

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP <u>PLANNING COMMISSION</u> Regular Meeting at 7:00 p.m. <u>December 19, 2024</u> Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> MINUTES Page 1 of 6 PC APPROVED: _____ Regular PC Mtg. December 19, 2024 </p>
<p>Meeting called to order at 7:00 PM by Planning Commission Chair, Shana Bush.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Roll Call:</u> Present: Beukema, Bush, Craven, Fiala, Frigmanski, Knowles, Kooistra. <u>Absent with Notice:</u> None <u>Zoning Administrator:</u> Joe Shea, Present <u>Professional Planner:</u> Not Present <u>Staff Present:</u> Dennis Buist-Constable, Sandy Marcukaitis. <u>Visitors:</u> 4 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>PLEDGE</p> <p>ROLL CALL</p>
<p><u>APPROVAL OF AGENDA:</u></p> <p><u>Adds/Changes:</u> None</p> <p><i>Motion by Fiala with support from Knowles to approve tonight's agenda as presented.</i> <i>All AYES. MOTION CARRIED.</i></p>	<p><u>APPROVAL OF AGENDA</u></p>
<p><u>REPORTS from REPRESENTATIVES:</u></p> <p><u>ZBA, John Frigmanski,</u> commented that there was no ZBA meeting this month.</p> <p><u>Board of Trustees- Larry Knowles,</u> reported regarding the Board meeting on 12/12/24- the Board:</p> <ul style="list-style-type: none"> ● Renewed Granicus contract for upcoming year. ● Appointed Tom Hopkins as the new Clerk. ● Passed shipping container ordinance amendment recommended by PC. ● Passed Amendment regarding ZBA Practical Difficulty test. ● Voted not to allow STRs ordinance- just the proximity piece. ● Discussed stand-alone fire department. ● 2025 Calendar of Meetings reviewed. ● Re-appointed three (3) members to both PC and ZBA. ● Tentative date for annual Joint meeting is January 21 at 6 p.m. <p><u>ZONING ADMINISTRATOR REPORT: Joe Shea, ZA</u></p> <p>J. Shea noted changes needed to the zoning map. Pleasant Valley, a development near McDonald's, should not be residential multi-family, but it should be RSF (Residential Single Family). Also, Whispering Pines is not a functioning resort like it used to be so that zoning should be reviewed. J. Shea mentioned possibly having a committee to address Whispering Pines zoning.</p>	<p><u>BOARD REPORTS from REPRESENTATIVES</u></p> <p><u>ZONING ADMINISTRATOR REPORT</u></p>

PUBLIC COMMENT: *(Non-agenda matters) - (Limit to 3 minutes per person-Additional comments under item 11)*

Robin Laansma, Precinct delegate, lives on N. Payne Lake Rd., commented regarding the November 21, 2024 PC meeting minutes. "...Trustee Larry Knowles reported the Board of Trustees 'passed a resolution that states board members should not attend PC or ZBA meetings.' According to the Board of Trustee meeting minutes of November 14, they did indeed pass that resolution. I have read the Resolution and it does use the words "should not." From the minutes of the November 24 (14th) meeting, it states: 'but there is no law saying that they cannot'. Well, I have to wonder why this resolution was adopted for Yankee Springs. However, I do not want to address that tonight. It will be up to you, the board, to remove, from any meeting, any board member, including the supervisor, if he or she attends one of your meetings.

Also at your November 21 (PC Meeting), Trustee Knowles, according to the minutes: "The Board did ask if this board would look at a mining ordinance and pond making ordinance.' I do not know about the pond making ordinance but I know that if Yankee Springs does not have any gravel mining ordinances now, they have in the past. Where did they go? In the late 1980's early 90's, there was mining on Payne Lake Rd. Thompson McCully was the company and had to go through the permit process with the Township. My husband, David and I, live next to one pit and kiddy corner to the other. Thompson McCully did their best to violate every ordinance they chose to. We spent a lot of time learning about the ordinances. We had to. We reported these violations to the township. So, I know Yankee Springs had ordinances. The questions before you are: Where are those ordinances or what happened to them? Also, in the minutes of November 11 (21?), 2024, Trustee Fiala talked about having the DNR come to a meeting to inform you of their long-term plan. The minutes state: 'They also have a long-term plan and we talked about having them come in and share that with this group. This could take place at a work session.' I am not familiar with work sessions but as a resident of Yankee Springs, I would like to hear their plan, as well. So, I am requesting that you invite the DNR to a meeting that is open to the public. The next sentence is unclear: 'The joint meeting will be scheduled soon in either January or February so Fiala will try to bring a proposed date to invite the DNR to the PC meeting.' So, we have the DNR presentation at a work session, a joint meeting or a PC meeting? This confusion needs to be cleared up."

