

**Millington Township Planning Commission
Wednesday, March 13, 2019 at 5:00 P.M.
8553 State Street in Millington, MI 48746**

Special Hearing & Public Hearing Meeting Minutes

A Special Hearing & Public Hearing Meeting of the Millington Township Planning Commission was held on the above date. The Planning Commission of Millington Township will conduct a Public Hearing at a Special Meeting for the purpose of considering an amendment to a Special Land Use Permit issued to Tri-County Aggregates for gravel mining under Section 1507 of the Township's Zoning Ordinance on property located on Sheridan Road in Millington, Michigan; Parcel Number 017-035-000-0100-07 and 017-035-000-0100-10 ("Property"). The proposed amendment to the Special Land Use Permit would modify condition "G" to allow Tri-County Aggregates to receive gravel or other aggregate material from the Tuscola County Road Commission and or other third parties for processing on-site on the Property.

Meeting Called To Order at 5:00 P.M. by Chairman Zavitz.

Roll Call: Alvin Zavitz, Chairman; Jennifer Koch, Secretary; Robert Worth; and Ed Maschke.

Members Absent: Terry Burns, Vice Chairman.

Terry Jones, Millington Township Zoning Administrator Present: Yes.

Guests: There were 49 guests in the audience.

Purpose of the Hearing: Chairman Zavitz stated this hearing is for the Planning Commission to conduct a Public Hearing at a Special Meeting for the purpose of considering an amendment to a Special Land Use Permit issued to Tri-County Aggregates for gravel mining under Section 1507 of the Township's Zoning Ordinance on property located on Sheridan Road in Millington, Michigan; Parcel Number 017-035-000-0100-07 and 017-035-000-0100-10 ("Property"). The proposed amendment to the Special Land Use Permit would modify condition "G" to allow Tri-County Aggregates to receive gravel or other aggregate material from the Tuscola County Road Commission and or other third parties for processing on-site on the Property.

Worth welcomed the guest and introduced himself. Worth read an email dated January 14, 2019 on behalf of Jones to Bob Gilling from MI Gravel from Jay Tuckey from the Tuscola County Road Commission that was dated October 22, 2018. Worth also read the Millington Township Zoning Ordinance No. 08-100 from 2008 Article 17 Site Plan Review Requirements Section 17.01. Scope and Article 17 Section 17.02 Procedure. Worth stated when Bob Gilling's presented the Millington Township Planning Commission Board on Wednesday, January 16, 2019 at our Regular Board Meeting that nothing was noted that Bob was requesting a Special Use Permit for a recycling asphalt and concrete asphalt processing plant; the Millington Township Planning Commission received an email from Jones on March 1, 2019 with two attachments: (1) Bob Gilling's Special Use Permit that was dated January 17, 2019 that stated the nature of special use "Recycling Asphalt and Concrete Asphalt Processing" and (2) the Notice of Special Meeting & Public Hearing on Wednesday, March 13, 2019 at 5:00 P.M. Worth stated due to the Millington Township Zoning Ordinance No. 08-100 from 2008 Article 17 Site Plan Review Requirements Section 17.01. Scope and Article 17 Section 17.02 Procedure he contacted an Insurance Rep that stated proper procedure was not followed and if a decision would not be won as proper procedures were not followed if a motion was carried. Jones stated in an email dated February 27, 2019 from himself to the Millington Township Planning Commission that he stated "After talking to our attorney Mike Homier it is his recommendation to go ahead with the special planning commission meeting for March 13, 2019. He also stated to find out what TCA is exactly asking for. At that time the Planning Commission can make their decision to find out more information, on what they would like to do or decide on this manner. Mike Homier and I talked about myself calling Bob Gilling today to find out what his intent was on the application. At no time did he mention that to me on the day he brought in the application. Today he stated that what he meant on the application under asphalt processing was asphalt plant. He also agreed with me that when he dropped off that form in the office he stated the only reason he placed that verbiage on there was to use that as a bargaining chip for the Planning Commission asking about not working on the holidays during the week." Worth motioned to deny any current permit for Bob Gilling on file at the Township and for Bob Gilling to reapply with the Township Zoning Administer with all of the proper documentation from the Millington Township Zoning Ordinance No. 08-100 from 2008 Article 17 Site Plan Review Requirements, then to have Jones bring forth to the Millington Township Planning Commission Board to a meeting with appropriate review, protocol, and procedure. Seconded by Zavitz. Chairman Zavitz called for a roll call vote: Zavitz – Approved; Maschke –

Approved; Koch – Approved; and Worth – Approved. Motion Carried. Jones stated that Bob Gilling is following the Millington Township Zoning Ordinance No. 08-100 from 2008 Article 17 as he is requesting to propose an amendment to the Special Land Use Permit that would modify condition “G” to allow Tri-County Aggregates to receive gravel or other aggregate material from the Tuscola County Road Commission and or other third parties for processing on-site on the Property. Jones also stated that there were issues with the newspaper too. Zavitz motioned to approve Worth’s prior motion to deny any current permit for Bob Gilling on file at the Township and for Bob Gilling to reapply with the Township Zoning Administer with all of the proper documentation from the Millington Township Zoning Ordinance No. 08-100 from 2008 Article 17 Site Plan Review Requirements, then to have Jones bring forth to the Millington Township Planning Commission Board to a meeting with appropriate review, protocol, and procedure. Seconded by Worth. Chairman Zavitz called for a roll call vote: Maschke – Approved; Worth – Approved; Koch – Approved; and Zavitz – Approved. Motion Carried.

Chairman Zavitz welcomed the guests and opened the hearing for Public Comment(s).

- Millington Township Planning Commission and Jones answered any questions/concerns that the committee members and the public had: requesting an notice outside of 500 feet for residents and 300 feet for renters by Robert and Kathryn Benard; concerns of an email dated January 14, 2019 on behalf of Jones to Bob Gilling from MI Gravel from Jay Tuckey from the Tuscola County Road Commission that was dated October 22, 2018 that the public did not receive including any other letters in regards to Bob Gilling, our Regular Board Meeting date and time, noises, and smells by Bill Routhier; Bob Gilling’s current permit business hours by Kevin Petzold; Bob Gilling’s current permit renewal date by Luanne Jaruzel; timeframes of complaints and how can the township board monitors complaints by Lorinda Jensen; and public comments being currently made are admissible until the next hearing by Jackie Petzold and Robert Benard.

Worth moved to close the Special Meeting & Public Hearing Comments. Seconded by Zavitz. Chairman Zavitz called for a roll call vote: Worth – Approved; Zavitz – Approved; Maschke – Abstained; and Koch – Abstained. Motion Carried.

Adjourn: With no other comments from the audience Chairman Zavitz declared the Special Meeting & Public Hearing Meeting closed at 5:24 P.M. and declared the Regular Board Meeting of the Millington Township Planning Commission to be opened immediately.

Attachment(s): None.

Jennifer Koch, Secretary

Alvin Zavitz, Chairman