft presented:

- 1 inserting paragraph H, deleting a sentence and replacing it with Section 19.2. and
- 2 discussion on Section 25 dealing with employment of the Planning Director and other personnel.
- 3 There was consensus on using the language on page 37 of the guidebook as it is stated clearly. Tanner suggested that the sections be referred to.

Motion by Tanner seconded by Roberts to amend the planning commission ordinance with changes to Section 2 paragraph 2C and section 5 paragraph H and forward the amended language to the board of commissioners for approval subject to legal review. Ayes: All Nays: None **Motion Carried**

B. Response to the Board of Commissioners

~~1. Budget and 2. Zoning Re-Write~~ ~~Ross hand-out~~ handed out reports stating that this is an early draft of the Statement of Principals. There was discussion on format of the report and addressing future goals and objectives. There was considerable discussion that a requirement of the new Planning Act is that an annual report be submitted to the County Board of Commissioners concerning Planning Commission operations and the status of planning activities. It was commented that the report can also include recommendations. There was discussion on a paragraph in the Guidebook which states the requirements clearly. There was discussion on relating funding requests to the goals and objectives for the following year. There was some discussion on how to treat budget requests for regularly occurring, long term projects such as updating or writing a Master Plan. Neiger comments that the Master Plan has a list of recommendations that the Planning Commission should be working on, and that they could be checked off when completed. There was considerable discussion on the County budgeting process and that it should be clear and transparent. There was discussion on the budget process and applying costs to specific tasks. There was considerable discussion on the inadequate dollar amounts allocated by the County for updating the Master Plan, which is inadequate, and the re-writing of the Zoning Ordinance. There were questions and discussion on what the funds for the zoning ordinance would be used for. It was commented that review or help on permits would be charged to the applicant. There was discussion on the LSL contract and that the contract didn't have a set dollar amount.

Ross handed out an early draft of the Statement of Principals. There was discussion on format of the report and addressing future goals and objectives. There was considerable discussion that new Planning Act requires that an annual report be submitted to the County Board of Commissioners concerning Planning Commission operations and the status of planning activities; the report can also include recommendations. A paragraph in the Guidebook states the requirements clearly. There was discussion on relating funding requests to the goals and objectives for the following year and how to treat budget requests for regularly occurring, long term projects, such as updating or writing a Master Plan. Neiger: The Master Plan has a checklist of recommendations that the Planning Commission should be working on. There was considerable discussion on the County budgeting process and that it should be clear and transparent; costs should be applied to specific tasks. The dollar amounts allocated by the County for updating the Master Plan are inadequate; the zoning ordinance rewrite budget was discussed. There were questions and discussion on what the funds for the zoning ordinance would be used for, as review or help on permits would be charged to the applicant. There was discussion on the LSL contract and that the contract didn't have a set dollar amount.

Ralston: ~~reports that~~ Seger still has to include public input from the workshop into the proper sections in Articles 2, 3, and 16, and that ~~Seger~~ he is confused unclear as to his role with the Zoning Ordinance Rewrite Committee. ~~and working on the ordinance rewrite.~~ There was discussion that the Special Land Use package had been ready to go to public hearing, *and Seger has other projects that should be ready to go.* There was ~~concern~~ discussion that if LSL takes over the rewrite we will lose all the work that has been done. There was discussion on other projects that need to be worked on, the wind energy section, the Platte Lakes Area Management Plan. **Will Swiecki** comments that while it's not public input time he has some real recommendations for the Commission. There was discussion on all the proposed budgets from the last

meeting. Damm: ~~states~~ She would recommend ~~the one that keeps~~ *keeping* the Planner at the current salary and *contracting* out for a part time zoning ~~administration administrator~~ and a part-time soil erosion officer and ~~increases~~ *increasing* the amount of funding for the master plan. The amount budgeted for zoning ordinance rewrite would remain the same. There was considerable discussion on the position of Deputy Drain Commissioner and funding for that position. Motion by Damm seconded by Moorman to attach the budget she presented and recommended to the Statement of Principals to be presented to the County Commissioner's Budget Committee as well as the Board of Commissioners. There was more discussion on the other proposed budgets that had been submitted. There was discussion on what a "yes" vote would meant. There was discussion on revisiting Zoning relative to the proposed budget. There was discussion on whether to use names or titles. Names were stricken. VOTE: Ayes: Moorman, Tanner, Roberts, Ross, Damm, Ralston Nays: Pitcher Motion Carried.

There was *more* discussion on what was budgeted for the zoning department; ~~there was discussion that planning was more important that comes before zoning.~~ ~~There was discussion and that the budget needed to be clear and the statement needs to reflect which budget option was being offered.~~

Motion By Tanner seconded by Moorman that we adopt this statement with all the following corrections noted:

1 (In Paragraph 1: (1)) Government must be ~~open~~ *open* and transparent, (2) clarification of an annual report and what it needs to contain, (3) state proposed goals and objectives for the following year, (4) inserting language from the guidebook, (5) that the Planning Commission will identify annual goals and objectives upon which the annual report will be based, (6) the annual report will be submitted to the Board of Commissioners well ahead of the start of the annual county budget process, [there was discussion on when the budget process begins and what the process is, there was also discussion that the annual report should be submitted in January or February. There was discussion on being more involved with the budget planning process.]

2 Paragraph 2 is ok;

3 Paragraph 3, needs a source in the first sentence and needs a period. MP needs to be substantiated. There was considerable discussion on capital improvement plans and working that into the budget. ~~There was more discussion on tasks mandated by the enabling legislation., and There was discussion also on the statutory requirements of review of township and village and city master plans and zoning ordinances.~~

4 Paragraph 4, there was discussion on costs associated with consultants. There was more discussion on the process used to determine the 2008-2009 budget. There was discussion on comparing the cost of planning services for a consultant compared to the current planner for equal tasks. There was discussion on keeping the planner on staff until more research can be done. There was discussion on staffing needs if there is only a part time zoning administrator. There was some discussion on the zoning ordinance rewrite and having Seger complete Article 16 and other unfinished business, then the ZORC moving on with new business. It was suggested that the ZORC be restarted with very specific items that need to be done, including the Platte Lake Water Overlay District. There was also discussion on including wind energy and Platte Township.

Motion by Roberts seconded by Pitcher to finish the Article 16 Package of 2, 3, & 16, the Platte Lake Overlay, Wind Energy and Platte Township by the Zoning Administrator. There was discussion on whether this was part of the statement or separate from it. ~~There was considerable discussion on when to hold the next ZORC meeting and what should be on the~~

agenda. There was discussion on the townships' representative to the ZORC. There was discussion on the earliest date to hold a public hearing.

VIII. New Business

A. Paperless Meetings Chairman Ralston postponed the discussion on paperless meetings to the November 13, 2008 meeting.

IX. Zoning Administrator's Report None

X. Director's Report Neiger: ~~reports that the most important thing is there are some two training opportunities, one on basic training opportunities that have been sent to the commissioners with a request that you let Neiger or Flynn know as soon as possible if you wish to attend. He reports one on e basic training, and one on TIFF's have been sent to the commissioners with a request that they notify Neiger or Flynn as soon as possible if they wish to attend. Neiger reports~~ There is nothing new on the trails. ~~and reminded everyone on the joint meeting of the Parks and Recreation Commission and the Planning Commission on the Plan. He reports that he is organizing his office in case his position is not continued.~~

XI. Correspondence Ralston: ~~reports~~ There is a letter from Dick Figura regarding the malfeasance, misfeasance and nonfeasance issue. Tanner: ~~comments that~~ The question, as stated, it was if a member of the Board of Commissioners has a legal duty to advise a board or commission that he or she sits on *of any proposed budget cuts that affect that board or commission where said when that*, commissioners is also on the budget committee recommending budget cuts to the county board. He ~~states he~~ doesn't think the question was appropriately posed to legal counsel as to what the real issues ~~that we're upset with~~ are and he's also lodged a complaint with the County Board of Commissioners Chairman and simply asked him to hold the hearing. The Commissioner's packet included a letter from the Village of Elberta that they were reforming their Planning Commission. There was some discussion on joint planning commissions.

XII. Presentations and Announcements Neiger ~~hands~~ *handed* out ballots on the Grand Vision requesting that the Planning Commissioners complete them. He reviewed the proposed plans.

XIII. Public Input – Items On or Off the Agenda, within the Planning Commission's Jurisdiction

Will Swiecki states he has several comments but will not go into them as it is late. He asks that any Commissioner interested in them call him.

Al Brown comments on the Grand Vision. ~~He states all of our communities here locally~~ *Local communities* are shrinking, and the Grand Vision plans earmark the villages ~~for most of the people to come and live in instead of rurally~~ *residential development rather than rural areas*. We need to make our villages walkable and bicycleable if we want the people to come there. He commented on the wages and benefits stated for the zoning administrator ~~He additionally comments and believes that he feels~~ a full time zoning administrator is important.

Eric VanDussen repeats concern over the Recording Secretary's absence. ~~commenting that the Planning Commission needs to deal with that. He also comments on the minutes from the September 11, 2008 meeting which were approved, where a motion was made and supported but the motion is not there. He pointed out that in the approved minutes from the September 11, 2008 meeting, a motion was made and supported but the motion is not recorded.~~ He read the paragraph on page 8 in the approved minutes. There was some discussion on what the

motion may have been. It was decided to revisit the September 11, 2008 minutes at the next regular meeting. There was some discussion on the Recording Secretary position.

XIV. 9:00 p.m. Adjourn Chairman Ralston adjourned the meeting at _____.

Respectfully Submitted:

Karen Roberts, Secretary

Christi Flynn, Recording Secretary