

CITY OF HARPER WOODS
PLANNING COMMISSION
JANUARY 26, 2006

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson,
Commissioner(s) Douglas A. Barnes, John Bruneel, Valerie J. Kindle,
Paula Lancaster and Margaret Wagner.

ABSENT: Commissioner Mark Zink.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Susan
Thomas.

PC 01-01-06

EXCUSE COMMISSIONER

MOTION by Bruneel, SUPPORTED by Patterson:

To excuse Commissioner Mark Zink from tonight's meeting because of a prior commitment.

ABSENT: Zink.

MOTION CARRIED

PC 01-02-06

MINUTES

MOTION by Wagner, SUPPORTED by Kindle:

To receive, approve and file the minutes of the regular Planning Commission meeting held September 28, 2005, provided Commissioner Lancaster's comments on page 3, are corrected to reflect that the Commissioners "should strongly urge," not demand that the petitioner build it right. (In reference to the proposed transit center at Eastland.) Furthermore, correct Commissioner Patterson's comments on page 4, to reflect that he did not want bathrooms in the proposed transit center at Eastland.

ABSENT: Zink.

MOTION CARRIED

REQUEST EXPLANATION OF RECOMMENDED
RE-ZONING AT 18555 EASTWOOD

In response to City Council's request for an explanation of the Commissioners' recommendation to re-zone the parcel at 18555 Eastwood, the Commissioners felt that the issue is no longer relevant as City Council has voted it down, so they didn't take any action.

PC 01-03-06 ELECTION OF CHAIR AND VICE-CHAIR

MOTION by Bruneel, SUPPORTED by Wagner:
To re-elect Commissioner Vargo as Chair, and Commissioner Neil Patterson as Vice-Chair for 2006.

ABSENT: Zink.

MOTION CARRIED

COMMITTEE REPORTS

_____ None.

HEARING OF THE PUBLIC

_____ None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Patterson asked if the City has heard anything about the Notre Dame High School property being sold, or developed. (The City Clerk said that he was not aware of any developments relative to the Notre Dame Property.) He then said that he recently read an article about cities regulating electronic signs, and suggested that we may want to review our sign ordinance.

Commissioner Lancaster suggested that both the Planning Commission meetings and City Council meetings be posted on the City's electronic information sign. The other Commissioners were in agreement.

Commission Bruneel announced that the Harper Woods Dad's Club will be having their Annual Pancake Breakfast on Sunday, February 5th at the Community Center.

PC 01-04 -06

ADJOURNMENT

MOTION by Wagner, SUPPORTED by Patterson:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:33 p.m.

ABSENT: Zink.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
MARCH 22, 2006

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Commissioner(s) Douglas A. Barnes, John Bruneel, Valerie J. Kindle, Peter Ries and Mark Zink.

ABSENT: Commissioner(s) Paula Lancaster and Margaret Wagner.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Susan Thomas.

PC 03-05-06

EXCUSE COMMISSIONERS

MOTION by Patterson, SUPPORTED by Bruneel:
To excuse Commissioner(s) Paula Lancaster and Margaret Wagner from tonight's meeting because of prior commitments.

ABSENT: Lancaster and Wagner.

MOTION CARRIED

PC 03-06-06

MINUTES

MOTION by Bruneel, SUPPORTED by Patterson:
To receive, approve and file the minutes of the regular Planning Commission meeting held January 26, 2006, and note for the record that there wasn't a meeting in February.

ABSENT: Lancaster and Wagner.

MOTION CARRIED

PC 03-07-06 SITE PLAN REVIEW - LOWE'S GARDEN CENTER - 19340 VERNIER

MOTION by Patterson, SUPPORTED by Kindle:

To receive and file the site plan dated March 6, 2006, as submitted by APD Engineering, 3445 Winton Place, Suite 208, Rochester, New York, 14623, on behalf of Lowe's Garden Center Expansion, Store #1677, 19340 Vernier Road, Harper Woods, Michigan, for the proposed expansion of the Garden Center at Lowe's, 19340 Vernier Road, and furthermore, receive and file the Architectural and Site Design Review letter dated March 16, 2006 from Senior Planner Susan Thomas, of McKenna Associates, Inc., and lastly, approve of the site plan subject to the following conditions:

- 1) That the applicant shall submit a revised site plan with all building material colors labeled and all light fixtures illustrated;
- 2) That the applicant obtain a variance in regards to the required number of parking spaces;
- 3) That the two existing parking spaces along Vernier Road in front of a fire hydrant that shall be removed; and
- 4) That with the exception of previously approved temporary staging of materials, all landscaping materials shall be stored and displayed within the proposed Garden Center Addition only.

ABSENT: Lancaster and Wagner.

MOTION CARRIED

COMMITTEE REPORTS

_____None.

HEARING OF THE PUBLIC

_____None.

DISCUSSION BY COMMISSION MEMBERS

New Planning Commissioner, Peter Ries, introduced himself and said he was looking forward to working with Commissioners.

Commissioner Kindle advised the Commissioners that she serves on a committee with the Federal Reserve Board, and that they will be hosting a number of Expos' in the Detroit area the week of April 24th, on free financial management seminars, and she passed out a brochure listing the times and locations of each seminar.

The Planning Consultant urged the City Administration to act on adopting the revised Zoning Ordinance that the Planning Commission submitted to City Council last year.

Commissioner Bruneel asked how Commissioners can access sites when considering a plan review. (The Planning Consultant said that on the Site Plan Review application the applicant agrees, as part of the review process, to allow representatives from the City on the site being considered.) Several Commissioners then discussed the need for Commissioners to have an identification card. (The City Clerk said that he would discuss the matter with the City Manager.)

PC 03-08-06

ADJOURNMENT

MOTION by Zink, SUPPORTED by Barnes:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:50 p.m.

ABSENT: Lancaster and Wagner.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
AUGUST 23, 2006

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Commissioner(s) John Bruneel, Valerie J. Kindle, Paula Lancaster and Mark Zink.

ABSENT: Commissioner(s) Douglas A. Barnes, Peter Ries and Margaret Wagner.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 08-09-06

EXCUSE COMMISSIONER

MOTION by Bruneel, SUPPORTED by Patterson:

To excuse Commissioner(s) Douglas A. Barnes, Peter Ries and Margaret Wagner from tonight's meeting because of prior commitments.

ABSENT: Barnes, Ries and Wagner.

MOTION CARRIED

PC 08-10-06

MINUTES

MOTION by Patterson, SUPPORTED by Kindle:

To receive, approve and file the minutes of the regular Planning Commission meeting held March 22, 2006.

ABSENT: Barnes, Ries and Wagner.

MOTION CARRIED

PC 08-12-06

ADJOURNMENT

MOTION by Patterson, SUPPORTED by Bruneel:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:47 p.m.

ABSENT: Barnes, Ries and Wagner.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
OCTOBER 25, 2006

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Commissioner(s) Douglas A. Barnes, John Bruneel, Valerie J. Kindle and Mark Zink.

ABSENT: Commissioner(s) Paula Lancaster and Margaret Wagner.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 10-13-06

EXCUSE COMMISSIONER

MOTION by Bruneel, SUPPORTED by Patterson:

To excuse Commissioner(s) Paula Lancaster and Margaret Wagner from tonight's meeting because of prior commitments.

ABSENT: Lancaster and Wagner .

MOTION CARRIED

PC 10-14-06

MINUTES

MOTION by Kindle, SUPPORTED by Zink:

To receive, approve and file the minutes of the regular Planning Commission meeting held August 23, 2006, and note for the record that there was no meeting in September.

ABSENT: Lancaster and Wagner.

MOTION CARRIED

PC 10-15-06 SITE PLAN REVIEW - CHILI'S RESTAURANT - 17890 VERNIER

MOTION by Zink, SUPPORTED by Bruneel:

To receive and file the site plan dated September 20, 2006, as submitted by Atwell-Hicks, LLC., 50182 Schoenherr Road, Shelby Township, Michigan 48315, on behalf of Chili's Restaurant Corporation, for a new restaurant to be located at 17890 Vernier, and furthermore, receive and file the Architectural and Site Design Review letter dated October 17, 2006 from Donna J. Krips, Senior Zoning Administrator of McKenna Associates, Inc., and lastly, approve of the site plan subject to the following conditions:

- 1) That a designated loading and unloading area be shown on the site plan and that three sets of plans be submitted showing said change.

ABSENT: Lancaster and Wagner.

MOTION CARRIED

COMMITTEE REPORTS

None.

HEARING OF THE PUBLIC

None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Bruneel commented on the Commissioners needing a City I.D., and asked the City Clerk if he would approach the City Manager about obtaining one. (The City Clerk said that he would discuss the matter with the City Manager.)

PC 10-16-06 ADJOURNMENT

MOTION by Patterson, SUPPORTED by Zink:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:33 p.m.

ABSENT: Lancaster and Wagner.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
DECEMBER 20, 2006

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:05 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Commissioner(s) Douglas A. Barnes, Valerie J. Kindle, Paula Lancaster and Mark Zink.

ABSENT: Commissioner John Bruneel and Margaret Wagner.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 12-17-06

EXCUSE COMMISSIONERS

MOTION by Patterson, SUPPORTED by Zink:

To excuse Commissioner John Bruneel from tonight's meeting because of a prior commitment.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

PC 12-18 -06

MINUTES

MOTION by Kindle, SUPPORTED by Zink:

To receive, approve and file the minutes of the regular Planning Commission meeting held October 25, 2006.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

PC 12-19-06 CONDITIONAL RE-ZONING REQUEST AND SITE
PLAN REVIEW- 20606 EAST EIGHT MILE ROAD

MOTION by Patterson, SUPPORTED by Kindle:

To table consideration of the request from Mr. Steven Harmony, to conditionally re-zone Lot 283 of the Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile, and an accompanying site plan of a restaurant.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

Mr. Steven Harmony, petitioner, explained his request and said that he will work with the City to develop the property. Mr. David Oglesby, Architect, was present to review and discuss the site plan.

COMMITTEE REPORTS

_____None.

HEARING OF THE PUBLIC

_____None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Lancaster announced that she is resigning from the Commission because she recently moved.

Commissioner Kindle told the Commissioners of a children's Christmas fund raiser that she's involved with and invited them to donate if they could.

Planning Consultant Krips wished everyone a Merry Christmas and Happy New Year.

Commissioner Patterson suggested that the Commission may want to consider updating the Master Plan next year with the intent of reviewing the allowable uses where Regina and Notre Dame High Schools are located since they are closing.

PC 12-20-06

ADJOURNMENT

MOTION by Kindle, SUPPORTED by Patterson:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 8:05 p.m.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
JANUARY 24, 2007

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Commissioner(s) John Bruneel, David A. Kien, Shanna R. Reed, and Mark Zink.

ABSENT: Commissioner(s) Douglas A. Barnes, Valerie J. Kindle, and Margaret Wagner.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 01-01-07 EXCUSE COMMISSIONER(S) BARNES, KINDLE AND WAGNER

MOTION by Bruneel, SUPPORTED by Zink:

To excuse Commissioner(s) Douglas A. Barnes, Valerie J. Kindle and Margaret Wagner from tonight's meeting because of prior commitments.

ABSENT: Barnes, Kindle and Wagner.

MOTION CARRIED

PC 01-02-07

MINUTES

MOTION by Patterson, SUPPORTED by Bruneel:

To receive, approve and file the minutes of the regular Planning Commission meeting held December 20, 2006.

ABSENT: Barnes, Kindle and Wagner.

MOTION CARRIED

PC 01-03-07 REQUEST LOT SPLIT - 19360 HARPER AND 20955 BOURNEMOUTH
LOTS 617C1A1 AND 617C1B1A1 OF PRIVATE CLAIM 617

MOTION by Zink, SUPPORTED by Reed:

To receive and file the following items: (1) the letter dated January 5, 2007, from Erik S. Prater of Bodman Attorney's and Counselors and the accompanying Site Plan Review Application from the Archdiocese of Detroit dated December 22, 2006, requesting that Lots 617C1A and 617C1B1A1 of Private Claim 617, be split; (2) the Boundary Survey of Private Claim 617 and 618, of Parcels 1-3 and Parcels A-C; dated October 23, 2006, as prepared by KEM-TEC Associates, 22556 Gratiot Avenue, Eastpointe, Michigan 48021; and (3) the letter dated January 5, 2007, from McKenna Associates, Inc., (City Planner) reviewing the requested lot split, and furthermore, recommend to the City Council, as required in Section 10-133 of the City's Zoning Ordinance, that the lot split and land combination as requested be approved subject to the following:

- a) that the request be reviewed and approved by the City Engineer, Department of Public Works and Building Inspector; and
- b) that a shared parking agreement be reviewed and approved by the City Attorney and recorded.

ABSENT: Barnes, Kindle and Wagner.

MOTION CARRIED

Attorney, Mr. Erik S. Prater, of Bodman, representing the Archdiocese of Detroit was present to explain the request and answer any questions.

PC 01-04-07 ELECTION OF CHAIR AND VICE-CHAIR

MOTION by , SUPPORTED by :

To re-elect Commissioner Vargo as Chair, and Commissioner Neil Patterson as Vice-Chair for 2007.

ABSENT: Barnes, Kindle and Wagner.

MOTION CARRIED

COMMITTEE REPORTS

None.

HEARING OF THE PUBLIC

None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Reed thanked the Mayor and City Council for the opportunity to serve on the Planning Commission and said she is looking forward to working with the Commissioners. She also advised that she wouldn't be available for next month's meeting because of a prior commitment, and asked to be excused should there be a meeting.

Commissioner Bruneel asked to be re-appointed to the Ordinance Committee. The Chairman agreed and re-appointed Commissioner Bruneel. He then asked what the status is of the tabled item on the agenda. (The City Clerk said that he spoke to the petitioner last month and was advised that he still intends on proceeding with the project.)

PC 01-05-07

ADJOURNMENT

MOTION by Patterson, SUPPORTED by Zink:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:31 p.m.

ABSENT: Barnes, Kindle and Wagner.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
FEBRUARY 28, 2007

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:02 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson,
Commissioner(s) Douglas A. Barnes, John Bruneel, David A. Kien,
Valerie J. Kindle, Margaret Wagner and Mark Zink.

ABSENT: Commissioner Shanna R. Reed.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 02-06-07

EXCUSE COMMISSIONER

MOTION by Bruneel, SUPPORTED by Patterson:

To excuse Commissioner Shanna R. Reed, from tonight's meeting because of a prior commitment.

ABSENT: Reed.

MOTION CARRIED

PC 02-07-07

MINUTES

MOTION by Wagner, SUPPORTED by Kindle:

To receive, approve and file the minutes of the regular Planning Commission meeting held January 24, 2007.

ABSENT: Reed.

MOTION CARRIED

PC 02-08-07

TABLED ITEM TO NEW BUSINESS

MOTION by Patterson, SUPPORTED by Bruneel:

To move Tabled and Pending item IV, (a), which is a request for Conditional Re-zoning of Lot 83 of Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile, and the site plan review of a restaurant to New Business item V, (a).

ABSENT: Reed.

MOTION CARRIED

PC 02-09-07

CONDITIONAL RE-ZONING REQUEST AND SITE
PLAN REVIEW- 20606 EAST EIGHT MILE ROAD

MOTION by , SUPPORTED by :

To receive and file the following items:

- 1) the letter dated December 3, 2006, from Steven W. Harmony, P.O. Box 975, Mount Clemens, Michigan 48046, requesting conditional re-zoning of Lot 283 of the Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile;
- 2) the site plan dated January 2, 2007, Job No: 7002-CN, as submitted by Design Tec. Inc., 20936 Harper Avenue, Harper Woods, Michigan, for a proposed restaurant to be located at 20606 East Eight Mile; and
- 3) the Conditional Re-zoning request and Site Plan review letter dated February 19, 2007, from Donna J. Krips, Senior Zoning Administrator of McKenna Associates, Inc.

And furthermore, direct that the following action be taken:

- 1) that a public hearing be held at the March 28, 2007, Planning Commission meeting to consider the conditional re-zoning request and site plan, and that notice of said public hearing be published, posted and sent to all property owners within 300 feet of said parcel as required by statute; and
- 2) that the site plan be tabled to allow the applicant to provide additional conditions and amendments prior to the public hearing as required by the Michigan Zoning Enabling Act, P.A. 110 of 2006, for map amendments.

ABSENT: Reed.

MOTION CARRIED

Mr. Steven Harmony, petitioner, was present with Mr. Jeffrey Graham, Architect, to review and discuss the conditional re-zoning and site plan.

COMMITTEE REPORTS

_____None.

HEARING OF THE PUBLIC

_____None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Bruneel commented on the Lowe's new garden center saying that he is concerned about pedestrian traffic because of Lowe's tendency to completely fill the parking lot with garden center items. He also commented on the new Chili's restaurant to be built at Eastland Center saying that construction should start in April.

Commissioner Zink commented on the discussion tonight regarding the conditional re-zoning and site plan request saying that a lot of time was spent on this item, and if there is a point when the Commission should say the plan is not acceptable. He also expressed concern over pedestrian safety at Lowe's because of their tendency to put so much stock in the parking lot, and asked the City Clerk to ask the building department and police to monitor the situation closely this spring.

Commissioner Kein commented on a conditional re-zoning that his building company is involved in and said that our process was different from what he thought.

Commissioner Kindle said that she missed last month's meeting because of her mother passing away.

Commission Patterson commented on Target starting construction on their new pharmacy.

PC 02-09-07

ADJOURNMENT

MOTION by Wagner, SUPPORTED by Kindle:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 8:14 p.m.

ABSENT: Reed.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
MARCH 28, 2007

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Commissioner(s) Douglas A. Barnes, John Bruneel, David A. Kien, Valerie J. Kindle, Shanna R. Reed, Margaret Wagner (7:05 p.m.) and Mark Zink.

ABSENT: None.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips of McKenna Associates.

PC 03-10-07

MINUTES

MOTION by Bruneel, SUPPORTED by Patterson:

To receive, approve and file the minutes of the regular Planning Commission meeting held February 28, 2007.

ABSENT: Wagner.

MOTION CARRIED

PC 03-11-07

TABLED ITEM TO NEW BUSINESS

MOTION by Bruneel, SUPPORTED by Kindle:

To move Tabled and Pending Item IV (a), regarding the Site Plan Review for a restaurant as part of the conditional re-zoning request of Lot 283 of the Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile, to New Business Item V (b).

ABSENT: Wagner.

MOTION CARRIED

Commissioner Wagner arrived at 7:05 p.m.

PC 03-12-07 PUBLIC HEARING - CONDITIONAL RE-ZONING OF LOT 283 OF THE
DALBY/CAMPBELL MACK PARK SUBDIVISION - 20606 E. EIGHT

MOTION by Patterson, SUPPORTED by Bruneel:

To Open the Public Hearing to obtain public comment on the proposed conditional re-zoning request of Lot 283 of the Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

Chairman Vargo reviewed the procedures for the public hearing and had the Planning Consultant, Donna Krips, of McKenna Associates review and explain the request.

Petitioner Steven Harmony and Architect Jeffrey Graham were present to explain the conditional re-zoning and site plan, and answered any questions.

Ms. Spaulding of 20565 Ridgemont, said that she was opposed to the re-zoning and site plan because: (1) there is a lack of parking on the site; (2) accidents occur on that corner regularly; and (3) she is concerned about the safety of the children in such a high traffic area.

Mr. Bevier of 20555 Ridgemont, told the Commissioners about an accident that occurred on the Eight Mile/Harper intersection where a car ended up going through the fence of a house on Ridgemont, and pointed out that this is where the petitioner wants to locate the ice cream store. He then commented on the problem with traffic in the area, saying that if this request is approved, it will increase the problem of speeding and make Ridgemont a thorough fare for cars wishing to patronize the ice cream store. Then he pointed out that he didn't believe the six foot poured wall (as shown on the site plan) separating the residential lots from the ice cream store would be sufficient. Lastly, he pointed out that there is already an ice cream store in the area right across Harper.

Mr. Franklin of 20505 Eight Mile Road, said that he sent a letter to the Commission opposing the re-zoning and site plan, and then informed the Commissioners that he is opposed to this request because: (1) it will bring more litter to the area; (2) it will bring a rat problem to the area; (3) it will increase traffic to an already busy area; (3) it will present a parking problem to the area; and (4) it will bring crime to the area.

Mr. Livingston of 20540 Ridgemont said that he was in agreement with the previous comments about the proposed re-zoning and site plan request. He added that when he purchased his house

he knew that lot was residential and that is why he went through with the purchase. He said there is a good reason why one side of Harper is zoned commercial and the other side is zoned residential, and that he hoped the City would view this as a quality-of-life issue when making a final decision, because the homeowners have a lot invested in this outcome.

Ms. Reich of 20578 Ridgemont, said she was against this request because it will increase litter, traffic, loitering and rats to the area, and will decrease property values in the area.

