

DRAFT

Hayes Township Planning Commission Regular Meeting November 21, 2017

The regular meeting of the Hayes Township Planning Commission (PC) was called to order at 7:01 p.m. at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Planning Commission members present were Marilyn Morehead, Matt Cunningham, Bob Jess, Cliff Biddick, and Ed Bajos. Steve Wilson was absent. Also present were Marlene Golovich, secretary and Larry Sullivan, zoning administrator. Audience members signed in were Julie Collard, Roy Griffitts, Janelle Kassien and Frank Shepherd.

Chair Jess asked to be joined in the pledge of allegiance.

Public comments unrelated to agenda. No Comments

The Planning Commission members reviewed the minutes from the October 17, 2017 Special Use Permit meeting. Marilyn Morehead made a motion, supported by Cliff Biddick to approve the minutes as written. Motion carried.

The Planning Commission members reviewed the minutes from the October 17, 2017 regular meeting. Cliff Biddick made a motion, supported by Marilyn Morehead to approve the minutes as written. Motion carried.

The Planning Commission members reviewed the minutes from the October 24, 2017 public hearing. Marilyn Morehead made a motion, supported by Cliff Biddick to approve the minutes as written. Motion carried.

Matt reported on Township Board (BOT) activities. The Stauffer family will be the hosts at Camp Sea-Gull. The Board is considering an additional host. PC members Pat Phillips and Steve Wilson have resigned. Paul Hoadley asked to swap position with Matt on the PC asking Matt to take a position on the zoning board of appeals. A policy was adopted to cost share 50/50 cautionary signs requested by citizens. Roads were discussed including Tribe funds for road repairs. Corner posts fencing will be installed in the new section of the cemetery. A policy was adopted regarding use of township maintenance equipment.

Ed asked what's with Paul Hoadley and the PC. Matt answered he just wanted to switch positions.

Bob Jess stated the split rail fence at the cemetery was nice. He also stated it would be nice to honor Steve Wilson and Pat Phillips for their service on the PC. Bob will look into a plaque.

Ed asked how the Township was replacing the positions on the PC. The Board is advertising the position.

Bob made a recommendation that Roy Griffitts be appointed to the PC. He is always at the PC meetings.

ZA Sullivan stated that the PC needs to have a broad spectrum from the community on the PC and this must be considered.

Bob Jess made a motion, supported by Cliff Biddick to recommend Roy Griffiths for a position on the Planning Commission.

Yays – Matt Cunningham, Cliff Biddick, Bob Jess, Ed Bajos

Nays

Abstain Marilyn abstained stating this was a Board decision

Zoning Administrator, Larry Sullivan presented a written report with an oral overview.

The PC reviewed the proposed waterfront ordinance amendment. Bob asked if there were any questions on page one. Cliff asked about 3. A. and how you know more than 20% was removed from the shoreland protection strip. Bob stated that there are historical photos. Marilyn stated they are not supposed to do anything to within the shoreland protection strip. Cliff stated we photographed the shore line years ago but no enforcement was done. Cliff stated it is tough to go back after the fact. ZA Sullivan stated it is hard to enforce the 20% but it set a bar for enforcement. Ed stated it is not always new construction that disrupts the shoreland protection strip. How do you go out every month and check? ZA Sullivan stated that zoning enforcement is complaint based. Cliff asked if the ZA had access to all the historic photos. Larry stated yes and he also uses aerial imagery too.

Matt asked about how the statement in 3. “maintain a visual barrier” fits in. Marilyn stated that the idea is to maintain the natural beauty as seen from the lake. Bob stated that tree trimming is allowed for views and it is to protect the lake.

Planning Commission consensus is that 3. I. should state that selective trimming does not count as part of the 20%

Bob 3 H. what are we clicking here. This needs to be clarified with Claire. Where does the list of recommended species come from in 3.24 Claire needs to clarify this too.

Matt 3. L. IV. In the first sentence change “did” to “does”

Bob 8. B. 1. Do we have the flexibility or does this section take the flexibility away. Have Claire look into this. Marilyn stated that the flexibility is in Section 2. Article V 6. ZA Sullivan was concerned about documenting why he used discretion in making his decision opens him to liability for not following the ordinance. Larry suggested adding language giving him leave from 3.14. Marilyn read email from Claire regarding this. (see attached).

