**Elk Rapids Township Planning Commission**

**QUARTERLY MEETING**

**Meeting Minutes – Tuesday, January 8, 2019**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairperson Shen Smith at 6:30 PM at the Government Center, 315 Bridge Street,

Elk Rapids, MI 49629.

**Present:** Shen Smith, Emile Sabty, Jim Lundy, Renee Mischel, and

Aaron Isenhart ***(Quorum Established)***

**Absent:** Gary Peppler and Pug Sliger

**Also Present:** William Derman, Township Attorney, Larry Nix, Zoning Administrator,

David Shiflett, Project Manager Geronimo Energy

**Audience:** David Kopkau, resident of Milton Township.

**Adoption of Agenda: Motion to approve the January 8, 2019 Agenda.**

**M/S - Mischel/Lundy Motion Unanimously Carried.**

**Public Comments: None**

**Approval of Minutes: Motion to approve the October 9, 2018 meeting minutes.**

**M/S – Lundy/Sabty Motion Unanimously Carried.**

**Presentation on Solar Energy & Panels -** Mr. David Shiflett, Michigan Project Manager

for Geronimo Energy gave a presentation on renewable energy options and solutions available to the Township.

Mr. Shiflett provided each member with a brochure outlining their services, and answered questions regarding renewable energy resources. Mr. Shiflett noted that he could provide

Mr. Nix with examples of ordinances that specifically address solar panels and renewable energy and will keep communications open with Larry if the Commission has any other questions or requires additional information regarding their services.

**Township Zoning Administrator – Larry Nix – A summary of Mr. Nix’s report follows:**

1. **2018 Township Planning & Zoning Annual Report:** Mr. Nix briefly highlighted

his annual report. A copy of this report was provided to each member.

2. **Update on 365 Landscaping:** Mr. Nix reported that he has issued a violation to

365 Landscaping because they have expanded their outdoor signage and display of rental equipment. They acknowledge they are in violation and will most likely

apply for a proper sign permit as well as a special use permit. Mr. Nix expects

this issue will be addressed at the next Planning Commission Meeting in April.

3. **Retail sale of Marijuana:** Mr. Nix reported to the Commission that the Township

Board has declined to adopt an ordinance to authorize location of any marijuana facilities. The Board decided to opt out and wait and see what the State of Michigan does regarding the rules and regulations for marijuana facilities.

4. **Proposed Bike Path:** **Traverse City to Charlevoix Trail – A Summary of this discussion follows:**

**●** Conversations to construct a bike path from Traverse City to Charlevoix

have been going on for years and has been gaining more momentum over

the last 7 months or so to build it along US 31.

**●** Overall, agriculturalland owners aren’t embracing this path because people

on bikes have a habit of stopping and wandering off the trail to pick fruit,

leave trash and use their fields as restroom facilities.

**●** Some of the agreements that farmers have with retailers as to who can

be in their orchards as well as what goes on in an orchard is very strict.

Therefore, there is much concern among farmers about how trespassers

may impact the sale of their fruit.

**●** It was also noted that the bike trail could have an impact on land use opportunities for property owners from a commercial or service industry

standpoint. *(making money on providing food, drinks, restroom facilities to bikers).*

**●** Several commission members noted that they rarely see people utilizing the

Charlevoix and Petoskey trail.

**Mr. David Kopkau, resident of Milton Township asked to address the Planning Commission regarding the proposed bike path. A summary of his comments follows:**

**●** Mr. Kopkau reported that he has talked to many of the landowners along the

proposed bike trail. He stated with the exception of a few people, no one

wants this bike trail.

**●** This trail will negatively impact property owners and the products they grow.

**●** Orchards are now treated like a kitchen in a restaurant. There are many

rules, regulations and certifications that are necessary on what you can and cannot do around fruit in an orchard.

**●** GAP regulations have strict rules about the safe environment and handling

of fruit in an orchard. Trespassers coming into a field or orchard could impact

the farmer and the purchaser of that fruit if people coming into the orchard

are not certified and sanitized.

**●** Many families have owned and worked the farm land along US-31 for

generations and do not welcome trespassers who don’t care about their

property.

**●** Farmers are very concerned about the health, liability, and economic

impact this bike trail may have on farming activities and farm families.

**●** An orchard must be at least 100 feet from the bike trail. Therefore, because

of the proposed location of the bike trail, many farmers will need to remove

fruit trees to be compliant with the 100-foot set-back.

**●** Mr. Kopkau reported that he has met with representatives of TRAIL and

the County Board of Commission and suggested that the bike trail be

built on the US-31 paved shoulder instead of encroaching into the fields and

orchards.

**●** Concern was also expressed that the Township may be required to maintain

the path after it is built.

Mr. Nix noted and encouraged the Planning Commission members to attend the upcoming TRAIL Meeting to voice their concerns and get educated on the future bike trail plans.

**Landowner Outreach Meetings**

**Traverse City – Charlevoix TRAIL**

**Tuesday, January 22, 2019**

**Lighthouse Community Center**

**AM Session: 10:00-11:30 AM**

**PM Session: 5:30-7:00 PM**

**Township Legal Staff – Bill Derman** – Attorney Derman provided the following information

to the Planning Commission:

**● Short-Term Rentals:** Renee Mischel asked for an update on the status

of short-term rentals. Mr. Derman reported that the bill was not passed

and therefore, has to be re-introduced. It was determined that because

the Township has not had any issues regarding rentals; there is no reason

to regulate short-term rentals in the Township at this point in time.

**● Farmland Preservation:** Dorance Amos will attend a meeting scheduled

for tomorrow (1/9/19) with the Grand Traverse Regional Land Conservancy

and Milton Township to discuss the procedure for both Townships to proceed

to put another proposal on the 2020 ballot.

**● Sewer Extension:** The Maple Harbor sewer system is complete. There is a property owners meeting scheduled at the Township Hall on January 15, 2019

at 5:30 PM to discuss a sewer extension along N. Bayshore and Inward Harbor.

The proposed sewer would basically run from the Village limits to Winters Road.

**● Milton Township Sewer Extension:** Milton Township is also discussing a possible sewer extension from Williams Road to the Oasis along Elk Lake.

Correspondence went out to property owners in December. A meeting with

property owners will most likely be scheduled.

**● Small Cell Towers:** **Passed**. Willrequire a permit from local government

and would be classified as a permitted use in a public right-a-way.

**● Tree Ordinance**: **Did NOT Pass**. Would have prohibited Township Ordinances from restricting tree cutting and vegetation cutting of all types within non-

residential properties

**●** **Assessing Reform: Passed**.Will be doing some new policies and procedures

for assessing in the next year or so. Board of Review will have to be educated.

**● Fireworks: Passed.** Fireworks are limited to 12 days total.

**● Statewide Sanitary Code:** MI is the only state in the union that doesn’t have

a statewide code. No further update on this.

**Unfinished Business:** None

**New Business:** Community Survey – Chair Smith noted it might be a good time

to do another community survey.

**Public Comments:** None

**Member Comments:** None

**Adjournment:**

**M/S – Lundy/Sabty MOTION TO ADJOURN.**

**MOTION CARRIED.**

**Meeting Adjourned at 8:15 PM**

*(Meeting Minutes as of 1/10/19 – Noon)*