

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF PONTIAC - PLANNING COMMISSION

WEDNESDAY, JULY 8, 2020

6:00 P.M.

A meeting before the Planning Commission, via Zoom technology.

BOARD COMMISSIONERS:

Dayne Thomas, Chair

Mayor Deirdre Waterman, Commissioner

Christopher Northcross, Commissioner

Lucy Payne, Commissioner

EXCUSED:

Hazel Cadd, Commissioner

Mona Parlove, Commissioner

Ashley Fegley, Vice Chair

CITY OFFICIALS PRESENT:

Vernon Gustafsson, Planning Manager

Donovan Smith, City Planner

Jane Bais DiSessa, Deputy Mayor

MINUTES RECORDED BY:

Quentina R. Snowden, (CSR-5519)

Certified Shorthand Reporter & Notary Public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEMBERS OF THE PUBLIC ADDRESSING THE PLANNING
COMMISSION:
Justin Dunaskiss
Ryan Fried
Michael Vogt

1 (CALL TO ORDER: Chairperson Thomas
2 called the meeting to order at 6:30 p.m.)

3 THE COURT: Good evening, ladies and
4 gentlemen. Thank you for your patience as we try to
5 sort through this kind of very complicated world
6 that we're in. Welcome to Pontiac Planning
7 Commission meeting for July 8th, 2020. Our
8 Commissioners -- we have a quorum.

9 COMMISSIONER PAYNE: We can't hear
10 him, Vern.

11 CHAIRPERSON THOMAS: Normally I
12 introduce our Commissioners to the audience. I'm
13 not going to do that tonight because we have enough
14 complications. Suffice it to say that we have a
15 quorum, but Mr. Gustafsson, would you roll call,
16 please.

17 MR. GUSTAFSSON: Yes. Chairman
18 Thomas?

19 CHAIRPERSON THOMAS: Present.

20 MR. GUSTAFSSON: Vice Chair Fegley,
21 she couldn't be here.

22 Commissioner Northcross?

23 CHAIRPERSON THOMAS: Commissioner
24 Northcross?

25 COMMISSIONER NORTHCROSS: Present.

1 Can you hear me?

2 CHAIRPERSON THOMAS: Yes.

3 MR. GUSTAFSSON: Commissioner Payne?

4 CHAIRPERSON THOMAS: Commissioner
5 Payne? Commissioner Payne?

6 COMMISSIONER PAYNE: Present.

7 MR. GUSTAFSSON: Mayor Waterman.

8 MAYOR WATERMAN: Present.

9 MR. GUSTAFSSON: We have a quorum.

10 CHAIRPERSON THOMAS: Okay.

11 MAYOR WATERMAN: Mr. Chair, may I make
12 a suggestion, that with your technical difficulties,
13 there is a precedent for, if you would like to have
14 the -- to relegate your Chair duties to someone who
15 is present, who is not having any difficulties, so
16 that will make us be able to move more smoothly
17 here.

18 CHAIRPERSON THOMAS: I'm not hearing
19 that.

20 MR. GUSTAFSSON: You're not hearing
21 that? Barely.

22 MAYOR WATERMAN: To relegate the
23 Chair's duties of the -- the -- we can -- the body
24 can nominate someone to be your alternate, to step
25 into the role since you're having technical

1 difficulties.

2 MR. GUSTAFSSON: Since you can't hear
3 it clearly, the Mayor has suggested that we could
4 possibly look at the opportunity to delegate
5 somebody else to be the Chair and go through the
6 agenda items.

7 CHAIRPERSON THOMAS: Well, we got two
8 people here so --

9 MAYOR WATERMAN: If he's willing to
10 relegate that, I do nominate Lucy Payne.

11 COMMISSIONER PAYNE: Oh, no. Can I
12 decline?

13 MAYOR WATERMAN: No.

14 CHAIRPERSON THOMAS: Well listen, why
15 complicate this any more? Let's just move -- if we
16 have to repeat something, we'll repeat something.
17 So --

18 MAYOR WATERMAN: All right.

19 CHAIRPERSON THOMAS: We have an
20 agenda. I'm going to ask for a motion to approve
21 the agenda.

22 MAYOR WATERMAN: So moved.

23 COMMISSIONER NORTHCROSS: Support.
24 Chris Northcross, support.

25 MR. GUSTAFSSON: I'll do a roll call

1 here. Mayor Waterman?

2 MAYOR WATERMAN: Yes.

3 MR. GUSTAFSSON: Commissioner
4 Northcross?

5 COMMISSIONER NORTHCROSS: Yes.

6 MR. GUSTAFSSON: Chair Thomas?

7 CHAIRPERSON THOMAS: Yes.

8 MR. GUSTAFSSON: And Commissioner
9 Payne?

10 COMMISSIONER PAYNE: Yes to approve
11 the agenda.

12 MR. GUSTAFSSON: Yes to approve the
13 agenda, correct?

14 COMMISSIONER PAYNE: Yes.

15 CHAIRPERSON THOMAS: Minutes for
16 review from -- well, this says June 3rd but --

17 MR. GUSTAFSSON: At this time we do
18 not have any meeting minutes to approve.

19 CHAIRPERSON THOMAS: Okay. So onto
20 public hearings we shall go. The first item is ZMA
21 20-03 Zoning Map Amendment, as I believe Mr.
22 Gustafsson will present.