Mr. Bevier of 20555 Ridgemont, said that he has nothing against the petitioner.

The petitioner, Mr. Steve Harmony, attempted to address the residents concerns about this project, and advised them that it was in his best interest to protect his investment by maintaining his property and being a good neighbor.

A lady who resides in Clinton Township who was present with a property owner said that she grew up in the area and can attest to the traffic problems in the area, and said that introducing a business on this lot would cause a nuisance to the area.

Mr. Franklin of 20505 Eight Mile Road, added to his previous comments saying that if this project is approved it will dramatically increase foot traffic in the area.

Ms. Spaulding of 20565 Ridgemont, asked if a market analysis was done to assure the viability of this project.

PC 03-13-07 PUBLIC HEARING - CONDITIONAL RE-ZONING OF LOT 283 OF THE DALBY/CAMPBELL MACK PARK SUBDIVISION - 20606 E. EIGHT

MOTION by Kindle, SUPPORTED by Bruneel:

That having received public comment on the proposed conditional re-zoning request of Lot 283 of the Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile, the public hearing is hereby closed.

MOTION CARRIED UNANIMOUSLY

PC 03-14-07 CONDITIONAL RE-ZONING OF LOT 283 OF THE DALBY CAMPBELL MACK PARK SUBDIVISION - 20606 E. EIGHT

MOTION by Bruneel, SUPPORTED by Kindle:

To receive and file the following items:

- 1) the letter dated December 3, 2006, from Steven W. Harmony, P.O. Box 975, Mount Clemens, Michigan 48046, requesting conditional re-zoning of Lot 283 of the Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile;
- 2) the revised site plan dated March 10, 2007, Job No: 7002-CN, as submitted by Design Tec. Inc., 20936 Harper Avenue, Harper Woods, Michigan, for a proposed restaurant to be located at 20606 East Eight Mile;
- 3) the Conditional Re-zoning request and Site Plan review letter dated March 21, 2007, from Donna J. Krips, Senior Zoning Administrator of McKenna Associates, Inc;
- 4) the letter from the petitioner advising that the restaurant will operate Monday through Sunday, 7 a.m. to 10 p.m.; and
- 5) the letter received on March 13, 2007, from Renaldo and Rachel Franklin of 20505 Ridgemont, objecting to the conditional re-zoning and site plan.

And furthermore:

- 1) the Planning Commission does hereby recommend to the City Council that the request to conditionally re-zone Lot 283 of the Dalby and Campbell Mack Park Subdivision, 20606 East Eight Mile be approved, along with the above referenced site plan subject to: a) submittal of a color rendering of the building materials and elevations for approval by City Council; and b) changing the Silver Maple on the plan to either October Glory or Autumn Flame Maple in compliance with Section 10-136 A of the Zoning Ordinance; and
- 2) in approving the conditional re-zoning of part of lot 283 of Dalby and Campbell Mack Park subdivision, part of private claim 576, the City of Harper Woods establishes a time period of 365 calendar days for the start and completion of the project, with the (1) extension of 180 days that may be granted by City Council. The City of Harper Woods shall not alter or change the conditions of approval during the above specified time period. Failure to meet the above mentioned time frame will result in a reversion to the R-1 zoning of the property in compliance with the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

NO: Barnes, Kien, Reed and Zink.

MOTION CARRIED

COMMITTEE REPORTS

Commissioner Bruneel advised the Commissioners that the Ordinance Committee will be meeting to discuss amending the City's vicious dog ordinance.

HEARING OF THE PUBLIC

Ms. Melissa Brown, Community Liaison for Congresswoman Carolyn Cheeks Kilpatrick, introduced herself and urged the Commissioners to feel free to contact her should they need assistance with any issues dealing with the Congresswoman.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Bruneel reminded the Commissioners that the Lion's Club Pancake Breakfast is Sunday, April 1st at the Community Center.

Commissioner Wagner apologized for being late. She then commented on how nice last week's Board and Commission Dinner was at the War Memorial. Then she asked the City Clerk how she could go about pursuing the idea of getting a dog park in the city. (The City Clerk told her to share her ideas with City Council.)

Planning Consultant Donna Krips congratulated the Commissioners on their work with the conditional re-zoning request.

Commissioner Barnes asked what became of the City/School District combined swimming pool concept for joint use during the summer months. (The City Clerk said that there wasn't public support for the concept during the public forums that were held to discuss the matter, so as of now it is not being pursued.)

Commissioner Kindle said that Chevron Corporation is looking to put money in our community as part of their "Green City" program, and said that it is possible that the money could be used for the City/School District swimming pool concept. She said that she would forward the information to the City Clerk so that it could be disseminated to City Council. Lastly, she thanked the City Council for the Board and Commission Dinner, saying that it was a very nice event.

Commissioner Zink said that he felt like he needed to explain his "no vote" on the conditional re-zoning/site plan request, saying that prior to tonight he had supported the plan, but after weighing his experience with the City and the School District considering when they were debating building the new High School behind his house where there is a City park, he could relate to the neighbors concerns so he voted no.

Commissioner Barnes explained his no vote saying that traffic in the area of Eight Mile and Harper is already a problem, and he didn't want to add to it, so he voted no.

Chairman Vargo commented that there were more people at tonight's meeting than there were when

the Commission considered the site plans for some of the “big box” stores at Eastland Center, and said that that was probably because of the location of the proposed development in relationship to the neighborhoods. He added that when he reviewed the proposal, he did watch out for safety of the residents.

PC 03-15-07

ADJOURNMENT

MOTION by Kindle, SUPPORTED by Barnes:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 8:15 p.m.

MOTION CARRIED UNANIMOUSLY

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
AUGUST 22, 2007

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson,
Commissioner(s) Douglas A. Barnes, David A. Kien, Valerie J. Kindle,
Shanna R. Reed and Mark Zink.

ABSENT: Commissioner(s) John Bruneel and Margaret Wagner.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 08-16-07

EXCUSE COMMISSIONERS

MOTION by Barnes, SUPPORTED by Patterson:

To excuse Commissioner John Bruneel and Margaret Wagner from tonight's meeting because of a prior commitment.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

PC 08-17-07

MINUTES

MOTION by Kindle, SUPPORTED by Zink:

To receive, approve and file the minutes of the regular Planning Commission meeting held March 28, 2007.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

PC 08-18-07 SITE PLAN REVIEW - OUT LOT BUILDING AT 17880 VERNIER

MOTION by Barnes, SUPPORTED by Pattenon:

To receive and file the site plan dated August 1, 2007, Job No: 06-001.09.5, as submitted by Design Resources, 6445 Citation Drive, Suite E, Clarkston, Michigan 48346, on behalf of Eastland Center, for the renovation and reuse of a vacant outlot building at 17880 Vernier, and furthermore, receive and file the Architectural and Site Design Review letter dated August 9, 2007, from Donna J. Krips, Senior Zoning Administrator of McKenna Associates, Inc., and lastly, approve of the site plan subject to the following conditions, with said conditions being resubmitted on a revised site plan to the City Building Department:

- 1) That a loading/unloading area be designated on the revised site plan;
- 2) That the lighting details be submitted on the revised site plan;
- 3) That the trash location and method of removal be designated on the revised site plan;
- 4) That the location and method of screening of mechanical equipment be designated on the revised site plan; and
- 5) That any signage of said building comply with the City's Sign Ordinance.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

Mr. Brent Reetz, General Manager of Eastland Center and Mr. David Donnellon, of Design Resources were present to review the site plan and answer any questions.

COMMITTEE REPORTS

_____None.

HEARING OF THE PUBLIC

_____None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Barnes asked when the new high school will be having an open house so the residents could tour the building. (Commissioner Kien, who is also the School Board President, said that an open house is being planned for October 27th.)

Commissioner Kindle commented on how useful she finds the Planning Commissioner Journal that the Commission receives, and said that she hoped the Commission would continue receiving them in the future.

Commissioner Reed said that she read about a resident who wants the City to develop a dog park, and asked if the City decided to do it, would it come before the Planning Commission. (The City Clerk said that approval for parks and other facilities do not require site plan approval from the Planning Commission.)

PC 08-19-07

ADJOURNMENT

MOTION by Reed, SUPPORTED by Patterson:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:30 p.m.

ABSENT: Bruneel and Wagner.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
FEBRUARY 27, 2008

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:05 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson,
Commissioner(s) Douglas A. Barnes, John Bruneel, David A. Kien,
Valerie J. Kindle, Margaret Wagner and Mark Zink.

ABSENT: Commissioner Shanna R. Reed.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 02-01-08

EXCUSE COMMISSIONER

MOTION by Bruneel, SUPPORTED by Patterson:

To excuse Commissioner Shanna R. Reed from tonight's meeting because of a prior commitment.

ABSENT: Reed.

MOTION CARRIED

PC 02-02-08

MINUTES

MOTION by Patterson, SUPPORTED by Kindle:

To receive, approve and file the minutes of the regular Planning Commission meeting held August 22, 2007, and note for the record that the Commission has not met since August.

ABSENT: Reed.

MOTION CARRIED

PC 02-03-08

ELECTION OF CHAIR AND VICE-CHAIR

MOTION by Bruneel, SUPPORTED by Kindle:
To re-elect Commissioner Vargo as Chair, and Commissioner Neil Patterson as Vice-Chair for 2008.

ABSENT: Reed.

MOTION CARRIED

COMMITTEE REPORTS

Commissioners Bruneel and Kindle volunteered to continue representing the Commission on the City's Ordinance Committee, and Chairman Vargo reappointed them as provided for in 3.3 and 3.5 of the Planning Commission's By-Laws.

HEARING OF THE PUBLIC

None.

DISCUSSION BY COMMISSION MEMBERS

Planning Consultant, Donna Krips said that the City is moving forward with adopting the Zoning Ordinance.

Commissioner Kindle announced that the SBA, Money Smart educational program will be taking place at Harper Woods High School the week of April 18th.

Commissioner Barnes commented on how concerned he is about the number of vacant homes in his neighborhood.

PC 02-04-08

ADJOURNMENT

MOTION by Patterson, SUPPORTED by Wagner:
That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:30 p.m.

ABSENT: Reed.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
APRIL 23, 2008

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Commissioner(s) John Bruneel, David A. Kien, Valerie J. Kindle (7:06 p.m.), Shanna R. Reed, Margaret Wagner (7:40 p.m.) and Mark Zink.

