

- Call to Order** Supervisor Boyd called meeting to order at 7:00 PM.
- Pledge of Allegiance** Pledge of Allegiance was recited by those present.
- Roll Call** Members Present: Boyd – Supervisor; Perrin – Clerk; Keith – Trustee; Redes – Trustee. (Absent: Hettich – Treasurer)
- Approval of Agenda** **Motion to approve agenda as written – Boyd/Keith – all yes**
- Assessor’s Report** None – Assessor not present.
- Citizens Comments** Terry Weckerly (2104 E. Lake Mitchell Dr.): Mr. Weckerly discussed his concerns with the former Spot Roller Rink: Health & welfare of neighbors (asbestos, lead paint, dangerous sharp edges, runoff [no plastic barrier up], etc.). We have to protect the lake. Irresponsible not to take some action. Concerned about potential liability. Urge the township board to take some kind of action so we don’t have to explain in a deposition or to a jury why we chose to do nothing. Perhaps send a letter to the County or the County Attorney saying we think we may have a public hazard; not sure how to handle it, and ask for their assistance.
- Boyd: Government wants it tested for asbestos prior to cleanup, but owners do not have the \$1,000 to pay for testing. We are doing something about the situation. Sent letter to owner September 4; gave 10 days after receipt of letter to at least make some effort. After the 10 days, we are going to take legal action by issuing a summons. County prosecutor and sheriff have nothing to do with this. They do not take care of township ordinances. We have to go through the processes. If they don’t show up to appear before the Magistrate, it will be a criminal offense (failure to appear); which would then be kicked up to district court. We are doing what we can within the law.
- Al Williams (lives next door to Spot Roller Rink): “It’s a beautiful site to wake up in the morning to see. I appreciate you guys not doing anything. It’s been over a year. Seems like you guys could at least make them put up a fence so I don’t have to look at it.”
- Boyd: It is private property. We are doing what the law allows us to do.
- Patricia Griffin (4919 Grandview): If you need pictures, I can supply them. I’m sure you are doing everything you can to try to get the ball rolling. While it is a tragedy for the owners, but like all of us, we are responsible whether poor, rich, or somewhere in between. It is in everyone’s best interest to keep pushing this within legal grounds to make them do something, because they are still responsible.
- Approval of Minutes** **Motion to approve Minutes of September 11, 2018 – Boyd/Redes – All yes**
- Payment of Bills** Check #17238-17267: AP=\$25,536.77, Payroll=\$11,491.70 for Total of \$37,028.47; **Motion to approve payment of bills as presented – Boyd/Keith – B,K,R,P – all yes**
- Treasurer’s Report** Treasurer not present.
- Fire Dept Report** 5 runs to date: PIA – car/tree; fire alarm (false alarm); illegal burn; assist Northflight & State Police (fire alarm).  
Trucks: In good working condition.
- Station** 2 radios are in at Traverse City  
2 SCBA’s need \$2,480 to be put back into service  
Payroll for fire fighters is coming up in November  
Fire dept will be doing a food drive/Santa visit in December

Putting on fire prevention this year at YMCA and Baker College. Will buy plastic hats to give out.

**Motion to approve \$2,480 to refurbish 2 SCBA's for the fire department – Boyd/Keith – B,K,R,P – all yes**

**Blight Ordinance**

Already covered Spot Roller Rink

**Cemetery/Parks**

Tables are in at the parks. Grates and winterizing of sprinkler system at hall and cemetery will be done at end of month. Need 100 new US flags for military for next summer. Need new State of Michigan flag for hall.

**Sewer Report**

Keith: A lot of public comment at last meeting. Paid bills.

Boyd: Assuming they are working on new company to take over operations and management. Keith: Yes.

**911 Report**

Keith: Had meeting today. Sent out bid packages to 8 contractors regarding new building to go next to new Sheriff's Dept. Bids must be in by October 22. Meeting November 1 to go over bids and drawings. December 31, 2019 the 800 radios will go on line. Fire chief: We have 5 radios, need pagers for 5. Keith: We are re-applying for grant with county. Hope to be in new building by spring.

**Road Advisory Rpt**

Redes: Nothing new to report.

**Zoning Report**

Redes: At last joint planning commission meeting, conditional rezoning of property across from The Timbers was approved based on criteria specified in current master plan. Also discussed option of getting ad hoc committees to work on various projects that would be going on in zoning and planning. Anyone that would like to get involved, get ahold of the Joint Planning Commission and volunteer.

**Citizens Comments**

Fire Chief: Thank you everyone for supporting the fire dept.

Terry Weckerly: Regarding going on personal property, a court order can be obtained in a matter of hours, and a fence can be put up. Boyd reiterated: Selma Twp deals with blight, not water runoff, etc. This needs to be addressed by EPA or DEQ. Terry Weckerly: I expect you to call the EPA or DEQ to get it rolling. It is your responsibility to do this. Boyd: We can certainly do that. The EPA has been out there.

