

**CHARTER TOWNSHIP OF ORION
BOARD OF TRUSTEES, PLANNING COMMISSION,
ZONING BOARD OF APPEALS & CIA
SPECIAL JOINT MEETING - WEDNESDAY, APRIL 10, 2019**

The Charter Township of Orion Planning Commission held a Special Joint Meeting with the Board of Trustees, Zoning Board of Appeals, and the CIA on Wednesday, April 10, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

BOARD OF TRUSTEES MEMBERS PRESENT:

Chris Barnett, Supervisor	John Steimel, Trustee/BOT Rep. to PC
Penny Shults, Clerk	Brian Birney, Trustee
Donni Steele, Treasurer	Julia Dalrymple, Trustee
Mike Flood, Trustee/BOT Rep. to ZBA	

BOARD OF TRUSTEES MEMBERS ABSENT:

None

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman	
Don Gross, Vice Chairman	Don Walker, PC Rep. to ZBA
Joe St. Henry, Secretary	Scott Reynolds, Commissioner
John Steimel, BOT Rep. to PC	Todd Garris, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

None

ZONING BOARD OF APPEALS MEMBERS PRESENT:

Loren Yaros, Chairman	Don Walker, PC Rep. to ZBA
Dan Durham, Vice Chairman	Lucy Koscierny, Board Member
Mike Flood, BOT Rep. to ZBA	

ZONING BOARD OF APPEALS MEMBERS ABSENT:

None

CONSULTANTS PRESENT:

Dan Kelly (Township Attorney) & Brittney Ellis (Associate) of The Kelly Firm, PLC
Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.
Jim Stevens and Mark Landis (Township Engineers) of Orchard, Hiltz, & McCliment, Inc.
Gary Roberts, Strategic Communications Solutions

OTHERS PRESENT:

JoAnn VanTassel, CIA Secretary	Tammy Girling, Planning & Zoning Director
Samantha Timco, Chief Assistant	Lynn Harrison, Planning & Zoning Coordinator
Debra Walton, Planning & Zoning Clerk	Al Daisley, Ordinance Enforcement Officer
Jeff Williams, Fire Marshal	Dan Dewey, CIA Member
Dave Goodloe, Building Official	

CALL TO ORDER/INTRODUCTIONS

Supervisor Barnett called the joint special meeting to order at 7:15pm. Supervisor Barnett thanked staff and volunteer members that were present. Supervisor Barnett asked everyone in attendance to introduce themselves.

PROCEDURAL ISSUES

By-Laws

Township Attorney Dan Kelly stated that we can have alternates for Planning Commission meetings. If a Planning Commissioner will be absent more than 2 consecutive meetings, an alternate member can be used. Attorney Kelly added that the By-Laws for both the Zoning Board of Appeals and the Planning Commission need to be updated. Attorney Kelly noted that the conflict-of-interest clause is inconsistent between the Planning Commission and ZBA By-Laws and should be reviewed. Attorney Kelly commented that quorums are important for both the developer and Township departments. Both By-Laws and the Ordinance should be reviewed for consistency. Supervisor Barnett appointed Attorney Kelly, Attorney Ellis, and the Planning & Zoning Department to work on this.

Site Walks

Supervisor Barnett asked if we still need to do site walks? Trustee John Steimel answered that he counts on them, they are helpful and thinks the applicant should be there also. Planning Commission Secretary Joe St. Henry agreed that the site walks were valuable and having the applicant there is important. ZBA Vice Chairman Dan Durham stated the site walks were important because the sites do change over the years. Planning Commissioner Scott Reynolds agreed the site walks were valuable, but wasn't sure if the applicant needed to be there if they have the plan. Planning Commission Vice Chairman Don Gross stated that he enjoys doing site walks and doesn't see a need for the applicant being there.

Pre-application meetings

Supervisor Barnett asked if the Pre-application Meetings were meaningful? Township Planner Doug Lewan stated that in other communities, the Planning Commissioners rotate every month, and it gets more people involved. Trustee John Steimel commented that there are too many people involved and questioned if procedures were being followed. Trustee Steimel questioned why we need to have the Economic Development and Building official there, and thinks it to be inefficient; that only critical people should be there. Building Official Dave Goodloe added that the meetings are a good resource for people. Supervisor Barnett asked if there were any other Commissioners that would be interested in alternating? Commissioner Garris, Commissioner Reynolds, Trustee Steimel, Planning Commission Vice Chairman Don Gross and Planning Commission Secretary Joe St. Henry all agreed to be alternates for pre-application meetings.

Conflict of Interest

Township Attorney Dan Kelley stated there is a good definition in the ordinance that if a Township representative is within 300-ft. of a proposed project or ZBA case, they should recuse themselves, or if there is a family relationship or a financial benefit. When recused, they should not have any influence on other Board Members. Attorney Kelly was asked to do research protocol. Clerk Penny Shults asked for an attorney opinion.

FOIA request for plans

Clerk Penny Shults questioned if the Board Members should get plans before the public can get them? Clerk Shults stated that, for a recent proposed project, she was able to look at them, but could not take pictures or have a copy until the Boards had the plans. Attorney Kelley stated there is options for delay – we have 5 days to respond to a FOIA request and then can add up to a 10-day extension if necessary. CIA Secretary JoAnn VanTassel said that it is a disservice to the Board Members. Township Attorney Dan Kelley disagreed. Attorney Kelly will give an opinion. The majority present were ok with giving plans to the public when asked. Supervisor Barnett suggested emailing members plans when available. The majority of the PC members said that was not necessary.

ORDINANCE UPDATES

Target Shooting

Trustee Brian Birney discussed that there is a 50/50 consensus for/against a Target Shooting Ordinance. Trustee Birney noted that he will be setting up a committee meeting soon to discuss

targeting shooting on residential properties and possibly an ordinance which would also help to educate the public.

Electric Vehicles

Supervisor Barnett noted that this needs to be brought to PC for updating. Planning and Zoning Director Tammy Girling had updated the ordinance in 2016 as it pertains to electric charging stations and compared it to Auburn Hills regulations. Planning & Zoning Director Girling asked everyone to read it and if there are concerns, to let her know and she will then bring to the Planning Commission. The Planning Commission will take a look at it to see if conduct/infrastructure for new developments should be required.

Ord. 154 – Medical Marihuana

Supervisor Barnett said there has been no action on recreational Marihuana yet by the Board. Since enacted, the State has made several changes to the law. Clerk Shults stated that there were only 5 permits that renewed. Clerk Shults suggested that we exhaust what we have first before looking at amending the ordinance. Township Attorney Dan Kelley explained stacking and that it is not limited to the number of permits but limited to the number of locations, we allow 6. It was noted that we have until December 6, 2019 to opt out of allowing recreational marihuana facilities in the Township if we want to. Supervisor Barnett suggested we look at the 15% variance requirement and is it reasonable. Trustee John Steimel stated that it is still new, why change it? Fire Marshal Jeff Williams stated that the State is moving fast. Planning Commission Chairman Justin Dukakis stated that draft rules” for recreational marihuana will be done by this summer, June, 2019. Planning Commissioner Scott Reynolds stated that there should be a way to balance it.

Ord. 60 – Land Division/Private Roads

Planning & Zoning Director Girling said that she will look at this Ordinance and feels that the Land Division and the Private Roads should be separated. Trustee John Steimel felt that it should not be divided. Clerk Penny Shults offered to help.

Ord. 73 – Solid Waste & Recyclable Material Collections Regulation

Supervisor Barnett stated that this was on the Board for Monday night’s meeting. Township Attorney Dan Kelley will provide an opinion.

Ord. 79 Noxious Weeds

Trustee Flood said that the Ordinance needs updating. That notification, per the current ordinance, during the months of April/May is not early enough and that the presence of noxious weeds and grass over twelve inches is too high and should be changed. Building Official Dave Goodloe and Township Attorney Dan Kelley will be working on this.

Ord. 143 Fireworks Safety Standards

Trustee Mike Flood stated that the Ordinance needs to be updated because it has not been updated since 2012 and State regulations have changed. Trustee Mike Flood will work on this with Township Attorney Dan Kelley and bring back to the Board.

TRAINING

Emergency Operation Plan – Crisis Training

Trustee Mike Flood feels that everyone should go through training on this plan; not a lot of us are familiar with it - Emergency Operation Plan. bring more knowledge to the community.

Continuing Education

Supervisor Barnett feels this is very important to him and is important to the functionality of all Boards. Clerk Shults noted there are a lot of parliamentary resources available. Planning & Zoning Director Tammy Girling stated there are also MSU extension programs available and will provide

information to the group. Supervisor Barnett said that the Township will pay for the training and wants everyone to feel confident in their roles.

DEVELOPMENT UPDATES

Supervisor Barnett said to contact Strategic Communications Solutions Director, Gary Roberts, with questions regarding Brown Road & Baldwin Road developments or you can go to the Corridor Improvement Authority page on our website to view their minutes.

OPEN DISCUSSION/FUTURE MEETING TOPICS

CIA Secretary JoAnn Van Tassel stated that they need to recruit women for alternates on the Planning Commission.

Township Planner Lewan noted that the Master Plan will be out of date by September of 2020 and needs to be discussed. They can do a full amendment or could just approve the existing one as it is.

ZBA Vice Chairman Dan Durham noted the ZBA gets at least 3 to 4 cases per year where people did not come in for variances and built non-complying structures or fences. This is a dilemma for them because he doesn't want to make someone tear something down and they have to figure out a way to approve it. ZBA Vice Chairman Dan Durham suggested possibly charging people a fine who do that. We should look at other communities on how they handled it.

Planning & Zoning Director Tammy Girling suggested during a slow night at Planning Commission, to have a training session on traffic studies and wetland studies and how to ready them. The majority of the Planning Commissioners agreed.

Trustee Flood stated there is a No Haz collection day this Saturday in Oxford.

Ordinance Enforcement Officer Al Daisley added that some garbage haulers are now split and can pick-up trash and recycling with the same truck.

CIA Member Dan Dewey said that he receives a lot of Township questions regarding garbage.

Treasurer Donnie Steele stated that we need to have more of these meetings so they are not as long. Also, there needs to be a vision for the Township before discussing the Master Plan.

Strategic Communications Solutions Director Gary Roberts said the Medical Marijuana facilities are some of the safest and secure operations in the State.

Supervisor Barnett said that he agreed that they need a vision and that they are hiring a Budget and Procurement Director on Monday. He also noted that the Township has 3 large scale projects in the works – a new Township hall, a new DPW garage and the addition of administrative space to Fire Station 3.

ADJOURNMENT

The meeting adjourned at 9:50pm.

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

4/17/19
Approval Date