

FREMONT AREA JOINT PLANNING COMMITTEE MEETING MINUTES

Monday, January 9, 2006
5:00 – 6:30 PM
Sherman Township Hall

Members Present: Dayton Township: Chuck Witteveen, Planning Commissioner (Left at 5:40 pm)
Dayton Township: Shirley Hooker, Supervisor
Dayton Township: Barbara Popp, Board Member
Dayton Township: Vern Staley, Planning Commissioner
Dayton/Sheridan Townships: Peter Lance, Zoning Administrator (Left at 6:50 pm)
Sheridan Charter Township: Don Potter, Board Member
Sheridan Charter Township: Jack Taylor, Planning Commissioner
Sherman Township: Joan Obits, Supervisor
Sherman Township: Fran Derks, Board Member
Sherman Township: Roman Miller, Zoning Administrator
City of Fremont: Peg May, Planning Commissioner
City of Fremont: Jim Breinling, Councilmember (Arrived 5:15 pm)
City of Fremont: Richard Rought, Zoning Administrator

Members Absent: Sherman Township: Dean Van Ostenberg, Planning Commissioner
Sherman Township: Randy Paulson, Planning Commissioner
City of Fremont: Jim Rynberg, Mayor
City of Fremont: Chuck Whitman, Planning Commissioner
Sheridan Charter Township: Dave Lue, Supervisor
Sheridan Charter Township: Jeff Wharton, Planning Commissioner

Alternates Present: Sheridan Township: Sandy Vandenberg, Planning Commissioner

Alternate Not Present: Sheridan Township: Jennifer Christenson, Board Member

Others Present: Ryan Coffey MSU-Extension, Land Use Educator
Michele Ribant City Director of Neighborhood & Economic Development

Consultant Present: Joe VanderMeulen Executive Director, Land Information Access Association

Call to Order

Chair Chuck Witteveen called the meeting to order at 5:00 PM.

Greetings & Introductions

Mr. Witteveen welcomed everyone to the meeting. He informed the Committee that he would have to leave the Committee at 5:40 PM and that Vice Chair Jack Taylor would chair the remainder of the meeting.

Review & Approval of Minutes

A motion was made by Barbara Popp, seconded by Shirley Hooker and carried to approve the minutes from the December 12, 2005 meeting.

Discussion on Draft Agreement Establishing the Fremont Community Joint Planning Commission

Joe VanderMuelen led the discussion. He thanked the Committee members for taking the time to provide him with feedback on the draft Joint Planning Agreement created by the Land Information Access

Association (LIAA) and distributed for comment after our last meeting. He said the Committee needs to consider having an attorney review the Agreement once consensus is reached on its provisions. He also felt that the Committee needs to think seriously about how it plans to educate the public with regard to the joint planning efforts in the Fremont community.

The Committee proceeded to discuss the comments and suggestions made by the Townships and the City with regard to the draft Joint Planning Agreement as outlined in a handout LIAA provided at the meeting. The Committee reached consensus on the following provisions of the draft Agreement:

1. Purpose and Jurisdictional Area

The Committee decided that there should be a statement of intent added to the section of the Agreement entitled "Purpose and Jurisdictional Area." The Committee felt the intent of the Agreement was to have each participating governmental unit adopt the Agreement by their respective Boards/Council and then proceed to work together to the next step, which would be to create a Joint Comprehensive Plan, with the thought that if the Committee wanted to proceed to adopt a common zoning code, that would be the next step.

It was also decided that the word "certain" should be taken out of the first sentence of this section, which reads as follows:

"The CITY OF FREMONT, DAYTON TOWNSHIP, SHERIDAN CHARTER TOWNSHIP and SHERMAN TOWNSHIP find it in their long-term interests to cooperate on planning and zoning issues, and a means of achieving this goal is to jointly plan for land use and jointly exercise ~~certain~~ zoning powers."

It was thought that using the word "certain" raises questions as to which zoning powers and that the intent was to refer to zoning powers in general.

The consensus of the Committee was that the language that will describe the jurisdictional area under the purview of the Fremont Community Joint Planning Commission should be revised to read as follows:

"The jurisdictional area of the Fremont Community Joint Planning Commission shall comprise the corporate limits of the City of Fremont and Dayton, Sheridan Charter and Sherman Townships, all in Newaygo County, Michigan."

2. Composition of the Planning Commission

The Committee discussed whether alternate members should be added to the Commission's composition. It was determined that alternate members are no longer needed because the number of members has been determined to be thirteen (13) rather than nine (9). The Committee felt that since there are more members than originally anticipated and the terms are staggered for the members, there will always be experienced members on the Committee. Having alternate members on the Committee was a way to educate potential members on the issues addressed by the Joint Planning Commission.

3. Terms and Qualifications of Office

It was agreed that instead of using the phrase "Township Board of Trustees" throughout the Agreement, the phrase "Township Board" would be used.

The Committee agreed that paragraph three (3) of this section should be revised to make it clear that all four (4) of the City's appointed members must reside within the City limits at the time of appointment or re-appointment to the Joint Planning Commission. This section should also include a provision that makes it clear that if a City representative on the Joint Planning Commission moves

outside the City limits after being appointed or re-appointed, they would be permitted to complete their current three- (3) year term as long as they still resided within the joint planning area; however, they would not be eligible for re-appointment. Consensus was that the Agreement should be revised so that the Townships would also be subject to the same policy with regard to each of their members.

