

CHARTER TOWNSHIP OF FLUSHING

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PLANNING COMMISSION MEETING

DATE: SEPTEMBER 8, 2008

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Mark J. Newman, Chair

Richard Buell

Jerome Doyle, Vice Chair

Ronald Flowers

Eric Swanson, Secretary

David Gibbs

Barry Pratt, Board of Trustee Representative

Jerald W. Fitch, Building Inspector

Julia A. Morford, Recording Secretary

PRESENT: Newman, Doyle, Swanson, Flowers, Gibbs, Pratt, Fitch, and Morford

ABSENT: Buell

OTHERS PRESENT: None

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair

MARK NEWMAN with Roll Call and the Pledge to the American Flag.

II. ADOPTION OF AGENDA: FLOWERS MOVED, seconded by Pratt to adopt the Agenda as submitted. **MOTION CARRIED.**

III. APPROVAL OF MINUTES:

A. APPROVAL OF MINUTES OF JULY 14, 2008: PRATT MOVED, seconded by Flowers to approve the Minutes of July 14, 2008 as submitted. **MOTION CARRIED.**

B. APPROVAL OF MINUTES OF AUGUST 11, 2008: FLOWERS MOVED, seconded by Pratt to approve the Minutes of August 11, 2008 as submitted. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS

1. Continued Discussion on the "TO DO LIST" FOR THE Michigan Zoning Enabling Act (PA 12, of 2008) and Michigan Planning Enabling Act (PA 33, of 2008)

a. By-Laws

NEWMAN stated in order to comply with the Michigan Planning Enabling Act (PA 33 of 2008) a few issues had to be reviewed and brought up to date by September 1, 2011; but should be completed before the end of 2008.

BY-LAWS:

- Issue of “conflict of interest” and “ex officio” members.
- **FLOWERS:** a “conflict of interest” involved having one member serving on two (2) boards.
- **SWANSON:** as a current Planning Commission Member and also the representative to the Zoning Board of Appeals (ZBA), he had to vote at the Planning Commission level. The ZBA vote count was by membership and a majority had to be in attendance to vote on an issue. There was a State Requirement in affect that required a Commission Member from the Planning Commission be on the ZBA Board.
- **DOYLE:** if a majority of the membership wasn’t present, the meeting had to be cancelled.
- **FLOWERS** read 3.7 Voting of the Flushing Township Planning Commission By-Laws and Rules of Procedures:

“An affirmative vote of the majority of those commission members present for the conduct of business shall be required for the approval of any requested action of motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of that item.”
- Blacks Law Dictionary defines “conflict of interest” as:

“Conflict of Interest – Term used in connection with public officials and fiduciaries and their relationship to matters of private interest or gain to them. Ethical problems connected therewith are covered by statutes in most jurisdictions and by federal statutes on the federal level. Generally, when used to suggest disqualification of a public official from performing his sworn duty, term “conflict of interest” refers to a clash between public interest and the private pecuniary interest of the individual concerned (Gardner v Nashville Housing Authority of Metropolitan Government of Nashville and Davison County, Tenn., C.A.Tenn., 514 F.2d 38,41.)”
- **SWANSON:** if a member would stand to gain from the action of the vote, then it would be “conflict of interest”. (Example: **SWANSON** had been the Flushing Township Code Enforcement Officer and had also been on the Zoning Board of Appeals (ZBA).
- **PRATT:** the Planning Commission should get an opinion from Flushing Township **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)**.
- **DOYLE:** the By-Laws should be part of the ordinance.
- **NEWMAN:** the decision of whether an issue was a “conflict of interest” should be determined by the Planning Commission. If a member had any idea there might be a conflict, the member should mention the issue before the meeting started and the Commission would make the determination.

- **PRATT:** could there be a lawsuit if a commissioner was replaced due to being swayed in a decision?
- **NEWMAN:** there weren't any "ex officio" members on the Flushing Township Planning Commission. Should something be added to the by-laws regarding "ex officio" members holding office.
- Flushing Township Building Inspector **JERRY FITCH (FITCH)** will contact **ATTORNEY MOULTON** regarding the "conflict of interest" issue.
- After a discussion, it was recommended by **NEWMAN** to change 3.8 Order of Business - Flushing Township Planning Commission By-Laws and Rules of Procedures to the current format agenda used by the Planning Commission:
 - A. *Call to Order*
 - B. *Roll Call*
 - C. *Approval of Agenda*
 - D. *Approval of Minutes*
 - E. *Public Hearings*
 - F. *Unfinished Business*
 - G. *New Business*
 - H. *Public Comments and Communications Concerning Items Not on the Agenda*
 - I. *Board Comments*
 - J. *Next Regular Scheduled Meeting*
 - K. *Adjournment*

V. NEW BUSINESS:
None

VI. PUBLIC COMMENTS:

7:54 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS
None

7:55 P.M. - CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS

VII. BOARD COMMENTS:

1. **BUELL** was excused from the meeting due to being out of town.
2. **DOYLE** stated that **ATTORNEY STEVE MOULTON** and **DOUG PIGGOTT** of Rowe Inc had brought the Planning Commission up to date for the Michigan Zoning Enabling Act.
3. **FITCH** has scheduled, with Rowe Inc, for all the Planning Commission to attend the October 29, 2008 Michigan Enabling Act Seminar, sponsored by Rowe Inc).
4. **MORFORD** stated there was another "Practical Application of Michigan's Enabling Acts" Evening Workshop scheduled for Tuesday, October 14, 2008 at Bavarian Inn Lodge in Frankenmuth.
5. **GIBBS** would like for the Planning Commission to discuss, at a future Planning Commission Meeting, how to protect agricultural land.

- a. **NEWMAN** recommended that “*Farm Land Issues*” be placed on the October 6, 2008 Planning Commission Meeting.

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY – OCTOBER 6, 2008 AT 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY – NOVEMBER 10, 2008 AT 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY – DECEMBER 8, 2008 AT 7:00 P.M.

IX. ADJOURNMENT: Due to lack of business matters, **NEWMAN** adjourned the meeting at 8:04 p.m.

MARK J. NEWMAN, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval

Planningminutes 09/08/08