

MEETING OF THE RIVES TOWNSHIP PLANNING COMMISSION (PC)

REGULAR MEETING

HELD- AT LANSING AVENUE FIRE STATION

August 19, 2019

Meeting called to order at 6:30 pm.

Members present: Roger DeCamp-chairman, Dwight Carmer-vice chairman, Adam Williams-member, Debbie Miller-ex-officio member from Township Board (TB), Jim Lindstrom-secretary.

Agenda was amended to change order of Business to 1. CWA, 2. MTA meeting, 3. Q&A from Lucas Law. Agenda was approved as amended. Motion by Mr. Carmer, seconded by Mr. Williams. All ayes.

Mr. Williams made motion to approve minutes of the 7-25-19 regular PC meeting, seconded by Mr. Carmer. All ayes. Motion carried.

Chairman DeCamp asked for reports: Mr. Carmer reported that no ZBA meeting had been necessary. Mrs. Miller reported from the TB 1) Phillip Ferraro was appointed as a member of the Board of Review, 2) Board approved Carlisle Wortman and Associates (CWA) proposal for review and suggestions on current Industrial Ordinance for a cost of not exceed \$1,600. This will include one meeting with the Planning Commission and their amendments/opinions on this ordinance. During subsequent discussion, it was suggested that PC ask MSU to do the same which will be at no cost to the community. 3) Board approved installation of a new metal roof vs. shingles for Lansing Ave. Fire Station. The cost of materials is not to exceed \$4,300. Material was purchased at Menards during their 11% discount which will provide \$500 credit to use on future maintenance materials. 4) Changeover of streetlights provided Twp. with a savings of \$400 in June and again in July. Two remaining streetlights were discussed to be changed. During billing review process, it was also found that we are paying for more lights than we actually have. The credits for over-billing will be used on upcoming invoices. 5) An engineer has been hired to provide assistance with the Williams Way (Azalea Dr.) water problem. A petition is being worked on and work will require a special assessment. 6) Refinancing of sewer loan is being reviewed by Township attorney and Independent Bank attorney. 7) August joint Fire Dept. meeting has been cancelled. No reports or comments by other PC members.

Business:

1. CWA – John Enos. Mr. John Enos was introduced and conducted an information and question answering “meet and greet” session about their company, its skills and experience and intended work for Rives Township. CWA is a professional planning firm working with about 75 communities. They don’t represent or assist any private interests or developers. He discussed the importance of the updated Master Plan (MP), the current Code of Ordinances and the process defined by the ZEA

and the PEA and their status as law for decisions. He discussed updating the existing Industrial District language in conjunction with the desires of the PC and the residents. Questions were allowed and he responded. 1) Mrs. Miller asked if a heavy industrial zone is required. 2) Alex Silvestri asked who decides if power plant is heavy or light industry. 3) Lisa Manwell asked if he had copy of 8-13-19 letter from CKRR. He said he does. 4) Megan Short asked if MP can be amended during update of Industrial District language. 5) Vercilla Hart asked if Mr. Enos had received suggested amendment from Chris Paterson regarding Light industrial District. He has. 6) Laura Kien stated she has experience drafting federal ordinances and realizes the importance of wording for sustainability of end product. 7) Joseph Yang said the MP took 1.5 years to update with its emphasis on ruralness of Township. 8) Linda DeBruler stated that Leslie Township adjoins Rives Township and asked what respect if any should be given to adjacent land uses. 9) Judy Formolo stated that the parcel Novi Energy is considering is a problem because of its assets. 10) Lisa Manwell asked if imposing excessive conditions is considered exclusionary. 11) Megan Short suggested expanding the ordinance to fall under the general law enforcement. 12) Judy Formolo asked how long the update of the Industrial District language will take. Mr. Enos said he thought CWA could have a draft for the PC by October meeting. Chairman Decamp asked Mr. Enos to 1) review last sentence in section 17.01 of the Code of Ordinances, 2) define light industrial, 3) list condition for various Industrial uses, 4) review site plan language in section 17.86 and 17.90 – 17-98, 5) add an escrow account /performance bond language as general application for expenses incurred in review of various applications received. Discussion continued regarding use of MSU to write the proposed amendment of the Industrial District language. PC members stated their views on this. Vercilla Hart stated she felt comfortable with the plans as expressed by Mr. Enos.

2. MTA training session will be attended by all PC members 8-20-19 in Frankenmuth
3. Q&A from Lucas law: Chairman DeCamp discussed the responses he received from Fred Lucas, an attorney hired by Rives Township. Mr. Lucas said the existing language regarding “essential services” is secure and doesn’t require a “power plant” to provide same. Regarding correspondence to PC, Mr. Lucas stated legally PC 1) isn’t required to read aloud at meeting, 2) correspondence is not part of minutes if not read aloud, 3) secretary can state how many correspondence received, 4) PC not required to accept documents offered, 5) PC not required to read documents offered. That was the end of answers to questions asked on behalf of PC. Chairman DeCamp went on to report on legal opinions offered by Mr. Lucas on conduct of PC meeting. Public comment must follow guidelines set and public comment should address PC business items.

Public comment was invited at 8:16 pm. Chairman called on those who had requested to speak

1. Linda DeBruler (nonresident) stated that she thought 1) correspondence should be read aloud, and 2) that second opinion of MSU should be sought on proposed language for Industrial District.
2. Kim Huntley (resident) had left meeting therefore no comment made.
3. Donna Domm (resident) stated her intended comment didn’t apply to agenda business therefore made no comment.
4. Chris Fauser (resident) had left meeting therefore no comment made.
5. Joseph Yang (resident) thanked the PC for hiring CWA and allowing the public forum of discussion during tonight’s meeting. He states that PC should take advantage of MSU input. He said that

even though Mr. Lucas's offered allowed conduct of PC meeting was legally sound he hoped that the PC would not follow them rigidly.

6. Vercilla Hart (resident) stated that she 1) thought the meeting with CWA was productive. 2) That escrow language was needed to cover the expenses of reviews on some applications, 3) stated she had given the paperwork on the MSU offer to Mr. Herl for previous contact, 4) supports the use of CWA, attorney Lucas and attorney Chris Paterson.
7. Alice Sutliff (resident) had left meeting and therefore no comment was made.
8. Alex Sivistri (resident) stated he thought there is a communication problem between PC and TB because PC didn't follow suggestion of supervisor to use MSU and Great Lakes Environmental. Chairman and secretary commented that the PC and TB are separate independent entities and have authority and responsibilities given to them by the PEA and the ZEA to work independently when needed.
9. Megan Short discussed the police power of the clean air act is TB issue.
10. Laura Kaien stated it was valuable to have CWA – John Enos make presentation of their abilities and plans to update the Industrial District language. She feels the rules Attorney Lucas said the PC is allowed are too strong.
11. Stacy Stoner stated that even though MSU wouldn't back up there proposed ordinance language we should still use them, and asked what questions Chairman DeCamp asked attorney Lucas. Chairman DeCamp said he had stated those earlier in the meeting when he reported the answers to the PC.
12. Lisa Manwell thanked the PC for providing the 8-13-19 letter from CKRR to Mr. Enos. She asked what "essential services" language was from Mr. Lucas. Secretary read it aloud.

Public comments concluded at 8:44 pm.

Discussion continued among PC members. Mr. Carmer suggested that MSU and/or Great lakes Environmental could be used for other ordinance amendment topics. Chairman DeCamp gave opinion that the Township has been neglected and the Township has been put at risk in the past for not updating its ordinances.

Motion by Mr. Carmer, 2cd by Mrs. Miller to adjourn meeting at 8:54 pm all ayes.

Next Regular PC meeting will be held Monday September 23, 2019 at 6:30 pm at the Lansing Ave. Fire Station.