

Planning Commission Meeting and Public Hearings

September 9, 2024

Meeting was called to order by Chairman Alvin Zavitz at 6:00 PM. Roll call showed members Ed Maschke, Matt Opperman, Doyle Pletcher, Luanne Jaruzel, Zoning Administrator Tammy Daenzer and 10 guests present.

Minutes from August 12, 2024 meeting were read and approved with one minor correction.

Paul Dudley was added to the agenda under new business by unanimous approval of the board. Moved by Maschke, second by Opperman to add "Review Process to Request Public Hearing" as number 5 under old business on the agenda. Approved unanimously.

Public comment – Sherry Morris spoke & questioned the Zoning Board Appeal on her Special Use Permit for Short Term Rental.

Mark Morris – had questions about the lawyer's letter regarding Special Use Permit for his Short Term Rental.

Old Business – #1 Procedure for Processing Special Use Permits. A five page reference document was presented for review by Zoning Administrator Daenzer. During discussion, Maschke questioned the term "procedure" instead of "reference" in the title of the document. Opperman expressed concern about notifying more companies than mentioned in Ordinances & redundancy. Daenzer attended an MTA workshop and MTA recommend having these procedures (MTA wording) in place. These were created following MTA's templates using our Ordinances, setting it up as a timeline to be followed to be sure all steps are completed, and avoid mistakes on issuing permits. These procedures include several levels of township governance. Daenzer noted that the township clerk and other township board members have been using this document already as a guideline. It was noted that she was available for questions in the previous weeks but no one called her. Jaruzel suggested that other board members call MTA themselves if they have questions. Maschke said he would like to make an outline of his ideas for policies and bring it to next meeting. Maschke made a motion, Opperman seconded to wait on a decision to adopt this document until next meeting when Maschke & Opperman bring an outline/skeleton document of their ideas for discussion. Second by Pletcher. Opperman – yes, Pletcher – yes, Jaruzel – no, Maschke – yes, Zavitz – yes. Motion passed.

#2 Procedure for Adoption of Zoning Ordinance Amendment presented. Pletcher objected to the wordiness of the 4 page document presented. Maschke made a motion, second by Pletcher to table adopting this document till next meeting until they define how the guidelines should be created. Maschke – yes, Opperman – yes, Zavitz – yes, Pletcher – yes, Jaruzel – no. Motion passed.

#3 Special Land Use Permit Review/Sign for TCA Management LLC - After permit was reviewed by the board to be sure it is accurate to what was approved, including conditions, a roll call vote

for Zavitz to sign the permit was called. Results of that vote as follows; Pletcher – yes, Maschke – yes, Opperman – yes, Zavitz – yes, Jaruzel – abstained due to possible conflict of interest. Permit was signed by Chairman Zavitz.

#4 Special Land Use Permit for Mark & Sherry Morris Review/Sign – Zoning Administrator Daenzer presented the permit with conditions as decided. According to the lawyer's letter, the permit should be reviewed for accuracy but because of the appeal, it should not be signed today. If the appeal is denied she will know the document is accurate and can move forward without changes. Morris's SUP was reviewed and found to be accurate. Maschke moved to approve the wording as accurate and table signing until after the Zoning Board of Appeals decision at the Oct. 2 2024 meeting. Second by Opperman. Motion unanimously approved.

#5 Ordinance draft – The members reviewed the process to request a public hearing. Maschke said in his time on the planning commission ordinance amendments were written by the planning commission, with input from other entities and the PC was responsible for the wording in them. The PC members would agree on the wording before passing them. He felt the commission had not reviewed or discussed, nor agreed, on the wording on the first three ordinances presented. Daenzer referred to Article 20.01 of the Millington Township Ordinance regarding amendment changes and who may initiate the changes. She pointed out that the Millington Township Board initiated the request to do these amendments. Article 22 regarding enforcement had been before the board several times and had been reviewed. This had been sent to the PC members 3 weeks ago but no one called Daenzer with questions. Discussion on Zoning Administrator's job and what some commission members feel it should be. Zavitz mentioned that Article 20.1 that the township board has the right/power to draft something and send to the PC commission. Maschke wants the wording agreed to before a public hearing. Daenzer read from her job description #5 that allows her to help and offer suggestions on ordinance or policy wording. She pointed out that the drafts before them is suggested wording. These drafts have been before the board. Discussion on Article 22 sections 22.03 and 22.04 that were part of the 1996 ordinances that got missed with the latest update in 2020 and needs the Violations Bureau to be incorporated into our current ordinance. The Civil Infraction policy has already been before the township board and they want it in place to help with enforcement.

Zavitz moved to close the regular meeting, second by Pletcher. Vote taken, Jaruzel – yes, Pletcher – yes, Maschke – no, Opperman – yes, Zavitz yes. Motion passed. Regular meeting closed at 7:05 PM & Public hearing immediately opened.

New Business – Public Hearing #1 – Article 22 Violations Ordinance Amendment. The amendment was reviewed with special attention to a correction in spelling, and the wording in 22.01, 22.03 and 22.04 to allow fees to be collected and assist enforcement of the Millington Township Ordinance.

