

APPROVED 8-3-15

Regular Meeting of the Casco Township Planning Commission

July 13, 2015 - 7:00 PM

MEMBERS PRESENT: Daniel Fleming, Judy Graff, Lewis Adamson, David Campbell, Paul Macyauski and Greg Knisley (Knisley has not yet been sworn in and therefore did not sit at the table)

ABSENT: Dian Liepe

STAFF PRESENT: Alfred Ellingsen, Zoning Administrator, Susan West, Recording Secretary

1. **Call to Order and review of agenda** - Meeting was called to order at 6:59 pm. There were no changes to the Agenda.
2. **Constitution "Moment" / Purpose: To remind ourselves of the origin and meaning of the Constitution of the U.S. that we have solemnly sworn to support** – Chairman Fleming gave a brief history of the U.S. Constitution.
3. **Approval of minutes of June 3, 2015** - Motion by Campbell, supported by Adamson, to approve the Minutes of the June 3, 2015 Regular Meeting as written. All in favor, MSC. Campbell stated that for future Minutes, he would like to see the Commissioners names listed as to how they vote on certain Motions. Macyauski stated that if the Chairman asks for a roll call vote, names should be listed.
4. **Report from the Township Board Representative** – Judy Graff stated that the Board had two Meetings in June, to-wit: a Regular Meeting and an Annual Meeting, and she reported on same as follows:
 - a. Regarding the Regular Meeting:
 - i. Greg Knisley has been appointed as a new member to the Planning Commission. Graff then asked Mr. Knisley to tell the Commissioners about himself. Mr. Knisley said that he has lived in Casco Township for approximately 12 years and that he is originally from Detroit. Further, Mr. Knisley stated that he is a builder; mostly commercial. He also stated that he enjoys living in Casco Township.
 - ii. Ron Seiler has been appointed to the Parks Committee
 - iii. Bi-weekly water samples will be taken from the water at the Nature Preserve by the County.
 - iv. There has been a complaint made by Rose Salen regarding the placing of signs in the water of Lake Michigan near 1st Street Beach stating that people should stay off the beach. Allan Overhiser discussed this matter with the Township Attorney and a letter will be sent to the individual who placed the signs in the

water asking them to remove same. Graff suggested that the letter include a date that the signs must be removed by.

- v. The Township Board approved a 3% pay increase for part time staff.
 - vi. The amount the Building Inspector will receive for inspections has increased from \$40.00 to \$45.00
- b. Regarding the Annual Meeting:
- i. Allan Overhiser advised that all the equipment needed by SHAES has been funded for the next 20 years.
 - ii. Tom Jessup provided Allan Overhiser with a "Livestock / Poultry Claim Policy" that can be used for someone making a claim of loss for livestock / poultry because of a neighbor's animal, i.e.: a dog attacks a neighbor's livestock. The claim should be given to the Township, and the Township will send the claim to the County if appropriate.
 - iii. Taxpayers will be paying 50% less than they are currently paying for the Airport Authority mileage.
 - iv. Allan Overhiser made the recommendation that elected officials receive a 3% pay increase and same was approved.
 - v. A. Budget was approved, as well as a Freedom of Information Policy.

5. **Report from the ZBA Representative** – Macyauski reported that a variance from Section 3.32B was granted last week to allow an 8' fence to be built (Ordinance requires a maximum height of 6'). Macyauski stated that the applicant provided evidence that deer are not likely to try to jump an 8' fence. Further, Macyauski stated that he was informed that the Ordinance uses the 6' maximum fence height simply because a fence that is 6' or lower does not require a building permit. Ellingsen stated that the cost of this fence will be \$38,000.00.

Campbell asked if there were setback requirements for a fence being placed in the front of property. Macyauski stated that there is a 4' setback requirement to prevent sight obstruction for traffic.

Chairman Fleming stated that if there is no other reason for the Ordinance to have a 6' maximum fence height, why make an individual appear before the ZBA which costs money. Macyauski stated that maybe the Planning Commission should work on this Ordinance in the future.

6. **Report from Water/Sewer Representative** - Adamson reported as follows:

- A. There has been 2 new connections
- B. Mandatory hook-ups are still being addressed by the Township Attorney.
- C. Campbell asked if we are still behind in hook-ups for the year and Adamson answered that we are. Campbell asked Adamson if he could provide the Commissioners with a summary/history of the number of hook-ups that have occurred over the past three years. Adamson stated that he would check into these

figures, but that the number of hook-ups each month are recorded in the Minutes of the Planning Commission. Adamson further stated that there were 17 hook-ups last year and 12 this year.

- D. Graff asked where the money comes from when we are short on connections. Adamson answered that we had a surplus last year.
- E. The bond payments will be able to be made, but that we have approximately \$50,000.00 less in the bank account than we did this time last year.

7. Old Business: Report on results of flexibility given to the Zoning Administrator –

- A. Chairman Fleming stated that the Zoning Administrator advised him that there hasn't been a need for him to use the flexibility given to him. Ellingsen stated that there will be an application relative to the Moran property being divided into 5 lots by changing the boundary lines and that he is not sure how that will go.
- B. Campbell asked, as an example, how many times has the issue of building a fence higher than the 6' maximum come before the ZBA. Macyauski answered that it has come up twice, but that the flexibility given to the Zoning Administrator was for Permitted Uses and Special Uses and that the 6' fence requirement does not fall under same.

8. New Business:

- A. **Discussion of standards for determining the scope of the restrictions that we place or maintain in the zoning ordinance:**
- B. **Discussion of methods for determining how to prioritize the various factors regarding the restrictions we place or maintain in the zoning ordinance. (Purpose: To show that standards were met in creating the ordinance since standards have to be met to vary from the Ordinance) –**
 - i. Chairman Fleming asked for quick feedback regarding whether there should be standards for enacting/changing Ordinances. Macyauski stated that in some sense, we do now because changes come from the Master Plan and the Michigan Enabling Act. Macyauski further stated that the process for changing Ordinances starts with discussion between the Commissioners and also the public, and will eventually involve the Township Attorney. Thereafter, it goes to the Township Board for approval.
 - ii. Ellingsen stated that Section 21.07 contains the guidelines for making Ordinance Amendments. Campbell stated that these guidelines should be reviewed each time a proposed Amendment is being considered.
 - iii. Graff stated that much time and energy has been spent in the past on certain issues, i.e.: the PUD issue, and that in the end, the developer didn't pursue the matter. Graff suggested that maybe the Planning Commission shouldn't react to

an individual developer. Campbell asked for clarification as to whether Graff was referring to a matter where Allan Overhiser asked the Planning Commission to review. Graff stated that she was not and that the PUD issue came from an individual developer. Ellingsen stated that it is not the job of the Planning Commission to react to a developer, but rather, it is the Planning Commission's job to listen and make appropriate changes when the guidelines are met.

- iv. Campbell asked whether a fee can be charged to an individual to show serious interest before the Planning Commission takes up an issue. Ellingsen answered that there cannot be a fee charged unless an individual applies for something. Ellingsen further stated that in Saugatuck, a small fee is charged to an individual for an informal meeting where opinions and suggestions can be made. These informal meetings are not noticed in the newspaper and no votes are taken at same. Thereafter, the individual can decide if they want to proceed.

C. **Discussion of Zoning Ordinance as referenced in the June 3rd Minutes under Old Business B xxii (Purpose: To determine if changes need to be made in the wording regarding the issue of "cost")** – Chairman Fleming asked Macyauski for clarification on if he believed there needed to be a change to the wording in the Zoning Ordinance regarding using "cost" as an issue when considering a variance. Macyauski stated that he does not believe there needs to be a change to the wording unless it becomes a reoccurring issue.

D. **Discussion of August meeting date:** Macyauski stated that he would like to see the meetings go back to being held on the 1st Wednesday after the 1st Monday of each month. Adamson agreed. Graff suggested and it was agreed that because the current calendar has already been noticed in the newspaper, it should stay as is for the rest of this year and that meetings should be held on the 1st Wednesday after the 1st Monday every month starting in 2016.

9. Reading and discussion of the Master Plan (Purpose: to familiarize ourselves as a group with the document we have created and will need to review as a group): –

- a. Chairman Fleming suggested that the Commissioners take 15 minutes at each meeting, when time allowed, to read through the Master Plan and that notes be taken regarding any questions/comments so that same can be discussed in the future.
- b. Campbell stated that reading the Master Plan is a good idea. Further, Campbell suggested and it was agreed, that at each meeting the Commissioners agree to read a certain section at home so that at the next month's meeting, same can be reviewed.
- c. Graff stated that she believes the most updated copy of the Master Plan is dated April 10, 2013.
- d. It was agreed that the Commissioners should read Sections 1 & 2 of the Master Plan (Introduction and Vision, Goals & Objectives) for review at the August, 2015 meeting.

- e. Macyauski stated that Knisley will need to be provided with copies of both the Master Plan and the Zoning Ordinance Book. Chairman Fleming stated that he will check with the Township Clerk regarding same.

10. Public Comment: none

11. Closing comments and adjournment –

- a. Campbell asked if the Minutes from the Special Joint Training Meeting held in February, 2015 were ever reviewed. Chairman Fleming stated that he believes the Township Clerk took those Minutes and he will check with her regarding same.
- b. Campbell stated that Chairman Fleming did a great job tonight and that he likes the timing for each subject being placed on the Agenda, but that some hot topics may take more time and that breaking off that topic because of a time limit is not always a good idea. Graff suggested that if a topic is taking longer than the permitted time, the Chairman could ask the Commissioners if they would like to proceed with that topic and maybe defer other items on the Agenda. Macyauski stated that he believes we should stick to the Agenda because sometimes the public may not want to sit through a long meeting in order to speak. Graff stated that at the Township Board Meetings, they ask for public comment at both the beginning and the end of each meeting.
- c. Graff stated that she is considering attending a Hot Topics Workshop that is being held in Kalamazoo, Michigan on August 12, 2015. Topics to be discussed are: 1. Ensure your township's zoning ordinance is prepared to address the changes looming over Michigan's Medical Marijuana Act 2. Examine zoning and building code enforcement methods, techniques and strategies 3. Identify ordinance inequities impacting townships with wind farms and avoid the potential of turbulence blowing into your neighborhood 4. Learn practical approaches to aspects of oil and gas or gravel extraction that townships can regulate or negotiate and 5. Get an update of GAAMPS revisions and how they impact a township's ability to regulate agricultural uses in the residential areas. If anyone else would like to attend this Workshop, they should contact Graff.
- d. Macyauski stated that Chairman Fleming did a good job running tonight's meeting.
- e. Chairman Fleming thanked the Commissioners for their patience while he transitions into the Chairman position.
- f. Chairman Fleming asked the Commissioners how much should the Commissioners handle over e-mails (i.e.: making additions to the Agenda). Macyauski stated that there are rules regarding e-mails and that if any e-mails are sent, they should be made part of the Minutes for that month. Macyauski suggested that the Commissioners don't send e-mails, but rather make notes and bring them to the meetings.

- g. Motion to adjourn by Graff, 2nd by Macyauski. All in favor, MSC. Meeting adjourned at 815 pm

Minutes prepared by Susan West, Recording Secretary

Next Meeting: Regular Meeting on August 3, 2015 at 7:00 pm