

VILLAGE OF BEULAH PLANNING COMMISSION
Tuesday, February 21, 2023
Beulah Village Hall
7228 Commercial Street
Beulah, MI 49617

I. Call Meeting to Order

Chairman Behm called the meeting to order at 4:06 pm.

II. Roll Call

Present: Keith Behm, Chairman; Annie Browning, Village Council Rep; Ed Popour, Member; Barb Skurdall, Secretary; Debbie Smith, Member

Staff: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

Guests: Phil Downs, Village Council Trustee

In lieu of a roll call, Chairman Behm asked all attendees to introduce themselves. During the introductions, the following items were discussed:

- Popour stated that he is interested in pursuing grant funding. Cypher indicated that the competition for grant money is very stiff but added that the PC could take this matter back to the Village Council to see if they would be willing to hire a parttime grant writer.
- Popour inquired about vacant land in the Village and asked how we can find out how much is remaining. Cypher replied that the assessor has this information but noted that the area is most likely 90% built out. Discussion ensued as to how Beulah is tied in to Benzonia; the two neighboring villages are like "sisters".
- Skurdall shared that the Area 31 Sewer Feasibility Study will be presented on March 7, 2023 at the Mills Community House. This represents the latest feasibility study and a couple of different plans will be discussed.

III. Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

IV. Conflict of interest by any members (policy to be discussed with bylaws)

This agenda item was not addressed because the updated Bylaws are not in place at this time.

V. Input on and approval of agenda

Chairman Behm asked for a motion to approve the February agenda as presented. **Browning moved to approve the February agenda as presented; Smith seconded. All present in favor; motion carried.**

VI. Input on and approval of last meeting's minutes

Discussion ensued prior to the minutes being approved. Popour asked if the trail is snowmobile friendly. Skurdall stated that the trail will run from Beulah to Thompsonville and that it ends in Beulah. Smith noted that she was unaware that snowmobiles were not permitted in the Village of Beulah. Mr. Downs commented that snowmobiles are driven on the main streets in Beulah and that drivers have access to various restaurants and other locations in the Village. Popour asked if the snowmobile policy is posted in some locations. Skurdall stated that the snowmobilers have maps which indicate where they can travel. Cypher stated that some signage regarding the snowmobile policy would be appropriate. Mr. Downs shared that there is signage that reads, "No motorized vehicles". This language was used so that signs would not need to be customized for all types of motorized vehicles. Chairman Behm indicated that he did not realize that there were two different sets of rules regarding the trail and the snowmobile friendly policy. Skurdall stated that the trail will be much more friendly to bikers.

Chairman Behm asked for a motion to approve the January minutes as presented. **Smith moved to approve the January minutes as presented; seconded by Popour. All present in favor; motion carried.**

VII. Public Input (limited to three minutes) – no public comment

VIII. Old Business

A. Continue discussion of Bylaws

Cypher led a discussion of the existing Bylaws for the Village of Beulah Planning Commission. He noted that the Michigan Municipal League, the Michigan Township Association (MTA) and various other organizations offer good examples, as well as scaled down versions of Bylaws that could be used. The Village of Beulah Bylaws represent the "Cadillac model" and are all-inclusive; however, much of the language in the existing document is not needed. Cypher will distribute some additional examples to the PC members.

Cypher stated that the current document shows ten different member options but there are only five members presently serving on the Planning Commission. He noted that some roles will be difficult to fill but added that the

current membership is a very well-diversified group. Cypher stated that the Bylaws have not been modified since 2012 and indicated that he is looking for a Microsoft Word version of both the Bylaws and the Master Plan. Regarding the Bylaws, Cypher will have Hubley-Patterson add things in the new version of the document so that the document meets the requirements of the Michigan Planning and Zoning Enabling Acts.

Page 2 - The "Liaisons" section can be thinned out.

Page 2 – The "Attendance" section does not define "excused" or "not excused"; this language should be included.

Page 5 - Cypher stated that the Bylaws will include a list of officers and their respective duties. For purposes of the Planning Commission, the role of Secretary involves signing documents.

Page 6 - The Recording Secretary will absorb many of the responsibilities that were previously listed under the Secretary duties. Cypher explained that Hubley-Patterson will become an integral part of the Planning Commission staff.

Page 6 – Although the existing Bylaws state that the Planning Commission will meet four times per year, Cypher stated that the ideal situation is for the Commission to meet monthly. Two members stated that they will be out-of-town at the time of the March meeting. Cypher explained that they can email their comments which will be shared at the meeting in their absence; however, they will not be permitted to vote on any Planning Commission business. Cypher added that a vote can always be deferred until all Commissioners are present. Cypher explained that all email messages should be directed to either himself or Hubley-Patterson so that the Commissioners are not in violation of the Open Meetings Act.

Page 7 – A review of this page prompted Cypher to indicate that staff will remove much of the excess detail here. Approximately 85% of the language is already in the statute so we can scale down the text considerably.

Page 8 – The section on "Consent" is not necessary.

Order of Business – With regard to the meeting agenda, Cypher stated that all materials will be distributed approximately one week in advance of the meeting; materials will be sent electronically. He added that Hubley-Patterson will bring hard copies of all materials to each meeting; at minimum, this will include the agenda, unapproved minutes from the most recent meeting and any other necessary handouts.

Cypher stated that he will also have a conversation with Jeri VandePerre but stated that the Planning Commission will be able to handle some minor projects in their entirety.

Cypher will check to see if he and Hubley-Patterson will be posting information to the Village of Beulah website or if someone else will do this on behalf of the Planning Commission.

Page 9 – Record – Cypher stated that it is the responsibility of the Clerk to keep all records but the current Bylaws indicate that the Planning Commission Secretary will perform this function. All master copies must be stored in the Village of Beulah office for the public to view upon request as well as for the Clerk to address any Freedom of Information Act (FOIA) requests that are received.

Smith asked about a matter pertaining to the Rail Trail. Cypher stated that the gentleman went to the Village Council first and then to the Planning Commission. Cypher stated that the Planning Commission is a recommending body.

Cypher indicated that language in the ordinance discusses minor projects. He stated that most townships leave projects to the discretion of the Planning Commission but added that in the Village of Beulah, the Village Council prefers to make decisions regarding projects. He stated that it is acceptable for both the Planning Commission and the Village Council to hold public hearings. He added that the Village Council would appreciate if projects were fully vetted by the Planning Commission.

Popour asked if the Village Council has received anything from the Planning Commission yet. Cypher replied “No” as he has only been in the position for approximately two weeks.

Smith asked Cypher where he sees Benzie County in the future; she stated that the focus has been on housing. Cypher replied that this is the situation everywhere; he shared that workforce housing or any type of affordable housing, as well as short-term rentals are the hot topics right now. He explained that Beulah is a resort town and stated that some places are being bought up by investors. Cypher stated that nobody wants to see short-term rentals near their property but added that higher density and rules and regulations that are enacted will help this situation. He stated that this is occurring in Leelanau County at the present time, too; there are more 501c3 organizations that are in the business of finding affordable housing for residents.

Page 10 – The list of items on this page should be simplified.

Page 11 – Committees

Cypher explained that Committees can serve a purpose but noted that with only five members on the Planning Commission, this can be difficult. Chairman Behm asked if this language should be eliminated from the Bylaws altogether. For the purpose of being inclusive and not exclusive, the decision was made to eliminate the section on Committees. It is important for all Planning Commission members to know what is happening.

Page 12 – The language regarding the “Village of Beulah Department and Subdivisions; and Intergovernmental Coordination” will be simplified. Cypher stated that part of his job is to take care of things that pertain to this topic, such as land use permits, etc. He will check with Ms. VandePerre but stated that in many communities, the Zoning Administrator and the Assessor work closely together.

Page 13 – Zoning Responsibilities – Cypher will make sure that language in this section properly aligns with the Michigan Planning and Zoning Enabling Acts. He stated that staff will customize the Bylaws document so that it ties in well with the Village of Beulah Zoning Ordinance.

Page 14 – Capital Improvements Review – Cypher stated that this will not be a responsibility of the Planning Commission; this task is usually handled by the Village Council.

Page 15 – Subdivision Review – Cypher stated that he would be helping in this area, along with the Assessor and the Village of Beulah legal counsel.

Master Plan Amendments – Because the Master Plan was prepared long ago, Cypher recommends that it be rewritten so that all aspects of the Plan address what is now required by law.

Page 16 – Other Matters – Cypher stated that in addition to serving as the Zoning Administrator, he will also be the Planning Director. He will support the Village in both capacities, with the assistance of staff. Cypher added that his responsibilities are very clear when it comes to steps that must be followed in the event of any violations.

Browning inquired about the Annual Report that is required. Cypher explained that this will be prepared in the future; however, it cannot be done for 2022 since there were no Planning Commission meetings during the year.

Page 18 – Conflict of Interest

Cypher stated that this is one of the most important section of the Bylaws as there can be an actual conflict of interest or one that is perceived. He asked

all Planning Commission members to read this section very carefully. Cypher cautioned all PC members to be aware of ex parte discussions. When a matter is before the Planning Commission, there should be no outside discussion with members of the public or among PC members so that the Open Meetings Act is not violated.

Lastly, Cypher encouraged the PC members to be sure to keep their personal feelings out of matters that come before the Planning Commission, It is not appropriate for the public to see that there is a disgruntled Planning Commission member.

B. Discuss training needs and resources

Cypher stated that some Bylaws require Planning Commission members to receive training regarding their role. Mr. Downs stated that he is not sure if the budget will support training but stated that he has worked with the Michigan Municipal League in the past; they also offer some excellent resources that are free of charge. Cypher has some documents that he will send to all PC members.

Chairman Behm inquired if there are any training opportunities in the local area. Cypher stated that there are some classes that are held in Gaylord and Frankenmuth but he is unaware of anything in Traverse City. Cypher explained that the book titled, "Planning and Zoning Essentials" is a good reference as is the "Little Red Book" that is offered through the Michigan Township Association (MTA).

Browning stated that Dan Hook mentioned that if a good reason existed, the Village Council could do a budget amendment to fund training opportunities.

Chairman Behm suggested that perhaps we could work with other townships in the area to arrange a regional training session. Cypher agreed to contact some of the agencies that offer training to see if this is possible.

Cypher informed the Planning Commission members that he has worked with the Village of Beulah legal counsel for the past 24 years and knows her well. He stated that an option is to set-up an escrow account which may be needed periodically for legal services. Neither Cypher nor the Planning Commission members have a legal background and it is sometimes necessary to have legal counsel present during a meeting. The escrow fund would cover these costs.

IX. New Business

A. Update Master Plan Review, Tim Cypher

Cypher stated that his initial review of the Village of Beulah Master Plan reveals a good split of objectives. He added that staff will need to obtain comments from both the PC members as well as the Village Council members on the Master Plan. Smith stated that she had a few ideas regarding the Master Plan but indicated that these will most likely be addressed as we move through the process of rewriting the document.

Cypher inquired as to when the PC last conducted a survey on Planning and Zoning issues. Chairman Behm responded that this occurred many years ago; it may have been in 1999 or 2012. Cypher stated that the PC should consider conducting a survey and indicated that staff will bring a copy of the Citizen Survey from Solon Township for all to review. He added that the Solon Township survey can be customized for a village.

B. Timeframes for submitting agenda items and minutes

It was explained that Cypher and Hubley-Patterson will reach out to Chairman Behm approximately one week before a PC meeting to see if there are any agenda items to be added. Minutes taken at a meeting will be submitted to the Clerk for posting to the website within eight (8) business days following the meeting; this is a statutory requirement.

X. Correspondence – none

XI. Public input regarding Planning Commission issues

Mr. Downs stated that it can be very difficult to write survey questions that do not “lead” the respondent to an answer; these will need to be carefully constructed. He also stated that the Master Plan was last prepared in 1997 by Gosling Czubak; however, they were unable to edit the document because this is not their area of expertise. He noted that the Master Plan was not written specifically for the Village of Beulah; it was written by someone working in Traverse City and the language was taken from another Master Plan. He added that no particular person was charged with following up on language in the Master Plan.

Chairman Behm stated that he is pleased with the level of professionalism that Cypher and Hubley-Patterson have exhibited so far.

Smith inquired as to how she should respond to people in the community who know that she is a member of the Planning Commission and who ask questions. Hubley-Patterson suggested that she encourage people to attend

PC meetings as they would have the opportunity to speak and ask questions during the Public Comment portion of the agenda. She reminded Smith to be careful about engaging in ex parte discussions with members of the public.

Chairman Behm noted that Browning serves as the Village Council representative, Popour will represent downtown business, Skurdall is the Parks and Recreation representative and Smith will represent education.

XII. Adjournment

Chairman Behm asked for a motion to adjourn the meeting. **Browning moved to adjourn the meeting at 5:55 p.m.; Skurdall seconded. All present in favor, motion carried.**

The next scheduled meeting will be held on Tuesday, March 21, 2023 at 4:00 p.m. at the Village of Beulah Office.

Respectfully submitted,

Allison Hubley-Patterson
Recording Secretary