

**Mt. Pleasant Planning Commission
Minutes or Regular Meeting
May 5, 2011**

I. Chairman Orlik called the meeting to order at 7:00 p.m.

Present: Holtgreive, Kostrzewa, Orlik (Chair), Shellady, Smith (Vice-Chair)

Absent: Brockman, Lux, Rautanen

Staff: Morrison, Ridley, Murphy.

Other: Scott Smith, City Attorney

II. Approval of Agenda:

Motion by Holtgreive, support by Kostrzewa to approve agenda.

Motion approved.

III. Minutes:

A. April 7, 2011 Regular Meeting

Motion by Smith, support by Holtgreive to approve the minutes.

Motion approved.

IV. Zoning Board of Appeals Report:

As Commissioner Brockman was not in attendance, staff provided the ZBA monthly report. The ZBA, along with members of the Community Services Division, held a work session on April 27th, to discuss recent cases and approved redevelopments. They also talked about the recent Planning Commission/City Commission joint meeting and the discussions that had taken place in regards to recent ZBA approvals. The ZBA would like to pursue holding a joint meeting with the Planning Commission on an annual basis to discuss any current trends in requests they are receiving and to assure everyone is comfortable with the decision making process.

V. Presentation:

Scott Smith, Clark Hill PLC, attorney for the City, presented an overview of the recent settlement between the Saginaw Chippewa Indian Tribe of Michigan and the City of Mt. Pleasant. Attorney Smith focused on the Land Use and Zoning piece along with the

Local Regulatory portion of the agreement, explaining that the agreement applies to all lands owned by Tribal members within the city limits.

Attorney Smith explained that for things that fall under the Housing Licensing Code or Land Use, the City would act as the enforcing agency. The difference comes into play if judicial enforcement is needed, at which time the matter would be turned over to Tribal Court.

In addition, any appeals of action taken by the Zoning Board of Appeals or the Planning Commission would be appealed to Tribal Court. Commissioner Smith asked if a Tribal member wished to build something that doesn't fit within our zoning requirements, and were denied, if Tribal Court could then approve it. Based on the language of the agreement, Attorney Smith commented that he feels the Tribe wants to work with us and does not expect that to be a problem.

Attorney Smith further explained that nuisance violations, i.e., blight conditions, tall grass, etc., would be turned over to the zoning officials at the Tribe for them to handle. Commissioner Smith questioned what would happen if the city turned a complaint over to the Tribe and nothing happened. Attorney Smith commented that the agreement states that any real property owned by a Tribal member within the City shall not be maintained in a manner inconsistent with the City Ordinances, and reiterated that he feels the Tribe wants to work with us.

Chairman Orlik asked for clarification that when speaking of Tribal members in regards to this agreement, it is referring strictly to members of the Saginaw Chippewa Tribe of Michigan. Attorney Smith confirmed this to be so.

Chairman Orlik asked about Tribal Trust land. Attorney Smith stated that at this time there is no land in Tribal Trust located within the city; however if at some time there is, then it would be owned by the Federal Government and we would have no jurisdiction.

Chairman Orlik asked Attorney Smith to forward a copy of his presentation information to staff so the Commission could have a copy of it.

VI. Public Hearings:

Chairman Orlik explained board proceedings and asked staff to introduce the case.

- A. TC-11-01. Appeals of certain decisions of the Zoning Board of Appeals: Consider Ordinance to Amend Section 154.167 of the Zoning Ordinance of the City of Mt. Pleasant.

Staff commented that the City is obligated to change the Zoning Ordinance to abide by the agreement, explaining that the change is a minor technical revision to the Ordinance

which allows for appeals of the ZBA for a Tribal member to be heard in the appropriate Tribal court of the Saginaw Chippewa Tribe of Michigan rather than circuit court.

Chairman Orlik opened the Public Hearing. There being no one who wished to speak the Public Hearing was closed.

Board discussion: Board members offered a couple of hypothetical situations for discussion and input from Attorney Smith.

Chairman Orlik raised the question that with membership being an essential issue, how we address situations where membership is in question. Attorney Smith stated that the Tribe is the arbitrator regarding membership and if we have a name they will disclose to us whether the individual is a member.

Motion by Smith, support by Kostrzewa to recommend that the City Commission approve Text Change 11-01 to amend Section 154.167 of the Zoning Ordinance.

Motion approved.

VII. Public Comments:

Chairman Orlik opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VIII. Site Plan Reviews

No Site Plan reviews scheduled.

IX. New Business

A. Capital Improvement Plan (CIP).

Staff referred to the copy of the CIP that Commissioners had received and introduced Nancy Ridley, Assistant City Manager and Administrative and Financial Services Director for the Board, who was in attendance to address any questions.

Chairman Orlik asked if the plans for 2012-2013 were fairly firm and whether they were more speculative as they get farther out. Staff concurred that this was the case.

Mrs. Ridley addressed the Board and explained that the CIP is the document that governs the infrastructure planning as well as capital purchases. The City

Commission will be holding a Public Hearing following the receipt of the Planning Commission's recommendation.

Chairman Orlik asked about the effect of State Shared Revenue on the CIP projections. Ms. Ridley explained that the Capital Improvement Projects do not assume any State Revenue funds; the majority of them are funded by millage dollars. Ms. Ridley also referred to some of the projects that are funded through grant opportunities.

Commissioner Kostrzewa asked if there were any parks projects included in the CIP. Mrs. Ridley directed Commissioners to the Community Services pages, which include the Parks projects.

Chairman Orlik asked Mrs. Ridley to explain the CIP process. Mrs. Ridley explained that the process starts at the department level. Staff sets priorities for the next five years and submits their requests to the Division Directors. Funding capabilities are reviewed and projects assessed to assure they fit in with the City Commission's Goals.

Discussion took place on the Mission Street Traffic and Pedestrian Study. Staff explained the Downtown Development Authority has earmarked money to help build a grid system; however because we are dependent on private property support, we have to wait until the opportunities present themselves. If an opportunity to improve safety on Mission Street comes up, funding is available.

Motion by Holtgreive, support by Kostrzewa to recommend that the City Commission adopt the 2012-2016 Capital Improvement Plan.

Motion approved.

X. Other Business:

A. June Meeting

Staff reported that we have not received any applications as of this date; however, the deadline for submittal isn't until next week.

XI. Adjournment to Work Session:

Staff suggested that due to only five Board members being present, the Board may wish to postpone the work session until next month. Board concurred.

Motion by Holtgreive, support by Kostrzewa to adjourn. Motion approved.

Meeting adjourned at 7:47 p.m.

bam