

**PLANNING COMMISSION
REGULAR MEETING**

January 11, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Nate Beery
Judy Wright

MEMBERS ABSENT:

Barb Hampton
John Kane

Also in attendance: Katie Murray.

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Judy Wright, second by Kathy Noel, to approve the agenda. Motion carried.

MOTION #2: by Kathy Noel, second by Nate Beery, to accept minutes of December 14th 2020.
Motion carried.

CHAIRMAN'S REMARKS:

Chairman Brood thanked Katie Murray for her work in typing up the new ordinances and issuing corrections where necessary.

NEW BUSINESS:

OLD BUSINESS:

Ordinances: Chairman Brood went over some of the changes in the ordinances as previously discussed by himself and Kathy Noel. The largest change is the update to publishing guidelines in order to add references to social media.

The new ordinance will need to be approved and a public hearing scheduled before taking it before the board. Article 22's replacement and the new repeal will be taken care of at that time.

Kathy Noel raised the question of whether the zoning map would need to be reaffirmed. After discussion, it was determined that the zoning map was included in the master plan, and would not need to be included in this ordinance.

The public hearing will be scheduled for the next meeting on February 8th, with notice posted on January 25th.

MOTION #3: by Kathy Noel, second by Judy Wright, to accept the new ordinance. Motion carried.

January 11, 2021

Page 2

Meeting adjourned at 7:20 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING & PUBLIC HEARING ON ORDINANCE 1.100**

February 8, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Nate Beery
Judy Wright
Barb Hampton

MEMBERS ABSENT:

John Kane

Also in attendance: Katie Murray.

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Judy Wright, second by Kathy Noel, to approve the agenda with the addition of planning which ordinances should be updated next. Motion carried.

MOTION #2: by Nate Beery, second by Kathy Noel, to accept minutes of January 11th 2021. Motion carried.

PUBLIC HEARING OPENS: 6:35 PM

CHAIRMAN'S REMARKS:

NEW BUSINESS:

OLD BUSINESS:

Ordinance 1.100: No members of the public came to the hearing to offer comment on the updated ordinance.

PUBLIC HEARING CLOSES: 7:00 PM

MOTION #3: by Kathy Noel, second by Judy Wright, to approve the new ordinance. Motion carried.

The ordinance will next be brought before the Township Board for approval.

Updating Ordinances: Old ordinances were gone through to consider which would need updating next, as well as which would need to be updated at all. While some ordinances have already been looked at for minor updates, none of these changes have been made official. Ordinances that had not been updated in over 20 years were determined to be the priority.

Ordinances 1.101, 1.102, 1.103, 1.104, and 1.105 will need minor updates to correct mistakes as

well as update language—for instance, the name of the golf course is no longer Kincheloe Memorial Golf Course, and is now The Oaks at Kincheloe.

Ordinance 1.110, particularly Section 5, requires updating to prohibit burning of construction materials.

Ordinance 1.112 and 1.114 will require thorough review as they become more relevant in the context of short-term rentals.

Ordinance 1.115 will also require an in-depth review.

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

March 8, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Nate Beery
Judy Wright
Barb Hampton
John Kane

MEMBERS ABSENT:

Also in attendance: Katie Murray.

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by John Kane to approve the agenda with the addition of William Cassissi as new business, seconded by Judy Wright. Motion carried.

MOTION #2: by Kathy Noel, second by Nate Beery, to accept minutes of February 8th 2021. Motion carried.

NEW BUSINESS:

Second Last Chance: William Cassissi brought before the board his business plan for a sports program in Kincheloe for troubled youth and recovering addicts. Cassissi is not currently asking for anything from the Township. As he lacks prior experience in starting a business, he came to the planning meeting first to ask for input on where he should get started in terms of finding office locations, places to create sports fields, etc.

Kathy Noel suggested he speak to the Recreation Committee about leasing a room in the Rec Center to act as an office while he gets his operation off the ground.

John Kane suggested speaking to Herman Calkins about lots of land that would be usable for creating baseball diamonds or other fields.

Barbara Hampton suggested that Cassissi come up with a more detailed plan, which includes both delineations of responsibility as well as clarity on what he's looking for from the Township itself.

CHAIRMAN'S REMARKS:

With Ordinance 1.101 finally completed and approved, the Planning Commission is free to move on to other ordinances.

OLD BUSINESS:

Ordinances: The first ordinance to be looked at was Ordinance 3, the Kinross Township Liquor Control Ordinance adopted in 1960. There are various grammatical adjustments that can be made to this ordinance.

