

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on June 24<sup>th</sup>, 2024, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, June 24<sup>th</sup>, 2024, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Sultana Chowdhury, Assistant Secretary  
Claudette Robinson  
Michelle Tutt  
Delwar Ansar  
Mahmuda Mouri, Secretary  
Merle Boniecki, Vice Chair  
Henry Newnan, Ex-Officio

Also present:

Ron Wuerth – Planning Director  
Michelle Katopodes – Planner II  
David Crabtree – Assistant Planner  
Amanda Mika – Assistant Planner  
Melissa Maisano – Administrative Secretary  
Mary Michaels - Assistant City Attorney  
Christie Laabs - Communications Department

1. CALL TO ORDER:

Vice Chair Boniecki - Calls the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

MOTION:

A motion was made by Commissioner Tutt to excuse Chair Smith, supported by Commissioner Ansar. A voice vote was taken and the motion carried unanimously.

4. APPROVAL OF THE AGENDA:

MOTION:

A motion was made by Assistant Secretary Chowdhury to approve, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

5. APPROVAL OF MINUTES JUNE 10TH, 2024:MOTION:

A motion was made by Commissioner Robinson to approve, supported by Assistant Secretary Chowdhury. A voice vote was taken and the motion carried unanimously.

6. PUBLIC HEARING ITEMS:

None at this time.

7. CORRESPONDENCE:

None at this time.

8. OLD BUSINESS:

None at this time.

9. BOND RELEASE:

None at this time.

10. NEW BUSINESS:

None at this time.

11. CITIZEN PARTICIPATION:

None at this time.

12. PLANNING COMMISSION BUSINESS:**A) Planning Director's Report:**

Mr. Ron Wuerth – Just recapping some of the work that the Staff and I did over the last two weeks. I'll start with the 11<sup>th</sup>, and this is highlighted stuff, we had a meeting with the people who were working on the Cole Street Development. They've come back and they seem to think that they can go ahead with the project. It will be a lot smaller than it was, that makes it a little easier maybe not having to go to the Zoning Board. We had a pretty good conversation with the people, and we expect to see them again, so this will be a good development. I said that about the first one and I'll say that about this one, so I hope to see them coming up.

I attended the City Council Meeting, that was back on the 11<sup>th</sup>, and the Van Dyke Corridor Plan was presented with the PowerPoint presentation that was lacking the first time around, so the consultant was allowed to speak on that and go through the PowerPoint. They asked for a public opinion, there didn't seem to be any public opinion

and with that the secretary indicated that they wanted to take this to a Committee of the Whole Meeting. I've not heard when that's going to take place, but as soon as I know I'll let all of you know when that meeting is just in case you care to sit in and listen when they're talking about the Van Dyke Corridor meeting, especially you Claudette, you're on the Steering Committee, so we'll see when that happens.

Also, I was there for the wireless facilities in town and Mary made the presentation, they were kind of tough on her, that did pass fortunately. That did pass, right? Things get tabled and we never see them again.

Ms. Mary Michaels – First reading.

Mr. Ron Wuerth – That was the first reading?

Ms. Mary Michaels – Yes.

Mr. Ron Wuerth – That's right, thanks for correcting me, alright that will come back sometime in the future here. Mary, did the secretary talk about a date?

Ms. Mary Michaels – Are we talking about the wireless ordinance, the first reading?

Mr. Wuerth – Yes.

Ms. Mary Michaels – The second reading will probably be at the next meeting, not the one on Tuesday, the July meeting.

Mr. Wuerth – Okay I'll be there for that. Then there was discussion, and we've tossed this around a little bit here in Planning about food trucks, it's City Council's regulatory start of an ordinance that's not a zoning start so we are watching it and taking a look at what's being presented there in the staff.

The next day, there was a zoom meeting with the Non-Motorized Transportation Plan, we discussed a lot of different things that they are doing. As the Consultants work their way through things it's quite a job, but that's why I like consultants, they know their job and they are focused on it.

On the 13<sup>th</sup> we had a meeting with a person who wants to develop a site on Groesbeck, I think it's north of Frazho, and it's a new gas station. It's a site that came to us maybe 5 to 7 years ago and just didn't go anywhere. They've got some wetland area on that property, so they are trying to deal with that. I think that's why the first development didn't work, and I think these people have a little more feel for how to make it work. Our Engineering Division was there and gave them a lot of good advice on that.

On the 14<sup>th</sup> we had a Greenspace Conservation Plan meeting, the same basic new things that come up and how they are moving along with their plan.

On the 17<sup>th</sup>, that was a Monday, that's when our office got new carpeting. Talk about a big issue. That means everything had to be moved. If anyone's ever seen my office, I had to move all that stuff, it's quite a task. I'm going to reduce what I have to move back.

On the 18<sup>th</sup> there was a meeting in the Mayor's Office that I attended on Micro Forests. It's something new, maybe old but seems new to me now, where they take a small patch of land and they design basically a small forest with specific types of trees, shrubs, perennial plants, it's all grown into a system and probably after 5 or 10 years that's what you have, a Micro Forest. They are looking at a particular location and we are working with the person who's leading the charge, she's a 16 year old woman and she knows exactly what she's doing and she also works with Sterling Heights. This is her interest and she's an extremely intelligent young woman. That meeting was in the Mayor's Office.

On the 20<sup>th</sup> I met with the group who has the Sheetz Gas Stations. They're not just gas stations but they are restaurants, drive-thru restaurants, pumps, they have it all. All I hear is great things about them. We talked to them about the development of the Pampa Lanes site, and they'll come to us with a site plan very soon and we'll move along with that redevelopment of that site.

Then on Friday I met with Councilman Newnan, Mary, myself, Michelle was there, and Mr. Hasspacher and we talked about the bylaws trying to figure out better wording, better thought process on the existing bylaws. The idea tonight was, you were given a copy of the bylaws to look at the ex-officio section of it, and if you had any thoughts to present a change to the bylaws, because there will be changes, then we'll certainly take that into consideration, add it to

the thought process, and come up with some revised bylaws. With that if anyone has any questions, I'll try to answer them.

Secretary Mouri – So the bylaws were already discussed with the Council and the Planning Board, like you and Mary, to figure out the wording?

Mr. Ron Wuerth – We are working on it we have not come to any agreements at this point.

Secretary Mouri – Whatever we see right now in writing has been a discussion that already took place between you, Councilman Newnan and our Attorney right here, I just want to make sure that's what I heard.

Mr. Ron Wuerth – That's what you heard. We need to gather information before we choose to bring anything like this to the Planning Commission, so we simply asked you to take a look at those bylaws and think about them. Again, I repeat, if you had any questions about that, if you want to talk to Ms. Michaels, she's working hard on trying to have the legal language that gets involved here, not just plain language, and that's what is at hand now.

One other thing, I'm going to miss you Commissioner Tutt. I want you to know that.

Commissioner Tutt – Thanks Ron, I'm going to miss you guys for sure.

Mr. Ron Wuerth – You're welcome.

## **B) Planning Commission Discussion regarding review of the Bylaws.**

Ms. Mary Michaels – This is just really a status update because I know the City Council raised the issue about Ex-Officio's addressing the Commission on its items. In the past we've always asked the Ex-Officio's to not address the Commission on items that are going forward to City Council, in fact Ex-Officio's there a rule that you can only speak once during audience.

I spoke to City Council's Special Council Jeff Schroeder, and we haven't reached a full resolution or a meeting of the minds on all issues, but we agreed on certain changes; that we take out the part

that the Councilmembers cannot interact with the audience or can't leave during the meeting, obviously, but the issue remains about addressing this Commission. As a matter of law, based on the research that I've done, an Ex-Officio Councilmember, any public officio, can address the Commission even if they have power of appointment or if they are ultimately deciding the issue. Then it becomes an issue of fact, did that Ex-Officio exert any influence over the decision and that's where we have to come to some type of resolution.

Mr. Schroeder and I discussed a possible resolution where the Ex-Officio may address the Commission on all items but not as a Councilmember, as an Ex-Officio, and that there would be parameters to make sure that they commented only within the confines of the Zoning Ordinance just to make sure that this body is acting in an impartial manner and not under any influence or pressure, because there is a procedural defect. Mr. Schoeder understood that we just need to package it in a way that is legally cognizable and acceptable to the Commission.

Whenever we review legal issues, it always spirals off into something else. In this case, when Mr. Schoder raised the issue about Councilmembers not interacting with the audience, obviously that's something that should go. That raised the secondary issue about ex-parte communication. As Commissioners you know the Commissioners cannot interact with the petitioners or audience members and if you do you discuss it at the meeting. So I included in there a proposal where the ex-officio's would not engage in ex-parte communications similar to the Commissioners. That raises a little bit of concern because Councilmembers have more opportunity and there's more of an expectation that the public will reach out to them.

So that is an issue that is raised but is not settled, but it will be addressed, that this Commission views. Obviously if there's something about ex-parte communications, Commissioners, you're bound to certain rules but it's not in the bylaws and it should be.

The next issue is Councilmembers, what are their expectations when they are addressing land use questions, are they held to the same standard as the Planning Board, I believe that they are but that's still unsettled at this point.

So at this juncture I just ask that the Commission receive and file, I don't recommend a vote on any matter before you tonight, maybe just discuss your thoughts on it and it will be considered and then we will memorialize your concerns into the final document that will be voted on.

COMMISSIONERS PORTION:

Secretary Mouri – So maybe just clarifying some items. So the ex-officio would be able to speak on any items that is being voted even though it's being voted on by the Council, so before it was a no and now we are changing that to a yes, right? So they will be able to come up and talk regarding items that's going to come up in front of Council in the future?

Ms. Mary Michaels – It's likely to be the recommendation with obviously some parameters, if that is the recommendation, ultimately this Commission adopts its own bylaws.

