

**MINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION REGULAR MEETING HELD ON SEPTEMBER 27, 2017**

The Planning Commission meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, September 27, 2017. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Jerry Donley, Terry Harris, Bill Zuhl, Jon Tidey, Tim Feirick

OTHERS PRESENT: Recording Secretary Lindsay Krohne, two members from the public

ABSENT: Dave Grabemeyer, Tom Lehrer, Attorney John Magyar

Jerry Donley requested that discussion of attending meetings electronically be added to the September 27, 2017 agenda.

**MOTION TO APPROVE AGENDA**

Tim Feirick motioned to approve the September 27, 2017 agenda with the addition of discussing attending Planning Commission meetings remotely under Unfinished Business. Jerry Donley seconded. Motion passed by voice vote.

**APPROVAL OF MINUTES**

Jerry Donley motioned to approve the July 26, 2017 minutes. Bill Zuhl seconded. Motion passed by voice vote.

**COMMUNICATIONS**

Chairman Terry Harris read an e-mail correspondence received from Tim Hull. The correspondence stated that there were no recommendations listed in the minutes of the Planning Commission meetings from April through August of 2017, nor the agenda, for accommodating commission members that are unable to attend meetings in person but are interested in attending remotely.

In the correspondence, Tim Hull requested that the commission discuss and vote on adjusting the commission's by-laws to allow members to participate in meetings remotely, at the September 27, 2017 Planning Commission meeting.

Tim's correspondence stated that a letter was sent to Clerk Barb Runyon and read at the Township Board Meeting on September 13, 2017, and Trustee Mike Glynn stated that the Board has a duty to be cautious stewards of township funds. Tim's correspondence stated that the recent zoning ordinance change to accommodate a food truck park would cost more than it would to implement teleconferencing for Planning Commission members.

**PUBLIC COMMENT**

None.

**TOWNSHIP ATTORNEY'S REPORT**

None.

**BUILDING/ZONING ADMINISTRATOR'S REPORT**

None.

**NEW BUSINESS**

**REVIEW OF CAPITAL IMPROVEMENT PLAN PRIOR TO SUBMISSION TO TOWNSHIP BOARD**

Chairman Terry Harris stated that he had not received any additions to the Capital Improvement Plan. He asked the Planning Commission to approve the list of capital projects as presented, which would then be sent to the Township Board to approve.

Bill Zuhl stated that there should be a strike through the generator project since it is already in process.

Jerry Donley asked if the plan was for 2017-2018 and Terry Harris answered yes.

Discussion on the current generator project and where it belongs in the Capital Improvement Plan took place, as well as the cost of the project.

Jerry Donley stated that he believes the automatic front door should be at the top of the priority list, and asked why we are dragging our feet on an ADA issue. He stated that if someone came to the Township Hall to vote, and couldn't get into the building because there was no automatic door, it would cause an issue.

**MOTION TO ACCEPT THE CAPITAL IMPROVEMENT PLAN**

Jerry Donley motioned to accept the Capital Improvement Plan. Tim Feirick seconded. Motion passed by voice vote.

**UNFINISHED BUSINESS**

**ATTENDING PLANNING COMMISSION MEETINGS REMOTELY**

Terry Harris stated that the remote access issue has already gone through the Township Board, and no action was taken. Terry suggested tabling this item until the October meeting, when Attorney John Magyar is present, and also to give the Planning Commission members an opportunity to do their own research.

Terry also stated that state legislature brought this topic up in 2012, 2013, 2014, and 2015 and that there is a strong opposition in Michigan. He added that it has never been presented as a law or a change to the Open Meetings Act. He stated that it is not prohibited, but also not approved.

Jon Tidey stated that he believes they should discuss it further when Attorney John Magyar is present.

Jerry Donley stated that it is about more than just the Planning Commission. He suggested that an easy way to get around it is to eliminate the wording in the by-laws that states three consecutive missed meetings must be communicated to the Township Board. He also stated that he lost over \$300 on traveling accommodations to return to Michigan for a meeting that was canceled. He added that he believes it is the best thing for this commission as well as the Township Board.

Bill Zuhl stated that he would need to look into it further to consider the elimination, because it is also in the by-laws for the County Planning Commission. Jerry Donley replied that it is not in the Michigan Enabling Act.

Terry Harris stated that a physical quorum would still be required at a meeting. He added that you would have to be easily understood by the other members and the audience. Terry stated that he frequently calls into work meetings and has no issues with a professional conferencing system.

Terry Harris questioned the legal issues they would be opening themselves up to. He questioned if they would have to offer this service to, for example, all of the property owners who live in Chicago who would want to call in and comment on an issue. He also questioned if all the boards would have to offer it because it existed, not just the Planning Commission. Jerry Donley asked, why wouldn't they be allowed to call in and comment? He stated that discussion of attending remotely wasn't a problem in the past.

Bill Zuhl asked Jerry Donley if he had looked into any of the conferencing systems. Jerry answered that he had not, but Clerk Runyon had found multiple reasonable options.

Jerry Donley stated that he spoke with Bill Saunders and John Magyar in January and that he would give back all the money he receives from the board to invest in remote access in order to be involved on the board while he is away. He stated that he has been active on the board for fifteen years and deserves to be there. He also stated that he would not be present for the October meeting.

John Tidey commented that if it is something he is passionate about, he can change his plans in order to attend meetings. Jerry Donley stated that John Magyar is absent due to being on vacation and he did not reschedule his vacation to attend the meeting.

Terry Harris stated that this has been a point of discussion for over three years.

### **COMMISSION MEMBER COMMENTS**

None.

### **PUBLIC COMMENT**

Tim Hull stated that the legislature on attending meetings electronically is specifically referencing the Township Board, an elected body and the Planning Commission is an appointed body. He stated that the legislature has nothing to do with an appointed board.

Tim Hull stated that it would only require two wires to allow an electronic system to work, which he would be willing to donate. He stated that Go2Meeting is a low cost option.

He referenced the comment about allowing anyone to call in to the meeting, and stated that members needing to participate in discussion should be allowed.

Tim asked that an official vote be taken.

Discussion followed about tabling the issue until the October 25, 2017 Planning Commission meeting.

Terry Harris asked Jerry Donley how many consecutive meetings he would miss if they eliminated the "three meeting" rule from the by-laws. Jerry Donley answered that he would probably miss five meetings. Jerry stated that he had not missed three consecutive meetings, because the February meeting, which he had planned to attend, was canceled.

**MOTION TO ALLOW PLANNING COMMISSION MEMBERS TO ATTEND MEETINGS ELECTRONICALLY**

Jerry Donley motioned to allow a Planning Commission member who is unable to attend in person, to attend electronically. No support. Motion did not pass.

Discussion followed about researching this subject and tabling it until the next meeting when Attorney John Magyar is present.

**MOTION TO TABLE ELECTRONIC MEETINGS UNTIL OCTOBER 25, 2017 MEETING**

Tim Feirick motioned to table the electronic meeting issue until the October 25, 2017 Planning Commission meeting. Bill Zuhl seconded. Motion passed by voice vote 4:1 with Jerry Donley in opposition.

John Joossens, a member of the public, stated that if any members of the board are allowed and able to attend remotely, it is only fair. Terry Harris stated that the whole issue is new to him as well, as the Board of Education did not hold meetings electronically.

Jerry Donley stated that he agrees that if you are not physically present, you don't get to speak. He stated that his issue is the three consecutive missed meetings in the by-laws.

Tim Hull stated that he initially made the request to allow electronic access to meetings, not Jerry. He stated that he has been attending meetings since 2013 when there were issues with Indian Lake. He stated that Jerry was the only member who took interest in the Indian Lake Community and addressed their issues. He added that the Michigan Enabling Act states that the

members of a Planning Commission are to be a representation of certain segments of the township, and Jerry is that support for Indian Lake.

Jerry Donley thanked the Planning Commission members for listening.

**ADJOURNMENT**

Jerry Donley motioned to adjourn the meeting. Tim Feirick seconded. Motion passed by voice vote. The meeting was adjourned at 7:48 p.m. by Chairman Terry Harris.

Respectfully submitted,

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Lindsay Krohne  
Planning Commission Secretary

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Terry Harris, Chairman

To be approved at the October 25, 2017 Planning Commission meeting