23 5.1 ZMA 20-03 Zoning Map Amendment.

24 PROPERTY ADDRESS: W. New York &

25 Richard Ave.

1 PARCEL NO. 64-14-08-356-001
2 APPLICANT: Ryan Fried
3 CURRENT ZONING: R-1 Single Family
4 Dwelling District.

5 PROPOSED ZONING: M-1 Light
6 Manufacturing
7 (Presentation facts given by Mr.
8 Gustafsson.)

9 CHAIRPERSON THOMAS: Thank you very
10 much. With that being said, Mr. Gustafsson has made
11 the presentation. And so I don't see the
12 petitioner's on screen. I guess they can hear me.
13 So anything you'd like to add or comment or amplify
14 or embellish as relates to Mr. Gustafsson's
15 presentation and proposal?

16 MR. DUNASKISS: Yes. Thank you very
17 much. Justin Dunaskiss here, Dunaskiss Consulting
18 and Development assisting the applicant with this
19 request. I appreciate everyone's time, and Vern for
20 giving an overview of the project.

21 We're very excited because we really
22 think that with this conditional rezoning it really
23 meets a lot of the metrics and point of not only
24 what the Walton overlay district looked to do and
25 meets with what the Master Plan calls for for this

1 area, I think a lot of people know the area right
2 next to the car wash there, it's always been heavily
3 wooded, never very developed, and it's buffered by
4 railroad.

5 So this really is -- just a request to
6 add one little parcel with conditions to be part of
7 the overlay, as the applicant has the largest
8 sampling of the property there looking to move
9 forward with some new construction, build-to-suit.
10 And as you look at the different criteria and
11 findings of fact, I think they knock each one out of
12 the park. And again with this small little tweak,
13 if you will, by adding this parcel with conditions,
14 limiting the parcels so there won't be any access on
15 Richard unless the Fire Department wants emergency
16 access or something.

17 The surrounding property owners have
18 all signed off and welcomed the development, to see
19 something finally happen there. And we're just
20 excited that we think this one by working with the
21 administration folks over the number of months that
22 it kind of hits everything on the point of which I
23 hope the folks are looking for.

24 If you have any questions for the
25 applicant, they're well abreast of the development

1 and also state licenses and so forth with the
2 various activities that would be proposed.

3 CHAIRPERSON THOMAS: Okay. Thank you
4 very much. I'm going to go to my fellow
5 Commissioners as I normally do. However, tonight
6 with all of the technical difficulties that we're
7 having, I would kindly ask you to please, with
8 regard to Q and A with the petitioner, unless we
9 have any compelling issues, let's do our best to
10 keep it less than five minutes. Again, that's only
11 a request given the complications that we're having
12 with regard to technical issues.

13 So, without further ado, Commissioner
14 Northcross, please.

15 Commissioner Northcross?

16 COMMISSIONER NORTHCROSS: Commissioner
17 Payne, please.

18 COMMISSIONER PAYNE: Yes. Let me
19 first of all thank Mr. -- is it Fried, and for his
20 interest within the city and bringing business to
21 the city. So thank you very much for that.

22 I guess one of my questions would be
23 first to Vern with the residents' compliance or
24 agreement, I should say, are those -- how are those
25 confirmed? I know I saw 1 or 2 names that I really

1 didn't know that they lived in those areas, but I'm
2 just wondering if that makes a difference, if those
3 signatures are -- are actually people who live in
4 the resident area. I mean, I'm just asking.

5 MR. GUSTAFSSON: You want to ask if
6 they're correct. Justin, could you explain the
7 process in regards to how you obtained the
8 signatures?

9 MR. DUNASKISS: Sure. So with this
10 project and most projects we try to, you know, talk
11 to all of the neighbors, certainly residential once
12 with the rezoning. And so the applicant personally
13 went out and met a number of times with the three
14 homes to adjacently to the east of the site. And
15 I'll let Ryan fill in if he needs to. There I
16 believe two of them are renters, so the owner may be
17 a Pontiac resident too, but the current residents
18 are renters.

19 So we reached both out by looking at
20 property records to true ownership as well personal
21 door-to-door, talking to people, showing them the
22 plans, getting their input. And so we had
23 personally met the tenants and sent letters to the
24 owners and then got their signatures, and basically
25 overall they said well, wonderful, you know, it's

1 overgrown, the mosquitoes and everything else, we
2 kind of like that it's quiet. And they like that
3 we said well we're not going to have any access on
4 Richard unless fire marshal wants quick in and out
5 just for them. They love that, that there actually
6 will be some maintenance and things done on the
7 street and some activity. And then Ryan personally
8 went out.

