

VOLINIA TOWNSHIP
CASS COUNTY, MICHIGAN
Minutes of Special Meeting
Tuesday, July 25, 2023
6:30 PM

The meeting was called to order by Supervisor Larry Davis at 6:33pm. Members present: Supervisor Larry Davis, Treasurer Alex Williams, Trustee Denny Grice and Clerk Annette Peters. Members absent: None.

Others present: Doug Kuhlman, Roxanne Seeber.

Prayer was given by Denny Grice.

Pledge of Allegiance was given by Larry Davis.

Township Attorney

The township has 45 days to appoint another Trustee or another Board member, except the Supervisor can be appointed to the Planning Commission.

Gravel Pit – This Company has most likely not recently applied for a pit in the last 10-15 years. The Planning Commission understands their rolls. In another township a gravel pit permit took around a year to get approval. The applicant is more likely to sue for denial than to the residents are to for approving. Roxanne cannot ethnically leave while the grave pit is going on. There have been some files coming into their office, but are apparently from the residents not the companies. No one knows how long this could drag on for.

Zoning administrator – Has provided a few names, who Larry has already been in contact with. It will be more costly to use a consultant as apposed to Doug, who is self taught. Beth Pompey is good; she will post notices but will not coordinate well with the planning commission.

Camp Matziv – Is supposed to be a children's camp. The camp has had a zoom meeting with Doug and Roxanne. There was a proposed text tax amendment for children's camp. There has been communication for 5-6 months with the camps attorney. They thought it was over. They wanted to know if nontaxable. They had no intent for liquor license. No outdoor activities were approved. Not a wedding venue, but members can have weddings. The text tax amendment is to not give away the farm, but to have rules. Larry was approached about the camp serving liquor and being served by an ex-bartender from Swiss Valley. Doug thinks this would be a police issue. Denny asked if the camp is doing stuff out of compliance, what we can do for violations. Doug said that we do, we called them out on it, which is who the text amendment got started and they were immediately pulled from the tax exempt status with the assessor. Roxanne will call tomorrow and check the status. Denny and Alex said that they have heard that the camp is trying to purchase Ag Production neighboring property. Roxanne said that they would

have to apply for special use permit, if they purchase additional properties. Denny asked if the tax amendment is agreed upon and then the camp goes back to doing non-allowed activities, what we can do then. Roxanne said that zoning tickets can be given. Alex said that he feels that the camp issues are unknown and there's no communication about what's going on.

Roxanne said that with new board members, the gravel pit is the worse thing to come on board to.

Zoning Ordinances are from 2016. The planning commission hold meeting/hearings and if approve, it then gets sent to the county commission. Denny asked about the planning commission making recommendation then sending to the board.

Roxanne recommends having zoning ordinance rewrite for the planning commission to have the final say, but not right now due to the current hearing. Denny said that he thinks it will really rally a crowd if we do that now. He then asked why the board should not attend the planning commission hearings. Roxanne said there is old case law if board attends; since they have power it is perceived as influence. Alex asked if we can read minutes and watch video from the hearing. Roxanne said that is okay, it's more the potential of interaction. Alex stated that the planning commission is supposed to have 5 members and we currently have 7. Larry stated that he was told by Bob Rasmussen that one potentially wants to step down. Larry asked if there is another hearing and the planning commission says yes, and then the board says now, what will happen then. Roxanne said that the board will get sued either way.

Recommendations are done by the Planning Commission, then the County Planning Commission, and then the Township Board makes the final decision. You can send it back with questions to the Township's Planning Commission.

Larry asked about the last Board meeting with the board's determination of having Doug enforce the ZBAs determination at Brian's request, and if that was the right or wrong decision. Roxanne feels that the board was bullied, and then didn't understand the correct process. Anytime we are told to make or must do something, the answer should always be no. The contractor should have contacted the ZBA.

Doug said that 3 years ago, Poulsen's put up a privacy fence. Lamoureux complained about the condition of the fence. Gwenn Johnson, the Supervisor at the time, told him that we were not dealing a neighbor feud. Poulsen's took down the fence and put up another one without permits. Portions of the fence were not compliant. Lamoureux filed for an interpretation. Stated that the ordinance requires zoning administrator is supposed to investigate and file all complaints, Doug did all the complaints that the supervisor sent on to him, and investigated, photographed and turned into the supervisor. The ZBA said that he was at fault because the supervisor had no right to tell him to not follow up. The ZBA questioned what a flag lot was. Then said that Poulsen had a flag lot, Doug believes the lot is irregular and not a flag lot. He tried to convince the ZBA of this, since Poulsen's have several hundred feet of road frontage. When Doug heard back from

Poulsen after the ZBA's determination, he was told that he had applied to the Department of Ag for a site Selection. If the site selection was approved that would preempt the township's board. Doug understands that Poulsen was approved by the Department of Ag for site selection on the day of his resignation. After the ZBA brought Doug to the table he asked why, and was told they never intended to regulate Ag properties. He then asked to go back to the planning commission and ZBA said no, that it was found in the ordinances. Doug had revoked the 1st permit after attorney consultation, and the applicant did reapply. Doug did send a letter saying if AG no permit is required, and that the Board telling him to do anything would cause issues since the Department of Ag would be approving the Site Selection request.

Doug asked himself if he would want to come back. He would only consider thinking about coming back if the board reversed their decision from July 10, 2023. Lamoureaux should have appealed the ZBA's decision. He also said that another township pay's him \$550 per month.

The Zoning fees, attorney fees and engineering fees should come from the \$1,000 escrow that we have on hand from the gravel pit.

Denny stated that the ZBA minutes claims they found many things that Doug did wrong. At the end of the minutes, Lamoureaux asked if they could resolve within 30 days. Doug made it clear that there was no guarantee. Everyone left assuming Doug was going to enforce the determination. Poulsen's applied 6 days later to Department of Ag. 60 days later Lamoureaux is stating that nothing was happening. Doug said that he talked to the Department of Ag right away, who said that they seen nothing that would prevent the site selection from being approved.

Annette asked if we have to reverse the July 10, 2023 decision since the Department of Ag made a decision. Roxanne said no, it's new zoning now; someone who originally voted has to make a motion for reconsideration.

Alex Williams made a motion to reconsider the July 10, 2023 decision to force Doug Kuhlman to enforce the ZBA fence decision again Poulsen's; Annette Peters seconded the motion; all in favor; motion carried. Larry Davis requested a roll call vote:

Grice – No

Peters – Yes

Davis – Yes

Williams – Yes

The board approved the reconsideration of the July 10, 2023 decision.

Doug believes that all steps were properly done. The Board didn't have enough information to make a determination that night.

Alex Williams made a motion to withdraw action taken on July 10, 2023 at the Regular Board meeting and let last zoning administration application and GAAMPS decision

stand; Larry Davis seconded the motion; motion carried. Larry Davis requested a roll call vote:

Grice – No
Peters – Yes
Davis – Yes
Williams – Yes

The board approved withdrawing actions taken July 10, 2023.

Denny asked if we hire a specialist wouldn't those fees come from the Gravel Pit escrow?
Yes.

Larry said that zoning applications are coming in. He can't help them, only someone with zoning administration experience. What happens if the township doesn't hire someone until August 14, 2023, and the applicants start putting up buildings before we hire someone?

Larry shared Letter to the Editor that was signed by a Planning Commission member, Bob Lehigh. Attorney said that potentially we would have to have a ZBA pre-deposition. There would be a hearing, with notice to potentially remove from ZBA. She does not advise to let this lay. Ask the member to resign, if they will not, give notice and have a hearing. An alternate can be moved up, and then we would need to assign another alternate.

Quorum – No two or more ZBA members should be present during ZBA decision discussion.

Board

Larry has talked with Mark Davis, the zoning administrator for Wayne Township. He has not returned a call after the initial conversation.

After the Leadership Meeting, Beth Pompay had approached Larry about doing our Zoning and Blight Administration.

Rich McGrew had submitted his resume.

Alex said that he thinks we should hire a zoning administrator and consultant too, if necessary.

Denny said that he would like to look for someone closer for the long term.

Alex – If Doug is willing to return short term.

Annette asked if we could ask Doug to stay on just for the Gravel Pit.

Larry said that he has issues with the committee boards not having quarterly meetings,

Alex said that he thinks that Doug drags his feet and doesn't enforce zoning issues. He has the "nothings broke, just continue as is" agenda. We have to make sure officers and inspectors are actually doing stuff.

Denny said short term we need someone to write permits, and long term too. For the gravel pit we either need Doug or a specialist, and money shouldn't be an option since the fees are being paid by the gravel company. Doug is an employee, and is not under contract. We should start interviewing and produce a plan. Denny feels Doug didn't do what he was supposed to, and worries about long term priorities.

Mark Davis is \$325 per month, so is in the same ball park, but might not be able to do as much as Doug did.

Denny said we need to hold interviews.

Larry said that the board didn't do what the attorney and Doug recommended, we forced Doug's hand and that's why we are in this situation now.

Alex and Denny said that there is paperwork saying what the determination was. No where was it said Doug would not do what the ZBA said. The board didn't receive the minutes from the April ZBA meeting until June.

Larry made a motion to increase Doug's pay to \$350 a month and ask Doug to reconsider his resignation, with a deadline of July 31, 2023; if Doug is not interested in reconsidering, we then line up interviews with Rich McGrew, Zoning Solutions and Mark Davis. Preferably on a Monday or Tuesday with 30 minute intervals, the week of August 7th, 2023 so a decision can be made at the August 14, 2023 regular board meeting; Denny Grice seconded the motion; all in favor; motion carried. Larry Davis asked for a roll call vote:

Grice – No

Peters – Yes

Davis – Yes

Williams – with reluctantly Yes

The board approved to asked Doug to reconsider his resignation, and if not hold interviews for a replacement Zoning Administration.

Public Comment

None.

Adjournment

Annette Peters made a motion to adjourn the meeting; Alex Williams seconded the motion; all in favor; the meeting was adjourned at 8:55pm.

Respectfully submitted,
Annette Peters
Volinia Township Clerk