

**CHAPTER 16 PLANNING COMMISSION AND DOWNTOWN DEVELOPMENT AUTHORITY**

**16.1 AN ORDINANCE, PURSUANT TO ACT 285 OF THE PUBLIC ACTS OF 1931, AS AMENDED, TO CREATE A VILLAGE PLANNING COMMISSION TO PROVIDE FOR ITS ORGANIZATION AND TO DEFINE ITS POWERS AND DUTIES.**

**AN ORDINANCE TO AMEND CHAPTER 16, SECTION 16.1.2(a) OF THE VILLAGE OF CENTRAL LAKE CODE CONCERNING THE MEMBERS ON THE PLANNING COMMISSION**

**THE VILLAGE OF CENTRAL LAKE ORDAINS:**

**16.1.1 Creation of Village Planning Commission; Name of Commission**

A Village Planning Commission is hereby established for the Village of Central Lake. This Planning Commission shall be known as the "Central Lake Village Planning Commission."

**16.1.2 Membership; Appointment; Compensation; Terms; Removal; Vacancy**

- (a) The Village Planning Commission shall consist of five (5) members. The Village President, one (1) or more members of the Village Council, or any combination thereof, may be appointed to the Planning Commission as *ex officio* members with full voting rights on the Planning Commission, provided that these officials constitute no more than one-third (1/3) of the total membership on the Planning Commission. Except as provided herein, an elected official or employee of the Village, however, shall not be eligible to be a member of the Planning Commission. Members of the Planning Commission shall be qualified electors of the Village, except two (2) members may be individuals who are not qualified electors of the Village. In addition, members of the Planning Commission shall be representative of the entire geography of the Village to the extent practicable and shall be representative of important segments of the Village, such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the Village, such agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce.

**ORDINANCE CERTIFICATION**

At a regular meeting of the Central Lake Village Council, Antrim County, held in the Central Lake Governmental Center, located at 1622 M-88 Hwy, Central Lake, Michigan, on August 8, 2018 at 7:00 P.M.

PRESENT: Chapman, Clark, Loveless, Patton, Tyler Eckhardt

ABSENT: Zelenak

It was moved by Loveless and supported by Chapman

- (b) All members of the Planning Commission shall be appointed by the Village President, subject to the approval by a majority vote of the entire Village Council.

- (c) Except for any *ex officio* members, the term of each appointed member shall be three (3) years or until his or her successor is appointed, except that the respective terms of approximately one-third (1/3) of the non-*ex officio* members first appointed shall be for one (1) year and the respective term of approximately one-third (1/3) of the non-*ex officio* members first appointed shall be for two (2) years, so that as nearly as possible the terms of one-third (1/3) of the non-*ex officio* members of the Planning Commission will expire each year. If appointed to the Planning Commission, the term of the Village President shall correspond to his or her term as Village President and the term of any member appointed for the Village Council shall expire with his or her term on the Village Council.
- (d) After written charges and a public hearing before the Village Council, a member of the Planning Commission, including any *ex officio* member, may be removed from office for misfeasance, malfeasance, or nonfeasance in office by the Village Council. The failure of a Planning Commission member to disclose to the Planning Commission a potential conflict of interest, as defined in Planning Commission bylaws, shall constitute malfeasance in office. The failure of a Planning Commission member to regularly attend scheduled meetings of the Planning Commission shall constitute nonfeasance in office. The Planning Commission secretary shall report to the Village Council when a Planning Commission member has failed to attend three (3) consecutive Planning Commission meetings.
- (e) A vacancy on the Planning Commission occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.

### **16.1.3 Organization; Chairperson and Officers; Meetings; Rules; Records**

The Village Planning Commission shall elect a Chairperson from amongst the appointed members and may create and fill by election such other offices as it determines necessary. The term of the Chairperson and any other officers shall be one (1) year with eligibility for reelection. The Village Planning Commission shall hold at least one (1) regular meeting in each month but not less than four (4) per year. It shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

### **16.1.4 Powers and Duties**

- (a) The Village Planning Commission may contract with planners, engineers, architects, attorneys and other consultants for such services as it may require. The expenditures of the Village Planning Commission shall be within the amounts appropriated for those purposes by the Village Council, which shall provide the funds, equipment and accommodations necessary for the Village Planning Commission's work.
- (b) The Village Planning Commission shall have all the powers and duties conferred on planning commissions by Act 285 of the Public Acts of 1931, as amended, all

the powers and duties conferred on the Village Zoning Commission by Act 207 of the Public Acts of 1921, as amended, and any other powers and duties conferred on planning commissions by other provisions of law. Any and all such powers and duties are hereby conferred and incorporated as if fully set forth herein.

#### **16.1.5 Conflicting Ordinances; Severability:**

Any ordinance or parts of ordinances conflicting with this ordinance are hereby repealed. The Village Council hereby declares that sections of this ordinance are severable. If any section, provision or clause of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect any remaining portion or application of this ordinance which can be given effect without the invalid portion or application.

#### **16.1.6 Effective Date:**

This ordinance shall become effective the day after its publication in a newspaper of general circulation within the Village.

### **16.2 DOWNTOWN DEVELOPMENT AUTHORITY**

#### **AN ORDINANCE TO AMEND CHAPTER 16, SECTION 16.2(6) OF THE VILLAGE OF CENTRAL LAKE CODE CONCERNING THE BOARD OF THE VILLAGE OF CENTRAL LAKE DOWNTOWN DEVELOPMENT AUTHORITY**

##### **THE VILLAGE OF CENTRAL LAKE ORDAINS:**

- (1) Title: This ordinance shall be known as the “Downtown Development Authority Ordinance” of the Village of Central Lake.
- (2) Purpose: The purpose of this ordinance is to create a public body corporate to act in the best interests of the Village to halt property value deterioration, increase property tax valuation where possible in the business district of the Village, eliminate the causes of that deterioration and to promote economic growth pursuant to Public Act 197 of the Public Acts of 1975.
- (3) Definitions: The terms used herein shall have the same meaning as given them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary and shall be in addition to the terms provided in Act 197.
  - (a) “Authority” means the Village of Central Lake Downtown Development Authority
  - (b) “Act 197” means ct 197 of the Public Acts of Michigan of 1975 as now in effect or hereinafter amended

- (c) "Village" means the Village of Central Lake, Antrim County
  - (d) "Council" means the Village Council of the Village of Central Lake
  - (e) "Downtown District" means the downtown district designated herein
- (4) **Creation of Authority:** There is hereby created pursuant to Act 197 the Village of Central Lake Downtown Authority. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Central Lake Downtown Development Authority." The Authority may adopt a seal, sue and be sued in any Court of this State and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided herein and in Act 197. The enumeration of a power herein or Act 197 shall not be construed as a lamination upon the general powers of the Authority.
- (5) **Description of Downtown District:** The boundaries of the Downtown District in which the Authority shall exercise its powers as provided by Act 197 are hereby established as follows:  
All properties inclusive with the western boundary being Chestnut Street from Brooks Street north to Cedar Street; the northern boundary from Chestnut Street to Cherry Street on Cedar Street; south on Cherry Street to North Street then east on North Street to Elm Street; then south on Elm Street to Maple Street; west on Maple Street to the northeast corner of Lot 4, Block V, Plat of Central Lake 1884; then south to State Street; west on State Street to Herrick Street; south on Herrick Street to the southeast corner of Lot 1, Block T, Plat of Central Lake; then west on southern border of said Lot 1, Block T to northeastern corner of Lot 9, Block T, Plat of Central Lake; then south to Brooks Street; then west to Chestnut Street
- (6) **Board:** The Authority shall be under the supervision and control of a Board consisting of the Village President and eight (8) members. The members shall be appointed by the Village President subject to approval by the Village Council. Eligibility for membership on the Board and terms of office shall be as provided in Act 197 of the Public Acts of 1975, as amended. All members shall hold office until the member's successor is appointed.

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PRESENT: Chapman, Clark, Loveless, Patton, Tyler Eckhardt  
ABSENT: Zelenak

It was moved by Chapman and supported by Patton

- (7) Powers of Authority: As provided in Act 197, the Authority shall prepare plans for the Downtown Development District. The Authority must obtain Council approval of all financial plans. The Authority shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all powers provided by Act 197 of the Public Acts of 1975.
- (8) Termination: Upon completion of its purposes, the Authority may be dissolved by the Village Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Village Council.