9 COMMISSIONER PAYNE: So my
10 understanding is growing -- it's a medical marihuana
11 facility that you're looking at?

12 MR. DUNASKISS: Correct. We had
13 applied for the growing and process there with the
14 new building obviously.

15 COMMISSIONER PAYNE: Okay. And
16 that -- that building that's -- I forgot the name of
17 it. A business there that has signed off, there's a
18 driveway that leads right into that property. And
19 is that an area -- I think it cuts off Richard
20 Street or something, because it's here. It was a
21 little confusing.

22 So I'm wondering if you're using that
23 end that's coming out to that business, are you
24 going to be using -- bringing at the all the way
25 through when you -- is that a plan? I mean, I know

1 that we're not supposed to be looking at a plan or
2 anything, but I just -- how the traffic and how
3 the -- how they're coming in there with heavy
4 equipment and not --

5 MR. DUNASKISS: Yeah, so we won't be
6 using to looking Richard at all, Richard Avenue.

7 COMMISSIONER PAYNE: Richard and
8 Baldwin?

9 MR. DUNASKISS: Baldwin. Just Walton.

10 COMMISSIONER PAYNE: I mean Walton.
11 Richard and Walton. I'm sorry.

12 MR. DUNASKISS: Yeah. So we'll be
13 utilizing Walton. There is -- this condition, the
14 other parcels that are part of assembly in this
15 development already fall within the Walton overlay
16 district and meet the other requirements that
17 they're looking to do. So that's what might kind of
18 throw it off. You just see it reduced to doing this
19 island in the middle. No, really we have the
20 surrounding parcels, and I can let Ryan chime in if
21 he wants. It's part of the -- this particular piece
22 meets the condition or rezoning so we have a
23 holistic approach.

24 And then for access we talked about
25 really gaining construction access, and then once

1 it's built, which won't have much traffic, you know,
2 some good jobs, but it's not overly hard for the
3 use. It would be accessed off Walton.

4 COMMISSIONER PAYNE: Okay. I notice
5 the revision -- the reconditional agreement,
6 rezoning, that three-year span, what is your
7 timeline of completion of that -- that property and
8 project there?

9 MR. DUNASKISS: I'll let Ryan speak.
10 ASAP. But we know, and as Vern had outlined in his
11 letter and review, we have quite a number of steps
12 just to be able to put a shovel in the ground.

13 COMMISSIONER PAYNE: I do understand
14 that, right.

15 MR. DUNASKISS: So that's going to
16 take six months, realistically, put in everything
17 else. So I think we need to three years in there.
18 We want to give ourselves enough runway to get to say
19 they only go the ground going by year two, that we
20 wouldn't have to come back and ask why we're
21 building out for the processing.

22 The same within three years we commit
23 it all be done and ready to go. If not, it would
24 revert back the underlying zoning should they not
25 perform.

1 MR. GUSTAFSSON: Right.

2 COMMISSIONER PAYNE: So Vern, my
3 question to you is, after three years, will they be
4 able to come back, and if it's not -- would they be
5 able to come back?

6 MR. GUSTAFSSON: That is correct,
7 because of the conditional rezoning agreement, the
8 way it states -- we did this simili ar, if you
9 remember correctly, back in January for a number of
10 zoning requests, conditional rezoning requests. We
11 gave them three years from the time that they
12 received the city license from the City of Pontiac.

13 COMMISSIONER PAYNE: Okay. And I'm
14 really starting -- putting that within these plans,
15 and not knowing that I'm sure Mr. Fried is not one
16 of the persons who would be -- we have had so many
17 business that have come in saying that they want to
18 do this, and they're going to do it under certain
19 span, in a certain amount of time, and now grass or
20 trash is still on those properties after ten years.
21 So, I'm glad that we have started putting a timeline
22 on completing these properties rather than just
23 having them sit there and grow grass.

24 MR. GUSTAFSSON: That's true, yes.
25 And I think that that -- between what you're saying,

1 Commissioner Payne, and also what I was hearing from
2 City Council, as relates to these several projects,
3 we definitely want to have more -- I would I
4 wouldn't say restrictive, but limited time frame to
5 make it realistic, for them to do what they need to
6 do and get the show -- you know, get through the
7 entitlement process, getting them through the
8 permitting process, and also file some -- to get
9 construction beginning it and completed.

10 COMMISSIONER PAYNE: Okay. Thank you.
11 Thank you. Appreciate that.

12 CHAIRPERSON THOMAS: Thank you. Mayor
13 Waterman, please.

14 COMMISSIONER NORTHCROSS: This is
15 Commissioner Northcross.

16 CHAIRPERSON THOMAS: Is that you,
17 Chris?

18 COMMISSIONER NORTHCROSS: Yes.

19 CHAIRPERSON THOMAS: Okay. You're
20 cutting out and so we're going to ask you to engage
21 the petitioner and you probably missed what I asked
22 before, but, given the technical difficulties we're
23 working with, and the Mayor is going to have to
24 leave a little bit early, we'd like to be able to keep
25 the comments, to the best of your ability, in the

1 five-minute range, but please proceed from there.

