

**CITY OF ESCANABA
PLANNING COMMISSION
Official Minutes – Thursday, December 14, 2023**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Thursday, December 14, 2023 at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Chair Hellermann called the meeting to order at 6:00 PM.

ATTENDANCE

Membership:

Chair James Hellermann..... Present	Commr. Kasja Nelson Present
Secretary Roy Webber Present	Commr. Christiana Reynolds..... Present
Commr. Patrick Connor Present	Commr. Mark Sadowski..... Present
Commr. Michael Harris Present	

With seven in attendance, a quorum of the Planning Commission was present.

City Administration:

- Tyler Anthony, Planning & Zoning Admin
- Brianna Ecklid, Confidential Secretary
- Ronald Beauchamp, City Council Liaison

Others:

One other unnamed individual was present.

MINUTES

Harris moved to approve the November 9, 2023 regular meeting minutes as proposed. Connor seconded.

A voice vote was taken. MOTION PASSED.

AGENDA

Anthony asked that NB4(f) be added to the agenda. This was meant as an informational update on the chicken and duck ordinance that went to City Council at the December 7 meeting.

Webber moved to add NB4(f) and approve the agenda. Harris seconded.

A voice vote was taken. MOTION PASSED.

CONFLICT OF INTEREST DECLARATIONS

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS**NB1: Election of Officers – Chair, Secretary**

Anthony read from the agenda, stating that the Commission's Chair and Secretary were to be elected at that meeting. He explained that, since the bylaws did not describe a method of nomination and voting, the Commission was to follow some such methods as described in *Robert's Rules of Order Newly Revised*.

Hellermann announced that he planned to end his tenure on the Commission at the end of his term in June 2024. He explained that his personal life and business were becoming rather busy. He added that he would keep his office until the end of his term if the Commission re-elected him as Chair, but he wished to see other Commissioners be nominated instead. Connor asked Hellermann to make a nomination for the office since he was the one vacating it. Hellerman asked if anyone was interested. After a pause, Connor said he would be happy to take the position.

Chair Hellermann called for nominations to the office of Chair.

Hellermann nominated Connor for Chair.

No further nominations were made.

A voice election was held. CONNOR WAS ELECTED AS CHAIR.

Chair Hellermann called for nominations to the office of Secretary.

Harris nominated Webber for Secretary.

No further nominations were made.

A voice election was held. WEBBER WAS ELECTED AS SECRETARY.

NB2: Delta County Planning Commission Liaison (DCPC) Committee

Anthony gave a short background on the DCPC Committee, and copies of the Committee's minutes and a draft letter was handed out to Commissioners. An extra copy of this material was also made available to the audience. Hellermann asked for some time to read over the material. After a few moments, Anthony asked if he could read the draft letter while the Commissioners read through the material. All Commissioners agreed, and Anthony read the draft letter. Afterwards, Nelson noted that the Delta County Planning Commission's December meeting was canceled. Anthony added that no notice of cancellation was posted on the County's website, and that he was surprised to hear of it. Nelson explained that they had emailed the announcement to her privately.

Hellermann asked Connor if he was comfortable with the letter as presented; Connor noted that he was. Harris questioned where in the Delta County Planning Commission's bylaws did it states that they must allow a liaison to speak. A discussion ensued around the wording of the bylaws and what they meant. Nelson said that her experience varied greatly from Connor's as, not only was she allowed to speak, but she was encouraged to do so.

As they were referenced in the DCPC Committee's meeting minutes, Anthony listed the intended recipients of the letter. They were the Delta County Planning Commission, with copies of the letter being sent to the Delta County Board of Commissioners, to the Delta County Prosecutor's Office, and to the Daily Press for printing in the newspaper. Harris expressed that, while he did

not agree with the Delta County Planning Commission's actions, he wondered if a softer approach could be found; this letter could be seen as a “declaration of war”. Hellermann noted the same concerns. Connor, speaking as the DCPC Committee’s chair, worried that the Delta County Planning Commission could sweep the issue under the rug if no public announcement of these issues was made. Hellermann assured Connor that the Commission would not allow that to happen, regardless of the approach they took.

Beauchamp spoke to the Commission. He expressed appreciation for the hard work done on the draft letter. He also noted that the draft letter should be reviewed by the City Manager and City Attorney before acting any further. Beauchamp was concerned that the accusations of OMA violations could cause some legal issues, and that the letter should be approved by both of those parties before its release.

The Commission then discussed how to best approach the letter and its release. They wanted to make sure that it was done properly and timely, without liability issues.

Harris moved to strike all language in the draft letter related to the cancelled December 4 meeting, and to forward the draft letter to the City Manager and City Attorney before acting any further. Webber seconded.

A voice vote was taken. MOTION PASSED.

NB3: Master Plan Content Review (MPCR) Committee

Harris spoke on the MPCR Committee and its findings, and then described the checklist used to review the then-current Master Plan. While the Master Plan was full of information and was a great resource for Escanaba’s history, it did not provide much of an actual plan. Further, the Master Plan did not fulfill many of the statutory requirements of such a document. He noted that Anthony was investigating better ways of doing the next Master Plan. Hellermann explained that CUUPAD helped to create the Master Plan, and that both he and Connor were on the Commission during that process. He had voted “no” on the motion to approve the Master Plan at that time, as he felt that it did not work as presented. Anthony explained that staff was working on Master Plan revision RFP, and that there were some available grant opportunities coming up.

