

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
January 6, 2016

Call to Order at 7:00 p.m.

Roll Call: Dean, Hooper, Lawson, Link, Lyons, Mangus, Miller

Absent: None

Also in attendance: Recording Secretary MacLean, ZA Vey plus three in audience including Clerk Goss.

Set / Adjust Agenda: Add 2016/2017 Meeting schedule Resolution #PC16-01. Mangus would like to add item to agenda, a brief discussion of meeting with Miss Owens regarding general code.

Declaration of Conflict of Interest: None.

Public Comment:

Kim Halstead, Cook Rd., no agenda on website, would like the agenda emailed. Public input requires notification.

Vaughn Harshfield, 4404 N. Broomhead Rd., would like a definition/clarification of recodify. Link notes that will be discussed at the joint Board meeting.

Public Hearing: None.

Approval of Minutes:

December 2, 2015, Regular Meeting Minutes: Postpone to February.

Correspondence:

Reports:

Zoning Administrator Report, Vey: Report: Not really much going on. Has made a lot of progress on the zoning ordinance compilation incorporating the amendments. Has been saving the document after each amendment is added.

Chair's Report, Link: None.

Township Board Representative, Lawson: The Board has requested the individuals be recognized in the minutes of who says what. Board is putting off a definite date for joint meeting. Email sent to all regarding the Board's position on recodification. Regarding revitalization of the 'Burg area, a couple board members recommend comparing to Kingsley as an example as there are some similarities.

ZBA Representative, Lyons: No meetings.

Committee Reports: None.

Additional Items: None.

Old Business

1. Review general plan for recodification.

Link: Proposed recodification process for discussion. Communication plan with public and the Board is very important. Josh is currently compiling the ordinance. Recodification includes reorganization, bringing it up to current statutes, clarifying. PC was in consensus on this process. We need to understand so we can know what we are asking any assisting entities to do. We are reading through the ordinance for a brief understanding.

Mangus: As we have been reviewing articles we did not discuss 6-10.

Link: They are pretty straight forward, basic reading. We will wrap our arms around the more arduous parts in more detail.

Link: We need to come together on what the Request for Proposal (RFP) will be and the approach we are taking. Lawson's presentation is a proposal for recodification. The idea is to see what is out there and take the best approach that we can.

Mangus: Read through definition of recodification from Wikipedia. Regarding recodification: met with the General Code Representative for the State of Michigan, Miss Owens, to discuss. Was previously pretty that a recodification service was not a good way to go. Now convinced that it is a good idea.

Link: Getting to the point.

Mangus: It is not a planning exercise, restructure into a more useable format looking for inconsistencies in the ordinance, in the law and in case law. Giving point by point notes of what we should be looking for when going through the ordinance. Then the PC can go through each of those noted points. Then they go back through.

Link: That is what Josh (Vey, ZA) is doing.

Mangus: He is just trying to get the legal text of what we currently have.

Vey notes that he is currently noting inconsistencies in his reorganization process. See what we have before we

move on with a service for recodification.

Link: And then that is where the service begins.

Mangus: A lot could be done with getting a formal

Link: That is not the definition of recodification that is compiling.

Lawson: The by-product of recodification is fixing. Reorganize and renumber.

Link: Vey has 50 hours into his process and is about half way through. How many of the communities that they (the service companies) work with have a Planner? Most communities have an on staff Planner. We need to have a communication plan that won't completely fail as we have seen in the past.

Mangus: There is another process when making changes. Vey is cleaning up the ordinance. Runs about \$18 per page. In terms of getting a jump start on working with a firm and having them tell us where are the biggest problems. Once we have a workable, usable ordinance, then we can work with a Planner.

Dean: Thought we said we were going to do the "fly over" before doing the full recodification. Then we can use assistance from recodification services and use a Planner to rewrite the actual ordinance.

Mangus: It will drop a year off the process – from what I have seen.

Link: We have a process in place where we are going to entertain RFP's, entertain some services – we have jumped way ahead of that. We need to communicate with the community - transparency.

Dean: Will have a tough time convincing the community that recodification is not a rewrite.

Link: We need a Planner, a plan to get off on the right path with communication.