Bob 8. B.1. needs flexibility added to it. Ed some type of language has to be added to allow Larry flexibility and solid ground to stand on. You need a qualified entity to make decision. Marilyn asked if it should just say a representative of the Tipp of the Mitt.

Larry suggested adding language that would give him leave from 3.14. Bob suggested adding “The landscaping plans must adhere to all conditions of the site plan subcommittee”

Marlene Golovich suggested that the PC have the ZA contact the attorney for clarification. Bob stated the PC wanted to discuss it first. ZA Sullivan stated he feels the committee should be a

technical committee. Marilyn stated that it specifies that the subcommittee has a technical person. The committee is advisory and it eventually comes back to the PC. The ZA stated that nothing in the proposed ordinance says the ZA can deviate from the standards in the ordinance. Ed stated the purpose of the committee was to work with people. Bob suggested that Claire take a crack at new language. Marilyn responded that she did that with Bryan. Marilyn proposed that B.I. state "the landscaping plan will attempt to adhere to Section 3.14" and II. state "must attempt to include" Bob asked the ZA what he thought about the word attempt. Larry suggested that the following language be added to 8. C. "The zoning administrator may deviate from the standards contained in Section 3.24 based upon input and recommendations of the shoreland protection committee. Any deviation from the standards shall be documented by the ZA as to how he/she feels it will increase the protection of the water body." Marilyn stated that it needs to be run by the attorney. Ed stated that Claire's input is needed. Marilyn Morehead made a motion, supported by Bob Jess to have Zoning Administrator Larry Sullivan to run new language giving him legal flexibility to deviate from the ordinance by the Township attorney and Claire Karner planner. Motion carried.

Bob stated that 8.C. II. should follow the PC by-laws and that the Chair appoints members to committees. Cliff suggested rephrasing so that the Chair appoints the committee members.

PC consensus was to table approval of the proposed ordinance amendments until the December meeting.

New Business

Planning Commission by-laws state that the PC will prepare an annual report. Bob stated that he would do it. The by-laws also state that the PC will prepare an annual budget for the Board of Trustees. Bob suggested working on it at the January meeting. Matt Cunningham stated that in the past planner Mary Campbell was here a lot and why can't we have a planner more often. Marilyn explained that Mary had a contract and that turned in to an hourly commitment. ZA Sullivan stated he believed that Beckett and Raeder was hired in the hopes of developing an ongoing relationship. Cliff asked what besides the planner and attorney would need to go in the budget. Bob replied training.

Matt Cunningham made a motion, supported by Bob Jess that the Planning Commission record their meetings and post the recording as their minutes in an effort to save money for consulting services effective at the December 19, 2017 meeting.

Marlene stated that recordings are not minutes and suggested they go to MTA to verify. ZA Sullivan recommends the PC still need a person at the meeting to take minutes. He cited an instance where the recording device quit working. He also stated that the PC and ZBA need detailed information from hearings.

Marilyn stated that it is too hard to take minutes and participate in the meeting. Ed stated that was before it was recorded. Bob stated that PC elections are next month and it can be discussed then. Marilyn stated that the Board should hear this. Cliff stated that when you are focused on what you are writing it is challenging to participate in the meeting. Matt stated you can go on line to hear all the minutes.

Bob called a vote.

Yays – Matt Cunningham, Bob Jess, Ed Bajos

Nays – Marilyn Morehead

Abstain – Cliff Biddick

Motion carried.

Marlene stated that Bob had no authority to remove an employee. This is a Board decision. She asked if they were proposing to fire the recording secretary. Yes.

Next regular meeting of the Planning Commission is December 19, 2017 @ 7:00 p.m.

Planning Commission Comments – No

Public Comment was taken on 3.F. and the intent of the language, making sure the proposed language give the ZA the flexibility to vary from the ordinance, the need for a tie between the committee and the ZA.

Ed stated that is why the PC suggested running it by Claire and the attorney.

Ed Bajos made a motion, supported by Cliff Biddick to adjourn. Motion carried.

Respectfully submitted

Marlene Golovich, secretary

Marilyn Morehead Planning Commission Secretary