

Colfax Township, Weldon Township and Village of Thompsonville  
Community Joint Planning Commission  
14731 Thompson Avenue, Thompsonville, MI 49683  
Minutes – November 2, 2017 Regular Meeting - Corrected

Peggy Minster opened the meeting at 7:05 P.M. followed by the Pledge of Allegiance.

Present at roll call: Commissioners Peggy Minster, Shelley Greene, Irene Dunham Thayer, Sally Bobek, Chris Bobek, Debra Franke and Gene Houghton. Absent: Don Suchocki and Eugene Allen.  
Guest: Ward Kuhn.

Agenda Additions/Corrections: Motion/second by Irene/Sally to accept the agenda as presented; motion carried.

Approval of Minutes: Motion/second by Debra/Irene to approve the October regular minutes; motion carried.

Public Comment: None.

Unfinished Business and Reports

A. Attorney: Peggy welcomed Ward Kuhn of Kuhn Rogers PLC. Introductions were made and Mr. Kuhn spoke about his background and the law firm and experience in zoning and municipal law.

B. Zoning Amendments: Shelley emailed the clerks and sent relevant documents. A meeting has not been held yet due to schedule conflicts.

C. Violations: Craig reported that Mr. Lindsey (Colfax) has not applied for septic or building permits and the phone number has been disconnected. He will send a registered letter to remove the trailer. Sally asked if a letter was sent before. Craig said he met with Mr. Lindsey four times and sent a violation notice. He did not recall the notice date but said more than 30 days have passed. Discussed mailing notices first class instead of registered/certified and Peggy said not signing for receipt of registered mail does not relieve the recipient of responsibility. Craig then described his experience and difficulties with trying to serve Ms. Wohadlo (Village) a citation and was walked off the property. He spoke with the magistrate who was not familiar with zoning so the magistrate called the prosecuting attorney who was going to work with him. She also suggested the magistrate call the building inspector. Sally said the court won't handle it by just the ticket. She spoke with the magistrate about a Weldon issue and said he is only interested in collecting the money. The ticket will sometimes prompt a person to correct the violation, but get the attorney involved if it doesn't. Shelley will get Craig a copy of Colfax's MCI ordinance that the court needs.

Peggy said it seems to the commission that after 30 days passes and there has been no progress toward resolution, a ticket needs to be issued rather than another violation notice. If it isn't paid, they will deal with the court and the JPC will contact Mr. Kuhn. She said it has been months since the Lindsey violation notice and the commission wants it followed up to send a message. Send no additional violation notices.

Craig issued a stop work notice to Mr. Popa (Colfax) who then hired a surveyor for the site plan and an engineering firm for the building permit requirements for a deck and an addition. He promised but failed to respond to Craig by October 25. Peggy directed him to issue a ticket. Concerning Mr. Casey (Colfax), Craig said the building department has charged him with failure to get a building permit for a 40' by 60' pole barn. The commission felt the Wohadlo issue may require legal counsel.

Mr. Kuhn noted that the zoning ordinance requires certified mail for Notice of Request for Correction of Violation. He said first class mail gets through and there is a presumption it arrived. The ordinance could be changed to have notices sent by first class mail which won't be turned away. Either way, Mr.

Kuhn said it is up to the recipient to be responsible. Peggy understood Craig wanting to work with people but needs to issue a ticket after 30 days of no response or progress to properly administer the ordinance and move forward. Chris asked if not signing for receipt of mail is enough effort to then issue a ticket. Mr. Kuhn said yes and that the recipient is charged with knowing what the letter said and does no good to refuse to accept it. Gene noted there is a federal record of three delivery attempts. Craig confirmed violation notices have a “respond by” date and will contact the sheriff’s department when serving future citations. Peggy told Craig the commission has his back and wants him to be comfortable issuing citations.

