

OTSEGO COUNTY
PLANNING COMMISSION

AGENDA
October 17, 2011
6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1066 CROSS STREET.

1. CALL TO ORDER
2. PLEDGE OF ALLEGEANCE
3. ROLL CALL
4. CONSENT AGENDA
5. APPROVAL OF MINUTES: From the 8-15-2011 meeting
6. OTHER:
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA
(Please identify yourself for the record. All comments will be limited to two minutes)
8. UNFINISHED APPLICANT BUSINESS:

None
9. PUBLIC HEARINGS:
10. UNFINISHED COMMISSION BUSINESS:
 1. Proposed new language regarding dumpsters
 2. Proposed mining language
 3. Ken Arndt update report on Assisted Living Facilities
11. NEW BUSINESS:
 1. ZBA review of 18.1 is 4,000 square feet the total of all accessory buildings or any one building
 2. Election of officers
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
 - 1.
 - 2.
 - 3.
 - 4.
13. ADJOURNMENT:

Otsego County Planning Commission

DRAFT Minutes for August 15, 2011

Call to Order: 6:00 pm by Chairperson Stults

Pledge of Allegiance

Roll Call:

Present: Chairperson Stults, Secretary Borton, Mr. Hilgendorf, Mrs. Jarecki, Mr. Colosimo, Ms. Nowak, Mr. Klee, Mr. Hendershot, Mr. Mang

Absent: Vice-Chairperson Arndt, Mr. Hartmann,

Staff Present: Mr. Ferrigan

Public Present: Margaret Black, Erma Backenstose

Motion made to accept revised agenda by Mr. Borton; Seconded by Mr. Klee.

Motion approved unanimously.

Consent Agenda: None

Approval of minutes from June 21, 2011:

Corrections to the minutes are as follows:

Secretary Borton requested a spelling correction on page three (3) under **Unfinished Commission Business** changed from 'Lee Olsen stated..., **siting** room and expense.' to '**citing** room and expense.'

Motion made to approve minutes as corrected by Mr. Borton; Seconded by Mr. Klee.

Motion approved unanimously.

Other:

Margaret Black: Presentation-Highway Interchange Commercial District

Working for about a year, the Otsego Lake Township Planning Commission revised the language relating to Otsego County's Master Plan concerning the Highway Interchange Commercial District.

Chairman Stults recommended Mr. Ferrigan review the language and give his expertise concerning how it relates to the current Zoning Ordinance, specifically Article 14 Schedule of Dimensions and Article 18 Specific Requirements For Certain Uses and present a written report to the Planning Commission.

Public participation for items not on the agenda: None

Unfinished applicant business: None

Otsego County Planning Commission

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Public Hearing:

Otsego County Capital Improvement Plan 2012-2017

Committee Members: John Burt; Chairman, Paul Beechnau, Ken Arndt, Randy Stults, Joe Ferrigan

John Burt requested information from various departments and units of Otsego County to incorporate their plans for projects that meet the definition of a capital improvement. The proposed projects are as follows:

Gaylord Regional Airport Snow Removal Equipment Building
Information Center Purchase

Louis M. Groen Nature Center

Otsego County Road Commission Road Projects:

Poquette Road

East Sturgeon Valley Road

Camp Ten Road

Otsego County Emergency Medical Services Building Addition

Otsego County Library Building Expansion

Otsego County Jail New Construction

Gaylord Property Acquisition

Gaylord Regional Airport Taxi lane Rehabilitation

Appendix A: Project List

Appendix B: Otsego County Road Commission Approved Salt Storage Building Project

Appendix C: University Center Science Center Withdrawal

Public Hearing: Opened at 6:20 pm

No public comment

Public Hearing: Closed at 6:21 pm

New Business

The Planning Commission discussed the acquirement of the Louis M. Groen Property. It is approximately 800 acres formerly known as Echo Valley Ranch, located in Johannesburg and will be deeded over to Otsego County in the near future. The property maintenance and upkeep will be funded by a Trust Fund with monies available upon transfer of ownership to update and install needed items before opening to the public. The County will create a Master Plan concerning the property's current and future uses. A more detailed description of the property will also be added.

Motion made to approve the Otsego County Capital Improvement Plan 2012-2017 as amended by Ms. Nowak; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Motion made for Chairperson Stults to provide the required report to the Board of Commissioners by Mr. Hendershot; Seconded by Mrs. Jarecki.

Motion approved unanimously.

Otsego County Planning Commission

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Unfinished Commission Business:

1. Proposed new language regarding dumpsters

Mr. Ferrigan made changes to the Zoning Ordinance language regarding dumpsters and presented to the Planning Commission. Mr. Mang commented on 18.18.5 and suggested including '*outside trash receptacles*

and loading docks' as part of the ordinance. Mr. Ferrigan stated it was covered under 18.42 Trash Receptacles/Dumpsters. After discussion, Mr. Mang referred it to Mr. Ferrigan.

Another concern of Planning Commission members was the set back requirements of commercial trash receptacles around residential areas. Mr. Ferrigan suggested adding another provisions under 18.42 requiring additional set backs during Site Plan Review if needed. He also stated he preferred to keep like items together and suggested adding both concerns under 18.42 Trash Receptacles/Dumpsters.

Chairperson Stults requested Mr. Ferrigan rework the items discussed and bring the revisions back to the Planning Commission for review. He suggested he work with a couple Commission members for input by email. He also suggested sending the revisions back to the Townships for additional comments.

2. Discussion on Mining

Mr. Ferrigan stated he is still unclear as to how much enforcement of restoration is enough because of the length of the mining project, the growth of trees and underbrush and the current language of the Ordinance. He stated his concerns about the placement of the berm.

Mr. Ferrigan presented his revisions of Section 18.25 Mining, Gravel, Sand, Clay, Top Soil, Marl and suggested adding requirements to the application process detailing the project indicating items such as size of operation, phases with end dates, and a rehabilitation plan for reclamation to prevent future restoration problems. He stated he wanted the language to be clear for future Planning Commissions.

Chairperson Stults requested Mr. Ferrigan modify the points discussed and bring the revisions back to the Planning Commission to be presented to the Board of Commissioners along with a recommendation of fees.

Reports and Commission Member's Comments:

Mr. Colosimo stated that Charlton Township is planning a public hearing next month for their proposed Master Plan and expects to have a document in place by the end of the year. He will make sure the Planning Commission receives a copy of the Draft Plan.

Mr. Hendershot stated his training was informative and went well.

Mr. Mang stated Livingston Township is still working on updating its Master Plan and also a survey questionnaire to be included on the County website.

Mr. Ferrigan stated the renovations at the Cross St building were ninety percent (90%) complete. He also stated the convenience of having the Planning Commission and Zoning Board meetings there.

Otsego County Planning Commission

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Motion made to change the Planning Commission meeting place to the building at 1066 Cross St by Mr. Hendershot; Seconded by Mr. Colosimo.

Motion approved unanimously.

Adjournment: 8:31 pm by Chairperson Stults.

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary

Dumpster Language: 8-8-2011

18.18.5 Screening of Unsightly Areas:

Unsightly areas, including but not limited to ~~outside trash receptacles, loading docks,~~ outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.

Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.

The materials and colors of the screen should blend with the site and the surroundings.

~~Enclosures shall be placed around dumpsters and other trash receptacles. Dumpsters shall be entirely screened from view. The enclosures should prevent trash from being scattered by wind or animals. The dumpster shall be placed on a concrete pad, enclosed by an opaque screen at least six feet in height, with opaque gates. The enclosure shall be sturdy and built with quality wood or masonry materials. The trash enclosures shall be sited so the service vehicle has convenient access to the enclosure and has room to maneuver without backing onto a public right of way.~~

20.2.2.20 Location, size ~~and specifications for screening~~ of all trash receptacles and other solid waste disposal facilities.

NEW:

18.42 Trash Receptacles / Dumpsters

18.42.1 Residential Trash Receptacles shall be placed at curb side no earlier than 24 hours from the scheduled pick-up day. Any trash receptacle placed at curb side shall be removed no later than 24 hours after the scheduled pick-up day.

18.42.2 Commercial Trash Receptacles / Dumpsters may be placed upon a parcel of land in such a manner to facilitate loading and unloading. They may be placed no closer than 10 feet to any adjoining property. All Trash Receptacles shall be properly maintained with working lids and the lids shall be maintained in a closed position.

18.42.2.1 During the site plan review process the Planning Commission or Zoning Administrator may require Commercial Businesses abutting land zoned Residential (R1, R2, R3, RR) or existing residential development in other zoning districts to maintain a greater setback than ten (10) feet and/or a fence between the trash receptacle/dumpster and abutting property such as prevent trash from traveling to the adjacent residential property. But in no case shall the required setback be greater than twenty five (25) feet.

18.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

18.43.4 Trash receptacles / Dumpsters meeting the requirements of 18.42.1, 18.42.2 & 18.42.3 shall not be considered unsightly areas as covered in 18.18.5. (Added at meeting)

Need to review unsightly, is unsightly health, safety, welfare?

They also asked me to come up with some language that would give the P.C. or Zoning Administrator authority to require a greater setback requirement when a commercial property borders a residential property.

SECTION 18.25 MINING, GRAVEL, SAND, CLAY, TOP SOIL, MARL

Allowed as a Principal Use Permitted in the (I) zoning district: **should this be changed to a special use also?**

Allowed as a use Subject to Special Conditions in the (FR) and (AR) zoning districts:

The Michigan Zoning Enabling Act may allow this Use in other Zoning Districts:

Definition:

USES SUBJECT TO SPECIAL CONDITIONS: Refers to special land uses pursuant to PA 110 of 2006, as amended and also pursuant to uses referred to in this Ordinance as special approvals, special uses, special land uses, or conditional uses authorized by special permit.

Should we change the definition of "USE" to "Use Principal" and place that here also? Or if we make the (I) district a special use then we won't need it.

Seems like we need to point the applicant to Article 16 at some point early in the process, if only for the approval process portion?

18.25.1 Site Development Requirements/Restrictions:

The following Site Development Requirements shall be followed:

- 12.25.1.1 Setback Area: Setbacks in which no part of the mining operation may take place excepting ingress and egress shall be as follows:
- Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet from any adjacent property line or road right-of-way line. This shall include any sloping during the reclamation of the site.
- No machinery shall be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
- 18.25.1.2 The area permitted for mining shall be marked with stakes or other markers as approved by the zoning administrator at all corners before the operation commences, and shall be maintained until the reclamation is approved in writing by the zoning administrator.
- 18.25.1.3 Sufficient native topsoil shall be left on the site as a ready resource to be used in reclamation work following excavation/extraction activity, unless an alternative or replacement plan is approved by the Planning Commission.
- 18.25.1.4 Topography, vegetation, screening devices and physical isolation from residential properties shall be considered in locating development facilities and earth stockpiles. The location of earth stockpiles, machinery, equipment and buildings, are required to be approved by the Planning Commission to protect adjoining properties.
- This language seems confusing to me I think better wording needs to be developed.**
- 18.25.1.5 If necessary to protect the area, access routes serving the site may be specified by the Planning Commission with input from the Otsego County Road Commission for the purpose of limiting the exposure of residential areas to earth moving vehicles.
- 18.25.1.6 All structures, equipment and machinery shall be considered temporary and shall be removed upon completion of the mining, excavation, extraction or filling. Items not related to the operation shall not be stored at the site.
- 18.25.1.7 Interior access roads, parking lots, haul road loading and unloading areas shall be maintained so as to limit the nuisance caused by windblown dust.

- 18.25.1.8 The operation of mechanical equipment of any kind may be limited by the day(s) and/or hours by the Planning Commission.
- 18.25.1.9 Processing may be limited to only the materials extracted from the site. If the Operator intends to bring in off-site materials, Planning Commission approval is required.
- 18.25.1.10 Air pollution, noise and vibration factors shall be controlled within the limits governed by State and/or Federal regulations applicable to the facility.
- 18.25.1.11 All required Soil Erosion permit(s) shall be secured prior to the commencement of any operation. The Soil Erosion permit shall be issued for the same period of time as the permit for the operation and reclamation.

Should we have some sort of disclaimer about leased property? And the fact that we will not enforce any lease agreement? Especially during the reclamation process.

18.25.2 Rehabilitation and Reclamation Requirements:

- 18.25.2.1 A site plan of the rehabilitation and reclamation, for the entire project to be submitted as part of a completed application and shall contain all of the following:
 - 18.25.2.1.1 The placement of Surface overburden and topsoil shall be identified on site plan.
 - 18.25.2.1.2 Provisions for grading: **The setbacks required in 18.25.1.4 shall remain at the natural grade under reclamation and rehabilitation. All other slopes and banks remaining above water level shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface. The Planning Commission / Zoning Administrator may approve a slope greater than one (1) foot in elevation for each three (3) feet of horizontal surface if the natural grade of the surrounding terrain exceeds such.**
 - 18.25.2.1.3 Provisions for re-vegetation, and stabilization: Seeding practices, ground cover, trees, grasses and time frame for each based on the USDA Natural Resources Conservation Service standards and specifications shall be submitted to the Zoning Administrator. The Zoning Administrator shall submit the plan for review by the Otsego Conservation District for written recommendations.
 - 18.25.2.1.4 Phases of reclamation: **All operation areas shall be rehabilitated and reclaimed progressively as they are worked out. Rehabilitated and reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. They shall be treated to prevent erosion or any other potential deterioration.**

Can you think of any other Items that should be included in the Rehabilitation and Reclamation requirements?

- 18.25.3 **Application Procedure:** An application for Mining- Gravel, Sand, Clay, Top Soil or Marl, Shall contain all of the following:
 - 18.25.3.1 Name and address of owner(s) of land where mining, excavation, extraction or filling are proposed to take place.
 - 18.25.3.2 Name, address and telephone number of person, firm or corporation who will be conducting the actual operation. This person, firm or corporation shall be referred to as operator.
 - 18.25.3.3 A current Survey and legal description of the site where the proposed operation is to take place.

18.25.3.4 A site plan complying with all requirements of Article 20 of the Otsego County Zoning Ordinance in addition to showing all of the following:

a. The mining area:

Setbacks in which no part of the mining operation may take place excepting ingress and egress shall be as follows:

Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet minimum from any adjacent property line or road right-of-way line. This shall include any sloping during the reclamation of the site.

b. The placement of all equipment to be used during the operation.

No machinery shall be erected or maintained within one hundred (100) feet of any property or road right-of-way line.

c. Required Screening of the site shall be in compliance with standards of Section 18.18 of the Otsego County Zoning Ordinance.

If the operator chooses to use a berm to achieve the required screening, the berms shall be placed no closer than 20 feet to any property line.

d. The proposed ingress and egress at the site and route(s) to be used to access the site when not located on a primary road. The route(s) for ingress and egress when not located on a primary road shall have written approval from the Otsego County Road Commission. **The operator shall be responsible for all road damage to public roads caused as a result of the operation.**

e. The type and location of any proposed accessory uses. The Planning Commission may approve vehicle maintenance, sorting, crushing, concrete mixing, asphalt batching and other uses as accessory uses subject to conditions placed upon the accessory uses.

I included the requirements in bold simply as a way to insure the applicant would address each item, easy to miss something if it is not in front of your eyes.

18.25.4 Operational Plan including the following:

a. The Operational plan shall be in written form.

b. The written plan shall indicate the proposed size, depths, methods of operation, and type of material(s) to be mined, excavated, extracted or filled.

c. The written plan shall indicate the phases of operation and ending date for each phase.

d. The written plan shall indicate the method by which the operation shall be secured from entry during hours of non- operation.

e. The written plan shall indicate the proposed hours and days of operation.

Can you think of any other Items that should be included in the Operational plan?

18.25.3 Rehabilitation and Reclamation Plan

18.25.3.1 A written detailed rehabilitation and reclamation plan meeting all of the requirements of 18.25.2 shall be submitted with the application and operational plan.

18.25.3.2 The written rehabilitation and reclamation plan shall be approved by Planning Commission and may have additional conditions placed upon it prior to final approval.

18.25.3.3 The approved site plan and/or rehabilitation and reclamation plan may be revised at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. Any costs to amend the plan(s) are to be borne by the initiating party. The Planning Commission may require the modification of the approved Site plan and/or reclamation plan when:

- a. Modification of the plan is necessary so that it will conform to existing laws.
- b. It is found that the previously approved plan is clearly impractical to implement and maintain.
- c. The approved plan is obviously not accomplishing the intent of the Ordinance.
- d. Any modification shall be subject to all provisions of Article 16 and Article 20.

18.25.4 Approval Process

18.25.4.1 All approvals shall be made in accordance with the process prescribed in Article 16 Permitted Uses Subject to Special Conditions.

18.25.5 Financial Guarantees: The Planning Commission shall require that the applicant file with the County Treasurer a surety bond, executed by a reputable surety company admitted to do business in the State of Michigan in a minimum amount of one-thousand (\$1,000.00) dollars per acre of excavated area; or an irrevocable letter of credit from a commercial bank or cash bond in a minimum of one-thousand (\$1,000.00) dollars per acre of excavated area. The Planning Commission shall determine the amount of the Financial Guarantee.

Excavated area shall include all areas of excavation, stockpiling, and processing which are not rehabilitated pursuant to Section 18.25. 2 of this Ordinance. Required financial guarantees shall be reduced at a rate equal to the ratio of rehabilitation work completed and as other required improvements are completed upon certification by the Zoning Administrator.

The Planning Commission shall in establishing the amount of financial guarantee consider the scale of operations, the prevailing cost to rehabilitate the property upon default of the operator, road damage that may occur to public roads, court costs, administrative costs, and other reasonable expenses likely to be incurred by the county or township where the surface mine is located.

Are we really doing this? If we are supposed to how could we possibly approve a request in just one meeting? Is this information that should be provided to the Planning Commission by the Zoning Administrator?

18.25.6 Inspection: Mining, excavation, extraction or filling permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year during the operation period and a minimum of each 100 days during restoration, by the Zoning Administrator to insure compliance with the permit and Ordinance. The operator shall pay an inspection fee, as determined by the Otsego County Board of Commissioners, for each inspection to cover the costs of extraction and restoration inspections required by this section within 30 days of the invoice being sent to them or they will be in violation of the Special Use Permit.

18.25.7 Certificate of completion: A certificate of completion shall be issued to the operator when the Zoning Administrator makes the following determination:

18.25.7.1 All evidence of the operation has been removed from the site.

18.25.7.2 All required grading of the site has been completed.

18.25.7.3 All required re-vegetation of the site has been completed and initial growth has begun and there is no erosion present.

18.25.7.4 Completion and approval of the soil erosion permit has been given.

18.25.7 Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, he shall not declare abandonment.

What happens if the Zoning Administrator declares abandonment?

- 18.25.8 Transference of a Special Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use Permit may be transferred.
- 18.25.9 Permit Expiration: If approval for a Special Use Permit for mining, excavation, extraction or filling is granted by the Otsego County Planning Commission it shall be for a specific period of time not to exceed five (5) years and shall specify the period of restoration which cannot extend more than 18 months beyond the permitted time for operation.

What happens if the permit expires?

What about extending a permit?

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FR - FORESTRY RECREATION DISTRICT

8.2.16 Surface mining of gravel, sand, clay, topsoil or marl (~~gravel, sand, etc.~~).

AR - AGRICULTURAL RESOURCE DISTRICT

9.2.17 Surface mining of gravel, sand, clay, topsoil or marl (~~gravel, sand, etc.~~).

I – INDUSTRIAL DISTRICT

13.1.5 Surface mining ~~Gravel extraction~~, mining, or quarrying.

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 IV
Duties of all Members**

- Section 1. *Ex Parte* contact
- A. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
 - B. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
- Section 2. Not Voting On the Same Issue Twice.
- Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:
- F. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
 - G. When the appeal is of an administrative or other decision by any committee of the Commission, Otsego County Board of Commissioners, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
 - H. When the case is an administrative decision which was decided by the Commission and sent to the Otsego County Board of Commissioners for further action, and the member of the Commission sits both on the Commission and Otsego County Board of Commissioners.
- Section 3. Accepting gifts.
- A. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
 - B. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
 - C. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.
- Section 4. Spokesperson for the Commission.
- A. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - B. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
 - C. From time-to-time, or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

**ARTICLE V
Officers**

- Selection 1. At the regular meeting in September of each year, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary. Candidates shall require the support of a majority of Commissioners present and voting. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of

Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.

- A. Tenure. The Chair, Vice-Chair and Secretary shall take office October 1st following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- B. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
1. Preside at all meetings with all powers under parliamentary procedure;
 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
 3. Restate all motions as pursuant to Article VI, Section 5., A., of these Bylaws;
 4. Appoint committees;
 5. Appoint officers of committees or choose to let the committees select their own officers.
 6. May call special meetings pursuant to Article VI, Section 2., of these Bylaws;
 7. Act as member and Chair of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws;
 8. Act as an Ex-Officio member of all committees of the Commission;
 9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 11. Periodically meet with the Director of Land Use Services and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
 12. Assist in the interview and selection process for a Director of Land Use Services;
 13. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 14. Represent the Commission, along with the Otsego County Board of Commissioners Commission member, before the Otsego County Board of Commissioners; and
 15. Perform such other duties as may be ordered by the Commission.
- C. Vice-Chair's Duties. The Vice-Chair shall:
1. Act in the capacity of Chair, with all the powers and duties found in Article V., Section 1. B., of these Rules, in the Chair's absence;
 2. Act as member and Vice Chair of the Executive Committee pursuant to Article VIII, Section 1., of these Rules; and
 3. Perform such other duties as may be ordered by the Commission.
- D. Secretary's Duties. The Secretary shall:
1. Execute documents in the name of the Commission;
 2. Be responsible for the minutes of each meeting, pursuant to Article VII, of these Bylaws if there is not a recording secretary.
 3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
 4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;

5. Keep attendance records pursuant to Article III, Section 3., of these Bylaws (the Secretary may delegate this duty to Commission staff);
 6. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.* (the Secretary may delegate this duty to Commission staff);
 7. Prepare an agenda for Commission meetings pursuant to Article VI, Section 11., of these Bylaws (the Secretary may delegate this duty to Commission staff);
 8. Act as member and Secretary of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws; and
 9. Perform such other duties as may be ordered by the Commission.
- E. Recording Secretary's Duties. The Recording Secretary shall not be a member of the commission or any of its committees, and shall:
- F. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Article VII of these Bylaws for review and signature by the Secretary; and
- G. Perform such other duties as may be ordered by the Commission or secretary.

ARTICLE VI Meetings

- Section 1. Regular meetings. Meetings of the Commission will be held the third Monday of every month at 6 p.m. in the Multi-Purpose Room of the J. Richard Yuill, Alpine Center, 800 Livingston Blvd., Gaylord, Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)
- Section 2. Special Meetings. Special meetings shall be called in the following manner:
- A. By the Chair.
 - B. By any two members of the Commission.
 - C. By the Chair at the request of any non-member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not, plus the sum of travel reimbursement of each member, regardless if they each attend the meeting or not, plus the total Planning Department budget, which represents the costs of operating the Planning Department, divided by 365.
 - D. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).
- Section 3. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. No agenda item may be started after 9:00 p.m. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
- Section 4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of