

Millington Township Planning Commission
Monday, August 12, 2019 at 6:00 P.M.
8553 State Street in Millington, Michigan 48746

Regular Board Meeting Minutes

The Regular Board Meeting of the Millington Township Planning Commission was held on the above date.

Meeting Called to Order at 6:00 P.M. by Chairman Zavitz.

Members Present: Alvin Zavitz, Chairman; Terry Burns, Vice Chairman; Jennifer Koch, Secretary; Robert Worth; and Ed Maschke.

Members Absent: N/A.

Terry Jones, Millington Township Zoning Administer Present: Yes.

Guests: There were 41 guests in the audience.

REVIEW/APPROVAL OF MINUTES:

- Reviewed Minutes of the Monday, July 8, 2019 Special Meeting & Public Hearing Meeting Minutes. Burns motioned to approve the Special Meeting & Public Hearing Meeting Minutes. Seconded by Maschke. Motion Carried.
- Reviewed Minutes of the Monday, July 8, 2019 Regular Board Meeting Minutes. Burns motioned to approve the Regular Board Meeting Minutes. Seconded by Maschke. Motion Carried.

OLD BUSINESS:

- Continued discussion of updating the Millington Township Master Plan and the Township Zoning Ordinance. Adam Young from Wade Trim Associates, Inc. introduced himself and provided an update as to the Millington Township Master Plan in regards to his July 18, 2019 email; Koch will complete the very last step by sending out a “Notice of Master Plan Adoption” to the same entities (Tuscola County Planning Commission, Millington Township Board, Millington Village Council, Arbela Township, Vassar Township, Watertown Township, Marathon Township, Forest Township, DTE/North Area Energy Center, Consumers Energy, Thumb Electric, TDS Telecom, Mid-Michigan Railroad, Tuscola County Road Commission, Downtown Development Authority, Millington Community School Board, and Bay County Michigan Department of Transportation). Koch will also notify/request Carrie Petzold to upload the adopted Master Plan on the Millington Township’s website per Adam.
 - Reviewed the recommended Zoning Ordinance modifications, as outlined in the draft Millington Township Master Plan; Zoning Ordinance Modifications table on page 67 of the February 4, 2019 draft Millington Township Master Plan.
 - Discussion of thoughts regarding deficiencies, limitations, inconsistencies, etc. found within the Millington Township Zoning Ordinance for Ordinance No. 100, Draft Zoning Ordinance Amendments drafted on June 6, 2019 by Wade Trim Associates, Inc. which may need to be addressed:
 - Article 10 Section 10.01 (I) read and explained by Adam; Adam will revise according to keep Single Family Dwellings which exist at the time of the adoption of this Ordinance may be rebuilt in the event of fire or other destruction. Such existing dwellings may also be remodeled or improved at any time.
 - Article 12 Section 12.02 Zoning District for Lake Residential read by Adam. Koch motioned for Lake Residential zoning district a 10 foot minimum side yard in combination with a 3 foot minimum side yard setback based on Adam’s revision accordingly. Seconded by Maschke. Chairman Zavitz called for a roll call vote: Burns – Approved; Worth – Approved; Zavitz – Approved; Koch – Approved; and Maschke – Approved. Motion Carried.
 - Article 14 Section 14.24 (2) read by Adam. Worth referred to his July 23, 2019 email; read by Koch. Koch discussed his findings regards to manure; GAMPS and Michigan Department of Agriculture. Koch motioned to make the following changes within Article 14 Section 14.24 (2) that the minimum area for the keeping of animals, except as otherwise provided, shall be two (2) acres; additional animals, in the quantity described above, shall be permitted for each additional acre of land up to twenty (20) acres. Seconded by Maschke. Chairman Zavitz called for a roll call vote: Burns – Approved; Worth – Approved; Zavitz – Approved; Koch – Approved; and Maschke – Approved. Motion Carried.
 - Adam clarified the list of Ordinances/Amendments and Zoning Notice Requirement document that was presented on April 8, 2019 Regular Board Meeting in regards to having them placed within the updated Millington Township Zoning Ordinances; Stand Alone Township Zoning Ordinances vs. Millington Township Zoning Ordinances.
 - Discussion of wind Zoning Ordinances; Adam will look at later study after the year 2010 with maps or data if Millington Township is feasible including example of residential, institutional, business, and commercial wind Zoning Ordinances.

- Consideration of 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 10222 Sheridan Road in Millington, Michigan; split on 01/11/2010 from Parcel Number 017-035-000-0100-08, 017-035-000-1700-01, 017-035-000-1750-00 into 017-035-000-0100-10, 017-035-000-1750-01 ("Property"). The proposed amendment to the Special Land Use Permit would modify condition "G" to allow Tri-County Aggregates to receive asphalt and concrete for the purpose of recycling on-site on the Property. Robert Gilling from MI Gravel provided the Planning Commission a copy of the August 8, 2019 email from Andrea Irwin (EGLE) with a copy of the Department of Environmental Quality Air Quality Division Activity Report: Self Initiated Inspection dated for August 5, 2019 attachment; read by Worth and Zavitz. Robert Gilling answered questions/concerns that the Millington Township Planning Commission had in regards to Tri-County Aggregates; the inspection occurred during maintenance, first Air Permit, Inland Lakes and Stream Permit, and a second inspection may occur not knowing when as it is documented as a minor source class by Bob.

PUBLIC COMMENT(S): Kathryn Benard, Robert Benard, Ned Eubanks, David Petzold, Luanne Jaruzel, Ina Male, and Kevin Petzold.

CLOSED SESSION – ATTORNEY-CLIENT PRIVILEGED LEGAL OPINION:

- Koch motioned to move to adjourn the Regular Board Meeting to a Closed Session to consider an Attorney-Client privileged, written legal opinion. Seconded by Maschke. Chairman Zavitz called for a roll call vote: Burns – Approved; Worth – Approved; Zavitz – Approved; Koch – Approved; and Maschke – Approved. Motion Carried. Meeting adjourned by Chairman Zavitz at 7:06 P.M.

OLD BUSINESS CONTINUED:

- Koch motioned to adjourn the Closed Session – Attorney-Client privileged legal opinion session and move back into an open Regular Board Meeting session. Seconded by Maschke. Chairman Zavitz called for a roll call vote: Burns – Approved; Worth – Approved; Zavitz – Approved; Koch – Approved; and Maschke – Approved. Motion Carried. Meeting Called Back to Order at 7:34 P.M. by Chairman Zavitz. Chairman Zavitz called for a roll call: Burns – Present; Worth – Present; Zavitz – Present; Koch – Present; and Maschke – Present.
- Consideration of 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 10222 Sheridan Road in Millington, Michigan; split on 01/11/2010 from Parcel Number 017-035-000-0100-08, 017-035-000-1700-01, 017-035-000-1750-00 into 017-035-000-0100-10, 017-035-000-1750-01 ("Property"). The proposed amendment to the Special Land Use Permit would modify condition "G" to allow Tri-County Aggregates to receive asphalt and concrete for the purpose of recycling on-site on the Property. Zavitz motioned to deny Tri-County's request based on the factors in the Zoning Ordinance and/or based on the fact that the proposed use does not fall within the language of Section 5.02. Seconded by Koch. Chairman Zavitz called for a roll call vote: Burns – Approved; Worth – Approved; Zavitz – Approved; Koch – Approved; and Maschke – Approved. Motion Carried.
- Michigan Townships Association (MTA) Hot Topics in Planning & Zoning training is being offered on August 20, 2019 at the Bavarian Inn Lodge in Frankenmuth, Michigan; 4:00 P.M. registration check-in and networking dinner and from 5:00 P.M. to 8:30 P.M. training workshop. Jones registered the Planning Commission Board Members, Jones, and Scott Koch and Carol Kager from the Zoning Board of Appeals.
- On July 25, 2019 Carrie Petzold on behalf of the Millington Township Board notified the Planning Commission and the Zoning Administrator that the Planning and Zoning training session for the members of the Planning Commission, Zoning Board of Appeals, and the Zoning Administrator is on August 26, 2016 from 6:00 P.M. to 8:30 P.M. The training session will include the following: 1. Effort to prepare a customized Planning and Zoning training session for the joint boards of Millington Township. This would generally cover the basics of planning and zoning, such as: (a) Relationship, (b) Planning and Zoning Roles, (c) Guiding Planning Principles, (d) Making Good Decisions (Motions, Findings of Fact), (e) Conflict of Interest, (f) Open Meeting Act Compliance, (g) Orderly Meetings, (h) Zoning Decisions (Rezoning, Site Plan Review, Special Land Use), (i) ZBA Basics, (j) Other Specific Topics of Interest to Millington; Adam Young will be conducting the Planning and Zoning training session.
- United Methodist Church sign request; a Special Use Permit request for an electronic message board – see site plan request; that was presented via email July 8, 2019 by Jones on behalf of Dan McGee Jr. from Sign Image, the Millington United Methodist Church Electronic Message Board Proposal (6 page document), and the site plan provided by Wayne Burns. Worth read Article 14 Section 14.06 (G and I (1-4)). Worth referred Mr. Burns to Mr. Erikson for any further questions about the road right of way that MDOT has along M-15. Maschke motioned to deny the United Methodist Church Special Use Permit request for an electronic message board based upon Article 14 Section 14.06 (G and I (1-4)). Seconded by Zavitz. Chairman Zavitz called for a roll call vote: Burns – Approved; Worth – Approved; Zavitz – Approved; Koch – Approved; and Maschke – Approved. Motion Carried.

NEW BUSINESS:

- Recreational Marijuana Establishments presented by Foster Swift Collins & Smith PC Attorney Laura Genovich. On April 17, 2017 the Millington Township Planning Commission repealed/revoked the Millington Township Medical Marijuana Ordinance Ordinance Number 11-1 with Millington Township Ordinance Number 2017-01 Ordinance Repealing Medical Marijuana Ordinance (Ordinance Number 11-1). Laura discussed an email on July 18, 2019 from Jones on behalf of Laura is in regards to November 1st is the Deadline for Municipalities to “Opt Out” of Recreational Marijuana Establishments; Worth will present to the Millington Township Board on August 19, 2019 at their Regular Board Meeting for a motion to adopt an ordinance prior to November 1, 2019 to either allow marijuana establishments with regulations or prohibit marijuana establishments to ensure that the state does not issue a license for a business within our municipality.
- Millington Township Zoning Administrator Report was presented by Jones.

PUBLIC COMMENT(S): Robert Benard (provided a letter dated August 12, 2019) and Robert Loomis II.

The next tentative Regular Board Meeting will be Monday, September 9, 2019 at 6:00 P.M. Worth moved to adjourn. Seconded by Zavitz. Meeting adjourned by Chairman Zavitz at 8:01 P.M.

ATTACHMENT(S): None

Jennifer Koch, Secretary

Alvin Zavitz, Chairman