Hooper: Once Vey has his part done and then we have a company help with the recodification then have a Planner come in and help with the actual process. Confused about why / when we need to have a Planner. We are trying to get a zoning ordinance that people can read and understand.

Link: It would be nice to have information from a Planner to explain what they do, a 15 minute presentation. We will get an RFP and look at 5-10 / 3-5 of them and then they will be hired to do this for us. Not against a recodification proposal we have jumped way ahead. We need an overall plan to get off on the right foot.

Vey: Seems like we are trying to find the next steps when the first steps are not completed. I think you will be surprised at the document that I am working on. There is a useable / workable ordinance then we can move forward on what needs to be fixed. Square one: identify the problems and then fix them. We don't even know what we need yet.

Link: We are not ready for proposal.

Lawson: The Board is looking at it.

Link: If the Board wants to hire someone or tell us to hire someone then that is what we will do. In the meantime this entire Commission will be engaged. We are jumping ahead in the process. We are not ready for a proposal yet. A recodification company will be the next after Vey is done.

(A lot of talking and over talking)

Mangus: Link seems to want to jump right to a Planner.

(Talking and over talking)

Link: Not against a recodification firm. The process calls for recodification, a planner and possible legal advice. Current lawyers? Mangus previously noted that we do not want an outside entity to come in and make a bunch of changes for us.

Mangus: Notes that her understanding of a recodification service is not what she thought it was – they do not make changes or recommendations.

Hooper: Need an explanation.

(talking and over talking)

Link: Call the meeting to order. In the last 6-7 meetings have talked about a plan where we are going to request proposals for the recodification process to get there, possibly with a planner. We need a budget and approval from the Board. Trying to keep us from jumping ahead.

Mangus: Have been approved by the Board for professional services. Are we sending RFPs to the recodification companies or Planners? Suggest recodification companies first, then any planning second. No one is circumventing / route around the Chair. This was Board action.

(Link to Lawson: Is there anything such as a floor in this meeting regarding interruptions.

Lawson: You have been doing all the talking so far.

Link: No, I have not.

Mangus: I raised my hand and I was called on.

Link: Who controls the floor? The gavel is not respected.

Link: I don't want to have the process that we have agreed on to change. We have an RFP in the meeting from a

couple meetings ago and we need to talk about what we are writing it for. It appears you have jumped ahead in the plan that you all agreed on. Am I missing something?

Mangus: Yes, you have.

Hooper: (hand in the air to be called upon) Point of order. When you are trying to do your job, sometimes I just don't understand where you (the Chair) are going. I request a repeat because I am confused on a subject. We agreed on the plan to let Vey do his job. I see the process as: Vey's work, recodification and then Planner. Why is it important to have a planner before recodification? What is the planner going to do for us? We need to know where we are at before a planner is involved. The planner will have to look at the book to know where we are at. Trying to figure out the steps.

Link: We agreed to read through the zo. Next step is the review so we have a compiled document we can address: Vey's reorganization, then the next step is a request for proposal, I have not said a recodification vs a planner, would like to entertain both options. An RFP is a formal process where you advertise, have a date, evaluate and discuss. That was my problem with these specific proposals because then we take time away from what we need to talk about. Another step in the process is to know what we are going to discuss with the Board. Sorry if it was conveyed that he the planner was the next thing that needed to be addressed.

Hooper: Opinion has changed as we have gone through the process. If we had a reorganized document our time would be better spent, we would be able to read it and understand it better. Of the opinion it should be: Vey, recodification then a Planner. Don't need the history of the document at this point. It is confusing the way it is as we are trying to read through the zo currently. Do we need to have a motion?

Link: Trying to clarify: We have outlined a plan. We have a plan that the RFP is part of. We can reorder the (our) plan if we want the RFP process jumped ahead. I understand opinions change. We need to get to the RFP process.

Lawson: The budget season is coming, we want to have an idea of what something like this costs. Doesn't mean we will hire someone soon. As Hooper has laid out is what the Board has said they would like done: Vey, recodification then a Planner to fix what the recodification comes up with, then legal assistance if necessary.

Link: That is what our plan has been, just got shuffled a bit. At the Board level they need to know the basic dollars involved. At this point do we need to be discussing specific proposals?