NB4: General Updates

a. Delta County Planning Commission Report

No report could be made; the December meeting was cancelled.

b. 2024 CIP Advisory Committee

No progress as Anthony had a hard time getting a quorum together for this committee. Both Nelson and Sadowski noted that they did not see the email sent to them for this committee and apologized, asking Anthony to send it again. Sadowski asked if they were to meet twice a month, and if the meetings could be scheduled for after 3:30 pm since both he and Reynolds worked during the day.

c. Form-Based Code Institute

Anthony reported that their contact was working on a Scope of Work, and it was expected to arrive in early January.

d. Zoning Board of Appeals Report

Anthony reported that a special meeting was scheduled for December 15. However, that meeting was cancelled by the applicant since they resolved the issue beforehand.

e. Permits/Processes Report

Commissioners reviewed the reports. Nothing else was reported, and no questions were asked.

f. Zoning Text Amendment – Chickens and Ducks

Anthony reported that the City Council did not act on the ordinance, thereby appearing to kill it. He noted that the City Council did not follow proper procedures in their review of the amendment. At the first reading on December 7, it was neither sent to a public hearing, nor was it denied. He asked the Commission what they wanted to do with the amendment. Connor asked if it was still able to be voted on at this point, and the Commission discussed this at length. Hellermann asked if staff and the City Manager was aware of this problem of ambiguity. Anthony noted that such discussion was held, but that it came to no conclusion.

Hellermann moved to send the proposed amendment back to City Council and recommend that it be brought to a public hearing. Sadowski seconded.

A roll call vote was taken with the following results:

Yes: Hellermann, Reynolds, Sadowski, Nelson

No: Harris, Webber, Connor

MOTION PASSED.

NB5: Training Updates

Webber announced that he had finished 4.25 hours of training and read an email which he sent to staff on this training. Nelson noted that she had done 1.5 hours of training.

GENERAL PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENT & ANNOUNCEMENTS

Sadowski asked how the Master Plan and form-based codes work with each other. Connor and Hellermann explained that the Master Plan served a general guide for the whole community. In contrast, form-based codes acted as an area-specific tool to enact parts of the Master Plan.

Hellermann expressed disappointment over the City Council's handling of the proposed chickens and ducks ordinance. He felt that as a community board, it was their job to follow the will of the people, not their own desires.

Hellermann wished everyone a Merry Christmas and a Happy New Year.

ADJOURNMENT

Hellermann moved to adjourn the meeting. Webber seconded.

A voice vote was taken. MOTION PASSED.

The meeting adjourned at 7:00 PM.

EXHIBITS TO THESE MINUTES

- A. DCPC Committee Meeting Minutes – November 22, 2023
- B. Draft Letter to the Delta County Planning Commission – December 7, 2023
- C. Draft Letter to the Delta County Planning Commission – December 13, 2023

APPROVAL

I, Roy Webber, Secretary of the City of Escanaba Planning Commission, hereby certify that the foregoing constitutes the true and complete proposed minutes of a meeting of the Planning Commission of the City of Escanaba, County of Delta, State of Michigan, held on 14 December 2023; that I have reviewed said proposed minutes; and that said proposed minutes shall be made publicly available.

REVIEWED:

Reviewed on: 12-20-23

Roy Webber

Available on: 12/20/2023 TA

Roy Webber, Secretary
City of Escanaba Planning Commission

~~I, James Hellermann, Chair of the City of Escanaba Planning Commission, hereby certify that the foregoing proposed minutes are now approved; that these approved minutes shall be made publicly available; and that all the foregoing was/is made/given/kept in accordance with the Open Meetings Act (MCL 15.261 et seq.), the Michigan Planning Enabling Act (MCL 125.3801 et seq.), the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), said City's Code of Ordinances, and said Commission's Bylaws.~~

APPROVED:

Approved on: 1/11/2023 TA

Patrick Connor

Available on: 1/12/2023 TA

~~James Hellermann, Chair
City of Escanaba Planning Commission~~

Patrick Connor

**CITY OF ESCANABA
 PLANNING COMMISSION
 Delta County Planning Commission Liaison Committee
 Official Minutes – Wednesday, November 22, 2023**

MEETING CALLED TO ORDER

A meeting of the Delta County Planning Commission (County Commission) Liaison Committee, an ad-hoc committee of the Escanaba Planning Commission, was held on Wednesday, November 22, 2023 at 10:00 AM in Room C212 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Anthony called the meeting to order at 10:07 AM.

ATTENDANCE

Membership:

Secretary Roy Webber..... Present	Tyler Anthony..... Present
Commr. Patrick Connor..... Present	

With three in attendance, a quorum of the County Commission Liaison Committee was present.

City Administration:

- Brianna Ecklid, Confidential Secretary

AGENDA

Anthony moved to approve the meeting agenda as presented.

Webber seconded.

A voice vote was taken. MOTION PASSED.

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

NB1: Election of Chair

Anthony noted that, per the Planning Commission Bylaws, the Committee needed to elect officers. Since Webber already served as the Commission’s Secretary, he was automatically the Secretary of the Committee. The only other officer remaining was that of the Chair.

Anthony moved to nominate and elect Connor as Chair of the County Commission Liaison Committee. Webber seconded.

A voice vote was taken. MOTION PASSED.

NB2: Drafting of Open Letter to the Delta County Planning Commission

Anthony presented a “General Affidavit” to Connor, which was a written statement that Connor had previously sent to Anthony (see Exhibit “A” to these minutes). This was meant to certify his experiences before moving on with the letter. Connor reviewed the statement, found it to be correct, and signed it. After that, Ecklid notarized the document.

City of Escanaba Planning Commission
Delta County Planning Commission Liaison Committee

Official Minutes – November 22, 2023

The Committee discussed when the County Commission's Bylaws had last been changed. As provided to Anthony by that Commission's staff, the latest Bylaws were adopted in March 2021 (see Exhibit "B" to these minutes), with the previous Bylaws dating to January 2015 (see Exhibit "C" to these minutes). Connor reported that, at the County Commission's October 2, 2023 meeting, County Commission Chair John Denholm approached and told Connor not to speak or participate in their meetings, and that this was according to their current Bylaws. Connor asked Denholm when that became a rule, since liaisons were supposed to engage in discussion with the County Commission. Denholm told Connor that the Bylaws had been changed in "May or June". Connor expressed his shock from this revelation. Anthony asked if he was given any evidence of this change. Connor did not, but he did note that Denholm vaguely indicated something in a reference book he was holding. Connor also noted that Commr. John Malnar seemed to conduct the meeting, rather than Denholm, the Chair.

Connor felt to have been censured due to comments he had made at a Delta County Board of Commissioners (County Board) meeting on May 16, 2023. [Note: At that time, Connor spoke as a private citizen, and he had not yet been appointed to the Planning Commission.] He explained that the meeting had gotten heated, that he had no idea that there would be repercussions for speaking up, and that he felt to have been blacklisted by the County in general. Anthony and Webber agreed that he was seemingly being targeted for his comments. Connor expressed suspicion over how long it took for the County Commission to release their draft minutes from that October meeting. Anthony noted that a public body, such as the County Commission, needed to make draft minutes available within eight days of the meeting per the Open Meetings Act. He added that they took at least 16 days to release the draft minutes, another eight days beyond the limit. He further added that the November 6 draft minutes were still not available as of this meeting, again eight days beyond the limit and counting.

The Committee then discussed an apparent double standard. After Connor resigned as County Commission liaison, fellow Commr. Kasja Nelson was appointed to that position. They found it strange that Nelson had a warm welcome from the County Commission at their November 6 meeting, which she did report at the Planning Commission's November 9 meeting, where he did not. Connor also expressed frustration over being refused a copy of the Delta County Master Plan (see Exhibit "A" to these minutes for details). [Note: The Delta County Master Plan is freely available for download on the County's website.]

Discussion on how they wished to submit the draft letter ensued. The Committee agreed to have Anthony type an outline during this meeting and create a first draft, which the Committee would then review. The letter was then planned to request an apology from the County Commission to Connor for the bad treatment he was given. The letter was also planned to include a list of all violations of State statues, local ordinances, and the County Commission's Bylaws. Finally, it was to be addressed to the County Board and the County Prosecutor, and to be published in the newspaper. In terms of violations, the Committee decided to include only the violations that had clear evidence, avoiding any which were suspected but were without clear evidence.

Anthony read over the letter's outline and asked if the information was correct – the Committee agreed that it was. He told the Committee that he would share a draft letter for approval before the Planning Commission's next meeting.

MEMBER COMMENT & ANNOUNCEMENTS

None.

City of Escanaba Planning Commission
Delta County Planning Commission Liaison Committee

Official Minutes – November 22, 2023

ADJOURNMENT

A motion was made by Connor to adjourn the meeting. Webber seconded.

A voice vote was taken. MOTION PASSED.

The meeting adjourned at 10:50 AM.

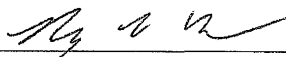
EXHIBITS TO THESE MINUTES

- A. General Affidavit – Patrick Connor’s Statement
- B. By-Laws and Rules of Procedure of the Planning Commission of Delta County (Adopted March 2, 2021)
- C. By-Laws and Rules of Procedure of the Planning Commission of Delta County (Adopted January 5, 2015)

APPROVAL

I, Roy Webber, Secretary of the City of Escanaba Planning Commission’s Delta County Planning Commission Liaison Committee, hereby certify that the foregoing constitutes a draft of the true and complete minutes of a meeting of said committee of the Planning Commission of the City of Escanaba, County of Delta, State of Michigan, held on 22 November 2023; and that I have reviewed said draft.

REVIEWED:




 Roy Webber, Secretary
 Delta County Planning Commission Liaison Committee
 City of Escanaba Planning Commission

Draft reviewed on: 11-28-2023

I, Patrick Connor, Chair of the City of Escanaba Planning Commission’s Delta County Planning Commission Liaison Committee, hereby certify that the foregoing draft of said true and complete minutes are approved; and that all the foregoing was/is made/given/kept in accordance with said Planning Commission’s Bylaws.

APPROVED:



 Patrick Connor, Chair
 Delta County Planning Commission Liaison Committee
 City of Escanaba Planning Commission

Final approved on: 12/4/2023

City of Escanaba Planning Commission
Delta County Planning Commission Liaison Committee

GENERAL AFFIDAVIT

STATE OF MICHIGAN)
) ss
COUNTY OF DELTA)

Before me, the undersigned Notary, Brianna J. Ecklid, on this #22 day of November, 2023, personally appeared Patrick Connor, known to me to be a credible person and of lawful age, who being duly sworn as a commissioner of the City of Escanaba Planning Commission upon his appointment thereto by the Escanaba City Council, on his oath, deposes and says:

On Oct. 2nd I attended the Delta County Planning Commission meeting as the official Liaison for the City of Escanaba. Within minutes of sitting, I was called over by John Denholm, the Chairman. John pointed to a new bylaw that said as a city liaison, I am not allowed to vote, comment, or even speak at their meetings. So, I sat there not saying a word for the entire meeting. The meeting went on as scheduled with no one recognizing my presence. I had stopped by Sandy Caron's office the week before to pick up a copy of their Master Plan ahead of meeting to make sure I was up to date on upcoming topics. I was told no copies were available. They were only for Delta County Planning Commissioners.

Patrick Connor

Patrick Connor
1111 Ludington Street
Escanaba, MI 49829

Subscribed and sworn to before me, this 22 day of November, 2023.

Notary Seal:

Brianna J. Ecklid

Brianna J. Ecklid
Notary Public, County of Delta
Acting in Delta County
State of Michigan
My commission expires January 19, 2029

Brianna J. Ecklid

My Commission Expires
January 19, 2029

BY-LAWS AND RULES OF PROCEDURE
OF THE
PLANNING COMMISSION OF DELTA COUNTY

We, the members of the Planning Commission of County of Delta, authorized by ordinance and duly appointed by the Delta County Board of Commissioners, do hereby adopt, publish and declare the following by-laws and rules of procedure.

ARTICLE I. NAME AND MAILING ADDRESS

- A. The official name shall be the "DELTA COUNTY PLANNING COMMISSION", herein referred to as "Planning Commission."
- B. The official mailing address of the Planning Commission shall be the same as the mailing address for the Delta County Zoning and Building Department

ARTICLE II. MEETINGS AND QUORUM

- A. Regular meetings of the Planning Commission shall be held at 5:30 at the Delta County courthouse, or such other place that the chair shall designate, on the first Monday of each month. A meeting may be canceled if there are no matters for the Planning Commission to consider. Special meetings of the Planning Commission may be held upon the call of the Chair, Vice-Chair, Secretary or at the request of a majority of the members of the Planning Commission. 7 days notice of any special meetings shall be given to each member of the Planning Commission.
- B. A majority of the total members of the Planning Commission shall constitute a quorum for the transaction of any business that may come before any regular or special meeting of the Planning Commission. No official action shall be taken without a quorum present.
- C. The sessions of the Planning Commission shall be open to the public and shall proceed in accordance with provisions of the Open Meetings Act 1976 PA 267, MCL 15.261 to 15.275.
- D. Only members of Planning Commission shall be given the floor to speak during any meeting except:
 - a. County officials who may speak with the consent of the majority of the Board members present.

- b. Any person who, with the consent of the majority of the Board members present, may be given permission to speak in an appropriate place on the agenda for the purpose of addressing the Commission.
- c. Any member of the public speaking at a meeting under the privilege of "Public Comment" or during a "Public Hearing" shall be limited by the following Board policy: Any individual wishing to address the Board will be allocated one three (3) minute period. The three minutes used by the individual are to make statements. There will be no question-and-answer session format.
- d. The Planning Commission may require a Public Hearing. The information shared at a Public Hearing will become part of the County's permanent record and may be used by the Planning Commission in forming its conclusions and make recommendations to the Delta County Board of Commissioners. Planning Commissioners will remain open-minded, objective, and impartial in considering testimony and forming a decision.

Public Hearing Process:

- i. The Planning Commission Chair will open the Public Hearing.
- ii. Administrative Staff presents pertinent information.
- iii. Applicant presents pertinent information.
- iv. Planning Commission Chair asks if any members of the public wish to speak about the petition. Those wishing to speak should provide their name and address for the meeting notes. The public may also provide written testimony. Respectful conduct is expected.
- v. After the public has spoken, the Planning Commission Chair will close the Public Hearing, after which public comments will no longer be accepted.
- vi. Commissioners will deliberate. Commissioners may ask more questions of staff or the applicant, consider the public testimony, or offer reasons they are considering reaching a decision. They evaluate the project based on criteria outlined in County codes. A motion to approve, deny, or continue is typically entertained. If the motion is seconded, a vote is taken.

ARTICLE III. MEMBERSHIP, ATTENDANCE, AND TRAINING

- A. Members of the Planning Commission are appointed by the Delta County Board of Commissioners pursuant to the Delta County Planning Commission Ordinance of February 5, 2019, as amended.
- B. Liaisons. The purpose of liaisons is to provide certain Delta County officials and quasi-officials the ability to participate in discussions with the Planning Commission, in addition to speaking in public participation. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements. Liaisons, if not already appointed Planning Commission members, are:
 - 1. Delta County Administrator.
 - 2. Delta County Zoning and Building Administrator.

3. City of Escanaba Planning Commission representative.
 4. City of Gladstone Planning Commission representative.
- C. Attendance. If any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Delta County Board of Commissioners to remove a member from the Planning Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Planning Commission Chair shall notify the Delta County Board of Commissioners whenever any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, for consideration of further action allowed under law or excuse the absences.
- D. Training. Each member shall put forth a concerted effort to attend at least four hours per year of training in planning and zoning during the member's current term of office.

ARTICLE IV. OFFICERS, ELECTIONS, AND TERMS

- A. The officers of the Planning Commission shall be a Chair, Vice-Chair, and Secretary. The officers shall be regularly appointed members of the Planning Commission.
- B. The Chair shall preside over the meetings of the Planning Commission and exercise all the powers usually incident of the office, retaining the full privileges of a Planning Commissioner. The Chair shall decide on all points of order and procedure, subject to these by-laws. The Chair shall appoint any committees found necessary to investigate any matters before the Planning Commission.
- C. The Vice-Chair shall, in the absence of the Chair, perform all the duties incumbent upon the Chair. In the absence of the Chair and Vice-Chair, the members present may elect for the meeting an acting Chair who shall have full powers of the Chair during the absence of the Chair and Vice-Chair.
- D. The Secretary shall execute, or delegate to the Administrator or Administrative Secretary execution of, documents in the name of the Planning Commission and shall perform such duties as the Planning Commission may determine.
- E. The Delta County Zoning and Building Administrator, hereafter referred to as the "Administrator" or his/her designee shall serve, ex officio without a vote, as the Administrator for the Planning Commission. The Administrator shall receive cases, with appropriate fee, to be put before the Planning Commission, prepare the agenda, organize relevant data and documents, and present cases to the Planning commission. The Administrator shall keep and maintain record of all meetings of the Planning Commission and its committees. These records shall remain the property of the Planning Commission and be retained by the office of the Delta County Zoning and Building Department.

- F. An administrative secretary may be appointed, with approval and reimbursed by the Delta County Board of Commissioners. The Administrative Secretary shall be responsible to take and prepare meeting minutes, take attendance, take roll call votes and other clerical duties the Planning Commission may request.
- G. The officers shall be elected at the first meeting of each calendar year and shall assume office immediately. The officers shall serve for a period of one year, serving until a successor has been elected and assumes office. All officers shall be eligible for re-election for 1 additional year. After serving 2 consecutive years in a particular officer position, the Commissioner will not be eligible for re-election to that particular officer position until a 1-year hiatus from the officer position.
- H. Vacancies in office shall be filled by special election.

