

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING HELD NOVEMBER 14, 2007 IN THE CLAY  
TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD,  
CLAY TOWNSHIP, MICHIGAN 48001**

1. Chairperson Dorothy DeBoyer called the meeting to order at 7:30 p.m.

2. **ROLL CALL:**

PRESENT: Chairperson Dorothy DeBoyer, Vice-Chair Anthony Antkowiak, Treasurer Kathy Schweikart, Whitey Simon, Earl Lines, George Lyle, Edward Keller, II, Thomas Krueger, and Edward Sharrow

Also present: Patrick Meagher, Community Planning & Management; Jeff Horner, Project Control Engineering; John McNamee, Township Attorney; Applicant Representatives: Timothy Stoepker; Stu Koggie of Wetland and Coastal Resources; Mike Labadie; and John Hennessey of Hennessey Engineers

3. **AMENDMENTS TO THE AGENDA:**

None.

4. **APPROVAL OF MINUTES:**

**Motion by Lines, supported by Lyle to approve the minutes of October 10, 2007 as submitted.**

**AYES: All            NAYS: None**

**MOTION CARRIED.**

5. **OLD BUSINESS:**

**Special Approval Land Use/Site Plan Consideration with Cluster Housing Option: 74-14-514-0034-000 Harris Drive; 74-14-618-0004-000 Little Road; 74-14-618-0031-000 Little Road; 74-14-618-0007-000 North Channel Drive; and 74-14-618-0008-000 North Channel Drive – Grande Pointe Development, LLC – Timothy Stoepker**

Chairperson DeBoyer: Tonight is the Planning Commission's time to review, discuss, and ask questions concerning this application. We received this application for development on property zoned R-1 and RS-1. This application included a request for a Special Land Use to allow cluster housing in the RS-1 district. This is allowed for in the Zoning Ordinance and is suggested in our Master Plan. The Zoning Ordinance classifies it as a Special Land Use because it requires Planning Commission approval. We all have a constitutional right to petition the government. If we own property, we all have property rights, and all citizens are entitled to due process. We have had our public hearing in which we have heard from the

applicant and have heard comments from the public both in person and by letter. That public hearing closed. We did receive additional correspondence and have placed that correspondence on file. The Planning Commission has been given the authority to make a decision on this application by the Clay Township Zoning Ordinance and the laws of the State of Michigan. However, there are some points that cannot be decided by the Planning Commission. These will be decided by other entities such as the St. Clair County Road Commission, the MDOT, the Corps of Engineers, the St. Clair County Health Department, Clay Township engineers and Water Department, and the Coast Guard. There are a number of things the Planning Commission must review in regard to this application that are required by our Zoning Ordinance. We have received a review by Patrick Meagher, Township Planner, in which he provides a list of items that we need to review, question, take into account, and receive answers to. Our Township Attorney, John McNamee, is here to answer any questions the Planning Commissioners may have as far as legalities. Chairperson DeBoyer then requested comments or questions from Commissioners.

Lyle: Has question regarding the proposed sewer. He has read three different plans for the sewer. One is to expand the sewer to part of the rest of the island. One is to let Sand Island Development use it. And, the third is to just keep it for this development. Questioned applicant as to what exactly are their plans for the sewer?

Chairperson DeBoyer: Stated the plan would be what was contained in the last application that was given to the Planning Commission. And, again, the decision as to whether or not the sewer is allowed is not the decision of the Planning Commission, but rather the decision of the Health Department, the engineer.

Lyle: Wondered whether any sewer similar to the proposed sewer existed anywhere else in Michigan where it goes under a river such as this?

Horner: Not at the 80+ foot depth proposed and not at that length.

Simon: Questioned whether there were any special requirements if and when you go 80 feet below a channel of this type?

Horner: There will be requirements by the Corps of Engineers and MDEQ. The Township itself has design ordinances that the developer would have to follow and the applicant would have to meet all these requirements in order to have that portion of the project approved.

Simon: Unfortunately, those are all things that will not come out until during the engineering phase.

Horner: That is correct. Until the project is approved, the petitioner would then submit construction drawings to the Township Engineer, to MDEQ, to the Corps of Engineers, the Drain Office, and the Health Department. There are multiple municipalities that will have to review this for feasibility.

**CLAY TOWNSHIP PLANNING COMMISSION MINUTES – NOVEMBER 14, 2007**

Page 3

Lines: Believes that he read on page 5 of the October 10, 2007 Minutes that the sanitary sewer would be exclusively for this project and only this project.

Horner: That is what they are proposing. They have indicated that it could be increased to meet any future needs.

Lines: Questioned Mr. Stoepker as to who prepared the economic study since it appears the person never came to the area and the information was retrieved from Map Quest? The study refers to the Algonac Ferry to Harsens Island on pages 3, 4, 5, and 9. Would like to know where the Algonac Ferry to Harsens Island is located?

Stoepker: This refers to the ferry that runs between the State trunk line and Harsens Island. It's the Champion Ferry.

Lines: But, that is Clay Township and not Algonac.

Chairperson DeBoyer: If you read the Amendment to our Master Plan, Wade Trim referred to it as running to Algonac. Agrees with Commissioner Lines that it's an error in designation of name.

Lines: The first paragraph of page 28 of the economic study basically seems to say that Algonac would be receiving all of the tax money and not Clay Township. Algonac is mentioned quite often in the economic study as to marinas. There is only one marina in Algonac. Clay Township has all of the rest of the marinas. This would be on page 15 of the economic study.

Stoepker: There are references in or near the City of Algonac throughout the year. The examination of consumer spending was an examination of zip codes, which is an appropriate way to look at it, as opposed to limiting it to one area.

Lines: Feels that if you're coming into Clay Township, you should refer to Clay Township in the paperwork.

Stoepker: The economic impact is not just limited to Clay Township. People that live in Clay Township are not necessarily employed by employers specifically in Clay Township, they are employed in the general area. So, there is benefit in addition to Clay Township and beyond that. The tax dollars are broken out between Clay Township, the school district, and the County because tax dollars go beyond that. We identified both the near impact as well as the regional impact. The economic study was independently prepared by Michigan Consultants, and the individual who prepared the study is identified on the first page. The site was inspected by the individual. The applicant did not control the study, it was independently done.

Lyle: Page 3 of the economic study mentions all of the different millages for all of the different departments and the gains for each of them, but there is no mention of the Fire Department. Why was there no mention of what their revenue would be?

