

**PLANNING COMMISSION
PUBLIC HEARING & REGULAR MEETING**

February 12, 2024

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Judy Wright
John Kane
Nate Beery

MEMBERS ABSENT:

Barbara Hampton

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

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

MOTION #2: by Nate Beery, second by Carolyn Hall, to approve the minutes for December 11, 2023. Motion carried.

NEW BUSINESS:

Fee Schedule: No changes will be made to the fee schedule this year. The fees will be reconsidered next year.

OLD BUSINESS:

Mobile Food Vending Ordinance: No members of the public attended the public hearing.

MOTION #3: by Carolyn Hall, second by Judy Wright, for approval of the new ordinance and to pass it along to the Township Board. Motion carried.

Meeting adjourned at 6:43 PM.

Carolyn Hall, Secretary

Minutes typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

March 11, 2024

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Judy Wright
Barbara Hampton
Nate Beery

MEMBERS ABSENT:

John Kane

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

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

MOTION #2: by Carolyn Hall, second by Kathy Noel, to approve the minutes for February 12, 2024. Motion carried.

OLD BUSINESS:

Mobile Food Vending Ordinance: A board member objected to the use of the term ‘special use permit’, and his concerns were found to have grounds. This term was replaced with ‘mobile food vending permit’ in the amended ordinance. Requirements have also been amended to clarify that the permission of the property owner will be required.

MOTION #3: by Kathy Noel, second by Barbara Hampton, for approval of the amended ordinance and to pass it along to the Township Board. Motion carried.

NEW BUSINESS:

Property Issue: Barbara Hampton has been in communication with members of the public regarding their concerns about a local property violating ordinances. This is a matter already known to the planning commission, and tickets have been issued to the violator. Further steps and possible escalations are being considered, but nothing concrete is in place.

Meeting adjourned at 7:30 PM.

Carolyn Hall, Secretary

Minutes typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

May 13, 2024

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
John Kane
Barbara Hampton
Nate Beery

MEMBERS ABSENT:

Judy Wright

Also present: Katie Murray, Billy MacDowell & co.

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

MOTION #1: by John Kane to approve the agenda. Seconded by Barbara Hampton. Motion carried.

MOTION #2: by Kathy Noel, second by John Kane, to approve the minutes for March 11, 2024. Motion carried.

NEW BUSINESS:

Towing Business: Billy MacDowell is interested in purchasing property for a towing business. He was initially interested in the property behind the Co-op, but understands there would be objections. He is now interested in the old Pipe and Piling property.

He asserts that this would not be a scrapyard, he does not plan to store junk cars, and that there would be a large fence as well as a ground barrier to prevent oil leaks. He wants to be centrally located in Kincheloe to service both Sault Ste. Marie and St. Ignace.

John Kane questions how a ground barrier would handle snow or rainfall. MacDowell says that he plans to install a filtration system according to EGLE guidelines, but that it should not be an issue if he is not keeping wrecked or junk cars. He intends to work directly with body shops, and storage needs should be minimal, with nothing held for longer than 30 days.

There is some discussion as to whether this would be commercial, as storage or parking, or light industrial. Arthur determines it would be light industrial, which is how the Pipe and Piling property is zoned. The area around the Co-op is commercial.

While the EDC also has property that might work, they have stated it is not for sale.

Kathy agrees to speak to the assessor about determining the value of the property, and whether it will be possible for a smaller portion of the property to be leased. MacDowell will need to speak to the board regarding a purchase or lease agreement.

Election of Officers:

MOTION #3: by Kathy Noel, second by John Kane, for a unanimous ballot of existing officers.
Motion carried.

Meeting adjourned at 7:00 PM.

Carolyn Hall, Secretary

Minutes typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

August 12, 2024

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Judy Wright

MEMBERS ABSENT:

Barbara Hampton
John Kane
Nate Beery

Also present: Katie Murray

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

MOTION #1: by Carolyn Hall to approve the agenda with the addition of updating permit rates.
Seconded by Kathy Noel. Motion carried.

MOTION #2: by Kathy Noel, second by Judy Wright, to approve the minutes for May 13, 2024.
Motion carried.

CHAIRMAN'S COMMENTS:

Chairman Brood apologized for the cancelled meeting last month, but it could not help as the agenda packet was not finished early enough to allow members time to prepare.

NEW BUSINESS:

Delinquent Fines on Tax Bills: The Zoning Officer and some of the clerical workers have asked if it would be possible to place delinquent fines onto property taxes, as is done for delinquent water bills. Some tickets have gone unpaid for infractions such as unmown grass. The only ordinance that would require updating would be the civil infraction ordinance.

