

*DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR*

**Whitewater Township Board  
and  
Whitewater Township Planning Commission  
Minutes of Special Meeting held Wednesday, November 7, 2018**

**Call to Order**

Popp called the meeting to order at 7:02 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

**Roll Call:**

Board Members present: Goss, Hubbell, Lawson, Popp

Board Members absent: Benak

Planning Commission Members present: Hooper, Jacobson, Lawson, Mangus, Render, Savage

Planning Commission Members absent: Dean

Others present: Ron Bachi, Janet Bachi, Steve Mangus

**Set/Adjust Meeting Agenda**

There were no adjustments.

**Declaration of Conflict of Interest**

None

**Public Comment**

None

Mangus listed items the PC will address in December.

**Agenda Items as Listed in Special Meeting Notice****Joint Discussion re: Action Plan for Zoning Ordinance Review**

Mangus noted the letter sent to the township board from the planning commission and stated late spring or early summer is their realistic goal for turning over the ordinance for recodification. She stated the PC would like to complete the five articles that are currently under consideration before the board, i.e., Article 3 (Definitions) moving the rules for fences, Article 6 (R-1), Article 7 (R-2/R-3), and Article 14 (Waterfront), which have been sent to the attorney, and Article 17 (Administration), which has returned from the attorney and is ready for public hearing. She reviewed the PC's progress on Article 10 (Agricultural) and Article 37 (Supplementary). Still to be reviewed are Article 11 (RC-1), Article 12 (Setbacks), and Article 27 (Environmentally Sensitive Areas), which they would like to address before recodification but have not started.

Mangus invited questions.

Goss explained the certified copy of the zoning ordinance which exists in the clerk's office, as well as the verification process she was asked to undertake, i.e., verifying that copies of the ordinance floating around the township hall are the same as the certified copy. She listed articles

*DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR*

which she has previously verified, i.e., Article 2 (Interpretation) in April 2017, Article 6 (R-1) in April 2017, Article 8 (Commercial C and Village V) in July 2017, Article 9 (Industrial) in July 2017, Article 12 (Building Sizes, Lot Sizes, and Yard Requirements) in April 2017, Article 15 (Sanitation Requirements) in April 2017, Article 26 (Sound Regulations) in April 2017, and Article 36 (Mobile-Manufactured Home Park District) in April 2017.

Goss also described the zoning amendment key listing each zoning ordinance amendment and the articles and sections they amended.

Goss stated that, with the exception of a couple small articles of the zoning ordinance, she really does not have further time to commit to the verification process and we should let the recodification company handle it.

Regarding the Articles Currently Under Consideration by the TB section of the PC letter, Goss noted that Article 3 was originally part of Zoning Ordinance Amendment No. 73, but through the process of going back and forth from the board to the PC, the movement of fence standards to Article 37 was not in the last iteration of the proposed amendment.

Goss noted Articles 6, 7, and 14 are now back from the attorney in the form of a legal opinion.

Popp and Goss agreed to add release of the legal opinion to the board's 11/13 agenda.

Discussion ensued as to how amendments should be numbered, with Mangus stating she discussed it with (Former Zoning Administrator) Habedank, who consulted with Attorney Patterson on the issue.

Goss stated she will consult MTA about numbering of amendments, adopted or unadopted.

Turning again to the verification process, Goss offered to verify Articles 10, 11, and 37 as her other duties allow.

**Motion by Popp that we provide the planning commission members each with their own CD, even if you don't have a computer, of the certified copy of the zoning ordinance.**

Lengthy discussion followed, with much of it concerning the process of recodification.

Other comments had to do with cursory review, items that have brought the public to the board level three times this year, addressing items frequently before the ZBA or zoning administrator, review having gone beyond cursory, the need for the public to be able to access an accurate copy of the ordinance, goal of simplifying the ordinance, various services of recodification companies, whether the recodification company must have Michigan-licensed attorneys, and creating a list of services the township wants from a recodification company.

**Popp's motion failed for lack of a second.**

*DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR*

**Motion by Lawson that we move forward with recodification and get it rolling and get it done; second by Hubbell.**

Mangus asked if the PC keeps working on the ordinance in the meantime.

Goss re-read the motion: **Motion by Lawson that we move forward with recodification.**

Lawson confirmed that he is making the motion as a township board member.

Popp stated he would not vote for the motion the way it is because we are still in the selection of the company, stating he is in agreeance with the recodification process but we need to select a company to do this for us.

**Lawson adjusted his motion to start the process by selecting a group and continuing to move forward with the next steps.**

**Seconded again by Hubbell.**

Mangus said she would like to see us continue to move forward with selection of a recodification company and that it was recommended that general ordinances affecting zoning be reviewed concurrently.

Discussion followed regarding whether the township board or planning commission will research recodification companies and whether a list of needed services should be created.

Goss re-read the motion: **Motion by Lawson that we move forward with recodification; second by Hubbell; Lawson adjusted his motion to start the process by selecting a group and continuing to move forward with the next steps, again seconded by Hubbell.**

Brief discussion followed.

