

A G E N D A

**SPECIAL MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, OCTOBER 11, 2016, 6:00 P.M.,
COUNCIL OVERFLOW CONFERENCE ROOM
CITY HALL, MIDLAND, MICHIGAN**

1. **Roll Call**

2. **New Business**
 - a. **Planning Commission Meeting Process**
 - b. **Planning Commission Orientation Packet**

3. **Adjournment**

Memo



To: Planning Commission Members

From: C. Bradley Kaye, AICP
Director of Planning and Community Development

Date: October 6, 2016

Re: Continued Discussion of the Planning Commission Meeting Process

HISTORY

The Planning Commission has met on several occasions over the past years to discuss potential changes and improvements to the development review process. To date, the following actions were agreed upon:

- City Council would be asked for preliminary feedback on two primary issues:
 1. Delegating final site plan review and approval authority to the Planning Commission
 2. Eliminating the requirement for public hearings at the City Council level for zoning text amendments and conditional use permit applications, but retaining the ability of Council to hold such public hearings when deemed appropriate (such as publicly contested applications)
- Direct mail public notices would be enhanced to include reference to the City website
- Additional information on development applications would be provided on the City website
- Information on the City website would be displayed more prominently to allow easier access to available information
- The current process of requiring two meetings of the Planning Commission has been discussed but a final determination has not been made. As such, the two meeting requirement remains in our procedural by-laws at this time, but each application will be discussed at the conclusion of the public hearing to determine if a vote will be taken on it that night or not.
- Removal of the procedural requirement for two meetings would be discussed again in the future following a “trial” period.

STATUS UPDATES

Website Changes

The City has completed a full rebuild of the City of Midland website. As part of the website redesign, the Planning Department was provided with significant input into the overall look and design of those pages specific to planning and development services. Enhanced planning document and application visibility and detail was one of the initial focus areas for our department and some improvement was made in those areas.

Work continues on improving site specific development application detail and ease of access for the public.

City Council Review:

Through discussions with the City Manager, it was initially determined that the most appropriate method of bringing this topic to the attention of the City Council, prior to developing final ordinance language, holding required public hearings and formulating a final recommendation, would be to utilize the City Council retreat process. Subsequently, the Redevelopment Ready Communities (RRC) program work was launched. The review of site plan application by the legislative body (City Council) would preclude RRC certification. A meeting with the City Manager and RRC representatives is scheduled for October 7, 2016. An update should be available upon completion of that meeting in time for our workshop.

Direct Mail Public Notice Improvements:

The content of public notices is prescribed by Section 103 of the Michigan Zoning Enabling Act. Inclusion of the required notice elements tends to make public notices formal and somewhat rigid in form. As we previously discussed, methods of improving the public notices that residents receive directly by mail are under review.

Attached to this report is a sample notice provided for a site plan application. This form has been used by the City of Midland since at least 2006 when the Michigan Zoning Enabling Act was enacted. The form meets all required public notice standards and is used for both newspaper and direct mail notification. No additional information is provided with this notice. While any significant changes to this form for newspaper notification are likely not warranted given the expense of publication and the low response typically received from these notices, direct mail notifications can be improved. Specifically, additional information can be provided that cannot be provided in a newspaper notification.

Attached for Planning Commission review and discussion is an updated draft of a proposed public hearing form that could be used to enhance the current public hearing process. The intent of this form is to take away some of the apprehension many people feel when coming to our public hearings because they do not know what to expect when they arrive or what is expected of them. This updated document reflects changes directed by the Planning Commission when last reviewed.

The enhanced notice document is intended to be utilized in two ways. First, it will be printed on the back of each mailed public hearing notice. This will marginally increase staff time to produce the document but will otherwise cause no increase in paper or mailing costs to the city. Second, the form will be printed on the back page of the Planning Commission agendas provided at each of our meetings. Use of the form in these manners will ensure that those not provided direct mailed notice of a pending public hearing are provided with full notice of our the public hearing process.

Final review and comment on this form is now sought. Although not procedurally required, presentation and final approval will be sought for this form at a future regularly scheduled meeting of the Planning Commission.

Application Processing:

When last reviewed, only 20% of all applications coming before the Planning Commission required a second meeting before a decision on them was made. Recognizing that the sample time covered only 8 months, however, a longer trial period was recommended.

We now have almost 3 years of application data tracked to determine the frequency at which a second meeting is required before a decision is rendered by the Planning Commission. The results of this data show that 86% of Conditional Land Use Permits (6 of 7) and 70% of Site Plan Applications (19 of 27) were decided upon the same night as

their public hearing. A deeper look at the data, however, shows an even stronger trend. Specifically, the 1 Conditional Land Use Permit not approved the same evening was delayed because a Zoning Board of Appeals decision was pending on a setback variance. Of the 8 site plans not dealt with immediately, 2 were delayed at the request of the applicant, 4 were delayed because the applicant failed to provide required information, 1 was delayed to revise site access, and only 1 was delayed to allow more time for Planning Commissioners to deliberate on the proposal. If we accept that only the latter two were caused by action or direction of the Planning Commission, 25 of 27 applications (93%) were ready and granted a decision the same night as the public hearing was held, 7 were not dealt with due to the actions of the applicant, and only 2 required delaying a decision until the following Planning Commission meeting.

Based on the above, the expected trend of most applications being ready for a decision the night of a public hearing has held true over a nearly 3 year period of time. Revising our current standards and permitting decisions on such applications without having to waive our procedural by-laws is therefore recommended.

It should be noted that changing the procedural by-laws means only that a waiver of those by-laws is not necessary for a decision to be made by the Planning Commission the night of a public hearing. For those instances when sufficient information is not provided, changes to a submitted site plan are required or additional time is necessary to consider and deliberate on information received at the public hearing, the Planning Commission always has the option of passing a motion to postpone consideration of the application until a time and date specific. If concurred in by a majority of the Planning Commission, the decision would then come back to a subsequent (usually the next) Planning Commission meeting for a decision.

As with our earlier meeting, general direction only is sought at this time. No formal decisions or approvals on the part of the Planning Commission may be provided in the workshop session at which this report will be discussed.



Planning Commission Public Hearing Procedures, Protocols and Etiquette

What to Expect:

The Planning Commission Process:

The Planning Commission is a nine (9) member volunteer board appointed by the Midland City Council. All meetings of the Planning Commission are broadcast on Midland Community Television (MCTV).

This public hearing is an open hearing for the land use application and is the public's opportunity to speak in favor or against the application. The Planning Commission is not a final decision making committee but rather makes recommendations to the elected officials for the different applications they review. The purpose of the public hearing is for the Commission to gather factual information to assist them in formulating their recommendations. The hearing is not a debate or a question and answer session with the audience. Questions you would like answered about the application should be directed to the City of Midland Planning Department prior to the public hearing.

The Public Hearing:

The Chair of the Planning Commission will introduce the item on the agenda. The public hearing will be "opened" and comments will be received by the Planning Commission. All persons making public comments must step forward to the podium and state your name and address for the record before stating your testimony. At the conclusion of each person's comments, the Planning Commission may ask questions to clarify any statements made or obtain additional information.

Comments will be received in the following order:

1. Planning Staff will be requested to give a summary of the staff report.
2. The applicant will be requested to present any information or testimony they wish considered in support of their application.
3. The Chair will request input from proponents (people in favor) of the application.
4. The Chair will request input from opponents (people not in favor) of the application.
5. The Chair will provide the applicant an opportunity to respond to issues raised during the public hearing and not already addressed by their presentation.

At the conclusion of the applicant's response, the Chair will "close" the public hearing. No further public comments are permitted once the public hearing has been closed by the Chair.

The Decision:

Once the public hearing has been closed, the Chair will allow for Planning Commission Member discussion only. Once deliberation has ended, the Planning Commission will determine if a decision will be made that evening. If a decision is to be rendered, the Chair will ask for a motion for recommendation with findings of fact and/or conditions. If no decision is to be made that evening, the application will be moved to a later agenda of the Planning Commission.

Hearing Tips, Protocols and Etiquette:

All comments shall be made at the podium. Please speak clearly. State your name and address for the record.

Speak only when recognized by the Chair and direct all comments to the Chair. Comments or questions directed to the applicant are not permitted. Speaking from the audience is not permitted.

Focus your testimony on the matter at hand, stating only the relevant facts and opinions.

Whenever possible, familiarize yourself with the city standards against which the application must be judged. The Planning Commission may only consider those standards and information that relates directly to those standards.

Avoid repetitive testimony. If another witness has made similar points please make note of it in the record and state that you concur with the previous speaker.

Please be prepared to limit your comments to five (5) minutes per speaker. When large groups are present, the Chair may reduce the time per speaker.

Speaking time may not be deferred to another person.

Should you choose to submit any exhibits (photographs, letters, maps) bring 11 copies if you wish to hand these out to Commissioners as no copying facilities are available in the meeting room.

Audience conduct shall be in accordance with proper etiquette. Clapping, cheering, speaking out of order or disorderly conduct are not appropriate and are grounds for removal from the hearing room by order of the Chair. Pager and cellular phones should be turned off or placed on vibrate as to not disturb the hearing.

The Planning Department may be contacted during regular business hours of 8:00 am to 5:00 pm Monday through Friday at (989) 837-3374 if you have questions.

Memo



To: Midland Planning Commission

From: C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

Date: October 6, 2016

Re: Planning Commission Orientation Packet

On July 28, 2015 a presentation was made before the Planning Commission regarding the Redevelopment Ready Communities (RRC) Program in which the city is partnering with the Michigan Economic Development Corporation (MEDC). At the conclusion of this presentation the Commission generally expressed their support for this program moving forward and recognized the value RRC certification would provide to the City of Midland.

In August of 2015, a draft Planning Commission Orientation packet was presented by staff. Following review and discussion, feedback on the document was provided and staff was directed to update certain text and sections of the document. That work has been largely completed and further review by the Planning Commissioner is now requested.

Attached please find an updated draft Planning Commissioner's Guidebook with changes as directed by the Planning Commission. Primary changes to the document are highlighted within the text and are briefly summarized as follows:

- The document has been reorganized to better group related subject matter
- Minor amendments throughout have been made to reflect current Commission practice and gender appropriate language
- A new section describing the purpose of the Planning Commission has been added
- Public input provisions have been modified to provide for time restrictions on public comment when determined to be necessary by the Chair
- Public hearing procedures have been modified to remove the requirement for waiving of the procedural by-laws in order to deal with applications the same night of the public hearing. Additional language has been added making clear that the Planning Commission may consider postponing a decision to a later date/time.
- Summaries of the Open Meetings Act and the Freedom of Information Act have been added
- A new section outlining the mandatory City Attorney Training Session on open meetings, FOIA and ethics has been added
- A new chapter speaking more directly to the Master Plan, Zoning Ordinance and Capital Improvement Plan has been added
- A new chapter addressing site plan and conditional land use applications has been added
- Improved links to external documents have been added

The attached Planning Commissioner's Guidebook continues to be presented to the Commission in draft form. At this time, review and feedback on the changes made is sought. In addition, Staff remain interested in feedback on the appropriateness of the packet's content and whether or not any additional informational items should be included. As Commission members with widely varied lengths of service, your observations and feedback should provide a valued perspective on the appropriateness and usefulness of this document to new Commission members coming on board in the future. As many of you have joined the Planning Commission over the past few years, your own unique perspectives on what may or may not have been useful to you as you joined the Commission would also be welcomed.

Following this presentation and resulting discussion, city staff will make any changes or additions to the document in order to reflect the Commission's feedback. Final staff editing will also take place, as will city attorney review. The final document will be presented at a future meeting to complete the process.

Planning Commissioner's Guidebook

CITY OF MIDLAND

A GUIDE TO EFFECTIVE PARTICIPATION

TABLE OF CONTENTS

Purpose

Purpose of the Planning Commission..... 3

Proceedings

Meeting Schedule..... 4
Special Meetings..... 4
Recessed Meetings..... 5
Quorum..... 5
Meeting Structure..... 5
Motions and Voting..... 6
Parliamentary Procedure..... 6
Public Input..... 6
Public Hearings..... 7
Appointing Officers..... 8
Tenure of Officers..... 8
Responsibilities of Officers..... 8
Filling Officer Vacancies..... 9

Conduct Guidelines

Michigan Open Meetings Act..... 10
Freedom of Information Act..... 11
Ethics..... 12
City Attorney Training Session..... 13
Attendance Standards..... 13
Being an Effective Participant..... 14

Primary Planning Documents

The City of Midland Master Plan..... 15
Master Plan v Zoning Ordinance..... 15
Why Does Midland Have a Master Plan..... 16

Goals of the Master Plan..... 16
The City of Midland Capital Improvement Plan..... 17
Purpose of the Capital Improvement Plan..... 17

Application Review

Development Application Review..... 19

Helpful Links and Resources..... 21

DRAFT

PURPOSE

Purpose of the Planning Commission

The City of Midland Planning Commission is a City Council appointed body whose primary goal is to promote the health, safety and general welfare of the City. Through policy adoption, regulatory recommendations and land use review recommendations, the Planning Commission plans and recommends for the orderly and efficient development of the City. The Commission serves primarily in an advisory capacity to the Midland City Council. Typical functions include the preparation of a master plan, making recommendations on rezoning, site plan and conditional use permit applications and approval of subdivision plats.

DRAFT

PROCEEDINGS

Regular Meeting Schedule

Meetings of the Planning Commission will be are typically held the second and fourth Tuesday of each month at 7:00 p.m. Said meetings will be held in the City Council Chambers of the City Hall unless otherwise provided and publicized in advance. When the regular meeting day falls on a legal holiday, the meeting may either be scheduled for another day held the following evening or may be canceled, whichever the Commission chooses.

The meeting schedule for the following calendar year shall be adopted at the second by the first regular meeting in ~~October~~ September, and the City shall cause the publication and posting of the dates, times, and places of said meetings within ten days of the first meeting of the calendar year.

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

Special Meetings

Special meetings of the Planning Commission shall be held at a time and place designated by the officer calling the same and shall be called by the Chair~~man~~ or Vice Chair~~man~~. Written notice thereof shall be given to all members by the Secretary Planning Department not less than twenty-four hours in advance thereof and shall state the purpose and time of the meeting.

For a rescheduled regular or special meeting of the Planning Commission, a public notice stating the date, time, and place of the meeting shall be posted at least eighteen hours before the meeting. The requirement of eighteen-hour notice shall not apply to special meetings of subcommittees.

Recessed Meeting

A meeting which is recessed for more than thirty-six hours shall be reconvened only after public notice posted at least eighteen hours before the meeting.

Quorum

At all meetings of the Planning Commission, a quorum shall consist of five (5) members of the Commission. At meetings relating to the adoption of the Master Plan or any part of the Master Plan or a revision of the Master Plan, an affirmative vote of six (6) members of the Planning Commission will be necessary.

Meeting Structure

At any regular meeting of the Planning Commission, the following shall be the regular order of business:

- A. Call to Order
- B. Pledge of Allegiance to the Flag
- C. Roll call.
- D. Approval of the Minutes
- E. Public Hearings.
- F. Old Business
- G. Public Comments (unrelated to items on the agenda) before the Planning Commission.
- H. ~~Old and~~ New Business.
- I. Communications.
- J. Report of the Chairman.
- K. Report of the Planning Director.
- L. Items for Next Agenda
- M. Adjournment.

Motions and Voting

Motions: motions shall be summarized or restated by the Chair before a vote is taken. The name of the maker of the motion and its second shall be recorded in the minutes of the meeting.

Voting: At all meetings of the Planning Commission, each member attending shall vote on all questions decided by the Commission unless excused by consent of the other members present. An affirmative vote of the majority of the members present shall be necessary for the person to abstain from voting on the matter, and the Secretary shall so record in the minutes shall reflect that such member abstained from voting on the matter. Voting shall be by voice vote, except for matters for which a public hearing has been held before the Planning Commission, a roll call vote shall be required. In the event that any members shall have a conflict of interest in a matter then before the Commission, that person shall disclose such interest. The affirmative vote of a majority of the members present shall be necessary for the adoption of any resolution or other voting matter, except that an affirmative vote of not less than six (6) members of the Planning Commission is necessary to adopt or amend the Master Plan.

Parliamentary Procedure

Parliamentary procedure in Commission meetings shall be controlled guided by "Robert's Rules of Order Newly Revised, 10th edition (2000) or as amended."

Public Input

All regular and special meetings, hearings, records and accounts shall be open to the public. The following procedures shall apply for public comment during all regular and special meetings.

- A. During all public hearings, appropriate public input shall be sought, with no restrictions on the length and number of presentations.
- B. Public comment shall generally be permitted with no restriction on the length of the presentation. When determined necessary to advance discussion and resolution of issues before the Commission, and/or to permit all members of the public in

attendance an opportunity to speak, the Chair may impose a time restriction on such presentations.

- C. During the Public Comments section, public comments may be made on non-agenda items. There is a limitation of five minutes per person for such comments.
- D. Comments on agenda items which have had a previous public hearing may be made at the appropriate time during the meeting. Such comments are for the purpose of presenting new information, and are limited to no longer than three minutes per person. By consensus of the Commission, additional speaking time may be allotted to a member of the public to present additional information.
- E. Public comments may be received on other agenda items and new business at the appropriate time during the meeting.

Where determinations of appropriateness of comments are necessary, the decision will be made by the Chairman.

Public Hearings

Public hearings shall be held by the Planning Commission on the following items:

- A. The Master Plan or any amendment thereto.
- B. The Zoning Ordinance or any amendment thereto.
- C. Special Use Permits or any major amendment thereto.
- D. Site Plan applications or any major amendment thereto.
- E. The Subdivision Regulations or any amendment thereto.
- F. Preliminary plats prior to action by the Commission.
- G. Other matters which it deems necessary in performing its functions.

Upon the completion of a public hearing, the Commission shall take appropriate action. Such actions would include developing and develop a recommendation to City Council, postponing the matter to a date and time specific, or such other action as the Planning Commission determines to be appropriate. at the next regularly scheduled meeting of the Commission. A written notice containing the decision of the Planning Commission will be sent by the Secretary Planning Department to petitioners and originators of a request.

Appointing Officers

At the first meeting of the municipal fiscal year, the Commission shall elect from its membership a Chairman and a Vice Chairman/Secretary. The Director of Planning shall also assist the Commission, but is not a voting member of the Commission.

Tenure of Officers

The Chairman and Vice Chairman/Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office. Officers shall be eligible for re-election, except that no officer shall serve in any one office for more than two (2) consecutive terms.

Responsibilities of Officers

Chairman

1. To preside at all meetings of the Planning Commission.
2. To call special meetings of the Commission in accordance with these rules.
3. To see that all actions of the Commission are properly taken.
4. To appoint committees necessary to enable the Commission to act efficiently.
5. To perform such other duties as may be ordered by the Commission.

Vice Chairman/Secretary

1. During the absence, disability, or disqualification of the Chairman, the Vice Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.
2. In the event that the office of Chairman becomes vacant, the Vice Chairman shall succeed to this office for the unexpired term, and the Commission shall select a successor to the office of Vice Chairman for the unexpired term.

Additionally, the Director of Planning shall have the following duties, though he is not a member of the Commission:

1. To keep all minutes of all meetings of the Commission.
2. To give or serve all notice required by laws or these rules.

3. To prepare the agenda for all meetings of the Commission.
4. To be custodian of the Commission's records.
5. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
6. To execute documents in the name of the Commission.
7. To handle funds allocated to the Commission in accordance with its directives, the law, and City regulations.

Filling Officer Vacancies

In the event that the office of both the Chairman and the Vice Chairman becomes vacant, the Commission shall elect an alternative Chairman to serve until the next regularly scheduled election of officers.

In the event that both the Chairman and Vice Chairman are absent from a meeting of the Planning Commission, the Director of Planning shall open the meeting and the members present shall, as their first order of business following roll call and declaration of a quorum being present, designate a member of the Commission as acting Chairman for said meeting.

CONDUCT GUIDELINES

Michigan Open Meetings Act

All actions of the Planning Commission must follow the guidelines of the Michigan Open Meetings Act. The Open Meetings Act (OMA) was written in 1976, as was the Freedom of Information Act. These two laws, known as Michigan's "sunshine laws," are designed to make government processes and information more open to the public. Both laws were written in the post-Watergate, post-Vietnam war era.

It is important to keep in mind that the OMA applies to governmental bodies, those "empowered by state constitution, statute, charter, ordinance, resolution or rule to exercise...governmental authority." It does not apply to corporations, non-profits, churches or the like.

The law guarantees several rights of citizens. The public has a right to record meetings, within the bounds of reasonable rules which the public body may write to minimize disruption of the meetings. The public, likewise, has a right to address the public body, also within the bounds of rules written to facilitate orderly meetings and protecting everyone's right to address the board. An individual can only be removed from a meeting for a breach of the peace committed at that meeting.

Social or chance gatherings, or conferences which are not intended to avoid the OMA, are exempt. These types of gatherings often are treated with suspicion by the press and the public. It is important for public bodies to be careful not to discuss government business during these gatherings. This can be accomplished by paying careful attention to what the OMA says about deliberations and decisions.

The Freedom of Information Act

As Commissioners, your actions during meetings is subject to the Freedom of Information Act. Understanding the Act and what pieces of information it applies to is crucial to a transparent development process. Information created or presented under the following circumstances are included under the Freedom of Information Act.

ANY gathering, including work sessions, of the constituent membership, sitting (or through telephonic or video equipment pursuant to 2.2-3708.1) as:

the board or council, or

an informal assemblage of:

(i) as many as three members, or

(ii) a quorum, if less than three, of the constituent membership,

WHEREVER the gathering is held;

WITH or WITHOUT minutes being taken; **AND**

WHETHER OR NOT votes are cast.

NOTE: This also applies to ANY meeting, including work sessions, of any subgroup of the board or council.

WHAT IS **NOT** A MEETING?

The gathering of employees; or

The gathering or attendance of two or more board/council members at:

Any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance

FOIA AND LOCAL GOVERNMENT OFFICIALS

WHAT IS **NOT** A MEETING (cont'd)

was not called or prearranged with any purpose of discussing or transacting any business; OR

A public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to discuss or transact public business.

OTHER FOIA PROVISIONS

MINUTES: ARE REQUIRED for any meeting of the board or council.

Minutes are also required for any subcommittee thereof **ONLY** if a majority of the board/council members are on the subcommittee.

VOTING: NO secret or written ballots are ever allowed.

POLLING: You MAY contact individual members **separately** to ascertain their positions by phone, letter or email. REMEMBER: This exemption **CANNOT** be used in lieu of a meeting.

CLOSED MEETINGS: Allowed **ONLY** as specifically authorized by FOIA and require motion stating purpose.

Ethics

All Commissioners shall follow Midland code of ethics, as written in section 32-3 of the City Ordinance:

“Sec. 32-3. Code of ethics.

- a) ***Gift, compensation or economic interest.*** No official or employee of the city shall solicit, accept or receive, directly or indirectly, any gift, compensation or anything of an economic interest, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under any circumstance in which it can reasonably be inferred that any of the foregoing is intended to influence him or her in the performance of his or her official duties or is intended as a reward for any official action on his or her part.
- b) ***Preferential treatment.*** No official or employee of the city shall use, or attempt to use, his or her position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for himself or herself, a relative or any other person.
- c) ***Use of information.*** No official or employee of the city who acquires information in the course of his or her official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private economic interests of himself or herself, a relative or any other person.
- d) ***Full disclosure.*** No official or employee of the city shall participate, as an agent or representative of the city, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she or a relative has a direct or indirect economic interest without disclosing the full nature and extent of the interest. Such a disclosure must be made before the time to perform his or her duty or concurrently with the performance of the duty. If the official or employee is a member of a decision-making or advising body, he or she must make disclosure to other members of the body on the official record. Otherwise, a disclosure will be appropriately addressed by an appointed official or employee to the city manager or by an elected official to the general public. In the case of the city manager and the city attorney, he or she shall make such a disclosure to the mayor.

No official or employee or relative shall engage in any business transaction whereby the official or employee or relative may benefit financially from confidential information which the official or employee has obtained or may obtain by reason of that position or authority.

- e) ***Doing business with the city.*** No official, employee or relative shall engage in any business with the city, directly or indirectly, without filing a complete written disclosure statement for each business activity having an economic interest to any of the foregoing. Such a

disclosure shall be made on an annual basis or prior to any decision-making not previously disclosed by an annual disclosure.

- f) ***Use of city property.*** No official or employee of the city shall, directly or indirectly, use or permit a relative or other persons to use city property of any kind for his or her private economic interest or that of a relative or other person. City officials or employees shall strive to protect and conserve all city property including equipment and supplies entrusted or issued to them.

City Attorney Training Session

Within one month of the start of your appointment, a mandatory training session will be scheduled with you by the City of Midland Attorney's office. At that training, specific information and direction on complying with the Open Meetings Act will be provided. This training will also cover Freedom of Information Act requirements, as well as the ethical standards and expectations of the City as they apply to your appointment to the Planning Commission. Should you have any questions or concerns in these areas following that training, they may be directed to the Director of Planning for direct answer or referral to the City Attorney for response and, as necessary, direction.

Attendance Standards

The position of a member of the City Planning Commission shall be considered vacant if such member shall miss four consecutive regular meetings of the City Planning Commission or twenty-five percent of such meetings in the fiscal year of the City, unless such absences shall be excused by the Commission and the reason therefore entered in the proceedings of the Commission.

If a member cannot attend a meeting, he should contact the Director of Planning in advance of that meeting in order that attendance may be anticipated. A person shall be considered excused when, with prior notification, any one of the following reasons is provided: (1) illness; (2) business; (3) prearranged vacation.

Being an Effective Participant

Before the Meeting:

- Come to the meeting with questions in mind. Make note of problems or questions and offer them for discussion. Study the agenda in advance.

During the Meeting:

- Listen thoughtfully and critically to others. Try hard to get the other person's point of view. Don't accept ideas that seem unsound, but remember: on almost every question there are several points of view.
- Don't fight over the ownership of ideas. Once you have given your ideas to the group, it becomes group property. Don't argue just because it was yours.
- Speak your mind freely. The meeting is yours – a chance for you to say what you think. SAY IT! Speak so everyone can hear.
- Don't monopolize the discussion. Don't speak for more than a minute or so at a time. Make your point in a few words, then give someone else a chance. Don't make a speech.
- Don't let the discussion get away from you. If you don't understand, say so. Ask questions or for examples and cases.
- Don't engage in side conversations with your neighbor. It is rude and distracting.
- Take part in friendly disagreement. When you are on the other side of the fence, say so and tell why, but in a friendly way. Avoid win-lose confrontations.
- Strike while the idea is hot! If you wait until "later", you may forget your point or it may no longer be relevant to the discussion.
- Be action-minded! Try to relate discussion to action. Wise action is the true purpose of group discussion.
- Above all, develop in yourself that rarest of communicative art – the art of listening.

After the Meeting:

- Ask yourself – ***WHAT DID I CONTRIBUTE***

PRIMARY PLANNING DOCUMENTS

The City of Midland Master Plan

The Master Plan is a policy framework for decisions that affect the physical, social and economic environment of the City. The Master Plan represents goals and strategies to guide the City over the next 20 years and beyond. The Plan provides vision, direction and a defined achievable future for the City by establishing specific goals and strategies for land use; transportation; community facilities; and implementation.

The Master Plan is to be used by City staff to evaluate and make recommendations to the Planning Commission and City Council on regulatory and policy changes, zoning decisions and budgeting directives. The Planning Commission and City Council use the Master Plan to make decisions regarding proposals that are presented before them. The Plan is used by citizens and neighborhood groups to understand the City's long range plans and proposals for different geographical areas and to encourage plan implementation. The Plan provides a basis for the City's development regulations and the foundation for its capital improvements program.

Master Plan v Zoning Ordinance

A clear understanding of the difference between the City of Midland Master Plan and the City of Midland Zoning Ordinance is crucial to the operations of the Planning Commission and the decisions made by the Commission. Although a Master Plan is the community's expression of its land use policies and long term land use goals, it is not a regulatory document and does not have the power of law behind it. Instead, the Master Plan is implemented by regulatory tools including the City of Midland Zoning Ordinance, the Subdivision Control Ordinance, and others. Absent these complimentary regulatory actions, the ability of the City to implement its vision, as expressed by the Master Plan, would be greatly compromised. As the Planning Commission reviews matters before it, including policy development in the Master Plan, regulatory

standards in the Zoning Ordinance and other regulatory tools, and proposals for development, the distinction between the Master Plan (visionary policy document that we strive to achieve) and the Zoning Ordinance (regulatory document that must be complied with and can be legally enforced) must be kept in mind.

Why Does Midland Have a Master Plan?

The Michigan Planning Enabling Act (MPEA), being Act 33 of 2008 as amended, gives the authority and responsibility to municipalities to ‘make and approve a master plan as a guide for development within the planning jurisdiction’. The Act further states that ‘a master plan shall address land use and infrastructure issues and may project 20 or more years into the future’. The City of Midland Master Plan is responsive to this State requirement and the various components required in it by the MPEA.

Goals of the Master Plan

As Planning Commissioners, it is important to be knowledgeable of the city’s Master Plan, and the envisioned land use laid out in that document. Included in the Master Plan is a list of goals to keep in mind when reviewing developments—these will help you to dictate land use in the most effective manner for the future.

The Master Plan includes analysis, recommendations and proposals for Midland’s population, economy, housing, transportation, community facilities, natural resources and land use—focusing on the physical layout of various land uses and the compatibility of activities anticipated for the land. As Planning Commissioners the decisions you make should always be in line with the Master Plan.

The Master Plan is the definitive guide to the City’s goals and vision for the future. With this in mind, Commissioners should familiarize themselves with the Master Plan and adhere to its philosophies and goals.

1. Promote efficient and coordinated capital improvements.
2. Encouraging integration or mixture of appropriate uses to create great places, promote a healthy, walkable community, and reduce vehicle trips
3. Protect the long term stability of existing, quality neighborhoods

4. Provide a diversity of housing types and costs to meet the needs of all ages and income groups
5. Strengthen and diversify the major employment opportunities in the City of Midland
6. Expand and enhance the vibrancy of the downtown area by adding density, mixed-use developments, and incorporate the ballpark area
7. Promote housing that is inviting to younger professionals, especially in the downtown area
8. Accommodate small nodes of neighborhood commercial at major intersections where major residential development is taking place
9. Utilize office uses as a transition between higher and lower intensity land uses
10. Protect and promote the long term vitality of existing commercial districts including downtown and Ashman circle
11. Broaden restaurant and retail choices

The City of Midland Capital Improvement Plan

A Capital Improvement Plan (CIP) is a multi-year planning instrument used to identify needs and funding sources for municipal capital project expenditures. Projects are generally described as significant, physical improvements or purchases that have a long, useful life. These projects include municipal facilities; information technology systems; transportation systems; water, sewer, and stormwater utilities; street lighting; vehicles and large equipment; and other large capital purchases or improvements. Upon adoption by the City Council, the CIP becomes a statement of city policy regarding the timing, location, character, and funding of future capital projects.

