

Hayes Township Planning Commission
November 19th, 2024
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: CT Martin, Roy Griffiths (Chair), Carey Cuddeback, Matt Cunningham, Alexander Curley, and Mark Snyder.

Excused: Rex Greenslade

Also, present: April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Zoning Administrator) and Todd Millar

Audience: Deb Narten, Doug Kuebler, David Zipp, Betty Henne, Kevin Willis, Omar Feliciano, Laura Ford, Tim Boyko, LuAnne Kozma, Winnie Boal, Kathy Simon, Ellis Boal, Jim McMahon, Diane Conklin, Bill Conklin, Andrew Wilson, Mel Czechowski, and R.J. Jess.

REVIEW AGENDA:

Mr. Cunningham made a motion, supported by Mr. Snyder, to approve the agenda as amended.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES OCTOBER 22nd, 2024 REGULAR MEETING

Mr. Cunningham made a motion, supported by Ms. Cuddeback, to approve the October 22nd, 2024, regular meeting minutes as corrected.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 7:03pm.

- Stated there is no dates on the Shoreline Review projects.
- Stated they are a member of the Charlevoix County Planning Commission and is impressed with the amount of information. Also stated Hayes Township is the only Township offering zoom.
- Correspondence attached.

Public comments closed at 7:05pm

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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave an oral report of Board of Trustees activities. Next regular scheduled Board meeting is December 9th 2024.

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

N/A

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

SHORELAND LANDSCAPING REVIEWS- 11625 PABASHAN TRAIL, 11707 PABASHAN TRAIL:

Ms. Cuddeback made a motion, supported by Mr. Martin to remove the following items from the Shore land Landscaping Review for 11625 PA BA Shan Trail.

5.03.3 items G, H, K, M, N, O, P, I

5.03.4 items B, D, E, F

5.03.5 items A (4, 5, 6, 7, 8, 9, 10, 11) B

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

Mr. Martin made a motion, supported by Ms. Cuddeback to approve the Site Plan Review and Shore land restoration Plan as submitted for 11625 PA BA Shan Trail.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

Ms. Cuddeback made a motion, supported by Mr. Martin to remove the following items from the Shore land Landscaping Review for 11707 PA BA Shan Trail.

5.03.3 items G, H, K, M, N, O, P, I

5.03.4 items B, D, E, F

5.03.5 items A (4, 5, 6, 7, 8, 9, 10, 11) B

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

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Nays: none **Motion Carries**

Ms. Cuddeback made a motion, Supported by Mr. Curly to approve the Site Plan Review and Shore land restoration Plan as submitted for 11707 PA BA Shan Trail.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

APPOINT PLANNING COMMISSION MEMBER TO THE SHORE LAND REVIEW COMMITTEE:

Mr. Griffiths appointed CT Martin to the Shore Land Review Committee.

Public Hearing: COMPATIBLE RENEWABLE ENERGY ORDINANCE DRAFT:

Public hearing open at 7:31pm

Todd Millar presented background and key information from Lansing regarding CREO.

- Local municipalities can only regulate to the limit of the statute passed by the State Legislature on setbacks, fencing, heights of the project, noise produced by the project.
- Hayes Township is the effective local unit, because Charlevoix County does not regulate zoning.
- Townships have at least 60 days from receiving notice of a proposed project to respond with a CREO.
- Goal for the Planning Commission is to submit a workable CREO to the BOT for discussion and potentially approval.
- Public requested to clarify the process; Planning Commission decides on CREO, CREO is then sent to the County Planning Commission for comments, Comments from County Planning Commission will be discussed by Planning Commission then send this CREO to the Board of Trustees to discuss and review. Planning Commission will be working on creating a workable Ordinance. Once they have a Workable Ordinance drafted Planning Commission will send it to the BOT.
- Public asked who at the Township is the first point of contact for one of these projects. Mr. Griffiths answered notices will be sent to the Supervisor.
- Public stated they would like to see something regarding the CREO passed by the township.
- Public Stated they don't believe the public hearing was properly noticed, would like to see a new public hearing rescheduled.
- Todd Millar responded he has determined the Township has not violated the public hearing act. Hayes Township does not have a time limit for receiving correspondence as long as it is

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before the meeting is called to order. Also the Township ordinance is available at the Township Hall when the hall is open.

- Public asked for clarification that the public notice is legal and can not be challenged.
- Public requested timeline for adopting a Workable.
- Mr. Snyder stated it is difficult to set a time line when there is new information being released from the state every day.

Public Hearing closed at 8:32

Mr. Martin made a motion, supported by Mr. Snyder to send the proposed CREO to the County Planning Commission for comments.

Yeas: Alexander Curley, Carey Cuddeback, Roy Griffiths, CT Martin, and Mark Snyder.

Sustained: Matt Cunningham

Nays: none **Motion Carries**

MASTERPLAN SURVEY PROCESS UPDATE:

Master Plan Survey will be going out with the December Tax bills, Residents that are not property owners can come to the Township to receive a survey. Total cost is going to be \$5,200.00. Results will hopefully be received by March. Survey includes an open ended comment sections.

SET/CONFIRM PUBLIC HEARING DATES:

NONE

SET/CONFIRM DATE OF NEXT PC MEETING –JANUARY 7th, 2024.

Next Planning Commission meeting will take place on January 7th, 2024, at 7:00 pm.

Mr. Snyder made a motion, supported by Ms. Cuddeback to cancel the December 18th 2024 meeting, and reschedule the meeting for January 7th, 2024. As well as approve the meeting dates for 2025 as presented on the third Tuesday of the month.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

PUBLIC COMMENT:

Public Comment Opened at 8:40pm

- Supports the discussion tonight.

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- Disagrees the Public Hearing was posted correctly nor were they available at the library when they asked.
 - Suggested the planning commission look back at the public meeting act.
- Public Comment Closed at 8:44pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Martin stated he believes the Planning Commission will be able to create a successful workable.

Mr. Griffiths stated the meeting was a good discussion.

ADJOURNMENT: Mr. Snyder made a motion, supported by Ms. Cuddeback, to adjourn the meeting at 8:45pm.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary

November 19, 2024

Planning Commissioners:

This is for public comment for both the PC meeting, and again for the public hearing, should you hold one despite improper notice.

Tonight's public hearing was not properly noticed in the newspaper as required by the Hayes Township Zoning Ordinance:

§ 10.02(1)(A)(4) which requires "the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment," and

§ 10.02(1)(A)(3), "times at which the proposed Zoning Ordinance amendment may be examined."

Going forward with this public hearing also violates the Michigan Zoning Enabling Act.

The notice is attached.

When will Hayes Township stop openly disregarding the law?

LuAnne Kozma

9330 Woods Rd

Charlevoix MI 49720



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Public Hearing: Nov. 19, 2024: Proposed Renewable Energy Ordinance

3 messages

 Jim McMahon <jim_mcmahon_iii@yahoo.com>

Tue, Nov 12, 2024 at 4:00 PM

To: "rwgriffitts3@gmail.com" <rwgriffitts3@gmail.com>, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, "careycuddeback@gmail.com" <careycuddeback@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>, Ron VanZee <zoning@hayestownshipmi.gov>

Dear Planning Commission Members,

I am very supportive of implementing renewable energy technologies. I am also very concerned that these worthy projects do not negatively impact nearby residents, properties, and scenic views, something our area greatly relies on for its livelihood. In the mid-2000's, I directly participated with Hayes Township in doing investigation for its 1st wind generator ordinance. So, I have some familiarity with this technology.

I can appreciate the **time pressure** that you, as PC members, are under to approve something that you may feel is not the perfect answer for a renewable energy ordinance. In fact, you may feel there are many flaws with the State of Michigan's supplied model. After having given a great deal of thought to the State's boilerplate ordinance and the mandated short timeframe situation, **I urge you to table the State's model ordinance until you have done sufficient investigation to come up with satisfactory requirements so as to not impose harm on Hayes Township's residents.** Take sufficient time to do the investigation, to do the work, and to develop an ordinance that meets the needs of all parties, both residents and developers. (P.S., although not perfect, Hayes Township already has some wind generator requirements in its current ordinance.)

Don't be rushed into a flawed ordinance that you know, in your heart, you are not comfortable with. Remember, when you vote for an ordinance, Hayes Township accepts a lot of responsibility for the resulting outcome.

Here are some major areas of concern for wind generators. Some items are also applicable to solar power and battery storage:

1. Setbacks should be measured from adjacent property lines, not neighboring inhabited buildings (this could be considered usage theft of neighboring property).

2. Remove the term "average" from sound measurement. Average implies some sounds are higher (perhaps much higher) than 55 decibels.

 Mitigate avian-kill.

4. Prohibit strobe lighting. Consider intermittent blinking red lighting.

5. Be aware of vibrations, both air and ground.

6. Use natural screening from public view, except for perhaps the upper most parts of installations.

7. Look at what other townships have successfully developed for their ordinance. Hire a renewable energy and community planning expert who can suggest equitable compromises for residents, developers, and the common good.

Again, **please don't be rushed into a flawed ordinance that you are not comfortable with, just for the sake of temporarily keeping control.**

Thank you.

Jim McMahon
phone: 231-347-9829

Deborah Narten <dnarten@gmail.com>

Tue, Nov 12, 2024 at 4:11 PM

To: Jim McMahon <jim_mcmahon_iii@yahoo.com>

Cc: "rwgriffitts3@gmail.com" <rwgriffitts3@gmail.com>, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, "careycuddeback@gmail.com" <careycuddeback@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>, Ron VanZee <zoning@hayestownshipmi.gov>

Thank you for this information

Debbie
[Quoted text hidden]

Danielle Hutcheon <dhutch3547@gmail.com>

Tue, Nov 12, 2024 at 4:22 PM

To: Jim McMahon <jim_mcmahon_iii@yahoo.com>

Cc: rwgriffitts3@gmail.com, "C. T. Martin" <ctmagnetics@aol.com>, Rex Greenslade <greensladerex@gmail.com>, Mark Snyder <snyderhpt@outlook.com>, careycuddeback@gmail.com, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>, Ron VanZee <zoning@hayestownshipmi.gov>

November 16, 2024

Dear Ron and Board of Trustees Members,

Ron, on November 11, Veterans' Day, you began your final meeting by thanking our Veterans for protecting our freedoms. Then, ironically, you disenfranchised the voters of our township by deliberately passing a resolution denying the new supervisor, Bill Conklin, his right to reappoint or replace planning board members when their three years were up. NOW, by illegally extending Roy Griffiths and CT Martin's terms, NO residents will be able to apply for a position on the Hayes Planning Commission in April. You have taken away their rights. The Bylaws of the Hayes Township Planning Commission clearly states: "all members "shall" be appointed for three-year terms. However, of the members first appointed, a number shall be appointed to one-year or two-year terms such that, as nearly as possible, the terms of one-third of all members will expire each year." You have illegally extended their terms, and in good conscience, planning commission members should NOT break the law and accept the extension.

THE RESOLUTION MUST BE RESCINDED.

Todd Millar said that he was NOT recommending that you adopt the resolution that Ron had asked him to prepare. He said you could wait and pass it in December, but no, the board passed it immediately. We all know what your HURRY was. In addition, the agenda was NOT transparent, and you deceived the residents. Frankly, the township is tired of your deceptions, and I find your adoption of the resolution grossly unjust and morally wrong.

Bill Conklin was overwhelmingly elected by the residents of Hayes Township; you have taken away the rights of Hayes residents and usurped the rights of our new supervisor. Bill Conklin's platform: obeying the law, protecting our open spaces and lakes, and treating all our residents with dignity will be a welcome change.

THIS BOARD OF TRUSTEES MUST DO THE HONORABLE THING; RESCIND THE RESOLUTION.

Concerned resident,

Betty Henne



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Defective compliance with notice of PC public hearing

Messages

Ellis Boal <ellisboal@voyager.net>

Tue, Nov 12, 2024 at 12:10 PM

To: kristin baranski <clerk@hayestownshipmi.gov>, Ron VanZee <supervisor@hayestownshipmi.gov>, Roy Griffiths <rwgriffits3@gmail.com>

Kristin, Ron, Roy,

I write Kristin as Township Clerk and also as Clerk of the PC. I write Ron as the Supervisor and Roy as Chair of the PC.

The Notice below appeared in the October 29 Petoskey News-Review for a public hearing to take place before the PC on November 19 on the subject of an amendment to the ZO regarding Compatible Renewable Energy. Compliance with the Notice, and the Notice itself, were defective in several ways.

First, the Notice did not comply with the requirement that it state "the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment," under ZO Section 10.02(1)(A)(4).

Second, it did not comply with the requirement that it state the "times at which the proposed Zoning Ordinance amendment may be examined," under ZO Section 10.02(1)(A)(3).

Third, though the Notice said proposed ZO text amendments could be reviewed at the Charlevoix Public Library, as confirmed by Librarian Susan Knoll after her search on November 10, the text amendments were not in the Library when she wrote that day. I will forward her confirmation email to you momentarily. I learned later that the text amendments did arrive at the Library on November 10 but only after I had inquired of Librarian Knoll, and nearly two weeks after the Notice.

Fourth, though the Notice said proposed ZO text amendments could be reviewed on the Township website, they did not appear on the website until yesterday, November 11, again nearly two weeks after the Notice.

The Notice had an at-least- 15-day time limit. ZO Section 10.02(1)(B).

Accordingly it was non-compliant and the follow-through was untimely. The public hearing must be re-noticed -- properly this time -- for a later date. Please confirm this will happen.

I expect the fault for all this lies with the Township Clerk, but if not please identify the person; perhaps the Supervisor was also responsible. Either way, please explain why the dereliction occurred. Compliance would have been a simple clerical task. Pressure of other Township business, including the election on November 5, would not suffice to explain.

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DO IT

for the party foreclosing the mortgage at the telephone number stated in this notice. Notice of foreclosure by advertisement. Notice is given under section 3212 of the revised judicature act of 1961, 1961 PA 236, MCL

Govt Public Notices

**HAYES TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
ZONING ORDINANCE TEXT ADMENDMENT**

Hayes Township (Charlevoix County) Planning Commission will hold a public hearing on amending the Zoning Ordinance, Article 6, to create a Compatible Renewable Energy Zoning Ordinance. The hearing will be held on November 19, 2024 at 7:00pm at the Hayes Township Hall, 9195 Major Douglas Sloan Road, Charlevoix, MI 49720. (ZOOM Meeting ID 836 0148 1092 Passcode 068828)

All Interested parties are invited to attend the hearing and comment on the propsed text amendments. The document is available at www.hayestownshipmi.gov, Charlevoix Public Library and at Hayes Township Hall. Written comments may be submitted to the clerk, clerk@hayestownshipmi.gov or mailed to the Hayes Township Hall.

October 29 2024
LPET0181934

be used for agricultural purposes prior to the date of the foreclosure sale pursuant to MCL 600.3240, the redemption period is 1 year. Pursuant to MCL 600.3278, if the property is sold at a fore-

Govt Public Notices

2024 at the Benc

Questions regar
Joseph O'Neill,
Springs, Michig
benchmark607@

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