**New Business**

1. Resolution for Sewer: Regarding turning delinquent charges over to Equalization to be put on their taxes. Boyd read aloud **Resolution Certifying 2018 Sewer Delinquent Lake Mitchell Sewer Association Monthly Service Charges and Direct Connection Charges Resolution #3-2018. Motion to adopt the above Resolution #3-2018 – Boyd/Keith – B,K,R,P – all yes.** Resolution is duly adopted.

2. Fireman Pay: Already addressed this.

3. Treasurer Training: Boyd stated Treasurer Hettich and Deputy Treasurer Denike would like to attend treasurer's training. Perrin explained the County is no longer collecting delinquent taxes, so the township will have to do it, and Hettich is requesting the training. **Motion to approve funds for treasurer's training – Boyd/Redes – B,R,K,P – all yes**

4. Elections: Perrin stated we are planning on a big turnout November 6. Workers for the election: Janet Smythe, Lisa Greenfield, Peggy Bazuin, and hoping Michelle Steere and Drew Smythe. More than likely Perrin herself will be working it as well. Receiving Board will be Lisa Greenfield and Peggy Bazuin.

5. Nathan Boerma, Attorney at Law: (738 Sparrow Ave., Lansing, MI): Came to speak on behalf of several residents in Hiawatha Beach & Indian Springs

neighborhood. They have significant concerns with conditional rezoning. Don't believe conditional rezoning should have been adopted by Planning Commission. Planning Commission should look at the following when deciding whether or not to approve conditional rezoning:

- There are several guidelines specific to Lake Mitchell area, which we think if you conditionally rezone this property to allow self-storage units, it will violate (protection of wetlands; not far from Lake Mitchell). With self-storage units, you have a potential for runoff which will seep into water and wells of neighborhood, damaging ecosystem.
- Section D, protecting property owners' investments (value of property). Other storage units in Cadillac area are in highly commercial or light industrial zoning.
- Self-storage units are not compatible to uses in the area.
- Phase 3, want to put in giant warehouse style building. When you have a big RV or truck pulling a big boat, it plugs up traffic. This is a very dangerous area to have vehicles pulling out and trying to cross traffic.
- Section D is looking at whether or not the proposed use is equal to or better than what it is currently. Can't think of a reason that would justify saying putting 8 acres of storage units is a better use than having it be residential (having applicant subdivide the property and put houses there).
- Express conditions with which the applicant was supposed to put forth are contradictory and vague. Maps don't line up with proposed phases, equals 10 buildings, but 1 map shows 11. Warehouse style building for Phase 3 is undefined.
- If you are going to have conditions, they need to be very specific. These are not.
- At last meeting, they talked about 255' east of property line. The Planning Commission even discussed at length that he meant 255' to the west where all the property owners are. This is a condition that, if you adopt, it is recorded. These types of mistakes shouldn't be in this document.
- Conditional Zoning Ordinance was just adopted. One of the paragraphs talks about that it needs to come from the applicant. The conditions need to be put forth from the applicant. It is not overly difficult to find samples of conditional rezoning requests and this is a very basic test to make sure that applicants are invested in doing a conditional rezoning correctly. There was a lot of hand-holding and checking back and forth to make sure everything was ok. This defeats the purpose of putting these conditions out there. Now the applicant, rather than say, I want to do X, Y, & Z, he can say I am told I can get by with A, B & C, so that is what I want to do. There needs to be an ability for the Planning Commission & Zoning & Planning Commissioner to look at these things objectively and look at how invested is the applicant. There has not been enough put forth by the applicant to justify conditionally rezoning this property.
- We want you to say this isn't right for this area. You should deny the conditional rezoning.

Michael Crosby: Gave a print out to Board members, "Reasons for Denial of Application", and he read same aloud. We feel storage facilities are objectionable. They add trash and clutter to our neighborhood. 1,000 feet along the back will face our homes. Destroying the woods (our sound barrier). Eliminating potential residential development of this land. Visibility, sound pollution, light pollution, oil

and gas will go in runoff, habitat destruction (eagles and also a bear corridor) – fence will block it off.

Jennifer Pedroza: (2066 Hiawatha Dr.): Agree with everything said. This neighborhood is made up of retired teachers and principals that have taught your children & grandchildren. These are their widows. Think about who you are representing. The people downstate that want to come ruin our neighborhood? Or are you here for us? I have been disgusted at these zoning commission meetings. These people have no rights. You don't care about the people. Our wells are 30, 40, 60 years old. That is our drinking water. Many issues with storage units including safety. My children play here. This is their paradise. Please do not destroy it.

Brian Snider (2118 E. Lake Mitchell Dr): At last meeting, the couple that represented the storage buildings were not well prepared. No reports from MDOT. There is terrible traffic on M-115, especially on weekends and holidays. No perk tests were done. They didn't realize that they need more permits.

Boyd: Regarding wetlands, DEQ/EPA will make that determination whether it can be built. The owner will have to obtain all permits. Road hazard: They did change the driveway as MDOT wanted. Habitat: You have to realize that most of these concerns have to be discussed with zoning. The board has all the confidence in the world, and that is why we developed the zoning. If it was up to the County, we would not even have zoning. We want to make sure that there are controls. The conditional means that they meet government standards. We have full confidence in the zoning board and these issues should be brought before them.

Residents in audience stated they have brought this to the zoning board, but feel the zoning board does not listen to them. Boyd stated they have to weigh everything and the rules and regulations are to protect everyone as just as possible. Redes: There are guidelines that we have to follow when it comes to conditional rezoning. I think we followed the guidelines we had to follow. In my opinion there were no findings that would keep us from approving the conditional rezoning on this property. It seems in the Master Plan about transitional zoning, it was the feeling of the board that the master plan was being followed and the articles in the amendment and zoning rules were being followed, so there were no findings to deny the request.

Resident asked if the Amendment was re-written right before our public hearing? Redes stated that it was. Redes: The conditional rezoning was already in the works and in the plans and the conditional rezoning approval was just the process being approved. The way I understand it, the conditional rezoning could have been done prior to this based on the master plan, but this was a process that helps the board look at what has to be done for that process to take place. The ability to conditionally rezone was already there. So it is more of a process map.

Resident asked what the guidelines were that they had to follow. Redes: Article 98 and 98.02. Redes gave resident a copy.

Resident: How much control does MDOT have on traffic/safety situation? Could they start and stop this whole thing. Bob Hall: They have to get the proper permits from MDOT.

Boyd: Hypothetically – The owner could put in a trailer park there, it is residential. He could bulldoze it all down. The people who want to do the development have to jump the hurdles. Zoning told them they have to come up with a better plan.

Resident: 11 Townships have to be unanimous. Boyd agreed. Resident: That is why we are appealing to you.

Nathan Boerma: This is where the representatives should care the most. It affects your residents and you most of all. It's up to you to make sure Planning Commission does their job. It has been haphazardly done. They don't have everything from the applicant. They haven't even been able to come up with a halfway decent site plan. The planning commission needs to see the entire plan. Boyd: Planning Commission has told the applicant they need to come up with a more specific plan. Mr. Boerma: Shouldn't be voting when the applicant hasn't met all the hurdles. Redes asked Robert Hall to address the Board.

Robert Hall (Planning & Zoning Director for Wexford Joint Planning Commission): Planning Commission has a job of weighing the comments & trying to separate fact from fiction, fact from emotional content & at same time, looking at provisions in the ordinance. If you meet the standards, you are left with the statutory obligation to say yes. Rezoning and site plans are never viewed together. Conditional rezoning is rezoning of land to be used only for a particular purpose. I'm here to assure you the proper process was followed and the ordinance guidelines were administered by the planning commission. In Article 98, primarily all you do is look to master plan for guidance. That is why the only thing before you and the other 10 townships is a recommendation that you approve the conditional rezoning of the 2 parcels for a very particular use. That is why you see no mention of the site plan because that is an administrative function, not a legislative function. As of last meeting, the Planning Commission was not 100% happy with the site plan. They are ok with the conditional rezoning and the concept, but not with the details yet.

Boyd: Why do we have to vote on this resolution prior to zoning approving it, prior to the applicant coming in with the new information? Hall: What you are doing is voting based on the recommendation of the planning commission to conditionally rezone the property. Redes: Then the Joint Planning Commission is charged with approving the site plan.

Nathan Boerma: Mr. Hall indicated the application is for 2 properties to be conditionally rezoned commercial. However, 1 of the properties is already commercial. Why are we putting both in the application? There are too many issues for you to say ok. Hall: There is a difference between being assessed as commercial and what it is zoned as. It is zoned as rural residential.

Redes: We would also have to show a good reason why we voted no, because the process and the law has been followed.

Jennifer Pedroza: Doesn't the ordinance being re-written right before this happening put you at liability? We had no knowledge of this when that ordinance was re-written. There was supposed to be a public hearing. Robert Hall: We didn't have to amend the ordinance with conditional rezoning language. We did that to protect the planning commission for the future and this applicant to make sure that anyone that came before the planning commission was treated by the same standards on a consistent basis. The proper publications were sent out, and the proper public hearings were held. After it went into effect, it gave the planning commission guidance now and in the future.

