

**CHARTER TOWNSHIP OF ORION
BOARD OF TRUSTEES, PLANNING COMMISSION,
ZONING BOARD OF APPEALS & CORRIDOR IMPROVEMENT AUTHORITY
SPECIAL JOINT MEETING – THURSDAY, JULY 29, 2021**

The Charter Township of Orion held a Special Joint Meeting with the Board of Trustees, Planning Commission, Zoning Board of Appeals, and the Corridor Improvement Authority on Thursday, July 29, 2021, at 12:04 p.m. at the Orion Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

BOARD OF TRUSTEES MEMBERS PRESENT:

Chris Barnett, Supervisor	Kim Urbanowski, 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:

Scott Reynolds, Chairman	Kim Urbanowski, BOT Rep. to PC
Don Gross, Vice-Chairman	Joe St. Henry, Secretary
Jessica Gingell, Commissioner	Derek Brackon, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Don Walker, PC Rep. to ZBA

ZONING BOARD OF APPEALS MEMBERS PRESENT:

Mike Flood, BOT Rep. to ZBA	Diane Dunaskiss, ZBA Member
James Kerby, Alternate	

ZONING BOARD OF APPEALS MEMBERS ABSENT:

Dan Durham, Chairman	Tony Cook, Vice-Chairman
Don Walker, PC Rep. to ZBA	

CORRIDOR IMPROVEMENT AUTHORITY PRESENT:

Chris Barnett, Supervisor	Donni Steele, Treasurer
JoAnn Van Tassel, CIA Secretary	Dan Dewey

CORRIDOR IMPROVEMENT AUTHORITY ABSENT:

H. Scott Bicknell
Bill Krausmann
Jeff Schmitz

CONSULTANTS PRESENT:

Dan Kelly (Attorney) of The Kelly Firm, PLC
Brittney Ellis (Attorney) of The Kelly Firm, PLC
Rod Arroyo (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) with OHM
Gary Roberts, (Economic Development) of Strategic Communications Solutions

OTHERS PRESENT:

Tammy Girling, Planning & Zoning Director	David Goodloe, Building Official
Lynn Harrison, Planning & Zoning Coordinator	Al Daisley, Ordinance Enforcement Officer

Debra Walton, Planning & Zoning Clerk
Courtney Keisman, Planning & Zoning Clerk
Samantha Timko, Chief Assistant to Supervisor

Kirk Larson, Ordinance Enforcement Officer
Dan Toth, Lieutenant

CALL TO ORDER AND INTRODUCTIONS

Supervisor Barnett called the joint special meeting to order at 12:04 p.m. Supervisor Barnett thanked the staff and volunteer members that were present. Supervisor Barnett asked everyone in attendance to introduce themselves.

NEW BUSINESS

Township Planner Arroyo gave an update on the Master Plan status.

PERFORMANCE GUARANTEES

Supervisor Barnett pointed out that developers have inquired about accepting bonds instead of Letter of Credits or cash for required guarantees. He also mentioned that the Township currently requires a Performance Guarantee of fifty (50) percent of the total cost to build.

Engineer Landis weighed in. He commented on some of the problems that have occurred in the City of Auburn Hills.

Planning and Zoning Director Girling commented that developers are warned up front about the Performance Guarantee amount and that it has to be in the form of an Irrevocable Letter of Credit or cash. Obtaining that fee is what often slows down or stalls a development.

Township Planner Arroyo explained accepting bonds are sometimes unstable. Planner Arroyo suggested doing some research to come up with specific bonding companies that are "strong".

Supervisor Barnett commented that he is hearing from developers that our policy is really strict.

CIA Secretary Van Tassel suggested that if developers are offered the option of submitting a bond to cover their guarantees, that they be given bond company options the Township has researched and are okay with.

Gary Roberts concurred with CIA Secretary Van Tassel's suggestion.

Planning and Zoning Director Girling asked Township Attorney Kelly if we can treat one developer different than another? Attorney Kelly replied, yes.

Supervisor Barnett commented that he doesn't want to be the most lenient and suggested looking into what other communities are doing.

Building Official Goodloe stated that having a guarantee is a good tool to make sure things get done.

It was decided to form an ADHOC committee to research this topic. Tony Kerby, Derek Brackon, Gary Roberts, Chris Barnett and Scott Reynolds volunteered to be on the committee with assistance from the Kelly Firm and OHM. Scott Reynolds would head up the committee.

FENCES

Planning and Zoning Director Girling explained the issue regarding fences and them being allowed on someone's property line if the fence is 4-ft. tall or having to meet district setbacks if the fence is 6-ft tall. The result being many cases are going to the ZBA to deter from 6-ft. fences having to meet property setbacks. The issue was discussed recently at the Planning Commission.

Trustee Flood said he was not opposed to keeping the current language but to put some “teeth” in it. He suggested that the Township possibly require a homeowner to get a survey and to come up with some specific criteria a homeowner has to comply with such as putting the nice side facing out, that it has to be gated, etc.

Planning & Zoning Director Girling said that whatever criteria is agreed upon has to be in the Ordinance to alleviate the number of cases that go to the ZBA.