**On voice vote, Goss, Hubbell, and Lawson voted in favor, Popp opposed, Benak absent. Motion carried.**

More discussion followed touching on creating a list of services, verification from day one, complete re-adoption of what we have, creating an ordinance for recodification, previous recodification of the zoning ordinance, going back to the beginning, the need to know what services the companies offer, description of services offered, whether an in-person interview with representatives of the recodification companies is possible, who will do the research of recodification companies and cost, and whether some or all of their various services should be sought.

Depending on cost, desired services were listed as follows:

- Top to bottom verification of the zoning ordinance, beginning with original Ordinance No. 6 adopted 12/23/1972 and all amendments.

*DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR*

- Compliance with existing law.
- Organization, i.e., like topics grouped together, find inconsistencies.
- Table of contents.

**Motion by Hubbell to let Goss do the research to these various companies and bring it back to us, and if we have to have another joint meeting to decide this, we will; second by Lawson. There was no further discussion. On voice vote, Goss, Hubbell, Lawson, and Popp voted in favor, none opposed, Benak absent. Motion carried.**

Mangus said one item missing from the list is a cross reference of general ordinances pertinent to zoning.

Popp and Goss disagreed with adding that to the list.

Discussion turned to whether the planning commission should continue with their cursory review.

Hubbell suggested that be halted for a while until we get a decision.

Popp expressed that, for some of the items listed in the letter, we have not done a good job of informing the public of changes, i.e., temporary uses in Article 37 and personal storage buildings. Outreach should be done before it gets to the board.

Discussion followed, with Hubbell and Popp stating they think the PC stops, and Lawson stating we need to get going on recodification.

The question was posed concerning what the PC will do between now and the start of the recodification process.

Goss suggested that Article 17 could be finished.

Mangus stated she would like to work on Article 27 and maybe community outreach or internally preparing for community outreach.

**Joint Discussion re: Article 11, RC District**

Discussion of what the planning commission will do while awaiting the recodification process led into discussion of the RC district.

Popp said there is one potential thing that could be worked on, i.e., the planning commission's request that the township provide all clerk and zoning administrator records regarding the amendment altering the RC district from 40,000 square feet to 5 acres, and stated that, to the public, that means the 5-acre zoning minimum is under challenge. Whether it has been legally put in place is under challenge.

Much discussion followed.

*DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR*

Popp suggested this is an item we could pay the township attorney to opine on ahead of the recodification and get that question answered.

After further discussion, there was board consensus that Goss will send all zoning ordinance information regarding the RC district to Attorney Patterson for review.

Popp brought up a point in the PC letter about districts, the existence of legal descriptions for the districts, and the desire to go to a map base, and cited an instance where the zoning map and legal description did not match.

Hooper stated he thinks the consensus of the planning commission is that they want to be able to accommodate the ability of the public to find out what zoning district they are in by looking at a map.

Lawson clarified that the legal descriptions would not be removed. The map would be used for quick reference, and if there is any doubt, you go to the legal descriptions. GIS can produce a map that is accurate.

**Joint Discussion re: Recreational Marijuana**

Popp said the board had decided to hold off to see whether or not it was going to pass.

Savage noted that, as a township, we voted it down. Had it been voted in, he was prepared to say our mind has already been made up for us.

Popp noted that the major difference is that, with medical marijuana, we had to opt in. For recreational marijuana, we have to have ordinance drawn up to get out of it. Our residents still do not want to see it.

Jacobson pointed out that the law also has to do with growing hemp and that hemp is a product that can be used in many ways. He stated marijuana is illegal because the paper, oil, and cloth industries made it illegal, because they did not want to compete with it. If we do not allow a marijuana business in this community, it also means none of the farmers can grow hemp as an agricultural product. If you plant marijuana, you can get paid for the bark, the wood inside, the seed, and the leaf, and nobody is smoking or getting high on any of it. It also puts pollen everywhere and makes it hard for the marijuana growers to grow the good marijuana that everybody is complaining about.

Discussion followed regarding separating the agricultural component of recreational marijuana from the pot store, perhaps putting a survey in the December newsletter and educating the public.

Goss stated that although this issue was not scheduled to come back before the board if the law passed, she suggested it be on the township board's 11/13 agenda in order to discuss whether the township can allow the growing of hemp without allowing pot establishments in the township.

Popp agreed with adding the issue to the 11/13 board agenda.

*DRAFT MINUTES – FOR 12/11/2018 CONSENT CALENDAR*

**Planning Commission Only: Consideration of Additional Article 17 Verbiage re: Financial Responsibility Ordinance**

Mangus stated they got the attorney comments yesterday and she does not know if everyone has had an opportunity to go over it, and asked whether the PC and board would be okay with postponing it till December, or do we even continue with it in light of the fact we are setting everything else aside.

Brief discussion followed.

There was consensus of the planning commission that they will table all of Article 17 until recodification.

**Planning Commission Only: Set Public Hearing Date on Article 17 Amendments**

Tabling of Article 17 negates setting a public hearing date.

**Public Comment**

Steve Mangus, 1214 Cerro Drive, said he thinks it is important what you are doing with recodification and verifying the legality of everything. Regarding Article 11, he said the board is here to represent the public; the zoning ordinance belongs to them; they need to know what the truth is. A town hall meeting is going to be the right thing to do, because he can see it from both sides.

**Adjournment**

Motion by Lawson to adjourn; second by Hubbell. Meeting adjourned at 9:33 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk