

Clearwater Township
Planning Commission
Regular Meeting of August 6, 2018
As approved September 10, 2018

Call to Order, Pledge of Allegiance:

Chair Backers called the meeting to order at 7:08 p.m., and opened with the Pledge of Allegiance.

Roll Call of Members and Recognition of Visitors:

Commissioners present: Backers, Casassa, Eldridge, Fields, Von See.

Township officials: Zoning Administrator Parzych

Public: Karyl & Jan Mangus, James Lindner, Brian Kroll, John & Sherry Boucher, Karen & James Stanton

Approval of Agenda:

Add a Correspondence section before Ongoing Business.

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

Call for Disclosure of Conflicts of Interests:

Chair calls for commissioners to disclose any real or potential conflicts of interests. All commissioners declared none.

Approval of Minutes:

MOTION by Casassa, second by Von See, to accept the minutes of the meeting of July 9, 2018 as presented. Motion carried.

Public Comment for Matters Not on the Agenda:

James Linder – stated that it was his understanding that the agenda of the meeting had to be posted “x number of hours” prior to the meeting. Secretary Fields and Clerk Eldridge explained that there is no such requirement, that, as a courtesy, the official bodies of the township try to post the proposed agenda ahead of time. Clerk Eldridge further explained that neither she nor her deputy generates the agenda for the planning commission, and can post that agenda only after receiving it from the planning commission.

Brian Kroll – demanded to know how to make it a legal requirement that public meeting agendas be posted some specific amount of time prior to the meeting.

Clerk Eldridge – reiterated that the law does not require advance posting of the agenda, but only the time, date, and place of the meetings.

Zoning Administrator Parzych – commented that Clearwater Township abides by the state law regarding public meetings. He further opined that people who do want to know what is going on in the township come to the meetings.

There was discussion concerning possible modification of the by-laws of the planning commission to require advance posting of the agenda, which led to the question of where to find the by-laws. Clerk Eldridge pointed out that the by-laws are posted on the township website.

Commissioner Casassa – commented that the agendas usually are posted in ample time for the public to review before the meetings. She checks on them herself in order to prepare for meetings, and they are usually there on the website.

Further comment included the demand to know how a township the size of Clearwater can have so many meetings. Clerk Eldridge responded by enumerating the regular meetings of the township board, the planning commission, and the zoning board of appeals, and the legal requirements for holding those meetings, as well as the procedures for posting all of that information for the public a year in advance. On the matter of special or extra meetings, she detailed what might occasion those meetings and how the public is advised of them.

The next challenge from the public was why our public meetings have “such a large agenda.”

John Boucher – asked for clarification “This is the planning commission? And what I, and I think these people are used to, is – what do you call that other thing – the township board. So, this is not a township board meeting?”

After being advised that this was, indeed, a planning commission meeting, and not a township board meeting, he asked whether we were residents of the township, what our powers are, and whether we were elected. We explained that Clerk Eldridge was elected, and designated by the township board as its representative to the planning commission. All other members of the commission were duly appointed by the elected board. We further explained that we are an advisory body to the township board.

Commissioner Comment for Matters Not on the Agenda:

There were no commissioner comments.

Correspondence

Items of correspondence included in our packets, were:

- 1) Copies of different ordinances from other townships that may assist the commission in its task to respond to the request from the board to work on ways to control noise within the township.
- 2) Letter from township attorney, Bryan Graham, concerning recent court decisions and changes in the laws dealing with medical marijuana – there may be an impact on our zoning ordinance.
- 3) Notice of a 3-day seminar in Grand Rapids, beginning September 18, focused on planning commission issues. Price for the full seminar is \$375 per person.
- 4) Notice of a workshop in Gaylord on the Assessing Reform proposal, presented by the MTA – appropriate for our assessor and treasurer to attend.

Commissioners are to take the reference material under consideration and be prepared to discuss at the September meeting.

Ongoing Permanent Business:

- 1) Alleyways committee – Chair Backers read his draft letter to property owners seeking volunteers for a committee to resolve this issue by researching grant applications through the state and through HUD that might pay some or all of the legal expenses and some or all of the survey expenses and some or all of the transfer of title. For the benefit of the public in attendance, Chair Backers reviewed the history of the matter.

