

Synopsis
Milton Township
Draft Meeting Minutes
July 10, 2023

Members present: C. Weinzapfel, S. Ball, L. Atkinson, J. Renis and B. Pharo

Also present: Attorneys B. Derman, B. Hefferan, Chief J. Ball, and many audience members

C. Weinzapfel called the meeting to order at 7 pm and the Pledge was recited

Agenda Approval

Add Under Supervisor: Letter received from Atkinson to rescind resignation

Motion to approve the agenda as amended by L. Atkinson/S. Ball. Motion carried. 5-0

Approval of regular meeting minutes of June 12, 2023

Motion to approve the minutes by L. Atkinson/S. Ball. Motion carried. 5-0

Public Comment:

Fred Gulick of E. Elk Lake Drive said you decided to put restrictions on my property with the shoreline protection act. You'll see in this presentation that it talks about my sovereignty. Gulick read from the ordinance and the notice he provided. He believes he's excluded from regulations at the county and township level.

Karen Bary of Cairn Hwy said she supports AG businesses. This applicant has talked to her neighbors and the due diligence was done. I encourage you to vote yes today on the ordinance.

Norm Hayes supports the winery ordinance amendment.

Craig Oakley of Sutter Road is a neighbor of the winery and they are in support. He believes the ordinance is strong and if others want something similar, they will need to come before you for a special land use.

Susie Calliou is in support of the winery and she gave board members a book called 13 Ways to Kill Your Community. You don't have anyone on Sutter Road that is against this. Please read these books.

Bryan Kilroy of Sutter Rd., Jamie Knapp of Sutter Ln., Therese Wilson of Sutter Ln., and Karen Stein spoke in support of the winery ordinance amendment.

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Don Way of Cherry Ave. said there are signs on the beach of the public accesses at O'Dell Road that the beach is private. I was told I could launch my boat but I couldn't stay on the beach. Those signs are on the access, and not on their property. Those signs should be removed.

Chantel Lefebvre of Sutter Road, applicant, thanked the planning commission for their time. I feel there has been a thread that farming is not a commercial enterprise. I need to correct that. By definition, farming is a commercial enterprise. We should be afforded the rights of commercial enterprise. The township wants rural character. We are trying to keep this place beautiful and rural, but rural character is not free. The people overall need to recognize this.

Mike Neumann of Sutter Road, applicant, said it's been in the master plan. The people want the farms. You've had us pay \$1500 in escrow for this amendment. Has this been used for legal? To our knowledge, that's never happened and you haven't given the money back. We haven't had a single complaint. Having some of these things, if other farms embrace them and use them, you should help them along the way. The alternative is more housing development.

Tom Paradis is in support of the winery ordinance amendment. There is a lot of talk of traffic and sprawl but I don't think that was ever brought up when the township purchased Maplehurst. Where was your concern then?

Mark White of Sutter Rd., is in support of the winery. Our youngest farmer is 50 years old. We aren't getting younger and our kids don't want to follow us because it's too hard to make a living. It's time you support these people, because we all do.

Jack Howard of Erickson Road is in support this winery ordinance amendment and the farmers. There is no harder worker than the farmers. Any opportunities to keep farms and help their income should be supported.

Sheriff's Report: Sheriff Kevin Hoch

We had a good turn out over the 4th of July with Torch Fest. There were years down there where it wasn't safe. However, with all of the municipalities, now people can come down and feel safe. We were busy and we had a few traffic situations with some OUIs. Update on two new deputies. 262 calls for service for June.

Fire Department Report: Chief J. Ball

10 calls for service for the month of June. Roster is holding at 11 members. Reports given on mutual aid, training, programs, maintenance, and repairs. Update on ISO review. Report on policy and procedure discussion with Lexipol. Looking for approval to sell old extraction tools. The price is \$15,000.

Motion by B. Pharo/J. Renis to allow the old extraction tools to be advertised for sale.
Motion carried. 5-0

Ball is looking for approval to allow lights and sirens for the Deputy Chief and Captain. Both live outside of the township. Ball stated that both officers are consistent daytime responders. I think it would help our response time. It would be used to and from the station. Not to the location.

Motion by B. Pharo/C. Weinzapfel to allow lights and sirens for the two officers. Discussion. Weinzapfel suggested having a letter that authorizes them to use them in their township, and they would be subject to vehicle inspections. Motion carried. 5-0

EMS Report

There is a report in the packet

Zoning Report

As presented in the packet

Planning Report: B. Hefferan

Next meeting is August 2. Steep Slopes and utility grade solar are on the agenda.

Winery Ordinance

Kopriva said she got a copy of the draft minutes which shows how they answered your questions. I'm here to make changes that the board is looking for, and answer questions. The planning commission voted 7-0 to send the amendment back to you with no changes. Her comment is for wineries with tasting rooms to allow them to have guest quarters. It requires a special use permit. While this was applied for, it's not specific to their property only. I want you to look at the rules overall to be broader about the regulations. Kopriva said the board brought up some good comments that the PC didn't address. I would recommend that the board provide input on the amendment, then make changes, and bring it back to the board for review. I don't think you should send this back to the PC. The board should deal with this at the board level. This is unique language to the township. I work in different communities and this is something you don't see. I'm not saying because it doesn't exist everywhere it's wrong. I'm saying it's unique.

L. Atkinson said she's not confident in her understanding of zoning uses. I'm looking at how it affects the township and not just that little corner. Do I support the winery? Yes. Do I support farm related uses? Yes. However, I'm uncomfortable with saying how this affects the whole township. I would like to hear more from a planner and it would be good policy to submit it to our planner for review and have legal review as well.

J. Renis said looking at this, the planning commission did answer the questions. We are looking at the master plan. We don't want to tell the farmers how to farm. This is the first time we are coming up with guest quarters. I don't see where we are ones to stop it and give them a chance. Should others do it? Yes. They don't just grow things, they have to sell them. You don't see people who are not in favor of this. Give them a chance to do this and we can see what happens.

B. Pharo said we need to stop being so restrictive. This has nothing to do with vacation rentals in residential areas. It's a good plan and this is a good addition to a business. It fits and the community loves it. I don't see why we would want to do anything except ease our restrictions on them.

S. Ball said she supports the farming industry but she's concerned about what Kopriva said that this is not just specific to Water Fire Vineyards. This opens it up to the whole township. We're not against what you are trying to do and are not trying delay. I would like Sara and Chris to sit down and review the language. There are things that need to be considered.

J. Renis asked what do you see coming. Ball said she doesn't know what's going to happen but we need to make sure there is verbiage in place to protect everyone. You have to make sure you consider the community as a whole.

B. Pharo asked what is wrong with the verbiage. S. Ball said it opens it up to everyone in the AG zone. B. Pharo and J. Renis said it has to be winery. This would only be related to a winery with a tasting room. It's a special use in the AG district.

Weinzapfel suggested sending the ordinance to Matt Vermitten. Chantel Lefebvre, applicant asked if this will this be paid for by our escrow? C. Weinzapfel said no. This is a township attorney.

J. Renis asked what guidance the township would have for the attorney. What is the problem that needs to be fixed? B. Pharo said this is a delay tactic. This has been twice through the planning commission.

Atkinson said this came before the PC prior to August of 2020 and they had a lot of subcommittee meetings, they had concerns, and if the winery were to close up, what happens to the special use? It's not spelled out.

Chantel Lefebvre, applicant, said this is why we have a planning commission. You're disregarding everything they've done. L. Atkinson asked why are we not looking at this as an agritourism use? C. Lefebvre said that's not what was applied for. L. Atkinson said she supports sending this to Vermitten.

Jamie Knapp said this already went to Antrim County board. C. Weinzapfel said yes. We are not in conflict with the county ordinance. As long as there is no conflict they approve it.

L. Atkinson said its good policy to have any new ordinance reviewed by a land use specialist and a planner and legal

A citizen said he's concerned about sending this ordinance amendment to any attorney because you will get an opinion that doesn't answer any of your questions. This is why you have a planning commission. It's like you don't trust your planning commission.

L. Atkinson said it's her job to ask questions.

Kopriva said it's up to you to decide what you want to do to go forward. I know there were questions for further clarification. I can sit down with you to figure out what you are looking for.

J. Renis said when zoning gets appealed, the judge will go against what the township said. We are going to have a lawyer write it. S. Ball said we are looking at just talking with Kopriva about it, rather than sending it to Vermitten. B. Pharo said the planning commission did a good job and we should move this forward.

LuAnn Langusch said you're concerned with what happens when they leave. If they were to leave. L. Atkinson said the question was posed in the minutes and it's a valid question but it's not addressed now. I can't express this enough that this came before the PC just recently because it was resubmitted two months ago.

C. Lefebvre said the planning commission provides you with a report. Do you not see this as your job to read the minutes of the meetings? We don't see the final draft until it's done and submitted to the board for review.

L. Atkinson said she's in support of working with Kopriva on the questions we have and sending the final to Vermitten for review.

Jack Howard asked if Kopriva knows our community. Are you interested in our growth?

C. Lefebvre, applicant, said it was pulled for a reason. Karen Bargy said township board members had the opportunity to read this at the public hearing more than a month ago. It's your job and if you have concerns take them to the chair.

Mike Neumann said what questions do you want to go over with Kopriva? How many food trucks? This has been answered. You don't need to micromanage this. The fire code is a self-limiting factor. There are already built in restrictions. What if you put in guest quarters and we go out of business? That's why we went with different language. Cabins could be moved on or off the site. If we have a non-conforming use, that's our problem and our risk that's not something that needs to be spelled out in the ordinance. I've not heard any questions that haven't already been discussed by the planning commission.

C. Weinzapfel asked are you good without having truck numbers? Kopriva said it's a valid question but one comment was the attendance is limited to 100 at one time or over the whole day. I don't know if you need to put a number on it or not.

B. Pharo said this is self-limiting. J. Renis said the parking is such they can't park on the street. They must park in the lot and this is self-limiting.

Ron Boals said Zoning should be reasonable. There will be changes in Milton Township for sure. Most of these people live real close and if they have an issue with it, it's a special use and anyone will have to make an application.

Dan Way said this is a taxable interest for the township.

C. Weinzapfel asked if you have the minimal changes suggested to combine the two sentences regarding units. Kopriva said this would be clarifying language. Weinzapfel said his other comment was #7, remove word "appropriate." B. Pharo pointed out a typo. B. Pharo said he's good with it as it is. L. Atkinson said she'd like to work with Kopriva and send it to Vermitten. It won't take long, but just to make sure we have the right language. Kopriva will make the changes discussed with Weinzapfel.

Motion by B. Pharo/J. Renis to approve ZO 2023-01

Roll Call: C. Weinzapfel-Yes; J. Renis-Yes; B. Pharo-Yes; L. Atkinson-No; and S. Ball-No.

Motion carried 3-2.

Attorney's Report: B. Derman

Warring Road access update. Nothing new on STRs at the state level. Progress on the TART trail.

Supervisor's Report: C. Weinzapfel

1. Donation from ER Soccer Club. We got \$500 thanking us for the use of the fields.
2. Replacement of Well Pump: Waterfront Pavilion. This had to be replaced. The cost is estimated at \$4500.
3. Replacement of Control Panel: Park Irrigation. Estimated cost is close to \$2,500 to 3,000.
4. Lease Agreement with County Lot #33. Motion to go forward with signing the lease agreement on NW Torch Lake Drive. L. Atkinson said she hasn't taken any photos of it yet. Renis asked the status of the other property. C. Weinzapfel said the grant was submitted. If we don't get the grant money, Lot #33 reverts back to the county.

Motion by L. Atkinson/J. Renis to approve the lease agreement with Antrim County regarding Lot #33. Motion carried.

5. Atkinson rescinded her resignation with a letter to the board. She would like to be appointed to fill her own vacancy effective 9/1/23. Motion by S. Ball/B. Pharo to reappoint L. Atkinson to serve as treasurer for Milton Township.

Roll Call:

C. Weinzapfel-Yes; L. Atkinson-Abstain; J. Renis-Yes; B. Pharo-Yes; S. Ball-Yes.

Motion carried, 4-0, 1 abstain

Library Report: L. Atkinson

Minutes provided

Unfinished Business

1. RFP Update

C. Weinzapfel said he's gotten two proposals from Gourde Fraser and Wade Trim. This will be on the agenda for next month.

Mark White asked about fixing the launch on O'Dell. C. Weinzapfel said they are working on getting permits for the work done.

C. Weinzapfel said the road commission is on schedule for having lines done on our roads.

New Business

None

Public Comment

Shirley Snare of Joe Marks Trail said the cement has broken pieces of re-bar hanging out on at the boat launch at O'Dell Road. This is very dangerous. C. Weinzapfel will check on this.

Karen Bargy said the community values rural character. Zoning must be used to protect everyone. I've listened to L. Atkinson allege commercial use in a residential district. In past meetings, it's been brought up and it's not exercising the tools to enforce the ordinance. Why should we comply with zoning if you don't enforce it? Everyone went to great lengths to make an ordinance that makes sense, to see the potential for the AG district. You can make additional amendments. You can modify it. If it's not working well, it's not working for the community, use the tools available in the zoning.

Approval of Bills

Motion to approve the bills by S. Ball/B. Pharo. Motion carried. 5-0

Meeting adjourned by order of the chair at 8:35 pm.

These minutes are subject to approval at the August 14, 2023 meeting. A copy of these minutes are available at miltontownship.org

Respectfully submitted,
Sandra Ball, Clerk