

**MINUTES OF THE CLAY TOWNSHIP PLANNING COMMISSION
REGULAR MEETING HELD SEPTEMBER 10, 2008 IN THE CLAY
TOWNSHIP MEETING HALL, 4710 PTE. TREMBLE ROAD,
CLAY TOWNSHIP, MICHIGAN 48001**

1. CALL TO ORDER:

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

2. ROLL CALL:

PRESENT: Edward Keller, II, Thomas Krueger, Whitey Simon, Kathy Schweikart, George Lyle, Chairperson Dorothy DeBoyer

ABSENT AND EXCUSED: Anthony Antkowiak; Earl Lines, Jr.; Edward Sharrow

Also Present: Patrick Meagher, Township Planner; Michael Kras, Clay Township Building/Zoning Administrator

A quorum was established.

3. AMENDMENTS TO AGENDA:

Chairperson DeBoyer: Requested that a motion be made to amend the Agenda to include a presentation by Mark Thompson, Chairman of the Clay Township Downtown Development Authority.

Motion by Simon, supported by Lyle to add a presentation by DDA Chairman Mark Thompson regarding the Clay Township Park to the Agenda.

AYES: All NAYS: None

ABSENT & EXCUSED: Antkowiak; Sharrow; Lines

4. APPROVAL OF MINUTES OF AUGUST 13, 2008:

Motion by Simon, supported by Lyle to approve the Minutes of August 13, 2008 as submitted.

Lyle: Regarding page 2, 2nd paragraph from the bottom, questioned whether "Buscemi" was spelled correctly.

AYES: All NAYS: None

ABSENT & EXCUSED: Antkowiak; Lines; Sharrow

MOTION CARRIED.

5. CLAY TOWNSHIP PARK:

Chairperson DeBoyer welcomed DDA Chairman Mark Thompson.

Thompson: Presented a drawing of the proposed Clay Township. The parking lot has already been started behind the police department. The next phase will be the excavation and paving of all the walking paths. There will be an additional walking path on Ester Green from M-29 to the sidewalk at Taft Road. This will result in an entire walking circle of the park. The DDA was apprised that Cortis Brothers could possibly be done with all of this by the end of October.

Simon: Questioned how wide the walking paths were going to be?

Thompson: Believes they are approximately 4 feet wide. The DDA was also entertaining putting a special finish on the pathways but were informed that the paths would then not be able to be plowed or have a snow blower used on them. Therefore, they have decided to just have the pathways asphalted. The next phase after this will be having the existing block building turned into a concession/restroom/storage area. The architecture would be similar to that of the fire station but the color scheme would be in harmony with the existing Township office buildings. Next year, the DDA is hoping to expand the center areas of the park and build another concession stand, restrooms, and possibly a nature center. Once that is completed, the next phase would be the skating surface, basketball courts, playground areas, tot lot, and then the water park.

Simon: Questioned whether the skating surface would be for ice or in-line?

Thompson: They were anticipating both, a hard surface for in-line skating for spring, summer and fall that could then be flooded and used for ice skating in the winter.

Chairperson DeBoyer: Stated that she understands that the Rotary Club has agreed to provide benches for the park.

Thompson: Rotary has have offered to purchase all the benches for the park as they did for the areas in Algonac. He wanted to come before the Planning Commission and give them a brief overview of what is going on. They will come back before the Planning Commission before the work on the concession stand and for the rest of the project.

Chairperson DeBoyer: Stated that the entire site plan would be coming back to the Planning Commission once the Township Board gets the Committee recommendation and agrees.

Thompson: Requested any questions, comments, thoughts or suggestions from any of the Commissioners.

Chairperson DeBoyer: Questioned whether there was still a thought of having a pavilion in the park?

Thompson: They are planning on a covered pavilion, a restroom and concession stand, and an enclosed nature center. The thought also was that the nature center could be a back up voting precinct in the event of any emergency. Also, between the concession stand and the parking lot, there will be a rain garden with a bio swale. The runoff from the parking lot will actually run through this garden to be filtered before going out to the ditch on Taft.

Chairperson DeBoyer: Stated that they are looking forward to the extra parking lot.

Thompson: Stated the parking lot should be completed by the end of the month.

Simon: Questioned whether there has been any thought of making the two buildings closest to the parking lot into something where people could hold weddings?

Thompson: Their anticipation is that one of those buildings will be an enclosed building, which would be the nature center.

Lyle: Questioned the proposed main entrance to council chambers.

Thompson: This was something that was brought up at one of the meetings that possibly from this new parking lot there could be a sidewalk along the back of the building and a door installed out in the hallway which would provide another exit and entrance into this building. It's not anything that is definite but something that is proposed for the future.

Chairperson DeBoyer: The thought also was that employees could park behind the building and be able to come in through that entrance so that there is more room for citizens and visitors to park when they come to the building.

Thompson: Also stated that towards M-29 there is another area where an additional 30 parking spaces could be developed. The driveway that is shown by Pointe Tremble is almost certainly not going to be put in. It is on the drawing in the event anyone may want to pursue that driveway. Mr. Thompson thanked the Planning Commission for allowing him to make this presentation on behalf of the DDA and again welcomed any comments, questions, thoughts and suggestions any Planning Commissioners may have.

6. PLANNING CONSULTANT'S REPORT:

None.

7. Z.B.A. REPRESENTATIVE'S REPORT:

None.

8. CHAIRPERSON'S REPORT:

Chairperson DeBoyer: Commented that she had received a postcard advising her that there would be a County Planning Seminar in mid-October. They have not specified what the topic would be as of yet.

The amendment to the Zoning Ordinance for ferry landings that was approved by the Planning Commission and was sent to the County was approved by the Township Board. The amendment to the Zoning Ordinance for the open space that was approved by the Planning Commission and was sent to the County has been postponed by the Township Board. The Township Supervisor wants to speak with the Township Planner regarding this. It will probably be in front of the Township Board at their next meeting.

9. PLANNING COMMISSION MEMBERS' COMMENTS:

Lyle: Stated that at the last Planning Commission meeting, Mr. Lines had requested an update from Mr. Kras on the status of Court cases involving Clay Township.

Kras: In regard to the old Munchie's property, he has turned this matter over to the Township Attorney. They are supposed to meet Thursday. He has advised him that the owner is in violation because he has constructed a room on the back of his building that was only supposed to be a canvas awning. He was told that he had to remove it, a letter was sent to him at the beginning of last month, and he still hasn't done so. Mr. McNamee and he are going to meet with him tomorrow and advise him that he has two weeks to comply. The owner has also been advised that he is overdue on his Site Plan. The owner also keeps telling him that he's going to take care of the doors on the dumpster as required. Mr. Kras also advised him that he also needs to curb the rest of the parking lot. He keeps telling Mr. Kras that he doesn't have the money. There is a \$1,000.00 bond that he was allowed to have in place. They are probably going to forfeit his bond and are going to take him back to Court. He has been given every opportunity to do the right thing and he has continued to fail to comply.

In regard to the Buscemi's property, he has had several complaints about the truck that is being parked in front. He has nothing to do with the truck since it is parked in an easement. The only people who can do anything about the truck is the State, police officers, or the Road Commission, and they have chose to do nothing.

As far as the dumpsters are concerned, there are 14 dumpsters in this community without enclosures, and the Township owns 4 of them. He feels that if you go after the guys without the enclosures, he has to go after everybody, and that includes the Township. He feels the Township should step up before he has to ask the citizens to.

He advised the new owners of Lega's that their dumpsters had to be enclosed or they had to be moved to the rear of the property.

In regard to the Thulin property, that property has to be completely cleaned up by October 1st. If the property is not cleaned by that date, the Township will go back to Court and ask the Court to grant them the \$10,000.00 fine that the Judge stated could be imposed. It is his understanding that Mr. Thulin has received two offers to purchase that property and he is ready to sell. One of the interested purchasers owns a marine construction business. So, they would have to come before the Planning Commission for a special land use approval.

In regard to Weaver's on Harsens Island, they moved Mr. Haven's business onto their C-2 property. He has given this information to Mr. McNamee quite a while ago. They have tried to work with Mr. Weaver as much as possible and he has quit responding. Also, Mr. Weaver does not have a soil removal permit and that will also have to be included in the Ordinance violations against him.

Also, the other issues that he has going relate to two buildings out in the Flats that still do not have building permits and the blight issue with Mr. Dumars. The lawsuit against Mr. McLane has been dropped as he has continued to clean up.

Mr. Kras then provided copies to the Planning Commissioners of his rendition of one of the Ordinances which relates to chain link fences in the Township. He looked at the Ordinance a few times and feels that there are statements contained in the Ordinance but nothing really specifically states that no chain link fences are allowed.

Lyle: Stated that he personally does not like any type of fences in the front yard because how can you say which is allowed and which isn't?

Chairperson DeBoyer: The Ordinance specifies decorative fencing as long as it is not over 4 feet.

Lyle: Feels that if you take a subdivision with 50 ft. lots, each person could have a different type of fence in the front yard and it would look terrible.

Chairperson DeBoyer: Stated that is true, but there are no subdivisions in Clay Township.

Lyle: Stated that there is a subdivision on Lakepointe and Island Drive.

Chairperson DeBoyer: Again stated that the Ordinance states a decorative fence is allowed.

Lyle: Stated that maybe it should be changed.

Kras: Stated that he has allowed a few chain link fences within the Township because that is how he read the Ordinance.

Lyle: Stated that the Ordinance states that a chain link fence is not considered a non-obscuring fence.

Kras: Correct, but it doesn't say that you can't use it. That is the way he looked at it. He further stated that he did not mean any disrespect to the Commission, it is just the way he interpreted the Ordinance.

Lyle: Questioned what would happen tomorrow if someone came in and wanted to do the same thing, would you allow them?

Kras: Stated he would explain to them that the intention is to only allow decorative fences. He feels that the Ordinance is very vague in regard to chain link fences and should be specific as to whether they are or are not allowed.

Chairperson DeBoyer: Stated that she has spoken with the Township Attorney and he reviewed the Ordinance and stated that he would not have a problem defending in Court that a chain link fence is not allowed.

Schweikart: Questioned as to where we stand on the Master Plan Committee progress?

Chairperson DeBoyer: The next thing with the Master Plan is a meeting with the department heads.

Schweikart: Questioned as to whether they had any idea as to when that would occur?

Chairperson DeBoyer: Stated it is not a Committee meeting. Letters went out to MDOT, County Road Commission, County Planning Commission and all of the department heads. That meeting will come before any visioning meetings with the community. Also, she has spoken with Mr. Meagher regarding this.

Schweikart: Stated that the Commissioners had previously been provided with a synopsis of how they should progress on the Master Plan and it appears that we're kind of off target.

Meagher: Stated that they are a little behind. He does not see a hurry in doing this. He wanted to do a visioning session on the Island before the summer was over but that may have to wait until next summer. There is a lot of work to be done on this. He has to schedule with Mr. Kras to drive the entire Island as well as the Mainland. They have to get every use and every parcel identified. The County has done this to some extent through their GIS mapping, but it's very generalized. So, they will have to take that a step further and break everything down. He did finish a population section for the community and will eventually sit down with the Committee and run through it.

Simon: Questioned Mr. Meagher as to whether someone could purchase the GIS software and the cost for same?

Meagher: Stated the software can be purchased but is rather expensive. There are several different versions of the software that vary in cost from approximately \$800.00 to \$5,000.00. You can obtain most of the information relating to land use on-line, however, some of it is incorrect.

Kras: Stated that many of the lines that they show located in Clay Township are offset and are incorrect.

Chairperson DeBoyer: Stated that problem exists in a number of areas in Clay Township and in some places are off as much as two to three feet depending on which direction the surveyor is coming from. It is difficult with the GIS to get that exact.

Meagher: They will try and straighten some of this out during this process. It sounds real easy, but it is not as it all has to be re-digitized.

Chairperson DeBoyer: Stated that there are two people in County Planning that have been working very hard on trying to get this information accurate.

9. PUBLIC COMMENTS:

Mark Thompson: Speaking as Algonac Planning Commission Chairman. They received the letter from the Clay Township Planning Commission and are looking forward to work together on the Clay Township Master Plan update. The Algonac Planner has advised the Algonac Planning Commission that their by-laws need to be reviewed as they need to go from 9 steps to 18. This may be something that Clay Township needs to look at with their Planner. The new guidelines are from MSU.

Meagher: Stated that there are some areas of the Rules of Procedure and By-Laws that Clay Township is going to have to re-examine. He believes they have until 2011 to accomplish this.

10. ADJOURNMENT:

Motion by Krueger, supported by Simon to adjourn the meeting at 8:10 p.m.

AYES: All NAYS: None.

ABSENT & EXCUSED: Antkowiak; Lines; Sharrow

MOTION CARRIED.

Respectfully Submitted,

Christine Holcomb
Recording Secretary