Planning Commission Chairman Reynolds detailed the Planning Commission discussions and agreed with supplementing the Ordinance. He also suggested that being we are in the process of updating the Master Plan, it would be a good time to “look at the bigger picture”. Chairman Reynolds proposed the process that if neighbors can come to an agreement, then there is no need for a survey.

Planning & Zoning Director Girling asked the question, what happens if two neighbors choose to both put up 6-ft. fences each adhering to a 10-ft. setback? They then would have a large strip of land between the two.

Ordinance Enforcement Officer Daisley stated that he gets complaints from residents about the grass.

CIA Secretary Van Tassel explained that the problem is putting a fence anywhere on the property and not knowing exactly where the property line actually is. She suggested a stake survey should be required for both 4-ft. and 6-ft. fences.

Township Clerk Shults said there must be a reason why there are so many requests for fences. She advised that’s the problem that needs to be addressed.

Commissioner Brackon suggested giving the ZBA the authority to grant “group variances” such as for the resent request presented by residents of the Keatington subdivision on Baldwin Road.

Township Attorney Kelly weighed in and stated that it has to be done through the Ordinance and each case has to be heard individually as a granted variance stays with the property.

Building Official Goodloe suggested increasing the fee to appear before the ZBA.

Township Planner Arroyo also suggested addressing this in the Master Plan by allowing or not allowing fences in certain corridors.

Trustee Flood proposed that we look at a moratorium.

ZBA Member Kerby gave the statistic that the ZBA approves 80% of all cases that come to them – they should only be approving 20%.

Chairman Reynolds again encouraged addressing this within the Master Plan – obtain the Township’s idea of how certain corridors should look; to come up with a vision.

It was decided to form another ADHOC committee to discuss this issue. JoAnn Van Tassel, Al Daisley, Kirk Larson, David Goodloe, Mike Flood and Joe St. Henry volunteered. Ms. Van Tassel agreed to head up the committee.

BROWN ROAD INNOVATION ZONE (BIZ)

Planning & Zoning Director Girling explained the difference between principle uses and ancillary uses with regards to this zoning district. Currently developers cannot have an ancillary use without a principal use on a property. Director Girling noted that the original intent was to fill in the “bowling alley” lots along this corridor. She questioned whether or not to require the ancillary use or principle use first.

Director Girling suggested that maybe this can be a discussion by the Planning Commission based on the development as to provide more flexibility.

TREE SURVEYS

With regards to tree surveys, the Ordinance is not clear on this and should possibly be addressed with a text amendment. It was suggested to wait until the Master Plan is done.

It was suggested that a tree survey be required when a developer proposes building out the entire site.

Building Official Goodloe suggested sending the issue to the ZBA for an interpretation.

Planning & Zoning Director Girling proposed that someone looks at a site prior to the pre-application meeting to need a tree survey and then propose a plan. Perhaps the applicant could pay a fee for an arborist to determine if landmark trees exist.

Township Planner Arroyo concurred that there are a lot of issues with the way the Ordinance is written as it relates to this topic.

Director Girling asked if it would be appropriate to start looking at this language?

Planner Arroyo said, yes, to start setting some direction.

Dan Dewey stated that we can use his property as a test case.

BOARDBOOK

Planning & Zoning Director Girling asked if everybody likes Boardbook or should we start looking at some other meeting packet software?

Supervisor Barnett commented that when he conducts Township Board meetings, he actually downloads the packet from book into a PDF which is easier to use. He suggested looking for training opportunities.

TOWNSHIP EMAILS

Supervisor Barnett strongly encouraged everyone to check their Township emails on a regular basis. Be sure to read them. If anyone has questions or concerns about accessing their Township email, to contact David Raftery. Dave is now the Township's full-time IT/AV technician.

Chief Assistant Timko noted that everyone with a Township email or Township issued device needs to take the online IT training course.

EDUCATION & TRAINING

Supervisor Barnett stated that hopefully everyone feels equipped enough when it comes to education and training - if not, to please reach out. He gave a list of associated Township organizations that offer free classes or classes for a minimal fee such as MTA, MML, Oakland County, MAP, MSU etc. He wants to make sure that there are plenty of opportunities for additional education and training. If there is a class or training opportunity that someone wants to take, please let someone know.

Township Clerk Shults suggested a follow-up email to this meeting with a list of available websites.

TRAINING

Township Attorney Kelly explained his Power Point presentation regarding meeting decorum. He went in-depth about various topics including public hearings, motions, conditional approvals, ex-parte conversations and bylaws.

Attorney Kelly clarified the difference between a public hearing and a public meeting. He made it clear what Board or Committee Members cannot do during public meetings.

Attorney Kelly presented tips for a successful public hearing, a procedure on how to pass and amend a motion and what information should be included in a motion.

Attorney Kelly briefly went over the Open Meetings Act and what is an ex-parte contact.

OPEN DISCUSSION/FUTURE MEETING TOPICS

TREE SURVEYS

Supervisor Barnett suggested adding this topic to a future Planning Commission meeting.

ADJOURNMENT

The meeting adjourned at 2:00 p.m.

Respectfully submitted,



Courtney Keisman
PC/ZBA Clerk
Charter Township of Orion

Approval Date