In Michigan, the formation of a capital improvements program is required by the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3865.

Purpose of the Capital Improvement Plan

The quality of the infrastructure and community facilities in the City directly influences the quality of life that the City can provide. As community infrastructure and facilities age, continual improvements and updates are required to stay current with changing demands and needs. In



the midst of shrinking resources and deferred maintenance costs, a CIP is more important than ever. The 2016-2022 Plan will reflect a six year anticipated scheduling and costs for infrastructure, facilities, and equipment based on input from the City's departments.

The purpose of the CIP is to achieve the following outcomes:

- Ensure the timely repair and replacement of aging infrastructure, facilities, and equipment.
- Provide a level of certainty for residents, businesses, and developers regarding the location and timing of public investments.
- Identify the most economical means of financing capital improvements.
- Provide an opportunity for public input in the budget and financing process.
- Facilitate coordination upgrades to capital infrastructure systems.
- Enhance the community's credit rating, control of its tax rate, and avoid sudden changes in its debt service requirements.
- Ensure that patterns of growth and development are consistent with the master plan.
- Balance desired public improvements with the community's financial resources.

APPLICATION REVIEW

Development Application Review

When making a decision on any development, Commissioners must follow the rules and regulations of the City of Midland, as adopted by Midland City Council. This ensures uniform, consistent, just and legally defensible rulings by the Commission. Commissioners should keep the following specific intentions in mind when making their recommendations on site plan and conditional land use applications, being the two development applications most frequently brought before the Commission:

For Site Plan Review Applications

- Provide a consistent and uniform method of review of proposed development plans
- Ensure full compliance with the regulations and standards of the Zoning Ordinance and other applicable ordinances and laws, including the building code enforced by the City of Midland, to ascertain that all development complies with current standards
- Create an accurate record of approved development
- Mitigate adverse impact on adjoining or nearby properties - within the rules and regulations of the city
- Grant approval when full compliance with the Zoning Ordinance and any other applicable ordinances is demonstrated

For Conditional Land Use Applications

- Provide a consistent and uniform method of review of proposed development plans
- Ensure full compliance with the regulations and standards of the Zoning Ordinance and other applicable ordinances and laws, including the building code enforced by the City of Midland, to ascertain that all development complies with current standards
- Create an accurate record of approved development
- Mitigate adverse impact on adjoining or nearby properties - within the rules and regulations of the city
- Provide consistent and uniform review of discretionary standards including:
 - Protection of the public health safety, and general welfare

- Compatibility with surrounding uses
- Detrimental effects
- Impact of traffic
- Adequacy of public services
- Protection of site characteristics
- Compatibility with natural environment
- Compatibility with the Master Plan and intent of the Zoning Ordinance
- Grant approval when all non-discretionary standards of the Zoning Ordinance are complied with and when satisfied that all discretionary standards of the Zoning Ordinance are also complied with.

DRAFT

Helpful Links and Resources

(Some links shortened for ease of access)

Midland Master Plan

<http://cityofmidlandmi.gov/468/Master-Plan>

Midland Zoning Ordinance

<http://mi-midland.civicplus.com/492/Zoning-Ordinance>

Midland Capital Improvement Plan

<http://cityofmidlandmi.gov/Document Center/View/14087/Master-Plan>

Midland Center City Authority (CCA)

<http://mi-midland.civicplus.com/284/Center-City-Authority-Board>

Midland Downtown Development Authority (DDA)

<http://mi-midland.civicplus.com/287/Downtown-Development-Authority>

Freedom of Information Act

<https://www.justice.gov/oip/freedom-information-act-5-usc-552>

Open Meetings Act

<http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-267-of-1976.pdf>

Michigan Planning Enabling Act

<http://www.legislature.mi.gov/documents/mcl/pdf/mcl-act-33-of-2008.pdf>

Michigan Zoning Enabling Act

[http://www.legislature.mi.gov/\(x3eqqx2ix0ez34nsk1zysl45\)/documents/mcl/pdf/mcl-act-110-of-2006.pdf](http://www.legislature.mi.gov/(x3eqqx2ix0ez34nsk1zysl45)/documents/mcl/pdf/mcl-act-110-of-2006.pdf)

Roberts Rules of Order

<http://www.rulesonline.com/>

Others???