

MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION REGULAR MEETING HELD ON JUNE 23, 2004 AT 7:30 P.M. IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD, CLAY TOWNSHIP, MICHIGAN 48001.

1. Chairman Dorothy DeBoyer called the regular meeting to order at 7:30 p.m.
2. Roll Call: PRESENT: Chair Dorothy DeBoyer, Mark Getman, Vice-Chair, John Makuch, Secretary, Patricia Sharrow, Tony Antkowiak, Chuck Michel, Edward Keller, George Lyle, Michael Watson.
Also present was Zoning Official Timothy Wiggle.
Absent: Planning Consultant Patrick Meagher.

3. **Communications:** None.

Pat Sharrow: Amendments to the Agenda: Referred to comments from the person approved for the re-zoning of property on Taft Road/St. Clair Blvd., would like a consensus from Planning Commission before it is brought back to the Township Board on a request. Also, Paul Paulus requesting property on Pte. Tremble Road to re-zone back to light industrial, never a formal motion made by the Planning Commission.

Moved by Sharrow, supported by Watson, to amend the Planning Commission agenda to include two items following Item #5. By-Law Committee Report.

- 5-A. Discussion about the Rezoning for Taft/St. Clair Blvd.
- 5-B. A Re-Zoning correction on the zoning map for 6520 Pte. Tremble Road for owner Paul Paulus.

VOTE ON THE AMENDMENTS TO THE AGENDA: AYES: All. NAYS: None.

ABSENT: None.

MOTION CARRIED.

4. **Approval of Minutes:** May 26, 2004

Moved by Getman, supported by Michel, **MOTION CARRIED**, to approve the May 26, 2004 planning Commission Minutes as submitted. AYES: All. NAYS: None. ABSENT: None.

5. **REPORT:** BY-LAW COMMITTEE

Report from the By-Law Committee and a discussion was held as followed:

Mark Getman: Committee has not met, waiting for Attorney opinion on issues.

Chairman DeBoyer: Number of votes to pass a motion: MTA & Attorney McNamee have said must have five (5) members for a quorum, in order to conduct business it would be a majority of those present to pass a motion, a vote on the Master Plan would require the majority of the entire Board.

Tony Antkowiak: Referred to the sample language By-Law from MTA relative to voting, like to see this wording included.

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Pat Sharrow: “Conflict of interest” is not included, referred to when a member needs to excuse himself or herself from a vote.

Discussion followed “conflict of interest”:

Chairman DeBoyer: Recently attended class in E. Lansing, discussion of this subject was brought up, received some useful material on this subject, will bring it back to the Commission with some wording to spell it out in the By-Laws.

Chairman DeBoyer: Article 5, questioned the 2nd meeting of the month is a workshop, “nonformal” business is not a word, perhaps should consider after zoning business, “.....new business if required.....”.

Pat Sharrow: Explained why the 2nd meeting was referred to as a workshop.

Consensus of the Commissioners is to remove the word “nonformal” from the statement.

Any member of the Planning Commission absent three (3) consecutive meetings due to a lack of interest: discussion followed using the phrase “lack of interest”, Commissioners feel that is poorly worded. In case of an extreme emergency, another Commissioner can be called. Consensus was to use the word “three (3) consecutive unexcused meetings.”

Election of Officers: resolution of a “tie” has been addressed by Attorney McNamee, should consider wording referring to a “tie” vote in our By-Laws, County resolves a tie by a lottery.

Tony Antkowiak: Order of Business was presented to us, no place to approve an agenda or to have public hearings, like those back or some consideration of these.

Chairperson DeBoyer: Other agendas do have a place to amend the agenda.

Discussion as to where the amendments to the agenda should be added.

Article V, Section 2 has that been dissolved re: so many members should call Special meetings.

Chairperson DeBoyer: Per Attorney McNamee, Zoning Ordinance is law, must follow what the law is, which is two (2). Change Article V, Section 2 should be changed to “Special meetings should be called by two (2) members....”.

