

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</b> <u>Joint Meeting Of</u> <b>Board of Trustees, Planning Commission and Zoning Board of Appeals</b></p> <p style="text-align: center;"><b>Wednesday, January 30, 2013</b> <b>Yankee Springs Township Hall</b> <b>284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>Circulated Feb. 7, 2013</b> <b>FINAL MINUTES</b> <b>Approved Feb. 14, 2013</b> <b>As presented</b></p>
<p>Meeting called to order at 7:00 PM by Supervisor Mark Englerth.</p> <p><b>Roll Call:</b></p> <p><b>Board of Trustees:</b> Present: Jerkatis, J. Lippert, M. Englerth, and M. Cook. Absent with notice: Campbell.</p> <p><b>Planning Commission:</b> Strickland, Fiala, Cunningham, Beukema, G. Purcell, Gordon Wells (ZBA Rep.). Absent with notice: Bruce Campbell (Board Rep.).</p> <p><b>Zoning Board of Appeals:</b> Wells (PC Rep. to ZBA), Patrick Jansens, M. Cook (Board Rep.), Havens. Absent (with notice): P. Heystek, Middlebush, and Chuck Biggs, Alternate.</p> <p><b>Zoning Administrator:</b> R. Lippert</p> <p><b>Legal Counsel:</b> John Lohrstorfer</p> <p><b>Professional Planner:</b> Not present.</p> <p><b>PLEDGE OF ALLEGIANCE</b></p> <p><b>Staff Present:</b> Fiala, A. Jansma, R. Lippert, J. Orr – Constable, S. Marcukaitis</p> <p><b>Visitors:</b> (2) Not including staff present.</p>	<p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> <p><b>PLEDGE</b></p>
<p><b>APPROVAL OF 2012 MINUTES:</b></p> <p>It was noted that formal approval of the minutes of 2012 Joint Meeting of the Board of Trustees, ZBA and Planning Commission did not need to take place at this meeting. Formal approval of minutes occurred at a previous meeting.</p>	<p><b>APPROVAL OF 2012 MINUTES</b></p>
<p><b>ADDITIONS OR CORRECTIONS TO AGENDA</b></p> <p>The Schedule of the 2013 Township Meetings is to be published in the <u>Sun &amp; News</u>. Board of Trustees will meet the 2<sup>nd</sup> Thursday of every month and Board work sessions will be held the 4<sup>th</sup> Wednesday of the month (as needed). The Planning Commission will meet on the 3<sup>rd</sup> Thursday of the month. PC work sessions will be held on the 1<sup>st</sup> Thursday of the month (as needed). ZBA will meet the 2<sup>nd</sup> Tuesday of the month upon request.</p> <p>Motion by M. Cook with support from J. Lippert to publish <u>2013 Schedule for Township Meetings</u> in the <u>Sun &amp; News</u>. All ayes. <b>MOTION CARRIED.</b></p>	<p><b>ADDITIONS OR CORRECTIONS TO AGENDA</b></p> <p><b>Motion to publish schedule.</b> <b>Motion Carried.</b></p> <p>Page 1 of 7 YST Joint Meeting 1-30-13</p>

**OATH OF OFFICE:**

Oath of Office for Richard Beukema, Planning Commission, will be administered by Yankee Springs Township Clerk, Janice Lippert after this evening's meeting, and everyone else has taken the oath.

**DISCUSSION OF ANNUAL REPORTS:**

**PLANNING COMMISSION ANNUAL REPORT, 2012:** by Chairman, Frank Fiala

The following is a brief summary of the Planning Commission Report.

**\*\*This report, in its entirety, is attached to the minutes.\*\***

(The report was signed by PC Chairman and PC Secretary on January 17, 2013).

**Planning Commission Annual Report Summary by Frank Fiala, Chairperson. (cont'd)**

**SYNOPSIS OF ACCOMPLISHMENTS**

- Modified roadside setback formula removing skewed data
- Required driveway permit prior to land split approval
- Removed fireworks exclusion in portable businesses per state law
- Designate Zoning Administrator to grant portable business permits
- Begin Review of Sign Ordinance
- Review Article XII Standards
- Amended accessory building maximum size to 1,600 sq. ft. in res. zones.

