

**YANKEE SPRINGS TOWNSHIP**  
**BOARD OF TRUSTEES**  
**Informational Meeting**  
**With J. McManus Of Barry County Planning**  
**Monday, February 4, 2019**  
**6:00 p.m.**  
**Yankee Springs Township Hall**  
**284 N. Briggs Rd., Middleville, Michigan 49333**  
**MINUTES**

**FINAL MINUTES**  
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 Spec. BOT w/ McManus  
 2/4/19  
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 Approved March 14, 2019

Meeting called to order at approximately 6:04 p.m. by Supervisor Mark Englerth.

**PLEDGE OF ALLEGIANCE**

**Roll Call: Township Board:** Present: A. Jansma, M. Englerth, S. VandenBerg, L. Knowles.

**Absent with notice:** J. Lippert, Clerk

**Planning Commission:** Present: Fiala, Strickland, Beukema, VandenBerg.

**Also Present:** Jim McManus- Barry County Planning, Eric Thompson- PCI and YS Zoning Administrator, Brad Williams - YS Code Enforcement Officer, John Frigmanski (ZBA).

**Visitors:** 7 visitors

**PURPOSE OF MEETING:**

**Per Minutes of 1/10/19: ... “Supervisor (Englerth) noted that Monday, February 4, J. McManus of Barry County, has volunteered to come in at 6 p.m. to talk about Zoning and how we can do a better job as a community.”**

**Supervisor Englerth** requested everyone in attendance to introduce themselves. Englerth commented on having this meeting in response to a lot of complaints (mainly on Gun Lake) from last summer. “It’s one thing to have an ordinance. It’s another thing to enforce it,” added Englerth. Englerth commented on behavior (example: yelling, foul language) late at night or early morning that cannot be addressed immediately by code enforcement.

**Eric Thompson, of PCI** commented on complaints/issues being pretty much with back lot properties using lakefront property for boats and waterfront activity.

**Brad Williams, Code Enforcement Officer,** commented that he received a letter with 14 complaints included it. B. Williams commented on working at obtaining addresses and boat registration numbers being very time-consuming. Letters were sent out. Williams noted that there was a 98% response. He felt people came pretty much into compliance with the ordinance as a result. Williams felt there should be a better way, and it ought to be more enforceable. “My hands are tied, as far as what I can do,” added Williams. “What’s to stop this whole thing from happening again this year?” Williams asked.

**Bob Perino, of Orangeville Township,** commented on prior to discussion, getting a definition of “funneling.”

**CALL TO ORDER**

**PLEDGE**

**ROLL CALL**

**PURPOSE OF MEETING**

**Jim McManus, of Barry County Planning** commented on having approximately 200 of 300 lakes of the county in Barry Zoning. McManus commented that the county gets similar complaints as YS Township. McManus commented defining what an access lot, access lot beneficiary and key holding are. McManus commented that input here tonight (at this meeting) could be helpful to put into the 2020 Barry County Master Plan.

**Englerth** commented on the overlay district (approximately 10 years ago) that was previously considered and discussed for Gun Lake.

**Englerth** commented on funneling issues being public nuisance issues. Englerth noted the City of Hastings has two officers on duties 24/7 for the whole county. He also commented that 13 weeks out of the summer is when Yankee Springs' has its biggest struggles. Englerth also added that having an officer keeping peace for \$16,000 or \$17,000 a year seems more effective than having a code enforcement officer coming out a day or two after a party.

**J. McManus** commented on trying to enforce by zoning (complaints). He commented regarding people who brought their information in (a formal complaint) on Memorial Day, "You might have it resolved by Labor Day. So writing a ticket doesn't help in the summer."

**Eric Thompson** commented on being set from a developmental standpoint, but sharing of the single/individual properties and the behavior that is occurring on them seems to be the most common struggle that code enforcement is having right now.

**Jim McManus** commented on older subdivisions, alley points, backlots (some created in 1906) as having riparian rights. "Key holding is really for new subdivision development" noted McManus.

**Bob Perino** commented on funneling and noise abatement complaints being two different items. Bob Perino commented on Orangeville Township being taken care of by the county for its zoning. Perino commented on being pleased with Barry County Planning. Perino mentioned issues with Bay Pointe.

**Rob Heethuis, of the GLPA**, commented that the GLPA got the same letter too (as referred to by B. Williams, Code Enforcement Officer). Referring to those involved in the letter, Heethuis commented, "To make those people happy, it will not be easy... But still there has to be an answer for that person."

**Jim McManus** commented on 4<sup>th</sup> of July being out of their control (Barry County Planning/Zoning) as far as code enforcement through zoning. "The process takes time, so the answer isn't immediate," added McManus. McManus commented that the only way to see immediate relief (of a violation) is through a police-powered style ordinance where you don't have to go through the zoning process. "It's more like a speeding ticket. The ticket is immediate and they (police) can deal with it (behavior) instantaneously," noted Mc Manus.

**Englerth** commented on frustration of trying to deal with "the behavior" - personalities and emotions. Englerth commented on handling bad behavior 13 weeks out of the summer.

**L. Knowles, YS Trustee and Former YS Zoning Administrator**, commented regarding issues on Cobb Lake and Barlow Lake involving funneling, easements and transfer of riparian rights.

**Englerth** commented on the problem being a little of both – funneling ordinance and nuisance.

**L. Knowles** commented on defining the problem being discussed.

**E. Thompson** commented on having this meeting to see if there are problems on the other lakes.

**C. Kraai** commented on number of boats per lot, and registration of boats.

**J. McManus** commented that 95% of zoning issues are resolved without the highest level of enforcement.

**Mike Cunningham, of Barlow Lake**, commented that an ordinance serves a purpose -so that the public will know what the rules are. M. Cunningham noted that an ordinance is necessary and has to be written as well as possible. Cunningham also added that the majority will follow the ordinance. M. Cunningham commented that even if the ordinance can't be enforced 100%, the ordinance isn't "garbage".

**Bob Perino** commented that an ordinance shouldn't be developed unless it can be enforced.

**Jim McManus** commented on land on the south side of Gun Lake that is currently for sale. McManus spoke of key holing "kicking in" with the development of the property. McManus mentioned creating a site condominium. McManus noted the difference between access lot beneficiary- allowing someone to come in and put in a boat, and key holing – a development allowing people to come in thru a park.

**Frank Fiala, Planning Commissioner and representing Payne Lake Association**, commented on a marina ordinance so you can only have "x" amount of boats on a property. F. Fiala also referred to the case of Thompson vs. Enz dealing with reasonable use, what you can do and what riparian rights are, etc. Fiala commented on zoning ordinances being somewhat weak to solve problems already in existence. Fiala noted that you can't do retroactive things with zoning ordinances. Fiala added that zoning ordinances address future items. Fiala suggested having a township ordinance. For complaints in the middle of the night, "you call the police." "With a nuisance ordinance of some kind, anything that's unreasonable can be nailed – at that time," added Fiala. Fiala also noted that M. Englerth has offered supplementing enforcement in the summer time.

**Englerth** commented on having copies of the YS zoning ordinance available. Englerth asked Eric Thompson (PCI, Zoning Administrator) and Jim McManus (Barry County Planning) to think on the issue and tonight's discussion. He encouraged those in attendance to talk to neighbors, and the community. Englerth also commented on talking to the state park regarding non-discretionary money available and extra enforcement.

**Chad Kraai** – commented on peer pressure (neighbors) keeping each other in line. Kraai spoke of extra enforcement in the summer being a hassle when you are out on a boat and get pulled over eight times a summer to get life jackets out and counted.

**Englerth** advised going to the sheriff regarding the repetitive actions (mentioned by C. Kraai) of summer enforcement on Gun Lake.

**C. Kraai** commented that on Memorial Day, 4<sup>th</sup> of July, and Labor Day is when extra enforcement is needed.

**McManus** commented at this point, “You need to decide if this becomes a planning venture or a township venture.”

**Englerth** commented on having Eric Thompson and Jim McManus talking together about the issue discussed this evening.

**L. Knowles** inquired about billable hours.

**Eric Thompson** commented on meeting with Jim McManus, going over ideas, taking into consideration input from the community and reporting back to the township at its next regular meeting.

**C. Kraai** asked about non-registered boats at docks being “okay”. He commented on looking at footage, making an ordinance and addressing non-registered boats.

**Englerth** commented that he was not suggesting anything at this point, “other than these are the struggles we have as a township.”

**C. Strickland** asked why C. Kraai didn’t like all of the boats.

**C. Kraai** mentioned potential chaos on the lake that could occur.

**R. Perino** commented on the fire chief (Orangeville Twp.) going around the lake regarding fireworks – for permits. Perino added that the residents of Chicago Point dutifully go to the fire department to get the firework permit. Perino commented that township officials are “duty bound” to address complaints of residents.

**R. Heethuis** commented on hearing “good things” this evening. Heethuis summarized the major points made by different speakers.

**Englerth** thanked everyone for attending tonight’s meeting. Englerth again noted that copies of the funneling ordinance were available.

**ADJOURNMENT:**

Motion by L. Knowles with support from Jansma to adjourn at 7:14 p.m. Approved by all. Motion Carried.

Respectfully submitted:  
Recording Secretary 2.4.19

Date: 2-14-19 draft Circulated jel  
Approved : by Bd Trustees March 14, 2019  
Janice C. Lippert, Township Clerk