

ARCADIA TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
August 17, 2021

A regular meeting of the Arcadia Township Planning Commission was held on Tuesday, August 17, 2021, at the Arcadia Township Hall, 4900 Spencer Street, Lum, Michigan. Co-Chairman Lashbrook opened the meeting at 7:28 p.m.

ROLL CALL: Members present: Lashbrook, Woloszyk, McClelland, Kennedy, Arnold. Members, Howe and Poniatowski. Others present: Township Attorney Michael Gildner, Recording Secretary, Teresa Gormley.

MOVED BY Kennedy, SECONDED BY Woloszyk, to approve the agenda as presented. MOTION CARRIED.

MOVED BY McClelland, SECONDED BY Kennedy, to ACCEPT the minutes of the June 15, 2021 REGULAR MEETING as presented with correction. MOTION CARRIED.

MOVED BY McClelland, SECONDED BY Kennedy, to ACCEPT the minutes of the June 29, 2021 PUBLIC HEARING as presented. MOTION CARRIED.

PUBLIC TIME – Public time was opened at 7:33 pm. No one from the public spoke. Public time closed at 7:33 pm.

OLD BUSINESS – Dangerous Building Ordinance Update

Chairperson Lashbrook revisited former chairperson Jim D’Arcy’s discussion of updating our current ordinance language on dangerous buildings and invited township attorney Michael Gildner to speak.

Mr. Gildner stated that it has been about a year and a half since he was asked by the township board to go through the township’s local ordinances and make any suggestions. This does not pertain to the Zoning Ordinance which regulates uses of land. The Zoning Ordinance must come to the Planning Commission first. This is a “police powers ordinance”. A police powers ordinance does not need to go to the Planning Commission, adding that the Planning Commission does not have powers over this but many communities ask their Planning Commission to review to give their township board input.

Arcadia Township has not used this ordinance. Gildner stated that he does not use because he does not like it. Our current ordinance language can result in a process which can be very lengthy, adding that the township must have a code enforcement officer who completes a report, which is given to the township board. The Board then sends a letter to the offending property owner and then the property owner is given a reasonable

amount of time to state why they think their building isn't dangerous. This could be weeks. Then the township board makes a decision and if the property owner is aggrieved, they have another 20 days in which time the building may actually fall or cause harm.

The Michigan Building Code and the Property Maintenance Code are statewide regulations that deal with how buildings are to be built or maintained. They do not specify the process which can be taken, which is to the township's advantage to avoid any possible unforeseen mistakes which may be made on the part of the township.

Gildner referred to the date of the adoption (1979) of the current language, stating that all communities have something like this but things have evolved and we should move forward.

Kennedy asked if Gildner could create a property maintenance code for the township to use.

Gildner state that it would just be a paragraph referring to the State Code.

Lashbrook stated that Gildner was correct in stating that our current language is archaic.

Gildner said that he has been practicing for over 25 years but only used language like the township currently has one time.

The Property Maintenance Code is a terrific tool for managing situations like dangerous buildings because the township can take civil action against the property owner. Property owners are not entitled to the jury trial – there are no court appointed attorney expenses, it is not our burden to prove beyond a reasonable doubt but only by a preponderance of the evidence.

Kennedy asked if the township would get an inspector to determine if the building is dangerous?

Gildner stated yes. Then the property owner would be served with papers and at the court hearing the township could ask the court to authorize the township to do what is necessary. The township has the ability to then bring it into compliance. A Municipal Civil Infraction can be assessed against the property owner/taxpayer and costs associated with bringing the dangerous building compliant will go on the taxpayer's taxes.

Poniatowski asked about the time of action.

Gildner stated that the township would ask an inspector to inspect the property and, if dangerous, they would get a ticket book, fill it out, file it with the court and serve the offending property owners by mail and by posting on the property. The inspector would deem the building dangerous.

The Planning Commission requested Gildner to give them an Opinion Letter as to this discussion and to give us a synopsis of the Michigan Building Code and the Property Maintenance Code. It was agreed that the Planning Commission would like to get going on this update.

NEW BUSINESS – Lashbrook referred to the letter that Gildner sent the township in 2019 and Gildner stated he would re-send that letter in an email to the Recording Secretary.

REPORTS

Township Board -- There was no report from the township board.

Zoning Board – McClelland reported on the variance request by a family seeking to put in an inground pool in what is considered their front yard, even though they live on a private drive off of Daley Road. This variance request was granted.

PUBLIC TIME

Opened at 8:08 pm. The Recording Secretary stated that there will be a public hearing at the September meeting, requested by Oliver Dawod, who seeks to get Special Land Use approval to operate a medical grow home occupation. She passed out the application and supporting documents for their review. Closed at 8:09 pm.

NEXT MEETING

Public Hearing on September 21, 2021 at 7:30 pm with regular meeting immediately following.

MOVED BY Arnold, SECONDED by McClelland to adjourn the meeting at 8:09 p.m.
MOTION CARRIED.

Submitted by:

Teresa M. Gormley
Recording Secretary

Richard McClelland
Secretary