John Kane raises the issue that this ordinance may not actually be necessary, as it seems that everything included in the ordinance is already covered by state law. Closer examination suggests that there may have been a prior version of the ordinance, and this may only have been adopted as the Township did not yet have a police department.

Joe Micolo, Chief of the Kinross Police Department, was brought in to consult on the matter, having more familiarity with enforcement of the law. He informed the commission that he typically defers to state law when it comes to enforcement, but agrees that the ordinance could still have value for matters specific to Kinross Township.

It was determined that there would need to be further consultation of the Michigan Liquor Control Act before any decisions could be made regarding the necessity of this ordinance.

Ordinance 1.104 needs to have an effective date, but otherwise does not seem to require modification.

Ordinance 1.105 is also missing an effective date, and should have the dollar value of the fine included for ease of enforcement. Commissioners were unclear as to whether this ordinance is actually enforced, and determined that they would need to consult with Joe Micolo again at a later date.

Meeting adjourned at 7:45 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
ORDINANCE WORKSHOP**

April 12 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Barb Hampton

MEMBERS ABSENT:

Nate Beery
Judy Wright
John Kane

Also in attendance: Katie Murray.

Chairman Brood called the meeting to order at 6:30 PM. Without enough members present to form a quorum, members present agreed to an impromptu workshop considering changes to various ordinances.

OLD BUSINESS:

Ordinances: Ordinance 1.107 was reviewed in 2018 and does not currently require changes.

Ordinance 1.109 was updated within the last seven years. Members were unclear as to whether it had been approved by the board. Later consultation found that the updated ordinance had been approved.

Ordinance 1.110 has changes noted in section 5. Consideration was made of the use of the word ‘non-putrescible’ in definition 2.4, and whether it should be eliminated. The ordinance also lacks an effective date. Aside from this, no other changes are necessary.

Ordinance 1.111 also lacks an effective date. It was unclear if ‘any private lot or premises’ accounts for people misbehaving on their own publicly-viewable private property, such as front lawns.

Section 7 was believed to refer to individuals getting in the way of law enforcement or safety officers acting in emergency situations. The phrase ‘knowingly loitering or interfering in a law enforcement action or emergency situation’ was determined to have more clarity.

The use of ‘misdemeanor’ was determined to be removable.

As none of the proposed changes could be finalized without a quorum, it was agreed to present them at the next regular meeting for discussion and approval.

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

May 10, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Barb Hampton
John Kane

MEMBERS ABSENT:

Nate Beery
Judy Wright

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Kathy Noel to approve the agenda, seconded by John Kane. Motion carried.

MOTION #2: by John Kane, second by Barb Hampton, to accept minutes of March 8th 2021.
Motion carried.

NEW BUSINESS:

Re-Election of Members: Kathy Noel and Barb Hampton were re-elected to their positions on the planning commission.

OLD BUSINESS:

Ordinances: Ordinance 1.112 needs an indentation for Section 2.

Ordinance 1.114 needs updates to sections 1.3 and 2.1, as well as an update to the date.

Ordinance 1.115 needs formatting adjustments on the second page, as well as changes to section numbers.

Ordinance 1.116 was not reviewed.

Ordinance 1.121 was examined, but reviews stopped at Section 4 when it appeared that the ordinance would require more changes than anticipated.

Meeting adjourned at 7:45 PM.

John Kane, Secretary

Minutes taken by Kathy Noel and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

July 12, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Barb Hampton
Judy Wright
Nate Beery

MEMBERS ABSENT:

John Kane

Also present: Katie Murray, Juanita Somerville, Snow Brueggeman

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Kathy Noel to approve the agenda with the amendment that the Tattoo Parlor be moved to first item, seconded by John Kane. Motion carried.

MOTION #2: by John Kane, second by Barb Hampton, to accept minutes of May 10th 2021 with the amendment to the portion on Election of Officers. Motion carried.

CHAIRMAN'S COMMENTS: Arthur Brood reviewed the rules and procedures for members of the public who wish to have their voices heard at the meeting.

NEW BUSINESS:

Tattoo Parlor: Snow and his mother Juanita have been looking for a space to open a tattoo parlor, and are interested in the former Pipes & Piling location. They believe their business would do well, offering both traditional tattoos and permanent makeup as well as spa-style treatments otherwise locally unavailable. Eventually they hope to help create jobs in the community. While they have approval for other locations, they believe that this one would be more professional and allow for further expansion. They have been made aware that it may not be zoned correctly for commercial activity, but were hopeful that steps could be taken to allow them to use the space.

