

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Joint Meeting Of</u> Board of Trustees, Planning Commission and Zoning Board of Appeals</p> <p style="text-align: center;">TUESDAY, January 18, 2011 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>DRAFT MINUTES</p>
<p>Meeting called to order at 7:04 PM by Supervisor Al McCrumb.</p> <p>Roll Call:</p> <p>Board of Trustees: Jerkatis, J. Lippert, McCrumb, M. Cook, Schwennesen.</p> <p>Planning Commission: Strickland, Fiala, Wells, Purcell, Cunningham, Schwennesen (Board of Trustees Rep.). Absent: P. Jansens</p> <p>Zoning Board of Appeals: Wells (PC Rep. to ZBA), Beukema, M. Cook (Board of Trustees Rep.), Havens, Middlebush (ZBA Secretary), Absent: P. Heystek.</p> <p>Zoning Administrator: R. Lippert</p> <p>Professional Planner: Greg Milliken</p> <p>Legal Counsel: John Lohrstorfer</p> <p>PLEDGE OF ALLEGIANCE</p> <p>A moment of silence was observed in honor of Jack Finkbeiner. Former Trustee.</p> <p>Staff Present: Fiala, A. Jansma, R. Lippert</p> <p>Visitors: (3) Fran Faverman (J-Ad Graphics), Bill Baughman, Shane VandenBerg, Mark Englerth</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p> <p>MOMENT OF SILENCE IN HONOR OF JACK FINKBEINER</p>
<p>ADMINISTRATION OF OATH OF OFFICE: Administered by Jan Lippert, Township Clerk.</p> <p><u>The following took an Oath of Office:</u></p> <p>Mary Cook – Bd. of Trustees Representative to the ZBA. (2011) Al Schwennesen- Bd. of Trustees Rep. to the Plan. Comm. (2011) Frank Fiala – Planning Commission Chairman Mike Cunningham – Planning Commission (3 year term) Gordon Wells - PC Rep. to ZBA (2011)</p>	<p>ADMINISTRATION OF OATH OF OFFICE</p> <p>Page 1 of 6 YST Joint Meeting 1-18-11</p>

DISCUSSION OF ANNUAL REPORTS:

Al McCrumb began the discussion by asking Frank Fiala, Chairman of the Planning Commission, to give a summary of the Planning Commission’s activities in the past year. Richard Beukema will follow with 2010 activities of the ZBA.

PLANNING COMMISSION: by Frank Fiala, Chairman

ACTIVITIES/ACCOMPLISHMENTS:

- Passed Gun Lake Common on Zoning District
- M-179 Corridor Overlay Ordinance
- First cut of CIP (Capital Improvement Plan) (Update every year)
- Initiated Gravel Mining Ordinance update
- Initiated temporary outdoor market study
- Joint Meeting with all Township Boards (March 2, 2010)

SPR’s by Zoning Administrator: 54 Commercial SPR’s: 1

No Re-zoning requests

Property splits: 1

Population changes: 4,550 in YS Twp.

Expenditures:

- Professional Planner (approx. \$14,000.00)
- Legal Counsel (approx. \$2,000.00)
- Other expenses included Education Classes for Planning Commission members

OBJECTIVES – 2011:

- Complete gravel mining ordinance
- Complete outbuilding ordinance
- Develop procedure for charitable business “easy permit” for portable business
- Review sign ordinance
- Establish standards for seasonal and portable businesses
- Study boat lift with canopies and boat lift standards
- Establish wind turbine ordinance
- Explore medical marijuana ordinance
- Strongly encourage all Planning Commission Members to complete at least one MSU Citizen Planning event every year and to participate in other Planning and Land Use seminars
- Capital Improvement Plan

Discussion of Annual Reports

Planning Commission Summary by Frank Fiala, Chairperson.

DISCUSSION AFTER PLANNING COMMISSION REPORT/SUMMARY:

Discussion after Planning Commission Summary

Greg Milliken, Township Planner, commented that tying up loose ends should be priority #1. Also, the PC should be informed and know what its options are regarding medical marijuana. A sign ordinance hearing from the business community on the sign ordinance would be good.

John Lohrstorfer also added that medical marijuana is an important issue. Six month moratoriums are being set and then an ordinance has to be in place. Kalamazoo put a moratorium in and they were sued. Several lawsuits are on the east side of the state. "The problem is once you get something started, then what do you do?" stated Lohrstorfer. He added that dispensaries are springing up in the commercial area. This is a challenging thing coming up and won't go away. "The federal government's attitude is that they are not going to spend all their resources on monitoring this," remarked J. Lohrstorfer. He also added, "Fourteen prosecutions have taken place in Cass County. People are not even abiding by the provisions in place. Some are allowing in AG and Residential." Greg Purcell, Plan. Comm. member asked, "Why take time to come up with an ordinance? Why can't the township go by federal law?" In response, Lohrstorfer asked, "What if your neighbor has 60 plants next door and wants to open up a dispensary? Near a day care facility?" G. Milliken added that there are hundreds of gray areas and loop holes in this law. "If the Sheriff isn't coming to you, you can take a little "break", but you need to be ready to act."

Comments by Greg Milliken, McKenna Associates & John Lohrstorfer, Legal Counsel

Further discussion of the medical marijuana issue continued. Jerkatis, Twp. Treasurer asked, "If the federal and state government can't regulate marijuana, how can we expect Bob Lippert to do it?" G. Milliken added "A lot is happening under the table- not being monitored appropriately." J. Lohrstorfer commented that people can't show up past a certain time to get their medical marijuana. McCrumb, Supervisor, said that the state is dealing with illegal marijuana. The township has to deal with legal marijuana. M. Cook, Trustee, added that people legitimately need it (marijuana). Clerk Lippert commented it was her understanding that marijuana cannot be grown outside. G. Milliken added that it must be grown in an enclosed, locked facility. J. Lohrstorfer said that he is not seeing a court turnover. The courts are recognizing the new law. F. Fiala, Plan. Comm. Chair, commented about holding off until necessary.

Other discussion revealed that the Gravel Mining Ordinance should be ready for public hearing in about 60 days. In regards to the Portable Business Ordinance, Bob Lippert has been asked to put together a report that might tell what people will have in mind for this ordinance, in order to have a stream-lined approach. Fiala also added that something straight forward for charitable organizations is needed. McCrumb felt that safety is the most important issue with this ordinance. J. Lippert, Clerk, added that with the casino coming in and being a major thoroughfare, she could see event groupings happening. R. Lippert, ZA, commented that the Planning Commission will be discussing pro/cons and is still working on it.

DISCUSSION AFTER PLANNING COMMISSION REPORT/SUMMARY:

Cont'd

The next item discussed was the Sign Ordinance. M. Cook addressed "grandfather clauses" and signs that were older (i.e. 20 years +). J. Lohrstorfer said that if signs are dilapidated, then new standards can be enforced. Also, the question came up, "What if someone buys a business?" J. Lohrstorfer said, "When a business changes, then you have the opportunity to enforce the ordinance. Some ordinances have provisions if business changes hands, then you can enforce ordinance standards. Currently, YSTwp has this in their ordinance. J. Lippert mentioned an idea of having a Welcome sign at the corner of M-179 and Patterson as that is kind of the gateway to the community. (Currently there is a whole row of signs of individual businesses).

Discussion went to boat canopies obstructing view. M. Cook asked J. Lohrstorfer if this is something the township can regulate or is it regulated by the DEQ? Lohrstorfer commented that he was pretty sure that the DEQ didn't regulate it. Jerkatis added that shore stations are portable, boat houses are not. Jerkatis added that a person's riparian rights go from the corners of one's property to the center of the lake. Lohrstorfer added that "bottom" land is more involved, not surface water rights.

Regarding the Wind Turbine Ordinance, Fiala asked if the PC should pursue a simplified version. Richard Beukema, ZBA Chair, said that he didn't think that there would be huge machines. He commented that 40 acres are generally required for a unit, and that YS Twp. doesn't really have the land for it. G. Milliken said that the ordinance should have a two prong approach for individuals and wind farms. J. Lohrstorfer added, "The real issue is do we want to see 100 windmills up in the air at 60 feet high?" Lohrstorfer also added that what he hears in industry is that they are not really interested in buying power back. M. Cunningham, Plan. Comm. member, asked, "Isn't there laws saying they have to buy back energy of certain quality?" J. Lohrstorfer replied that it takes a certain power line and an infrastructure that has to go in to tap the power. It wouldn't work for a total of three people on Gun Lake. G. Milliken offered that a buffer could be set around various lakes and say you can't be that close.

Frank Fiala, PC Chair, asked if those in attendance felt that the PC was going too deep or too shallow as far as peoples' or residents' rights. He asked, "Are we doing things too excessively?" McCrumb, Supervisor, said that he felt the PC responds to things as they arise. "If the PC goes too far, the public will tell you," commented McCrumb. McCrumb also added that he thought the PC was doing a fine job. Al Schwennesen, Trustee, said he liked what the PC was doing. He felt that the PC should pick up the wind turbine ordinance again. He also mentioned the time when electric poles were being put in. No one liked them, but then after awhile the poles weren't noticed anymore. Jerkatis, Treasurer, thanked Bob Lippert, the Planning Commission and the ZBA for their jobs and thoroughness. He feels that anything having to do with Public Safety and public welfare, then government should be involved. Otherwise, "Less government is best," stated Jerkatis. He wanted to commend the PC and to continue to proceed forward with property owners rights of responsibility and to protect them as much as possible.

**Discussion after Planning
Commission Summary
cont'd**

DISCUSSION AFTER PLANNING COMMISSION REPORT/SUMMARY:

Cont'd

J. Lippert appreciates the Planning Commission as well. She has had the privilege of reading minutes back to 1988. J. Lippert commented that a lot of laws come about due to complaints of residents. She added, that as elected officials and appointed members are here to protect the residents. Their health, welfare, and safety is our utmost concern. "Most residents seem to be satisfied (with the PC)." As Al said the residents will let us know what they like and don't like. McCrumb e agreed with Jerkatis on "less government is best". He thinks the PC has done a great job of seeing what happens on the available acreage we have to work with.

PUBLIC COMMENT

PUBLIC COMMENT:

Mark Englerth said that he likes the beauty of the boat houses on Hastings Point.

Shane VandenBerg mentioned that the forecast for the next ten years in Michigan is pretty bleak. He mentioned that in two years almost a quarter of a million dollars is spent on Planning and Zoning which he feels could go to the County. "The county could take it over," stated VandenBerg. McCrumb, Supervisor, said "If this township could know that they (the county) could come in and do the same or part of the work as this PC, ZA and ZBA does, then maybe it'd happen." McCrumb added "It is not that simple." J. Lohrstorfer added that he is not a proponent of "big is better". He said that big organizations (state and federal) are not doing as good of a job. Lohrstorfer said "The concern is cost, but what control do the people have? Things are dealt with in the communities by townships." J. Lohrstorfer said that he was not personally optimistic and he doesn't think (the county taking over) would be a good thing. It was brought up that 51 to 52% of people are in townships. R. Beukema spoke with J. McManus about this issue. He said that McManus didn't think they could handle it. McCrumb said "We (YS Twp.) have a lot more delicate issues." M. Englerth added that it was refreshing to see so many people involved. He said that discussion needs to continue. "Try to build coalitions when you can, "(You) shouldn't be afraid by the conversation," Englerth remarked.

In regards to the Gun Lake Overlay Zoning District, R. Lippert recapped that Orangeville and Yankee Springs townships have passed the District. Martin is still considering, and Wayland has elected not to join at this time. McCrumb added that Wayland and Martin haven't joined yet due to simple verbiage. R. Lippert added "It is not a dead issue."

ZBA Annual Report

ZONING BOARD OF APPEALS: by Richard Beukema, ZBA Chairman

Richard Beukema said that he had only been a chairperson for one meeting. Only three meetings were held in 2010. Five requests were made and two were withdrawn leaving **three decisions made:**

1. Request for lakefront setback & land coverage variance on Vista Point.

- Setback was approved, coverage was denied.

ZONING BOARD OF APPEALS cont'd

ZONING BOARD OF APPEALS Report: Continued

Requests of the ZBA cont'd:

2. Waterfront setback access building – Oakwood Shore – approved.
3. Setback variance for a garage- Shaw Lake- approved.

Education: P. Jansen, R. Beukema, G. Wells, and M. Cook attended an MTA Seminar.

A ZBA objective is to involve more education.

R. Beukema asked whether the ZBA has to involve other townships involved in the Gun Lake Zoning District, if the ZBA makes a decision involving Gun Lake lakefront property in YS Township. J. Lohrstorfer said that it was still in YS jurisdiction. Standards would be the same. G. Milliken added that the ZBA could set up a protocol that everyone (in the GL District) is notified.

Al McCrumb had two acknowledgments of appreciation to present to Bruce Cook and Marley TenCate. Both B. Cook and M. TenCate served on the Planning Commission.

Township Board Agenda

As for the Township Board of Trustee's Agenda, the subject of recycling was brought up. Discussion occurred regarding the possibilities of sharing recycling with other townships in the county and curbside recycling. McCrumb said that there'd be quite a savings if we could share with other townships. "I'd like to see 4 or 6 recycling centers throughout the county," said McCrumb. Curbside recycling was discussed as well. Items involving curbside recycling were: putting curbside recycling to a vote, getting bids for just curbside recycling, holding a public hearing on it, "burning oil to recycle", curbside eliminating the dumping outside of dumpsters, possibly compromising the free enterprise of the trash service, current cost of \$3,000.00 per month for YS recycling at the Twp. hall, advertising for haulers to do curbside, possibly surveying of residents, hurting small enterprise vs. being more "green", asking for donations for current service, if a contract is made with a hauler, having the contract for a fair amount of time for capital expansion (hauler's). J. Lippert also mentioned that there are lots of complaints that there are too many haulers/collectors in the area. J. Lippert remarked that Leighton Township has separate recycling and separate garbage collectors. Frank Fiala added that the County Commission is addressing this issue as well. They are having a consultant come in to give an educational overview of it. They have found that it is way too much to recycle in this area. Houses are not right next to each other. Also, the consultant may be hired to give a proposal for recycling for the county (for a significant sum of money).

ADJOURNMENT

ADJOURNMENT: At 9:03 p.m., M. Cook motioned to adjourn with support from Schwennesen. Approved by all.

Respectfully submitted
D. Mousseau
Recording Secretary

Approved Date: 1-31-11
Janice C. Lippert, Clerk