Stoepker: Doesn't have an answer for that question. The property tax shows the Township operating revenues, the Township Police Department, and he cannot explain what the revenue would be in addition to that to the Fire Department. It basically was taken off the tax bills and the mills that are allocated to the various taxing authorities were broken down.

Sharrow: He had the opportunity to speak to one of the senior scientist of the Environmental Protection Agency regarding the issue of basin flushing. They could not give him an opinion on basin flushing until they had the name of the system that is going to be used and the date of it, because the dates of the system change constantly depending on what they find and change. So, this leaves us in the dark by not knowing what the name of the program is and what the date of the program is.

Hennessey: The Marina Guidelines published by the EPA, there is a recommended basin flushing or turnover of 10 days.

Sharrow: The EPA stated the date was very important because it changes constantly, so what they're referring to may not apply to this situation. So, they can't give me answer without knowing the name and date of the program.

Hennessey: Believes it's the EPA Guidelines that were revised in 2005.

Sharrow: The EPA tells him that they are constantly revised. So, anything that is over a year old probably won't stand.

Hennessey: Believes that the particular standard has been in place for quite a while.

Sharrow: That may be, but they say it changes constantly. He requested the name and date of the program that Mr. Hennessey is referring to.

Hennessey: We will provide the date and the report to the Planning Commission.

Simon: It is his understanding that the project is a multi-phase program, approximately 10 years. Questioned at what time would the Township see the first impact of a reassessment after the project is begun?

Stoepker: Cannot speak for how the Township Assessor will assess the property but, typically, if there is a change in condition of the property, it permits the assessor to determine whether the property will become uncapped for tax purposes. Improvements to the ground that would constitute improvements for tax purposes would be something that would be considered by the Township Assessor.

Simon: Stated that the Township then may see an increase in assessment as soon as the infrastructure is in place, and another increase as soon as the basin is dug. We would not have to wait for 10 years to see an economic benefit.

Stoepker: As each phase goes in and each residential unit goes in, there would be an increase. And, each residential unit would be independently assessed by the assessor in addition to the overall development.

Sharrow: Did not see any mention of a bond being posted and feels it should be a very large bond.

Horner: A construction bond is required for any portion of the project. The amount of the bond is dependent on each phase and how much construction is involved in the phase. All portions of the development will require a performance bond. The amount is unknown at this time, but it will be a substantial bond.

Keller: Questioned Chairperson DeBoyer as to whether purpose of tonight's meeting was to either approve or disapprove the application?

Chairperson DeBoyer: Does not believe that the Planning Commission is in a position or have reached the point, as of yet, where they have enough information to make a decision. There are a lot of questions that we need to ask. There are entities we need to ask questions of before we can make an informed decision. It is the largest project that has ever been proposed in Clay Township, and is probably one of the largest in the State of Michigan. We need to have all of our questions that we can have, answered, before we can make a decision.

Keller: Does not want to jump ahead of things, but when he looks at the Township Planner's recommendations, there are a lot of issues that need to be reviewed.

Chairperson DeBoyer: Our Planner has recommended that we have someone review the traffic study. If the Planning Commission decides that we should have another expert look at the traffic study that has been presented to us, it will take some time for us to get their answer.

Antkowiak: In his review of the traffic study, he saw that there was a considerable amount of consideration given to the intersections that are part of the development. From his cursory study of the points on the mainland and the points on the Island where the traffic will, in fact, be stacking up, and the impact of that traffic on neighboring homes and businesses, he wondered why attention wasn't given to these issues.

Stoepker: He has not seen additional comments that have been made by the Township Planner. The traffic study was prepared in accordance with the standards that have been adopted by both the Road Commission and the MDOT. This methodology of preparing that study has been utilized throughout the State and the counties. They did address off-site matters. Under the law, they cannot control the off-site issues. They looked at the issue of the ferry and felt they gave a responsible answer to that, but it is not something that they can specifically control. The analysis of the study was based upon the standard requirements of the Road Commission and MDOT. To date, they have not been advised by the Road Commission or MDOT that the study contained any deviation from the standards or the facts, figures, or that the conclusions of the methodology for testing were contrary to what is the practice for the review and approval of the traffic study. That is why we welcome the Township to review the traffic study and have an

independent consultant that can verify it was done in accordance with the recognized standards and procedures that traffic engineers look at and that are utilized by the County and the State as it relates to these roads.

Simon: Questioned whether the traffic study included the use of discreet simulation and, if so, whether the data at arrivals and the schedules at each site were input into that model to clearly understand what the backups might or might not be at both the Mainland and the Island side? If you look at the data in the study, it appears there are around 663 vehicles either coming or going. If you look at the operation as it exists now, you are impacting the situation as it exists now. The 663 vehicles can only be either loaded and/or unloaded. There is no simultaneous operation of ferries coming or going because we have a single point of entry and egress. He requested Mr. Stoepker to find out from the traffic expert whether that was taken into consideration during the traffic study. Stated it is Figure 5A that he is referring to on the study, and it shows the vehicles coming from either direction going across and leaving in either direction.

Chairperson DeBoyer: Requested the Commissioners look at the recommendations of the Township Planner. The Planner has recommended that the Planning Commission hire a traffic expert to review the traffic study and provide us with a summary of the findings. The Planner has also suggested that the environmental data be reviewed and approved by Township experts or Township-hired experts and, in particular, the issue of basin flushing. And, that the applicant provide us with an alternative to the proposed road realignment, if such an alternative exists, possibly a moveable bridge.

Lyle: Questioned Chairperson DeBoyer as to whether the applicants received a copy of questions from the Township Planner so that they can have answers ready when they come to the meeting?

Chairperson DeBoyer: These questions were not provided to the applicant because they were just provided to the Commissioners on this day. The applicants will receive the information. The Planning Commission has an obligation to now decide in what direction we are going to go. If we decide that we want to hire a traffic expert to review the traffic study, we will need to make a motion for this and the applicant will be required to pay for the study.

**Motion by Simon, supported by Lines to hire a traffic expert to review the traffic study and possibly have a simulation completed which takes their data into account to let the Commission know how much stacking we might actually possibly experience and provide the Planning Commission with a recommendation.**

Chairperson DeBoyer: Requested the Township Planner to supply names of traffic experts.

