

YATES TOWNSHIP PLANNING COMMISSION
REGULAR MEETING APPROVED MINUTES
April 13, 2023 5 p.m. EST

1) The meeting was called to order by Chair Chris Grier at 5:00 pm.

2) Roll Call attendance vote was as follows:

Present: Secretary Blair Evans, Chair Chris Grier, YTB Rep. & Ex-officio Shawn Coffey,
Commissioner Amy Ellis, and Commissioner Kurt Johnson
Absent: Commissioner Julia Carr, and Commissioner Lester Walker

A quorum was established.

3) The Pledge of Allegiance was recited.

4) Agenda additions/deletions:

Motion by Secretary Evans to approve the agenda as written, seconded by Chair Grier.

There were no changes to the agenda proposed.

Motion carried by unanimous roll-call voice vote.

5) Information from the public for items on the agenda:

No comments offered.

6) Approval of Minutes:

- a. Motion by Secretary Evans, second by Ex-officio Coffey, to approve the minutes of March 4, 2023.

Motion carried by unanimous roll-call vote.

- b. Motion by Commissioner Johnson, second by Secretary Evans to approve the minutes of March 9, 2023.

Motion carried by unanimous roll-call vote.

7) Approval of Department's expense report. (none this month)

8) Unfinished business and reports:

- a. Report from each member of the Commission on the segment of the Township they represent for the past month.

Chair Grier reported that he hadn't started meeting yet, but he has developed lists of important people and places to connect with for the areas of education and history.

Secretary Evans reported that he has developed lists of contacts and started building relationships in the areas of agriculture, forestry, and land use; municipal government; recreation and tourism; and the ZBA. He is attending meetings and is on the mailing list of some organizational bodies already.

Ex-officio Coffey reported on developments with the Road Commission and Yates Township Transportation Authority (AKA Dial-A-Ride) and commented on the internet providers. Additionally, Secretary Evans added comments on internet providers and

noted there will probably be a local listening session to provide community input to the state with Yates's needs for internet service in our area.

Commissioner Johnson reported on his contacts and research on recycling, plus research on boat-wash options. He also reported on Idlewild ~~Lot Owners~~ LAKE Association's invasive species management. He reported on starting the research on areas zoned as industrial in Yates Township.

Commissioner Ellis reported that she had discussions with residents and listened to concerns about a project on the agenda. Secretary Evans clarified that there were no projects or proposals on the agenda for action and that there was a communication received by the Planning Commission that was distributed to all commissioners to keep everyone informed on correspondence.

- b. Work plan review and determination of action items.

Chair Grier reviewed the status of items.

- c. Training updates:

Commissioner Johnson reported that he completed required Citizen Planner training.

Ex-officio Shawn Coffey reported that he completed required Citizen Planner training.

Commissioner Ellis reported that she is not done yet, but is working on it.

- d. Updates on Master Planning:

- i. Information from Public Information Session

Summary of comments are in the minutes from the March 4, 2023 meeting.

- ii. Schedule for the rest of the Master Plan amendment process.

Chair Grier discussed the difference between the review, adoption and amendment processes. He indicated that the process checklist has been available on the Township website in the Master Plan Improvement Packet (MPIP) document. He reported on steps that have been completed.

Secretary Evans suggested that Commissioners work toward having some rough land use concepts to begin discussing in May, using the current maps as a starting point.

- e. Update on ordinance overhaul.

Secretary Evans reported that a couple of Commissioners will try to support the Zoning Administrator (ZA) to accomplish the basic work. And shared that the Township attorney is reviewing compilations of the current ordinances.

9) New Business

- a. Master Plan

- i. Background information

Secretary Evans listed some of the information that is being assembled which include: input from Master Plan information session; approaches to 'mixed use'; areas for historic and resource preservation vs areas for higher intensity development; baseline data from Western Michigan /regional Shoreline Development Commission (WMRSDC) and other data sources; districts from our Master Plan and zoning map; new census data; and County Master Plan data.

- ii. Tasks:
No discussion.

- b. Camping ordinance – development of new Zoning ordinance (continuation of Camping Ordinance Information Packet (COIP))

Chair Grier asked Secretary Evans to comment on the relationship between development of the Master Plan, camping ordinance and overall ordinance updates. Secretary Evans gave some history of TWP Board's request to the PC for camping zoning ordinance and TWP police-power camping ordinance. Secretary Evans further indicated that because there are problems with ordinance use overall, and camping in particular, the Master Plan; basic ordinance updates and camping ordinance updates are being pursued at the same time and can be revised if the Master Plan develops newer ideas. Additionally, discussed that the ordinance 2022-01 (the police power camping ordinance) was developed as a collaboration between some planning commissioners, the Township board and the community because the Planning Commission was dysfunctional at that point in time. He also reviewed the history and expected use of the COIP.

Motion by Secretary Evans, second by Commissioner Johnson, to restart the camping ordinance development, update the COIP prior to the next meeting and have an information session in May.

Commissioner Johnson suggested that the information session would be best held on a Saturday for this topic. Secretary Evans amended the motion to specify a Saturday meeting. Amendment was seconded by Commissioner Ellis with concurrence from Commissioner Johnson.

Motion carried by unanimous roll-call vote.

- c. Development of ordinance for Preservation of Historic and Cultural Institutions.

Chair Grier introduced the concept and need for a preservation ordinance.

Motion by Chair Grier, second by Commissioner Johnson to begin the process of developing an ordinance for the preservation of cultural and historic institutions.

Secretary Evans responded to a question from Chair Grier and described the concept of legal non-conforming use and the provision under the Michigan Zoning Enabling Act for "tiers" of the legal non-conforming use with different restrictions.

Motion carried by unanimous roll-call vote.

Commissioner Ellis asked what the purpose was of the correspondence distributed in the Commission meeting packet. Chair Grier explained that it was correspondence that came to the Planning Commission and was distributed to the commissioners. It was sent to the ZA for any action.

Secretary Evans offered to present it to the public if desired. Commissioner Ellis asked that it be read as she felt that it was misleading and that decisions had already been made about a campground.

Secretary Evans read the document and the acknowledgement of receipt of the document from the Executive Committee (copies attached to the minutes). Secretary Evans then explained the zoning approval process and why the document was forwarded to the ZA and the acknowledgement was sent.

Mark Wawrzyniak raised a concern about amending the camping zoning ordinance before the Master Plan is complete and risking grandparenting in inappropriate uses. Asked if his letter to all of the Commissioners was received.

John Weeks raised a concern that the Open Meetings Act (OMA) was violated by responding with an acknowledgement to a correspondence prior to a commission meeting. That it was illegal to respond with "we". Also made opinions on what zoning is for. Further expressed that a lot of time is being spent on a small 40 Ac project.

Secretary Evans clarified that the correspondence acknowledgement was completely legal under the OMA. The "we" in the acknowledgement was clearly stated as the Executive Committee, not the Planning Commission at large, and no decisions or opinions were made or implied.

Additional comments were made expressing opinions on what zoning is for and that many people are opposed to a specific campground that is being advertised.

Secretary Evans noted that the Planning Commission is not spending any time on any projects as none have been brought to the commission for consideration. The only reason that extensive time is being spent on the 40 Ac project is that the audience is repeatedly making comments on a project that is not under consideration.

Chair Grier reinforced that he has said over several meetings that nothing has come to the Planning Commission and, if and when it does, everyone involved will be notified and at that time is when comments on a project are meaningful.

Comments made by Commissioner Ellis and some audience members that they feel that ~~the person who sent the correspondence,~~ DEBORAH HAUGABOOK represented during a public comment at a previous PC meeting, ~~her collaboration with the Planning Commission~~ THAT SHE WAS PROMISED BY SECRETARY EVANS. Secretary Evans stated that what Commissioner Ellis and audience are representing is not what was said, that there is a transcript of what was said attached to the minutes and there is a recording on Facebook that the transcript can be compared to.

NOTE THAT DURING APPROVAL OF THE MINUTES IT WAS DECIDED THAT A TRANSCRIPT OF THE DIALOG JUST REFERENCED BE APPENDED TO THE MINUTES. SEE THE END.

Chair Grier commented that a person's representations are just their representations and not necessarily true.

Susan Matous commented that although she understood concerns about a potential project she knows that there was no collaboration on it with Secretary Evans.

Secretary Evans stated that any communications that are in question as being "partnering on a project" with the project correspondent were communicated via emails, clearly show otherwise, and are a public record that are available via FOIA.

11) Adjournment

Motion by Ex-officio Coffey to adjourn, second by Secretary Evans.

Meeting adjourned at 6:38 pm.

Transcript of dialog between Commissioner Ellis and Secretary Evans

Chris Grier: ... I appreciate Commissioner Ellis because maybe you were under the impression that there was an item of business.

Ellis: from March 4, yes

Grier: from March 4?

Ellis: Yes, from when the lady spoke over the zoom and said that Mr Evans had promised her that this would be done.

Evans: She didn't say that.

Audience (Shawn): What she said was that you and her had been working directly together on this project for a year and a half and she said - don't tell me now that we have a road bump - that is what was said that you and her were directly working on this so don't tell me that it wasn't said.

Grier: Point of order. Point of order. Thank you Shawn, I appreciate that.

Audience: yes sir, you're welcome

Grier: I want to say testimony from anyone is just that, it's their version of the events. I want to be clear about that, I want to be clear. I need for you to hear me say that testimony from any - so, right now there is great concern about something that we have heard. And I have assured you that this group, this body, and this township that we do not have anything on our agenda today and unless I get something from the zoning administrator I am not sure if we will have anything next, but I will know, but we don't have it and if we don't have it then we won't address it. And I know that you want to respond (to Secretary Evans).

Evans: I just want to say that there is an exact transcript of that whole dialog in the minutes.

Interruption from audience in the audience: if it was transcribed properly, you are correct sir.

Evans: pardon me?

Audience: If that is what was really said.

Evans: Again, there is an exact word for word transcript in the minutes and there is also a recording available on Facebook that you can compare it to. And I clarified the actual events at that meeting and at the following meeting.

Respectfully Submitted

A handwritten signature in cursive script that reads "Blair Evans".

Secretary Blair Evans