

**CLAYTON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA**

APRIL 19, 2016 7:00 P.M.
CLAYTON TOWNSHIP HALL

CALL TO ORDER

Dr. Shaw called the Planning Commission meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

Mr. McCartney led the Pledge to the Flag.

ROLL CALL

Present: Ryan Bower
Kevin DePottey
Ed McCartney
Dennis Milem
Dr. William Shaw
Robert Widigan

Absent: Susan Hyde

Others Present: Ted Henry, Building and Zoning Inspector, Ken Tucker, Attorney, Deanna Turner

APPROVE PROPOSED AGENDA

Mr. Widigan suggested they add the Noxious Weeds Ordinance to New Business.
Mr. Milem said they do not have a new ordinance drafted, nor do they have the current ordinance in front of them.

Motion by Mr. DePottey, supported by Mr. McCartney, to approve the proposed agenda for the April 19, 2016, Clayton Township Planning Commission meeting and add Noxious Weeds Ordinance to New Business.

MOTION CARRIED.

APPROVAL OF MINUTES: MARCH, 2016

Motion by Mr. Bower, supported by Mr. DePottey, to approve the minutes of the March, 2016 Clayton Township Planning Commission meeting, as submitted.

MOTION CARRIED.

COMMUNICATION

Mr. Henry said people want bigger barns than they can get.

Mr. Milem suggested the ZBA presents to the Board what is a fair square footage for accessory buildings. They may need to change the present ordinance and the wording.

REPORT OF OFFICERS AND COMMITTEES

None.

PUBLIC COMMENT

None.

OLD BUSINESS

None.

NEW BUSINESS

PLANNING COMMISSION BYLAWS

Dr. Shaw stated he wanted to go through the bylaws and see if they need to make changes to any of them.

Mr. Milem said it should state, "the Charter Township of Clayton."

Mr. Tucker said they operate charter law.

Mr. Milem asked if they should include Genesee County, as there is another Clayton Township in the State of Michigan.

Mr. Tucker said they could add Genesee County.

SECTION 1: Officers

A. Selection and Tenure

Dr. Shaw said they are only reviewing the bylaws that day so they know what they have in front of them.

Mr. Milem said when the supervisor makes appointments in the first of the year, he makes them in staggering terms.

Mr. Henry asked how long are the terms.

Dr. Shaw responded one, two, and three years, staggered. Dr. Shaw said they can include another section so those are separate.

B. Chairperson

C. Vice Chairperson

D. Secretary

1. Minutes
2. Correspondence
3. Attendance
4. Notices

Mr. Milem said he is the Planning Commission Secretary, per his position on the Township Board as Clerk. He said they communicate on a regular basis. The staff puts together packets.

Dr. Shaw said they keep all those duties under secretary.

Mr. DePottey said those are all of the duties Mr. Milem is actively doing anyway.

Dr. Shaw said they are for new people to the board. The clerk is the person who takes the minutes, however, we have a recording secretary at the Planning Commission meetings. He said it can be confusing.

Mr. Milem said, under notices, if you look at the laws of the township, the secretary is responsible for information that has been handed to them to issue the packets due to posting. Everything else should come from the Zoning Department as to what the board is going to look at, at any given time.

Mr. DePottey suggested they remove secretary and add Zoning Administrator.

Mr. Milem said he doesn't mind being a part of it. He said he puts together packets for the township board. He said other departments with items should be given to the secretary for him to put the packet together to give to the planning board, but he is not the one to disseminate the information.

Mr. DePottey suggested they list the people involved.

Mr. Milem said the Planning Department staff, Marie, Celeste, or anyone else they can grab to put it together. He said in error, the minutes were not included, which was just an oversight.

Dr. Shaw suggested they begin with the zoning administrator.

Mr. Milem said if Mr. Henry comes for a site plan review, he gives him the information.

Mr. Milem then has to post it for a public hearing.

Mr. DePottey said they should keep secretary in because another township official could be sitting in the position.

Mr. DePottey asked if they need to have a separate paragraph for attendance because attendance is recorded in the minutes.

Mr. Tucker said it's probably not going to harm anything to leave it in there.

Mr. Henry said it should be documented if someone came in late to a meeting.

Mr. DePottey said they should just leave it in.

Mr. Tucker said you would rather have overkill than need it at some point.

Section 2 Meetings

A. Regular Meetings

B Special Meetings

Mr. Milem said it is the same as the township board. Mr. Widigan asked if the notice has to be written or can it be in an email or a phone call.

Mr. DePottey said email is the same as having it in writing.

Mr. Tucker added an email is fine.

Mr. Milem said according to the Open Meetings Act, you have to post 18 hours before an open meeting. The Charter Township Act states you have to notify board members 24 hours before a meeting. The Planning Commission has it doubled to 48 hours.

Mrs. Evelyn Bower said it is always posted on the door. Mr. Milem said also the website.

C. Notice

Dr. Shaw said there are three acts they have to be in compliance with and make available for your resource.

D. Public Hearings

F. Quorum

Mr. Milem asked Mr. Tucker if he had the Planning Enabling Act and Land Division online.

Mr. Tucker said he has it in print in front of him.

Mr. Milem asked if he could send it to the board members.

Mr. Tucker asked if they wanted to see the whole act.

Mr. DePottey said they would just need the links to pull up the information.

Dr. Shaw said it was an excellent suggestion.

G. Voting

H. Public Records

SECTION 3: Duties of the Planning Commission

Dr. Shaw asked when would be the best time to go over the master plan; go through all of the pages they have covered for a 12-month period and identify those areas they spend time on, or action was provided, then endorse it and send it to the board. He asked if there was a better time than other times?

Mr. DePottey said it was easier to do it along the calendar year.

Mr. Milem said it was good the way it was.

Dr. Shaw asked, one report every 10 years?

Dr. Shaw said he is not going to do it the old way. He wants to do it the new way.

Mr. Milem said they did it with the three boards: ZBA, Township Board, and Planning Board. They met at a roundtable as to what they thought was most important to the township.

Mr. DePottey said it was a history of what they did that past year.

Mr. Milem said if the board hasn't asked for it, it can be a tough thing to put together.

Dr. Shaw said it is time consuming, but it's a kind of joy when it gets done, seeing what they have. He asked if they have a preference for time of year.

The consensus was calendar year.

Dr. Shaw stated in reference to the Michigan Planning Enabling Act, reviews of proposals or recommendations, capital improvement program.

Mr. DePottey said doesn't the township board do that.

Dr. Shaw said they continue to do it. He said the way the state has not been supportive of local governments and no reason to not do anything. He said they may be the only or very few planning commissions that don't have some kind of lists for their board to consider.

A discussion ensued.

Mr. Milem mentioned expanding parks or bike trails.

Mr. Henry said improvements used as far as building maintenance or upgrades are concerned.

Dr. Shaw said it would be removed.

SECTION 4: Absences, Removals, Resignations and Vacancies

Dr. Shaw said the first paragraph indicates if someone cannot be there; they don't call ahead; they are unexcused. He asked what are the consequences?

Mr. Widigan said if they miss five consecutive meetings, they are removed.

Mr. Henry said five meetings is a lot. That is half the year.

Mr. Widigan said on another board he sits on, there is a guy who has missed five meetings, unexcused. But everyone liked him, so they are allowing it.

Mr. Milem said as of 4:30 p.m., he hadn't heard from Mrs. Hyde, but she doesn't take a per diem from the Planning Commission.

Dr. Shaw said they would have to think about that one.

Mr. Widigan asked if there have been issues in the past with people not showing.

Mr. Milem said he didn't think so.

SECTION 5: Conflict of Interest

Dr. Shaw asked what would constitute a removal.

Mr. Tucker said misconduct, felony, failure to act when bound to act, refusal to vote on something, etc. He said someone could resign from the planning commission by sending a letter to the township board.

Mr. Widigan asked if there is a vacancy and the board appoints, does the township board appoint when someone resigns? Mr. DePottey said if he resigned, the planning commission would appoint his replacement.

Mr. McCartney asked if someone had a conflict of interest, would the person be allowed to sit at the table or have to vacate the building during the meeting?

Mr. Milem said they do not make public comment.

Mr. Tucker said they don't take part in the discussion.

Mr. DePottey said they can make public comment. They cannot participate and they cannot vote.

Mr. Tucker said it probably is not a good idea to make public comment. A resident has the right to make a public comment during the public comment section, but it is preferable no comments are made. But he said they have the right to as a resident.

Mr. Tucker added it is a conflict if it is not disclosed at the beginning.

Mr. DePottey said it should be noted in the minutes as public comment and not as board discussion.

NOXIOUS WEEDS ORDINANCE

Mr. Widigan stated at the township board meeting, they discussed giving the Noxious Weed Ordinance to the Planning Commission.

Mr. DePottey asked what instigated it.

Mr. Widigan answered the time and the fees.

Mr. Henry said the weather is so goofy and weed season starts earlier and lasts longer.

Mr. Tucker said the height is 10 inches. They haven't reviewed the fees since September, 2010. They can give notice any time of the year regarding height and fees.

Mr. Henry said sometimes the weeds look worse mowing rather than leaving them alone.

Mr. Milem said if they change the weed ordinance, there is a state statute that requires they publish by May 1. He said they have to be cut by June 1 and September 30 under the current ordinance. He said if someone decides not to cut it, the fee can be \$55 to \$80/120. Mr. Milem asked how low should it be cut. He said the ordinance has to be left alone for now until Mr. Tucker has time to write a new one.

ADDITIONAL ITEMS

Mr. Milem said there is the party store next to manufactured housing. The store has been gutted.

Mr. Henry said the owner did get a demo permit.

Mr. Milem said he also took out berms, shrubs, trees, etc.

Mr. Henry said he would send a cease and desist.

Mr. Milem said there is already a party store there. The site plan is for a gas station. He said the owner wants to come in with a site plan and put up a canopy, which he has to get from the state. He said if he goes to that, he no longer has permitted use in Genesee County. He said they haven't received anything from the state.

Mr. Henry said he has pulled a permit, however, he has not been called for an inspection. He said he turned in plans that were not satisfactory prior. He said they did get a letter from the County Health Department denying a well. He said the owner then somehow did homework through the Department of Environmental Quality and found out he could put in a well with different specifications. He got the well drilled, however, doesn't have verification that it passed.

Mr. Milem added that it had been tested or anything.

Mr. Henry added or met state requirements.

Mr. Milem said the owner has a lot of things to do before the next meeting in 30 days.

ADDITIONAL COMMENTS

None.

ADJOURNMENT:

Motion by Mr. DePottey, supported by Mr. Bower to adjourn the Planning Commission meeting at 7:57 p.m.

Minutes by

Dennis Milem, Clerk

Minutes accepted by

William Shaw, Chairperson