Secretary Mouri – When we say speak when would they have the opportunity to speak, is that during a citizen participation? When would they be allowed to talk, like under citizen participation or what would be the parameters that you're mentioning?

Ms. Mary Michaels – During the public hearing portion of the hearing.

Secretary Mouri – So are they speaking as a public at that time or are they considering the role of an ex-officio and speaking at that point?

Ms. Mary Michaels – The role of the ex-officio, but not identifying themselves as a councilmember representing a certain district that has been done in the past. And that's where I see (inaudible) a line for duress.

Secretary Mouri – Okay, that was one question that I had. Number 5, interact with the audience member in the auditorium while the meeting is taking place, so since we are cancelling that one out does that mean the ex-officio is going to be able to talk as the meeting is going on, like get up and talk to anyone that they want, is that what we are saying?

Ms. Mary Michaels – Strict reading yes, but there's also a counter proposal in here about engaging in ex-parte communication, so that

would negate the restriction against speaking to the audience. If there there's a restriction against ex-parte communication that would serve the same purpose. They wouldn't be able to speak to a neighbor if an item is going before City Council. If there's an item not going to City Council only decided by this Commission then yes the ex-officio can speak to the public and speak to the petitioner, they are free to do that. But if it's an item that advances to City Council, if they are bound to the same standards as this Commission, then they would not be able to speak to the petitioner or the neighbors.

Secretary Mouri – But they will be able to come up and make a public comment?

Ms. Mary Michaels – Correct, yes.

Secretary Mouri – Okay.

Commissioner Tutt – So when they are speaking they are acting as just a member of the public, not a Councilmember?

Ms. Mary Michaels – Not as a Councilmember but as ex-officio.

Commissioner Tutt – We have had people identify themselves in the past, let's say that happens do they lose that time to speak? Let's say they come to the podium and they announce I'm so and so from district whatever does that change things immediately during that meeting?

Ms. Mary Michaels – Well that's what we'd like to avoid, we'd like to avoid having them identify themselves as a Councilmember at large or from a certain district. They would be speaking as ex-officio, which ex-officio's are members of this commission.

Secretary Mouri – One other thing I want to clarify, so is the Councilmember going to be allowed to speak during citizen participation, they can make that three minute comment if they want?

Ms. Mary Micheals – I believe they've always had that right.

Secretary Mouri – I wanted to make sure, because I think one of the last meetings that we had during another item the ex-officio came up and making comments. Not to say that was wrong or right, I just

want to make sure that in the future we are not put in a spot like we are now. Let's say when an item is going on they'll be able to come up and talk as ex-officio and during citizen participation they can talk but during other items that we have going on will they be allowed to come up and speak?

Ms. Mary Michaels – That's not addressed here, that's never been addressed, that's something we can consider in the future. They would speak under this scenario; they would speak under the public portion of each agenda item they are not voting members that's in the City Charter, so they can't deliberate like this Commission would.

Secretary Mouri – I would highly recommend that we consider a couple different scenarios, so we don't come back to this in a year again. Thank you.

MOTION:

A motion was made by Commissioner Robinson to receive and file, supported by Assistant Secretary Chowdhury.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson.....	Yes
Assistant Secretary Chowdhury.....	Yes
Commissioner Ansar.....	Yes
Commissioner Tutt.....	Yes
Secretary Mouri.....	Yes
Vice Chair Boniecki.....	Yes

**C) Resolution Presentation for Planning Commissioner Michelle Tutt.**

Vice Chair Boniecki – This is a resolution for one of our members that is unfortunately having to leave our Board.

Whereas, Michelle Tutt served the Planning Commission in an exemplary manner as a Planning Commissioner from October 26, 2021 to June 24, 2024; and

Whereas, Michelle Tutt provided leadership, knowledge, scholarship, wisdom, common sense and considerable experience to help the Planning Commission improve its decision, studies, and plans over her tenure; and

Whereas, it is with sincere appreciation for her almost three years of service that the members of the Warren Planning Commission and the Planning Department commend Michelle Tutt for her exceptional commitment to the Planning Commission.

Now therefore be it resolved, that we, the City of Warren Planning Commission and Planning Department, do hereby express to Michelle Tutt our sincere appreciation for her unselfish, dedicated and outstanding efforts, which have greatly assisted the work of the Planning Commission and promoted the health, safety and welfare of the City of Warren.

This is a plaque for you. It was signed by all of us, we will sincerely miss you and we wish you luck with everything you do. Thank you.

Commissioner Tutt – Thank you I appreciate it.

13. CALENDAR OF PENDING MATTERS:

None at this time.

14. ADJOURNMENT:

MOTION:

A motion was made by Commissioner Robinson to adjourn, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

The meeting was adjourned at 7:28 p.m.

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Merle Boniecki, Vice Chair

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Mahmuda Mouri, Secretary

Meeting recorded and transcribed by  
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Mary Clark CER-6819  
June 24<sup>th</sup>, 2024