Investigation by the Planning Committee found that the location was zoned for light industrial usage. Double-checking the acceptable usage for light industrial zoning, no usage or special use case applications applied to a commercial service enterprise like a tattoo parlor.

Snow and Juanita expressed their hope that the property could be re-zoned, but it was explained to them that this would constitute spot-zoning, which they could not do. Furthermore, any paperwork they could do in order to appeal would only apply if they met the criteria for a special use case application.

The Planning Committee advised seeking out other properties in the area zoned for commercial use, and provided several leads that could be useful for finding space. As long as the matter of finding a properly-zoned location could be settled, no issue with their business plan was foreseen.

Care By Design: Representatives of Care By Design did not make an appearance at this meeting, and so the discussion was tabled.

Ordinance Enforcement Ticket Book: The idea and overall design of the ticket book was agreed to be sound. However, Arthur and Barbara both raised the issue of the fact that there was no space for comments. It was agreed that a line or space would be necessary, particularly for the 'Other' category of infractions, in order to provide offenders with an explanation of what they had done wrong.

MOTION #3: by Judy Wright, second by Kathy Noel, to accept the design of the ticket book with the addition of a comment space for 'Other'. Motion carried.

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

September 13, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Judy Wright

MEMBERS ABSENT:

John Kane
Barb Hampton
Nate Beery

Also present: Katie Murray, Trevor Medema, Richard Hogg, Amy Gillespie, Chad Bottomley, Magan Zambron, and Joan Reed.

Chairman Brood called the meeting to order at 6:30 PM.

With only three members of the commission present, there was no quorum. Since no action could be taken in any official capacity, the meeting continued as a discussion with members of the community present.

CHAIRMAN'S COMMENTS: Arthur Brood reviewed the rules and procedures for members of the public who wish to have their voices heard at the meeting.

NEW BUSINESS:

Care By Design: Richard Hogg apologized for Care By Design failing to appear at a prior meeting, as they had not realized they were on the agenda.

Care By Design would like to expand their business by growing, but not selling, marihuana according to legal guidelines. While aware of the current ordinances, they wanted to inquire after the possibility of getting some kind of variance with the approval of adjacent property owners.

Arthur Brood raised concerns about Care By Design failing to act in good faith during prior interactions, citing prior minutes. The planning commission was under the impression that Care By Design would not be appearing before them again regarding the topic of marihuana. Any variance that could be issued to allow this activity would constitute spot zoning, which is frowned upon by the state of Michigan.

Magan Zambron expressed dissatisfaction with current ordinances impeding local businesses, particularly when individuals are free to grow marihuana privately without generating additional tax revenue. She was concerned that the planning commission was allowing personal feelings regarding this business to impact their decision-making.

Trevor Medema asserted that prior minutes should not be relevant to the current discussion, however, Arthur Brood felt that they established a relevant precedent for interactions.

Amy Gillespie inquired as to why the township had chosen to opt out of recreational marihuana facilities. Arthur Brood explained that due to issues with drugs in the community, they felt it was in the best interests of the community not to allow such facilities. It was agreed by both that

future discussions on this issue were unlikely to be fruitful.

Arthur Brood further clarified that the issue at hand was primarily one of spot zoning. While local ordinances do not prohibit medical marihuana growth by caregivers, because they cannot supersede state law, the ordinance regarding recreational marihuana facilities still stands. A ‘variance’ that would allow a single business to operate in defiance of that ordinance would fall under the category of spot zoning, even if it is not an issue of how the location is zoned.

Joan Reed: She came to bring information regarding a former training center in Kincheloe that the new owner plans to turn into an in-house storage facility. The property is commercially zoned, and so no issues are foreseen based on current information.

Meeting adjourned at 7:00 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

October 11, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Judy Wright
John Kane
Barb Hampton

MEMBERS ABSENT:

Nate Beery

Also present: Katie Murray

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by Kathy Noel to approve the agenda with the amendment that the ordinance is 1.121 and ‘property purchase’ should be changed to ‘property development’.
Seconded by Judy Wright. Motion carried.

MOTION #2: by Kathy Noel, second by Judy Wright, to accept minutes of September 13th, 2021 as well as July 12th, 2021. Motion carried.

NEW BUSINESS:

JohnOliver Goiser Property Development: While Joan Reed was not present, her information presented was discussed. They would like to develop the property for storage, all of which will be inside of the building. Nothing about the building will be changed.

MOTION #3: by Barb Hampton, second by John Kane, to approve the request to move forward with development. Motion carried.

OLD BUSINESS:

Ticket Book: The fine amounts listed in the ticket book do not match the amounts in Ordinance 1.132. The wording also fails to conform to the ordinance.