Judy Wright mentioned that the cost recovery ordinance for the fire department could also be consulted as precedent for a change to the ordinance. The water and sewer ordinance is consulted as reference. This would constitute a major change to the ordinance requiring a public hearing and approval by the board. However, it would result in a solution much simpler than taking minor infractions to court, which is currently the only recourse.

A lawyer and the MTA will need to be consulted. Without more information, no motion can be made, and the matter will be discussed at the next meeting.

Updating Permit Rates: There has been discussion of increasing the fence permit fee to \$40. However, with the inspection fee, the total cost is already \$72. Wording could be changed on the existing fee schedule to make clearer that the fee is \$22 + \$50 per inspection. Without the Zoning Officer available to discuss the matter, it is decided to simply update the fee schedule's layout and wording for now.

Meeting adjourned at 7:00 PM.

Carolyn Hall, Secretary

Minutes typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

November 12, 2024

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Carolyn Hall
Judy Wright
Nate Beery
Barbara Hampton

MEMBERS ABSENT:

John Kane

Also present: Katie Murray, Carlos Molina

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

MOTION #1: by Carolyn Hall to approve the agenda. Seconded by Kathy Noel. Motion carried.

MOTION #2: by Judy Wright, seconded by Kathy Noel, to approve the minutes for August 12, 2024. Motion carried.

CHAIRMAN'S COMMENTS:

Chairman Brood thanked Kathy Noel for her years of support and service. She will be deeply missed, and would be welcome back with open arms if she was ever willing.

NEW BUSINESS:

Next Year's Budget: Discussion found that there was nothing that needed changing in the budget, though it was noted that the wages for the zoning administrator are very low.

MOTION #3: by Barbara Hampton, seconded by Carolyn Hall, to approve the budget for the fiscal year ending 2026. Motion carried.

Food Truck Ordinance Feedback: Carlos Molina owns local business Deli Queen, and has feedback and questions on our new food truck ordinance.

He asks for clarification on the exemption for catering. It is explained that food trucks can under some circumstances be used simply to transport food that has already been paid for in a catering capacity by a local business. In this case, no permit is required. However, if a food truck that claims to be catering is then found to be selling food onsite, that would be violation of the ordinance.

There was an incident where a food truck appeared to have unsafely located their signage and failed to adhere to the ordinance, but Carlos did not know how to determine if they had a permit. It is agreed that the signage would have been in violation according to the sign ordinance, and the zoning administrator should have been contacted.

Carlos asks for further clarification on the definition section regarding apparel. This was taken

from other similar ordinances, as it is apparently common for food trucks to sell branded shirts, etc.

Carlos mentions that he and other local business owners would have liked to have been involved in the creation of the ordinance. Kathy Noel explains that copies of the ordinance were sent to local businesses before it was adopted to solicit their input, but Carlos states that neither he nor the other business owners received this.

Carlos asks whether any limitations were set on hours of operation. Arthur explains that they would be under definitions if there were any such limitations, but this was left open-ended to account for shift work at the prison.

Carlos takes issue with the fee being \$150 annually and would prefer to see a higher rate as well as shorter duration permits. He also requests clarification on penalties if the ordinance is violated. The fine is not less than \$100 for the first offense with \$250 for each subsequent offense. Carlos dislikes that the initial fine is less than the cost of the permit. He considers the low cost of the permit to be his primary concern.

Carlos asks for clarification on health department approval, and it is explained that the health department has its own regulations on food trucks and provides licenses to food trucks. The township requires that such a license be presented before a permit will be granted.

It is suggested that an inspection could be required by the zoning administrator when they first set up, to confirm that their signage locations etc. are in compliance. The zoning administrator could be provided with a checklist of compliance items to be confirmed. There could be specific locations where food trucks are allowed to operate and guidelines to ensure fire safety.

Arthur suggests the possibility of a reporting mechanism with the permit, such that food trucks need to report when and where they will be operating so that someone can check that they are in compliance. There could be a requirement for two business days of advance notice before operation. Nate suggests that notice could instead be specifically for their first time operating within the township, as this would set expectations while being less burdensome for the township.

Barbara warns that the planning commission needs to be careful not to infringe on any personal property rights. Businesses that do not serve food can often benefit from having a food truck onsite to bring in more business. If a local business wants to invite a food truck onto their property for some kind of event, she does not feel that it is appropriate for the planning commission to interfere.

This information will be discussed at December's meeting, as there is too much to really dig into at this meeting.

Zoning Administrator: Three new zoning administrators have been interviewed, and one has yet to be interviewed. When interviews are complete the board will be notified about the planning commission's recommendations.

OLD BUSINESS:

Delinquent Fees on Taxes: The MTA was consulted about the possibility of putting ordinance violation fines on taxes if they are delinquent. The township was informed that there is no statute for such a thing, and it cannot be done. This is therefore a dead issue.

Barbara Hampton has a question regarding water and sewer fees being placed onto tax bills. She was given information on an incident where a gentleman was made responsible for a large bill due to its being associated with the property, through no fault of his own. She would like to know if it is possible for a change to be made to this ordinance to prevent this from happening again, as entities are being told this is a risk when purchasing property in Kinross.

Kathy Noel and Judy Wright, having worked for the township and being familiar with the billing process, explain that there was a clerical error that resulted in this incident. The process was changed to prevent the error from recurring, but nothing can be done retroactively. Carolyn Hall believes that the person who was stuck with the bill should be taking the person who incurred the bill to court rather than involving the township, and does not see how it would be feasible to attach a delinquent bill to a person rather than a property with such limited local government authority.

Judy explains that many property owners deliberately allow their bills to become delinquent in order to pay them annually with their taxes, and there is no provision to shut off water for property owners rather than tenants. Furthermore, some very large bills are not due to delinquency, but instead arise due to leaks that cause actual usage to be extremely high. The many possible causes of a large bill, some also through no fault of the tenant, make it unfeasible to alter the ordinance to prevent it.

It is generally agreed by the planning commission that while the issue was unfortunate, it arose due to a particular loophole in billing as well as a clerical error, and those issues have been resolved. Barbara would still prefer to see changes, but accepts that the rest of the planning commission considers the matter settled.

Meeting adjourned at 8:00 PM.

Carolyn Hall, Secretary

Minutes typed by Katie Murray

**PLANNING COMMISSION
REGULAR MEETING**

December 9, 2024

4884 W. Curtis St.

MEMBERS PRESENT:

Arthur Brood
John Kane
Judy Wright
Carolyn Hall
Nate Beery
Barbara Hampton

MEMBERS ABSENT:

Also present: Katie Murray

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

MOTION #1: by Judy Wright to approve the agenda. Seconded by John Kane. Motion carried.

MOTION #2: by Carolyn Hall, seconded by Judy Wright, to approve the minutes for November 12, 2024. Motion carried.

CHAIRMAN'S COMMENTS:

Happy Thanksgiving, Merry Christmas, and Happy New Year! Wishing everyone a wonderful season to spend with family and friends. The new zoning administrator for 2025 will be Doug Besteman.

NEW BUSINESS:

Renew Member Terms: Some terms appear to have been lapsed without renewal. All terms will be renewed with staggered expiration dates as before. All members will need to stop by the admin office to renew their oaths of office.

MOTION #3: by Arthur Brood, seconded by Judy Wright, to renew all planning commission member terms. Motion carried.

Battery Energy Storage Systems: The commission received information regarding battery energy storage systems and possible ordinances. Barb recommends everyone do independent research on this topic, as she believes these present a risk to the local water supply.

A public act was passed in 2023 to provide developers the ability to bypass local zoning unless there is a compatible ordinance not stricter than the act. Therefore, there needs to be a compatible renewable energy ordinance in place in order to do any kind of regulation. Carolyn is unclear on if an ordinance is necessary if it cannot be stricter than what's established by the state.

The planning commission sees no reason to take action at this time, but more research will be done in order to determine if action should be taken at a future meeting.

Review Food Truck Ordinance: The notes from the prior meeting with Carlos are reviewed.

Arthur understands why someone would take issue with the fine being less than the cost of the permit. Judy suggests that on a first offense, the permit fee would need to be paid as well as the fine. Rather than needing to modify the ordinance or the fee schedule, Doug Besteman could simply be informed to put this charge on any citations issued.

Katie brings up the issue that without a dedicated permit form, applicants have been given the permit on request with copies of the permit being kept on file. There is confusion in the office about whether the Special Use Permit or Business Registration Permit need to be filled out, as they require so much information not relevant to mobile food vending. It is agreed that a dedicated form should be considered.

It was suggested that permits could be issued for smaller periods of time rather than the entire year. However, this creates more work for township staff for little apparent benefit. Any additional income would also create more labor costs. Therefore, a single annual fee should be fine.

It was suggested that the number of times at a location or acceptable locations could be limited. Discussion finds that since approval of the landowner is needed, there is no good reason to limit what business owners are allowed to do on their property. Since food trucks often benefit from novelty, visiting too often is likely to eat into their own business as interest wanes, and so this is self-limiting.

It was suggested that mobile food vendors could report to the township when they are going to be in town. This feels reasonable for their first visit so that the zoning administrator can inspect their setup and ensure they are in compliance. Having such an inspection every visit does not feel necessary. The application could therefore include the necessity of a site inspection before the permit can be issued. Later violations can be reported to the admin office as necessary.

None of these issues require immediate action or a motion. Arthur contacts Doug by phone to keep him informed about the updated procedures.

OLD BUSINESS:

Meeting adjourned at 7:30 PM.

Carolyn Hall, Secretary

Minutes typed by Katie Murray