Public comment – Paul Dudley questioned the sentence “The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to any alleged ordinance violations.” Daenzer clarified that the Enforcement Officer determines whether there has been a

violation. The Bureau would be the Millington Township clerk or office personnel and they are to collect money only.

Mark Morris asked about appeals process. It was noted an appeals process will be included in the civil infraction policy & procedures we are working on.

Luanne moved to close the public hearing, second by Pletcher. Unanimously approved. Hearing closed at 7:15 PM and regular meeting immediately reopened. A motion was made by Jaruzel to approve the Millington Township Ordinance Draft to Amend Article 22 Violations as presented. Second by Pletcher. Discussion on clarification of some wording. It was noted again that this draft assists in enforcement of ordinance violations. The fee schedule cannot be used if this isn't in place. Policies that are still being worked on are not here because they are not ready for review. This incorporates the previously missed 96-2 & 96-3 documents. It will be sent to the County Planning Commission for review as is stated in our ordinance.

All voted yes, motion passed.

Public Hearing #2 – Section 19.02 Appeals Ordinance Amendment. The Amendment was reviewed. Opperman stated that the ZBOA had discussed in their recent meeting to have a 30 day time frame to appeal a decision. The draft before the commission adds that an appeal must be made in writing within a 30 day time frame.

Pletcher moved to close the regular meeting at 7:26 PM and open the Public Hearing, second by Maschke. Approved unanimously. Public Hearing immediately opened.

Public Comment – question on how people are aware of this, and it was noted that will be in our ordinance.

Maschke moved to close Public Hearing on Section 19.02, second by Zavitz. Unanimously approved. Public Hearing closed at 7:30 PM, regular meeting immediately opened.

Maschke made a motion to approve the change to the Millington Township Ordinance Draft to Amend Section 19.02 Appeals and send on to the County Planning Commission, second by Zavitz. All voted yes, motion passed.

Public Hearing #3 – Section 14.11 Prohibited Structures Ordinance Amendment - Doyle moved to close the regular meeting and open the Public Hearing, second by Maschke. Public Hearing opened at 7:32 PM. Chairman Zavitz read the changes in the Millington Township Ordinance Draft to Amend Section 14.11 Prohibited Structures.

Public Comment – Richard Yeager-Stiver asked about the use of moving pods. They are temporary but may still fall under this ordinance. It was recommended that it would need to be reviewed by the Zoning Administrator.

Maschke moved to close Public Hearing, second by Opperman to close Public Hearing. All voted yes. Public Hearing closed at 7:37 PM and Regular meeting immediately reopened. Discussion on setbacks, the way these units rust, number of units that would be allowed. Motion by Jaruzel, second by Maschke to table this change and consider a draft allowing these containers by way of a special use permit instead. All voted yes. Motion passed. Maschke offered to bring draft wording to next meeting for board review.

Public Hearing #4 – Cemetery Rules and Regulations Ordinance Amendment- Zavitz read the changes listed in the Millington Township Ordinance Draft to Amend Cemetery Rules and Regulations. Daenzer noted that the no advance sales clause was per the request of the Township Board. Motion made to close the regular meeting was made by Maschke, second by Jaruzel to close regular meeting and open Public Hearing. All voted yes, motion carried. Public hearing opened immediately at 7:50 PM.

Public comment – none.

Motion made by Maschke, second by Opperman to close Public Hearing. All voted yes, motion passed. Public Hearing closed and regular meeting reopened. Discussion that this is to clarify the limit of five (5) graves and that the Township Board wanted the removal of “advanced sales.” After discussion, Luanne made a motion to accept draft as written. Second by Doyle. All voted yes. Motion carried.

Paul Dudley asked that for public hearings, a preamble be read asking that people stick to the facts when speaking. He expressed frustration over the disorganization at the office & the new directions & changes. He asked the board to slow the process when allowing for discussions & changes. He questioned the appeal regarding short term rentals to the Zoning Board of Appeals. The Township attorney advised the board to postpone issuing any more permits until after the ZBOA decision at the Oct. 2, 2024. He would like to see the word “harmony” taken out of the consideration list.

Chairman Zavitz announced feels he needs to quit as chairman due to time constraints & other issues. Discussion on ways other board members can work together to help. Several members will help with communication and agenda items. Zavitz will stay on as chairman for a couple more months with this additional help.

Luanne passed along an update on some issues relating to solar ordinance, CREO vs writing our own Workable Ordinance. She is waiting to hear back from Adam from Wade Trim on his suggestions. Jaruzel & Daenzer attended a hearing with speaker from Michigan Association of Counties who said the state doesn’t even know, how many of the “grey areas” of the bill will affect townships.

Next meeting Sept. 17, 2024 at 6:00 PM for a Special Use Hearing.

Next Regular meeting will be October 14, 2024.

Motion to adjourn made by Opperman, second by Maschke. All voted yes. Meeting adjourned at 8:28 PM;

Respectfully submitted,