

Clearwater Township
Planning Commission
Regular Meeting of May 2, 2016
As approved June 6, 2016

Call to Order, Pledge of Allegiance:

Chair Parzych called the meeting to order at 7:06 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.

Township officials: Zoning Administrator Molby

Public: Norm Neuenschwander, Giannine Casassa, Rebecca Norris

Approval of Agenda:

Motion by Parzych, second by Von See, to accept the agenda as presented. Motion carried.

Call for Disclosure of Conflicts of Interests:

Chair calls for commissioners to disclose any real or potential conflicts of interests. None.

Approval of Minutes:

Motion by Parzych, second by Eldridge, to accept the minutes of the meeting of April 4, 2016 as presented. Motion carried.

Public Comment for Matters Not on the Agenda: None.

Commissioner Comment for Matters Not on the Agenda: None.

Ongoing Permanent Business:

Capital Improvements Plan At the February 24 workshop attended by Backers, Parzych, and Fields, we learned that the Capital Improvements Plan, in addition to and as part of the Master Plan, constitute the foundation for the Zoning Ordinance. To our knowledge at that time, there was no such plan in Clearwater Township, and there certainly was none as part of the Master Plan. Since then, Chair Parzych has learned that there is a Capital Plan in place for the Fire Department. It turns out that there is similar work going forward within the township, essentially within the budget process. What is needed is to incorporate those plans into the township's Master Plan, and for the Planning Commission and Township Board to collaborate to insure that an appropriate Capital Improvements Plan gets incorporated into the Master Plan. The Planning Commission will share the materials received from that workshop, with the Township Board.

Old Business:

Sandbar issues Chair Parzych opened this topic up to discussion with the members of the public present, who were members of the township-appointed Sandbar Task Force. Giannine Casassa asked what the planning commission has learned regarding the matters surrounding the community's concerns over the summer holiday situation at the sandbar, and the potential solutions.

Chair Parzych related the information received from Township Attorney Bryan Graham at a special meeting on Wednesday, April 27, 2016. According to Attorney Graham, a mass-gathering ordinance will not be effective because a mass-gathering is defined as an organized outdoor event of a certain size, presumably within a specific venue having a boundary that can be enforced. He maintained that the sandbar situation is an *ad hoc* gathering of the public. Following attorney Graham's presentation, the township board withdrew its earlier request of the planning commission to craft a mass-gathering ordinance and/or consider amending Ordinance 20.

During the discussion, Norm Neuenschwander stated his rationale for supporting a mass-gathering ordinance: it would require organizers to submit the necessary permits to get approval, including an estimate of the cost of security and facilities. It is the up-front requirement for permits and fees, as well as the acknowledgement of responsibility that would act as a deterrent. In the view of the task force members, the sandbar party is an organized event because of the deliberate invitation issued to the public by the promoters.

Neuenschwander further stated that because of the inaction of the township, the Torch Lake Protection Alliance filed suit for an injunction against the promoters. The suit is pending. However, the threat of injunction appears to have made one defendant back out.

It was recognized by all present that the fundamental issue is enforcement of the existing laws. The behaviors that are objectionable to the community are already illegal. The Sheriff has already said he will enforce the laws to the extent he can with the available manpower. The available manpower, by comparison to the size of the crowd, is inadequate.

Zoning Administrator Molby related how the Castle Farms events were managed; the inside facilities were provided by the organizers; the law enforcement officers of the three surrounding counties checked those leaving the event. It seems unlikely that we could have the enforcement staff of our county and neighboring counties to assist us over the July 4 holiday, because they have their own holiday issues to manage.

Attorney Graham recommended that the township first talk with the Sheriff and learn what regulations the Sheriff will enforce (get a list of the state regulations currently being enforced). Then consider what the costs will be, and how to pay them.

Report of Township Representative:

Trustee and Clerk Eldridge reported that the township board wants the Zoning Ordinance to define what can and cannot be granted as variance within the fifty-foot setback from the water's edge. The question is raised by the Umlor case. Other townships have such provisions, to allow such things as walkways out to a dock, and

the township board intends to research those provisions. The question of permissible impermeable coverage percentage was raised.

Amendment 5 to the Zoning Ordinance, concerning consistent regulation of signs according to form rather than content of message, was passed by the township board.

The ballot language for the road millage has been submitted.

Report of Zoning Administrator:

Zoning Administrator Molby distributed his report for April, which report is hereby incorporated into the record by reference, and a copy of which is attached to the permanent copy of these minutes as [Att A].

New Business

There was none.

Closing Public Comment:

Rebecca Norris commented that the health challenges related to gathering on the sandbar have not been overlooked; last summer the Three Lakes Association sampled the water for *E. coli* as measure of fecal contamination “because of the holiday weekend, the samples had to be held past standard lab times, which makes the findings not officially reliable. Recently learned of a product that will allow us to do reasonable study even without lab. We also have an inquiry in to MSU for DNA study.

Adjournment:

Motion by Backers, second by Parzych, to adjourn. Adjournment at 8:05 pm.

Next Meeting: June 6, 2016

Respectfully submitted,

Tina Norris Fields
Secretary