

CHARTER TOWNSHIP OF FLUSHING  
6524 N. SEYMOUR ROAD  
FLUSHING, MICHIGAN 48433  
810-659-0800 FAX: 810-659-4212  
**PLANNING COMMISSION MEETING**  
DATE: MAY 14, 2007 TIME: 7:00 P.M.  
WEB ADDRESS <http://www.flushingtowship.com>

**MEMBERS OF PLANNING COMMISSION**

Mark J. Newman, Chair	Richard Buell
Jerome Doyle, Vice Chair	Ronald Flowers
Eric Swanson, Secretary	David Gibbs
Barry Pratt, Board of Trustee Representative	

Jerald W. Fitch, Building Inspector  
Julia A. Morford, Recording Secretary

**PRESENT:** Doyle, Swanson, Buell, Flowers, Gibbs, Pratt, Fitch, and Morford

**ABSENT:** Newman

**OTHERS PRESENT:** Mike Teeples, Jim and Marion Walden

**I. MEETING CALLED TO ORDER** at 7:00 p.m. by Planning Commission Vice Chair **JEROME DOYLE** with Roll Call and the Pledge to the American Flag.

**II. ADOPTION OF AGENDA: PRATT MOVED**, seconded by Gibbs to adopt the Agenda as presented. **MOTION CARRIED.**

**III. APPROVAL OF MINUTES:**

**(A) APPROVAL OF MINUTES OF FEBRUARY 12, 2007: FLOWERS MOVED**, seconded by Pratt to approve the Minutes of February 12, 2007 as corrected. **MOTION CARRIED.**

**(B) APPROVAL OF MINUTES OF MARCH 12, 2007: PRATT MOVED**, seconded by Gibbs to approve the Minutes of March 12, 2007 as written. **MOTION CARRIED.**

**(C) APPROVAL OF MINUTES OF APRIL 16, 2007: FLOWERS MOVED**, seconded by Buell to approve the Minutes of April 16, 2007 with correction. **MOTION CARRIED.**

**IV. UNFINISHED BUSINESS:**

None

**V. NEW BUSINESS:**

- 1. Michael Teeples, on behalf of Brent Myers, 204 Mill Street, Flushing, MI**  
Special Use Permit to Construct a Pond at 4469 Duffield Road, Flushing, MI.  
(Parcel No. 08-30-200-021)

**MICHAEL TEEPLES (TEEPLES)** had previously attended a Planning Commission Meeting on November 13, 2006 with the original request.

**COMMENTS FROM MICHAEL TEEPLES:**

**MICHAEL TEEPLES (TEEPLES)** stated that he had been trying to dig a pond with the overflow extending from the South to the North, then flowing into the East/West ditch, but the natural flow had been to the West then flowed back North along the property line. **TEEPLES** stated he has all the graphics and has reviewed the ordinance and completed everything proper according to the ordinance as far as what the Planning Commission had requested from the previous meeting.

**COMMENTS FROM THE PLANNING COMMISSION:**

- **FLOWERS:** he (Flowers) understood the pond has already been dug.
- **GIBBS:** the ditch on the West side of the proposed property would be full of silt within two (2) years. Someone needed to use a digger that had a rounded bucket so the water would flow. **TEEPLES** would take care of the matter.
- **PRATT:** how deep was the pond? **TEEPLES** stated the pond was dug sixteen (16) foot with an overflow which brought the water down approximately three (3) foot from the top. He (Teeples) would like to keep the water standing so the water would stay below the grade. **PRATT** inquired if the pond had been dug without a permit? **TEEPLES** stated he dug the hole to use the sand to fill around the house at one area because the house had to be built off the ground.
- **PRATT:** had talked with the Supervisor and currently, there isn't any kind of penalty listed in the ordinances, but the Planning Commission would have to deal with the issue in the near future, as permits were required, although it is mentioned in the ordinances that it is illegal to dig a pond without a permit.
- **SWANSON:** it is mentioned in the first paragraph of the ordinances "it shall be unlawful for any person. . .", the individual is supposed to obtain a permit. By not obtaining a permit, the issue is considered a civil infraction and turned over to the Code Enforcement.
- **DOYLE:** informed the Planning Commission that he had helped **TEEPLES** put the site plan together because there had been a necessity, even though the engineered drawings had showed the grades as such, **DOYLE** and **TEEPLES** had got grades on all the property to find out where all the drains were located and where they actually drained to.

**PROBLEM:**

What the engineer stated in the first place was a fact; the fine grading for the ditch between the corner, where the neighbor put out the sump line and built up the water at the corner property, was just sitting there because when draining to the East, the water went uphill two foot and four inches (2'4") to get to the next door neighbor on the East, then flowed to the Northeast corner.

The drain went uphill from where the neighbor drained the sump pump, at the Northwest corner, two foot and 4 inches (2'4") uphill. The drain that went across Parcel 2 was almost flat; it drained one way four (4) inches to the Northwest corner and then drained three (3) inches down to the North/South ditch. At the particular point on Parcel 1, on the Northwest corner at the ditch, there was a three foot three inch (3'3") fall which drained good at the area and didn't drain across the two (2) properties. In order to take care of the sump problem that has been created, there was no other place to drain except to the lowest property.

Discussion had been held between **MINARIKS**, **TEEPLES**, and **DOYLE** about draining straight across from the corner, across the property, but **MINARIKS** did not want to participate. **MINARIKS** did not want to give an easement for the issue nor did they want to give an easement for the drain itself. **MINARIKS** agreed to put an Agreement together so the issue could be completed and that **TEEPLES** would take care of the issue. If there was brush or anything to remove, **MINARIKS** would take care of the brush. (A letter had been produced from Minariks).

In order to drain the water, that has been created by the next door neighbor's sump pump as well as the pond, the pond would drain with the grades from where the pond was located to the front Northeast corner where there was a foot fall. There was about three foot six inches (3'6") from the house grade to where the pond would end and empty out and then drain to the North about five (5) or six (6) inches to get to the drain, which was an open drain (a low area that water drained from the pond). The open drain also drained the property around it including the next door neighbor's property as well as Parcel 2.

#### **SOLUTION:**

In order to alleviate the problem of the water and get the water flowing out of the location, all the elevations were put together to find out how the property could be drained, which the plot plan had indicated.

Inland Seas Engineering had indicated the drainage the same way on their (Inland Seas) drawing as **TEEPLES** had indicated. Some of the fine points didn't show that some of the property had to be dug out in order to make the drawing work.

- **DOYLE:** over the years the ditch between Minariks, Parcel 2, and Parcel 3 had filled up with trees, etc so that the drain never worked properly.
- **FLOWERS:** what was the size of the tile that went North and under Carpenter Road? **DOYLE:** most of the tiles were six (6) inches. **FLOWERS:** was the tile adequate to handle the flow of water from the proposed area? **DOYLE:** the ditch had to be kept clean in order to work properly. The point being, there was a private drive and who would maintain the private drive. The private drive was in long before there were any ordinances as to how to maintain private drives.
- **TEEPLES:** Barbers, the next door neighbor, has a French drain. **TEEPLES** is running an underground tile through his yard to the six (6) inch tile. **TEEPLES** has already dug a

trench because he wanted to control the water; almost everything has dried in the area. The water had flowed in the direction the grades were shot.

- **BUELL:** very concerned the ditch would fill itself back in very quickly because there was only seven (7) inches of fall from where the water passed under the driveway to the corner where the trees were stacked. It looked like one shovel of dirt could practically block up the whole system; it would require constant maintenance in order to keep the system working. **TEEPLES** had stated earlier that he (Teeples) would take care of the matter.
- **TEEPLES:** would dig out the ditch as mentioned earlier, not straight up and down, but at the ends. As far as coming back and taking care of the ditch maintenance wise, all the time throughout his (Teeples) life, “No”, he would not do that.

**TEEPLES** stated what he is seeking, for the homeowner, would be to have a pond and overflow in the back. Even if the ditch was filled up, the water would still flow in the particular direction, which would be the natural flow. The ditch was being dug to help control the water and to keep the water out of all the farmers’ properties.

- **BUELL:** there was very little fall from East to West. It would take very little change in the topography of the ditch in order to completely stop the water and reverse all the good that has been done so far.
- **PRATT:** walked the property and mirrored the concerns of the other Planning Commission Members as to the filling of the ditch; it seemed like the drainage problem had been taken care of; the slopes all fell toward the ditch. Since there was a concern with the drain filling in, there should be a condition to have all the land owners, including **MINARIK’S**, join in an Agreement allowing an easement for the ditch to cross their property. There should also be a Maintenance Agreement so everyone would maintain the ditch to keep it draining toward Carpenter Road and then into the culvert even if the situation involves a back hoe, etc just to keep the area clean. Permanent piping would take care of the problem. Perhaps there could be an amendment to the existing easement for the road.
- **DOYLE:** during the process of working with the particular situation, there had been a discussion with **MINARIKS** and it was determined they (Minariks) weren’t interested in any kind of easement. When **TEEPLES** had mentioned to **MINARIKS** about cutting the ditch from the Northwest corner to the woods at Carpenter Road, **MINARIK** had wanted the ditch to be narrow so it would not wash out the property on the sides of the ditch. The ration is two fold: 1) if the area was seeded and taken care of, there should not be a wash out of the ditch and 2) if the area was left as it was, it would wash out unless there was grass in the ditch which would fill up the ditch. The area would be farmed close to the ditch, but the ditch itself should be seeded so the ditch would not be silted.
- **GIBBS:** wanted to know how one would seed the sides if they were straight up. **DOYLE** stated more of the property would be cut out to make the ditch the way it was supposed to be shaped rather than a small narrow ditch.
- **PRATT:** would Minariks be plowing their property. If there was a bottle neck on Minarik’s property, there would be problems. **TEEPLES** stated Minariks understood he

situation; he (Teeples) had a sky-track front end loader that could be used and when it goes down in the ditch it would scrape the back side and when it comes up it would round the ditch similar to a regular scoop. **TEEPLES** stated time hasn't allowed him to scoop the ditches. **TEEPLES** back graded the area with his sky track because of the water/mud.

- **BUELL:** would what has been done be what the Planning Commission would be approving? **DOYLE** stated there was a problem getting the matter taken care of because of so much water. **TEEPLES** has more work to do.
- **PRATT:** appreciated the process of rounding and seeding the ditch but what would happen if Minariks sold their property and the next landowner filled in the ditch; or even if that same thing should happen with the other parcels.
- **TEEPLES:** after looking at the grades, the natural flow of the water is toward the ditch. **PRATT:** if Parcel 1 was sold, there would not be any control over the land. **PRATT** wasn't comfortable without an Agreement by all parties to maintain and keep the flow of the ditch.
- **GIBBS:** are there any County Drains in the area even on the North side of the road? **DOYLE:** to his knowledge there isn't any County Drains. **BUELL:** it looks like there is a County Drain on the North side of Carpenter Road. **DOYLE:** in reviewing the map, it doesn't show the drain.
- Mr. Walden stated the drain was put in years ago by Mr. Bruce Chamberlain. **DOYLE** stated he thought Mr. Minarik had mentioned that Mr. Chamberlain had dug the ditch. **GIBBS:** he remembered Mr. Chamberlain had put the ditch in, but had completely forgotten it.

#### **7:40 P.M. – OPENED TO THE AUDIENCE FOR COMMENTS REGARDING THE POND REQUEST**

1. **James Walden, 10141 W. Carpenter Road, Flushing** – “the property (Parcel No. 08-19-300-004) located on the North side of Carpenter Road is vacant land; the ditch is on the property owned by Waldens one hundred (100%) percent.” (The Waldens did not receive a Notice of the current Planning Commission Meeting because they weren't within the 300' of the property in question). Per Mr. Walden, the drain flows from the South side of Carpenter Road going under Carpenter Road coming out at Parcel No. 08-19-300-004 (owned by the Martin Slovak Estate – Mrs. Walden is Mr. Slovak's sister) on the North side of Carpenter Road. The ditch is one hundred (100%) percent on the Slovak property continuing to cross the Borowicz property and going onto the Londrigan property; at this point the ditch turns West to just before M-13 (Sheridan Road) where the drain turns South draining along the property line between the Borowicz and Londrigan property.”
  - Mr. Walden wanted to know if the drain on his property was a County Drain. **DOYLE:** what is seen on the map indicated the Walden Drain was not a County Drain. There was a question as to what the blue line on the map represented. **FITCH** stated the blue line on maps indicate there was some type of water.