**AYES: Simon, Keller, II, Krueger, Sharrow, Secretary Schweikart, Vice-Chairman Antkowiak, Chairperson DeBoyer.**

**NAYS: Lyle**

**MOTION CARRIED.**

Lines: Has questions regarding the statements made by the applicant regarding groundwater and basin flushing. When there's high water, you've got a high water table and when there's low water, you've got a low water table. He doesn't understand how this is going to cause flushing.

Hennessey: The term for flushing is water that moves in or out of the basin. As we all know, ground water moves. Some movement is caused from topographic gradation and some of it's caused by seasonal highs and lows. What he is referring to is that there is a place of an exchange for the water between the groundwater and the basin water, as opposed to a hard wall surface that would prevent the basin water from leaking into the ground water or vice-versa.

Lines: But, the only movement would be up and down unless you're taking water out. He doesn't feel that they would get that movement in the far end of the development. He also doesn't understand what they mean by "wave attenuation".

Hennessey: By "wave attenuation" he means to lessen the potential wake of boats that come through there. If you have a hard wall surface, you will get a large recoil from a wave. If you have a soft shore line, it actually will break up the wave and absorb the energy and prevent much of the recoil from coming back. That is what wave attenuation was referring to.

Lines: Stated as an example, a pipe has two open ends. If you pour water in one end, it will go out the other, which is called flow. Doesn't feel they will be getting the flow they need. What you were talking about was that the North Channel was going to suck the water out and the top water was going in, the bottom water was going out. It might happen for maybe about the first 300 feet in the lagoon, but the rest of it will not.

Hennessey: We have 60 acres of surface area in this that creates its own wave action from a wind component as well.

Lines: Agrees that up close to the Channel, they will get a little bit of what Mr. Hennessey is talking about. Feels that the back area of the lagoon will become plugged up with weeds to the point that people will not want to purchase the property. Also, feels that using the ground dirt on the pods to build homes with walkout basements would be building homes on unsteady ground.

Hennessey: Have had a hydrology study completed on that issue. They did a \$500,000 study on Wicker drains. Wicker drains are essentially straws. The subsurface geology is approximately 25 feet of sand area, 25 feet to 105 feet of soft clay. With the soft clay, if the water is not consolidated, pre-drained out of the clay, it will settle approximately 1 foot over a 20 year period. By putting the Wicker drains in, the distance the water has to travel will lessen to get out of the consolidation. They performed a study using detailed leveling plates on an area that was approximately 170' x 150', 6 feet high without Wicker drains and also the same setup using the Wicker drains, and in seven months they received 8-3/4 inches settlement. So, they pre-consolidated that area because you have reduced the travel time that the water has to

get out. The Wicker drains provide a means to get the water out of the soil in a very accelerated fashion, speaking seven month versus years. This test was performed by McDowell & Associates.

Lines: Still feels the ground will be unsettled and have a lot of shifting making the homes rather unstable and causing a lot of cracks. Questioned the depth of the proposed lagoon?

Hennessey: It's 8 feet below water datum. It's approximately 13 feet from high water datum.

Lines: In regards to the rip rap, where you've talked about sandy soil and water, sandy soil will pass through rip rap because it's not a solid seawall. Questioned whether there would be a lot of erosion around the property because of this?

Hennessey: Sandy soil will obtain an equilibrium upon an angle of repose, meaning the natural angle at which it's stabilized, and rip rap is placed on there to prevent the erosion. It is a soft shoreline and if you get tremendous wave action, it certainly would have some minor displacement.

Lines: Requested Mr. Hennessey explain to him what is a bio swale?

Koggie: A bio swale is a drain system that has vegetation on the top of the ground in the swale to assist in picking up nutrients and large sediments that flow down through that system prior to discharge to the open water.

Lines: Feels that in other words these will be ditches.

Koggie: Stated it was a drainage swale.

Hennessey: It is not designed to convey water like a stream or a ditch, it's supposed to be a naturally vegetative swale so it's not a ditch where you always see flowing water. The water is actually subsurface flowing so that way the plants and soils that you have in that swale are able to pick up nutrients, trap any kind of materials, contrary to what you see in a ditch where you always see flowing water. The bio swale is supposed to be dry with the water moving subsurface. The bio swale is located at the low point of the road, the water will come from the run off, enter into the bio swale and level out into a natural pond and, from there, it will have a natural infiltration into a subsurface collection system that will discharge into the Channel. What these gentlemen are talking about is during that natural filtration, it will remove the particulates that come off of a road and it will prevent those particulates from entering the basin. It is what is recognized throughout the country as a storm water house management plan. They are more difficult and expensive to put in but are much more effective at enhancing water quality. This system is designed to provide a treatment component to it before the water ever gets to the basin. It is also a groundwater recharge system as well.

Lines: Feels that the biggest problem is that there is going to be water coming into this basin, and he just cannot see the flow as explained.

Chairperson DeBoyer: If you feel that the information is incorrect, then we would need to have someone review it.

Hennessey: They also have eight subsurface water circulators. These will be placed in the areas in the back basin where there are hard wall surfaces. Mr. Hennessey pointed out the location of the subsurface water circulators on the Site Plan, and explained how they will operate.

**Motion by Antkowiak, supported by Krueger to have fundamental data reviewed by Township experts and have the applicant seek an alternative to the proposed road around the project, such as a moveable bridge, and the cost for such a bridge and for the maintenance of such a bridge.**

Sharrow: Still thinks we should go back to the original program, get the name of the program and the date of it, the size of the lagoon, the depth of the lagoon, the surrounding soil, and all other pertinent matters and give it to the Township Planner and have him give this to the EPA for the EPA scientist to give us their opinion on same.

Antkowiak: Questioned whether this would be jumping the gun?

Meagher: Feels that if this is an environmental issue that is going to be a concern to the Planning Commission with regard to approval or denial, by simply forwarding the information to EPA, he doesn't know that the EPA would be willing to review same.

Sharrow: Feels that they would because their scientists are there for that particular job.

Stoepker: The EPA, through the Army Corps does the analysis. The Army Corps will be reviewing these plans in great detail and will be conducting site visits to the site.

Sharrow: Stated that the EPA scientist have a lot more background on this issue than any of us do.

Stoepker: As previously stated by Chairperson DeBoyer, there are numerous governmental agencies reviewing every aspect of this project. The Army Corps, under their jurisdiction, will have the distinction of reviewing the lagoons, the design of the lagoons, the water flow within the lagoons to verify whether or not what we are proposing is, in fact, accurate. There will also be a separate review conducted by MDEQ which may be overlapping or separate, and they will do that during their environmental review of our plans.