Ordinance 1.132 was last updated October of 2019, with certain fine amounts determined by the Fireworks Safety Act and the State of Michigan. However, the modified amounts in this ordinance were never approved by the board. This presents an issue, as the existing amounts listed in the ordinance are considered by members of the board to be too low.

Nothing in the ordinance mentions a 7-day time limit, and so the column for such ought to be removed entirely. Instead, the columns should represent first, second, and all subsequent offenses. These would be fined at \$100, \$250, and \$500, respectively.

Any infraction specifically listed in the ordinance will need its own row, including fireworks.

The title at the head of each ticket should be changed to read, “Kinross Charter Township Civil Infraction Ordinance Violation Notice”. The notice about district court is inaccurate and should

be removed.

The ticket should have specific spaces to note the exact violation and cost, as well as the name and address of the individual in violation. The space for 'registration' ought to be replaced with a space for the address.

Section 6G of the ordinance suggests that not every aspect of the ordinance must be represented on the citation. However, board members have concerns about whether this ticket book would represent a "municipal civil infraction citation", or a "municipal civil infraction violation notice". Investigation of the ordinance confirms that Section 2G provides for a notice, which this would constitute. A citation would give details about a necessary court appearance, which this does not require.

The ordinance requires rephrasing, because it mentions a bureau which does not exist in Kinross Charter Township. This should be replaced with 'administrative office', for accuracy. However, section 2F presents even more issues.

A typo on the ticket, "Mannor" instead of "Manner", requires correction.

Section 6 of Ordinance 1.132 will need to be addressed at the next meeting.

MOTION #4: by Kathy Noel, second by John Kane, to send the amended ticket to the board for review. Motion carried.

Review of Ordinance 1.121: The words "a municipal corporation" should be removed.

Arthur Brood presents the question: under A, should tractor trailers be removed, or shipping containers added? Could a number be added to specify exclusions? However, these things are only an issue when visible from the road. It's agreed that the ordinance should allow for "storage units, shipping containers, and enclosed trailers used for storage provided the same are not located in front or side yards of the residence."

As the meeting is running long, the rest of the ordinance will need to be addressed at the next meeting.

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

December 13, 2021

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Barb Hampton

MEMBERS ABSENT:

Nate Beery
Judy Wright
John Kane

Also present: Katie Murray

Chairman Brood called the meeting to order at 6:30 PM.

With only three members of the commission present, there was no quorum. Since no action could be taken in any official capacity, the meeting was instead used as a workshop for ordinance review.

NEW BUSINESS:

Budget Worksheet: Because it does not require a vote, the budget worksheet for the next fiscal year can still be filled out. Members of the committee agreed that, aside from adding another member to the committee in the following year, it should be acceptable for the budget to remain the same. Members present recommend adoption of the proposed budget.

OLD BUSINESS:

Ticket Book and Ordinance 1.132: At Section 2, definition G of ordinance 1.132, it appears that a notice is issued before a citation. The question is raised as to whether there is any actual authority to send violators to court, however, the ticket provides for seven days to pay before being subject to court action. This seems to be well within the bounds of acceptable use of authority.

Under Section 3, items A and B should be swapped, and the use of 'bureau' should be replaced with 'administrative office'.

Under Section 4, the term 'reasonable time' lacks specificity. The time frame is one that ought to be determined by the district court. While the ticket says 'seven days', this time is not mentioned in the ordinance.

For versatility, it should be possible to add a checkbox to the ticket in order to signify whether it is intended as a notice or a citation. Instances of the word 'citation' can be replaced with 'notice/citation'.

A line should be added to the list of violations and fees for 'warning', in order to make it clear that no fine has been levied and no money is owed in these instances. A signature line should be added to the current whitespace along with a space for a date.

The ticket book should create tickets in triplicate for record-keeping purposes, and to be certain all relevant parties are able to receive a copy.

Section 4, item F of the ordinance has a formatting issue but is otherwise fine.

Section 3 could include an allowance for skipping the notice and going directly to issuance of a citation. Section 6 item C specifies that nothing in the ordinance prevents issuing a citation, and therefore going directly to a citation without prior notice ought to be allowable. However, it would be best to consult Police Chief Joe Micolo in this matter, as he is more familiar with the law and what would be useful in issuing notices and citations of this type.

The proposed prototype of the ticket should be presented to both the police chief and the zoning administrator in order to solicit feedback.

For Section 4 item G, photocopies should be acceptable to meet that requirement.

Meeting adjourned at 7:45 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray