

**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.

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Carolyn Hall, Secretary

Minutes typed by Katie Murray