2 COMMISSIONER NORTHCROSS: Two
3 questions. Number one. Harvest Time Church. Tell
4 me about their agreement with this -- with this
5 development. Also, has the County Sheriff been
6 contacted about the placement of this facility?
7 Those are my two questions.

8 MR. FRIED: Yes, I can answer it. The
9 Harvest Time Church I believe has moved up to
10 Roscommon. We had a purchase agreement for the
11 property there. At this time there's no operating
12 place of worship there. As far as the Sheriff's
13 Department, yeah, I went over there. I received --
14 I talked to a couple of the Sheriffs there, and they
15 had no problem, you know. They're not really --
16 they didn't really want to be concerned with it, to
17 be quite honest with you. They just -- whatever you
18 guys say, you know, they're -- sort of echo Justin's
19 sentiments, happy for some development in the area,
20 so --

21 But to simply answer your questions,
22 yes, I've contacted both of them, both the previous
23 owner of the church there who is no longer there and
24 the Sheriff's Department.

25 COMMISSIONER NORTHCROSS: So no one

1 has signed off from the church since --

2 MR. FRIED: I had the church under
3 contract to purchase and I believe -- I'll have
4 to see, I don't know what's happened with COVID,
5 because they relisted and now it was going to be
6 purchased again, so it's not an active place of
7 worship. He moved his parish up to Roscommon, I
8 believe it is.

9 MR. DUNASKISS: Again, also signed off
10 on proposed developments because I knew you talked
11 with him over the last year and a half, because then
12 the purchase agreement as well as full disclosure
13 there is an application for retail operation here.
14 That is separate, separate little piece there, you
15 know should that happen, you know, great down the
16 street almost contiguous with this.

17 So, Ryan, you did get the sign-off
18 overall for what you're proposing though with the
19 discussions from them, right?

20 MR. FRIED: Yes, absolutely. Yes, I'm
21 not sure if it's -- yes, I did.

22 CHAIRPERSON THOMAS: Okay. Chris,
23 does that answer the questions satisfactorily for
24 you?

25 COMMISSIONER NORTHCROSS: Well, I'll

1 wait to hear if there's anyone chiming in on the
2 public hearing.

3 CHAIRPERSON THOMAS: Okay. All right.
4 Without further ado then, thank you very much. To
5 Mayor Waterman, please.

6 MAYOR WATERMAN: Yeah, I have two
7 minutes left. Is this a public hearing as well?

8 MR. GUSTAFSSON: Yes, it is, Mayor.

9 MAYOR WATERMAN: All right. Are you
10 going to -- I will forego any questioning, open and
11 close the public hearing, and I am able to stay long
12 enough for a vote, but if there's anybody for the
13 public hearing in that vein, because I have exactly
14 two and a half minutes.

15 MR. GUSTAFSSON: I understand. Okay.
16 So go ahead and we'll -- she's going to forego any
17 kind of comments right now, Dayne, that way in case
18 there is public comments.

19 CHAIRPERSON THOMAS: Okay. And just
20 kind of quickly for what it's worth, if the Mayor
21 has to go, how are we going to handle the votes?

22 MR. GUSTAFSSON: She's saying she'll
23 stay on at least get through maybe this one, is what
24 we're saying.

25 CHAIRPERSON THOMAS: All right.

1 COMMISSIONER PAYNE: Mr. Chair, may I
2 make a motion to move?

3 CHAIRPERSON THOMAS: So that -- so we
4 have heard from three Commissioners. So that brings
5 it to me. And frankly, with respect to the -- I
6 don't have any questions. I think I -- given less
7 technical challenges, I might engage the commission
8 -- the petitioners, but I'm satisfied with what I
9 have read and what I've heard so I'm going to go
10 with that. So, before we go to a motion --

11 MR. GUSTAFSSON: Through the Chair, we
12 do need to open up for public hearing.

13 CHAIRPERSON THOMAS: Okay. I'm going
14 to -- okay.

15 MR. GUSTAFSSON: Before we make --

16 CHAIRPERSON THOMAS: That's fine. So
17 without further ado, I'm going to open the public
18 hearing. Anyone with any public comments, please
19 come forward. There's no one in chamber tonight,
20 but by protocol, so without --

21 MR. GUSTAFSSON: And let me just say
22 also, for the record, that I did not receive or
23 Donovan receive any communication from any concerned
24 resident or favorable comments about this project or
25 this application.

1 CHAIRPERSON THOMAS: So I'm going to
2 close public hearing. I'm going to go back to my
3 fellow Commissioners for any last questions or
4 communications prior to seeking a motion. So, as
5 I'd like to do, go in order, Commissioner
6 Northcross, please.

