

**WATERVLIET CHARTER TOWNSHIP  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 4, 2023**

Present: Joseph Stepich, Deanna Heminger, Louis Nordell, Deane Fizzell, Colleen Curtis

Also Present: Jessica Fette, Travis McKinney

Chairperson Heminger called the meeting to order at 2:00 p.m.

Roll Call was taken.

The minutes of the March 7, 2023 meeting were read. D. Fizzell made a motion to approve the minutes as read. C. Curtis seconded and the motion carried.

Under the Guest Comments section of the meeting, T. McKinney gave a brief presentation to inform the Commissioners and all in attendance about the pros of voting affirmatively for the upcoming school millage election.

**Event Venues**

Discussion began with D. Heminger inquiring if requiring a Special Land Use Permit for each event would be a viable option. Township Attorney J. Fette replied that a Special Land Use Permit cannot be issued for each individual event. A special land use is issued on the property, not a specific event, and the requirements of that permit run in perpetuity with the land. She said that the township could require a special land use permit for a property wishing to provide a venue, as such, and added that in order to do that the Planning Commission would have to agree on specific criteria for every property wanting to locate an event venue. With that criteria in place, property owners, or any subsequent property owners providing that type of service would be held to the same standards.

Fette added that adopting a separate ordinance is not necessary. She continued by stating that all that needs to be done is establish what zoning districts they should be permitted in and establishing the necessary conditions and/or restrictions for the use. She added that is the best approach for a use such as this because each venue will be different and will need to be reviewed independently.

J. Stepich and D. Heminger noted that many items need to be looked at, in the way of conditions and restrictions, throughout the adoption process. Fette added a caveat by stating that it must be kept in mind that there are many codes pertaining to this type of use that must be included in any standards reference.

### **Nuisance Ordinance Update**

J. Stepich began discussion, speaking to Fette, that the problem the township is having is the correction of unsightly properties. He explained that 95% of the properties in the township are, subjectively, in acceptable condition. However, the problem lies with those properties undisputedly in violation of the Nuisance Ordinance. Stepich then, still addressing Fette, stated that he recently read an article in a trade publication regarding the two legal approaches of addressing municipal violations by prosecuting as a Municipal Civil Infraction or as a Misdemeanor and inquired what the differences were between the two. Fette replied; "There's not a lot of difference between the two."

She explained that the process in court is essentially the same. The biggest difference is that municipal civil infractions are not considered criminal offenses where misdemeanors are; meaning jail time may be involved. As such, she explained, when prosecuting as a misdemeanor the defendant has the legal right to demand a jury trial. However, with the civil infraction approach, the defendant is only afforded a bench trial in front of the judge. As such, she added, a bench trial greatly streamlines and expedites the process and could save a considerable amount of money for the township. She also added that there is the possibility that a jury may find the defendant not guilty.

Stepich then asked what can the Township do to better achieve compliance? Fette replied that a good policy, applied consistently, is the best approach. Stepich said that he will meet with the Ordinance Enforcement Office and the Zoning Administrator and come up with a policy. After that, the policy will be forwarded to Fette for review.

### **County Park Special Land Use Permit**

J. Stepich did announce that the County Parks and Recreation Commission did close on the purchase of the "Woodruff Property" which will add a considerable amount of acreage to the County park system along the Paw Paw River. As this newly acquired property is in the township, the Township's Zoning Ordinance requires that parks located in the AG-Agricultural District do require a Special Land Use Permit.

With that said, C. Curtis made a motion to schedule a public hearing for that Special Land Use Permit for May 9, 2023 at 3:05 p.m. D. Fizzell seconded and the motion carried unanimously.

With there being no further business before the Commission, C. Curtis made a motion to adjourn. D. Heminger seconded and the motion carried.

The meeting was adjourned at 3:12 p.m.

Respectfully Submitted,

Robert Lohr  
Zoning Administrator