

**REPUBLIC TOWNSHIP
PLANNING COMMISSION MINUTES
MONDAY, OCTOBER 10, 2016**

1. Call to Order

- The Chairperson called the meeting to order at 7:01 pm.

Members Present

– Tom Sandblom, John Kraft, William Richter, Martin Oakley, and Fred Nannestad (PC Chairperson) were present. Tom Feldhusen was absent. Terry Knapp was present as Zoning Administrator.

- **Ms. Maze's Resignation:**
Motion to accept Resignation made by Mr. Kraft, Seconded by Mr. Oakley.
Unanimous Passage by Voice Vote.
- **Volunteers for Secretary:**
Mr. Oakley volunteered, appointed Secretary.

2. Approval of Agenda

- Mr. Richter moved to approve the Agenda, Seconded by Mr. Sandblom. Unanimous Passage by Voice Vote.

3. Approval of Minutes –

- **PC Minutes (Draft) August 8, 2016**
– Mr. Oakley moved to approve the minutes from August 8, 2016, Seconded by Mr. Kraft. Unanimous Passage by Voice Vote.
- **PC September 12, 2016**
– Meeting did not occur due to lack of quorum.
- **Rec Com Minutes July 6, 2016**
– Mr. Kraft moved to approve, seconded by Mr. Oakley. Unanimous Passage by Voice Vote.
- **Rec Com Minutes August 3, 2016**
– No Quorum
- **Rec Com Minutes September 7, 2016**
– Mr. Kraft moved to approve, Mr. Richter seconded. Unanimous Passage by Voice Vote.
- **Rec Com Minutes October 5, 2016**
– Rec Member list included. Mr. Kraft moved to approve, Mr. Sandblom Seconded. Unanimous Passage by Voice Vote.

- **Volunteer asked for to be liaison from Planning Commission to the Rec Com.**
--Mr Oakley Volunteered and was appointed as Liaison from PC to Rec Com. (Not in original draft minutes, but updated as of now)

4. Public Comment –

- Jim Brennan – Spoke on the origination of the current Zoning Map.
- Terry Knapp --

5. Reports:

- **Budget Report:** Supervisor Johnson declined to appear.
- **Zoning Administrator's Report:** Terry Knapp spoke on the Zoning Map Amendment. Discussion ensued. Motion to approve the amendment and move for Public Hearing made by Mr. Nannestad, Seconded by Mr. Kraft. Motion Passed by Voice Vote: 4 ayes. 1 nay.
- **Fire/EMS/TIFA:** No information presented.
- **Recreation Committee:** Mr. Spear was not present; some general discussion with Rec Committee Member Jim Brennan as pertaining to ideas the Rec Committee is entertaining.
- **Chairman's Report:**
 - *Information Requests:* No information received.
 - *RTB Action on July's request to Township Board.* No information received.
 - Budget Request pertaining to Master Plan and Zoning Map. No information received.
- **Basketball Courts and Picnic Tables:** General discussion ensued.

6. Old Business:

- **Master Plan Report was due:** Presentation of Mr. Nannestad's report. Discussion pertaining to Master Plan and questions that were asked of residents of Republic Township as to the future of said Township. General Discussion ensued, no action taken.

7. New Business:

- CIP:** Tabled until November 2016 Meeting.
- **Other Topics:** Two papers were presented on taxation and ordinances involving cannabis production in townships.

8. Public Comment –

- Jim Brennan
- Terry Knapp

9. Closed Session

- Motion to move into closed session by Mr. Oakley, seconded by Mr. Richter. Passed by Unanimous Voice Vote. Moved into closed session app. 8:05pm.
- Motion to move out of closed session by Mr. Nannestad. Seconded by Mr. Richter. Passed by Unanimous Voice Vote. Returned from Closed Session app. 8:40pm.
- Motion to deliver Response Letter at next Township Board Meeting (10/27/2016, a copy of the response will be attached to final approved minutes after delivery of response.) made by Mr. Nannestad. Seconded by Mr. Oakley. Passed by Unanimous Voice Vote.

10. Adjournment:

Motion to Adjourn by Mr. Nannestad, Seconded by Mr. Sandblom. Passed by Unanimous Voice Vote.


Signature

Nov 14, 2016
Date

**Republic Township Planning Commission
PO Box 338
Republic, Mi. 49879**

October 27, 2016

Honorable Members of the Republic Township Board,

The Republic Planning Commission (PC) wishes to respond to your August 25, 2016 letter. I shall follow your letter using its outline as a guide.

The Republic Township Board need not worry or be concerned. The PC is following state laws prescribed in the Michigan Planning Enabling Act, Michigan Zoning Enabling Act, and the Republic Zoning Ordinance. You will see as we explain our answers below.

Issue 1. The conditional use permit (CUP) for CLWYC. The copy of the Zoning Ordinance (ZO) the PC presently possesses was obtained from Ms. Lori Burton on February 8, 2016. The ZO was dated Nov. 20, 2014. The Zoning Ordinance quote of Sec 705D is copied below.

“Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.”

- The RTB letter refers to a Special Use Permit (SUP). In this case, a Special Use Permit and Conditional Use Permit are not the same and thus the SUP does not apply in this case.
- The illustration used by the RTB is from Kurt Shindler, with no date of authorship. Mr. Shindler is a learned man. He is the County Extension Director, MSU Extension, Wexford County, Cadillac, Mi. While his word may be useful, his words are not Law.
- In reviewing the file RT Attorney Burkhart provided during the first Conditional Use Permit (CUP) request years ago by CLWYC, there have been no changes in CLWYC request, no change in the Master Plan, no change in the Zoning Ordinance (ZO), no change in the Zoning Enabling Act, no changes by Al Pierce, former Zoning Administrator (ZA), no changes by Terry Knapp, former ZA, no changes by Dan Mitchell, ZA, leaving, Mr. Burkhart's initial approval and guidance for the Zoning Administrator who issued the extension of the CUP and PC to follow, in place today.

It should be noted that the Zoning Ordinance limits its use to the Planning Commission when a Conditional Use Permit is issued. Nowhere in the ZO does it allow the township board to recommend, order, suggest, or lobby for change. Nowhere in the ZO does it allow the PC to be influenced by the township boards, recommendation, orders, suggestions, and lobbying efforts

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for change. To do so, would put the RTB in a position of discrimination. The RTB must abide by the ordinance it passed or risk being subject to suits filed under the Elliot-Larson Act (ELA).

Quoting from the draft minutes of September 22, 2016, "The Zoning Maps just need a public hearing and a final publishing". Suddenly, now the zoning maps presented to the board on June 23, 2016 are satisfactory. If that is so, then a motion is needed by the board to change the motion made August 25, 2016.

The RTB provided copies of a list of permits for the CLWYC. Those permits are followed and administered by the County of Marquette. The PC has no authority granted by the ZO, Master Plan, Enabling Act, or any other MCL to interfere with those documents. If RT chooses to contact Marquette County in reference to those permit issued to CLWYC, then it does so without approval from the PC and the RTB may be in violation of the ELA.

The RTB mentioned minutes from the PC Aug 24, 2015 referencing the CLWYC financing.
Quoting:

"They have complied so far with all of the conditions save one and that one is out of their control; their funding source. They have someone on board as a Board Member who will be overseeing and searching for funding opportunities and she is moving forward with ideas."

The CUP does not require financing by a specific date, only efforts to continue. The references in the PC Aug 24, 2015 minutes are interpreted to mean, "Efforts continue". In making an issue of "efforts continue", the RTB will likely cause ELA to be brought to bear.

Further, the quote above is not an application violation. The quote above is a poor choice of words by the PC Secretary in the minutes of Aug. 24, 2015. With the passing of the CUP by the PC on August 8, 2016, the CUP is updated, thus eliminating any controversy the Aug. 24, 2015, PC minutes may have caused. In other words, it's a non-issue.

Our conclusion is that the Planning Commission approval of the CLWYC Conditional Use Permit met the full requirements of Mr. Burkhardt's opinion, all laws, and ordinances. By following the letter of the law, the PC will eliminate any possibility of a lawsuit.

Issue 2. The answer to this is the same as in issues one.

Issue 3. The accusation, on Aug. 5, 2016, of the Zoning Map were not in compliance is false. At the Sep. 22, 2016 RTB Meeting, suddenly the maps were OK. We will hold a public hearing.

Issue 3, then transitions into the CLWYC, the Mobile Vending Amendment, and Ordinance Review....

1. The PC Chair will stand corrected: How does the PC correct the truth?

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2. Section 1203, enforcement and violations. ZA proper procedures. CLWYC. This is the third time to address this issue in this unnecessary reprimand letter. The answer for issue 1 and issue 2, above apply here.
3. Mobile Vending to MQT: The Mobile Vending Amendment was sent to the Marquette County Planning Commission and it was approved as written. It is time to act on the amendment.
4. Ordinance Review: Our appointed person to review the ordinances accomplished exactly what the Planning Commission wanted. The PC wanted to point out to the RTB there is a need to revisit several ordinances for changes. The PC made it clear this was only a recommendation. The RTB may accept or reject the recommendation without comment. There is no need for the RTB to add language to explain the intent of the PC.

The Planning Commission has answered the Conditional Use permit above under Issue 1...

The Planning Commission has followed the Enabling Act as written. The PC notes nowhere in the Enabling Act does it direct the PC to comply with assumed and implied powers issued from the RTB.

The PC is attempting to complete the requirements of the Enabling Act. If the RTB wants information from the PC, then ask politely. Show any MCL and Case Law number to support the reason for asking. If the RTB thinks it can do a better job than the PC, then do away with the PC. The PC knows trust is based on truth. In the opinion of the Planning Commission, examples of mistruths by the RTB are the ineptly completed Water Project; the unmaintained Sewer System Project and heated building for equipment storage; the Munson Park/Northern Lights campground boundaries and financing; the June 17, 2016 sewerage spill/dump in the river from the vac trailer; and zoning maps are wrong, suddenly the zoning maps are right, with no changes to them between RTB comments; in our opinion.

Further, the ordinance review the PC accomplished resulted from a discussion on compliance with township residents. The inability of the RTB to enforce the Ordinances is problematic and deserves attention by all RTB members. Pick and choose enforcement, acts as spot zoning and discrimination. To aid the RTB in eliminating another discrimination law suit, the PC volunteers to aid the RTB in its review. We stand silently ready to help in compliance in any way.

It is clear that the August 25, 2016 letter to the Planning Commission with its lengthy criticisms implies incompetence of the PC. The electorate may see one of two things; 1. why did the RTB appointed such incompetent persons to do such an important job, OR, 2. there is a group of honest, truthful, talented, humble, citizens willing to do the correct job.

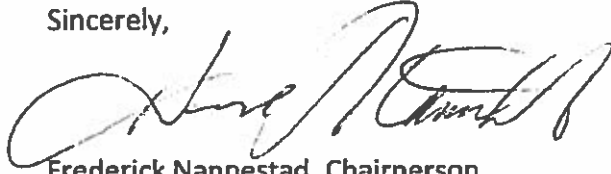
The PC views the unnecessary ridicule similar to a famous quote from Democrat Adlai Stevenson, campaign speech, in 1952, "I offered my opponents a deal: *"if they stop telling lies about me, I will stop telling the truth about them".*"

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The PC considers micromanagement by the RTB a violation of the Enabling Act.

The PC will follow the state law and correct any errors it makes in a timely fashion.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick Nannestad", written over a faint, larger signature.

Frederick Nannestad, Chairperson,
Republic Township Planning Commission

Approved by vote of Republic Planning Commission, Oct. 10, 2016.