- **DOYLE:** all the water in the area naturally flowed to the North.
- **BUELL:** the proposed request is for an application for a pond. Most of the conversation had to do with the overflow of the pond in order to make the pond so there wasn't the opportunity to get rid of the excess water.
- **BUELL:** was the theory about the pond being spring fed correct? **TEEPLES** stated the pond would fill up. When he was checking the footings for the home that he built, the water was three and one-half (3 ½) feet deep.
- **TEEPLES:** in order to dig the pond, he took the sand out of the ground and used the area where the majority of the sand was located to build up around the house. He had the excavator dig the pond to ordinance. (He didn't realize he needed the permit).
- **BUELL:** in the excavation of the pond has **TEEPLES** found any farm tiles? **TEEPLES** stated he hadn't found any farm tiles. Mr. Noercher previously stated there wasn't any farm tiles in the particular area as he (Noercher) owned the property and had farmed the property. **GIBBS** stated that Mr. Noercher had owned the property for approximately ten (10) years.
- **PRATT:** would there be enough water to keep the proposed pond filled?
- **BUELL:** was fearful that the net result of the pond would be to drain more property which would allow more houses with more basements that would need to be pumped out creating more water.
- **FLOWERS:** the situation would have to be taken care of; forcing the water to go in another direction would not make it any better because the other person would be collecting all the water that would be coming from the first property. Per the Flushing Township Ordinance, an individual could not run his/her water onto someone else's property. **DOYLE:** even if there wasn't a ditch, the water would drain toward Carpenter Road. Another parcel is available in the same area on the private road.
- **PRATT:** wanted to know if the distance to the East lot line be eighty (80) feet? **DOYLE** stated it would be eighty-one (81) feet from the property line to the pond and ninety-five (95) feet from the house to the pond.
- **BUELL:** does the overflow run constant? **TEEPLES** stated it did not.
- **PRATT:** was the fall as shown on the plot map, the actual reading from the transit? **DOYLE** stated it was the actual readings.

**8:15 P.M. – CLOSED TO AUDIENCE FOR COMMENTS REGARDING THE POND REQUEST**

**ADDITIONAL COMMENTS REGARDING REVIEW OF THE SITE PLAN**

**CHECKLIST:**

- **Existing Zoning:** The property is zoned RSA
- **Pond Setback Per Ordinance:** 80' and 80' from the property line; Distance from the house is 95'; 120 feet from the septic field.
- **Landscaping, Berms, Buffers, and Fences:** None, because everything all drains toward the pond.

- **Extent of Use of the Pond:** There wouldn't be any swimming.
- **Access Drives:** Open yard to the pond
- **Location of Septic and/or Well and Public Facilities:** 120 feet from the pond
- **Soil Conditions: Topsoil, Clay Lining, etc:** There would be clay bottom, the next layer would be sand and the top layer would be soil
- **Topography Map, Woodlands, Etc:** Open farmland
- **Evidence of Water Source on Site:** The pond has been full since the pond was dug; reservoir for underground water.
- **Pond Grade Slopes:** On the North side there is a 4/1; the other three sides are 6/6, which goes according to ordinance.
- **Type of Grasses Used for Prevention of Erosion and For General Mowings:** At the last Planning Commission Meeting, it was determined that Bluegrass or equal seeding of the area around the pond and the yard also, which the owner should take care of. (**TEEPLES** stated the owners would take care of the seeding).

**THERE WERE NO FURTHER QUESTIONS FROM THE PLANNING COMMISSION OR AUDIENCE REGARDING THE CHECKLIST.**

**CORRESPONDENCE SUBMITTED IN REGARDS TO THE PROPOSAL:**

(Mike Teeples had talked to everyone that had responded).

1. Mr. & Mrs. Brent Myers
2. Mr. & Mrs. Harold Whitcomb
3. Mr. William Noercher
4. Mrs. Linda Minarik

**TEEPLES** stated he had done everything that was requested regarding the drain, from each property owner. **TEEPLES** stated that whatever happened with the request, the drain would still be there.

- **PRATT:** felt the ditch had been successful because it has dried the area; felt it was a good plan.
- **SWANSON:** a lot of items had been reviewed since **TEEPLES** first came to the Planning Commission meeting on November 2006; won't ask **TEEPLES** to fill in the pond because it wouldn't cure the problem; there had been talk about maintenance agreements but the ordinance only required the agreement if the pond went over more than one piece of property – not sure if it would include the ditch; there needed to be some type of agreement on the whole thing so that everyone would know that everyone was responsible for keeping the drain cleaned out.
- **TEEPLES:** thought there was an Agreement on the easement itself.
- **SWANSON:** the Agreement should consist of keeping the ditches, not necessarily the pond, but the drainage ditches that are used for draining everyone's' property, cleaned out.

- **DOYLE:** could a condition be placed on the request that **TEEPLES** could take to the other property owners so they would know what has been done.
- **SWANSON:** a request could be made that the property owners have an Agreement.
- **DOYLE:** the drainage would be the main concern.
- **PRATT:** the Planning Commission could protect the health, safety, and welfare of township residents with any condition. The easement would be to give each property owner permission for the road to go across their property. Nothing has been mentioned about a ditch or given anyone authority to run the ditch across another person's property, so at anytime a property owner could fill in the drain. The Planning Commission could call for a Maintenance Agreement.
- **SWANSON:** the Planning Commission could call for a written agreement that the ditches go across all property owners' property.
- **DOYLE:** the rational would be if there was a right of way or some type of an agreement.
- **PRATT:** the other problem would be the overflow of the pond would be going into the ditch. At any time nothing would prevent Minariks from filling in the ditch and farming the property. If the ditch was blocked and the pond overflowed in the spring, what would happen if there was a huge pond of water that was flooding the houses?
- **BUELL:** that would be the main incentive for keeping the water flowing, as their business is farming and if the property was under water, they would not be able to farm. The best interest would be served by seeing that the water continued to flow to the West and then North after it got to the corner.
- **PRATT:** what would happen if the ditch was transporting water out of Minarik's field but was backed up on the South property but not affecting Minarik's property?
- **SWANSON:** a letter has already been received from Minariks stating they have no objections.
- **DOYLE:** **TEEPLES** attorney, as one of the conditions, could put together a letter which all the property owners could sign that stated the mutual interest would be to keep the drainage ditch open so that it didn't back up and cause another back up problem for the health, safety, and welfare of the property owners; there would be a total of five (5) people that would have to agree on the project.
- **SWANSON:** "it would be maintained as – not expanding the drain"; the wording could be made a part of a condition. **TEEPLES** had stated there needed to be more sloping and seeding on the pond and ditches and if there was some type of Agreement, **SWANSON** didn't see any reason not to go ahead and approve the request with the conditions that had been mentioned.
- **PRATT:** "that all parties would agree to maintain the ditch so that it continued to drain to the culvert at Carpenter Road" would be good wording.
- **FLOWERS:** what would happen if the water did not flow North of Carpenter Road. Visitors Mr. & Mrs. Walden owned the ditch North of Carpenter Road.
- **PRATT:** thought that was why nothing could be built on a culvert because it was a County Easement. Legally nothing could be built upon or done with the easement because the County regulated the area for maintenance purposes, which would mean 1)

the drain could not be plugged, 2) nothing could be built around the culvert, and 3) nothing could be done there because the flowage was necessary.

- **DOYLE:** from one property to another you are supposed to allow the drainage that is already there to drain because it drains other properties. If the property owners decide to block the area, the other people that rely on the drain have a right to sue those people, which would be a civil suit. Where water drains naturally and there aren't any ditches, the area could not be dammed up so that it creates a problem for the neighbors. The water has to be allowed to drain its natural course, for which the ditch does drain the natural course.
- **GIBBS:** wasn't sure if the drain was a natural drain.
- **FLOWERS:** there weren't ditches on Carpenter Road twenty (20) years ago.
- **SWANSON:** the water drains naturally; someone had put in a ditch years ago to help the flow.
- **DOYLE:** eventually the farmers put the ditches in order to drain their fields. All the property drains to the North.
- **BUELL:** what if Mr. & Mrs. Walden decided they didn't want to clean out the drain on their property in the future, then what?
- **FLOWERS:** there is a problem where the water currently is located, but there is also a problem where the water would go.
- **MRS. WALDEN:** if the ditch should get all filled up would they have to clean the ditch out? **BUELL:** he didn't think so; only what was on their (Waldens) property.
- **DOYLE:** all the drainage on Carpenter Road has come from the East and West and has drained to the ditch that goes onto Walden's property. If Waldens dam the ditch, the Genesee County Road Commission would get involved and would have to do something.
- **FLOWERS:** Example: there was a farm on Coldwater Road off Turner Road, and the only way to take care of the water situation was for the County to get involved; the County got permission to go across the property and then had to take care of the matter. In situations where there are big problems with water, a Board of Determination, consisting of three (3) supervisors from the County, would be involved to make a determination as to how to take care of the particular issue.
- **SWANSON:** there are options to take care of the water situation if someone should decide to block the drain.
- **SWANSON:** at present, the main issue is a permit request before the Planning Commission asking for a permit where the individual has basically done what he was asked by the Planning Commission to do. One thing that he did not get was a permit to dig a pond; but that can be taken care of.
- **DOYLE:** suggested several possible conditions be added:
  1. dig the particular part of the ditch that goes from North to South on a slope that could be planted with grass back approximately ten (10) feet; repeat the same process on the other ditch that runs East and West to stop the silt as best as possible from moving down the ditch and keep the banks steady.
  2. seed around the pond and the ditch itself that drains the pond.
  3. make sure the North/South ditch is straightened out.

- **PRATT:** would like to add a condition that all five (5) of the property owners who are involved with the ditch, enter into a Maintenance Agreement whereby they would agree they would keep the drainage running clear to the point of Carpenter Road. (The five (5) property owners are: McCarty, Minariks, Whitcomb, Myers, and Barber).
- **MORFORD:** had received a call from Buckeye Pipeline and everything was fine with them as to the ditch situation.

**BUELL MOVED,** seconded by Swanson to support Mr. Teeples request for a pond permit with the following additions:

1. North/South ditch will be planted
2. East/West ditch will be planted
3. vertical ditch banks will be eased for both ditch in both directions
4. Agreement to maintain among the five (5) property owners will be executed.

**ROLL CALL VOTE:**

**AYES:** Doyle, Swanson, Buell, Pratt

**NAYS:** Flowers and Gibbs

**ABSENT:** Newman                      **MOTION CARRIED**

**SWANSON:** Mr. Teeples still needed to get a permit to be legal.

**FURTHER DISCUSSION:**

1. **GIBBS:** very concerned about the additional water that would be shoved across Carpenter Road; it would become an additional problem. **TEEPLES:** wanted to know how he would be adding water when the water was a natural flow?
2. **PRATT:** we have created a good tax base for the township; everyone has to be concerned about the water which is prudent and of a smart idea; development is going on all time in the township.
3. **FITCH:** wanted to know what he should do? There are hundreds of acres in the township that are flat, heavy soils and he (Fitch) could not tell a farmer that he couldn't divide his property. The properties would be the retirement for the farmers.
4. **GIBBS:** felt the ordinances should be tightened.
5. **PRATT:** there have been some really wet spring seasons which has illuminated drainage problems; currently, the township is at a point that the remaining parcels that are available to build on are not the driest parcels; felt Mr. Teeples did create a good situation to drain the water and hoped that it didn't burden anyone downstream in the future.
6. **SWANSON:** a lot of the surrounding townships have been having the same problems with water; everyone has been trying something different to try to control the situation; wetland ordinances have been suggested.
7. **DOYLE: TEEPLES** has been trying to alleviate a problem that wasn't handled properly in the first place. The private drive happened before the private road ordinance was in affect.
8. **SWANSON:** he ran into a problem with a ditch that was located close to his daughter's house. After checking with Genesee County, it was determined the ditch was private, but

there was an underground tile connected to the ditch that was a County tile. The County was draining off the private ditch. It doesn't hurt to check into the ownership of the ditches.

**VI. PUBLIC COMMENTS:**

**8:45 P.M. – OPENED TO THE PUBLIC FOR NON-AGENDA ITEMS**

1. **TEEPLES** thanked everyone for their services and he will take care of everything as indicated.