Sharrow: Stated that by the time they get to doing this project, it may be changed. The EPA told him that the date means a whole lot because it's changing constantly.

Antkowiak: His intention of his proposed motion is that by having our experts review the issues, and by speaking to these experts, the questions that are being brought up today would be better answered by the experts. He is not inferring that the applicants are people who are

lying to the Commission, but he feels that we need to look to our people and settle some of these questions that we have.

Meagher: Feels that everyone on the Commission needs to understand that if, in fact, the project is approved and it is predicated on the basis that the basin flushing is going to work and it is, in fact, shown that it cannot work, either through our engineers, the EPA or whomever is going to review this, it will be determined during the engineering phase of the approval. With regard to having a full study done to determine whether ground water flow is going to be proper, and the amount of retention is exactly proper at this time, and it's going to run to the exact location shown on these preliminary plans really gets into the engineering phase as designed by the Ordinance. The review that I've put together for you was done because of this confusion. The review highlights all the requirements of the Zoning Ordinance which is the authority of the Planning Commission with regard to this project. He mentions all of the Articles that the project has to comply with which includes Article 19, which deals with Special Land Use Conditions Review and Approval. Those are the discretionary items that you are talking about right now, whether the project will comply with the objectives and purpose of this Ordinance. You have to start by reading the objectives and purpose of the cluster ordinance as well as the R-1 and RS-1, and whether they are still applicable to this particular piece of property as it is proposed to be developed. You must also consider whether it will comply with the goals of the Master Plan and has pointed out some of the goals and objectives, as well as the particular designation shown in the Master Plan. He requested that if this matter does get postponed to the next meeting, he would request that all Commissioners read the sections he has indicated very carefully and remember that this is going to be a discretionary decision. However, it needs to be a discretionary decision based on as much objective thinking you can do in this matter. You have to look at this development in the context of who it is going to impact, how is it going to impact them, and what are the long range impacts. Some of this might have to do with the economic study prepared. He feels that the long range economic impact would have more to do with maintenance and utilities rather than dealing with issues of taxation. He again requested all Commissioners take a look at the criteria listed in Article 19, review the project very closely, and as stated in the motion, if it is passed, to have the Township Planner, Township Attorney, Township engineers, and the applicant take a look at some of these items. At the next meeting, if there are questions with regard to the nine considerations for Special Land Use and you have additional questions, this matter may need to be tabled once again so you can direct additional information to be provided. We do need to keep in mind that these same questions could be asked of every project that is proposed to the Township, and we would have people spending millions of dollars before we had a preliminary approval on a plan we haven't fully engineered. The Township could actually be liable for some of that at some point in time if it's in excess of what your purview authority is. So, you need to be somewhat careful as to how far you go at a preliminary stage. He also requested Commissioners to understand that if what is being proposed on the Plan cannot be achieved and cannot be shown to be true and effective, it simply will negate the approval of the Plan at some point in time if it were approved. It may very well be denied after you review this if you determine it cannot meet the nine criteria.

Lyle: Questioned whether the Township Attorney had any comments to make on these issues?

McNamee: Reads from page 5 of Township Planner's recommendation. The key is that this is a preliminary Site Plan approval. Even if the Planning Commission were to grant approval of the preliminary Site Plan, that is only a preliminary stage. All of the concerns expressed would have to meet the criteria that's required by the Township Ordinance, by the DEQ, Army Corps of Engineers, County Health Department, etc. By preliminarily approving something, all the criteria, all the problems, all the concerns would have to be addressed adequately to get by all the hurdles. If it doesn't pass muster on any one of the issues, it does not continue. You can't put all of the questions on a preliminary Site Plan approval because it is not called for within our Ordinance. The Ordinance states that you raise the issues, hold a public hearing, and take the concerns and make a preliminary decision. The concerns of the Commissioners are valid concerns, but you have to keep in mind that this is a preliminary Site Plan approval, and you have to address the issues that are called for under the Planning Commission Ordinance for preliminary Site Plan approval.

Simon: Requested interpretation of Article 19 at page 4 where it states, "will it be hazardous or disturbing to existing or future uses in the area or of the Township". And the answer is, assuming all environmental and traffic studies are accurate and complete, the project could not be hazardous. Will it be disturbing? The question, I think, relates to fair traffic issues and the general inconvenience of the road re-configuration. The Commission must decide if the trade off of the road routing is balanced by the project's benefit." He is not comfortable assuming that all environmental and traffic studies are accurate and complete. And, questioned whether the Commission is being told that they cannot request engineering to satisfy his concerns?

McNamee: Stated that was not his intention. He stated that some of the questions and concerns could be answered by the Township's own experts and consultants. But, when you get down to the hard core engineering aspects, such as full blown engineering studies, that will be required by the different governmental agencies and our own Township engineers enforcing our Township Ordinance. You cannot make all of this a requirement for a preliminary Site Plan approval. The traffic study is contemplated under our Ordinance for a preliminary Site Plan approval.

Simon: So, if we are very specific, we can require answers to very specific questions that we have, whether it requires some engineering input or that we obtain the data that was used to arrive at these conclusions so that we are comfortable making a preliminary decision.

Chairperson DeBoyer: But, we cannot require the engineering to be done beforehand.

McNamee: That is correct, not at the preliminary approval stage.

Chairperson DeBoyer: As Planning Commissioners at this point in time, all of us should have our Ordinance in front of us. As our Planner has pointed out, there are a number of things in our Zoning Ordinance that we should be familiar with and that we should be asking questions of ourselves, such as does the project meet this criteria? She requested that every Planning Commissioner go through the Ordinance and Master Plan step by step and ask the questions that need to be asked.

**Antkowiak: Restated motion to have the environmental data, such as the basin flushing and other issues brought up at the meeting relative to that, reviewed by Township experts or hired experts. Additionally, that the applicant seek an alternative to the road that goes around the project, such as a moveable bridge, and provide the operation cost and maintenance cost of such a bridge to be considered.**

Antkowiak: Questioned whether the issues brought up can be answered by our experts?

Horner: Yes, they can be.

Simon: Questioned whether the motion includes a review of the data that was used to arrive at the answers that we currently have?

McNamee: Stated it would be consistent with the recommendations of the Planner on the last page of his recommendations at paragraphs 3 and 4, as well.

**AYES: All**

**NAYS: None**

**MOTION CARRIED.**

Krueger: Questioned whether this was a two-stage process with the first being approval or denial of Special Approval Land Use for the cluster housing in the RS-1 district?

Chairperson DeBoyer: Yes.

Krueger: Questioned whether the second stage is preliminary approval or denial of the project as a whole?

Meagher: The way the approval would be structured would be the Special Land Use cluster approval would be the preliminary condominium approval, and then they would come back for a final condominium approval whereby all the documents, legal documents, and master deeds would be finalized.

Krueger: Questioned whether one was baked into the other?

Meagher: Correct.

Krueger: Reads from Special Land Use Conditions Review and Approval and questioned Township Planner and Township Attorney regarding the wording “subject to conditions acceptable to community”. He would like to know what is meant by this phraseology and whether the Commission should take into consideration that there would not be any conditions acceptable with the project to a large part of the community, except the denial of the cluster housing aspect of same?

McNamee: All of the standards are critical to an analysis by the Planning Commission, which include the one you stated. The Planning Commission has to take in all of the information and

then make a decision. It is correct to look at that standard, but you must look at all of the standards before a decision is made. But, you cannot look at just one standard. That is what due process requires for everyone involved. When the time comes for the decision, you have to enunciate and set forth the different factors in weighing your decision so it is a matter of record as to how the decision was made.

Kruger: He is not talking about the conditions for approval under the Special Approval Land Use. He is plainly and simply, basically talking about the public or community opinion. He understands that can't be the only aspect on which to base approval or denial, but questioned whether it can be a factor?

McNamee: Yes, it can.

Meagher: You have to be very careful judging things based upon public sentiment. The statement Mr. Krueger read is probably surrounded more in that the Commission has a framework in deciding whether this is a unique project or whether it's warranted for the property, etc., by judging it based on the nine standards you have been provided, not just that "we don't want it", but that "we don't want it because" and using the "because" to form a basis if, in fact, you decide that the project shouldn't go. And, he feels the Commission will need to be very specific with those types of items as they get close to a decision.

Krueger: Questioned where the spoils from the lagoon will go? Will some of it stay on the property and some be taken off-site?

Hennessey: The spoils are spread around the development to build up areas to create walkout housing. Some of them will be removed off-site such as those that don't have engineering qualities to them.

Krueger: With regard to the issue of basin flushing, he stated that he always thought that flushing was pressure-related. Questioned that with pressure from the water, pressure from the land and the ground water coming together, wouldn't the pressures offset one another with respect to water flow?

Hennessey: In a stagnant condition, you are correct. What is created in this project in addition to the subsurface circulators, the wave action of the boats, etc. will create a pressure condition, which creates the exchange on the soft shoreline. Any water that has re-oxidation into it, meaning it has circulation, will be live water. In addition to the subsurface circulators, there will be a hydraulic exchange between the ground water and the existing water through the permeable subsurface.

Keller: Requested clarification on five items on the Planner's recommendation and knows that there's other issues that we should be looking at than just those listed. But, he had a feeling that the Township Planner and Township Attorney thought the Commissioners were out of line in the motions that were being made and that the Commissioners were being too tight with their thinking and what they are trying to do.

Meagher: What he was trying to put in place was a philosophy that the Commission is not going to have 100% of the answers. He feels that the premise has to be that if there is a concern, they can issue conditions for approval and those issues would have to be proven to the satisfaction of the Township engineer or anyone who is hired to review these issues.

Keller: Stated that he understood that but took exception to what he was hearing. Questioned the Township Planner whether his recommendation under No. 5 was to postpone action on the Special Land Use request?

Meagher: Yes, it is. It is, however, only a recommendation. If the Planning Commission feels it has all the answers it needs to make a decision tonight, by all means they should make their decision.

McNamee: The concern is not that these questions aren't important, the concern is that you can't make such requirements for a preliminary Site Plan approval, such as hard core engineering, as a requirement before you even consider it. Your concerns are very valid and very important.

Lines: Feels that the Commissioners are concerned about certain aspects of the project such as the road, the flushing action, etc.. and would like to have more information and want to be educated more on these issues to make a good judgment call.

Chairperson DeBoyer: It is obvious that we are all looking for answers to many of the questions that have been brought up. Therefore, she believes that it would behoove the Planning Commission to take the Township Planner's recommendation to postpone any decision until we can obtain answers from experts and possibly meet with them on the issues that were raised, particularly from Mr. Antkowiak's motion, and from the applicant.

**Motion by Simon, supported by Antkowiak to postpone a decision on the Special Approval Land Use/Site Plan Consideration with Cluster Housing Option until more information is received.**

**AYES: All                    NAYS: None.**

**MOTION CARRIED.**

**6. PUBLIC HEARING:**

**Re-Zoning – 2669 Columbine Road (RS-1 to C-2) – Bane Properties, LLC – Anthony & Kristin Bane**

Chairperson DeBoyer: This property is presently zoned RS-1 and the request is to change the zoning to C-2. This request is being made by Anthony and Kristin Bane.

Chairperson DeBoyer opened the public hearing at 9:00 p.m.

Chairperson DeBoyer: If the applicant would like to address the Planning Commission, they may have the opportunity to do so now.