ABSENT: Commissioner Douglas A. Barnes.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 04-05-08

EXCUSE COMMISSIONER

MOTION by Bruneel, SUPPORTED by Patterson:

To excuse Commissioner Douglas A. Barnes from tonight's meeting because of a prior commitment.

ABSENT: Barnes, Kindle and Wagner.

MOTION CARRIED

PC 04-06-08

MINUTES

MOTION by Zink, SUPPORTED by Patterson:

To receive, approve and file the minutes of the regular Planning Commission meeting held February 27, 2008.

ABSENT: Barnes, Kindle and Wagner.

MOTION CARRIED

Commissioner Valerie J. Kindle arrived at 7:06 p.m.

PC 04-07-08 SITE PLAN REVIEW - EXTERIOR
RENOVATIONS - 19550 - 19570 KELLY ROAD

MOTION by Bruneel, SUPPORTED by Zink:

To receive and file the site plan dated March 10, 2008, as submitted by Etchen, Gumma Limited, 24300 Southfield Road, Southfield, Michigan 48075, on behalf of Deyaa Dickow, owner of the properties at 19550 - 19570 Kelly Road, for the proposed facade changes, and furthermore, receive and file the Architectural and Site Design Review letter dated April 15, 2008, from Donna J. Krips, Senior Zoning Administrator of McKenna Associates, Inc.. Lastly, waive the awning requirements as required in Section 10.136 A (10) in consideration of the overall design and impact on the facade, and approve of the site plan subject to the following condition:

- 1) That all signage meet the requirements of Chapter 21 of the Sign Ordinance.

ABSENT: Barnes and Wagner.

MOTION CARRIED

Architect Ed Etchen and owner Deyaa Dickow were present to review the site plan and answer any questions.

COMMITTEE REPORTS

_____ None.

HEARING OF THE PUBLIC

_____ None.

DISCUSSION BY COMMISSION MEMBERS

Planning Consultant Donna Krips updated the Commissioners on some new legislative changes to both the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act, and discussed how these changes will impact the Planning Commission.

Commissioner Bruneel commented on the Kelly Road Plaza development saying that the city has waited a long time for the owners on Kelly to renovate their stores, so he is very pleased with this

project.

Commissioner Kien announced that the Little League Parade and Opening Day is this Saturday, with the parade starting on Beaconsfield at 11 a.m. He also announced that there will be a parachute drop by a U.S. Navy Seal Team at Harper Woods High School at 2 p.m. on Thursday.

Commissioner Kindle announced that the Chicago Federal Reserve will be sponsoring a number of "Money Smart" seminars throughout the region this week in an effort to educate the public on various aspects of money management. She added that there will be a first ever seminar at Harper Woods High School on Thursday at 6:00 p.m. on how to own and operate a small business.

Commissioner Wagner apologized for being late, saying that she couldn't get away from watching the high school girl's soccer team win their first game ever. She then announced that Tyrone will be having their Tin Can Auction on Friday at the High School, and that the School Board election is May 6th.

Commissioner Reed announced that the Beautification Commission will be having their Annual Plant Exchange on May 17th from 9-11 a.m. in front of City Hall and urged the Commissioners to attend. She also announced that the Beatification Commission will be taking nominations for the first time to recognize a business in the community, and urged the Commissioners to nominate a worthy business.

PC 04-08-08

ADJOURNMENT

MOTION by Bruneel, SUPPORTED by Patterson:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:55 p.m.

ABSENT: Barnes.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
SEPTEMBER 24, 2008

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson,
Commissioner(s) Douglas A. Barnes, John Bruneel, David A. Kien,
Valerie J. Kindle, Shanna R. Reed, Margaret Wagner and Mark Zink.

ABSENT: None.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 09-09-08

MINUTES

MOTION by Wagner, SUPPORTED by Patterson:
To receive, approve and file the minutes of the regular Planning Commission meeting held
April 23, 2008.

MOTION CARRIED UNANIMOUSLY

PC 09-10-08

REVISED BY-LAWS - MPEA P.A. 33

MOTION by Bruneel, SUPPORTED by Zink:
To amend the By-Laws to conform with the Michigan Planning Enabling Act, Act 33 of 2008.
(See Attachment #1)

MOTION CARRIED UNANIMOUSLY

The Planning Consultant along with the Commissioners reviewed and discussed the impact that
the Michigan Planning Enabling Act, Act 33 of 2008, will have on the Planning Commission.

COMMITTEE REPORTS

None.

HEARING OF THE PUBLIC

None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Bruneel announced that the Lion's Club will be holding their annual pasta dinner on Wednesday, October 15th from 4 p.m. to 8 p.m., with tickets just \$5 and proceeds going to the community.

Commissioner Zink commented on some of the recent exterior changes that have been made to Eastland Center, saying that he thought these were supposed to come before the Commission for approval. (The City Clerk said that he would ask the Building Inspector about it and report back.)

Commissioner Wagner announced that the Harper Woods Band Boosters will be hosting the annual Band-O-Rama this Sunday starting at 11:30 a.m. at the old Notre Dame football field.

PC 09-11-08

ADJOURNMENT

MOTION by Patterson, SUPPORTED by Barnes:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:45 p.m.

MOTION CARRIED UNANIMOUSLY

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

**CITY OF HARPER WOODS
PLANNING COMMISSION
BYLAWS**

City of Harper Woods, Michigan

**As adopted
June 1997**

**Reviewed and Reaffirmed
March 22, 2000**

**Reviewed and Reaffirmed
September 24, 2008**

**ARTICLE I
GENERAL STATUTES, ORDINANCES,
AND RULES OF PROCEDURE**

The Planning Commission of the City of Harper Woods, Michigan, hereinafter referred to as " the Commission," has been created by Chapter 19 of the Harper Woods Code of Ordinances, pursuant to Act 285 of the Public Acts of 1931, and shall be governed by all of the following statutes, ordinances, and rules:

**ARTICLE I
GENERAL STATUTES, ORDINANCES,
AND RULES OF PROCEDURE**

The Planning Commission of the City of Harper Woods, Michigan, hereinafter referred to as " the Commission," has been created by Chapter 19 of the Harper Woods Code of Ordinances, pursuant to Act 285 of the Public Acts of 1931, and shall be governed by all of the following statutes, ordinances, and rules:

1.1 APPLICABLE STATE STATUTES AND LOCAL ORDINANCES AND RULES

- a. State statutes applying generally to public Commissions, Commission members and officials, including:

Michigan Public Act of 1976, No. 267, as amended (the Open Meetings Act)

Michigan Public Act of 1976, No. 442, as amended (the Freedom of Information Act)

- b. State statutes relating to activities of the Planning Commission including:

Michigan Public Act of 2008, No. 33 as amended (the Michigan Planning Enabling Act)

Michigan Public Act of 2008, No. 110 as amended (Michigan Zoning Enabling Act)

Michigan Public Act of 1943, No. 222, as amended (Certification of City and Village Plats)

- c. Code of Ordinances, City of Harper Woods, Michigan, adopted July 20, 1981, as amended.

- d. The Harper Woods Zoning Ordinance.
- e. The rules of the Commission, as set forth herein.

1.2 RULES OF THE COMMISSION TO BE AVAILABLE TO PUBLIC

The official copy of the Bylaws of the Commission shall be kept current by the Recording Secretary for the Commission, and shall be made available to the public, upon request, at the office of the Recording Secretary.

1.3 LOCATION OF COMMISSION OFFICE

The office of the Commission is located at City Hall, 19617 Harper Avenue, Harper Woods, Michigan, 48225. All communications to the Commission shall be addressed to its Chairperson through the City Clerk located at the above address.

ARTICLE II COMMISSION POWERS AND MEMBERSHIP

2.1 POWERS OF THE COMMISSION

The Commission shall have all and only such powers as are delegated to it by state enabling legislation, by Section 4.12 of the City Charter, and by the Zoning Ordinance and shall exercise such powers only in the manner, for the purposes, and in accordance with the procedures set forth therein.

2.2 NUMBER OF MEMBERS; APPOINTMENT; TERMS; PROCEDURE FOR REMOVAL; PROCEDURE FOR FILLING VACANCIES; AND TERMS OF MEMBERS APPOINTED TO FILL VACANCIES

The number of members, the method of appointments, qualifications, terms, compensation, procedure for removal, procedure for filling vacancies, and terms of members appointed to fill vacancies shall be as provided in Section 5.1 of the City Charter and Chapter 19, Code of Ordinances.

2.3 CAUSES FOR REMOVAL FROM COMMISSION

Causes for removal of members from the Commission by the City Council shall include malfeasance, misfeasance and nonfeasance (wrongdoing, misconduct, and failure to perform a duty) generally, and removal shall be in accordance with Section 5.1 of the City Charter and Section 15 (9) of the Michigan Planning Enabling Act (Michigan Public Act 33 of 2008, as amended).

2.4 RESIGNATIONS AND VACATION OF OFFICE

If feasible, a member wishing to resign shall give written notice of intent to the City Council and Chairperson, in such a manner as to allow time for appointment of a replacement.

When a member dies or resigns, the Chairperson shall promptly indicate to the City Council that a vacancy exists. When a member becomes unable to perform the duties of office permanently or for what appears to be a protracted period, or moves from the jurisdiction, or becomes no longer qualified for office for any other reason, and fails to resign, the Chairperson shall notify the City Council of such relevant facts and request that appropriate investigation and action be taken in accordance with Section 15(1) of the Michigan Planning Enabling Act (Michigan Public Act 33 of 2008, as amended)

2.5 ANNUAL BUDGET

The Commission may annually prepare a proposed budget. Such budget shall address all expected expenditures and contracts necessary for the performance of the Commission's duties, including estimates of funds needed for professional planning assistance, expenses incurred by Planning Commission in the course of normal planning assignments and other overhead costs of the commission's work. Budget preparation shall commence at the regular Commission meeting in May of each year and shall be completed by the regular August meeting. The budget shall be submitted to the City Manager for information for the preparation of the City's annual operating budget.

ARTICLE III OFFICERS, COMMITTEES, EMPLOYEES, DUTIES

3.1 ELECTION AND TENURE OF CHAIRPERSON, VICE CHAIRPERSON, SECRETARY

- A. Election. At the first regular meeting in January of each year, the Commission shall elect from its membership a Chairperson, Vice Chairperson, and Secretary following nominations from the floor. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. The Chairperson, Vice Chairperson, and Secretary currently serving are eligible for re-election.
- B. Tenure. The Chairperson, Vice Chairperson, and Secretary shall take office at the meeting at which their election occurred, and shall hold office for a term of one year.

3.2 SUCCESSION OF OFFICE

Vacancies in offices shall be filled immediately by the election procedure specified in Section 3.1 A, above, of the next regular meeting following the creation of the vacancies or in the case of resignation, acceptance of the resignation by the City Council.

3.3 DUTIES OF CHAIRPERSON, VICE CHAIRPERSON, SECRETARY; APPOINTMENT OF TEMPORARY CHAIRPERSON TO PRESIDE AT MEETINGS

- A. Presiding at Meetings. The Chairperson shall preside at all meetings and hearings of the Planning Commission. If the Chairperson is absent or unable to preside, the Vice Chairperson shall preside. If both are absent or unable to preside, the remaining members present shall appoint a temporary Chairperson to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order and may, at any time, change the order of business at his discretion, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

- B. Other Responsibilities and Duties of Chairperson; Delegation to Vice Chairperson. The Chairperson shall have further duties and responsibilities, as indicated below. He or she may delegate any or all duties to the Vice Chairperson as necessary to ensure that Commission functions are performed in a timely manner. The Vice Chairperson shall perform all duties so delegated, and in the case of absence or incapacity of the Chairperson, on approval by majority of the Commission, shall perform any or all duties of the Chairperson, whether or not delegated.

- 1) Managerial Responsibilities. The Chairperson shall direct the official business of the Commission, request needed legal or staff assistance, and perform other duties as may be ordered by the Commission.
- 2) Appointment of Committees. The Chairperson shall appoint such committees as may be found necessary for the proper conduct of business and as provided for in Section 3.5.
- 3) Reporting to the Commission. The Chairperson shall report to the Commission on any transactions which have not otherwise come to the attention of the Commission. The Chairperson shall also make or cause to be made any reports concerning the affairs of the Commission required or requested by the City Manager, Mayor, or City Council.

3.4 DUTIES OF THE SECRETARY

- A. Holder of Office. The elected Secretary shall designate the City Clerk, or other City employee designated and authorized by the City Clerk, as the Recording Secretary to the Planning Commission.

- B. Duties. The Recording Secretary is the officer responsible for maintaining the records of the Commission and shall, with the assistance from staff or consultants, attend to all correspondence of the Commission; prepare, send out, and/or cause to be published all notices required; maintain the Commission records and minutes of meetings; maintain a list of all standing and special committees in existence; and generally perform or supervise all clerical work of the Commission. The Secretary shall also perform the following duties, with assistance from staff or consultants:
- 1) Agenda. The Secretary shall prepare an agenda prior to each meeting, giving the order of business and showing the exact order of what is necessary to come before the Commission as specified in Section 6.7. Each Commission member shall receive a copy of the agenda prior to the meeting.
 - 2) Maintain Official Minutes. The Secretary shall maintain the official minutes of all Commission meetings. The minutes shall record the Commission's proceedings, showing attendance and absences and indicate whether the absences were excused or unexcused by the Chairperson, any disqualified members, the record of proceedings and all official actions, and the vote of each member voting on every question. The minutes of the Commission shall be a public record, kept in the office of the City Clerk.
 - 3) Rules of Procedure. The Secretary shall maintain a book for the Planning Commission Rules of Procedure which shall be kept current. All amendments shall refer to the date and page of the minutes where recorded.

3.5 COMMITTEES

- A. Establishment. The Chairperson shall determine the title, job description, and number of members of all committees and shall make all appointments thereto.
- B. Appointment and Tenure. The Chairperson shall appoint committee members for a term of no more than one (1) year. members currently serving on committees may be reappointed.
- C. Vacancies. Vacancies shall be filled by appointment by the Chairperson.
- D. Standing Committees. Standing committees consisting of no more than three (3) members may be appointed for specific purposes or to address specific on-going issues. The Commission shall establish the following committees:
- 1) Ordinance
- E. Special Committees. Special committees may be appointed by the Chairperson for purposes and terms which the Commission approves.

3.6 PLANNING CONSULTANT

Whenever appropriate, the Planning Commission shall seek professional planning counsel from the City's Planning Consultant, consistent with the City's current contract with the Planning Consultant and consistent with the City's administrative procedures.

3.7 LEGAL COUNSEL

Whenever necessary, the Planning Commission shall seek legal advice from the City Attorney or other designated special counsel on matters under its jurisdiction. Advice of counsel shall be received and entered in the record before a decision on any question or matter requiring legal interpretation or advice.

ARTICLE IV CONDUCT OF COMMISSION MEMBERS AND STAFF

4.1 REPRESENTATION OF APPLICANTS

No member of the Commission shall represent applicants on matters on which the Commission is to make determinations.

4.2 CONFLICT OF INTEREST

No member of the Commission shall participate in any case in which he/she has financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he/she has any other conflict of interest as defined by applicable law. No member of the staff or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence decisions of the Commission in any case in which the staff member or agency has similar interest.

As soon as any Commission member, staff member, or any agency serving the Commission, becomes aware of a potential conflict of interest in any case to come before the Commission, he/she shall notify the Chairperson or acting Chairperson. Where the Chairperson finds that conflict exists or could exist, the Chairperson shall excuse or disqualify the Commission member, staff member, or agency from acting in the case and cause the Secretary to enter the circumstances in the record.

Where the Chairperson or acting Chairperson has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, he/she shall seek advice from legal counsel to the Commission. If counsel advises that, a conflict appears to exist based on circumstances reported and applicable law, the Chairperson shall proceed to excuse or disqualify as provided above.

4.3 IMPROPER INFLUENCE - GROUNDS FOR DISQUALIFICATION

A member may disqualify himself or herself from voting whenever any applicant, or his/her agent, has sought to influence the vote of the member outside of a public meeting.

ARTICLE V APPLICATIONS

5.1 APPLICATIONS

All requests requiring Commission consideration or approval shall be filed with the Building Inspector in accordance with procedures and requirements set forth in the Zoning Ordinance. In the absence of specific requirements in the Zoning Ordinance, all such requests shall be submitted to the City at least fifteen (15) days prior to the meeting, and shall contain the following information at a minimum: names and addresses of applicant and property owner, identification of the specific parcels of land (if applicable), detailed information concerning circumstances of the case and action requested, the date of filing, and other information deemed necessary by the Planning Commission to make an informed decision.

5.2 DEFICIENCIES IN INFORMATION

The Commission may require such surveys, plans or other information necessary for proper evaluation or consideration of a matter. When applications are submitted, they shall be examined by the Building Inspector for completeness and accuracy, and to determine

whether all information necessary to make an informed decision has been supplied. Where information is lacking or inadequate at time of submission and the deficiency cannot be remedied immediately, the Commission shall table the matter until such time as the required information has been furnished.

5.3 PLACEMENT OF APPLICATIONS ON THE AGENDA

Completed applications shall be considered at the next available meeting date and may be decided at the same meeting, at another regular meeting of the Commission, or at a special meeting.

Items shall be placed on the agenda generally according to the date and time the completed application has been received, although the Secretary may change the order of the agenda for the purposes of efficiency and expediency or convenience of the public.

5.4 PUBLIC HEARINGS

Where a public hearing is required by the Zoning Ordinance and/or state enabling legislation, the Commission shall cause notice of the public hearing to be issued. The timing and

manner of publication of public notice for such public hearing items shall be as provided in the Zoning Ordinance and state enabling legislation.

ARTICLE VI MEETINGS

6.1 REGULAR MEETINGS

Regular meetings of the Commission shall normally be held at 7:00 p.m. in City Hall, on the fourth Wednesday of the month or in accordance with the annual calendar adopted by the Commission, provided that such meetings are held and proper notice is given in compliance with the Open Meetings Act.

6.2 SPECIAL MEETINGS

Special meetings for any purpose may be held at the call of the Chairperson, or upon request of two (2) or more members of the Commission. At least 48 hours written notice of the time and place of any special meeting shall be given by the Secretary in accordance with the Open Meetings Act.

6.3 RECESS OR ADJOURNMENT

Any regular or special meeting may be recessed or adjourned from time to time, day to day, or to the time of any previously announced regular or special meeting. If such recess or adjournment to a specific time and place is for less than a 36 hour period, additional public notice shall not be required. If there is cause to change the specified time or place, however, the required provisions for public notice shall be met.

6.4 CANCELLATION

If no business is scheduled or if there are insufficient members to achieve quorum, a meeting may be canceled by the Chairperson by giving notice to all members at least 18 hours before the time set for such meeting.

6.5 QUORUM

A simple majority (five) of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a simple majority of the Commission members in attendance at such meeting where a quorum is present, except for the adoption or amendment of the City's Master Plan, or any portion thereof, which shall require a minimum of six (6) affirmative votes.

6.6 PUBLIC MEETINGS OF THE COMMISSION; NOTICE; OTHER ACTIVITIES OF THE COMMISSION; SCHEDULE

All meetings of the Commission involving official action shall be held in accordance with the Open Meetings Act (Act 267 of 1976, as amended).

6.7 AGENDA, ORDER OF BUSINESS

The Secretary shall prepare an agenda for each Commission meeting. Order of business shall be as follows:

- a. Call to order
- b. Roll call, with recording of members present and absent and indications as to whether absences are excused or unexcused with consent of the Chairperson.
- c. Action on minutes of previous meeting(s).
- d. Routine business
- e. Tabled and pending items.
- f. New business.
- g. Committee reports.
- h. Hearing of the public.
- i. Discussion by Commission members.
- j. Adjournment.

Tabled and continued items shall be given priority over new items except where the Chairperson finds that circumstances of the tabled item require a different order, in which event he/she may change the order so as to conclude the tabled item as soon as is reasonably possible.

ARTICLE VII PROCEDURES AT PUBLIC HEARINGS

7.1 APPLICANT REPRESENTATION

At public hearings, any applicant or person may appear or be represented by authorized agents. Such agents shall, upon request, present evidence of their authorization to act on behalf of the applicant or other person. If the applicant or authorized agent is not present

at a meeting, the Planning Commission may refuse to hear or take action on the case unless required.

7.2 CONDUCT DURING MEETINGS

The Chairperson, Commission members, or staff may direct any questions to the applicant or any person from the audience, to bring out pertinent facts. The Chairperson or Commission members may call for pertinent facts from the staff, or make appropriate comments pertinent to the case. No Commission member should debate or argue with persons in the audience.

7.3 ORDER FOR PRESENTING INDIVIDUAL CASES

The Chairperson shall recognize individuals presenting information and comments on individual cases. If a group of individuals wish to speak on the same item, the Chairperson may require that a spokesman for the group be chosen to represent the group. All comments shall be directed to the Chairperson.