Lawson: The information that has been gathered is more specific. After everything is done we will need to have our lawyer look at it all. The Board wants to get us the support we need. We don't want the PC sitting reading through all this stuff for two years. Don't want people getting burned out on this. Let's hire the help we need. We are stuck and not getting anywhere on this. You are not letting us speak. Link: Don't know how you can say that.

Lawson: You keep saying "we will get there" "you keep jumping ahead". You (the Chair) are not letting the group talk as a group. You don't like it when it is against your train of thought.

Link: I disagree. I am obviously not communicating well. I feel that we came up with an order, not just me dominating in one direction. That is not my intention. We are changing that order, and that is okay. We, as a commission, agreed on the process.

Lawson: The commission can change the process. You keep going back to that schedule and that is not necessarily what we want.

Vey: The next step is to look at what we have.

Link: We can do that (let Vey do his work) and write the RFP's for recodification and Planner.

Vey: Then the next step would be a recodification.

Miller: We want to get a facilitator after Vey is done, this person's suggestion may be to have a meeting to explain to the public about what we are doing what recodification means, etc. Sounds like a plan to me.

Mangus: We could not continue in the process accurately until we can hand them Vey's document. We cannot do a specific recodification RFP until we have a document we can hand them, 200 or 600 pages. (Link disagrees) In terms of recodification we need Vey's document first. What do we want to put on the RFP, a Planner to assist in recodification or a firm specifically for recodification or both?

Link: We will give them a document with every amendment attached, the article that is what Vey is working on. If we do the RFP for one thing and then give them another they can come back and say they need more money. Let them know that we will give them document completed by Vey. There is no reason we cannot get the RFP process going. The we need to entertain a facilitator to help us with the community. It was a concern in the MP process.

Hooper: I don't think the public is going to have a big outcry. We don't need someone else come in to explain it to the public. We are simply taking something out of date and bringing it up to date. Process: Vey's step, then

recodification step then when we are looking through and making changes we will need to be communicating with the public.

Link: We need to communicate. We had a fear of the public, as Mickey (Dean) can attest, when addressing the Master Plan.

Dean: It is the 3rd step that will need public communication. We are not making changes until then. The first two steps are low risk.

Link: We will be making changes, in the future. We need to get off on the right foot. Vey's step, there is no risk in that.

Dean: Just the risk of exposing how bad our ordinance is right now.

Vey: Nothing can be changed without Public Hearings. The law brings in the process. We don't even have a document to recodify. You will have it next month.

Link: From the first proposal (for recodification), the first phase that they will do is what Vey is doing right now. Ten years ago this completely fell flat.

Mangus: Ten years ago it was a total rewrite of the zoning ordinance. The first time it hit the public was at a public hearing.

Link: If we have a full reformatted article you don't think the public will be up in arms?

Hooper: It would be good to the place full. We just need to give the public a simple explanation. Will make motion, we have a consensus of Vey, recodification then we go to the next step.

Link: Recodification is the next step. The next step is writing an RFP and in communicating what the RFP is for.

Mangus: I think we are at a good consensus point. Early in the process it is a good idea to have an outreach to the public to explain what in the world we are doing – attempting to do. We have done a lot of community outreach and I think we do not need a planner to do that. A planner, in this township, would be perceived negatively.

Link: All I am looking for is that if we have a brief consult with a planner. . .(Mangus notes that she is allowed to laugh and Link notes that it is very disrupting and is difficult to communicate) . . . if we can, briefly on how is this best accomplished. Looking for streamlining from the planner just as a recodification company streamlines us through recodification. We need to do an RFP, after the Board comes to their conclusion. In February and March we will work on writing an RFP for recodification and potentially considering other professionals. The next part is a communication plan. I just threw this in here, three open houses in June, July and August, maybe we won't be ready but summertime is the best time to let them know the direction we want to take this because everyone is here. With Josh's document we can present the document and say here's the conflicts and here's the direction we want to take this in. Then we go through it in the fall. Hopefully we will have an open communication with the public with emails, a survey and website progress. The following year we have a recodified ordinance that we can address. The public can see it and Josh will have the document he needs to administer the ordinance we have. Things can be cleaned up outside of the recodification process. This is the plan I think we should propose to the Board.

Hooper: Reiterate: we need to get Vey's work done, then get it recodified by a firm and then we, as a commission, are not trying to do that which we are not qualified to do. Those are the steps I would like to see.

Lawson: A general concensus?

Lyons: Link is trying to draw a plan of the process we are working on and what we are going to take to the Board as far as what we need. We are all on the same page looking at it from different angles.

Hooper: Do you think it will really take that much time?

Link: RFP process is going to take some time.

Hooper: Why is that complicated?

Link: We all have different ideas.

Lawson: The RFP process is done by the Board.

Link: As Hooper said: Let's hope the Board gets the RFP out in March. We get it out and back and then in June we would have enough information to share with the public. Maybe we don't hold those but it is an initial thought. Are there any other communication plans?

Hooper: I thought when we got it back that is when we would start looking at it. Don't think we would be ready in June to communicate with the public.

Link: Hopefully everyone is reading and understanding the zoning ordinance.

Hooper: Don't need the history until we are going to make changes. Why do I want to read it the way it is when I can read Vey's compiled version when he is done?

Link: The intent in reading through the ordinance is to have a basis.

Hooper: Wants to wait to read through.

Link: We discussed that we need to understand what we have before we hire someone to go through it.

Hooper: What is the point in reading through it the way it is?

Link: The group in general needs to have a basic understanding of the zoning ordinance.

Mangus: Many of the members have gone through the zoning ordinance amending process before.

Mangus: Would like to see us hold a meeting to review the RFPs with the public. Then we wait until it comes back and we have gone through it then we can have a public meeting. The recodification process will bring out things that need to be addressed. We can get public input. Then there is a full adoption process. Don't recommend the three open houses.

Lawson: That gives us one meeting between each public meeting. Doesn't give us much time.

Mangus: We should share with them (the public) when we have more to show them. As far as the communication plan process I recommend one meeting at the start of the process until we have more to show them.

Hooper: Should we just be more general, describing the time frame in terms of what the plan is?

Link: If we can get the recodified document back we can meet with the public to say this is what we have. We can review 1/3, 1/3, 1/3-June, July, August. Then go through changes in the fall.

Vey: Is doing some of what the recodification company would do.

Link: We are not looking to take this on ourselves. We are looking for professional help.

Hooper: Looking at a general time frame rather than a specific time frame.

Link: If this comes back the way they say, we will get feed back from the community and what direction are we looking for to go. It is just to engage them.

Mangus: No problem engaging the public. Using a recodification firm it would be a mistake to take our messed up ordinance to the public. We then clean it up some then have public input.

Link: That is what I am saying. Once we have cleaned up draft we can present a rough draft to the public.

Mangus: The recodification firms do not clean it up. They give an analysis, we clean it up then we present to the public.

Link: Interpreted that they did the work.

Mangus: They don't fix it, only tell you where it is "off", then we fix it, then they will look at it again. Can buy the whole ordinance or sections of it from them or we can just get ideas from them and the make the corrections ourself.

Lawson: They can't fix it. Some companies have libraries available to share the information with, with sample ordinances, how they are supposed to look and the format that we can use for comparison.

Miller: Are all the companies operating pretty much the same way?

Lawson: A little different in processes and pricing.

Miller: We cannot make a decision until we have a company.

Lawson: The Board will make a decision. The Board will hire someone.

Mangus: Very affordable \$4900 to \$12,000.

Lawson: Got to study the various proposals' costs, they will charge extra for incidentals.

Mangus: Cannot make a decision on which company until Vey's document is done. We can maybe do some basic touch up before it goes to the company. It will save some money.

Hooper: Is that out of our hands? Yes – so we just need to tell them (the Board) this is the direction we want to go.

Link: Who does the RFP, us or them (the Board)? Want to discuss the communication plan. If we plan for the summer meetings and we don't make those targets but if we plan for them and we could make it that would be great. Don't think we need a public meeting for the RFP's. It can be advertised in a newsletter that this is the firm that the Board is choosing.

Link: Budget numbers. Basic budget amounts for the 2016/2017 year. This is significantly higher than our normal year's budget.

Mangus: Under-estimating survey time involved. Forming the questions takes a lot of time.

Vey: Engaging questions on the website for public input.

Link: We need to discuss the website and what we can do with that. Request an hour on the 26th with a joint meeting then request another joint meeting in the future (CONSENSUS).

Lawson: The Board has not decided that the joint meeting will be on the 26th.

Link: Continue to read a few articles of the ordinance at a time to wrap are arms around that. (CONSENSUS)

Mangus: Would like everyone to take notes.

Link: Formal request for proposal through the Clerk? We will ask the Board if they want us to the RFPs or do they do it? We can supply input and even come up with a draft RFP. (CONSENSUS) Communication plan to hold three public open house meetings through the year for budget. (CONSENSUS).

Miller: To Lloyd: Can the budget monies be carried over? Would have to be rebudgeted for 2017/2018.

Mangus: Companies break up their fees into multiple Fiscal Years.

Link: Attorney fees are included in the budget amount.

Miller: To Vey: When will this document be turned over to the attorney?

Vey: We don't need to have the attorney go through the all of it, just the parts that we are uncomfortable with.

Link: Hand it off to a firm, they will look at the entire document then the attorney will look at specific parts.

Link: We need to discuss a web presence. (CONSENSUS)

Link: Are we going to recommend to the Board that we get another survey for budget purposes?

Lawson: The Board is eager to get another survey. The Board wants to include stuff from the PC also.

Hooper: We would piggy back on the Board's survey. What do you think we would get from it?

Mangus: Priorities – what does the general public want, what do they see as their priorities.

Link, Hooper: We are drawing their input through engagement.

Link: Recommend that there is a survey done. (CONSENSUS)

Link: Are we comfortable with the budget proposal, \$43,000?

Mangus: Don't think we need to do a survey until we have the recodification process complete.

Link: We can budget for it and not use it. We need to make a recommendation to the Board.

Mangus: Feels this would be generous. We can ask for it.

Link: Recommendation for this budget proposal of \$43,000. (CONSENSUS)

Link: We are in consensus on this draft plan for the recodification process. (CONSENSUS) Is there anything else anyone would like on the agenda to meet with the Board on the 26th?

New Business:

1. Agenda for joint meeting with Board. Included in previous discussion.

2. Planning Commission By-laws consideration. With or without changes we give to the Board.

Mangus: Propose additions: Section 3 E, agenda – adding items to an agenda at the meeting and would like to have the agenda by Friday prior to a meeting or cancel the meeting because we need prior notice.

Link: Comments. Support for both by Lawson,

Link: I have tried to get them out early. With the weightiness of what we are doing, I don't want to see a meeting cancelled but we can make this formal in the By-laws.

Mangus: It was an unofficial policy that we had, to have the agenda the Wednesday or Friday before.

Lawson: By Friday. Can change it next year if it becomes a problem.

Link: Formalize these in the By-Laws? Leslie (Meyers), the previous Zoning Administrator, handled the agenda then Supervisor Popp did it then it was handed off to the PC Chair. Does Vey have time?

Vey: Prefer the agenda comes from the Chair but can help getting information together for the meeting. Need to work on the email list.

Dean: Previously the agenda came from Leslie with concurrence with the Chair.

Link: Get the agenda together and out by Friday. Vey and Link will work together on it. Do we want to formalize the By-law changes?

Miller: Keep it informal and address formally in the future if necessary. (CONSENSUS)

Link: Unexcused absences – what does that mean? Three unexcused in a row means you are questionable.

Hooper notes that he will be gone during the summer – these are excused. I like the passion that this Board has, dissention works in getting things accomplished.

MOTION to accept the By-Laws as is by Lyons, second by Miller. All in favor. Motion carried.

3. Election of officers:

Hooper makes a motion to leave the officers the way they are, second by Lyons.

Discussion: around the table: Dean and Lawson abstain for now. Hooper made the motion.

Mangus would like to see a change in administration. Feels that we would get more done. A change in administration would be helpful in facilitating getting more done. Feels the process has not been a respectful as it could be and a change would help facilitate that.

Miller: Abstain.

Lyons: Seconded the motion.

Link: This is a new role to me, new role for all of us. Admits he needs to communicate better and needs to bring the commission together better, willing to try. Apologies that tonight was not the best. Notes Mangus' snicker and that a big part is everyone getting along. This is not all me. This is us coming together as a group.

Dean: If we are going to have a repeat performance of tonight I will disengage. Need respect. This was not a good night in my three years here. All for vigorous debate. Good with the officers the way it is.

Lawson: Would like to see change. Don't feel the interaction between the chair and the group is fair. People are not given the opportunity to banter back and forth.

Link: In the years I have been here I have seen one person dominate meetings. I am not the only person who has felt that. I will direct the meeting the best I can and communicate better. It has to be a controlled meeting.

Hooper: I have watched the passion that you (the Chair) have and respect the fact that you are trying to move the meeting along. The criticism I have is that you think we understand and when we ask for clarification it escalates. You are trying to move us along. All we have to do is over rule you with a motion, get a second and have a discussion and go from there. That is why the Roberts Rules of Order are there. There are ways we can do it.

Link: I understand.

Dean: In additional to that, the chair is still just one opinion. We are a body of seven.

Link: Agree and not aware of a time when that has been disrespected.

Lyons: I appreciate that you keep us focused. Our agenda is very structured. You have an agenda, want to stick with that and if there is time for other things, okay. I understood that with your plan that that was to be addressed. Tonight was not a good meeting but I appreciate your efforts, we have wasted too much time in the past.

Mangus: I am an opinionated person and everyone knows that. There problem is the tone we have had over this past year. There are times this body has pretty much reached a consensus and you don't accept it. Sometimes we don't agree. It is not always a matter of not understanding. The condescending tone, the accusations of subverting the chair or doing an end run around is really inappropriate. Would like to see us get back on track with more respect.

Link: You (Mangus) have admittedly engaged in obstruction tactics on this board and laughed it off as that is the way you are. I put in a letter to the Board that you demanded to meet with the Township Board because I had somehow threatened you. Nothing became of that. You did not deny the accusations. Obstruction does not belong here – it is nonfeasance. I will be on the lookout for that. The township board will not take it up. As much as I am condescending you are condescending also with your under breath snickers, comments, etc.

Miller: Not one of our better meetings. The last hour was much better than the first. I understand the position. Your job is to control the meeting. I think you have done a good job of it. Kim does have some pretty strong opinions and helps to balance the scale. I am with Ted. Let's leave it the way we are.

Link: Mangus willing to continue to be Secretary? Offered to actually do the Secretary's job and was told that it was inappropriate. Offered to restructure the agenda. Secretary by title only, no real work.

Dean: Willing to continue as Vice Chair. Suggest to take Mangus up on the offer. Spread the work load via the Secretary. Have the Chair and the Secretary work together to get the agenda out.

Link: Would also like to work with the Vice Chair more. I am an outsider with a TC address as is Kim.

Hooper: You are part of this community.

The motion is to maintain the Chair, Vice Chair and Secretary. Currently Link is Chair, Dean is Vice Chair and Mangus is Secretary. No further discussion.

Nomination for Mangus to continue as Secretary: Roll call vote: Lawson-Yes, Link-Yes, Lyons-Yes, Mangus-Yes, Miller-Yes, Dean-Yes, Hooper-Yes. Motion carried. Approval of Mangus as Secretary.

Nomination for Dean to continue as Vice Chair: Roll call vote: Hooper-Yes, Lawson-Yes, Link-Yes, Lyons-Yes, Mangus-Yes, Miller-Yes, Dean-Yes. Motion carried. Approval of Dean as Vice Chair.

Nomination for Link to continue as Chair: Roll call vote: Dean- Yes, Hooper- Yes, Lawson- Yes, Link-Yes, Lyons-Yes, Mangus-No, Miller-Yes. Motion carried. Approval of Link as Chair.

Resolution for meeting schedule: Motion to adopt Resolution #PC16-01 by Miller, second by Lyons.
Roll call vote: Dean-Yes, Hooper-Yes, Lawson-Yes, Link-Yes, Lyons-Yes, Mangus-Yes, Miller-Yes.
(Resolution completed by Secretary Mangus and she presented to Clerk Goss after the meeting.)

4. Review Articles 11 – 15 table review of articles.
5. Next regular meeting February 3, 2016, possible January 26, joint meeting with the Board.

Public Comment: None

Commission Discussion/Comments: None.

Continuing Education: None.

Adjournment: 9:20p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary