

**GREENWOOD TOWNSHIP  
REGULAR MEETING  
April 9, 2019  
Unapproved Minutes**

**CALL TO ORDER**

The meeting called to order at 7:00 pm by Supervisor Fred Lindsey.

**ROLL CALL**

Present: Fred Lindsey, Carol Havrilla, Brandi Curio, John Miller and Suzy Scott.

**MINUTES**

Motion was made by Miller and seconded by Curio to accept the minutes of the regular and budget meeting minutes of March 12, 2019 as presented.

Ayes: All.

Nays: None.

Motion carried.

**CORRESPONDENCE**

Steiner Museum requesting funds for pole barn addition.

**PUBLIC COMMENT**

None

**CLERK'S FINANCIAL REPORTS**

Motion was made by Havrilla and seconded by Curio to accept the Manifest of Bills in the amounts of \$21,142.56 for General Fund and \$5,928.54 for Fire Fund.

Ayes: Havrilla, Curio, Lindsey, Miller, Scott.

Nays: None.

Motion carried.

**TREASURER'S REPORT**

Carol Havrilla presented the Treasurer's report.

**REPORTS**

**Sheriff:** Deputy Dave Hughes announced that the last Saturday in April is drug disposal day. Reported on the MDOT projects, ORV course being offered on 4-27-2019, boater's safety course scheduled for 5-11-2019, and the new Text 911 plan with GPS is up and running.

**Fire Department:** Mike Dunsmore reported on monthly activities and also stated that a no burning policy is in effect from the DNR until further notice.

**Zoning Administrator:** Jim Havrilla reported on permits, violations, and demolitions for the month.

**Planning Commission:** Jack Kischnick reported on ordinances and regulations. Next meeting is April 16, 2019 at 6:00 p.m.

**Z.B.A.:** Joe Peschke announced that the next meeting to be held in Monday, May 6, 2019 at 7:00 p.m. (Scheduled for May 7<sup>th</sup>, but due to election, had to be moved to the day prior.)

**Assessor:** Rick Monk reported on current activities.

**AGENDA APPROVAL**

Motion was made by Havrilla and seconded by Scott to approve the agenda of April 9, 2019 with the addition of Resolution 04092019-02 and township board meeting time change.

Ayes: All.

Nays: None.

Motion carried.

**OLD BUSINESS**

No old business.

## NEW BUSINESS

- A. Planning Commission Ordinance: Pursuant to Act 33 of the Public Acts of 2008 as amended, Attorney Brian Graham reviewed the Planning Enabling Act of 2011. He also advised the board to hire a recording secretary to serve on both planning commission and ZBA. Attorney Graham reiterated that a member of the planning commission be appointed to the ZBA and there can be 2 alternates to serve on the ZBA. He stated that the law does not provide for alternates on the planning commission.

GREENWOOD TOWNSHIP  
Ordinance No. 04092019-01 of 2019

AN ORDINANCE TO CREATE A TOWNSHIP PLANNING COMMISSION PURSUANT  
TO ACT 33 OF THE PUBLIC ACTS OF 2008, AS AMENDED, TO PROVIDE FOR ITS  
ORGANIZATION, AND TO DEFINE ITS POWERS AND DUTIES

THE TOWNSHIP OF GREENWOOD ORDAINS:

**Section 1. Creation of Township Planning Commission; Name of Planning Commission**

A township planning commission is hereby created for Greenwood Township pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended. This planning commission shall be known as the "Greenwood Township Planning Commission."

**Section 2. Membership; Appointment; Compensation; Terms; Removal; Vacancy.**

(a).The township planning commission shall consist of five (5) members. One (1) member shall be a member of the township board as an *ex officio* member with full voting rights on the planning commission. An employee of the township, however, shall not be eligible to be a member of the township planning commission. Members of the township planning commission shall be qualified electors of the township, except one (1) member may be an individual who is not a qualified elector of the township. In addition, members of the township planning commission shall be representative of the entire geography of the township to the extent practicable and shall be representative of important segments of the township, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce.

(b).All members of the township planning commission shall be appointed by the township supervisor, subject to the approval by a majority vote of the entire township board.

(c).All appointed members of the township planning commission may be compensated at a rate to be determined by the township board.

(d).Except for the *ex officio* member, the term of each appointed member shall be three (3) years or until his or her successor is appointed, except that the respective term of one (1) of the members first appointed shall be for one (1) year and the respective term of one (1) of the members first appointed shall be for two (2) years. The term of the *ex officio* member shall expire with his or her term of office on the township board.

(e).After written charges and a public hearing before the township board, a member of the township planning commission, including the *ex officio* member, may be removed from office for misfeasance, malfeasance, or nonfeasance in office by the township board. The failure of a planning commission member to disclose to the planning commission a potential conflict of interest, as defined in Section 5 of this Ordinance, shall constitute malfeasance in office. The failure of a planning commission member to regularly attend scheduled meetings of the planning commission shall constitute nonfeasance in office. The planning commission secretary shall report to the township board when a planning commission member has failed to attend three (3) consecutive planning commission meetings.

(f).A vacancy on the township planning commission occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.

**Section 3.Organization; Chairperson, Secretary, and Other Officers; Committees; Meetings; Rules; Records.**

(a).The township planning commission shall elect a chairperson, vice chairperson, and secretary from its members; provided, however, the *ex officio* member shall not be eligible to serve as the chairperson or vice chairperson of the planning commission. The planning commission may create and fill by election such other offices as it considers advisable. The term of chairperson and any other officers shall be one (1) year, with eligibility for reelection as

specified in the planning commission bylaws.

(b).The planning commission may appoint advisory committees, whose members are not required to be members of the planning commission.

(c).The township planning commission shall hold not less than four (4) regular meetings each year and shall by resolution determine the time and place of the meetings.

(d).The township planning commission shall adopt bylaws for the transaction of its business.

(e).The township planning commission shall keep a public record of its resolutions, transactions, findings, and determinations.

#### **Section 4.Powers and duties.**

(a).The township planning commission shall have all powers authorized by, and shall perform all duties specified in, the Michigan Planning Enabling Act, being Act 33 of the Public Acts of 2008, as amended.

(b).The township planning commission shall have all the powers and duties conferred on zoning commissions under the Michigan Zoning Enabling Act, being Act 110 of the Public Acts of 2006, as amended, and any other powers and duties conferred on planning commissions by other provisions of law. Any and all such powers and duties are hereby conferred and incorporated as if fully set forth herein.

#### **Section 5.Conflict of Interest.**

A member of the township planning commission shall declare a conflict of interest in connection with a matter pending before the planning commission and shall disqualify himself of herself from deliberating and voting on the matter when any of the following circumstances exist:

(a).The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the planning commission member or the member's spouse.

(b).The planning commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.

(c).The planning commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.

(d).While being a member of the planning commission the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the planning commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.

(e).If the planning commission member has expressed an opinion concerning a matter before the planning commission prior to becoming a member of the planning commission and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.

(f).The planning commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

#### **Section 6.Planning Director and Personnel; Contract for Planning Services and other Technicians.**

(a).The township board may employ a planning director and other personnel as it considers necessary to assist the township planning commission in carrying out its powers and duties.

(b).The township board may contract for professional planning services and other technical services, such as attorneys and engineers, as it considers necessary to assist the township planning commission in carrying out its powers and duties.

#### **Section 7.Notification to County Planning Commission.**

Within fourteen (14) days after the township board adopts this Ordinance the township clerk shall transmit a notice of the adoption of this Ordinance to the county planning commission.

#### **Section 8.Savings Clause.**

All official actions taken by the township planning commission prior to the effective date of this Ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place on the effective date of this Ordinance shall continue with the township planning commission created by this Ordinance, shall be subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous township planning commission action.

#### **Section 9.Severability.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

#### **Section 10.Effective Date.**

This Ordinance shall become effective sixty-three (63) days after being published in a newspaper of general circulation within the township.

NOTICE: Please take note that a true copy of the ordinance can be inspected or obtained at the office of the Greenwood Township Clerk.

Havrilla makes motion to approve Resolution 04092019-01 as presented.

Ayes: Havrilla, Lindsey, Curio, Miller and Scott.

Nays: None.

Motion carried. Resolution Declared Adopted.

**B. Dissolve Old Planning Commission Resolution 04092019-02.**

**GREENWOOD TOWNSHIP**  
Ordinance No. 04092019-02 of 2019

WHEREAS, the Township previously created a planning commission by resolution under the provisions of the Township Planning Act, Act 168 of the Public Acts of 1959, as amended;

WHEREAS, the township has created a new planning commission by ordinance under the provisions of the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008; and

WHEREAS, the Township desires to dissolve the old planning commission effective on the day the new planning commission ordinance becomes effective.

NOW THEREFORE, BE IT RESOLVED that the Greenwood Township Board hereby dissolves the planning commission created by resolution under the provisions of the Township Planning Act, Act 168 of the Public Acts of 1959, as amended.

BE IT FURTHER RESOLVED that this resolution shall be effective on the day the new planning commission ordinance enacted under the provisions of the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, becomes effective.

Motion by Havrilla, seconded by Curio, to approve Resolution 02-04092019 as presented

Ayes: Havrilla, Lindsey, Curio, Miller and Scott.

Nays: None.

Motion carried. Resolution Declared Adopted.

**C. Change in township board meeting time: Curio makes motion to change the starting time for all future township board meetings from 7:00 p.m. to 6:00 p.m. Miller seconds.**

Ayes: All.

Nays: None.

Motion carried.

**PUBLIC COMMENT**

Planning Commission members Kischnick and VanArman stated they will resign as of the effective date of the new planning ordinance.

**NEXT MEETING**

Tuesday, May 14, 2019 at 6:00 p.m.

**MEETING ADJOURNED**

Motion was made by Miller and seconded by Curio to adjourn at 7:45 p.m.

Ayes: All.

Nays: None.

Motion carried.

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Suzanne C. Scott, Clerk

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Fred V. Lindsey, Supervisor