

**Yates Township Planning Commission Meeting
Final - Minutes for October 15, 2020**

Meeting called to order at 4:15 by Chairperson Blair Evans. *The meeting started late due to technological issues. Wifi in the building was not working therefore we moved to using personal hotspots. Additionally, we waited for 2 commissioners to join us, although we did have a quorum*

The Pledge of Allegiance

Roll Call:

Commissioner Irish Hill-P; Commissioner Evelyn Walker-P; Commissioner Julia Carr-P; Chairperson Blair Evans-P; Commissioner Chris Grier-P; Yates Township Board Representative and Ex-Officio Charles Mite Atkins-L; Commissioner Janie Durban-P; A Quorum was established.

Chair Evans updated the constituents on electronic meeting protocols in regard to the Open Meetings Act & Executive Orders. This law made virtual meetings permissible. (See "Township Meetings and Facilities Under Public Act 228 of 2020 (Senate Bill 1108), effective October 16, 2020, and MDHHS Emergency order" (*updated Oct. 20*) **SEE ADDENDUM BELOW**)

Reading and Approval of the Minutes:

The reading and approval of the minutes (several months) were tabled due to the transfer of secretary duties.

There was no additional discussion for issues not on the Agenda

Old Business:

Annual Work Plan- The Annual work plan is available in digital form through a digital repository shared in an email to each commissioner. It includes the following items:

- 5 year Master Plan review which is compulsory.
- Capital improvements program of public structures and improvements. This is a requirement under the Michigan Planning Enabling Act (MPEA)
- Annual written report to the legislative body. This is also a requirement under MPEA.
- Establish and publish rules for public comments
- Review and possibly update by-laws to make sure they are compliant with Michigan Zoning Enabling Act (MZEAA).
- Establish standards for minutes and records. This process has begun.
- Organize physical files. This is scheduled to begin on Friday, Oct. 16, 2020
- Maintain electronic files in an accessible way. This process has begun.
- Update Zoning ordinance (Master Plan, reference set, police vs zoning). This update is to ensure consistency with the Master Plan & Michigan Zoning Enabling Act. The Township board required this commission to update the zoning ordinances over 10 years ago. -Zoning administration – Setting up processes, procedures and record standards

-Create new zoning map as BSA mapping overlay. This new zoning map overlay will make it easier to understand Township & County zones overlap and for future modification. -Planning Commission (PC) information on a website. This could be the townships website or we may set up an additional transparency website. So the planning and zoning information is available to the public.

-MSU Community Planning & Zoning Audit. This is a comprehensive audit to access where our weak points are and points of improvement could be. This includes training, processes, Yates township board (YTB), zoning board of appeals (ZBA), planning commission, zoning administration and everything that touches it. Michigan State University put together a very comprehensive packet. The idea is for The Planning Commission to lead that effort. The ZBA and YTB will conduct a self evaluation and the PC will use this comprehensive information to figure out best practices.

Commissioner Grier asked if the annual work plan we adopt today is set or can things be added or taken off. Chair Evans responded there will be things that could come up each month to add to this work, but this is a baseline.

A Motion, was made by Commissioner Iris Hill & seconded by Commissioner Mike Atkins to approve the annual work plan as our basis for the remainder of the year. A roll call vote followed: Commissioner Evelyn Walker-Y; Commissioner Iris Hill-Y; Commissioner Julia Carr-No Response due to technological challenges; YTB & Ex-Officio Charles Mite Atkins-Y; Commissioner Janie Durban—Y; Commissioner Chris Grier-Y; Chairperson Blair Evans-Y. Motion passed.

Chair Evans asked each commissioner to review the annual work plan, and the column which tells who is lead and who will support, to determine responsibilities. Commissioners are encouraged to respond regarding what has been suggested.

New Business

Report from new Secretary Commissioner Chris Grier

-The transfer of written minutes from Commissioner Hill has not taken place.

-My correspondence with Commissioner Carr included her seeking an email for us to send all correspondence to (as she resides in Chicago part time). She will get back with an email address. I did ensure that we would exhaust all means to get her all pertinent information including send correspondence to the local copy center nearest home in Chicago or US mail if necessary. -I have audio copies of some minutes and there are several things which would make the best of this tool for capturing all we need:

-Speak clearly into the mic at all times.

-Do not interrupt another commissioner while they are speaking.

-When there is an echo or feedback, wait and then repeat your comment, questions or motion. -I will place the minutes in the drop box 7 days after our meeting so we will have time to peruse it. -Please come to the meeting having read the minutes, and prepared to make suggested amendments to the draft copy.

-It would benefit the whole process, if when you speak on an issue, you would cite the ordinance number, person's name and or any other information as our actions and record keeping become local law.

Commissioners responded overwhelmingly positive to the report, specifically on the digital access, that they needed training on how to get to the digital folder and how to access the files. I volunteered to help them with this.

Regarding the process for using the Master Plan and Zoning for analysis of township land-The Township Board has invited the PC to give input in context of zoning & the master plan. Although we will not make decisions, we will inform the township of the backstory of how that property would impact the land they already acquired, or are considering acquiring as well as selling. This process included sharing digital pictures, maps and graphs. Due to technological issues, Chair Evans deferred that helpful process. He did, however, go through a high level perspective.

We have a few zoning maps (of which a tabloid size and color key was distributed at the September 10, 2020 meeting). This zoning map has been the official map as published in 1975 in the Lake County Star and is the map we will use.

We want to look at the following as a base line to understand the strategic use of the land to give the above request:

- Understand what the zoning district is
- The Zoning Ordinance describes each district and what is allowed
- The Master Plan goes over and above the districts to discuss (ie. Where a business district goes, what traffic flows would be, etc...)

Chair Evans will create a case study and upload it to the PC digital repository for Commissioners to see. He asked if any commissioner wanted to help with the study (up to a quorum) they can contact Chair Evans.

Commissioner Grier will provide a brief tutorial for access to the digital repository.

Zoning Administration update

There was a complaint filed by the zoning administrator that the Township board was evaluating and they are close to a conclusion. Once the situation is resolved we will be able to continue our work. There have been a few permits we have evaluated. During the interim the following process is standard operating procedure. • Bring in request to Township Clerk

- The Clerk notifies the Chair of the PC
- The Chair of PC does the research, write the work up, and give it back to the Clerk
- The Clerk, as a member of the Township board does the official approval or denial of the land use permits.

There is also a request to the Zoning Board of Appeals (ZBA) to do an interpretation of the Yates Township camping ordinance. The Michigan Zoning Enabling Act indicated that the ZBA is the body that responds to any question about the interpretation of the zoning ordinance. There is a meeting of the ZBA on Monday October 19, 2020 for the purposes of defining what the words already in the camping ordinance mean. They will not be discussing what the camping ordinance should be.

Commissioner Evans said he thinks one of the PC tasks will probably be to update the camping ordinance.

Regarding the ZBA, the township representative and the PC member have agreed on a third community member and two alternatives to make up the ZBA. Zoning Administration, PC and ZBA can all start contributing strongly to the process of helping the township move forward. Additionally, The Michigan State University Community audit of the planning and zoning will contribute to that process. There have been areas of our work that do not match up to the training and best practices. We plan to go through and document those areas and encourage people to self correct.

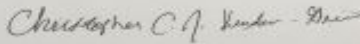
Public Comments: (3 minute maximum)

There were no public comments.

Adjournment

Moved by Commissioner Iris Hill; second by Ex-Officio Charles Mite Atkins
Commissioner Evelyn Walker-Y; Commissioner Irish Hill-Y; Commissioner Julia Carr-NR,
YTBR and Ex-Officio Chalres Mite Atkins- Y, Commissioner Janie Durban-Y; Commissioner
Chris Grier-Y, Chairperson Blair Evans-Y. Meeting adjourned at 4:53pm

Approved November 12, 2020,



Planning Commission secretary.

Addendum

Township Meetings and Facilities Under Public Act 228 of 2020 (Senate Bill 1108), effective October 16, 2020, and MDHHS Emergency Order Under MCL 333.2253 – “Gathering Prohibition and Face Covering Order” (updated Oct. 20)

New law allows virtual meetings to continue through 2020, virtual participation for limited reasons in 2021

Townships, along with all public bodies, will be allowed to conduct electronic “virtual” meetings as soon as recently passed legislation is enacted. Gov. Whitmer signed Public Act 228 of 2020, sponsored by Sen. Lana Theis, (R-Brighton Chtr. Twp.), which amends the Open Meetings Act (OMA) to allow for electronic meetings under specific circumstances and for a limited period. The law was critical to ensure meetings held electronically since March 18, 2020, due to the COVID-19 pandemic are valid and allows public bodies to continue to hold meetings via this option through the end of this year. PA 228 deems electronic meetings that took place since March 18, 2020, are valid if the public body complied with the requirements contained in the law and permits these **virtual meetings to continue until Dec. 31, 2020, for any circumstance**. Beginning **Jan. 1, 2021 through Dec. 31, 2021, only**, any member of a public body would be permitted to meet electronically due to the following: military duty (current law); medical condition defined as an illness, injury, disability, or other health-related condition; or statewide or local state of emergency or state of disaster declared that would risk the personal health/safety of the public or members of the public body. Additionally, the law requires any member of the public body—other than a member participating remotely due to military duty—attending a public meeting remotely after Dec. 31, 2020, to declare, and be included in the meeting minutes, that the member is attending remotely and the physical location (county, municipality, and state) from which they are participating remotely.

State Supreme Court rules governor's executive orders 'of no continuing legal effect'; MDHHS issues REVISED emergency order—restores capacity restrictions, face covering requirements for government offices, businesses, and more

On Oct. 12, the state Supreme Court rejected Gov. Whitmer's request to delay its earlier ruling that effectively nullified her previous pandemic-related executive orders. In its most recent ruling, the court said that the governor's EOs are "of no continuing legal effect." The governor had initially said her orders remained in effect for 21 days to 28 days and asked the state's highest court to clarify. However, a revised "Gathering Prohibition and Face Covering Order"emergency order was issued on Oct. 9 under MCL 333.2253, by the Michigan Department of Health and Human Services (MDHHS) that requires **government offices**, as well as businesses, schools and other operations to prohibit indoor gatherings of any kind unless they require those individuals, including employees, to wear face coverings.

Compared to MDHHS's initial emergency order, new provisions also provide for capacity limits in businesses, as well as **libraries and museums**, added protections for workers, and requirements for contact tracing. Note that Region 6, encompassing 17 northern Michigan counties, are exempt from certain requirements in the order. Read more about the order, which has the force of law, here. MTA will continue to provide members with the latest on the evolving changes.

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