Peggy informed Craig that the status of violations was also discussed last month, and while his reports are looking better and better it was suggested a template might help report on status. She offered a sample to consider, in part or total, or reject. The idea is to standardize reporting, not create a new report. In the sample the first part is to report what happened the past month, the second part is for any outcome or recap of the prior month and the third part is for brief review of outstanding items if they have not been acted upon or resolved. Peggy said discussion last month was on the need for a brief recap of violation notices and citations activity, not reviewing the tracking report each month. Shelley noted the bottom of Craig’s report this month includes notices sent which is on the right track. Peggy said that is what she referred to about the better reports and getting more information on status.

D. Lindy Road: Sally recapped the issue and said a ticket was issued by the township and ignored. A meeting was held with Weldon’s attorney who will take the next step toward cleaning up the property. A ticket will be written and taken to court. She requested the JPC also write a ticket for the junkyard in the back. The original township permit allows a small business and a reasonable number of cars. Nothing else is allowed except a small repair area. Junk/salvage yards are not permitted. The violation notice that Craig previously issued was discussed as well as the need for him to verify what violations were stated prior to issuing a citation to be consistent. It was then agreed the plan of action is that Craig is to issue a new violation notice for having a junkyard/salvage yard. If there is no progress or communication toward resolution within 30 days, a citation is to be issued. Send it by certified and first class mail. Mr. Kuhn concurred. Junkyards and salvage yards are permitted only in the Industrial-1 Zoning District. If for some reason Craig is not able to issue the citation after 30 days, the township supervisor is to issue the citation. Section 3.3.A of the zoning ordinance states the administration and enforcement of the ordinance shall be the responsibility of the legislative bodies.

E. Site Plan Review Policy: Tabled.

F. Zoning Administrator Report: Written and oral reports provided. Craig elaborated on the violation notices. The Osga property will require assistance regarding a citation. There is a fence issue at the former Rowley property on Lindy Road and may involve the DNR due to proximity to the river. Sally mentioned the house and activity at Lindy and Fourth. Shelley questioned the Neetz violation. It may violate Weldon’s noise ordinance but not the zoning ordinance as a shooting range. Craig spoke with Mr. Neetz who will talk with his son. Other violations brought to Craig’s attention included people living in trailers on Wallin Road and at the commercial building on 669 in the Village, a business advertising sign in right-of-way on state land at 669/Wallin Road and a possible vehicle repair business on the east side of 669 north of Wallin. Craig looked at the Carmean Road property and feels it is blight. Peggy complimented Craig on his reports looking better every month.

G. Village/Township Reports: The fire department chief updated Colfax, and a scrap tire grant was applied for by the county. Weldon issued two citations, adopted a township planning commission ordinance and the fire chief gave a report and was asked about the large balance – they hope to purchase a new fire truck. For the Village, the ambulance has mutual aid back up and running with Manistee County; fire department ~~has~~ *is awaiting* new 800mhZ radios; great turnouts at fly-in and October festival; new well is installed but no further action on water project this year; discussion on extending water line to Gallagher; tree lighting Dec. 2 and Santa visits Christmas Eve.

H. Budget Review/Compensation Authorization: Reviewed budget detail and bill for \$254.69. Motion/second by Sally/Irene to pay bill and compensation. Roll call: Gene Houghton, Debra Franke, Chris Bobek, Sally Bobek, Irene Dunham Thayer, Shelley Greene, Peggy Minster – aye; nay – none; motion carried.

New Business

A. 2018-2019 Budget: Debra, Irene and Shelley volunteered to start developing budget in December. JPC discussion is needed between Colfax and the Village.

Correspondence: None.

Public Comment: Craig reported Elberta and Crystal Lake Township are looking for a zoning administrator. He also asked where the American Waste dumpster went that was at Ullom's.

Adjournment: Motion/second by Irene/Shelley to adjourn at 8:43 P.M.

Respectfully submitted,

Shelley Greene

Secretary

*Minutes are proposed until approved at the next meeting*