ARTICLE V. VOTING

- A. Each regularly appointed member, including the Chair, shall be entitled to one vote on any matter that may come before the Planning Commission. Except on administrative or procedural matters, the record of the Planning Commission shall show the individual vote of each member.
- B. The approval of a comprehensive plan, or any amendment, extension or addition thereto, shall require the affirmative vote of not less than a majority of the total membership of the Planning Commission. Passage of other matters upon which the Planning Commission is authorized to act shall require the majority vote of the Planning Commissioners present in session at the time.
- C. Failure of a motion to approve any matter upon which the Planning Commission is authorized to act shall be deemed a denial. Failure of a motion to deny any matter upon which the Planning Commission is authorized to act shall not constitute approval.
- D. The Planning Commission shall include findings of fact supporting any action upon which it authorized to act. A clear description of conditions necessary to carry out the spirit and intent of any comprehensive plan or official control shall be included in the action. The Administrator shall submit to the Board of Commissioners, in writing, the recommendation of the Planning Commission no later than fourteen (14) calendar days following action by the Planning Commission. The transmittal to the Board of Commissioners shall include the motion and findings of fact considered by the Planning Commission.

ARTICLE VI. CONFLICT OF INTEREST

- A. Before engaging in a matter on which a Planning Commission member may have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission at a time during the meeting when the agenda allows such

declaration. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

- B. Conflict of interest shall be defined as by the State of Michigan Public Acts including but not limited to PA 96 2014 and PA 318 1968.
- C. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents' in-law, grandparent's in-law, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - i. an applicant or agent for an applicant, or
 - ii. has a direct interest in the outcome.
- D. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
- E. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
 - a. declares a conflict exists at the next meeting of the Commission or committee:
 - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
 - c. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
- F. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an

incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

ARTICLE VII. COMMITTEES

Committees may be established by the Chair or by affirmative vote of a majority of the membership of the Planning Commission. Standing or temporary committees of one or more members shall be charged with such duties of examination, investigation and inquiry relative to one or more subjects of interest to the Planning Commission, as the Chair may direct or the Planning Commission may by motion or resolution determine. No standing or temporary committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to the Planning Commission for consideration at a regular or special meeting.

ARTICLE VII. AMENDMENTS

The Planning Commission may amend these By-laws and Rules of Procedure by majority vote of the total membership at any regular or special meeting. A copy of the proposed amendments must be transmitted in writing to each member of the Planning Commission at least fourteen (14) calendar days in advance of the meeting at which action is scheduled.

Approved by Planning Commission March 1, 2021

Approved by County Board March 2, 2021

Adopted: March 2, 2021

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OF THE
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- B. A majority of the total members of the Planning Commission shall constitute a quorum for the transaction of any business that may come before any regular or special meeting of the Planning Commission. No official action shall be taken without a quorum present.
- C. The sessions of the Planning Commission shall be open to the public and shall proceed in accordance with provisions of the Open Meetings Act 1976 PA 267, MCL 15.261 to 15.275.
- D. Only members of Planning Commission shall be given the floor to speak during any meeting except:
 - a. County officials who may speak with the consent of the majority of the Board members present.

- b. Any person who, with the consent of the majority of the Board members present, may be given permission to speak in an appropriate place on the agenda for the purpose of addressing the Commission.**
 - c. Any member of the public speaking under the privilege of "Public Comment" or during a "Public Hearing" shall be limited by the following Board policy: Any individual wishing to address the Board will be allocated one three (3) minute period. The three minutes used by the individual are to make statements. There will be no question and answer session format. This will strictly be a statement type format. The Board may, upon majority agreement, waive these limits or set them aside.**
- E. Public comment shall be accepted on any agenda item near the beginning of the meeting. Public comment shall be accepted on any topic near the end of the meeting. ~~Public comment shall be limited to 3 minutes per person.~~

ARTICLE III. OFFICERS, ELECTIONS AND TERMS

- A. The officers of the Planning Commission shall be a Chair, Vice-Chair, and Secretary. The officers shall be regularly appointed members of the Planning Commission.
- B. The Chair shall preside over the meetings of the Planning Commission and exercise all the powers usually incident of the office, retaining the full privileges of a Planning Commissioner. The Chair shall decide on all points of order and procedure, subject to these by-laws. The Chair shall appoint any committees found necessary to investigate any matters before the Planning Commission.
- C. The Vice-Chair shall, in the absence of the Chair, perform all the duties incumbent upon the Chair. In the absence of the Chair and Vice-Chair, the members present may elect for the meeting an acting Chair who shall have full powers of the Chair during the absence of the Chair and Vice-Chair.
- D. The Secretary shall execute, or delegate to the Administrator or Administrative Secretary execution of, documents in the name of the Planning Commission and shall perform such duties as the Planning Commission may determine.
- E. The Delta County Zoning and Building Administrator or his/her designee shall serve, ex officio without a vote, as the Administrator for the Planning Commission. The Administrator shall receive cases, with appropriate fee, to be put before the Planning Commission, prepare the agenda, organize relevant data and documents, and present cases to the Planning commission. The Administrator shall keep and maintain record of all meetings of the Planning Commission and its committees. These records shall remain the property of the Planning Commission and be retained at the office of the Delta County Zoning and Building Department.

City of Escanaba Planning Commission
Delta County Planning Commission Liaison Committee

Official Minutes - November 22, 2023

Exhibit C

- F. An administrative secretary may be appointed, with approval and reimbursed by the Delta County Board of Commissioners. The Administrative Secretary shall be responsible to take and prepare meeting minutes, take attendance, take roll call votes and other clerical duties the Planning Commission may request.
- G. The officers shall be elected at the first meeting of each calendar year and shall assume office immediately. The officers shall serve for a period of one year, serving until a successor has been elected and assumes office. All officers shall be eligible for re-election for consecutive terms for the same office.
- H. Vacancies in office shall be filled by special election.

