



Excerpt
LEELANAU COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION – TUESDAY, MAY 17, 2011

Tentative minutes – meeting taped.

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Roll Call:	District #1 – Jean I. Watkoski	PRESENT
	#2 – James A. Schaub, Sr.	PRESENT
	#3 – Richard A. Schmuckal	PRESENT
	#4 – Tom Van Pelt	PRESENT
	#5 – David W. Shiflett	PRESENT
	#6 – David G. Marshall	PRESENT
	#7 – Melinda C. Lautner	ABSENT (<i>Prior notice</i>)

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LEELANAU COUNTY BOARD OF COMMISSIONERS RESOLUTION #2011-003
Leelanau County Planning Commission Ordinance No. 2011-001
[ANNOTATED]
Effective May 17, 2011, as amended

WHEREAS, The People of The County of Leelanau did establish the Leelanau County Planning Commission Ordinance of January 13, 1970, created a County Zoning Commission by resolution of May 13, 1968, and then acted to combine the zoning and planning functions with the Leelanau County Planning Commission; and

WHEREAS, P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.* was adopted which requires various actions of creating planning commission be updated; and

WHEREAS, it is the desire of the Leelanau County Board of Commissioners to comply with the state statute, while at the same time minimizing change to the Leelanau County Planning Commission; and

WHEREAS, the current membership of the Leelanau County Planning Commission is found to have deviated from the original intent of the 1970 ordinance, and it is found conditions have changed as to the needs and best representation on the planning commission, and there is not time for a transition of membership over time,

THEREFORE to comply with the current statute and proposed ordinance, concurrent with adoption of the new Leelanau County Planning Commission Ordinance the following memberships are appointed, as follows to wit:

One seat for transportation, term expires December 2011, with *Bradford Krull* appointed to this position

One seat for business, term expires December 2011, with *Tom MacDonald* appointed to this position

One seat for economic development, term expires December 2011, with *Richard Kobetz* appointed to this position

One seat for education, term expires December 2011, with *Victor Goldschmidt* appointed to this position

One seat for finance, term expires December 2012, with *Charles Godbout* appointed to this position

One seat for recreation, term expires December 2012, with *Fred Cepela* appointed to this position

One seat for legal and real estate, term expires December 2012, with *Jay Johnson* appointed to this position

One seat for agriculture, term expires December 2013, with *Greg Julian* appointed to this position

One seat for tourism, term expires December 2013, with *Jessica Lukomski* appointed to this position

One seat for municipal government, term expires December 2013, with *Jerry Bergman* appointed to this position

One seat for a member of the Leelanau County Board of Commissioners, with a term of office concurrent with their term on the County Board, with [_____] appointed to this position and

NOW THEREFORE the existing Leelanau County Planning Commission Ordinance of January 13, 1970 is repealed and is replaced with the following ordinance to insure proper record of the action is created, **NOW THEREFORE, THE PEOPLE OF COUNTY OF LEELANAU DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:**

LEELANAU COUNTY PLANNING COMMISSION ORDINANCE

[Annotation: of May 17, 2011.]

AN ORDINANCE to create a Planning Commission for the County of Leelanau as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act,

M.C.L. 125.3801 *et. seq.* for the purpose of having planning and zoning in the County of Leelanau, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of Leelanau County; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where County of Leelanau exists.

THE PEOPLE OF THE COUNTY OF LEELANAU DO ORDAIN:

101. Creation: There shall be a Leelanau County Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*, hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided and staffed by the Leelanau County Planning and Community Development Office. This ordinance shall be officially known and described as the "Leelanau County Planning Commission Ordinance."

102. Membership:
 - A. The Commission shall consist of eleven members appointed by the Leelanau County Board of Commissioners. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
 1. shall be a resident of Leelanau County
 2. shall be a registered voter within Leelanau County;
 3. shall have an application on file with the Leelanau County Administrator's office
 4. after an individual's first appointment and before reappointment shall have attended training for Commission members, pursuant to section 104 of this ordinance; shall meet the conditions provided for each individual member in sections 102.B, 102.D, and 102.E of this Ordinance, except the geographical location of the individual's residency may be considered optional.
 - B. Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of $\frac{1}{3}$ of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of $\frac{1}{3}$ of all commission members continue to expire each year.
 - C. The membership shall be appointed with the primary priority for each member to be representative of the important segments of the community, in accordance with the major interests as they exist in Leelanau County, as follows:

1. One seat to represent the interests of transportation, term expires December 2011, and then three year terms thereafter,
 2. One seat to represent the interests of business, term expires December 2011, and then three year terms thereafter,
 3. One seat to represent the interests of economic development, term expires December 2011, and then three year terms thereafter,
 4. One seat to represent the interests of education, term expires December 2011, and then three year terms thereafter,
 5. One seat to represent the interests of finance, term expires December 2012, and then three year terms thereafter,
 6. One seat to represent the interests of recreation, term expires December 2012, and then three year terms thereafter,
 7. One seat to represent the interests of legal and real estate, term expires December 2012, and then three year terms thereafter,
 8. One seat to represent the interests of agriculture, term expires December 2013, and then three year terms hereafter,
 9. One seat to represent the interests of tourism, term expires December 2013, and then three year terms thereafter,
 10. One seat to represent the interests of municipal government, term expires December 2013, and then three year terms thereafter, and
 11. One seat to represent the interests of a member of the Leelanau County Board of Commissioners, with a term of office concurrent with their term on the County Board,
- D. The representation of important interests may, to the extent possible, include individuals active with an organization(s) in the county which exists to promote and further the same respective interests. The membership shall also be representative of the entire geography of Leelanau County to the extent practicable, and only as a secondary consideration to the representation of the major interests.
- E. Ex officio members shall include a maximum of one member of the Board of Commissioners.
103. Liaisons:
- A. The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Leelanau County and quasi-Leelanau County officials' ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons shall include:
 1. Planning Department staff, and their agents and consultants.
 2. Leelanau County Administrator.
 3. Leelanau County Attorney.

104. Training

- A. Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Leelanau County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the Board of Commissioners. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission shall include in its Bylaws what training programs qualify to meet this requirement.

105. Members, Appointment and Terms:

- A. Appointments to the Commission shall be made by the Leelanau County Board in conformance with County Board Policy on standardizing appointments as may be adopted from time-to-time.
- B. In August of each year, the Leelanau County Administrator's Office shall determine which members' terms of office expire, shall determine what organizations may represent the interests of the particular seat on the Commission, and otherwise notify citizens by use of news releases to newspaper, radio, television; notice of vacancies during County Board meetings/recorded in minutes; notices sent to township and village governing bodies; and posted on the Leelanau Community Center website. Applications shall be received by the County Administrator's office by September 30, or later if no applications have been received by this date.
- C. In November of each year a standing Interview Sub-Committee of the County Board shall recommend candidates for appointment, pursuant to the County Board Policy on standardizing appointments.
- D. In December of each year the Board of Commissioners shall consider the applications and recommendations received, and appoint members to the Commission by a majority vote for a three year term of office which shall start on January 1 of the next month, and end December 31, at 9:00 a.m. of the respective year for that term of office. (Except the county commissioner ex officio member of the Commission shall serve concurrent with his elected office on the Leelanau County Board.)

106. Removal from Office:

- A. The Board of Commissioners may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Board of Commissioners.
107. Membership; Vacancies:
- A. The Board of Commissioners shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.
108. Membership; Transition:
- A. The transition from the previous Leelanau County Planning Commission and the Commission established in this ordinance shall be immediate with eleven members appointed to newly established staggered terms concurrent with the adoption of this ordinance. The Board of Commissioners shall continue to make annual appointments, appointing approximately $\frac{1}{3}$ of the membership of the Commission as specified in this Ordinance.
109. Membership; Compensation:
- A. All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the Board of Commissioners per meeting plus mileage. Such compensation is contingent on annual funds approved by the Board of Commissioners.
110. Meetings:
- A. The Commission shall meet at least once every month and six (6) members of the Commission shall constitute a quorum for the transaction of the ordinary business and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.
 - B. The affirmative vote of eight members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
111. Powers and Duties:
- A. The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).
 - B. The Commission shall be designated as a metropolitan county planning commission, pursuant to section 37(1) of P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3837(1); and the Planning Commission shall serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Leelanau.

- C. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

112. Staff:

- A. The planning director shall be a department head, and shall hire or dismiss other such staff within the budget provided for this purpose.
- B. The Commission is delegated the authority to manage and direct the planner for purposes of prioritization of projects, planning and zoning policy, planning, annual work plan, subdivision review, capital improvement program and reviews, other matters of business which come before or are assigned to the planning commission, and evaluation of performance in these areas.
- C. The management of the planner shall be under the general supervision and control of the Leelanau County Board, or its designee, for purposes of being the sole employer, including but not limited to payroll, benefits, department head administrative and managerial duties, budget, other nonplanning duties that may be assigned (e.g., EDC, Remonumentation, Recreation/Parks, Brownfield Board, etc.), compliance with Leelanau County employee policies and evaluation of performance in these areas.
- D. The management of the planner shall be under the general supervision and control of the Leelanau County Board of Commissioners. Only the County Board may hire or fire the county planner.
- E. The Leelanau County Board of Commissioners, and its designee, shall carry out its general supervision of the planner with full consultation with the Planning Commission which shall be afforded the opportunity to consult on any planning staff management decision.
- F. The appointment of the planning director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, and employee or union contracts, if any, as govern other employees of Leelanau County.
- G. Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, and employee or union contracts, if any.

113. Meetings; Records:

- A. The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

114. Approval, Ratification, and Reconfirmation.

- A. All official actions taken by all Leelanau County Planning Commissions preceding the Commission created by this ordinance are hereby approved,

ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Leelanau County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

State of Michigan
County of Leelanau

I, Michelle L. Crocker, Clerk of said County and Clerk of Circuit Court for said County, the same being a Court of record having a seal, do hereby certify that the above is a true copy of the Record now remaining in my office and of the whole thereof. In Testimony whereof, I have hereto set my hand and affixed the seal of the Circuit Court the 17th day of May 2011.




Michelle L. Crocker, Leelanau County Clerk