

Hayes Township, Charlevoix County  
Planning Commission  
October 18th, 2022 7:00 pm  
Hayes Township Hall  
09195 Major Douglas Sloan Road  
Charlevoix, Michigan 49720  
ZOOM Meeting ID: 856 3315 7599

The October 18th, 2022 meeting of the Hayes Township Planning Commission was called to order by Chair Roy Griffiths at 7:00 pm.

Board members present were: Matt Cunningham (Trustee), Roy Griffiths (Chair), Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos and Marilyn Morehead.

Also present: April Hilton (Deputy Clerk/Recording Secretary)

Audience Members signed in: Shelly VanWart, Ellis Boal, LuAnne Kozma, Tim Boyko, Kim Fary, Deb Narten, Winnie Boal, Danielle Hutcheson, Monica Fedak, Omar Feliciano, Jim Rudolph, Gretchen Baisa, Chris Knight, Carole Meluin, Robert Jess, John Knight, Sheryl Bergman, Chelsea Mills, Chris Mills, Betty Henne, Judy Price, Earl Price, Janet Simon, Ray Bice, Bob Adams, Bill Henne, Sue Bice, Lawrence Murray, Kevin Kemp, Candy Kemp, Sue Loverger, Chip Lovenger, Karen Lamoreaux, Marilyn Anderson, Dave Stolt, Vic Martinchek, Kathy Martinchek, Pat Fary, Lesley Pritchard, Mel Narten, Mike Hutcheson, Diane McMahan, Jim McMahan, Darcey Phelps, Lee Maynard, Bob Furgeson, Bud Borus, Maureen Whitener, Jennifer McKay, Katie Wolf, Wendy Leudand, Amy Kuczynski, Wayne Sexton, Kellyann Sexton, Randy Price, Mike Taylor, Summer Way, Anthony Dass, Carol Umlor, Tom Darton, Andrew Mailloux, Brent Price and Carl Harmon.

#### **PLEDGE OF ALLEGIANCE**

#### **REVIEWED & APPROVED AGENDA**

Ms. Morehead made a motion, supported by Mr. Bajos, to approve the agenda as amended.

Yays: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None                      Motion Carried

#### **DECLARATIONS OF CONFLICT OF INTEREST: NONE**

#### **REZONE REQUEST UPDATE/MASTER PLAN/FUTURE LAND USE MAP:**

Mr. Griffiths updated the Planning Commission Members, as well as the public present, on the rezone request on the property owned by Emmet County that surrounded by property

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owned by Reith-Reilly in Bayshore. The rezone request was withdrawn by the applicant prior to the hearing and the application fee has been returned by the Board of Trustees. The rezone request, as well as residents' concerns, highlighted a need for the Planning Commission to revisit the Future Land Use Map in the Master Plan that was adopted in 2019. The Future Land Use Map does not reflect the impact of Industrial Zoning on the Bayshore area. Mr. Griffiths stated he would entertain a motion to begin the process of revisiting the Master Plan to correct the Future Land Use map.

Mr. Bajos made a motion, supported by Ms. Morehead to begin the process required to review and amend the Hayes Township Master Plan.

Yays: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None                      Motion Carried

**PRESENTATION BY LAND INFORMATION ACCESS ASSOCIATION, TIP OF THE MIT  
WATERSHED COUNCIL, LAKE CHARLEVOIX ASSOCIATION:**

Lee Maynard (LIAA) introduced the three organizations and the individual representatives (Tom Darnton- Lake Charlevoix Association, Lee Maynard (LIAA), Jennifer McKay (Tip of the Mitt) and Katie Wolf (Tip of the Mitt).

Jennifer McKay presented a review of the 2016 Lake Charlevoix Visioning and Shoreline Protecting Project as well as Lake Charlevoix Watershed Zoning Recommendations.

Hayes Township Specific result of waterfront parcel review:

- 78% in violation (47% of those had rock/riprap/32% beach sanding/ 4 seawalls)
- Greenbelt results (42% very poor/poor, 42% moderate/good, 16% excellent)

Lee Maynard presented different types of shorelines within the county as well as some ideas of restoration of damaged shorelines.

Individual PC members shared concerns, interests, ideas to benefit the lake included:

- Educate and encourage to work with property owners to protect lake (not always 100% restoration)
- Construction in Hayes Township promotes Shoreline Protection Strip restoration per Ordinance

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- Property owners may not have means to restore Shoreline Protection Strip 100%
- OHWM definition and reality create conflict
- Work with individual property owners to create Lake protection on individual unique parcels
- Enforcement issues; needs to be collaboration of all communities
- Inform public (rebuild/new construction); educate public
- Erosion caused by high lake levels
- Ordinary High-Water Mark (OHWM) not consistently presented or defined; Shoreline hardening not in Township's regulations; EGLE passed out permits too easily
- More Charlevoix County involvement
- Not all parcels are the same, uniformity countywide of enforcement
- High Energy wave action areas
- Hayes Township Park maybe a future site for the Township to work with agencies jointly to put in a bioengineered shoreline protection project

#### **PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS**

Public comment opened at 7:51 and include:

- ✓ Hayes Township Principal of Guidance
- ✓ Questioned the sincerity of Planning Commission members
- ✓ Concern about former H&D property; Industrial near Residential
- ✓ Chair reminded the public that the Township recognizes that the Future Land Use map does not reflect the desires of the Township nor what should happen on or near the parcel owned by Emmett County
- ✓ Concerns about Master Plan that was adopted in 2019
- ✓ Reclamation process of Reith-Reilly property
- ✓ Thank the PC for revisiting the Master Plan
- ✓ Michigan Shores residents are concerned with industrial zoning
- ✓ Strict rules and regulations that PC must follow to consider a rezone and there are there are many false rumors flying around
- ✓ Master plan verbiage conflicts with map
- ✓ Ordinance needs to be strictly enforced

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- ✓ Protect Bayshore
- ✓ Development should not happen in Hayes; ruined Traverse City

Public comment closed at 8:34.

**APPROVAL OF AUGUST 16<sup>TH</sup>, 2022 PC MINUTES**

Mr. Bajos made a motion, supported by Mr. Greenslade to approve the September 13, 2022 Planning Commission minutes as corrected.

Yeas: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None                      **Motion Carried**

**REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:**

By Matt Cunningham. Next meeting November 14, 2022.

**REPORT OF PLANNING COMMISSION REPRESENTATIVE TO THE ZONING BOARD OF APPEALS:**

Mr. Greenslade presented an oral Zoning Board of Appeals report.

**ZONING ADMINISTRATOR REPORT:**

Ron VanZee presented an oral Zoning Administrator Report.

**NEW BUSINESS**

**STATUS REPORT ON COMPILATION OF SYNOPSIS OF ZONING ORDINANCE REVIEW:**

Planning Commission members each received a copy of the edits along with a drive containing all the videos of previous discussion for review. Draft will be put on the website and copies are available from the clerk.

Planning Commission came to a census to review the edits of the Zoning Ordinance discussion draft individually and return comments and corrections to Chair Roy Griffiths before next scheduled meeting.

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**SET/CONFIRM PUBLIC HEARING DATES:**

Tentatively set, (complete application has not been received by the Township/no health department approval) a Public Hearing/Special Use Permit for a Mini Campground, for December 20<sup>th</sup>, 2022.

**SET/CONFIRM DATE OF NEXT PC MEETING:**

Next Planning Commission meeting will take place on November 15<sup>th</sup>, 2022 at 7:00 pm.

**PUBLIC COMMENTS:** Public comments opened at 8:47 pm.

Comments included:

- ✓ Honor the protection of streams, lakes, wells, shoreline
- ✓ Traffic study prior to any more development
- ✓ Un-elect Roy Griffitts from Chair of Planning Commission
- ✓ Thank you for the commitment to revisit the Master Plan
- ✓ Intimidating to speak at meetings; more collaboration between residents and Planning Commission
- ✓ Hayes Township current Ordinance is considered one of the best in State to protect lakes
- ✓ Contact with Holtec (new owner of Big Rock)
- ✓ Discussion with community while reviewing the Master Plan

Public comments closed at 9:05 pm.

**PLANNING COMMISSION COMMENT:**

Ellis Boal has requested the Planning Commission remove Roy Griffitts as Chair.

Planning Commission comments:

- Roy acting as Deputy Supervisor (in regards to the EMS Authority) and serving on the Planning Commission was an oversight and not malicious
- Roy handles the difficult position well
- All members strongly disagreed with removing Roy Griffitts as Chair
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Ms. Morehead made a motion, supported by Mr. Bulman to reject the suggestion to remove Chair Roy Griffiths from the Planning Commission.

Yeas: Matt Cunningham, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Abstained: Roy Griffiths

Nays: None                    **Motion Carried**

Mr. Bulman clarified that the Planning Commission has a legal responsibility to hear applications received (the rezone as well as the salt station). He takes offense to the name calling and rhetoric directed to the Planning Commission or the suggestion the PC was encouraging or in favor of either request. He reiterated that he took the position on the PC to represent all Hayes Township land owners and their rights. The PC is with the residents and not against.

Mr. Greenslade clarified with the Chair the Ordinance edit review process. The public will have a chance to provide input. He continued that he would like the community and residents to support and comment regarding the Zoning Ordinance.

Mr. Burnett reiterated to the public that all meeting where the Planning Commission has discussed the Zoning Ordinance has been open to the public.

Mr. Griffiths made a observation that this has been the largest meeting since the Elmer's controversy. He appreciated all of those that were respectful. Dialog needs to stay open and that the statements that have falsely been made against the Planning Commission are detrimental to the process. He invited the public to question why or what those false statements serve, what purpose. All discussions take place at the Planning Commission meetings, always open to the public, nowhere else. Mr. Griffiths encourages the public to regularly attend.

**ADJOURNMENT:** Mr. Bajos made a motion, supported by Ms. Morehead, to adjourn at 9:15 p.m.

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Yeas: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None                **Motion Carried**

Respectfully Submitted,

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April Hilton  
Hayes Township Deputy Clerk/Recording Secretary