**2012:**

**RESIDENTIAL SITE PLAN REVIEWS: 54**

**COMMERCIAL SITE PLAN REVIEWS: 4**

**REZONING REQUESTS: 1**

**SPECIAL EXCEPTION REQUESTS: 2**

**SUBDIVISIONS, LAND DEVELOPMENT, SPLITS: 0**

**TEMPORARY CHARITABLE PERMITS: 0**

**SIGN PERMITS: 2**

**Also detailed in the PC Annual Report were:** Population changes, McKenna & Associates billing for services, Bauckham, Sparks, Lohrstorfer, Thall & Seeber, P.C. billing for services, and educational class participation of the PC members.

**OATH OF OFFICE**

**DISCUSSION OF ANNUAL REPORTS**

**Planning Commission  
Annual Report Summary by  
Frank Fiala, Chairperson**

**PLANNING COMMISSION MAJOR 2013 OBJECTIVES:**

- Review and Update Sign Ordinance
- Strongly encourage all P.C. members to successfully complete at least one MSU Citizen Planning event every year and to participate in other Planning and Land Use seminars
- Review and Update Article XII of the Zoning Ordinance
- Review and Update Master Plan
- Consider Bicycle Trail along M-179 corridor.

**DISCUSSION OF ANNUAL REPORTS: cont'd**

Planning Commission Annual Report Summary by Frank Fiala, Chairperson. (cont'd)

**2012 YANKEE SPRINGS ZBA REPORT SUMMARY: Read by Mary Cook, Board Representative to the ZBA**

2012 ZBA REPORT SUMMARY: Read by Mary Cook, Board Representative to the ZBA

There were five meetings and 1 Joint Meeting with the Planning Commission and Board in attendance. Also in this report, the meeting attendance of ZBA members was documented.

**ACCOMPLISHMENTS:**

- Joint meeting with the Various Boards
- Completed ZBA duties with minimal expense to township
- No court actions/contestations regarding ZBA decisions

The report also included a synopsis of variance requests (4), denials (0), and educational class participation.

**ZBA MAJOR 2013 OBJECTIVES:**

1. Encourage ZBA members to complete MSU Citizen Planner events and attend other pertinent seminars.
2. Find ways to make Zoning Ordinances that generate numerous variance requests more compatible with needs of citizens.

**\*\*The actual 2012 ZBA Report, in its entirety, is attached to the minutes.\*\***

The ZBA report was signed and submitted at this meeting.

**REPORT OF THE CONSTABLE/LIQUOR INSPECTOR**

**REPORT OF THE CONSTABLE/LIQUOR INSPECTOR (given at a previous meeting).**

This report was given at a previous meeting.

**TOWNSHIP BOARD OBJECTIVES AND GUIDANCE**

Mark Englerth began the discussion by acknowledging John Lohrstorfer, Township Attorney. The goal for tonight's discussion is to update on Whispering Pines and the Sign Ordinance.

**TOWNSHIP BOARD OBJECTIVES AND GUIDANCE**

M. Englerth began with Whispering Pines and noted John Lohrstorfer’s involvement with this development since July 2006. Englerth noted that there have been several owners of the property. Englerth explained the location of Whispering Pines and summarized what has occurred over the years. John Lohrstorfer added that the assessor has made the assessments on the property. Lohrstorfer has not seen a new deed, he has only seen amendments. Robert Lippert, Zoning Administrator, noted that an amendment was filed six months ago.

Discussion occurred regarding recollections of Whispering Pines coming to the Planning Commission before, Resort-Recreation vs. Site Condominium zoning, and the possibility of treating requests of variances through the ZBA. Lohrstorfer pointed out that a condominium is a form of ownership. Under Resort/Recreational zoning, density can be controlled.

R. Lippert commented that there was a great deal of vagueness when it came to recollecting previous contacts with those involved with Whispering Pines. He suggested a factual chronological outline of what had been discussed in these meetings. R. Lippert remarked that a lot of creative imaginary are coming in to play and discussion of the matter should be based on facts. M. Englerth added that in order to get an occupancy permit, requirements must be met. Many years of waiting have transpired.