Tony Antkowiak: Article IV questioned the procedure followed to call for a member to run the meeting if the Chair is not present.

According to the Municipal Planning Act have to meet once every month, one month beginning of the year thought there was not a meeting due to poor weather, check this out and see if that meeting has to be made up.

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5-A. Discussion regarding Re-zoning for the Taft Road property: Approved applicant's rezoning as far north with a line even with Isabelle Acres North line, he states he is within 40' of a County Drain, owner is requesting if he could go an additional 40' would be convenient and good for him. According to Planner, he is asking for more then we gave him, could mention this to the Township Board when it goes for approval and if the Township Board wishes could approve the additional 40' or ask someone to go out and verify the footage.

Discussion followed. Board consensus would rather know it is 40' and not on the owner's say so.

John Makuch: Imaginary line across his property, verification where the drain is, 50' or less, it is a natural demarcation.

Zoning Enforcement Officer Timothy Wiggle: Can measure if as long as there is a point to start from.

Consensus of the Board if it is 50' or less after verified where it is going to we are in agreement with the request.

5-B. Paulus property agree it was an error and should be re-zoned back to what it was, there was not a motion made to that affect.

Moved by Sharrow, supported by Michel, **MOTION CARRIED**, to hold a public hearing to consider the re-zoning of 6520 Pte. Tremble Road from Commercial to light Industrial.

R/C VOTE: AYES: Sharrow, Watson, Lyle, Michel, Keller, Antkowiak, Makuch, Getman, DeBoyer. NAYS: None. ABSENT: None.

6. CHAIRMAN'S REPORT

Chairperson DeBoyer: Handed out information from a class attended and wanted to share with you.

St. Clair County Board of Commissioners will meet at the Township Hall on Wednesday, 8-25-04, Planning Commission has a scheduled meeting for the same date. Board to consider rearranging our meeting to another date.

Motion by Watson, supported by Getman, to amend our 2004 Planning Commission schedule to change the 8-25-04 regular Commissioner's meeting to Tuesday, August 24, 2004.

Discussion: Planning Consultant Patrick Meagher would not be available for this date.

Motion by Watson, supported by Getman, **MOTION CARRIED**, to change the 2nd meeting of August for the Planning Commission from Wednesday, August 25, 2004 to Thursday, August 26, 2004 at 7:30 p.m. AYES: All. NAYS: None. ABSENT: None.

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7. PLANNING CONSULTANT’S REPORT

Patrick Meagher, Community Planner: Update to Commissioners re: email address.

Taco Bell/Gas Station: Withhold comments until after your public hearing.

Zoning Administrator Tim Wiggle: Referred to property on Phelps is not part of the Taco Bell property.

Chairperson DeBoyer: Site plan not to be in front of Planning Commission yet.

8. ZONING ADMINISTRATOR COMMENTS

Submitted interpretations up to date.

Update regarding David Bryson, submitted a new site plan with revisions, fee was paid, clean up not complete, Judge to determine if he has met the requirements.

Pat Sharrow: David Bryson does not have a marine contracting business, site approving there was no approved site plan on that property.

9. PLANNING COMMISSION COMMENTS:

Chuck Michel: Problem with postponing and tabling items on the agenda, discussion followed.

Patrick Meagher: Operating under general procedures it is understood in the motion why it has to come back.

Chairperson DeBoyer: Modified “Roberts Rules of Order”, should be stated in the By-Laws.

Mark Getman: By-Law Committee did make that suggestion Roberts Rules should be used as a guide.

10. PUBLIC COMMENTS: None.

Chairperson DeBoyer: Congratulations to Patrick Meagher and Staci on their forthcoming marriage this weekend.

11. ADJOURNMENT

Moved by Michel, supported by Getman, **MOTION CARRIED**, to adjourn at 8:32 p.m.

AYES: All. NAYS: None. ABSENT: None.

Valerie J. Kulba
Recording Secretary