The Secretary shall distribute written rules of procedure for public hearings to the members of the audience.

The general order for presenting comments shall be as follows:

- a. The Chairperson introduces and describes the nature of the case. At the discretion of the Chairperson, the Secretary may be requested to specify the issue to be decided, the commission's options for actions, the criteria established upon which the decision is based, and any other pertinent information.
- b. The Planning Consultant presents a detailed report.
- c. The applicant presents his/her proposal, responds to staff comment and provides any additional information.
- d. The Commission asks questions and discusses the proposal publicly.
- e. The Chairperson opens the meeting to public testimony and public comments.
- f. The Chairperson closes public testimony and the Commission asks additional questions and discusses the proposal further. Additional information may be solicited from Planning Consultant, applicant, and public.
- g. A Commission members offers a motion; another member supports the motion.
- h. The motion as discussed and voted upon. If the motion fails, another motion is offered.

ARTICLE VIII RECORDS OF COMMISSION DECISIONS

All decisions of the Commission shall be recorded in the Commission minutes. Such minutes shall show the basis for the determination, with a summary of the information introduced, and the findings made by the Commission. The minutes shall also record all those speaking before the Commission on an individual case.

A draft of proposed minutes shall be transmitted to each Commission member in advance of the meeting at which they are to be considered for approval. Following approval, as submitted or as amended, the minutes shall be filed in the official minutes book by the Secretary.

ARTICLE IX WITHDRAWAL OF APPLICATIONS AND TABLING CONSIDERATION

9.1 WITHDRAWAL OF APPLICATION

On written request from the applicant or authorized agent, an application may be withdrawn at any time before the Commission makes its decision in the case, except that a verbal request may be made at the scheduled public meeting.

9.2 TABLING CONSIDERATION

On its own motion, or on approval of requests by applicants or their authorized agent, the Commission may table consideration of cases. Unless the time and place when the case will be reconsidered is stated in the motion to table, new public notice shall be required, with fees paid by the applicants.

ARTICLE X AMENDING OR WAIVING RULES

10.1 AMENDING RULES

These rules may be amended by a majority of the entire Commission membership except where such amendment would be contrary to requirements or limitations set by state law, the City Code of Ordinances, or the Zoning Ordinance. An amendment may be proposed at any regular meeting of the Commission, and shall not be acted upon until the following regular meeting.

10.2 WAIVING OR SUSPENDING RULES

A rule of procedure may be suspended or waived at any meeting by unanimous vote of Commission members present unless such rule is set by state legislation, the City Code of Ordinances, or the Zoning Ordinance.

ARTICLE XI SEVERABILITY

These Bylaws and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of these Rules, which shall remain in full force and effect.

ARTICLE XII ADOPTION AND REPEAL

These Bylaws shall become effectively immediately upon adoption by the Planning Commission of the City of Harper Woods, and all previous rules of procedure, shall be repealed.

These rules were adopted by the Harper Woods Planning Commission on the 24th day of September, 2008, and shall take effect immediately.

Gregory A. Vargo
Chairperson

Mickey D. Todd
Secretary

CITY OF HARPER WOODS
PLANNING COMMISSION
DECEMBER 17, 2008

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Commissioner(s) David A. Kien, Valerie J. Kindle, Shanna R. Reed, Margaret Wagner and Mark Zink.

ABSENT: Vice-Chair Neil M. Patterson, Douglas A. Barnes and John Bruneel.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 12-12-08

EXCUSE COMMISSIONERS

MOTION by Zink, SUPPORTED by Kindle:

To excuse Commissioner(s) Neil M. Patterson, Douglas A. Barnes and John Bruneel from tonight's meeting because of prior commitments.

ABSENT: Barnes, Bruneel and Patterson.

MOTION CARRIED

PC 12-13-08

MINUTES

MOTION by Kindle, SUPPORTED by Reed:

To receive, approve and file the minutes of the regular Planning Commission meeting held September 24, 2008.

ABSENT: Barnes, Bruneel and Patterson.

MOTION CARRIED

ABSENT: Barnes, Bruneel and Patterson.

MOTION CARRIED

Gregory Vargo, Chairman

Mickey D. Todd, City Clerk

CITY OF HARPER WOODS
PLANNING COMMISSION
MAY 27, 2009

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Commissioner(s) John Bruneel, , David A. Kien Valerie J. Kindle, Shanna R. Reed, Margaret Wagner and Mark Zink.

ABSENT: Commissioner (s) Douglas A. Barnes and Neil M. Patterson.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 01-01 -09

EXCUSE COMMISSIONERS

MOTION by Bruneel, SUPPORTED by Wagner:

To excuse Commissioner(s) Douglas A. Barnes and Neil M. Patterson from tonight's meeting because of prior commitments.

ABSENT: Barnes and Patterson.

MOTION CARRIED

PC 01-02-09

MINUTES

MOTION by Wagner, SUPPORTED by Kindle:

To receive, approve and file the minutes of the regular Planning Commission meeting held December 17, 2008, and note that the Commission has not met since then.

ABSENT: Barnes and Patterson.

MOTION CARRIED

PC 01-03-09

2008 ANNUAL REPORT

MOTION by Zink, SUPPORTED by Bruneel:

To receive and file the 2008 Annual Report on the Planning Commission's Activities, and in accordance with P.A. 33 of 2008, forward a copy of said report to City Council. (Attachment #1)

ABSENT: Barnes and Patterson.

MOTION CARRIED

PC 01-04-09

ELECTION OF CHAIR - VICE-CHAIR - SECRETARY

MOTION by Bruneel, SUPPORTED by Kien:

To re-elect Commissioner Gregory Vargo as Chair, Commissioner Neil Patterson as Vice-Chair and Valerie J. Kindle as Secretary for 2009.

ABSENT: Barnes and Patterson.

MOTION CARRIED

COMMITTEE REPORTS

Chairman Vargo re-appointed Commissioner Bruneel to the Ordinance Committee for 2009.

HEARING OF THE PUBLIC

None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Kien commented on Eastland Center filing a new tax assessment appeal with the State Tax Tribunal.

Commissioner Reed commented on the feeder roads to Eastland Center saying that the pot holes are really bad and need to be repaired. (The City Clerk said that the City Manager has sent letters to Eastland Center requesting that the pot holes be filled in.)

Commissioner Bruneel commented on how nice the City's Memorial Day Service was.

Commissioner Kindle advised the Commissioners that she is serving on a City Council sub-committee, which is considering a request to hold a City wide garage sale. She added that it looks like the garage sale may happen in late September.

Commissioner Zink congratulated the City administration for taking advantage of grant monies to re-pave north bound Harper.

Planning Consultant Donna Krips advised the Commissioners that the City may be eligible for Federal Stimulus funds to upgrade the windows at City Hall, and that McKenna Associates can help with filing the grant application.

PC 01-05-09

ADJOURNMENT

MOTION by Reed, SUPPORTED by Zink:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:30 p.m.

ABSENT: Barnes and Patterson.

MOTION CARRIED

Gregory Vargo, Chairman

Valerie J. Kindle, Secretary

CITY OF HARPER WOODS
PLANNING COMMISSION
JUNE 24, 2009

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Secretary Valerie J. Kindle (7:10 p.m.), Commissioner(s) Douglas A. Barnes, John Bruneel, David A. Kien, Shanna R. Reed, Margaret Wagner and Mark Zink.

ABSENT: None.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant John Jackson.

PC 06-06-09

MINUTES

MOTION by Wagner, SUPPORTED by Kien:

To receive, approve and file the minutes of the regular Planning Commission meeting held May 27, 2009.

ABSENT: Kindle.

MOTION CARRIED

Commissioner Kindle arrived at 7:10 p.m.

PC 06-07-09

BY-LAW REVISIONS ADOPTED

MOTION by Bruneel, SUPPORTED by Patterson:

To adopt the revised By-Laws as shown in Attachment #1.

MOTION CARRIED UNANIMOUSLY

COMMITTEE REPORTS

_____None.

HEARING OF THE PUBLIC

_____None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Barnes commented on the poor condition of the ingress roads to Eastland Center.

Commissioner Wagner commented on how she shops less at Eastland Center because of the poor maintenance.

Commissioner Reed suggested that the Commission invite a representative from Eastland Center to come to a meeting and discuss their future plans.

Commissioner Kindle commented on tomorrow's sub-committee meeting where representatives from City Council and community members will be discussing alternatives to having a community wide garage sale as a means of getting to know your neighbors. She then commented in general about how Harper Woods does not receive its share of resources from the County, and how our representatives need to work to change this fact. Lastly, she said that she understands that money is now available to cities to hire kids for summer employment under a Summer Youth Program.

Commissioner Zink commented on a recent vacation he took to Washington D.C. and complimented Congresswoman Kilpatrick's staff for assisting him in obtaining passes to visit government sites.

PC 06-08-09

ADJOURNMENT

MOTION by Zink, SUPPORTED by Kindle:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:30 p.m.

MOTION CARRIED UNANIMOUSLY

Gregory Vargo, Chairman

Valerie J. Kindle, Secretary

ATTACHMENT #1

**CITY OF HARPER WOODS
PLANNING COMMISSION
BYLAWS**

City of Harper Woods, Michigan

**As adopted
June 1997**

**Reviewed and Reaffirmed
March 22, 2000**

**Reviewed and Reaffirmed
September 24, 2008**

**Reviewed and Reaffirmed
June 24, 2009**

**ARTICLE I
GENERAL STATUTES, ORDINANCES,
AND RULES OF PROCEDURE**

The Planning Commission of the City of Harper Woods, Michigan, hereinafter referred to as " the Commission," has been created by Chapter 19 of the Harper Woods Code of Ordinances, pursuant to Act 285 of the Public Acts of 1931, and shall be governed by all of the following statutes, ordinances, and rules:

**ARTICLE I
GENERAL STATUTES, ORDINANCES,
AND RULES OF PROCEDURE**

The Planning Commission of the City of Harper Woods, Michigan, hereinafter referred to as " the Commission," has been created by Chapter 19 of the Harper Woods Code of Ordinances, pursuant to Act 285 of the Public Acts of 1931, and shall be governed by all of the following statutes, ordinances, and rules:

1.1 APPLICABLE STATE STATUTES AND LOCAL ORDINANCES AND RULES

- a. State statutes applying generally to public Commissions, Commission members and officials, including:

Michigan Public Act of 1976, No. 267, as amended (the Open Meetings Act)

Michigan Public Act of 1976, No. 442, as amended (the Freedom of Information Act)

- b. State statutes relating to activities of the Planning Commission including:

Michigan Public Act of 2008, No. 33 as amended (the Michigan Planning Enabling Act)

Michigan Public Act of 2008, No. 110 as amended (Michigan Zoning Enabling Act)

Michigan Public Act of 1943, No. 222, as amended (Certification of City and Village Plats)

- c. Code of Ordinances, City of Harper Woods, Michigan, adopted July 20, 1981, as amended.
- d. The Harper Woods Zoning Ordinance.
- e. The rules of the Commission, as set forth herein.

1.2 RULES OF THE COMMISSION TO BE AVAILABLE TO PUBLIC

The official copy of the Bylaws of the Commission shall be kept current by the Recording Secretary for the Commission, and shall be made available to the public, upon request, at the office of the Recording Secretary.

1.3 LOCATION OF COMMISSION OFFICE

The office of the Commission is located at City Hall, 19617 Harper Avenue, Harper Woods, Michigan, 48225. All communications to the Commission shall be addressed to its Chairperson through the City Clerk located at the above address.

ARTICLE II COMMISSION POWERS AND MEMBERSHIP

2.1 POWERS OF THE COMMISSION

The Commission shall have all and only such powers as are delegated to it by state enabling legislation, by Section 4.12 of the City Charter, and by the Zoning Ordinance and shall exercise such powers only in the manner, for the purposes, and in accordance with the procedures set forth therein.

2.2 NUMBER OF MEMBERS; APPOINTMENT; TERMS; PROCEDURE FOR REMOVAL; PROCEDURE FOR FILLING VACANCIES; AND TERMS OF MEMBERS APPOINTED TO FILL VACANCIES

The number of members, the method of appointments, qualifications, terms, compensation, procedure for removal, procedure for filling vacancies, and terms of members appointed to fill vacancies shall be as provided in Section 5.1 of the City Charter and Chapter 19, Code of Ordinances.

2.3 CAUSES FOR REMOVAL FROM COMMISSION

Causes for removal of members from the Commission by the City Council shall include malfeasance, misfeasance and nonfeasance (wrongdoing, misconduct, and failure to perform a duty) generally, and removal shall be in accordance with Section 5.1 of the City Charter and Section 15 (9) of the Michigan Planning Enabling Act (Michigan Public Act 33 of 2008, as amended).

2.4 RESIGNATIONS AND VACATION OF OFFICE

If feasible, a member wishing to resign shall give written notice of intent to the City Council and Chairperson, in such a manner as to allow time for appointment of a replacement.

When a member dies or resigns, the Chairperson shall promptly indicate to the City Council that a vacancy exists. When a member becomes unable to perform the duties of office permanently or for what appears to be a protracted period, or moves from the jurisdiction, or becomes no longer qualified for office for any other reason, and fails to resign, the Chairperson shall notify the City Council of such relevant facts and request that appropriate investigation and action be taken in accordance with Section 15(1) of the Michigan Planning Enabling Act (Michigan Public Act 33 of 2008, as amended)

2.5 ANNUAL BUDGET

The Commission may annually prepare a proposed budget. Such budget shall address all expected expenditures and contracts necessary for the performance of the Commission's duties, including estimates of funds needed for professional planning assistance, expenses incurred by Planning Commission in the course of normal planning assignments and other overhead costs of the commission's work. Budget preparation shall commence at the regular Commission meeting in May of each year and shall be completed by the regular August meeting. The budget shall be submitted to the City Manager for information for the preparation of the City's annual operating budget.

**ARTICLE III
OFFICERS, COMMITTEES, EMPLOYEES, DUTIES**

3.1 ELECTION AND TENURE OF CHAIRPERSON, VICE CHAIRPERSON, SECRETARY

A. Election. At the first regular meeting in January of each year, the Commission shall elect from its membership a Chairperson, Vice Chairperson, and Secretary following nominations from the floor. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. The

Chairperson, Vice Chairperson, and Secretary currently serving are eligible for re-election.

- B. Tenure. The Chairperson, Vice Chairperson, and Secretary shall take office at the meeting at which their election occurred, and shall hold office for a term of one year.

3.2 SUCCESSION OF OFFICE

Vacancies in offices shall be filled immediately by the election procedure specified in Section 3.1 A, above, of the next regular meeting following the creation of the vacancies or in the case of resignation, acceptance of the resignation by the City Council.

3.3 DUTIES OF CHAIRPERSON, VICE CHAIRPERSON, SECRETARY; APPOINTMENT OF TEMPORARY CHAIRPERSON TO PRESIDE AT MEETINGS

- A. Presiding at Meetings. The Chairperson shall preside at all meetings and hearings of the Planning Commission. If the Chairperson is absent or unable to preside, the Vice Chairperson shall preside. If both are absent or unable to preside, the remaining members present shall appoint a temporary Chairperson to preside.

In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order and may, at any time, change the order of business at his discretion, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The presiding officer shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

- B. Other Responsibilities and Duties of Chairperson; Delegation to Vice Chairperson. The Chairperson shall have further duties and responsibilities, as indicated below. He or she may delegate any or all duties to the Vice Chairperson as necessary to ensure that Commission functions are performed in a timely manner. The Vice Chairperson shall perform all duties so delegated, and in the case of absence or incapacity of the Chairperson, on approval by majority of the Commission, shall perform any or all duties of the Chairperson, whether or not delegated.
 - 1) Managerial Responsibilities. The Chairperson shall direct the official business of the Commission, request needed legal or staff assistance, and perform other duties as may be ordered by the Commission.
 - 2) Appointment of Committees. The Chairperson shall appoint such committees as may be found necessary for the proper conduct of business and as provided for in Section 3.5.

- 3) Reporting to the Commission. The Chairperson shall report to the Commission on any transactions which have not otherwise come to the attention of the Commission. The Chairperson shall also make or cause to be made any reports concerning the affairs of the Commission required or requested by the City Manager, Mayor, or City Council.

3.4 DUTIES OF THE SECRETARY

- A. Holder of Office. The elected Secretary shall designate the City Clerk, or other City employee designated and authorized by the City Clerk, as the Recording Secretary to the Planning Commission.
- B. Duties. The Recording Secretary is the officer responsible for maintaining the records of the Commission and shall, with the assistance from staff or consultants, attend to all correspondence of the Commission; prepare, send out, and/or cause to be published all notices required; maintain the Commission records and minutes of meetings; maintain a list of all standing and special committees in existence; and generally perform or supervise all clerical work of the Commission. The Secretary shall also perform the following duties, with assistance from staff or consultants:
 - 1) Agenda. The Secretary shall prepare an agenda prior to each meeting, giving the order of business and showing the exact order of what is necessary to come before the Commission as specified in Section 6.7. Each Commission member shall receive a copy of the agenda prior to the meeting.
 - 2) Maintain Official Minutes. The Secretary shall maintain the official minutes of all Commission meetings. The minutes shall record the Commission's proceedings, showing attendance and absences and indicate whether the absences were excused or unexcused by the Chairperson, any disqualified members, the record of proceedings and all official actions, and the vote of each member voting on every question. The minutes of the Commission shall be a public record, kept in the office of the City Clerk.
 - 3) Rules of Procedure. The Secretary shall maintain a book for the Planning Commission Rules of Procedure which shall be kept current. All amendments shall refer to the date and page of the minutes where recorded.

3.5 COMMITTEES

- A. Establishment. The Chairperson shall determine the title, job description, and number of members of all committees and shall make all appointments thereto.

- B. Appointment and Tenure. The Chairperson shall appoint committee members for a term of no more than one (1) year. members currently serving on committees may be reappointed.
- C. Vacancies. Vacancies shall be filled by appointment by the Chairperson.
- D. Standing Committees. Standing committees consisting of no more than three (3) members may be appointed for specific purposes or to address specific on-going issues. The Commission shall establish the following committees:
 - 1) Ordinance
- E. Special Committees. Special committees may be appointed by the Chairperson for purposes and terms which the Commission approves.

3.6 PLANNING CONSULTANT

Whenever appropriate, the Planning Commission shall seek professional planning counsel from the City’s Planning Consultant, consistent with the City’s current contract with the Planning Consultant and consistent with the City’s administrative procedures.

3.7 LEGAL COUNSEL

Whenever necessary, the Planning Commission shall seek legal advice from the City Attorney or other designated special counsel on matters under its jurisdiction. Advice of counsel shall be received and entered in the record before a decision on any question or matter requiring legal interpretation or advice.

**ARTICLE IV
CONDUCT OF COMMISSION MEMBERS AND STAFF**

4.1 REPRESENTATION OF APPLICANTS

No member of the Commission shall represent applicants on matters on which the Commission is to make determinations.

4.2 CONFLICT OF INTEREST

No member of the Commission shall participate in any case in which he/she has financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he/she has any other conflict of interest as defined by applicable

law. No member of the staff or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence decisions of the Commission in any case in which the staff member or agency has similar interest.

As soon as any Commission member, staff member, or any agency serving the Commission, becomes aware of a potential conflict of interest in any case to come before the Commission, he/she shall notify the Chairperson or acting Chairperson. Where the Chairperson finds that conflict exists or could exist, the Chairperson shall excuse or disqualify the Commission member, staff member, or agency from acting in the case and cause the Secretary to enter the circumstances in the record.

Where the Chairperson or acting Chairperson has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, he/she shall seek advice from legal counsel to the Commission. If counsel advises that, a conflict appears to exist based on circumstances reported and applicable law, the Chairperson shall proceed to excuse or disqualify as provided above.

4.3 IMPROPER INFLUENCE - GROUNDS FOR DISQUALIFICATION

A member may disqualify himself or herself from voting whenever any applicant, or his/her agent, has sought to influence the vote of the member outside of a public meeting.

ARTICLE V APPLICATIONS

5.1 APPLICATIONS

All requests requiring Commission consideration or approval shall be filed with the Building Inspector in accordance with procedures and requirements set forth in the Zoning Ordinance. In the absence of specific requirements in the Zoning Ordinance, all such requests shall be submitted to the City at least fifteen (15) days prior to the meeting, and shall contain the following information at a minimum: names and addresses of applicant and property owner, identification of the specific parcels of land (if applicable), detailed information concerning circumstances of the case and action requested, the date of filing, and other information deemed necessary by the Planning Commission to make an informed decision.

5.2 DEFICIENCIES IN INFORMATION

The Commission may require such surveys, plans or other information necessary for proper evaluation or consideration of a matter. When applications are submitted, they shall be examined by the Building Inspector for completeness and accuracy, and to determine

whether all information necessary to make an informed decision has been supplied. Where information is lacking or inadequate at time of submission and the deficiency cannot be remedied immediately, the Commission shall table the matter until such time as the required information has been furnished.

