

**City of South Lyon
Planning Commission Meeting**

March 26, 2009

Chairman Weipert called the meeting to order at 7:02 p.m.

All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Kurtzweil, Lanam, Mosier, Weipert, Leimbach, Subotich, Tartaglia, and Culbertson. Commissioner Bradley was excused.

Also present were Ben Tallerico (Planning Consultant), Joe Veltri, Building and Zoning Official and Kristen Delaney, Director of Community and Economic Development

APPROVAL OF AGENDA:

Veltri asked to add the discussion of wind generators under new business.

Motion by Culbertson, supported by Leimbach

To approve the Agenda for March 26, 2009 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Motion by Lanam, supported by Culbertson

To approve the Minutes for December 11, 2008 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

Motion by Culbertson, supported by Leimbach

To approve the Minutes for January 8, 2009 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

Public Hearing: Movie Ordinance

Chairperson Weipert declared the public hearing open at 7:14pm.
There were no comments.
Chairperson Weipert declared the public hearing closed at 7:16pm.

Veltri stated city staff wrote the ordinance; it has already gone to the city's attorney for review. There have also been a couple of discussions with production companies. The Planning Commission should not be concerned with the fees because all fees will be set by City Council. The numbers in the ordinance as written are merely place holders until City Council sets the final amounts. This only covers film or television productions not educational filming. Culbertson asked about non-profit projects. Veltri answered that will be covered under the section describing the discretion of the city.

Culbertson asked if the city's attorney's comments were included in this draft. Veltri replied yes. Weipert asked if section 226-206 allowed enough turn-around time. Veltri replied the city's departments will review this but the purpose is to short-track the permits. The city manager will be asking each department impacted to also review. Weipert asked how the applicant will know what amount to pay. Veltri stated they will know when they activate the permit. There was a general discussion regarding when the applicant will pay. Veltri will check with the city's attorney.

Weipert noted the production company will not block any ramps from freeways because South Lyon does not have any. Veltri noted that was generic language. Weipert asked under number six where it talks about the engineering department who that will be. Veltri replied it will be the building department.

Culbertson asked for a point of clarification to walk through how something like "The Biggest Loser" filming will work under this ordinance. Veltri replied it was on private property so the family involved will have maintained liability and the city will have been copied on the schedule. Because it was on private property the fees and permits will be minimal if any. Weipert asked if because they filmed at a City Council meeting they will have incurred permit fees because it was commercial use. Kurtzweil did not think so because it was a public meeting and falls under the Open Meeting Act. Weipert asked if they should check with the city's attorney. Veltri replied he did not think they needed to ask city legal at this point. It can be addressed if it happens again. There was a general conversation regarding the Open Meeting Act.

Motion by Lanam supported by Culbertson

To recommend approval of the Film Ordinance to City Council.

VOTE

MOTION CARRIED UNANIMOUSLY

Discussion: Foreclosure and Mortgage Registration, Chula Vista, California
Weipert noted the information included in everyone's packets was pulled by the city's attorney's office at Ms. Kurtzweil's request. Kurtzweil stated she thought the attorney was going to put this in a format that was applicable to South Lyon. Weipert stated this

was a good place to start a discussion. Kurtzweil stated this covers her concerns especially section 15.60.060 and the landscape section. She wants to look at ways the city can shore up surrounding home values.

Culbertson asked if there already ordinances that will take of these things. Veltri replied there are and added he recently attended a seminar about this subject. He learned it can take up to six months before mortgage companies can legally post this information. Culbertson stated his understanding was there was to be notice made to the homeowner's association in these cases as well. Veltri noted that was the first he heard of that. There was a general discussion regarding what happens and who is notified when they is a foreclosure.

Kurtzweil stated she liked the security requirement. There was a general discussion regarding specific properties and what the postings in windows or doors say and when they are posted.

Veltri stated a lot of time neighbors are cutting lawns or taking care of the problem before the city can see it from a public walk-way. Leimbach asked how the city will know if people are complying. Kurtzweil stated the mortgage company will key in new ordinance information to big banks. Tartaglia asked how much due diligence those companies are putting into this issue. Kurtzweil stated the city does not have an ordinance and this may have to become part of Fannie Mae or Freddie Mac to make it automatic but she does not know why it cannot be added to the current ordinance for blight. Veltri stated he will check into that option. Weipert noted she wanted everything put in one place.

Culbertson stated this ordinance calls for weekly inspections. Kurtzweil noted the city did not have to take this version verbatim. Culbertson asked if there are other sources to get the property maintained. Kurtzweil stated it may be more philosophical but she thinks upkeep should be up to the owner and not the local government. Weipert stated she did not think it changed the responsibility but puts in one place who does have the responsibility. Kurtzweil provided one example of this issue and stated the city should not have fronted the expense for the maintenance. Veltri noted the city will still be involved.

Leimbach stated there are so many companies and loads are sold repeatedly that he does not think it is a bad idea because we might get lucky and get someone to take care of it. It might make it easier for the city. Veltri stated the city checks the homes but for the most part they get calls from neighbors.

Leimbach asked how many companies will have to be notified because that could be a daunting task. Kurtzweil replied by contacting the state they will take care of most of it. Tallerico asked if that state department really does work that well because a lot of state departments do not have the best response time. Kurtzweil replied she believes it is a big enough issue that the state has a heightened sensitivity to this issue. Mosier asked what guarantee they have the posting will be put up. Veltri stated it can take up to six months. Kurtzweil stated she thinks there are some issues that are step-by-step oriented and this is

one of them. There was a general discussion regarding title searches.

Tartaglia stated he struggles with enforceability. Veltri noted he does not think it is bad to have the books because you might get lucky with a couple of companies taking care of things but it can take up to six months before anything is posted. There is nothing typical about foreclosures. Leimbach stated it will be worth sending past the city's attorney desk. Veltri replied he already has that noted.

Tartaglia asked if this should be a separate ordinance if it can be tucked into something else. Veltri stated he has it to ask the city's attorney to tuck into ordinances already in existence.

There was a general discussion regarding how many homes are foreclosed in South Lyon.

General Discussion: Wind Generators

Tallerico stated he has been putting in wind energy ordinances in communities he works with for a year or two. This is to start as a talking point. The odds are slim that South Lyon will acquire land for a wind farm. The odds are better for individual wind generators. He recommends special use for individual wind generators. This movement is moving fast so this is just a starting point to determine if he should move ahead. Tartaglia stated he was in support of special use. Veltri stated the only space for a farm is on school property. Tallerico stated Meijer wants to put them on their roof. The technology is moving in that direction.

Veltri noted in all districts there are height restrictions but the state is working on allowing for exceptions to go above the height limits of neighborhoods. Tallerico noted they want to protect the control of local government. You want to control access, noise, light flickering, and maximum height. There was a general conversation regarding the different types of wind generators and what they each look like.

Veltri stated schools have the biggest property. Lanam noted schools do not need city permission.

Tallerico asked if the Commissioners want something that covers noise. Everyone agreed. Veltri stated they should also include electrical interference. Mosier asked to add decommissioning as well.

Culbertson asked why they are not addressing solar panels now too. Tallerico replied he just wanted to start with wind and noted solar panels are easy to add.

Tallerico asked if they should address temporary use in addition to signal interference, flickering and noise. He noted he was leaning to special use. The Commissioners agreed.

Culbertson asked if they can add in composting. Veltri noted people may compost in their backyard. Culbertson stated was flabbergasted with the city council's action and he thinks the chair of the Planning Commission should write a letter. He believes City

Council should have consulted with the Planning Commission and Parks and Recreation. Delaney stated it did go through Parks and Recreation but it was not an issue they voted on. Kurtzweil stated David Murphy should have communicated before taking action. There may have been one person who disagreed but it should have been communicated and look at the anger now. Delaney noted she only wanted to clarify that the issue did go to Parks and Recreation.

Weipert noted the conversation was off-track. Veltri stated solar panels wreak havoc on drains and most homeowner's associations will count them as exterior improvement that will require association approval.

STAFF REPORTS

Veltri stated will get some more information regarding the discussions from this meeting and schedule another meeting when there is more information.

ADJOURNMENT

Motion by Culbertson supported by Lanam

To adjourn the meeting at 8:44 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

Pam Weipert, Chairperson

Jennifer Knapp, Recording Secretary

Keith Bradley, Secretary