

# MINUTES OF THE AUGRES TOWNSHIP PLANNING COMMISSION

November 11th, 2024

9:00 A.M.

DRAFT

**IN ATTENDANCE:** Chairman Jesse Young, Robert Cotter, Patricia Tremble and Donna Wilson. (one seat vacant).

**PUBLIC IN ATTENDANCE:** (in order of sign in sheet) Art Gallop, Aurette Gates, Jeff Czymbor, Michael Oxley, Derek Porritt, Penny Kurchak and Jim Herzog (plus others choosing not to sign in).

**CALL TO ORDER:** The meeting was called to order at 9:00am with the Pledge of Allegiance. Jesse Young asked veterans to stand and be recognized for their service to the country (Jesse Young, Jim Herzog and Robert Cotter).

**APPROVAL of AGENDA:** Motion made by Patricia Tremble to approve the agenda. Motion supported by Donna Wilson. Voice vote. All Ayes. No Nays. Agenda approved.

**APPROVAL of the MINUTES:** Motion made by Tremble to approve the minutes of the September 9th, 2024 Planning Commission meeting. Motion supported by Wilson. Voice vote. All Ayes. No Nays. minutes approved.

**PUBLIC COMMENT:** Chairman Young stated 2 minute limit per person or group. No interruptions while another person is speaking.

David Scott, Booth Road, had three issues. Minutes from past meetings are not being posted on the township website. Air B&B's being allowed by the township are creating non-conforming lots (when split to 1/2 acre sizes?). Questioned Art Gallop serving as Zoning Administrator as he is a Canadian citizen.

Derek Porritt commented on the website. Minutes are not being posted, nor are meeting agendas posted on the website. He would like to see a better job being done with regards to the township website: [augrestownship.com](http://augrestownship.com)

Aurette Gates asked a question (explain the 50 foot rule being mentioned). Mr. Scott declared 'Point of Order' to point out that a public comment period is not a time for questions, only comments.

**BOARD COMMENT:** Chairman Young introduces Robert Eppert the township attorney who was requested to attend and give insights to proposed ordinances being discussed at this meeting. Robert J Eppert, Attorney at Law (P28841).

## **NEW BUSINESS:**

a) Mr. Eppert spoke, having reviewed the ordinances being considered: On the blight ordinance, he suggested that the 'Junk Car' section be eliminated in favor of a separate junk car ordinance (which he had provided to the board). Eppert said pursuing junk cars in a blight ordinance would be thrown out of court for violating the 'Title Object Clause'. Dealing with junk cars had to be handled differently than applying a blight ordinance.

On the topic of a noise ordinances, Eppert advised against having one at all. It is very difficult to enforce something which is subjective in nature. The issue with litigating noise violations is evidence and the cost. A judge in court would expect evidence to be presented by a trained operator using a very expensive decimeter. Costs could be in the tens of thousands of dollars. And no guarantee a judge would rule in favor of the township. If a case would go to the supreme court, and it could, the cost could be seventy-five to eighty thousand dollars. Better, in the case of wild-raucus parties would be to call the sheriff's department. Using the 'disturbing the peace' approach.

Short-Term Rentals, Eppert reported that after 3 years, court opinions are beginning to solidify. Laws being passed have been determined to be constitutional... 'as long as laws regulating rentals are "reasonable". Using the term squish, Eppert anticipated more and more court cases testing what is considered reasonable.

Most STRs are typically 3-6 months and no revolving door. Has a setup and application process. Some official is designated to knock on doors if a party goes wild. Cautioning that someone could rent for a weekend but actually be having a wedding party with 30 people. Suggesting that rules should consider

what is likely, not way out. Eppert finished suggesting a responsible party, trained in zoning to enforce any rental ordinance.

Pat Tremble asked Eppert if we should remove the junk motor vehicle from the blight ordinance and have a separate ordinance for junk cars. Or do we keep the definition of junk cars in the blight ordinance. Eppert replied it should be removed, in favor of a separate ordinance. Judge Vollbach would rule against junk cars being enforced from a blight ordinance due to title transfer issues, which are big.

Robert Cotter brought up the fact that he has his sons car, untagged, as his son is currently in the military. There should be consideration of this sort of thing in the ordinance. Not all untagged vehicles can be considered junk. Eppert stated that blight is not reliant on sight - (i.e. a 20 acre parcel in losco county, which couldn't be seen until you visited the parcel).

Eppert continued by stating that the planning commission could ask the township board to make a resolution allowing the county to enforce ordinance(s) and define reimbursement for doing so. As will all ordinances, the planning commission recommends to the board to adopt an ordinance. It is good for the planning commission and the board to work together, and to coordinate with district court, and the sheriffs department. Copies of any ordinance(s) getting passed should be shared both of them.

Cotter asked Eppert for his thoughts on 'Hunter Noise' and complaints from neighbors who do not hunt. Asking does lawful hunting activity override noise issues. Eppert noted that powerful groups are on the side of hunters such as the DNR and MTA.

Chairman Young thanked Eppert for his insights and advice regarding these ordinances. If there were no more questions for Eppert from the board, then onto the next agenda item.

**b) Discussion of the proposed blight ordinance (No. 17 - 1992):**

Section 7: Tremble questioned if failure to comply was a civil Infraction or Misdemeanor (there are checkboxes on the citation for both). And also asked the board is the \$500.00 fine was excessive. Should it be added/clarified that cleanup/removal expenses are the responsibility of the property owner. The township pays up front, and a lien is places on the tax roll of said property.

Young said it looks like back to the drawing board. Another meeting was scheduled for Monday, December 2nd, 2024 at 9:00am to further discuss blight and junk car ordinances. Donna Wilson asked if the noise and STRs ordinances were also being tabled for future discussion.

**MEETING DATES FOR 2025 (Quarterly):** The board discussed the draft quarterly meeting dates for 2025 per the agenda. No issues with any board members. Motion made by Tremble to adopt the quarterly meeting dates for 2025 as presented. Motion supported by Wilson. Voice vote. All Ayes. No Nays. Quarterly meeting dates for 2025 approved.

**BOARD COMMENT:** Jesse Young thanked Rob Eppert for attending. Eppert commented that it has been 35 years since he worked for the township and being in the hall was sort of like a homecoming.

**PUBLIC COMMENT:** Jeff Czymbor questioned a rule for STR's limiting rentals to 30 days during the year. A property owner has the right to rent out their home. Legislatively there are a lot of things in the works and should be considered. He agreed that non-conforming parcels should be checked. David Scott stated that junk cars should be registered, unregistered historic vehicles noted, but as artwork, that is slang for junk. As for enforcement, it is simple, take a resident to circuit court and after that state police will enforce. Scott also commented on two properties which are classed as residential and should be commercial.

Derek Porritt stated that he made a FOIA request for all ordinances, yet the blight ordinance being discussed was not included, being told there was no such ordinance. Then thanked the board for hiring Mr. Eppert to help. Adding that the board should as the locals what they think. .

Joy Willis began to ask a question... David Scott cut Chairman Young off, stating that the public comment period is for comments, not for questions and answers.

**ADJOURNMENT:** TIME – 10:05am. Motion made by Tremble to adjourn the meeting. Supported by Wilson. Voice vote. All Ayes. No Nays. Meeting adjourned.

Minutes approved at the Planning Commission Meeting

Jesse Young, Chairman

Michael Oxley, Clerk

**DRAFT**