Jennifer Pedroza: We were not notified in April. Got letter in August. Hall: Conditional rezoning is effective in all 11 twps and received a public notice in the Cadillac News. Because it affected all properties within the 11 jurisdictions, there was no 300' notice requirement because it could be applied anywhere; and as soon as he made application on this property, the 300' notices were sent out. Jennifer Pedroza: This application was made in March, right before April. This whole thing has been laid out and we were in the dark. You are not looking at the people who live here. He bought it in February, applied in March. You have been communicating with Bob since then. We had no knowledge and feel set up. Upset with our community who is not listening.

Gordon Belt (Developer): It was simply a purchase of property for a business application with the idea that if it could be rezoned, we would pursue with Plan A. If it cannot be rezoned, we will pursue with Plan B. In working with the zoning professionals, Bob pointed out very clearly right up front that they said no; if you want to rezone this for storage, it will probably be a no-go, because if you rezone as commercial it is now eligible for any and everything in the master plan as commercial. That is not what I want. Just trying to open a very specific and in my opinion, quite, respectful and very well operated storage facility. There is nothing like that here. That is why it will be an extremely successful, viable business that services local community. I put in line all the necessary permits. Have worked with MDOT and moved the driveway as MDOT requested. Applied with MDOT, contacted DEQ, working with Wexford County (land use and property management), will also have to apply for building permits. This past week, hired a professional engineer to do professional drawing, address any runoff issue. Number of buildings changed when MDOT said to move the driveway. If I cannot operate within the regulations, then it will not work for us. When it came time to reapply, I said I would like to apply for conditional rezoning and asked if there was an application for me to fill out, Mr. Hall said let's just use the same one you did before; it will suffice for now. So the date says March on it. Trying to be compliant. Will be bringing some jobs. Terry Weckerly asked to have engineer address noise issue. Mr. Belt agreed.

Mr. Boerma asked Mr. Belt to speak to his prior businesses; and also address how vague the conditions are, and how they are contradictory, and whether or not you believe that something as important as having conditions recorded should be in the same way that they are right now.

Mr. Belt: Earlier you made reference you suspected I did not write the conditions. I did in fact write those conditions. If I lived next door, my concerns would be lighting, noise, environment. I am trying to be respectful as far as the barriers, and trying to keep as much vegetation as possible. Fencing: Very expensive; if I can come up with an alternative I will try. It should be about keeping things in and keeping a few bad people out. Lighting: need to keep it safe. Iterations of drawings have been a process of trying to be compliant and being compatible, not a covert or stepping-around-the-rules kind of thing.

Mr. Boerma: My question was that they are asking to conditionally rezone both parcels when only 1 of them needs to be. The condition is that you will go no closer than 225' on the East side of the property line, when it should be West. If they approve this, it goes into the record. These changes need to be made before it gets to this point.

Mr. Belt: These need to be recorded with the register of deeds. Before that happens, a disclaimer will be signed at the end regarding typos. There is no covert operation.

Mr. Boerma: Your conditions are wrong. It makes me seriously doubt how invested you are in seeing this through correctly. For instance, your Phase 3 doesn't list a size.

Redes: There is a size indicated on 1 of the drawings.

Mr. Belt: It would be a building that would require a building permit 3 years from now.

Redes: The Joint Planning Commission pointed out that a couple things need to be changed and fixed.

Lois Poag discussed the beauty of the nature in this area and asked that this project not be put in her backyard.

6. Ordinance WJPC: Boyd read aloud **Ordinance #2018-58, An Ordinance to Amend the Wexford Joint Zoning Ordinance, as Amended by Conditionally Rezoning Certain Lands in Selma Township from District "R2A" General Single-Family Residential to "C" Commercial, and to Repeal all Ordinances in Conflict herewith.**

Keith: I don't like the aspect that this is just now being brought to our attention. It was the last meeting we found out about this. Mr. Hall has known that this was going to happen for the last 5, 6 months? This is in our township. We should have known this at that point and time. Plain and simple. I mean the other townships didn't even know it. We should have known it. As a board, we should have known it. The constituents out here, they should have known it at that time. I don't like the aspect this was like a surprise with the last meeting. There, I've said my piece. I don't want it to happen again. It shouldn't happen again. Am I right there? We just found out about this at the last meeting? I didn't know about it before that.

Redes: 3 meetings ago, I think. Perrin agreed.

Perrin: And we have been invited to meetings.

Keith: I haven't. What, do you mean meetings on this? What we are talking about here?

Perrin & Boyd: Yes, at zoning.

Keith: And this was brought up in that? In zoning meetings?

Redes: As soon as it was brought up, I reported it to the board.

Keith: I don't remember anything being said about that at any meeting whatsoever.

**Motion that the Board approve the above Unconditional Rezoning Application (Ordinance 2018-58) – Boyd/Redes – B-yes, R-yes, K-no, P-yes. Ordinance adopted.**

**Unfinished Business** None

**Correspondence** None

**Board Comments** None

**Adjournment** Meeting adjourned 9:00 PM