Kristin Bane: Presented a petition with 222 signatures in support of the re-zoning of this property to the Planning Commission. Stated that an opportunity has presented itself to her and her family and the whole community. The property at 2669 Columbine, better known to everyone as the Harsens Island Elementary School, was presented for sale. She and her husband have a signed Purchase Agreement with the School Board with a tentative closing date of November 21, 2007 with the intent of opening their restaurant. They had a previous restaurant in downtown San Souci. They feel the school property is the most logical spot on the Island for a restaurant and that the restaurant would have a far more positive impact on the community than one or more homes that could be built on this property. They understand the concerns about spot zoning. The last time they tried to re-zone a piece of property in the downtown San Souci area, a definition of spot zoning could not be given as there really is no such thing as spot zoning. However, for the sake of those who have concerns the best example of spot zoning would be Clay Township and the surrounding areas. What gives this small community character are the small “mom and pop places” set amongst residential areas. As far as the Master Plan for the Township, a Master Plan is a guide, it is not and should not be set in stone. They respect the Master Plan and realize there has to be some plan set in place; however, as in life, Master Plans have to be altered slightly and stay flexible to make room for opportunities like the one they are presenting tonight. The school and its property lend itself very well to the ideas and plans they have. They cannot, according to the St. Clair County Health Department, have a full-service restaurant in the downtown San Souci business district because of the septic tank and parking issues. The septic tank that exists at the Landing building where their last restaurant was located is not sufficient for a full-service restaurant. According to the Health Department, no new septic tanks of the five needed for a full-service restaurant can be put in the downtown area because of the water table. If any special arrangements were made for a system to be put into place, it would exceed any amount of money they could afford. They made inquiries into other buildings and properties in the downtown San Souci area ending in the same result. The school property is already set up with a more than adequate septic system and parking, which the downtown San Souci area does not provide. She believes that the signatures and letters received by the Planning Commission from people in favor of this re-zoning shows the need and desire for a family restaurant on the Island that is smoke-free. For the record, this is not to say that the places that already exist on the Island such as the San Souci Bar or Brown’s are not good places. They’ve been a part of the Island’s make up and history and are places she and her husband like to go to. However, the food, atmosphere and themes of these businesses are completely different than what she and her husband want to bring to the Island. She feels that different is good, and people need choices. She also feels that in this small community the businesses should be supporting each other, building and growing with each other’s help. They hope the Planning Commission will take into consideration all the advantages the re-zoning of this property will bring to the community. She hopes the Planning Commission will consider the needs of the people on the Island and surround communities. This is a commercial-type building on residential property that most people, when confronted on this matter, assumed this property was already zoned commercial.

She requested the Planning Commission to please consider that they want to preserve the building which was built in 1934 that holds lots of history and many memories for the people of the community.

Chairperson DeBoyer: Reminded the Planning Commissioners that when there is a request to re-zone a piece of property, the applicant always has something in mind, but we always have to remember and understand that whatever zoning is put on that piece of property, anything allowed under that zoning can be done on that property. The Planning Commission cannot hold the property owner to any specific development once it is re-zoned. Chairperson DeBoyer then reads what is allowed under C-2 zoning from the Township Ordinance. And also stated that anything that is allowed under C-1 of the Zoning Ordinance is also allowed under C-2. Chairperson DeBoyer then read what is allowed under C-1 of the Zoning Ordinance. She further stated that when the Planning Commission makes their recommendation on this, we all need to keep in mind that it is not a recommendation for a restaurant, it is a recommendation to re-zone, and anything that is allowed under this zoning could take place on that property.

Public Comments:

Dr. Thomas Baumgarten, 4947 Green Drive, Harsens Island

He and his wife, Catherine have given a great deal of thought to the proposed re-zoning of the Harsens Island Elementary School property to allow the establishment of a family restaurant at that location. He and his wife wish to give their whole-hearted approval and endorsement of such a project. He feels this proposal would be a win for the Township, the residents of the Island, and the Banes. He feels this would be a family restaurant that you would be happy to take your children to or to have a reception of some type at. He feels there is room for another fine restaurant on the Island. He further stated that the Banes have previously demonstrated that they can effectively operate a first-class restaurant with delightful surroundings and superb food. He also feels they would put a deteriorating building to good use and would place the property in question on the tax roll. He feels that it is important that the restaurant would offer jobs to some residents of the Island. He and his wife request the Planning Commission to act favorably on the proposed zoning change.

Robert Williams, 2007 Stewart Road, Harsens Island

He and his wife, Susan, are in favor of the re-zoning request. The property is currently zoned for residential use, the building is unsuitable as a residence. If the property is to be used for residential purposes, it is likely that the structure would be demolished to allow the construction of a more residential construction. This building is part of the history of the Island, and they would prefer to see it remain in place. If this building were to be used for a business, it would allow people to be able to visit this historic structure. As a restaurant, it would serve as a daily gathering place for those who prefer to avoid the "bar" atmosphere and food establishments with smoking allowed. There is no other restaurant on the Island with the quality of food which they could provide. Since the closing of the Bane's previous restaurant, he and his wife miss the contact with other Island restaurants. A restaurant of the type they are proposing is sorely needed on the Island as a community-building resource. Lastly, the

applicants are residents of Clay Township and have operated a business in the Township previously. They have shown themselves to be an asset to the business community and have provided a quality of food and service not available elsewhere. He and his wife request the Planning Commission to approve the request for re-zoning of this property from RS-1 to C-2.

Bernard Licata, 1825 S. Channel Drive

He and his wife, Nancy, are strongly in favor of the re-zoning of the property.

Secretary Schweikart: Reads letters from Mike and Jessie Weaver and from Brendan Thomas in favor of the proposed re-zoning of the property.

Vice-Chairman Antkowiak: Reads a letter from Michael and Deborah Bovio in opposition to the proposed re-zoning of the property. Also, reads a letter from Daniel D. Rymo in favor of proposed re-zoning of the property.

Chairperson DeBoyer: Reads a letter from John and Donna Horvath in support of re-zoning of the property. Also, reads a letter from Barbara and George Crown in opposition to re-zoning of the property.

Chairperson DeBoyer closed the public hearing at 9:25 p.m.

Chairperson DeBoyer: Offered applicant opportunity to make a final comment.

Kristin Bane: Stated with regard to the letter written by the people that are back up purchasers of the property who also have a Purchase Agreement with the School Board, she was not aware of this. She stated that re-zoning is not a condition of the sale for her and her husband. They have a Purchase Agreement and are purchasing the property whether it's re-zoned or not. She feels that if homes are built on this property, you will just have more homes for sale on the Island that won't sell. The other purchasers have plans for a garden and they want to do things that are aesthetically pleasing for the land. She and her husband also have the same plan for the land. They have plans for an organic garden, which would also be used in the restaurant, fruit tree groves, and a possible farmer's market on weekends. They have plans for a garden and aesthetically-pleasing landscaping. She feels that people will follow her and her husband on the Island no matter where their restaurant may be. She reiterated that her restaurant could not be located in the downtown San Souci area. As far as businesses only being located in the downtown San Souci area, she questioned the location of Brown's, Weaver's Market, and the Middle Channel Golf Course. She stated that this is Clay Township, and there are businesses spread out, and there are residential and commercial areas commingled. She stated that she would refer their customers to visit the downtown San Souci area businesses. She also stated that she has obtained signatures from neighboring residents of the school who are not in opposition to the re-zoning.

Chairperson DeBoyer: Reminded the Commissioners that they will make a recommendation regarding this re-zoning to the Township Board, and the St. Clair County Planning Commission will also make a recommendation to the Township Board. She further stated that as

Commissioners, we need to review the things that were said her tonight, the letters that were received, and the Zoning Ordinance.

**Motion by Antkowiak, supported by Lines to postpone the decision on re-zoning of 2668 Columbine Road from RS-1 to C-2 until the next Planning Commission meeting.**

Antkowiak: The reasoning for the motion is that we need to look at everything before we make a decision on our recommendation.

Secretary Schweikart: Questioned when the next meeting would be?

Chairperson DeBoyer: December 12, 2007. And, this would just be a recommendation to the Township Board. The St. Clair County Planning Commission will have 30 days to review this before they send their recommendation to the Township Board. And, as a general policy, the Township Board will not make a recommendation until they have received the St. Clair County Planning Commission recommendation.

**Chairperson DeBoyer restated motion by Commissioner Antkowiak to postpone the decision on re-zoning of 2669 Columbine until the next meeting.**

**AYES: All                      NAYS: Krueger**

**MOTION CARRIED.**

**7. PLANNING CONSULTANT'S REPORT:**

None.

**8. Z. B. A. REPRESENTATIVE'S REPORT:**

Antkowiak: The ZBA has informed the Planning Commission that ZBA Chairman Ron Nelson is in the hospital, and would like all to wish him well.

Krueger: Also stated that Mr. Nelson has sent a letter to the Clay Township Board stating that he will not be seeking re-appointment to the ZBA.

Chairperson DeBoyer: This gentleman has served this community in excess of 20 years on the ZBA. But, unfortunately, because of failing health, he has made this decision, and it is our loss.

**9. CHAIRPERSON'S REPORT:**

Chairperson DeBoyer: Stated that she wanted to tell everyone that a request to fund the review and update of our Master Plan was submitted to the Township Board, and the Township Board made a decision to bring it back again and think about it. One comment was that the Master Plan had served us well for 25 years. The other comment was that perhaps the Planning

Commissioners can go through the Master Plan and suggest where they want changes and do this in-house. She personally doesn't believe this is very realistic. She feels it is a very big job and requires the guidance of professionals. The laws of the State of Michigan require that we update our Master Plan every five years. One of the northern townships, which is quite rural and is configured quite squarely, had not updated their Master Plan for many years and decided they didn't want to spend a lot of money, so they went to the St. Clair County Planning Commission and asked for their assistance, and the St. Clair County Planners agreed to do so at the cost of \$15,000.00. She stated she will encourage the Township Board to reconsider their request and asked Planning Commissioners to make their voices heard to the Township Board as to what they feel would be best for our Master Plan.

Krueger: Stated he would be glad to make the Planning Commission's request at the next Township Board meeting.

Chairperson DeBoyer: It is her opinion, in reviewing portions of the Master Plan, that she came across a number of things that were written 25 years ago that we really need to look at and address that have changed.

**10. PLANNING COMMISSIONER'S COMMENTS:**

Keller: Thanked Mr. McNamee and Mr. Meagher for their clarifications of his questions. He realizes that the Commissioners have issues that they have to make decisions on themselves, but that he also relies heavily on their opinions and suggestions.

McNamee: Appreciates Mr. Keller's comments and stated that he feels that he didn't make himself clear at the outset and that it was merely a miscommunication.

**11. PUBLIC COMMENTS:**

Dennis Makowski, 6850 Green Drive, Harsens Island: Questioned whether there was a date that the developers will be back?

Chairperson DeBoyer: There really isn't a date because we don't know how much time it's going to take the Planning Commission to gather the information that they have requested.

Makowski: Questioned whether he should write the Commission with any suggestions he may have?

Chairperson DeBoyer: If you would like to comment to the Commission, you may write a letter.

Barbara Persyn, 3455 Green Drive, Harsens Island: She represents part of San Souci by way of the Readers Cove Library. In speaking in defense of San Souci, there is no growth area. It is impossible to grow in San Souci. The town area has grown as much as it can. You couldn't possibly put another restaurant in town or park another car in town. So, to develop a new growth area on the Island, you need to establish another commercial area. San Souci cannot

provide anything else. In reality, you have to help in some way by creating a new area so that our town can grow.

Chairperson DeBoyer: Questioned Ms. Persyn if she was suggesting if and when the Planning Commission updates the Master Plan that we designate more area to commercial for the growth of business on Harsens Island?

Persyn: Stated that she's actually not suggesting that the Planning Commission do that, and stated that was not her suggestion.

Chairperson DeBoyer: Questioned Ms. Persyn as to how the commercial area would then grow?

Persyn: Stated that actually what she is suggesting to the Commission is that when they take time to look at the Master Plan, that something be considered, and as the Bane's have looked at opening a restaurant in that section, people have an up-town. They have asked to open a restaurant and they've made a suggestion to a very sensible area to open a restaurant. That's a nice piece of land in there with a nice piece of land next to it. Stated that perhaps that would be a nice growth area. It's not inhabited by a lot of people and is a nice quiet area. She feels there is a lot of area that could grow there.

Chairperson DeBoyer: Stated that if the Township Board approves the Planning Commission to move forward with the Master Plan, she would hope that Ms. Persyn would speak at one of the Public Comment groups on Harsens Island that she would be there to talk to the Planning Commission about her ideas for Harsens Island.

Persyn: Stated she has a lot of ideas for Harsens Island and is a calm person to talk about it, too.

Norman Rhodes, 3206 Bayview Drive, Harsens Island: The Planning Commission delivered by fax the agenda of November 14<sup>th</sup> to the hardware, so he does believe that the agenda with the 12 items is basically the agenda that was operated under tonight, and he would like to address the agenda. There are certain policies that have been adopted by the Planning Commission somewhere. He hasn't had a chance to dig those out. He was wondering whether the note for the public comments is part of the existing policy or is this something that is new policy for the Planning Commission and the agenda items, i.e. that no public comments will be allowed on any issue requiring a public hearing?

Chairperson DeBoyer: It is not a new policy, it has always been that way.

Rhodes: Questioned whether that was a policy of the Planning Commission?

Chairperson DeBoyer: It has always been that way and has always been stated at a meeting with a public hearing within it, that the public comments are received during the public hearing. Public comments at the end of the agenda is for comments on anything that has taken place during the meeting that the Planning Commission has done or said.

Rhodes: Again questioned whether it was a policy?

Chairperson DeBoyer: Stated that it has been a policy for many years, but cannot tell Mr. Rhodes how far back it goes.

Rhodes: He will look at that. His understanding of the Master Plan and the way it was presented at the Township Board was that the Planning Commission had requested that the Township Board hire someone to look at the Master Plan.

Chairperson DeBoyer: She would not say that that is the correct terminology. They hired a Planner many years ago, and the request was that the Planner then assist the Planning Commission in updating the Master Plan, as is required by law.

Krueger: The point was that it is a lot of money to do that and the Township Board just wanted to make sure that this had to be done and, if so, requested the Planning Commission to come back to the Township Board again.

Rhodes: His recommendation is that a committee is developed of the Planning Commissioners and possibly some citizens to work with the Master Plan and do this in-house. He feels it can be done in-house. This is a unique place and we need to understand that and make it part of our Master Plan. And, then if you want to run it by the Planner, it would be considerably less costly. He is very concerned about the Clay Township Planning Commission as we all should be because they shape this community. It is under the direction of this Chairperson of this Commission that the Planning Commissioners are not allowed to speak to citizens about the business of this Township. The Planning Commission cannot talk to him about any issue and cannot answer any of his questions. He is allowed to ask questions at some public hearings but not allowed an answer. He believes that this current policy of the Planning Commission is wrong, and he wants it changed. He feels we need a representative government in all areas of decision making. The Planning Commissioners should have a good understanding of the local Ordinances and their applications. They must know the tests for approval and decisions on behalf of the people, and what the alternatives are, and how it benefits this community. All approvals of special considerations must lead to a community benefits. Ordinances are for the benefit of the community. Planning Commissioners understand public use and enjoyment, and they also understand other things that are protected by law. The Planning Commissioners should understand the test for approvals and the comparables, and what can be accomplished with the underlying zoning without any changes or special considerations. The Planning Commissioners should understand that they are there to protect the citizens and surrounding area, which is why the Ordinances are defined. Zoning is for the protection of the area, control of the area, proper use of the area, beneficial to the community. To allow usage outside that underlying zoning envelope, there must be a benefit to the community and cannot detract from the area or take from the public. These words are taken specifically out of the law, out of the Ordinance, and out of the Planning Act, and things of that nature. The Planning Commissioners should be subservient to this Township Board of Trustees, who is subservient to the people. The people control the Board. The Board appoints Planning Commissioners to these positions to do the will of the people through application of these zoning ordinances for

the benefit of the people. The Planning Commissioners should understand and study these responsibilities and be willing to carry this mantle of service for the citizens of Clay Township.

Lyle: Questioned whether Mr. Rhodes stated that Commissioners weren't allowed to speak to him? He doesn't recall ever being told not to talk to Mr. Rhodes.

Chairperson DeBoyer: What was stated in the past is when we have an application before us, we all as individuals have opinions. We don't make our decision based on opinions. We make our decision on law. So, we should not be talking to the people in the community by expressing our opinions because that then puts us in jeopardy for a suit. Whatever the final decision may be, a suit could be brought that the decision was predetermined and there is evidence by the fact that we have expressed our opinion outside of this Planning Commission, but you are allowed to speak to anyone you would like to speak to.

Rhodes: But, not about anything that is under consideration, which is wrong. How are you going to get your answers if you can't go and ask his opinion and the neighbors about what their opinions are and ask if what they are telling you is true? You couldn't because the Chairperson says you can't. How are you supposed to figure that out?

Chairperson DeBoyer: Stated that she feels Mr. Rhodes knows how the Planning Commission goes about determining the accuracy of an application.

Ron Wludyka, 3220 South Channel Drive, Harsens Island: Feels that the people of the community should have a questionnaire as to what they feel about the Township.

Chairperson DeBoyer: That is not how the law works. A survey was sent out to the entire Township by the Downtown Development Authority and this Planning Commission jointly, and we have received the results of that survey. We sent out over 7,000 of them and received about 700 back.

Wludyka: Stated he had never seen anything like that.

Chairperson DeBoyer: It was several months ago. When the Planning Commission makes a decision, it is not based on a questionnaire, it's based on law, and that is what we are charged with as Planning Commissioners. We are charged to enforce the law as it is written.

Wludyka: Stated that St. Clair County puts a questionnaire on their web site, and he doesn't see any reason why Clay Township can't have one.

Chris Winters, 6242 Swartout Road, Clay Township: Feels this is an outstanding community in a number of respects. He has been most impressed at the citizens on both sides of the issues. He feels that the kind of character that we have here is rapidly diminishing elsewhere, and it would be nice to see some mechanism to allow some citizen input in some way in collaboration with those in government here so that you have a means by which you can better grow together, as opposed to growing apart in ways. He feels that the Township has a sense of character that's worth preserving, but the reality is that as we go on in time growth is a part of the nature of

living. He also feels that there seems to be a need for a little bit more chemistry in the Township so that there is more cooperation of information and attitudes.

Chairperson DeBoyer: Appreciates Mr. Winters' comments and would like to respond in that it is the nature of the beast when something comes up that you feel is going to affect you directly, you get involved. But, last year we did a brand new Zoning Ordinance that this Planning Commission worked on for many, many months, and held public hearings on, and placed the proposed Zoning Ordinance in strategic areas of the Township, and there was not a whole lot of comment on it. That was really the time to be involved, so that before it's set in stone your comment is heard. She hoped that Mr. Winters would be involved in making his comments known when things come up, such as the Master Plan.

Winters: He was personally unaware of the activities that the Chairperson spoke about and that is part of the dynamic that he thinks needs to be addressed. He feels it's too easy for people to be unaware of what's happening and stated that perhaps it just requires a little creative thought and application, or the possibility of a committee, as was suggested earlier.

Chairperson DeBoyer: Thanked the Township Attorney, Mr. McNamee, Township Planner, Patrick Meagher, and Engineer, Jeff Horner, for attending the meeting and for all of their guidance and information that was invaluable to the Planning Commission tonight. The Planning Commission looks forward to their help and direction in the future.

**12. ADJOURNMENT:**

**Motion by Krueger, supported by Lines to adjourn the meeting at 10:00 p.m.**

**AYES: All                      NAYS: None**

**MOTION CARRIED.**

Respectfully Submitted,

Christine Holcomb  
Recording Secretary