J. Lohrstorfer inquired as to who the appointed spokesperson was for Whispering Pines. One name was mentioned as a developer, but a definite spokesperson was not identified. M. Cook asked if all communication with the township and Whispering Pines was verbal. The signature on the deed amendment and DEQ application was questioned as to whose signatures were on them. Also questioned was the logic of doing a title search on the property. C. Strickland added that her impression was that Whispering Pines didn’t know “who” was in control. J. Lippert mentioned a resident requesting a building permit from Whispering Pines. J. Lohrstorfer suggested this person as a possible contact for inquiry of the spokesperson.

R. Lippert added that he has contacted the DEQ regarding marina permits. They are no longer re-issuing them every three years. The state now issues a dock permit and that is it. No re-issuing.

Englerth commented that he doesn’t feel it is the township’s job to say who’s in charge. “They (Whispering Pines) will have to figure it out internally,” commented M. Englerth.

M. Cunningham suggested sending a letter to all those who received tax bills from the township, stating the township’s position. M. Cook commented that the township somehow has to get their foot in the door in regards to this situation. Purcell asked if the township had done anything in documental form to put on notice.

R. Lippert commented that a letter was sent out to all owners of record approximately a year ago. Most of the properties were in possession of the banks. “We did make an effort on that, but our efforts were futile because they were in possession by banks,” added R. Lippert.

**TOWNSHIP BOARD OBJECTIVES AND GUIDANCE**

**Whispering Pines Discussion**

**TOWNSHIP BOARD OBJECTIVES AND GUIDANCE cont'd**

Englerth commented that the bright star at the end of the tunnel was that people are interested in taking ownership – “people who are members of our community – our neighbors,” added Englerth.

Beukema asked if the PC should be prepared by knowing how many units would be allowed. Lohrstorfer commented that the township will want to dialog with the people. Englerth felt that when the owners get in control they will take a vote for each unit. Fiala added that the units are really packed in. Discussion on working with the residents of Whispering Pines. Cunningham commented that it didn't sound like the PC had anything to act on at this time. Cunningham remarked that the PC should be prepared. It doesn't want to act on it piece meal. J. Lippert recalled a 2006 or 2007 meeting when Whispering Pines brought all their information, but stormed out of the meeting because of their disagreement with what the PC said.

In summary, Englerth commented that the township could set a time. If the people involved with Whispering Pines do not come forward, then a different approach should be taken. Question rose over dock space and funneling... M. Englerth mentioned the option of the township saying that it would not support any marina permit unless the other party takes the necessary steps.

**BREAK: 8:25 p.m.**

**RESUME: 8:41 p.m.**

**After break the discussion turned to the Sign Ordinance.**

In regard to the Sign Ordinance, M. Englerth would like the PC to take its time to do it right. Englerth commented that if enforcement is suspended for a period of time, it gives the PC time to do a good job. Cunningham questioned if the suspension of enforcement pertained to recent issues or the whole ordinance. Cunningham also brought up “grandfathering” coming into place when suspension of enforcement is lifted. Lohrstorfer commented that this action was “postponing” of enforcement, and not the whole ordinance. And no one would be grandfathered. Lohrstorfer added that some fine tuning had to be done with this. He went on to mention that Kalamazoo Township spent a year and a half revising their sign ordinance.

M. Englerth commented that technology is rapidly changing our world faster than ever. R. Beukema suggested adding or assigning a review on the Master Plan to address the issue of signage and technology every five years. Purcell asked whether the Kalamazoo Twp. ordinance would be good to look at. Lohrstorfer commented that it was complicated and a person might need an engineering degree to look at it. Cunningham asked if it would be legal to say- if someone has a type of sign proposed that the PC hasn't thought of – then you can't have it. Beukema asked if there was a source that the PC could go to – to see what kinds of sign technology is out there.

**TOWNSHIP BOARD OBJECTIVES AND GUIDANCE cont'd**

**Whispering Pines Discussion cont'd**

**BREAK**

**Sign Ordinance Discussion**

**TOWNSHIP BOARD OBJECTIVES AND GUIDANCE cont'd**

Jerkatis mentioned that the township was here to encourage business as long as it doesn't impede health and safety. He feels the ordinance can be inhibiting. Cunningham wanted to stand up for the residents of the community/township. Even if it is not directly related to health and welfare, he feels residents may be here (Yankee Springs) because of the trees and water and may not want flashing signs.

Further discussion occurred regarding what should be dropped from enforcement. Fiala mentioned non-conforming signs, flags and pennants. Purcell added that temporary/portable signs should be considered.

R. Lippert suggested portable signs should be addressed particularly real estate signs (size) and temporary signs. He stated that 99 % of complaints would go away if temporary signs were allowed for a certain amount of time.

Motion by Jerkatis with support from M. Cook to suspend enforcement of Section 17.8 of the Ordinance including non-conforming signs, flags and pennants, temporary, portable, real estate, and special event signs until July 1, 2013. ROLL CALL: Jerkatis: Yes, J. Lippert: Yes, Englerth: Yes, M. Cook: Yes. Yes: 4, No: 0. Absent: 1. MOTION CARRIED.

It was agreed upon that this motion should be revisited. G. Purcell added that the PC should have an amended sign ordinance before July 1, 2013. It was also commented that a local pizza business will be allowed to have flags/pennants out until July 1, 2013.

**OPEN DISCUSSION/PUBLIC COMMENT:**

In regards to Whispering Pines, M. Cook commented that she had no problem challenging them. She agreed that facing it on friendly terms was best. However, other methods shouldn't be ruled out. M. Cook feels that some of the people involved may be victims of circumstance.

Alice Jansma asked who would be writing the letter to Whispering Pines. A. Jansma recommended R. Lippert, F. Fiala, and M. Englerth to be involved in the drafting of the letter. Englerth replied that Jansma should be involved with the writing of the letter as well. Englerth felt that when the time comes (a couple of weeks), the letter will be a collaboration of efforts.

Fiala mentioned the Heritage Trail and Bike Path. M. Englerth added that a meeting is to be held at the Township Hall on Thursday, February 7<sup>th</sup> at 7 p.m. This meeting will be held with MDOT and Ben Geiger. Englerth commented that the township needs to know what is available program and funding-wise regarding the Heritage Trail.

An additional meeting will be held Monday, February 4<sup>th</sup> at 10 a.m. The Drain Commission will be discussing the Cuddy Intercounty Drain situation.

**TOWNSHIP BOARD OBJECTIVES AND GUIDANCE cont'd**

**Sign Ordinance Discussion cont'd**

Motion to suspend enforcement of Section 17.8 of the Ordinance including non-conforming signs, flags and pennants, temporary, portable, real estate, and special event signs until July 1, 2013. MOTION CARRIED.

**OPEN DISCUSSION/PUBLIC COMMENT**

**OPEN DISCUSSION/PUBLIC COMMENT: cont'd**

**OPEN  
DISCUSSION/PUBLIC  
COMMENT cont'd**

Englerth commented that some of the issues at hand are water quality at Gun Lake, retention ponds, and rotting culverts.

M. Englerth commented that he'd really like to encourage discussion on the drain issue.

John Lohrstorfer spoke of an inter-county drain project on the east side of the state that escalated in costs. Many residents and townships were involved cost-wise. Lohrstorfer advised to be careful. He commented that there was a tendency to "add on" to these projects. Beukema, who resides near the drain, remarked that pressure was mounting on this project because the tubes are deteriorating. It was also mentioned that Patterson Rd. could be closed for six weeks to accommodate the project.

**2-7-13 Posting Notice  
Spec. Mug Notice**

Fiala mentioned posting notice of the meeting with MDOT and B. Geiger for Thursday Feb. 7.

J. Lippert inquired about the township's liability for sidewalks on M-179. J. Lohrstorfer commented that the sidewalk needs to be maintained in a reasonable manner. Once an issue is reported, the township has to take action on it because of liability. Lohrstorfer said that the insurance company would most likely be willing to offer advice regarding issues where liability could occur.

M. Englerth thanked J. Lohrstorfer for being at the meeting this evening despite poor winter weather road conditions. M. Englerth mentioned that J. Lohrstorfer did the township a favor by charging the township a very reasonable fee.

**ADJOURNMENT:** At 9:35 p.m., M. Cook motioned to adjourn with support from Jerkatis. Approved by all.

**ADJOURNMENT**

Respectfully submitted  
D. Mousseau  
Recording Secretary  
1-30-13

Approved Date: February 6, 2013 (Draft)

Janice C. Lippert, Clerk

Final Approval of Minutes: Feb. 14, 2013

Page 7 of 7  
YST Joint Meeting  
1-30-13