

MINUTES OF THE COOPER CHARTER TOWNSHIP
PLANNING COMMISSION HELD ELECTRONICALLY
WEDNESDAY, MAY 19, 2021

A meeting of the Planning Commission of Cooper Charter Township was held on Wednesday, May 19, 2021 electronically pursuant to the Open Meetings Act as amended by Public Act 228 of 2020.

Roll Call:

Present - Comm. Boekhoven attending virtually from Cooper Township;
Present - Comm. Fooy attending virtually from Cooper Township,
Present - Comm. Frederick attending virtually from Comstock Township,
Present - Comm. Feil attending virtually from Cooper Township,
Present - Comm. Corke Attending Virtually from Cooper Township,
Present - Comm. Wiersma Attending Virtually from Cooper Township, and
Present - Chairperson Asselmeier, attending virtually from Cooper Township.

Members Absent: None.

Also Present: Michael Homier, of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator.

Chairperson Asselmeier called the meeting to order at 7:00 p.m.

Approval of Agenda

A motion was made by Comm. Corke, supported by Comm. Boekhoven, to approve the agenda. Motion carried 7-0.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the April 21, 2021 meeting. A motion was made by Comm. Wiersma, supported by Comm. Fooy, to approve the minutes as printed. Motion carried 7-0.

Citizen Comment

None.

New Business

None.

Old Business

Planning Commission Bylaws

Chairperson Asselmeier asked the Township Attorney, Mike Homier if he had reviewed the updated Planning Commission Bylaws and if he had any comments he would like to provide the Commission. Attorney Homier stated that he had a comment on section 4.2 regarding removal. Attorney Homier stated that the language in 4.2 where it states “The Township Supervisor shall bring written notice” which differs from the statutory language where it talks about a member being removed after written charges and a public hearing. Mr. Homier believes that “notice” and “charges” are slightly different terms, and suggests editing the language in the bylaws to bring them in line with the statute. Additionally the current bylaws talk about the Township Supervisor bringing written notice, when the Statue contemplates a member of the legislative body, so Attorney Homier suggested the bylaws state that the Township Board shall bring written charges and notice of a public hearing.

Chairperson Asselmeier asked the Attorney Homier if he thought if it was necessary to include the language requiring a public hearing. Attorney Homier responded that a public hearing was necessary and that the Bylaws could be written to say that the Township Board shall bring written charges and hold a public hearing, and drop the portion referring to notice. Julie Johnston, Township Planner stated that in the previous sentence of the Bylaws, it states that a member may be removed by a majority vote of the Township Board after a Public Hearing. She asked Attorney Homier if it would be better just to quote the State Statute instead or using language crafted by the Planning Commission. Attorney Homier stated that it would be best to use the language from the statute and suggested that they remove the second sentence section 4.2 and add the statutory language in its place. Attorney Homier stated that the bylaws could say “Members of the Planning Commission may be removed by a majority vote of the Township Board upon written charges and a public hearing for misfeasance, malfeasance, or nonfeasance in office such as nonperformance of duty (two or more unexcused absences), misconduct in office, or failure to declare a conflict of interest.” Ms. Johnston thought Attorney Homier’s language worked and suggested that the Planning Commission use that language instead. Chairperson Asselmeier also agreed with the wording of the section provided by Attorney Homier and asked his fellow commission members if they had any comments, to which he received approval by the rest of the Commissioners.

Attorney Homier stated that the other section that he had a concern with was under section 6.4 “Special Meetings”, where the Commission changed the deadline to give notice of a special meeting to 7 days from the 18 hours it was previously. Township Planner Johnston stated that the Planning Commission discussed the timeframe in which a citizen can ask for a special meeting to be called, and the Commission agreed that they needed more than 18 hours to prepare. Attorney Homier understood the idea behind wanting 7 days to prepare for a special meeting, and stated that if an applicant requested a special meeting the Township is well within its authority to tell the applicant no. Additionally Attorney Homier voiced concern that if the Planning Commission needed to meet in a swift manner to address an issue in the future, he did not want them to be limited from doing so due to the language in their own bylaws. Comm. Frederick asked if the Planning Commission could eliminate the language regarding special meetings all together. Attorney Homier stated that if the language regarding special meetings was removed then the

Township would default to using language from the Planning and Enabling Act that uses a 48 hour timeline in which to provide notice of a special meeting.

Comm. Boekhoven stated that he felt comfortable with either the 18 hour or the 48 hour timelines. Attorney Homier explained that just because the members of the Planning Commission need to be notified within a specific timeframe of a special meeting that doesn't mean that the meeting needs to be held within that same amount of time. Chairperson Asselmeier stated that he would like to see the language revert back to reflect the 18 hour notice given that the meeting does not need to be held within 18 hours. The rest of the commissioners voiced agreement with reverting back to the 18 hour notice period for special meetings.

Chairperson Asselmeier asked Township Planner, Johnston if she had any additional comments on the bylaws. Township Planner, Johnston stated that she incorporated the changes suggested by Attorney Genovich at the last Planning Commission meeting, as well as the suggestions from Attorney Homier, and believes that the bylaws are in good shape. Attorney Homier stated that if the Planning Commission desires to they may adopt the bylaws at the current meeting through a motion.

Chairperson Asselmeier asked the Commission for their thoughts about passing the bylaws with the changes made from the current meeting. The commissioners all voiced approval of the bylaws and agreed to move forward with a vote on their approval.

A motion to adopt the bylaws as amended at the meeting was made by Comm. Corke, supported by Comm. Frederick. Motion carried 7-0.

Commissioner Comments

Comm. Frederick stated that at the last meeting the Planning Commission discussed medical marijuana caregivers and potential zoning, and that the Township Board when opting out of medical and recreational marijuana were trying to limit marijuana businesses within the Township. Comm. Frederick asked if the Township was still doing the appropriate things to limit marijuana businesses considering the fact that the Planning Commission did not move forward with zoning medical marijuana caregivers. Attorney Homier stated that the Township is fine on limiting medical and adult use marijuana businesses, in terms of retailers and dispensaries. Medical marijuana primary caregivers and qualifying patients were the issue before the Commission at the last meeting, because other than zoning there is no way to regulate those individuals within the Township. If and until you regulate the use with zoning then any primary caregivers or qualifying patient may operate anywhere in the Township.

Township Planner, Johnson stated that the Planning Commission had specific reasons why they choose not to zone primary caregivers or qualifying patients which are reflected in the April 21, 2021 meeting minutes, but that doesn't change anything when it comes to commercial marijuana operations. Attorney Homier added that he thinks that primary caregivers and qualifying patients are most likely going to go away because of adult use retailers where people may legally obtain marijuana without the hassle of obtaining a card from the state.

Township Planner Johnston stated that she would like to provide the commission with an update regarding a project that may be coming before them. Ms. Johnston stated that she has been in communication with representatives for the Coopers Landing project and they are looking to move forward with phase 5 of the apartment complex. Ms. Johnston has a meeting scheduled with the representatives and she suspects that depending on their timeline the project may be come before the Planning Commission for review by June or July.

Adjournment

There being no further business before the Commission, a motion was made by Comm. Boekhoven, supported by Corke, to adjourn the meeting. Motion carried 7-0.