

**CLAYTON TOWNSHIP PLANNING COMMISSION**  
**Regular Meeting**  
**May 17, 2016, 7:00 p.m.**  
**Clayton Township Hall**

**CALL TO ORDER**

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

**PLEDGE TO THE FLAG**

Mr. Bower led the Pledge to the Flag.

**ROLL CALL:**

Present: Bower, DePottey, Hyde, Shaw, Widigan

Absent: McCartney, Milem

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

**APPROVE PROPOSED AGENDA:**

Motion by DePottey, supported by Widigan to approve the proposed agenda of the May 17, 2016 Planning Commission meeting.

MOTION CARRIED.

**APPROVAL OF MINUTES: APRIL, 2016**

Motion by Widigan, supported by DePottey to approve the minutes of the April, 2016 Planning Commission meeting, as submitted.

MOTION CARRIED.

**COMMUNICATION**

Mr. Widigan and Mr. Henry gave updates regarding the Clayton Market.

Dr. Shaw asked if they were in non-compliance. Mr. Henry said, yes, presently.

**REPORT OF OFFICERS & COMMITTEES**

Mr. Widigan distributed the current fee schedule for Clayton Township. The Board of Trustees asked the Planning Commission to review the costs.

Dr. Shaw asked Mr. Tucker is he is working on anything regarding the noxious weeds. Mr. Tucker answered that he is just waiting on direction for what to do with it. A new ordinance will not take effect until the next year.

## **PUBLIC COMMENT**

None.

## **OLD BUSINESS**

### PLANNING COMMISSION BY-LAWS

Dr. Shaw said he went back through the minutes and he would like to have the bylaws finalized soon. The Planning Commission should all have a draft copy in front of them. At the next meeting they can make changes and review.

Dr. Shaw said that at the regular scheduled meeting in January, the Planning Commission selects from its membership: a chairperson, vice-chairperson, and secretary. All officers serve a term of one year and are eligible for re-election.

B. Leave it as it is. The chairperson should preside at all meetings.

C. Deleted the word "optional."

D. Leave the word secretary; will discuss in a minute. For all of the information with the exception of number 4, delete alternatives. The zoning administrator is first; secretary is second; staff is third. That is the progression they currently use. The rest of the paragraph must remain the same, with a few exceptions.

Dr. Shaw said currently clerk and secretary is interchangeable. Mr. DePottey brought up a good point and anyone on the commission could be secretary, so if they leave them separate, that would provide for that opportunity, even though they have a stenographer to take the minutes. They still have functions that could be utilized. The way they operate now, they are one in the same. Dr. Shaw asked what they think.

Regarding special meetings, they are called by the chairperson or a written request to the secretary by two members of the planning commission at least. The question is: do you want that person on the commission or do you want to operate the way they have in the past, where Mr. Milem picks that up as the secretary of the Board of Trustees.

Ms. Hyde said that on most boards, the secretary is an officer position. It doesn't mean they necessarily perform them: distribution of correspondence, minute taking, responsible to make sure that happens, documents are signed, etc. Those are rules and responsibilities of a secretary. The duties can be deferred to others.

Mr. Henry said the secretary also signs the checks on different boards, like the Fire Board.

Mr. DePottey said the secretary is elected by the Planning Commission.

Dr. Shaw asked if anyone would be interested in being secretary. Mr. Henry said that it should go through an election process for nomination. He said the secretary is a

delegate from the township board for the last 20 years. He said that he agrees that it doesn't have to be the board delegate.

Ms. Hyde asked if the clerk is a member of the committee. Mr. Henry answered that it could be a trustee; it could be anyone. Mr. DePottey added that one of board members has to be on the planning commission. Mr. Henry said that person has been acting as secretary, however, they should have an election. He said the duty of minute taking has not been as busy as it has been since Ms. Turner has been taking the minutes.

Dr. Shaw said it is good to have secretary defined. Ms. Hyde said most boards and organizations' secretaries do not have the officer as secretary. Mr. DePottey said a lot of it is delegated.

Dr. Shaw said that the secretary executes documents in the name of the planning commission and performs other such duties. Mr. DePottey said that he does and also delegates to others.

Mr. Henry added the secretary should report to the township an account of who is present. Mr. DePottey said that is covered under attendance. Dr. Shaw said they will add that to D3, under attendance, report attendance to payroll clerk.

Dr. Shaw asked if the secretary takes the special meeting notice to the clerk so they can make it public. Mr. Henry said yes, because they are the keeper of the records.

Ms. Hyde said it is standard protocol. Mr. Henry said special meetings are called with a week's notice, however, it is rare that you ever use it. Dr. Shaw said special meetings are usually time sensitive. Mr. Henry said to leave it at 24 hours and let it happen. If you need it, it is there. Dr. Shaw said they would switch the notice from 48 hours to 24 hours.

C. Notice stays as is.

D. Public Hearings must be held as part of the regular or special meetings.

F. Quorum: Ms. Hyde asked if quorum should just be a percentage of the number of members present instead of making it specific. Mr. DePottey said it has to be specific. Mr. Tucker said any more than a half, more than 50% have to be present. Dr. Shaw said the majority of the quorum.

G. Voting affirmative vote, as long as quorum is present. Votes are adopted by the majority of members present. Roll call vote required if requested or ordered by the chairperson.

H. Public Records: Dr. Shaw asked what they have that wouldn't fall under the Freedom of Information Act. Mr. Tucker said probably nothing. Litigation would be the only exceptions. This item will remain intact.

### Section 3

Duties of the Planning Commission:

- \*Update the Master Plan
- \*Guide for development
- \*Take actions on petitions
- \*Staff proposals
- \*Zoning laws

A discussion ensued regarding the Enabling Zoning Act that Mr. Tucker emailed to the planning commission members. Some said they did not receive it. He is going to send again.

Dr. Shaw said they are going to delete the Capital Improvement Programs section. The reason they are deleting is because one of the responsibilities is to offer to the board suggestions for capital outlay projects. They have taken it upon themselves to do that. Dr. Shaw said his discussions with different supervisors is that they have taken that under control and the Planning Commission doesn't need to duplicate it. At that time, the money they are receiving from the state is almost nothing. There has been zero building in the last 10 years. Taxes haven't improved and they do not have the money to do anything. The township is trying to take care of sewers and pot holes, roads with the money they do receive. He said the survey was helpful because that encouraged them to do what they wanted to do anyway.

Dr. Shaw said the board is referred to as all members, not a single board member. He said the planning commission acts when a request comes from the board or maybe the supervisor.

#### SECTION 4

Absences, Removals, Vacancies:

Vacancies should be filled by the township supervisor at the approval of the township board. Successors fill the unexpired term of the member being replaced. Each person has a different term of one, two or three years.

#### SECTION 5

Conflict of Interest:

Dr. Shaw read the different explanations of immediate family.

Mr. Henry said that if an issue is not affecting someone financially, they still have an obligation to vote.

Ms. Hyde stated in that regard, the commission makes the decision if there is a conflict. It helps the member to be able to identify more clearly.

A discussion ensued regarding public comment and board comment.

Mr. Tucker said it is never a good idea for the board to speak as a member of the public if they do have a conflict. He suggested one just doesn't comment at all. He said it is not illegal; it just doesn't give the right appearance. He said the board member can sit in the public audience and make it clear you are speaking as a resident. He said they do have the right to speak as a member of the public. Mr. Tucker added that the

planning commission cannot write into their by-laws that one cannot speak because you have the right to speak as a resident.

Ms. Hyde stated that when she asked for clarification as to what she could do, she was told she has the right as a resident to speak during public comment to make a comment.

Dr. Shaw asked her if she would have been uncomfortable getting up and moving to the public seating to comment. Ms. Hyde said, no, not at all. She said in hindsight, a better solution in her case would have been to have someone else just read her comments, if they agreed to the comments.

Mr. Tucker added the board still has to approve the right to abstain on the vote.

The planning commission decided to take the most restrictive stance on immediate family for conflict of interest.

## **NEW BUSINESS**

### **REVIEW OF NOXIOUS WEED ORDINANCE**

Dr. Shaw stated that Mr. Milem was going to carry the ball on the Noxious Weed Ordinance, however, he is absent. Mr. Widigan suggested they still have some discussion. Mr. Henry stated the current height of violation is at eight inches.

Mr. Widigan asked if Clayton Township cuts it, what height do they cut it to? Do they leave the blade as high as it goes? Mr. Henry said it depends on how high it is to begin with. He said the biggest issue is the beginning and end of the mowing season; things grow earlier and longer.

Dr. Shaw said he has already mowed four times already. Mr. Henry said dates are not essential, just height. Dr. Shaw asked what if someone's grass is nine inches long? They are not noxious, but higher than noxious weeds. Mr. Henry said noxious is a breeding ground for mosquitoes, not just the weeds themselves. Mr. Widigan said that the weeds should also include grass. Mr. Henry said it should be all vegetation once it reaches 10 inches.

Mr. DePottey said it cannot include shrubs and trees. Mr. Widigan said it excludes cultivated flowers, gardens, and winter wheat fields.

Mr. Widigan said the board has discussed raising fees. In Lennon they are steep: \$200 for the first cut and \$100 automatically after that. Mr. Henry said the City of Swartz Creek is worse and residents are notified within 7-10 days with certified mail.

Mr. Tucker said they already have a separate ordinance for grass.

Mr. DePottey suggested they take out any regard to time and only leave height.

Under cultivate, near the bottom it states: twice a year, once before June and after July, but before September.

Mr. DePottey stated the ordinance is for lots that are more than 165 feet off the road or platted lots. Ms. Hyde asked about vacant lots, using her sub as an example. Mr. DePottey asked about site condos, which are not platted lots. Does that revert back to the 165 foot rule. Mr. Henry said that site condos do not have common ground. Ms. Hyde said yes. Mr. Henry asked where. Ms. Hyde stated the islands in the front and back entrances. Mr. Henry said they are not like a regular, condo property where you only own the inside.

A discussion ensued.

Ms. Hyde said eight inches should pertain to anything non-cultivated vegetation.

Mr. DePottey said they can strike out platted and just call it lot.

Mr. Widigan pointed out Clayton Township's costs are not hourly.

Mr. Tucker said nuisances are broken into different sections.

Dr. Shaw asked if Mr. Tucker would be re-writing the ordinance or the planning commission. Mr. Tucker said he would bring a draft copy before the planning commission. He is listening to what they are saying and has a starting point.

## **ZONING BOARD OF APPEALS BY-LAWS**

Dr. Shaw said he is going to defer this item because Mr. McCartney, chair of the Zoning Board of Appeals, is absent.

## **ADDITIONAL ITEMS**

None.

## **ADDITIONAL COMMENTS**

Mr. Tucker said most of the blight and municipal ordinance violations are civil infractions instead of misdemeanors. A civil infraction allows them equitable remedies, along with punishment. He said no one ever goes to jail for not mowing weeds.

## **ADJOURNMENT**

Motion by Widigan, supported by DePottey to adjourn the May 17, 2016 Planning Commission meeting at 8:22 p.m.

MOTION CARRIED.