Mike Cunningham, YS resident, commented, "The United States is a representative of democracy which means to me that we elect (through democratic elections) people to represent us in the government of our nation, state, county and even Yankee Springs Township. I want to focus on how this is supposed to work in YST. The people of the township elect a township board of trustees every 4 years. Five people who have the sole duty, responsibility and authority to conduct the business of the township. These are the only people elected to represent the township. Board members serve a 4-year term. Serving the people does not mean being a servant or slave or having fewer rights and abilities than other township residents as some people believe and have stated. The township board appoints and reappoints every 3 years each member of the PC and ZBA. These are not lifetime appointments. The Board also creates township committees and

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appoints their members. The PC and ZBA can create temporary sub committees or work groups of less than a quorum of the PC or ZBA if needed. I believe that subcommittee creation should be used sparingly as it can be used to allow a few people to control the majority and the majority can avoid responsibility for their actions. With few exceptions the ZBA only meets as needed to decide things like variances. It's the first step in the legal process. The PC mainly deals with land use ordinances. One board member can also be a member of the PC and another board member can be a member of the ZBA. PC and ZBA members are not required by law to take an oath of office. It is the township board that requires this. The Board and board members must take the oath of office. What I want to point out is that PC and ZBA members (and all committee members) do not represent the people of the township, although they must be representatives of the people of the township. Only the board of trustees is elected to represent the township. The MTA- Michigan Township Association is not a part of any government. It is an association which exists as a resource to townships that is very valuable if used properly. The MTA has recommended that Board members SHOULD not attend and speak at PC/ZBA meetings even if specifically invited because their attendance might be perceived as undue influence on these boards that might result in the township losing a legal challenge to an action that these boards took. The basis for a claim of undue influence is based on the ability of a Board member to appoint or not re-appoint a PC/ZBA member. (Time limit expired.)

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PUBLIC COMMENT

Continued

APPROVAL OF MINUTES

APPROVAL OF MINUTES: Regular Meeting of November 21, 2024

A correction is needed to minutes: After "Adjournment" should be: Motion by Bush, and support by Beukema. (Not Motion by Beukema and support by Beukema).

Motion by Knowles with support from Beukema to approve minutes of Regular Meeting of November 21, 2024 as amended. All Ayes. MOTION CARRIED.

INQUIRY ON CONFLICT OF INTEREST:

INQUIRY ON CONFLICT OF INTEREST

ROLL CALL: *F. Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening. All PC members noted: NO conflicts. No: 7, Yes: 0.*

NEW BUSINESS:

NEW BUSINESS

SEU: 24-11-10 Parcel ID:16-032-011-00- 3982 Hermitage Pointe Road, Middleville. The property owner, Mr. Spencer Romph, requests a Special Exception Use permit for guest quarters in an outbuilding pursuant to the Yankee Springs Township Zoning Ordinance, Section 12.7 Outbuildings.

MOTION to Approve SEU 24-11-10 Parc. #16-032-011-00

Spencer Romph presented his request. S. Romph noted that this was not a rental.

PC discussion occurred.

Motion by Craven with support from Kooistra to approve the request of SEU 24-11-10 Parcel #16-032-011-00, for 480 sq. ft. A variance would need to be requested for more square footage. Roll Call Vote: Frigmanski: Yes, Knowles: Yes, Kooistra: Yes,

Beukema: Yes, Bush: Yes, Craven: Yes, Fiala: Yes. All Yes. Yes: 7, No: 0 MOTION CARRIED.

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OLD BUSINESS:

Master Plan: Fiala mentioned speaking with representatives from the DNR. February 20th was the date that seemed to work out and the public would be welcome to attend. Discussion occurred regarding a joint meeting (with other boards and the DNR) instead of a regular PC meeting that night. Discussion also occurred regarding having a different date for the regular February PC meeting so that the PC could still get their work done. It was also mentioned that possibly a notice should be in the paper regarding the DNR coming (for a meeting on Feb. 20th.) The time of this proposed meeting with the DNR is at 7 p.m. Larry Knowles will convey info to Rob Heethuis, Supervisor, regarding Feb. 20th and a possible joint meeting with the DNR including the BOT and ZBA as well.

OLD BUSINESS

The Annual Joint Meeting of the PC, BOT & ZBA is tentatively scheduled for January 21st. Jan. 21 is the date of a prior commitment for F. Fiala of the PC and J. Welch of the ZBA. PC members discussed other possible dates for the Annual Joint Meeting (not to be confused with the possible “joint” meeting with the DNR). Knowles will contact Supervisor Heethuis with alternative dates that work for PC members.

Discussion occurred regarding survey responses which have been tabulated. The PC is looking into a public meeting/open house for additional public feedback. Discussion occurred.

Larry Knowles, John Frigmanski, and Lee Kooistra will be a subcommittee to work on Whispering Pines, as well as addressing zoning of development behind McDonald’s.

Capital Improvement Plan:

Draft of new CIP was sent out today. Since PC members did not get a lot of time to review the draft, S. Bush walked thru highlights of the CIP. S. Bush noted that the CIP is a recommendation for Capital Improvements. It is not a mandate.

MOTION TO APPROVE CIP

Motion by Kooistra with support from Frigmanski to approve CIP as amended and forward to the Board of Trustees. All Ayes. MOTION CARRIED.

PC Annual Report: S. Bush reviewed the PC Annual Report. Items were clarified as needed.

OTHER SUCH BUSINESS

OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

Discussion occurred regarding possible loss of a PC meeting in February. Possibly another date should be set for a different meeting for the PC.

Clarification of PC phone numbers was made.

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PUBLIC COMMENT

Mike Cunningham, YS Resident, commented, resuming where he left off at the prior public comment earlier in tonight’s meeting, “The MTA uses the word SHOULD not rather than MAY not when they are talking about a Board member attending PC/ZBA meetings. That’s because they do recognize that everyone has 1st amendment and OMA (Open Meeting Act) rights that guarantee the right to attend and speak. There is a difference between those words (*should* and *may*) and they use that difference intentionally because they know that they cannot keep anyone from attending these meetings. While there seem to be (are) legal cases where a judge may have ruled against a township at least in part because a board member attended a PC/ZBA meeting - that is part of the case law on this that forms the basis for their recommendation - the 1st amendment and the OMA have not been changed, that law has not been changed to say that. It is just case law, which does have weight but it does not change the law. I got a response from my state rep about clarifying that into state law and she will at least inquire into the possibility of doing that. The case law I refer to involves the supervisor (not any other board member) because of the supervisor having the sole ability to make PC appointments. I say all this tonight to try to convince you of the proper roles of the PC and the BOT.

The PC is not independent of the BOT. Everything the PC does is subject to review and approval by the BOT except where the BOT has granted approval to the PC to give final approval, such as tonight’s SEU case. Board members are not required to vote yes on appointments or re-appointments of members of the PC/ZBA and if it’s the right thing to do, they should vote no. These are not lifetime appointments, and so the fear that a board member might vote no because of how somebody votes on the PC is not a valid thing because they have to make that decision and it can be yes or no. The law creates that, not the board member. Pretty much my final comment on this is that the MTA attorney that I communicated with said that “the BOT should be directing what changes will be made to the zoning ordinance up front”. The BOT makes those decisions, not the PC. The Board (BOT) should work with the PC from the beginning of any discussion of changes to the ordinance. The PC is in “task mode” regarding changes to the ordinance. Clearly the PC is not independent, it is working at the behest of the BOT. So, it is important for PC members to know what the BOT members think on issues being considered. They can only know this by listening to the board members and not by telling them they have no right to speak at your meetings. Township residents have the right to attend and speak at PC and ZBA meetings. BOT members must, by law, be township residents, so therefore, they have a right to attend and speak. And as a resident of the township, I expect all BOT/PC/ZBA members consider what public comment is, and when they consider it they need to consider the facts - does it contain anything that might be relevant to the issue that is being discussed. You’re not supposed to be looking at who is making those comments, is that person worth listening to? Are they important or not? You should focus on the facts – do they bring any relevant information? I know that in the ZBA, too, a lot of people bring irrelevant information, and you may consider what I’m saying irrelevant. But you are not supposed to be influenced by anything other than the truth.”

Robin Laansma, Precinct Delegate, of N. Payne Lake Rd., commented, “Thanks, Mike for the explanation! (Then to the PC) Thank you for the survey and thank you for deciding to have the DNR presentation at a meeting for the residents of Yankee Springs. I support

informing the residents of the meeting with the DNR and the meeting/open house - whatever is decided to present the findings from the survey to the residents of Yankee Springs. You are here to serve the residents and it should be a high priority to keep them informed.

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ADJOURNMENT:

Motion by Bush with support from Beukema to adjourn meeting at 8:21 pm. All AYES.

MOTION CARRIED.

Approved by: Frank Fiala

Frank Fiala, Planning Commission Secretary

1/16/25

Date

ADJOURNMENT