7 COMMISSIONER NORTHCROSS: If we can
8 have some documentation that that church is not in
9 operating or is vacant or that you have, submitted
10 an offer to them to purchase that property or
11 something along that line, just so that we have that
12 documentation and that's --

13 MR. GUSTAFSSON: Okay. We heard
14 Commissioner Northcross, we understand your comment.
15 That -- actually I understand what you're saying.
16 And we'll obtain that documentation, but also from
17 the fact that as it relates to this zoning map
18 amendment with conditions, does not require --
19 that's not one of the requirements or the criteria.
20 However, as they get to the process of getting their
21 application that they want to submit, they will have
22 to demonstrate that they do own it, or if it's still
23 active and it's still a tax exempt religious
24 institution, they'll have to prove to us that they
25 are more than 500 feet from that property. And if

1 it's not, or it still is a religious institution
2 that we issue as relates to their application, which
3 is a totally separate item.

4 COMMISSIONER NORTHCROSS: Okay. Thank
5 you.

6 MR. GUSTAFSSON: Thank you.

7 CHAIRPERSON THOMAS: Commissioner
8 Payne, please?

9 COMMISSIONER PAYNE: No other
10 questions. Or I may want to speak to residents that
11 may be listening, this really makes it very
12 difficult, if you're not -- to know what your
13 desires are within the area. So, I would urge that
14 any time the planning comes forth to -- or someone
15 comes within your area to please come to the
16 Planning Department, express what your concerns are.
17 Thank you.

18 CHAIRPERSON THOMAS: Okay. Thank you.
19 Mayor Waterman, please. Okay. So I'm going to
20 without further ado seek a motion. May I have a
21 motion, please? Can the Commissioners hear me?
22 Seeking a motion, please.

23 COMMISSIONER PAYNE: Per the rezoning
24 criteria found in Section 6.804 of the Zoning
25 Ordinance, Planning Division's technical report, I

1 make a motion to recommend approval of ZMA 20-03.
2 The recommendation would be that the request of Ryan
3 Fried rezone parcel number 64-14-08-356-001 from R-1
4 family dwelling to M-1 light manufacturing with CR
5 conditional rezoning.

6 CHAIRPERSON THOMAS: Thank you. May I
7 have a second, please?

8 COMMISSIONER NORTHCROSS: I'll second
9 that excellent motion.

10 CHAIRPERSON THOMAS: Okay. Thank you.
11 We have a motion, we have a support. Any further
12 comments or questions before we go to roll call?
13 Mr. Gustafsson, roll call, please.

14 MR. GUSTAFSSON: Commissioner Payne?

15 COMMISSIONER PAYNE: Yes to approve.

16 CHAIRPERSON THOMAS: Commissioner
17 Northcross?

18 COMMISSIONER NORTHCROSS: Yes to
19 approve.

20 MR. GUSTAFSSON: Chair Thomas?

21 CHAIRPERSON THOMAS: Yes to approve.

22 MR. GUSSAFSSON: Mayor Waterman?

23 Okay. The motion fails. We don't have a quorum.

24 CHAIRPERSON THOMAS: Okay. So, Chris
25 and/or Lucy, you can hear me, right? Do either of

1 you have a phone number for Ashley?

2 MR. GUSTAFSSON: She -- Dayne,
3 Ashley --

4 COMMISSIONER PAYNE: Call. Maybe we
5 could call her and have her just to voice in or --

6 MR. GUSTAFSSON: No, I -- I guess what
7 I'm saying is that she did respond to Donovan saying
8 that she had to work late and she couldn't make it.
9 And also she has not heard any of the information,
10 and I would not recommend trying to get a vote in on
11 a case like this.

12 COMMISSIONER PAYNE: The Mayor heard
13 everything, all of it.

14 MR. GUSTAFSSON: Okay.

15 COMMISSIONER NORTHCROSS: My point
16 being that do we have a quorum anymore?

17 MR. GUSTAFSSON: No, we don't. Mayor
18 had to get off. I know that she had some tough
19 commitments here and that was her comment about
20 dropping off, not expecting us to get a late start
21 either. Okay. I don't know what to say.

22 CHAIRPERSON THOMAS: Well --

23 COMMISSIONER PAYNE: Mr. Chair?

24 CHAIRPERSON THOMAS: Yes.

25 COMMISSIONER PAYNE: Well --

1 MR. SMITH: I have the Mayor online
2 and she would like to make her vote.

3 COMMISSIONER PAYNE: Wonderful. Thank
4 you, Donovan.

5 CHAIRPERSON THOMAS: All right, Mayor.
6 Go ahead.

7 COMMISSIONER PAYNE: We're on roll
8 call.

9 MAYOR WATERMAN: Yes to approve.

10 COMMISSIONER PAYNE: Yes, thank you.

11 MR. GUSTAFSSON: What was the
12 statement?

13 MR. SMITH: Did you get Mayor's yes to
14 approve?

15 MR. GUSTAFSSON: Okay. Mayor did hear
16 the entire presentation and she did vote to approve
17 the zoning map amendment with conditions. Okay.

18 MR. SMITH: All right, Mayor, we got
19 it.

20 CHAIRPERSON THOMAS: Fair assumption
21 the item passed, correct?

22 MR. GUSTAFSSON: Yes.

23 AYES: Thomas, Payne, Northcross,
24 Waterman.

25 NAYS: (None.)

1 ABSTAIN: (None.)

2 MOTION CARRIES 4-0-0

3 CHAIRPERSON THOMAS: Okay. So,
4 Justin, good news is your item passed. So
5 congratulations to you.

6 Sadly for our second petitioner,
7 frankly from where I sit, Vern, unless there's
8 some -- sadly, without a quorum, I don't know that
9 it makes any sense to take this any further, unless
10 you'd like to make a comment.

11 MR. VOGT: Just we flew from out of
12 state. We applied two months ago, with the risk of
13 traveling --

14 CHAIRPERSON THOMAS: Could you come to
15 the --

16 MR. VOGT: I'm sorry, yes.

17 COMMISSIONER PAYNE: Is the next
18 petitioner on?

19 CHAIRPERSON THOMAS: You'll have to
20 switch the microphone.

21 MR. VOGT: Well, thank you. I
22 certainly understand the circumstances that we're
23 under here. I just wanted to note that --

24 MR. GUSTAFSSON: Could you introduce
25 yourself.

1 MR. VOGT: Yes, I'm sorry. Michael
2 Vogt. I'm an attorney for the applicant, Octapharma
3 Plasma with regard to their special exception permit
4 request and site plan approval at 755 Baldwin
5 Avenue.

6 MR. GUSTAFSSON: Thank you.

7 MR. DEFENDANT: I understand that we
8 have lost a member of the Commission from the
9 meeting tonight. And that based on Mr. Gustafsson's
10 analysis that leaves us without a quorum, however,
11 my client and the applicant flew in from out of
12 state, which is quite a task during this -- you
13 know, these times at the moment, and we applied over
14 two months ago, planned on this for some time. I
15 don't really -- I understand the predicament, but I
16 don't know exactly -- it doesn't seem just, so I'm
17 trying to figure out what we can do.

18 MR. GUSTAFSSON: Well, we understand
19 what you're saying, you as the applicant, and as a
20 client I just -- I can't -- I can't see how as a
21 condition and recommend to them that I have three
22 out of the six that usually sit here or joining us
23 in on the call. It's unfortunate with a little bit
24 of technical difficulty on our end, and trying to
25 get this all worked out, and I --

1 CHAIRPERSON THOMAS: Let me as Chair,
2 let me -- you know, sadly, the whole world is
3 working through -- I've virtually said I'm not
4 coming to this meeting tonight but I agreed to come
5 in here. This is a complicated time for everyone.
6 And we thought we had a quorum. And we contemplated
7 a quorum. And, you know, we got one person that's
8 traveling in transit, and all we can ask for is your
9 patience because there isn't -- there's no sense of
10 us --

11 MR. VOGT: I understand.

12 CHAIRPERSON THOMAS: Okay. But let me
13 finish because we have an audience. There's no
14 sense of us presenting when we don't have the quorum
15 and then we're going to have to come back and
16 represent the same issue once again. Sadly, we
17 don't have a quorum, and you know we've been working
18 -- this has been a very complicated time if you're
19 sitting in Vern's office or Donovan's office, all of
20 the items are backing up in there because there's
21 just a lot of complications.

22 And so those are my comments. Vern,
23 anything you'd like to add to that?

24 MR. GUSTAFSSON: No. I think you
25 understand -- I think you understand the position

1 and we do appreciate all of your efforts. There's
2 quite a bit of communication that went between
3 ourselves and also you and your corporation, so --
4 but it's just -- we can't -- from a legal
5 standpoint, I can't suggest that we go on any
6 further.

7 MR. VOGT: I completely understand the
8 fact that you can't take a vote without a quorum.
9 The only thing I was going to ask if it's possible,
10 because I mean I could skirt through things pretty
11 quick --

12 COMMISSIONER NORTHCROSS: Commissioner
13 Northcross here, if I can weigh in. Is it possible
14 to reschedule a meeting for next week?

15 MR. GUSTAFSSON: The issue -- the --
16 good comment, Mr. Northcross, but since this is a
17 special exception permit, it does have to have -- we
18 have to republish the notice for 15 days.

19 COMMISSIONER NORTHCROSS: Oh, geez.

20 COMMISSIONER PAYNE: So, Mr. Chair, to
21 our Planning Director, so if it's -- if we
22 rescheduled tomorrow, that still will need that
23 criteria?

24 CHAIRPERSON THOMAS: No, because we
25 have a 15-day public hearing, so -- notification.

1 So at least three days ago a notification was made
2 for a public hearing tonight. So a similar notice
3 would have had to go out, you know 15 days ago to
4 have a meeting tomorrow. It's just -- do you follow
5 what I'm saying?

6 In other words, there has to be a
7 15-day lead up prior to the meeting saying that it's
8 a public notice on, you know, July 8th, or in this
9 case July 9th. So --

10 COMMISSIONER NORTHCROSS: Can we
11 continue this meeting later on tonight? Can this
12 just be an adjournment until we get the quorum back
13 and go? Or have we adjourned the meeting? With the
14 thought being that we just call in later on tonight
15 and continue this thing, would it continue on under
16 the same -- since we opened under one meeting
17 announcement, can that meeting announcement
18 continue?

19 CHAIRPERSON THOMAS: Repeat that to
20 me.

21 MR. GUSTAFSSON: What he's saying is
22 that we should try to reconvene tonight -- later
23 tonight to discuss the remaining item or items and
24 progress the meeting, just basically take a break
25 and then come back.

1 CHAIRPERSON THOMAS: We have no
2 guarantee that we can get a quorum.

3 MR. GUSTAFSSON: Yeah. I --

4 COMMISSIONER PAYNE: Here's one. Mr.
5 Chair?

6 CHAIRPERSON THOMAS: Yes.

7 COMMISSIONER PAYNE: I like Mr.
8 Northcross's suggestion there, because if we go
9 ahead and, do the discussion and then hold the vote,
10 you know, and then we all come back --

11 MR. GUSTAFSSON: I --

12 COMMISSIONER PAYNE: Hold the vote
13 until tomorrow and then we can come back and vote
14 when we all --

15 CHAIRPERSON THOMAS: Go ahead, Vern.

16 COMMISSIONER PAYNE: Since it's
17 already been opened as a quorum.

18 MR. GUSTAFSSON: No, I appreciate
19 everybody trying to make it amenable, but I -- I
20 don't feel comfortable in regards to making sure
21 that we're just following what protocols we need
22 that are in place according to not just our
23 ordinance, but also Zoning Enabling Act.

24 So with that being said, I would
25 refrain from trying to reconvene and just postpone

1 it for a break, and it's some interesting
2 suggestions, but at this time --

3 COMMISSIONER PAYNE: Rather than the
4 petitioner flying in for the next -- on our next
5 15th day, would it be possible for us to do a Zoom
6 with the -- instead of him flying or her flying in?

7 MR. GUSTAFSSON: Very much so. Just
8 like the last applicant, the last applicant
9 including his consultant was all on Zoom, we could
10 do that. Yeah.

11 MR. VOGT: The only suggestion I had,
12 and maybe it doesn't work at all, was that if we
13 have four earlier, four out of seven. We have seven
14 total, correct? So you need four for a quorum? Of
15 the three that are missing I know that the Mayor has
16 a conflict. The other two, is there any hope that
17 they could be reached on a cell phone to hear this
18 one matter as part of the meeting?

19 MR. GUSTAFSSON: Well, we do -- our
20 Vice Chair Fegley is working late and she could not
21 get on; and our other commissioner, Mona Parlove was
22 definitely out of town on business. So she has been
23 out -- she has been, from the day one, she was never
24 going to attend.

25 MR. DEFENDANT: I just had to try.

1 MR. GUSTAFSSON: I understand. Okay.
2 But we will work it out in regards to a Zoom
3 meeting, work through the Chair and also the rest of
4 the Commission to make this a little bit simpler
5 process. I thought this was going to be a good way
6 of handling it, but seemed to have some
7 difficulties, unbeknownst to you any of us, so --

8 MR. VOGT: I appreciate it.

9 COMMISSIONER PAYNE: Our apologies to
10 the petitioner.

11 MR. DEFENDANT: The notice we received
12 was that applicant needed to be in person. That was
13 our understanding of the direction for tonight's
14 proceedings. Well the e-mail said that participants
15 -- will Planning Commission members will participate
16 virtually but applicants will be in person, so that
17 was --

18 CHAIRPERSON THOMAS: Applicant or
19 their representative -- can clearly be a
20 representative his proxy for the next meeting. In
21 other words, so what you're worried -- if this
22 gentleman goes back -- where is your hometown?

23 UNIDENTIFIED SPEAKER: North Carolina.

24 CHAIRPERSON THOMAS: Okay. So he goes
25 back to South (sic) Carolina. There's a question of

1 him coming back here again. So you're saying can we
2 conduct this business without him being here? The
3 answer is yes.

4 MR. VOGT: Okay. I understand. Thank
5 you for clarifying.

6 MR. GUSTAFSSON: Okay.

7 MR. DEFENDANT: Do we have a
8 preliminary date for the next meeting by chance or
9 will it need to be scheduled.

10 MR. GUSTAFSSON: Right now our next
11 Planning Commission meeting is scheduled for
12 August 1st.

13 MR. SMITH: August 5th.

14 MR. GUSTAFSSON: August 5th?

15 MR. SMITH: Yes.

16 MR. GUSTAFSSON: Okay.

17 MR. VOGT: Thank you.

18 CHAIRPERSON THOMAS: Our apologies.

19 COMMISSIONER PAYNE: I don't mind
20 doing a special meeting.

21 CHAIRPERSON THOMAS: This scenario has
22 thrown everyone on kilter. I tried to do this
23 off-site the last meeting and it was beyond
24 complicated. And so I thought by me sitting in this
25 chair tonight -- but I hope you'll understand it's

1 just the scenario we have.

2 I know it's unfortunate from your
3 chair, but I hope you'll understand our chair, as
4 well. Thank you very much.

5 Well, to my fellow Commissioners, we
6 gave it our best shot, but it's a complicated time
7 for everyone. Everyone knows we're going to
8 postpone SEP 20-03 Special Exception, and then SPR
9 20-12 which is a rezoning, I guess. And so what
10 we'll have to wait for that.

11 Our apologies. But without any
12 further ado, any further public comments or comments
13 from Commissioners we'll adjourn.

14 COMMISSIONER PAYNE: Mr. Chair,
15 question. Should that be a motion?

16 CHAIRPERSON THOMAS: We haven't gotten
17 to adjournment yet.

18 MR. GUSTAFSSON: We can't make any
19 more motions. We don't have a quorum.

20 COMMISSIONER PAYNE: Oh, okay.

21 MR. GUSTAFSSON: We're just basically
22 adjourning the meeting.

23 COMMISSIONER PAYNE: So that's it.
24 Okay.

25 CHAIRPERSON THOMAS: In fact

1 technically we can't even adjourn the meeting.

2 MR. GUSTAFSSON: So we just got to
3 stay here, is that what you're telling me? Just
4 kidding.

5 CHAIRPERSON THOMAS: We'll deal with
6 formally. Technically we don't have a quorum, but I
7 don't know, should do we need to follow that
8 protocol if we don't have a quorum, to adjourn? I
9 guess maybe we should say --

10 MR. GUSTAFSSON: We're just closing
11 the meeting.

12 CHAIRPERSON THOMAS: Without further
13 ado, we don't have a quorum to officially adjourn,
14 so by declaration we are adjourning --

15 MR. GUSTAFSSON: Closing.

16 CHAIRPERSON THOMAS: Closing the
17 meeting and wait until our next meeting in August,
18 or a special meeting prior to that.

19 MR. GUSTAFSSON: Actually in looking
20 at -- if I can say to the Commissioners here on
21 Zoom, if I look at the calendar, if we send out a
22 notice, our next Planning Commission will be like on
23 the 29th, which is just going to be a week before
24 our normally scheduled one on the 5th, so it really
25 it -- it would not make any sense. Plus we will

1 have other items that we need to get ready for as
2 relates to other public hearings which would have to
3 be noticed.

4 So it was a good idea, but it's a
5 little bit tight right now. Okay.

6 COMMISSIONER PAYNE: So I'm sorry,
7 Vern, are you suggesting making the next planning
8 meeting the 29th of July to kind of help out a
9 little bit?

10 MR. GUSTAFSSON: Unfortunately that
11 would be probably -- knowing the fact that we have a
12 meeting the following week, it probably would make
13 no sense because of the fact that we also have other
14 items that we would need to get ready for we have
15 other public hearings, so we would need to just keep
16 it to August 5th. So we'll have the meeting on
17 August 5th is our next meeting.

18 COMMISSIONER PAYNE: So it's
19 August 5th?

20 CHAIRPERSON THOMAS: Yes.

21 MR. GUSTAFSSON: Yes.

22 CHAIRPERSON THOMAS: Our apologies to
23 everyone. Yes, Chris, go ahead? Chris?

24 Donovan, you can hear us?

25 MR. SMITH: Yeah, I'm here.

1 CHAIRPERSON THOMAS: I think Chris is
2 finished. Chris is gone, right? And Lucy is gone.

3 COMMISSIONER PAYNE: I'm still here.
4 I'm here.

5 CHAIRPERSON THOMAS: Okay. But
6 anyhow, everyone knows what happened. It's just we
7 got the issues that we got and the challenges that
8 we have, and we're doing the best -- everyone did
9 the best that they could do. So unfortunately,
10 well, we got through one, but we didn't get through
11 all three cases, so we'll have to reconvene, make it
12 work next time.

13 COMMISSIONER PAYNE: You know perhaps
14 maybe we can send a note to us expressing for us to
15 comply with responding to our Planning Department
16 when -- and stating what our -- our availability if
17 we're going to be attending the meeting, I think we
18 should do that within two weeks prior to even if a
19 phone call has to be followed up and then that way
20 we know and we should be responding whether we're
21 going to attend once we get that agenda anyway.

22 MR. GUSTAFSSON: Yeah.

23 CHAIRPERSON THOMAS: I fully agree.

24 MR. GUSTAFSSON: I would say you as
25 Commissioners you have been great in doing that. I

1 think we just -- we had just a major hiccup today.
2 So -- thank you.

3 COMMISSIONER PAYNE: Maybe an e-mail
4 out to all of us.

5 MR. GUSTAFSSON: I will. Thank you.

6 COMMISSIONER PAYNE: Okay.

7 CHAIRPERSON THOMAS: Thanks, everyone,
8 for your time tonight. Made a little progress, not
9 as much as we wanted. Thank you for your time.

10 (Proceedings concluded at or about the
11 hour of 7:23 p.m.)

12

13

14

15

16 Minutes certified by:

17

18



19

/s/ Quentina Rochelle Snowden, CSR-5519
QRS Court Reporting, LLC
800.308.0068, 810.691.4226
Certified on: August 10, 2020

20

21

22

23

24

25