

Colfax Township, Weldon Township and Village of Thompsonville
Community Joint Planning Commission
14714 Lincoln Avenue, Thompsonville, MI 49683
Minutes – May 7, 2018 Regular Meeting

Peggy Minster opened the meeting at 7:04 P.M. followed by the Pledge of Allegiance.

Present at roll call: Commissioners Peggy Minster, Shelley Greene, Irene Dunham Thayer, Debra Franke and Eugene Allen; zoning administrator Craig Meredith. Absent: Gene Houghton (excused), Don Suchocki, Chris Bobek, Sally Bobek.

Guests: Bryce Gibbs, Fred Knoll, Charles Syer, Ron Evitts.

Agenda Additions/Corrections: Motion/second by Debra/Irene to accept agenda; motion carried.

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

Public Comment: None.

Unfinished Business and Reports

A. Knoll Project: Mr. Knoll presented a preliminary site plan showing locations of proposed structures, driveway, electric, well and septic fields. He provided a first draft zoning ordinance amendment petition to add treehouse resort cabins to Section 8.4 Private Campgrounds. A scale model of the property provided a visual of the property's unique 40 acre topography and locations of cabins, dwelling and accessory structures. Approximately ten cabins with parking would be built in phases. Mr. Knoll has been working on a preliminary basis with DEQ and other officials. Plan is to start the house foundation this fall, complete it next spring and construct two treehouses in 2019 followed by four in 2020. The JPC scheduled a work session for Wednesday, May 23 at 6:00 P.M. at the Village Community Center to share treehouse cabin research and generate ideas for ordinance standards to be discussed at a future meeting.

B. Gibbs Project: Mr. Gibbs' application with documentation was resubmitted and reviewed. The recorded name of the subdivision is Crystal Heights. The application was deemed administratively complete after agreement between the JPC and Mr. Gibbs to clarify the narrative to state a minimum of 421 square feet living space is requested and to remove reference to a garage. Shelley to call Mr. Gibbs regarding the minor narrative revision. Debra shared research on the special land use permit approved by the Village years ago for this Planned Unit Development. Pertinent pages will become part of this application requesting amendment of the original special use permit. A public hearing was scheduled for 6:30 P.M. on Thursday, June 7 at the Village Community Center for the purpose of receiving public comment on a request to amend a PUD to allow dwellings with a minimum 421 square feet. Ad in Record Patriot needs to be published by May 16.

C. Violations/Citations: Shelley provided copies of the court's dismissal of the two Lindsay citations. Peggy asked Craig to talk about the April 11 informal hearing before Magistrate Armstrong. He said permits were obtained, one structure was removed and that Mr. Lindsay moves the trailer to a neighbor and back. He said he did not know why the citations were dismissed. Peggy asked Shelley and Irene to comment on the hearing. Shelley said the magistrate asked Craig to present his case who said Mr. Lindsay applied for and received all necessary permits. She noted that was not the reason for the violation notice or citations and the magistrate attempted to identify the issue. He asked Craig several times to help him understand why we were here and what he was to rule on. She felt the magistrate had a difficult time because the citations only stated the section numbers and, with no further explanation, he had no choice but to dismiss. She noted the August 4 violation notice addressed the trailer but not the accessory structures. The second citation was issued to address the trailer being a violation of Section 18.12 which was not included in the first citation. The 'Describe' section of the first citation only read Article 18 – Sec. 18.1-18.8. Shelley said the magistrate turned to her and said he would be willing to meet with her and Craig on how violation notices and citations need to be written. She had called the magistrate on April 9 for clarification of his letter to Craig returning the Osga and Wohadlo citations. The letter included reference attachments on violations and citations. The magistrate made it clear a violation notice and citation need to match and include more description than just section numbers of the zoning ordinance. Irene added that the magistrate asked Craig if he had witnesses, and since Craig did not say she and Shelley were familiar with the issue they were not asked to speak. Craig

commented the magistrate has a copy of the zoning ordinance. Irene said the magistrate stated he was not going to read it and wanted to hear Craig present his case. Peggy will send Mr. Kuhn copies of the dismissals as part of another FOIA request she received on this which adds to the legal bills on the issue. Peggy said the JPC will start over.

On the Johnson violation, Craig said he was waiting for nice weather to remove the nonconforming structure. Debra asked how much time do we let him have noting the weather has been decent. Peggy said it will be addressed in June.

Craig said Mr. Popa refused mail on September 27, October 23 and November 8; address in June.

Craig gave Mr. Osga until June 1 to put items in his storage building.

No change on the Wohadlo violations; address in June.

D. Weldon Withdrawal: Shelley provided costs on the zoning ordinance and estimates to publish ads and ordinances to Ward Kuhn. He spoke with Mr. Figura who agreed Weldon had not completed what was necessary to withdraw. Shelley informed Mr. Kuhn the insurance agency confirmed the premium had not been paid. Debra said Sally Bobek gave her the insurance documents, several checks and unpaid per diem authorizations. Shelley said Mr. Kuhn emailed a \$2,700 settlement offer from Weldon Township. He is aware the costs will exceed that amount.

E. Capital Improvements: Peggy said this can wait a while.

F. Zoning Administration: Written and oral reports were provided. Cooney/Pelkey application was incomplete; awaiting information and fee. Carport application was received from the Pelnars.

G. Village/Township Reports: Debra reported Jesse Zylstra is the new recycle coordinator. Chris Bobek accepted the Village blight enforcement position. Curt VanderWahl obtained \$6,000+ for street funding. A Benzie ambulance was borrowed due to two ambulances out of service. A portable generator was purchased for the fire truck; lights will be switched to less costly LED. Property on Second will be sold. A dumpster was discussed for large items. Bond proposal was signed and starts May 22. The new well is up and samples passed inspection. Routine business was reported for Colfax. Commissioner Evan Warseke gave an informative update on county issues. County Administrator Mitch Deitsch spoke on the new Code Red emergency system which is accessed via an app and said he is attempting to attend local meetings. Shelley said the \$50 check sent to Colfax was for the Johnson violation; a new check will be issued to the Village.

H Budget Review/Compensation Authorization: Motion/second by Irene/Shelley to pay zoning administrator \$194.63 and compensation authorization. Roll call: Eugene Allen, Debra Franke, Irene Dunham Thayer, Shelley Greene and Peggy Minster – yes; Gene Houghton, Chris Bobek, Sally Bobek and Don Suchocki – absent; no – none. Motion carried.

New Business

A. Zoning Administrator Contract Renewal: Peggy recommended not renewing the contract saying it expires in May, was never renewed and has been in place since 2015. Peggy motioned, supported by Debra, the JPC not renew the contract citing two admonitions for improperly issued permits, the Lindsay matter and multiple issues and problems and find a different zoning administrator. She polled the commissioners; all ayes; motion carried. Craig then said he was resigning and would send a letter. Peggy said the JPC will send a letter stating the contract will not be renewed. Debra and Irene will make an appointment to pick up files and property. Shelley will handle the Gibbs application.

Correspondence: Planning & Zoning News was received and copies will be made.

Public Comment: None.

Adjournment: Motion/second by Irene/Debra at 9:05 P.M.

Respectfully submitted,

Shelley Greene
Secretary

Minutes are proposed until approved at the next meeting