

JOINT MEETING OF THE EAST BAY CHARTER TOWNSHIP
PLANNING COMMISSION AND TOWNSHIP BOARD

Wednesday, April 9, 2009 6:30 p.m.

East Bay Charter Township Hall

1965 N. Three Mile Road

Traverse City, MI 49686

Present: *Planning Commission Members* Judy Nemitz, Ted Hentschel, Jim McDowell, Robert Tubbs, Tracey Bartlett, Mindy Walters, and Mike Nickels (arrived at 6:35pm)
Township Board Members Brian Marrow, Sue Courtade, Matthew Courtade, Glen Lile, Butch Strait,

Absent and Excused: Board Member Dale McAllister

Also Present: Township Attorney Jim Young; Township Planner Jay Kilpatrick, Recording Secretary, Anne Wendling; Zoning Administrator Leslie Couturier

One guest was in attendance.

1. **Call to Order:** Chairman Lile called the meeting to order at 6:30 p.m.
2. **Roll Call:** Roll was called by the Recording Secretary.
3. **Review for Conflict of Interest:** There were no conflicts of interest reported.
4. **Approval of the Agenda:** A motion was made by Tubbs and seconded by Bartlett to approve the agenda as presented. The motion carried without opposition.
5. **Approval of the Minutes:** Nemitz made a motion to approve the Regular Minutes of March 3, 2009, the Site Review Minutes of March 12, 2009 and the Special Planning Commission Meeting minutes of March 12, 2009. McDowell seconded the motion and the motion carried without opposition.
6. **Public Input:** None at this time.
7. **New Business:**
 1. **Discussion of separation of roles between Township Board and Planning Commission**

Township Attorney Young gave his perspective on Township Boards and Planning Commissions based on his years of experience in the municipal legal field. He stated his opinion that when townships reach a certain size, it is often beneficial to allow the Planning Commissions to handle all zoning decisions that the law permits. The Township Board always has a lot to do and it saves the Board from wearing too many hats. Young stated that the best option is to have a well-trained planning commission. The Township Board would still hold control by appointing the members of the planning commission and have ultimate control by its authority over township expenses which create a check and balance system. He stated that it make more sense to allow a well-trained planning commission to be allowed to make decisions that they are trained to make. Further, Young recommended that the Planning Commission be dedicated to handling all planning decisions that are non-financial in nature and that the board set requirements pertaining to the amount of training and attendance for a planning commission member.

Township Planner Kilpatrick generally agreed with Young and stressed that having a separation made sense as long as there is communication between the two groups and training for commissioners. Lile asked for input from all members present and ideas such as precedent in other municipalities, types of training, appointed officials making these important decisions, and a timeline for developers. Young stated that a well trained planning commission is more likely to come to a correct legal decision and if detailed findings of facts are completed, there will be fewer lawsuits and the township could ultimately save money. Kilpatrick and Young addressed the training of commissioners by stating that in-house training was easy for them to do personally, and, in addition there are programs offered through the state.

Attorney Young wrapped up the ideas of the commissioners and board members and discussed a few concerns. He stated that one main discussion should take place regarding whether the master plan reflects the ordinance. After holding an informal poll, most board members and commissioners decided to go forward and allow the planning commission to discuss the details of a new ordinance. There was a consensus that the planning commission and township board should have regular periodic meetings.

2. Discussion of Township Board involvement in Special Land Use and Planned Unit Developmental applications

Discussed in combination with agenda item #1 above.

3. Discussion of Capital Improvement Plan

S. Courtade, a member of the CIP subcommittee, handed out a synopsis of the CIP which was focused on acquiring the Black School property. The CIP proposed to move the school building off of the property and use the schoolhouse as a heritage center and children's library. There could also be a pavilion joining the two buildings. Additionally, the property would be improved as a trail head destination including the safe routes to school, with non- motorized trails. Possible grant sources for acquiring the property were discussed. Walters, a member of the CIP subcommittee, asked if the boards wanted to go ahead with grants and a possible township fund match. Tubbs, also a member of the subcommittee, added that the Black School property may be a valuable acquisition for the township since it is in the village center. Concerns regarding other fiscal responsibilities were discussed. Township Attorney Young said that the township could pursue an option to purchase if it did not violate any ordinance or the law. Lile commented that S. Courtade could check with the rotary charities grant writer regarding the cost of grant writing and Lile would talk further with the owners of the property. Planner Kilpatrick said that before a project on that property could move much further, a much more detailed design of the property and a cost breakdown of the proposed project would be needed before grant writing could begin. Kilpatrick also stated that there may be tax benefits to the owner if a portion of the property was gifted to the township. Kilpatrick also stated that the owners may be open to allowing for a right of first refusal on behalf of the township. It was agreed that Lile would contact the owners and discuss some options on behalf of the township to acquire the property.

Couturier discussed CIP training on May 21st and would like to ask the trainer to come to the township. There was discussion to invite other townships and share the cost of the training. The boards had a short discussion on waterfront property and then all agreed that the town boards should hold a joint meeting twice a year since it was good for communication and discussion. Both Young and Kilpatrick stated they consider the East Bay board and planning commission to be top notch in comparison with others in the state.

8. **Adjournment:** Chairman Lile and Chairman Nickels adjourned the meeting at 8:30 pm.