

Clearwater Township
Planning Commission
Regular Meeting of December 4, 2017
As approved January 15, 2018

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:01 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers, Eldridge, Fields, Parzych, Von See.
Public: Jule Moore, Greg Payne, Carol Backers.

Approval of Agenda:

Amend the agenda to include a report from Commissioner Backers, on the M-72 corridor. This item will be under Old Business.

MOTION by Backers, second by Von See, to accept the agenda as amended. Motion carried.

Call for Disclosure of Conflicts of Interests:

All commissioners declared no conflict of interests with any items on the agenda.

Approval of Minutes:

MOTION by Backers, second by Von See, to accept the minutes of November 6, 2017, as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

Carol Backers – has questions about items on her property tax bill. Chair Parzych referred her to the assessor, Dawn Kuhns.

Greg Payne – expressed concern that his neighbor’s property, which consists of two tax parcels, and has a house on one parcel and a pole barn on the other, might in the future be split for sale leaving a residential lot with only a pole barn on it. He wanted to know whether that would be permitted. Chair Parzych stated that the land division act would prevent that future separation.

In the discussion, both Clerk Eldridge and Secretary Fields acknowledged they would like to know more about the land division act and will be watching for the next available “Tax Assessor 101” course in order to become better informed.

Comments from Commissioners for Matters Not on the Agenda:

Commissioner Backers – brought to the attention of the gathering, Senate Bill 97, which he stated would provide taxing and eminent domain authority to certain private corporations and other “authorized” entities. This would pose a grave threat to the constitutional protections of our state and federal constitutions, and represent an abdication of the legislature’s

responsibility to the citizens of the state. It was agreed that we should look up that bill and become familiar with it so that we could provide informed feedback to our legislators.

Secretary Fields – asked whether the expiring terms of Commissioners Backers and Von See had been renewed by the Township Board. Clerk Eldridge stated that would be addressed in her report.

Ongoing Permanent Business:

The review of language for waterfront setbacks is postponed until the January 2018 meeting.

Old Business:

Commissioner Backers – has compiled the several concerns that were raised when the Planning Commission sent out a letter to survey landowners along the M-72 corridor with regard to potential rezoning from Agricultural and Recreational to Commercial-Light-Industry. He wishes to draft a new letter explaining the findings and the continuing research.

During discussion, Chair Parzych raised the point that during the period that Dave Grimm was Supervisor, the Township Board adopted a resolution stating that no further commercial development would be done along that corridor unless under a special use permit.

It was also stated that upon transfer of ownership, any existing special use permit became void and the new owner would have to reapply.

Chair Parzych recommended to Commissioner Backers that he inquire of the Township Board whether to continue the project of drafting a letter that would respond to the concerns raised by the landowners in that corridor.

[Post-meeting note – Here is what the Zoning Ordinance says about the validity of a special use permit upon transfer of ownership:

24.05 PERMIT VALIDITY

A. SPECIAL USE PERMIT VALID WITH CHANGE IN OWNERSHIP

Approval of a Special Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.]

Report of Township Representative:

Clerk Eldridge – reported that Guy Molby is no longer the Zoning Administrator, and that Adam Parzych has been appointed Acting Zoning Administrator. Clerk Eldridge will administer the oath of office to him at the end of this meeting.

Posting for the Job will begin immediately; it will appear in the three local papers (Elk Rapids News, Kalkaska Review, and Northwest Michigan Voice).

For Acting Zoning Administrator Parzych to be eligible to hold the permanent position of Zoning Administrator, either he will have to resign from the Planning Commission, or the controlling language in the Zoning Ordinance (Section 25.01) will have to be amended. Consideration of such amendment will be on the agenda for the January 2018 meeting of the Planning Commission.

[Note – Here is the current language controlling eligibility:

25.01 ZONING ADMINISTRATOR: APPOINTMENT

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board; provided that the Zoning Administrator shall not be a member of the Township Board, the Planning Commission nor the Zoning Board of Appeals. He shall perform such duties as the Township Board may prescribe in addition to any duties of this Ordinance.]

The Township Board passed and published a resolution to opt out of permitting any Medical Marijuana Facilities within the township.

The Township Board did reappoint Commissioners Von See and Backers to new three-year terms. Clerk Eldridge will administer the oath of office to both commissioners at the end of this meeting.

There will be a public hearing at a special meeting of the Township Board, January 17, 2018, at 6:30 p.m., before the regular Township Board meeting, to consider closing the Glade Valley Bridge to vehicular traffic, and making it a footpath bridge only.

The Township Board is considering reinstating fees for land use permits. The rationale is that there’s a need to put “some teeth” into the law, because some people fail to get the permit. There is a sense that nothing can be done about that failure. However, the Zoning Ordinance states that the Township Board has the discretion to administer penalties for such failure.

[Note – here is the language regarding penalty for failing to obtain a land use permit:

32.03 FAILURE TO OBTAIN A LAND USE PERMIT – PENALTIES

Any person or entity who fails to obtain a land use permit shall be liable for penalties at the discretion of the Township Board.]

There was further discussion concerning the need for additional revenue to the township. The commissioners raised up the matter of vacating the unopened alleyways and streets in the village center to make the properties located there available for purchase and development. Clerk Eldridge had been unaware of the alleyways matter and plans to look into it.

There has been no progress on plans to renovate the township hall, because of greater than anticipated contractor expenses, in evaluating the Fire Department EMS housing needs.

Report of Zoning Administrator

Acting Zoning Administrator Parzych – explained that there is no report for November at this time. The next report will be distributed at the January meeting.

New Business

Election of officers for 2018 – the currently serving officers were queried as to their willingness to serve again. All responded in the affirmative.

MOTION by Backers, second by Von See, to maintain the incumbent officers (Chair – Adam Parzych, Vice Chair – Tom Backers, Secretary – Tina Fields), each person having indicated willingness to serve. Motion carried.

Establishment of meeting dates for 2018 – meeting dates are already published through March 2018. The commissioners agreed on the following dates for January 2018 through March 2019:

January 8, 2018	February 5, 2018	March 5, 2018
April 2, 2018	May 7, 2018	June 4, 2018
July 9, 2018	August 6, 2018	September 10, 2018
October 1, 2018	November 5, 2018	December 3, 2018
January 7, 2019	February 4, 2019	March 4, 2019

Closing Public Comment:

There was no public comment on the proceedings of this meeting.

Adjournment:

MOTION by Von See, second by Backers, to adjourn. Adjournment at 8:01 p.m.

Assignments:

- Items for the January agenda: waterfront setback language, Zoning Administrator eligibility language (Section 25.01), land use permit fees, budget work.
- Fields to convey to the Township Board the actions taken by the Planning Commission.

Next Meeting: January 8, 2018

Respectfully submitted,



Tina Norris Fields
Secretary