5.3 PLACEMENT OF APPLICATIONS ON THE AGENDA

Completed applications shall be considered at the next available meeting date and may be decided at the same meeting, at another regular meeting of the Commission, or at a special meeting.

Items shall be placed on the agenda generally according to the date and time the completed application has been received, although the Secretary may change the order of the agenda for the purposes of efficiency and expediency or convenience of the public.

5.4 PUBLIC HEARINGS

Where a public hearing is required by the Zoning Ordinance and/or state enabling legislation, the Commission shall cause notice of the public hearing to be issued. The timing and manner of publication of public notice for such public hearing items shall be as provided in the Zoning Ordinance and state enabling legislation.

ARTICLE VI MEETINGS

6.1 REGULAR MEETINGS

Regular meetings of the Commission shall normally be held at 7:00 p.m. in City Hall, on the fourth Wednesday of the month or in accordance with the annual calendar adopted by the Commission, provided that such meetings are held and proper notice is given in compliance with the Open Meetings Act.

6.2 SPECIAL MEETINGS

Special meetings for any purpose may be held at the call of the Chairperson, or upon request of two (2) or more members of the Commission. At least 48 hours written notice of the time and place of any special meeting shall be given by the Secretary in accordance with the Open Meetings Act.

6.3 RECESS OR ADJOURNMENT

Any regular or special meeting may be recessed or adjourned from time to time, day to day, or to the time of any previously announced regular or special meeting. If such recess or adjournment to a specific time and place is for less than a 36 hour period, additional public notice shall not be required. If there is cause to change the specified time or place, however, the required provisions for public notice shall be met.

6.4 CANCELLATION

If no business is scheduled or if there are insufficient members to achieve quorum, a meeting may be canceled by the Chairperson by giving notice to all members at least 18 hours before the time set for such meeting.

6.5 QUORUM

A simple majority (five) of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a simple majority of the Commission members in attendance at such meeting where a quorum is present, except for the adoption or amendment of the City's Master Plan, or any portion thereof, which shall require a minimum of six (6) affirmative votes.

6.6 PUBLIC MEETINGS OF THE COMMISSION; NOTICE; OTHER ACTIVITIES OF THE COMMISSION; SCHEDULE

All meetings of the Commission involving official action shall be held in accordance with the Open Meetings Act (Act 267 of 1976, as amended).

6.7 AGENDA, ORDER OF BUSINESS

The Secretary shall prepare an agenda for each Commission meeting. Order of business shall be as follows:

- a. Call to order
- b. Roll call, with recording of members present and absent and indications as to whether absences are excused or unexcused with consent of the Chairperson.
- c. Action on minutes of previous meeting(s).
- d. Routine business
- e. Tabled and pending items.

- f. New business.
- g. Committee reports.
- h. Hearing of the public.
- I. Discussion by Commission members.
- j. Adjournment.

Tabled and continued items shall be given priority over new items except where the Chairperson finds that circumstances of the tabled item require a different order, in which event he/she may change the order so as to conclude the tabled item as soon as is reasonably possible.

ARTICLE VII PROCEDURES AT PUBLIC HEARINGS

7.1 APPLICANT REPRESENTATION

At public hearings, any applicant or person may appear or be represented by authorized agents. Such agents shall, upon request, present evidence of their authorization to act on behalf of the applicant or other person. If the applicant or authorized agent is not present at a meeting, the Planning Commission may refuse to hear or take action on the case unless required.

7.2 CONDUCT DURING MEETINGS

The Chairperson, Commission members, or staff may direct any questions to the applicant or any person from the audience, to bring out pertinent facts. The Chairperson or Commission members may call for pertinent facts from the staff, or make appropriate comments pertinent to the case. No Commission member should debate or argue with persons in the audience.

7.3 ORDER FOR PRESENTING INDIVIDUAL CASES

The Chairperson shall recognize individuals presenting information and comments on individual cases. If a group of individuals wish to speak on the same item, the Chairperson may require that a spokesman for the group be chosen to represent the group. All comments shall be directed to the Chairperson.

The Secretary shall distribute written rules of procedure for public hearings to the members of the audience.

The general order for presenting comments shall be as follows:

- a. The Chairperson introduces and describes the nature of the case. At the discretion of the Chairperson, the Secretary may be requested to specify the issue to be decided, the commission's options for actions, the criteria established upon which the decision is based, and any other pertinent information.
- b. The Planning Consultant presents a detailed report.
- c. The applicant presents his/her proposal, responds to staff comment and provides any additional information.
- d. The Commission asks questions and discusses the proposal publicly.
- e. The Chairperson opens the meeting to public testimony and public comments.
- f. The Chairperson closes public testimony and the Commission asks additional questions and discusses the proposal further. Additional information may be solicited from Planning Consultant, applicant, and public.
- g. A Commission members offers a motion; another member supports the motion.
- h. The motion as discussed and voted upon. If the motion fails, another motion is offered.

ARTICLE VIII RECORDS OF COMMISSION DECISIONS

All decisions of the Commission shall be recorded in the Commission minutes. Such minutes shall show the basis for the determination, with a summary of the information introduced, and the findings made by the Commission. The minutes shall also record all those speaking before the Commission on an individual case.

A draft of proposed minutes shall be transmitted to each Commission member in advance of the meeting at which they are to be considered for approval. Following approval, as submitted or as amended, the minutes shall be filed in the official minutes book by the Secretary.

**ARTICLE IX
WITHDRAWAL OF APPLICATIONS
AND TABLING CONSIDERATION**

9.1 WITHDRAWAL OF APPLICATION

On written request from the applicant or authorized agent, an application may be withdrawn at any time before the Commission makes its decision in the case, except that a verbal request may be made at the scheduled public meeting.

9.2 TABLING CONSIDERATION

On its own motion, or on approval of requests by applicants or their authorized agent, the Commission may table consideration of cases. Unless the time and place when the case will be reconsidered is stated in the motion to table, new public notice shall be required, with fees paid by the applicants.

**ARTICLE X
AMENDING OR WAIVING RULES**

10.1 AMENDING RULES

These rules may be amended by a majority of the entire Commission membership except where such amendment would be contrary to requirements or limitations set by state law, the City Code of Ordinances, or the Zoning Ordinance. An amendment may be proposed at any regular meeting of the Commission, and shall not be acted upon until the following regular meeting.

10.2 WAIVING OR SUSPENDING RULES

A rule of procedure may be suspended or waived at any meeting by unanimous vote of Commission members present unless such rule is set by state legislation, the City Code of Ordinances, or the Zoning Ordinance.

**ARTICLE XI
SEVERABILITY**

These Bylaws and each of the various parts, sections, sub-sections, provisions, sentences and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of these Rules, which shall remain in full force and effect.

ARTICLE XII
ADOPTION AND REPEAL

These Bylaws shall become effectively immediately upon adoption by the Planning Commission of the City of Harper Woods, and all previous rules of procedure, shall be repealed.

These rules were adopted by the Harper Woods Planning Commission on the 24th day of September, 132008, and shall take effect immediately.

Gregory A. Vargo
Chairperson

Valerie J. Kindle
Secretary

CITY OF HARPER WOODS
PLANNING COMMISSION
AUGUST 26, 2009

MEETING MINUTES

The regular meeting of the Planning Commission was called to order by Chairperson Gregory Vargo at 7:00 p.m.

ROLL CALL

PRESENT: Chairperson Gregory Vargo, Vice-Chair Neil M. Patterson, Secretary Valerie J. Kindle, Commissioner(s) Douglas A. Barnes, John Bruneel and Mark Zink.

ABSENT: Commissioner(s) David A. Kien, Shanna R. Reed and Margaret Wagner.

OTHERS PRESENT: City Clerk Mickey D. Todd and Planning Consultant Donna J. Krips.

PC 08-09-09

EXCUSE COMMISSIONER

MOTION by Bruneel, SUPPORTED by Kindle:
To excuse Commissioner(s) David A. Kien, Shanna R. Reed and Margaret Wagner from tonight's meeting because of prior commitments.

ABSENT: Kien, Reed and Wagner.

MOTION CARRIED

PC 08-10-09

MINUTES

MOTION by Patterson, SUPPORTED by Bruneel:
To receive, approve and file the minutes of the regular Planning Commission meeting held June 24, 2009.

ABSENT: Kien, Reed and Wagner.

MOTION CARRIED

PC 08-11-09 REQUEST LOT SPLIT - 20488 AND 20504 DANBURY
LANE - LOT 13 OF DANBURY PARK SUBDIVISION

MOTION by Patterson, SUPPORTED by Bruneel:

To receive and file the following items: 1) the Special Land Use Application from Eugene D. Wright of 20504 Danbury Lane, requesting a lot split for Lot 13 of the Danbury Park Subdivision; 2) the property description of said lots 12 and 13 along with the accompanying certified survey as submitted by David White Land Surveying, PLLC of Waterford, Michigan, Job # 090701; and 3) the letter dated August 4, 2009, from McKenna Associates, Inc., (City Planner) reviewing the requested lot split, and furthermore, recommend to the City Council, as required in Section 10-133 of the City's Zoning Ordinance, that the lot split as requested be approved. (Attachment #1)

ABSENT: Kien, Reed and Wagner.

MOTION CARRIED

Mr. Eugene Wright, petitioner, and the adjoining property owner, Mr. Raymond Weber were present to explain the request and answer any questions.

COMMITTEE REPORTS

_____None.

HEARING OF THE PUBLIC

_____None.

DISCUSSION BY COMMISSION MEMBERS

Commissioner Bruneel announced that the Lion's Club will be having their Annual Pasta Dinner on October 21, at the Community Center from 4 p.m - 8 p.m. He also commented on a recent article in the Planning Commissioner Journal regarding the "The Nine Circles of Planning Commission Hell," saying that he found it very interesting and suggested the article to the other Commissioners.

Commissioner Zink announced that Harper Woods High School will be playing their first game on the new field September 4th, and encouraged everyone to attend and support the school.

PC 08-12-09

ADJOURNMENT

MOTION by Barnes, SUPPORTED by Kindle:

That the agenda of the regular Planning Commission meeting having been acted upon, the meeting is hereby adjourned at 7:19 p.m.

ABSENT: Kien, Reed and Wagner.

MOTION CARRIED

Gregory Vargo, Chairman

Valerie J. Kindle, Secretary

