

**Millington Township Planning Commission
Monday, September 9, 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 3 guests in the audience.

REVIEW/APPROVAL OF MINUTES:

- Reviewed Minutes of the Monday, August 12, 2019 Regular Board Meeting Minutes. Burns motioned to approve the Regular Board Meeting Minutes. Seconded by Maschke. Motion Carried.
- Reviewed Minutes of the Monday, August 12, 2019 Closed – Session Attorney-Client Privileged Legal Opinion Meeting Minutes. Worth motioned to approve the Closed – Session Attorney-Client Privileged Legal Opinion Meeting Minutes. Seconded by Burns. Motion Carried.

OLD BUSINESS:

- Continued discussion of updating the Millington Township Zoning Ordinance.
 - Discussion of thoughts regarding deficiencies, limitations, inconsistencies, etc. found within the Millington Township Zoning Ordinance, Ordinance No. 100, Draft Zoning Ordinance Amendments prepared by Wade Trim Associates, Inc. on June 6, 2019 which may need to be addressed:
 - Page 2 Article 3 Section 3.02 (B), Page 4 Article 5 Section 5.02 (A2, C, & D), Page 9 Article 5 Section 5.03 (E), Page 14 Article 6 Section 6.02 (I1b), Page 16 to 17 Article 8 Section 8.01 (B & C, C1, & C2), Page 17 Article 8 Section 8.01 (D), Page 17 Article 8 Section 8.02 (H), and Page 17 Article 9 Section 9.01 (C) to keep as drafted.
 - Page 18 Article 10 Section 10.01 (I) per our August 12, 2019 Regular Board Meeting Minutes it was “read and explained by Adam; Adam will revise accordingly 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.”
 - Page 23 Article 13 Section 13.01 (B), Page 24 Article 13 Section 13.01 Figure 1, and Page 24 Article 13 Section 13.01 (E) to keep as drafted.
 - Page 25 Article 13 Section 13.01 (H); tabled.
 - Page 25 Article 13 Section 13.01 (J), Page 25 to 26 Article 13 Section 13.02 Table (x3 areas), Page 30 Article 14 Section 14.08 (B), Page 35 Article 14 Section 14.14 (B), Page 36 Article 14 Section 14.17 (5), Page 37 Article 14 Section 14.17 ((5) c) & d), Page 48 Article 15 Section 15.02, Page 49 to 50 Article 16 Section 16.01, Page 50 Article 16 Section 16.02, Page 52 Article 17 Section 17.06, Page 54 Article 19 Section 19.01 & 19.02, Page 56 Article 19 Section 19.03, Page 56 Article 19 Section 19.04 & 19.04 (A-D), Page 58 Article 21, and Page 58 Article 21 Section 21.01 to keep as drafted.
 - Discussion of thoughts regarding deficiencies, limitations, inconsistencies, etc. found within the Millington Township Zoning Ordinance, Ordinance No. 100, Draft Zoning Ordinance Amendments prepared by Wade Trim Associates, Inc. on August 29, 2019 which may need to be addressed:
 - Page 20 Article 11 Section 11.02 (F). Worth motioned for Article 11 Section 11.02 (F) to be removed from Article 11 Section 11.02 Special Land Uses to Article 11 Section 11.01 Principal Uses Permitted Section 11.01 (H). Seconded by Koch. Chairman Zavitz called for a roll call vote: Burns – Approved; Maschke – Approved; Worth – Approved; Koch – Approved; and Zavitz – Approved. Motion Carried.
 - Page 21 Article 12 Section 12.02 Table of Area, Setback and Height Requirement. Maschke provided the Planning Commission with an Untitled Map from Google Earth for two examples of measurements for the distance between two points on the ground. Worth read the Township of Millington Private Road Ordinance, Ordinance No 10-2, Section 1 (C). Maschke proposed that the Planning Commission reevaluate the Lake Residential Minimum Lot Area, the Minimum Lot Width, and the Minimum Rear Yard Setback; tabled for more research.
 - Page 47 Article 14 Section 14.24. Koch motioned for Article 14 Section 14.24 to be removed from Article 14 General Provisions to be relocated in Article 6 Section 6.01 as (B1). The

Planning Commission is also considering Article 14 Section 14.24 to be removed from Article 14 General Provisions to be relocated in Article 5 Section 5.01 as (A1). Seconded by Worth. Chairman Zavitz called for a roll call vote: Burns – Approved; Maschke – Approved; Worth – Approved; Koch – Approved; and Zavitz – Approved. Motion Carried.

- Page 48 Article 14 Section 14.25 keep as drafted.
- Page 48-51 Article 14.26; delete the “A” at the end of the section heading.
- Pages 66-67 Definitions for Temporary Anemometer Tower, Waterfront Yard, Wind Energy Conversion System (WECS), and Wind Energy Conversion System, On-Site to keep as drafted.

- Koch will contact Adam Young and request a possible meeting that Adam will be able to attend; tentative dates are Tuesday, September 24, 2019, Thursday, September 26, 2019, or Monday, October 7, 2019 at 6:00 P.M. Koch will provide Adam with a list of questions/concerns in regards to updating the Zoning Ordinances on behalf of the Planning Commission; i.e.:

- Signage: Maschke presented the Planning Commission with Arbela, Vassar, and Freemont Township Commercial and Industrial Zoning Districts (C-1 and I-1 Districts) document.
- Industrial Section: to consider a proposal to receive asphalt and concrete for the purpose of recycling on-site on the property.
- Noise ordinance.
- Illumination for all Zoning areas.

Michigan Townships Association Hot Topics in Planning & Zoning training we attended on August 20, 2019 at the Bavarian Inn Lodge in Frankenmuth, Michigan:

- Slide 4 Common Law/Nuisance Law; Slides 11 to 22 Short Term Rentals; Slides 28-29 Right to Farm Act – MCL 286.471, *et seq* in regards to the 2019 Site Selection GAAMP; Slide 37 Right to Farm Case Law AG Opinion 7302 (3/28/18) in regards to limiting the number of livestock per acre; Slide 43-44 Farm Market GAAMP and Commercial Activities in AG Districts; Slides 76-89 Wireless Communications (including Small Cell/DAS); and Slide 91 Commercial Solar Farms in regards to the New PA 116 implications per MDARD.

The Planning and Zoning training session on August 26, 2016 conducted by Adam Young:

- Slide 7 authority to create subdivision regulations; Slide 33 the proposed development and related improvements are designed to protect land and water resources from pollution; Slide 29+ to determine and possibly incorporate the escrow amount and for it to include the consult fee, Expert Engineers approval, etc.; and Slide 35 “man-made”/“self-created”.
- United Methodist Church modified sign proposal; a 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), an email dated August 23, 2019 from Jones on behalf of Wayne Burns, an email dated August 27, 2019 from Maschke, and the site plan provided by Wayne Burns. Worth read Article 23 Definition(s) Sign Area and Article 14 Section 14.06 (E). Koch motioned for their current primary sign to have the insignia and lettering downsized to 16 square feet and to become one of their secondary signs; for their existing message board to be removed; for their sign at the driveway to leave as is; for their new proposal electronic message board will be 8 feet wide by 5 feet tall in the signage area for a total of 40 square feet and to remove the insignia; and United Methodist Church will contact and follow MDOT’s rules in regards to placement, etc. Seconded by Burns. Chairman Zavitz called for a roll call vote: Burns – Approved; Maschke – Approved; Worth – Approved; Koch – Approved; and Zavitz – Approved. Motion Carried. Note: the proposed changes on the Millington United Methodist Church Electronic Message Board Proposal (6 page document) were signed by Koch and Wayne; Koch, Jones, and Wayne have a copy of the signed document.

NEW BUSINESS:

- Rules for Public Participation. Zavitz read an email from Worth dated August 27, 2019 in regards to Schools Public Comment Rules. The Planning Commission reviewed the current Millington Township Planning Commission Rules for Public Participation and the Revised Statutes of 1846 (EXCERPT) Township Business, Other Than Elections document. Worth motioned for the Millington Township Planning Commission Rules for Public Comment Participation to be added to each Agenda as follows:

Millington Township Planning Commission Rules for Public Comment Participation

The rules for Public Comment Participation at this meeting are as follows:

1. The citizen’s comments are limited to a dedicated portion of this meeting.
2. Each person will be allowed to speak for up to three minutes; limited to one time per meeting.
3. Each person wishing to address the Planning Commission must identify himself or herself by name and address.
 4. If a delegation is present to address the Planning Commission, the delegation may select up to five spokespersons to speak on its behalf, for a total of no more than fifteen minutes.
5. Planning Commission members may question speakers, but are not obligated to answer questions or make statements or commitments in response to issues raised by the public.

Note: These Rules are in conformity with the Michigan Open Meeting Act, Public Act 267 of 1976, as amended.

Note: Additionally, the Planning Commission has adopted the following Rule regarding Public Comment

Participation at Millington Township Planning Commission Meetings:

6. Citizens wishing to make Public Comment may be required to be "sworn in" at the beginning of a meeting.

Note: Revised Statutes of 1846 (EXCERPT) Township Business, Other Than Elections, 41.101 Exclusion of person from public meeting; refusal to withdraw as misdemeanor; penalty. Sec. 101. A person shall not be excluded from a public meeting except for a breach of peace actually committed at the meeting. A person who refuses to withdraw from a public meeting, on being ordered by the moderator to do so, is guilty of a misdemeanor punishable by a fine not exceeding \$50.00. **History:** R.S. 1846, Ch. 16;-CL 1857, 593;-CL 1871, 747;- How. 780;- CL1897, 2380;-CL 1915, 2160;-CL 1929, 1036;-CL 1948, 41.101;-Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Seconded by Maschke. Chairman Zavitz called for a roll call vote: Burns – Approved; Maschke – Approved; Worth – Approved; Koch – Approved; and Zavitz – Approved. Motion Carried.

- Millington Township Zoning Administrator Report was presented by Jones.

PUBLIC COMMENT(S): Luanne Jaruzel.

The next tentative Regular Board Meeting will be Monday, October 7, 2019 at 6:00 P.M. Worth moved to adjourn. Seconded by Maschke. Meeting adjourned by Chairman Zavitz at 8:49 P.M.

ATTACHMENT(S): None


Jennifer Koch, Secretary


Alvin Zavitz, Chairman