**8:46 P.M. – CLOSED TO THE PUBLIC FOR NON-AGENDA ITEMS**

**VII. BOARD COMMENTS:**

1. **BUELL:** felt there was a conflict of interest with **DOYLE** as a Planning Commission Member and also acting as the Vice Chair at the current meeting. In the future, would not want people to go to **DOYLE** to get information and then come to the Planning Commission Meeting for approval. In the future, recommended that anything that **DOYLE**, or any other Planning Commission Member, has participated to excuse himself from voting on the issue.
2. **DOYLE:** the work that was done on the pond request was purely something that had been requested from **TEEPLES** as there wasn't anyone else to help him as far as the grades were concerned. **DOYLE** didn't feel anything was being put together that wasn't going to be decided upon by the people at the Planning Commission. Had thought about not voting but decided he (Doyle) wasn't doing anything particularly any greater than just to help him (Teeples) put a plot together.
3. **PRATT:** brought his "*Authorities and Responsibilities of Michigan Township Officials, Boards, and Commissions*" which is put out by Michigan Townships Association that stated the ruling on such matters:

“if the member of a Board or Commission derives any benefit from something, it creates a conflict of interest.”

**PRATT** felt the issue needed to be discussed further and felt if there were benefits for themselves, they were to ask the Board to relieve them from voting because legally, the Board members were supposed to vote.

4. **TEEPLES** stated that after attending the first meeting, everyone wanted him to spend “top notch” dollars to proceed with the drain issue. He (Teeples) did ask Mr. Doyle to give him (Teeples) a hand. **DOYLE** was like a second father because **DOYLE'S** son was **TEEPLES** best friend. **DOYLE** was more than willing to help **TEEPLES** and **TEEPLES** was happy to get the help. **TEEPLES** shot the grades with **DOYLE** so now knows more about shooting the grades, also jumped the fences and held the equipment. **TEEPLES** stated that **DOYLE** simply taught him how to do something. **TEEPLES** felt there should be more respect for the individuals coming for requests.

5. **DOYLE** stated that **TEEPLES** was in a financial position with the people, for which he is constructing their home; the residents decided to hold back money until the water situation was solved. **TEEPLES** will be able to get the remaining balance of his money, from the property owner, if he can get the water situation cleared up. The Planning Commission should listen to what people have requested and use some type of logic to decide if the issue could be worked out. There isn't any interest (from Doyle) in the deal other than trying to get the grades done.
6. **BUELL**: knows that Mr. Doyle would do anything, but the issue is a question of appearance. It would appear that if an individual wanted something done through the Planning Commission, they should go to Mr. Doyle, which is not what Mr. Doyle wanted.
7. **SWANSON**: felt that since **DOYLE** and **TEEPLES** knew each other so well, **DOYLE** would be the best man for the job. The Planning Commission has to guard against a conflict of interest because if the matter should have to go to Court, everything could be overridden. **SWANSON** has been told many times, that if there was a conflict of interest, the individual could ask the Board to be excused. Everyone should think about the issue.
8. **PRATT**: recommended holding the remaining conversation over until the Chair could be in attendance and offer more legal comments at a future meeting.
9. The next regular Planning Commission Meeting would be held on Monday, June 11, 2007. If nothing is on the Agenda, various issues could be discussed.
10. **PRATT**: in the Michigan Townships Association Magazine two bills are in the Senate that would modify State Planning Laws – SB206 which would create a new Michigan Planning Act by combining the three (3) major Planning Acts including the Township Planning into one (1) single law. Planning Commission appointments would be made by the Township Board rather than the Supervisor; Supervisors would also be able to serve on the Planning Commission under the legislation along with any other Board member.

#### **VIII. MEETING SCHEDULE:**

**REGULAR SCHEDULED MEETING – MONDAY, JUNE 11, 2007 AT 7:00 P.M.**

**PROPOSED SPECIAL MEETING – MONDAY, JUNE 25, 2007 AT 7:00 P.M.**

**REGULAR SCHEDULED MEETING – MONDAY, JULY 9, 2007 AT 7:00 P.M.**

**PROPOSED SPECIAL MEETING – MONDAY, JULY 23, 2007 AT 7:00 P.M.**

**IX. ADJOURNMENT: BUELL MOVED**, seconded by Swanson to adjourn at 9:00 p.m.  
MOTION CARRIED.

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JEROME DOYLE, Vice Chair

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JULIA A. MORFORD, Recording Secretary

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ERIC SWANSON, Secretary

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Date of Approval

Planningminutes 051407