The Committee also agreed to revise the Agreement to make it clear that not one (1) but at least two (2) members appointed by each municipality to the initial Fremont Community Joint Planning Commission shall have experience in land use planning and regulation.

Committee members agreed to specify the educational requirements for the Joint Planning Commissioners in the Agreement. They also agreed to adopt the language used in the City's Planning Commission Rules as outlined below with appropriate modifications (e.g., delete reference to City Manager) so that the provision is relevant to the Joint Planning Commission:

Educational requirements: "Within the first twelve (12) months of being appointed to the Planning Commission, each member shall attend at least eight (8) hours of education through seminars or continuing planning education that involves planning and zoning issues as approved in advance by the City Manager. Thereafter, each member of the Planning Commission shall attend at least three (3) hours of seminars or continuing education per calendar year as approved in advance by the City Manager. The City shall pay for all such approved seminars and continuing planning education courses subject to the appropriation and availability of training funds by the City Council.

If a commissioner does not fulfill this requirement, such shall be deemed neglect of duty and the member subject to removal under subsection (i) above."

4. Operating Procedures

The Committee agreed that an annual schedule of meetings should be published with proper notices for special meetings. The Committee discussed including provisions regarding the location and general times for the joint meetings or hearings, and decided while these matters needed to be addressed, they should be outlined in the rules of procedure – not in the Agreement.

The Committee agreed that there should also be a Treasurer as an officer of the Joint Planning Commission. The members agreed to provide for term limits for any one office of two (2) consecutive one- (1) year terms.

5. Removal from Office and Filling Vacancies

After some discussion, it was agreed that the Fremont Community Joint Planning Commission may request the removal of one of its members by petitioning (written request) the appointed municipality.

The Committee agreed to strike the following example of "cause for removal" from this section of the Agreement:

~~Repeated unsatisfactory work performance or failure to attain objectives after appropriate notice and consultation."~~

The Committee also agreed to amend another example of "cause for removal" in this section as follows:

"Attendance infractions (missing more than 3 meetings per year) (as defined by the Committee.)"

The Committee felt the term “crime” should be stricken from the following “cause for removal” listed under this section and that the term “felony” should replace it:

“Conviction of any ~~crime~~ felony or engaging in conduct punishable as a ~~crime~~ felony.”

This would make the language consistent with the paragraph that reads as follows:

“The office of a member becomes vacant when the incumbent dies, resigns, is convicted of a *felony*, is removed by the Fremont Community Joint Planning Commission or the appointing governing body for cause or ceases to be a resident of the participating governing body that appointed them.”

Further, the Committee agreed that the entire Section 5 -“Removal from Office and Filling Vacancies” needs to be revised to make sure it is consistent with Section 3 - “Terms and Qualifications of Office.”

6. Operating Budget

The Committee revised the wording in this section to use the word “amongst” rather than “between” in the following instance:

“Funding for the annual budget shall be divided ~~between~~ amongst the City of Fremont, Dayton Township, Sheridan Charter Township and Sherman Township.”

Michele Ribant agreed to put together a sample budget that could be reviewed by the Committee at the next meeting. The Committee will then discuss how the budget will be administered. Each Township Supervisor is to provide Ms. Ribant with a copy of their township’s current budget by Friday, January 13, 2006.

An updated chart that outlines how the budget will be calculated amongst the four (4) municipalities will be incorporated into the Agreement.

7. Procedure for Joining the Fremont Community Joint Planning Commission

The Committee agreed that we should retain the language that would require a municipality that wants to join the Fremont Community Joint Planning Commission to pay a one-time fee. They also decided that the fee should be negotiated at the time of the request for joining.

8. Procedure for Withdrawal from the Fremont Community Joint Planning Commission

The Committee agreed to amend the language under the first bullet to make it clear what some of the obligations for withdrawal could be. The following language was suggested:

“Any and all obligations of the Fremont Community Joint Planning Commission including the balance of any contractual fees, service contracts, legal costs, etc. shall be settled prior to withdrawal.”

The Committee also agreed that public notice and a “noticed” public hearing should be held if a participating municipality wants to withdraw and that the public hearing should be held by the governing body of the party seeking to withdraw from the Commission.

With regard to the final paragraph of this section, it was decided that as long as there are two (2) entities, the agreement would remain in place. The language in the Agreement should be revised to reflect this. It was also decided that language should be included in this section that states that upon dissolution, the remaining entities will negotiate a fair and reasonable distribution of the assets and liabilities of the Commission.

9. Powers & Duties

The Committee made no changes to this section.

10. Amendments

It was decided that we should spell out that the Township Boards and City Council are the “designated officials” who can amend the Agreement by written addendum.

11. Effective Date

The Committee asked that the first sentence under this section be re-worded to clarify its intent. The comment was made that reference to the calendar year under this section should be revised to read “2006.”

V. Plan for Next Meeting

Joe VanderMeulen asked Committee members to come to the next meeting prepared to discuss how the Committee can educate the public on the joint planning efforts. He suggested that each commissioner bring frequently asked questions (FAQ’s) regarding the joint planning efforts to our next meeting, so the Committee can begin to prepare and assemble materials for the public.

It was announced that the next meeting of the FAJPC is scheduled for Monday, February 13, 2006 from 5:00 - 6:30 PM in the Council Chambers at the Fremont City Hall.

Adjournment

There being no further business of the Committee, the meeting adjourned at 7:00 PM.