MOTION by Fields, second by Casassa, to forward to the township board for consideration, the draft letter to property owners whose properties are adjacent to the unopened alleyways in the village center. Motion carried: 5 yes, 1 abstain

- 2) Statement on property rights – Chair Backers invited discussion on his proposal to craft a statement on property rights to be included in the master plan and in the zoning ordinance. He read the 1971 opinion by Washington State Supreme Court Judge Richard B. Sanders, regarding the definition of property. Discussion ensued, but did not result in a definitive finding on the part of the commission. Opinions diverged and the topic is postponed until such time as the members of the commission and the members of the public who are offering input to the review of the master plan, have had more opportunity to review the matter and frame up their thoughts.

Old Business:

None, at this time.

Report of Township Representative:

Report from Clerk Eldridge – the public brought strong concerns about noise in the township. The board has instructed the planning commission to work on a noise abatement tool for the township to enact. Among the questions raised by the public were whether the number of boats and docks per property could be limited, and whether pontoon rentals out of a residence was legal.

The annual audit will be August 13 and 14. There is a primary election August 7. The gym floor will be being refinished from August 22 through September 3.

Report of ZBA Representative:

Report from Commissioner Fields – The ZBA met on July 17, and heard a setback variance request Leon Hank, whose residence is on Crystal Beach Road, next door to the Consumers Energy power station. He sought to build a garage encroaching on the setback, as a buffer between his family’s home and the sound and radiation of the power station. The ZBA was not unanimous in its findings, but the majority held that the standards were met for approval of the variance. There were no objections from Consumers Energy or other neighbors.

Report of Zoning Administrator:

Report from Zoning Administrator Parzych – the reports for June and July 2019 were distributed in our packets and are hereby incorporated into the record by reference, and copies of which

are attached to the permanent copy of these minutes as [Att A]. Parzych reports that he has 9 more complaints in his folder to investigate.

New Business

Traverse and Kalkaska Village Assembling information on other noise ordinances – do we need a separate ordinance on noise control, or should we put a noise control section in the existing police power nuisance ordinance. We look at what other success have been obtained.

Closing Public Comment:

People comment on the proceedings.

Adjournment:

MOTION by Von See, second by Fields, to adjourn. Adjournment at 8:12.

Assignments:

- Add noise ordinance consideration to the September agenda under New Business.
- Add mass gathering ordinance information gathering and study to the September agenda, under Ongoing Permanent Business.

Next Meeting: September 10, 2018

Respectfully submitted,



Tina Norris Fields
Secretary

Clearwater Township Zoning Administration Monthly Report

Month/Year JUNE.

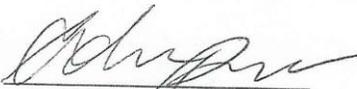
7 Land Use Permits Issued
4 Garages, Sheds
 _____ Residences
 _____ Residences w/Attached Garage
2 Pole Barns
 _____ Resident Additions
 _____ Decks, Porches, etc.
1 Miscellaneous, Other Buildings

20 Field Checks
 _____ Attorney Contacts
1 Planning Commission Meetings
1 ZBA Meetings and/or Township Board Meetings
 _____ Contacts with Public, Home or Land Owners
 _____ Training Sessions

Zoning Violations

2 Zoning Violations closed this month
2 Open Zoning Violations as of this month
1 New Zoning Violations opened this month
1 Zoning Violations under investigation
0 30 Day Notices Sent or in this status
0 60 Day Notices Sent or in this status
0 90 Day Notices Sent or in this status
1 Turned over to Attorney

Date: 6-30-18

Signature: 
Zoning Administrator

Clearwater Township Zoning Administration Monthly Report

Month/Year July 2018

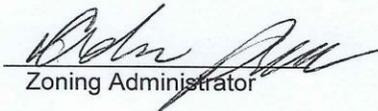
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1 Miscellaneous, Other Buildings

8 Field Checks
4 Attorney Contacts
1 Planning Commission Meetings
0 ZBA Meetings and/or Township Board Meetings
21 Contacts with Public, Home or Land Owners
0 Training Sessions

Zoning Violations

7 Zoning Violations closed this month
9 Open Zoning Violations as of this month
7 New Zoning Violations opened this month
7 Zoning Violations under investigation
 _____ 30 Day Notices Sent or in this status
 _____ 60 Day Notices Sent or in this status
 _____ 90 Day Notices Sent or in this status
1 Turned over to Attorney

Date: July 31

Signature: 
Zoning Administrator