

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Joint Meeting Of</u> <u>Board of Trustees, Planning Commission and Zoning Board of Appeals</u> <u>At 7:00 p.m.</u> <u>Tuesday, August 6, 2019</u> Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 </p> <p style="text-align: center;">MINUTES</p>	FINALMINUTES Page 1 of 7 YST Joint Mtg. 8/6/19 Approved by Bd Trustees 9/12/19
<p>Meeting called to order at 7:03 p.m.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p>Roll Call: <u>Board of Trustees</u>: Present: A. Jansma, L. Knowles, M. Englerth, J. Lippert. Township Board Absent with Notice: S. Vandenberg.</p> <p style="text-align: center;">-----</p> <p><u>Absent with notice: Professional Planner</u> - Rebecca Harvey.</p> <p><u>Planning Commission</u>: C. Strickland, Fiala, R. Beukema, S. Bush, K. Kennedy, <u>PC Absent with notice:</u> P. Jansens, S. Vandenberg</p> <p style="text-align: center;">-----</p> <p><u>Zoning Board of Appeals</u>: J. Frigmanski, R. Heilman, J. Welch, J. Courtney, D. VanHouten, M. Boysen.</p> <p><u>Absent with Notice:</u> P. Jansens (PC Rep to the ZBA)</p> <p>Staff Present: C. Biggs- Constable, S. Marcukaitis</p> <p style="text-align: center;">-----</p> <p><u>Visitors:</u> (2) Jerrie Fiala, Gloria Medendorp</p> <p><i>Full audio recording of this meeting has been downloaded and is accessible at the Township <u>under</u> "8.6.19 Jt. Meeting".</i></p> <p style="text-align: center;">-----</p> <p><u>New Planning Commission member: Karen (Page) Kennedy</u> was asked to introduce herself. K. Kennedy has been on the Planning Commission now for almost a whole week, having been interviewed one week ago. K. Kennedy grew up on Gun Lake, with her family owning Page's Resort. Kennedy and her husband bought a cottage here in 2000. She now resides permanently on Payne Lake.</p> <p>All members of Joint Meeting went around the table and introduced themselves.</p> <p><u>Review of Planning Commission Annual Report for 2018 by C. Strickland, PC Chair.</u></p> <p>Discussion occurred regarding CIP (Capital Improvement Plan)– not enough time to complete CIP with all the work that went into the Master Plan.</p>	CALL TO ORDER PLEDGE ROLL CALL

In September, possibly, the PC might have a public hearing on Mining/Gravel Ordinance Update. We may need to have a “re-write” on our ordinance, noted C. Strickland. Planner will check into the Barry County ordinance. *(More regarding this- will occur later in the meeting.)* Planner will not be able to attend August PC meeting.

ZBA 2018 Annual Report– Reviewed by J. Welch.

New Members are Michael Boysen, and Jim Courtney, 1st and 2nd Alternates, respectively.

A. Jansma noted that K. Kennedy, M. Boysen and J. Courtney will be attending the August 14th Hot Topics Seminar coming up.

ROUND TABLE DISCUSSION

R. Heilman commented on enforcement of “**noise/nuisance**” ordinance. Heilman wanted to know what the board had in mind.

Strickland commented on it being a behavioral problem, not a planning ordinance issue.

L. Knowles commented he’d entertain talks with the sheriff’s department to discuss prioritizing, and possibly moving the Gun Lake marine patrol somewhere else (in the township). Knowles commented that the code enforcement officer is for zoning issues and maybe the sheriff should be around at night more.

J. Lippert commented to call the sheriff (if there were issues).

Englerth commented that the marine patrol is sponsored by a different set of dollars than the road patrol.

Jansma commented that she voted against it (extra patrol) because there wasn’t a plan for it and you can’t just throw \$8,000 at it. Plus, it is already August.

Heilman referred to Catherine Kaufman sitting on the board that looks into these rental issues. The problem they are having is that there is not enough enforcement. Heilman commented that if townships don’t come up with something, we will be in big trouble. Heilman recommended to Planning Commission to come up with some kind of idea on ordinances that deal with that situation (noise/nuisance), and the board needs to come up with a way of enforcement. Heilman mentioned that he has spoke to the Sheriff. The Sheriff can’t do anything without funds. Sheriff only has one or two on patrol.

Lippert commented on having a nuisance ordinance on the books. A complaint is written to the township, it goes to the Code Enforcement Officer and the owner of property is to be notified by letter.

D. VanHouten commented on neighbors being hesitant to call for “noise”.

M. Englerth commented that common law ordinances were not on-line.

It was confirmed by S. Marcukaitis that it (nuisance ordinance) was on-line as of May or June.

J. Courtney commented on it being a criminal issue noting, “We don’t have our own police force.” County and state rules should be enforced by Sheriff or state. Courtney asked if it had been considered to spread 40 hours over 7 days in the evening.

Englerth commented on extra patrol, union issues, being half way thru the year, overtime, and/or straight time. Englerth commented that after the extra patrol would be used the township has to come back and revisited “and that was proposed.”

Boysen commented on noise prior to new rules regarding “fireworks” and there has been an improvement since the rules have been in place. Boysen noted that a show of force is helpful.

Kennedy commented that there has to be a fine attached to it. If it is a rental, pretty soon fines will “eat into the profits.”

Courtney commented on getting a fine that would make people be more careful about who they rent it to. (i.e. \$1,000 fine – not a \$100 because a \$100 wouldn’t matter).

Frigmanski commented that the owner of a rental, living in Chicago, may not know who he is renting it to. Frigmanski commented on taking a deposit of \$500, and using it in case there’s a ticket for nuisance/noise.

Beukema commented on reporting to the police.

Lippert commented on updating the general ordinance “gray book” to current status.

Courtney commented that a notice of fines could be sent with tax statements (on red paper).

Jansma inquired if fines would go before a judge. Discussion occurred.

Englerth spoke of Brad Williams, Code Enforcement Officer, not being available at 11 p.m. or later. Englerth commented on the power of the badge. “It needs to be law enforcement.”

Frigmanski commented on making sure the fine covers the expense (court cost). Frigmanski also noted he had a B & E last summer and the cops were at his house in 8 minutes.

Lippert noted there was a citation booklet at the township.

S. Marcukaitis commented that the ordinance has fines in it.

Englerth commented on going to the Prosecutor office.

Fiala commented that there are Township ordinances and Zoning ordinances per R. Harvey. Fiala commented that it clearly has to be a township ordinance (nuisance/noise) – in the book and maybe it can to be touched up a bit. Fiala noted that there are two major issues – one behavioral, that was kind of called funneling and was being talked about last summer. It seemed to Fiala that it would make sense for someone to update that to reflect the problems we’ve had with what has been called funneling, for example, putting a boat at someone else’s place and making all kinds of noise in the middle of the night, that those two things could be included.

Fiala also commented that R. Harvey, Professional Planner, has made it clear that it is not a Planning Commission function to either enforce or to work on the township ordinance. Fiala thinks “we’re (PC) staff to the township board, and my guess is that this group would be the best place to take a cut at that thing. To take those two issues of the behavior related to rentals, forget whether it’s being rented or not, behavior there and the behavior related to what we kind of called funneling last summer... and in terms of enforcement, people have called the state police regarding parties that have gotten a little out of control. Fiala noted that the police were at these parties in a heartbeat. Fiala commented that the parties were toned down right away at the appearance of the state police. Fiala noted being more concerned with toning it down and “getting on with our lives” rather than ‘zapping’ someone. Fiala felt that if the PC could get R. Harvey to help them, “put a little bit there,” and Fiala wasn’t so worried about the penalties, “and it’s enforced by law enforcement- the state police or the county sheriff...so they can be called. We can get a procedure out and we can put that in the newsletter.”

Englerth commented that a real short meeting is needed with Eric of PCI and Brad (Code Enforcement Officer) to get a little more background. “If it was an easy fix, we would have came up and laid it on the table by now.... I think we’re willing to take one more step of discussion,” added Englerth.

Topic: New Survey and Terms on Boards

Knowles- commented on PC Annual Report Goal #4/item 4- Conduct a new survey and public open house of Township residents to obtain feedback on Strategic Planning Goals. Knowles commented that he’d support it 100% if the survey was a real professional survey to find out what our residents really want and if this problem we were just talking about (noise/nuisance/rentals/funneling) really is a REAL problem. Knowles would like to hear from everybody before moving forward on the nuisance/noise issue. PC Chair, Strickland commented that the PC didn’t really have a time set for the survey.

Knowles also commented on the vast majority of ZBA members being done with their terms in 2019 or needing to be re-appointed. Staggering of terms is needed. Knowles noted that the board seems to be behind on this- constantly.

Fiala commented on making all terms expire on 12/31 of the year designated.

Lippert noted that Karen Kennedy (PC) will be sworn in, as well as Michael Boysen (ZBA), Jim Courtney (ZBA), Ron Heilman (ZBA), and Jake Welch (ZBA), this evening.

C. Strickland commented on those with expiring terms needing to re-apply for a position. It was noted that Heilman and Welch did actually re-apply.

J. Welch would much appreciate the Board sending reminders regarding notifications of terms ending. J. Welch noted an uncomfortable situation that he (Welch) was in -notifying a previous ZBA member that his services were no longer needed.

Englerth apologized to Welch for not being notified.

R. Beukema asked the Board if you have PC members (all 7) doing a good job, why would you go through advertising in the paper for new members, even spending hundreds or thousands of dollars in education and participation/experience on current members?

Englerth commented on not being a lifetime commitment to be on the PC/ZBA. Englerth noted that it was due diligence to let other people in the community use their skills and talents. “I think it’s a balancing act.” Englerth mentioned that “there’s young blood that you need to be bringing in.” Englerth commented on PC members asking, “Who’s going to fill our shoes?”

Beukema commented that three people are no longer with the Planning Commission: Greg Purcell, Paul Heystek, Tressa Knowles. “You’re always going to have opportunity to get new people.” Beukema also commented that to just arbitrarily ‘get rid’ of somebody because someone else wants the job, “I don’t think an employer would do that with his employees.”

J. Welch commented on having a stopping point, or a good mechanism, to say “we have to move on”. Keeping the ability to re-evaluate is good every so many years, noted Welch.

R. Beukema commented that it was crazy to kick off somebody that has been doing a good job.

J. Frigmanski commented that some employees think they are doing a good job, but maybe the boss doesn’t think so and the board is the boss. Frigmanski also noted that it is good to have some applications on file for: when someone moves, or is done with their service, retires, etc. The applications on file could save more advertising and waiting three months to get applicants.

Lippert commented that ZBA is like the court/judges of the township, and the PC is like a **screening** committee. They screen to make an ordinance and to present it to the Board (of Trustees). But then the ZBA breaks the ordinance that the PC created.

Heilman commented “The ZBA kind of looks at people who come in and appeal an ordinance because maybe their situation is such that they need some relief from the ordinance and that’s what the ZBA looks at to see whether or not we can do anything to help them fit within what they want to do but maybe just skirts? the ordinance a little bit.

Englerth commented on agreeing to disagree and moving forward.

Back to “Surveys”:

Frigmanski commented that we’ve done surveys, and heard complaints of surveys. How do we determine how many are actual residents of the township.

Discussion occurred on “residence/residents” – a building or a person?

Welch commented that professional pollers will do that work for you – but it costs money.

Kennedy commented that as a recent cottage owner (the cottage being her second home), she would be upset (about not getting a survey) because she is a taxpayer – even more upset because of not being homesteaded.

Englerth commented on the difficulty of taking the pulse of the community.

Heilman commented on MSU having a program for those who do surveys as an occupation. Heilman commented using students for a township survey. It was noted that YS twp. did this with WMU students.

Strickland mentioned that the planner, Rebecca Harvey, teaches at Western, and her students did the analysis for the survey. Strickland felt it had questions that may have been a bit slanted, in her opinion.

L. Knowles commented that the previous survey wasn't on-line.

Discussion occurred on voting. Would multi-property owners get more votes?

Kennedy commented on her experience with her school's surveys.

Boysen commented on putting too much emphasis on a survey. Boysen commented that the boards have smart people and can make good choices for the community. Boysen commented also that surveys did have value.

Heilman commented that there use to be a list on the township hall white board, prioritized in the order of what was most important. Heilman felt two of the highest items were safety/fire protection and police protection.

Updates/Misc.:

Englerth commented on the State of Michigan moving the gun range to Peets Rd. It will be in Rutland Township.

J. Lippert asked about the bakery of H. Welz and his property, also Lippert inquired about the property for sale south of the fire station. Discussion took place.

Englerth commented on whether the Joint boards would like to schedule another meeting regarding nuisance. Englerth would need to talk to Eric of PCI and Brad Williams, the Code Enforcement Officer.

J. Lippert mentioned that the meeting would be in line with #3 on the PC Annual Report Objectives-updating the township ordinance.

J. Frigmanski commented on obtaining a copy of the nuisance ordinance.

Brief discussion on zoning ordinance in place right now for nuisance/noise not being enforceable.

Gravel Mining Ordinance:

Fiala commented on Catherine Kaufman's correspondence just this afternoon. C. Kaufman, Township attorney doesn't like what is in the county ordinance at all regarding this particular ordinance. Fiala commented that discussing with J. McManus and other planners, it was commented that there are just basic things the township can do, but there are many things that are usurped from the township. "Critical resource" was mentioned in this discussion with gravel mining.

Englerth inquired whether R. Harvey should be here for the next meeting. Englerth commented on just taking the next step. Two items have been noted: nuisance ordinance and gravel mining.

Knowles wanted clarification as to what R. Harvey would be addressing.

S. Marcukaitis commented that R. Harvey wanted the PC to be prepared on August 15, to schedule a public hearing on the draft (gravel) text, for the September meeting. It was noted that someone would like to make an application regarding the gravel mining ordinance. Per R. Harvey, the ordinance amendment will need be completed before the application can be considered. "So there won't be any applications until you finish the gravel," added S. Marcukaitis.

Lippert asked Marcukaitis that the Board be copied on what R. Harvey went to the PC with, so the Board knows what is going on with the Planning Commission.

Jansma commented on the Township Focus magazine newest edition addressing “*Right to Farm, Sand and Gravel Mining.*” Jansma also noted that the Hot Topics seminar is going to talk about this on August 14th.

Bonding was briefly discussed regarding gravel pit mining/damage.

Englerth commented on not “trying the case”- just bringing everything up to speed.

Fiala commented on the Planning Enabling Act putting forth three fundamental things that need to be done annually:

1. **Annual Reports** (being reviewed tonight at this Joint Meeting).
2. **CIP Plan** (Capital Improvement Plan) is to be done each year – and it was not done in 2018. Fiala commented on doing one for this year. Fiala commented on the procedure done by Alice Jansma with the budget- over a six year period.
3. **A Strategic Plan** is needed of 4 or 5 things the Board wants to do. Fiala noted this information should be giving to the Planning Commission.

It was noted that the Township board or PC can do the Capital Improvement Plan or R. Harvey can work on the CIP. Jansma commented on working on what has already been started.

Discussion on future Joint meeting:

Joint Meeting at end of August was discussed for **Noise Ordinance and Gravel Mining**. Brad Williams, Eric Thompson and Rebecca Harvey should be present per M. Englerth and they have to be contacted before setting a date.

ADJOURNMENT: At 8:46 p.m., Knowles motioned to adjourn with support from J. Welch. Approved by all.

ADJOURNMENT

Respectfully submitted:
D. Mousseau
Recording Secretary
8.6.19

Approved Date: By Board of Trustees 9/12/19

Janice C. Lippert, Clerk _____

Cathy Strickland, PC Chair _____

Jacob Welch, ZBA Chairman: _____

Sworn in just after tonight’s the meeting: Karen Kennedy to the Planning Commission. Jake Welch to the ZBA (re-appointment), Jim Courtney (2nd Alternate), Ron Heilman (re-appointment), and Michael Boysen (1st Alternate). The last four mentioned were sworn in to the ZBA.