ARTICLE IV. VOTING

- A. Each regularly appointed member, including the Chair, shall be entitled to one vote on any matter that may come before the Planning Commission. Except on administrative or procedural matters, the record of the Planning Commission shall show the individual vote of each member.
- B. The approval of a comprehensive plan, or any amendment, extension or addition thereto, shall require the affirmative vote of not less than a majority of the total membership of the Planning Commission. Passage of other matters upon which the Planning Commission is authorized to act shall require the majority vote of the Planning Commissioners present in session at the time.
- C. Failure of a motion to approve any matter upon which the Planning Commission is authorized to act shall be deemed a denial. Failure of a motion to deny any matter upon which the Planning Commission is authorized to act shall not constitute approval.
- D. The Planning Commission shall include findings of fact supporting any action upon which it authorized to act. A clear description of conditions necessary to carry out the spirit and intent of any comprehensive plan or official control shall be included in the action. The Secretary shall submit to the Board of Commissioners, in writing, the recommendation of the Planning Commission not later than fourteen (14) calendar days following action by the Planning Commission. The transmittal to the Board of Commissioners shall include the motion and findings of fact considered by the Planning Commission.

ARTICLE VI. CONFLICT OF INTEREST

- A. Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.
- B. Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:
- a) An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child.
 - b) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
 - c) The planning commission member owns or has a financial interest in neighboring property.
 - d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

ARTICLE VII. COMMITTEES

Committees may be established by the Chair or by affirmative vote of a majority of the membership of the Planning Commission. Standing or temporary committees of one or more members shall be charged with such duties of examination, investigation and inquiry relative to one or more subjects of interest to the Planning Commission, as the Chair may direct or the Planning Commission may by motion or resolution determine. No standing or temporary committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to the Planning Commission for consideration at a regular or special meeting.

ARTICLE VII. AMENDMENTS

Planning Commission

Official Minutes - December 14, 2023

Exhibit A

City of Escanaba Planning Commission
Delta County Planning Commission Liaison Committee

Official Minutes - November 22, 2023

Exhibit C

The Planning Commission may amend these By-laws and Rules of Procedure by majority vote of the total membership at any regular or special meeting. A copy of the proposed amendments must be transmitted in writing to each member of the Planning Commission at least fourteen (14) calendar days in advance of the meeting at which action is scheduled.

Adopted: January 5, 2015

1 To the members of the Delta County Planning Commission,
2 We, the duly appointed members of the City of Escanaba
3 Planning Commission, write to you regarding an issue which
4 we find troubling.

5 One of our members, Commissioner Patrick Connor, served as
6 liaison to you until recently. Commr. Connor resigned from
7 his liaison position at our October 12, 2023 meeting, where
8 he reported a series of encounters with you and your staff
9 which appeared to be retaliatory in nature. Some of these
10 actions appear to have violated State statute, the Delta
11 County Planning Commission Ordinance, and your own Bylaws.

12 At the regular meeting on May 16, 2023, Patrick Connor
13 appeared before the Delta County Board of Commissioners and
14 spoke during the public comment period for agenda items.

15 Per the official minutes from that meeting, "[He] addressed
16 the Board with his concerns regarding annexation, recusing
17 a commissioner and the Planning Commission." He made
18 accusatory remarks against members of the Delta County
19 Board of Commissioners as a private citizen. To clarify,
20 Patrick Connor was not a member of the City of Escanaba
21 Planning Commission at that time, nor did he identify
22 himself as a current member of this body at that time.

23 The Escanaba City Council appointed Connor to the City of
24 Escanaba Planning Commission on June 15. On June 29, he
25 was appointed by motion as their liaison to the Delta

[Note: original draft 11-22-23, suggested revisions 11-30-
23, 12-7-23]

26 County Planning Commission. After that appointment, the
27 first and only Delta County Planning Commission meeting he
28 attended was the one held on October 2. At that meeting,
29 now-Commr. Connor was informed that he could not
30 participate in discussions with the Delta County Planning
31 Commission, nor could he speak in public participation -
32 despite his status as liaison from the City of Escanaba
33 Planning Commission. This was told to him by John Denholm,
34 your Chair, who claimed to cite your current Bylaws. When
35 pressed for details, Chair Denholm told Commr. Connor that
36 the Bylaws had been changed in "May or June". However, the
37 current Bylaws were adopted on March 2, 2021, and there is
38 no evidence of any newer version than that. These Bylaws
39 explicitly state that liaisons, including those from the
40 City of Escanaba Planning Commission, can indeed speak at
41 your meetings and participate in your discussions.
42 Further, Commr. Connor reported that your staff refused to
43 provide a copy of your master plan to him. He was told
44 both that there were no copies available, and that such
45 copies were only available to members of the Delta County
46 Planning Commission. This appears to conflict with the
47 Michigan Planning Enabling Act, which states that "[a]
48 planning commission shall consult with and advise public
49 officials ... concerning the promotion or implementation of
50 the master plan." Being that Commr. Connor asked for a

[Note: original draft 11-22-23, suggested revisions 11-30-23, 12-7-23]

51 copy of your master plan in his capacity as liaison, he was
52 disappointed to have been refused one. He believes that
53 all of these missteps were intentional, and that they were
54 because of his remarks at the Delta County Board of
55 Commissioners' May 16 meeting.

56 While investigating Commr. Connor's claims, it was found
57 necessary to secure copies of the proposed minutes of your
58 October 2 meeting. This was made difficult by the fact
59 that such proposed minutes were not available for a whole
60 18 days after the meeting. Per the Open Meetings Act, such
61 proposed minutes must be made available within 8 days of
62 the meeting at which they were taken. It is also worth
63 noting that your November 6 meeting's proposed minutes are
64 still unavailable at the time of writing, a full ~~16~~**31**
65 **[suggested revision 12-7-23]** days after the meeting.

66 As a result of our investigation, we find that you or your
67 staff have committed the following violations of State
68 statute, the Delta County Planning Commission Ordinance, and
69 your own Bylaws:

- 70 **1. Michigan Planning Enabling Act - MCL 123.3821(2):**
71 **Failed to conduct public meetings of the Planning**
72 **Commission in compliance with the Open Meetings Act**
73 **(Failed to make proposed minutes for two separate**
74 **meetings available within required time periods).**
75 **[Suggested revision 11-30-23]**

[Note: original draft 11-22-23, suggested revisions 11-30-23, 12-7-23]

76 **2. Michigan Planning Enabling Act - MCL 123.3821(3) :**
 77 **Failed to make available to the public a writing**
 78 **prepared, owned, used, in the possession of, or**
 79 **retained by the Planning Commission (Refused to**
 80 **provide the Delta County Master Plan to a person**
 81 **requesting a copy thereof) .**

82 **[Suggested revision 11-30-23]**

83 ~~1-3.~~ Michigan Planning Enabling Act - MCL 123.3851(2) :
 84 Failed to consult with and advise a public official
 85 concerning the promotion or implementation of the
 86 Master Plan (Refused to provide the Delta County
 87 Master Plan to Patrick Connor in his capacity as
 88 liaison from the City of Escanaba Planning
 89 Commission) .

90 ~~2-4.~~ Open Meetings Act - MCL 15.269(3) :
 91 Failed to make proposed minutes available within 8
 92 days of the actual meeting (October 2 draft minutes
 93 were made available after 18 days) .

94 ~~3-5.~~ Open Meetings Act - MCL 15.269(3) :
 95 Failed to make proposed minutes available within 8
 96 days of the actual meeting (November 6 draft minutes
 97 were still not available after ~~16-31~~ **[suggested**
 98 **revision 12-7-23]** days) .

99 **4-6.** Delta County Ordinance #2021-3 - Section 103:
 100 Failed to provide a qualified official the ability to

[Note: original draft 11-22-23, suggested revisions 11-30-23, 12-7-23]

101 participate in discussions with the Planning
102 Commission, in addition to speaking in public
103 participation, without having a vote (Prohibited
104 Patrick Connor from speaking or participating in
105 discussions with the Delta County Planning Commission
106 in his capacity as liaison from the City of Escanaba
107 Planning Commission).

108 ~~5-7.~~ Delta County Planning Commission Bylaws -

109 Article III, Paragraph B:

110 Failed to provide a liaison the ability to participate
111 in discussions with the Delta County Planning
112 Commission, in addition to speaking in public
113 participation (Prohibited Patrick Connor from speaking
114 or participating in discussions with the Delta County
115 Planning Commission in his capacity as liaison from
116 the City of Escanaba Planning Commission).

117 We strongly recommend that you strive to remedy these
118 issues going forward since, as a public body with powers
119 granted to you by this State and County, you should hold
120 yourselves to high standards of professional conduct.

121 Further, we ask that you issue a formal apology to Patrick
122 Connor who, while acting as a duly appointed member of the
123 City of Escanaba Planning Commission, was subjected to
124 mistreatment, possibly as a means of retaliation for
125 remarks he made as a private citizen against the Delta

[Note: original draft 11-22-23, suggested revisions 11-30-
23, 12-7-23]

- 126 County Board of Commissioners.
- 127 Signed by the members of the City of Escanaba Planning
- 128 Commission:
- 129 James Hellermann, Chair
- 130 Roy Webber, Secretary
- 131 Patrick Connor, Commissioner
- 132 Michael Harris, Commissioner
- 133 Kasja Nelson, Commissioner
- 134 Christiana Reynolds, Commissioner
- 135 Mark Sadowski, Commissioner

1 To the members of the Delta County Planning Commission,
2 We, the duly appointed members of the City of Escanaba Planning
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4 troubling.

5 One of our members, Commissioner Patrick Connor, served as
6 liaison to you until recently. Commr. Connor resigned from his
7 liaison position at our October 12, 2023 meeting, where he
8 reported a series of encounters with you and your staff which
9 appeared to be retaliatory in nature. Some of these actions
10 appear to have violated State statute, the Delta County Planning
11 Commission Ordinance, and your own Bylaws.

12 At the regular meeting on May 16, 2023, Patrick Connor appeared
13 before the Delta County Board of Commissioners and spoke during
14 the public comment period for agenda items. Per the official
15 minutes from that meeting, "[He] addressed the Board with his
16 concerns regarding annexation, recusing a commissioner and the
17 Planning Commission." He made accusatory remarks against
18 members of the Delta County Board of Commissioners as a private
19 citizen. To clarify, Patrick Connor was not a member of the
20 City of Escanaba Planning Commission at that time, nor did he
21 identify himself as a current member of this body at that time.
22 The Escanaba City Council appointed Connor to the City of
23 Escanaba Planning Commission on June 15. On June 29, he was
24 appointed by motion as their liaison to the Delta County
25 Planning Commission. After that appointment, the first and only

[Note: original draft 11-22-23, suggested revisions
11-30-23, 12-13-23]

26 Delta County Planning Commission meeting he attended was the one
27 held on October 2. At that meeting, now-Commr. Connor was
28 informed that he could not participate in discussions with the
29 Delta County Planning Commission, nor could he speak in public
30 participation - despite his status as liaison from the City of
31 Escanaba Planning Commission. This was told to him by John
32 Denholm, your Chair, who claimed to cite your current Bylaws.
33 When pressed for details, Chair Denholm told Commr. Connor that
34 the Bylaws had been changed in "May or June". However, the
35 current Bylaws were adopted on March 2, 2021, and there is no
36 evidence of any newer version than that. These Bylaws
37 explicitly state that liaisons, including those from the City of
38 Escanaba Planning Commission, can indeed speak at your meetings
39 and participate in your discussions. Further, Commr. Connor
40 reported that your staff refused to provide a copy of your
41 master plan to him. He was told both that there were no copies
42 available, and that such copies were only available to members
43 of the Delta County Planning Commission. This appears to
44 conflict with the Michigan Planning Enabling Act, which states
45 that "[a] planning commission shall consult with and advise
46 public officials ... concerning the promotion or implementation of
47 the master plan." Being that Commr. Connor asked for a copy of
48 your master plan in his capacity as liaison, he was disappointed
49 to have been refused one. He believes that all of these
50 missteps were intentional, and that they were because of his

[Note: original draft 11-22-23, suggested revisions
11-30-23, 12-13-23]

51 remarks at the Delta County Board of Commissioners' May 16
52 meeting.
53 While investigating Commr. Connor's claims, it was found
54 necessary to secure copies of the proposed minutes of your
55 October 2 meeting. This was made difficult by the fact that
56 such proposed minutes were not available for a whole 18 days
57 after the meeting. Per the Open Meetings Act, such proposed
58 minutes must be made available within 8 days of the meeting at
59 which they were taken. It is also worth noting that your
60 November 6 meeting's proposed minutes are still unavailable at
61 the time of writing, a full ~~16-37~~ **[suggested revision 12-13-23]**
62 days after the meeting~~-,~~ **and the final minutes of the same**
63 **meeting are still unavailable after their approval at the**
64 **December 4 meeting, a full 9 days after the meeting. And**
65 **speaking of that meeting, your December 4 meeting's proposed**
66 **minutes are still unavailable at the time of writing, a full 9**
67 **days after the meeting. [suggested revision 12-13-23]**

68 As a result of our investigation, we find that you or your staff
69 have committed the following violations of State statute, the
70 Delta County Planning Commission Ordinance, and your own Bylaws:

- 71 **1. Michigan Planning Enabling Act - MCL 123.3821(2):**
72 **Failed to conduct public meetings of the Planning**
73 **Commission in compliance with the Open Meetings Act (Failed**
74 **to make proposed minutes for two separate meetings**
75 **available within required time periods).**

[Note: original draft 11-22-23, suggested revisions
11-30-23, 12-13-23]

76 [Suggested revision 11-30-23]

77 2. Michigan Planning Enabling Act - MCL 123.3821(3):

78 Failed to make available to the public a writing prepared,
 79 owned, used, in the possession of, or retained by the
 80 Planning Commission (Refused to provide the Delta County
 81 Master Plan to a person requesting a copy thereof).

82 [Suggested revision 11-30-23]

83 ~~1-3.~~ Michigan Planning Enabling Act - MCL 123.3851(2):

84 Failed to consult with and advise a public official
 85 concerning the promotion or implementation of the Master
 86 Plan (Refused to provide the Delta County Master Plan to
 87 Patrick Connor in his capacity as liaison from the City of
 88 Escanaba Planning Commission).

89 ~~2-4.~~ Open Meetings Act - MCL 15.269(3):

90 Failed to make proposed minutes available within 8 days of
 91 the actual meeting (October 2 draft minutes were made
 92 available after 18 days).

93 ~~3-5.~~ Open Meetings Act - MCL 15.269(3):

94 Failed to make proposed minutes available within 8 days of
 95 the actual meeting (November 6 draft minutes were still not
 96 available after ~~16-37~~ [suggested revision 12-13-23] days).

97 6. Open Meetings Act - MCL 15.269(3):

98 Failed to make approved minutes available within 5 days of
 99 the subsequent meeting at which they were approved
 100 (November 6 approved minutes were still not available after

[Note: original draft 11-22-23, suggested revisions
 11-30-23, 12-13-23]

101 9 days). [suggested revision 12-13-23]

102 7. Open Meetings Act - MCL 15.269(3):

103 Failed to make proposed minutes available within 8 days of
104 the actual meeting (December 4 draft minutes were still not
105 available after 9 days).

106 [suggested revision 12-13-23]

107 ~~4-8.~~ Delta County Ordinance #2021-3 - Section 103:

108 Failed to provide a qualified official the ability to
109 participate in discussions with the Planning Commission, in
110 addition to speaking in public participation, without
111 having a vote (Prohibited Patrick Connor from speaking or
112 participating in discussions with the Delta County Planning
113 Commission in his capacity as liaison from the City of
114 Escanaba Planning Commission).

115 ~~5-9.~~ Delta County Planning Commission Bylaws - Article
116 III, Paragraph B:

117 Failed to provide a liaison the ability to participate in
118 discussions with the Delta County Planning Commission, in
119 addition to speaking in public participation (Prohibited
120 Patrick Connor from speaking or participating in
121 discussions with the Delta County Planning Commission in
122 his capacity as liaison from the City of Escanaba Planning
123 Commission).

124 We strongly recommend that you strive to remedy these issues
125 going forward since, as a public body with powers granted to you

[Note: original draft 11-22-23, suggested revisions
11-30-23, 12-13-23]

126 by this State and County, you should hold yourselves to high
127 standards of professional conduct. Further, we ask that you
128 issue a formal apology to Patrick Connor who, while acting as a
129 duly appointed member of the City of Escanaba Planning
130 Commission, was subjected to mistreatment, possibly as a means
131 of retaliation for remarks he made as a private citizen against
132 the Delta County Board of Commissioners.

133 Signed by the members of the City of Escanaba Planning
134 Commission:

- 135 James Hellermann, Chair
- 136 Roy Webber, Secretary
- 137 Patrick Connor, Commissioner
- 138 Michael Harris, Commissioner
- 139 Kasja Nelson, Commissioner
- 140 Christiana Reynolds, Commissioner
- 141 Mark Sadowski, Commissioner