



**HELENA TOWNSHIP
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Helena Township Planning Commission
PUBLIC HEARING – Ordinance 5.02.01 - FUNNELING
August 25, 2025 @ 5:00 pm

HTAG RECAP

(The content contained herein was extracted directly from recordings of the above-referenced event and prepared as accurately as possible based on the room's conditions including number of people simultaneously conversing. At such times, comments are unrecognizable, it is so noted as such as being "(inaudible)."

Present:

David Hunstad
Jim Gurr - Chair
Fay Vandenberg - Secretary
Jim Schilling – Board Liaison
Mike Robinson – Vice-Chair (? No longer listed on website)
Butch Peeples - Supervisor
Gordy Schafer – **Absent**
Darren Whipple - **Absent**

Meeting was called to order at 5:02 pm by Jim Gurr.

Pledge of Allegiance

Zoom Owl started recording Meeting.

ROLL CALL

Approval of Agenda:

Based on correspondence the Planning Commission received from a resident concerned about the Planning Commission **not providing the minimum 15 days' notice** for the Public Hearing, Jim Gurr asked to amend the Agenda by making the following motion:

Proposed amendment to Agenda:

Gurr: Um...now, we're at this point where we are going to approve the Agenda...and I'm going to ask the Planning Commission consider an amendment to this evening's Agenda. Um...what I propose to do is to uh...get some kind of a...get some kind of a handle on communications some of us may have received about the propriety of our way of conducting business. So, if I could get a motion to look at that Agenda before we open the Public...

Schilling: I'll make the motion.

Gurr: So, with that motion made...second?

Robinson: Second.

Jim Gurr referenced an email received from a resident who stated this evening's meeting was not given proper notice (as was the June 19th Public Hearing) and, as a result, should not proceed.

Gurr then stated he has had remarks "thrown at him" for the last 6 months about "being illegal and all the rest of this stuff" and was "sorry it has extended to the rest of the Planning Commission." He assured everyone the Planning Commission is "pretty careful" about the details. He indicated he does NOT record the meetings so is relying on his "own memory and conversations with planning commission members about what took place...I've been doing this awhile and I can assure you that no one has ever attempted to just run something past somebody or to defy the Open Meetings Act by coming to conclusions outside of public meeting times....It's a practice we've been following for many, many years – seems to have worked out pretty good for most folks."

Jim Gurr stated the manner in which tonight's Public Hearing was noticed was how "we've always done it." He asked the Planning Commission to make a resolution which would include the following language whenever the PC puts a decision to a vote:

"When we make a resolution – I will...make sure that our resolution includes language that kinda runs to the effect that....the Planning Commission authorizes its Secretary to make adjustments for finding that date of publication that fits the best available window of opportunity for all the affected municipalities and that date will become available to the Planning Commission and the public through the normal process by which those things are made available – just the way we've always done it."

Robinson asked for confirmation if the date were changed, the same guidelines would apply; Gurr confirmed, yes.

Gurr then made a motion that the Planning Commission move forward with the rest of the meeting as scheduled. **Motion carried.**

CONFLICT OF INTEREST

All stated “none.”

On-site Citizen Planning Training

Jim Gurr shared the opportunity for Planning Commission Members **AND** Residents to participate in this opportunity. Additional Information can be found here:

[Events - MSU Extension Citizen Planner Program](#)

COMMUNICATIONS

Resident (Wilcox) addressed the email she sent to the Planning Commission addressing the Planning Commission changing the date of tonight’s Public Hearing from August 26th to August 25th outside of an open, public meeting. She reminded them their motion and vote was taken from a recording of the August 7, 2025 Meeting at which the date of tonight’s Public Hearing date was approved. Wilcox reiterated she was not accusing the Planning Commission of trying to sneak anything through – just that they must abide by the Open Meeting and Zoning Enabling Acts by providing the required proper notice and offer residents the opportunity to attend not be “blindsided” by the issues being discussed which was the concern raised by many residents during the Boats & Docks Ordinance changes.

Wilcox emphasized the requirement to have the Notice of a Public Hearing PUBLISHED in the Antrim Review at least 15 days in advance of the scheduled Public Hearing (in this case, the deadline was August 11th not August 14th). She also noted Posting the Notice on the Township’s Website or tacking it to the bulletin board in the building’s breezeway is not proper notice.

Two additional Residents (G. Mayes and P. Sak) shared their concerns and suggestions to the Planning Commission as to the negative impacts of the Planning Commission continuing to provide improper notice.

Gurr replied “That’s your impression...Forgive me for not reviewing the microscopic detail of the statutory language you presented me...I’ve tried to give the best explanation I can for the standard operating procedures that we’ve operated under for an awfully long time...if we discover that it fails to meet anybody’s expectation, we will adjust our way of doing business. He then stated the “I’ve had enough regarding this particular communication.”

Planning Commission Member (Schilling) then stated he didn’t “know how many other jurisdictions throughout this state have been following state statutes....with a newspaper...most of them come out once a day, that kind of puts us a little bit behind the eight ball on public notice.”

Public Comment (Cont'd):

Resident (G. Mayes): Stated the lack of proper notice by the Planning Commission has happened many times and the residents have had the same issue with untimely posting of the Minutes which are to be posted (8) days after the day of the meeting and finalized within (5) days of approving them which was **referenced in the Michigan Township Association's Big Red Book which he had in his possession and the Michigan Zoning Enabling Act.**

Resident Mayes then stated he did not have any comment about the proposed ordinance language and that he thought it was good.

Resident Sak restated the notice for tonight's meeting did not follow the Open Meetings Act or the Michigan Zoning Enabling Act and was very confused about the "resolution" proposed by Jim Gurr earlier in the meeting and which was voted upon and approved by the Planning Commission. He also encouraged Oryana LeFew in her newly appointed position as Clerk to be very careful about what she posts - He pointed out the legal ramifications of what she and the Planning Commission does. He mentioned she had posted a Notice for tonight's Public Hearing on the township's website and it was labeled "posted August 10th" However, when one looks at Adobe's "Administrative Metadata" - according to the metadata, the document was created August 11th so questioned how could the Notice be posted a day before it was created? Recommended the "posted" date she uses on documents is the actual date the document was posted and not what somebody else said."

Jim Gurr closed the REGULAR MEETING.

PUBLIC HEARING:

Jim Gurr directed the Planning Commission to commence Public Hearing business, which is Ordinance 5.02.01 In addition to the language that I think we've all shared, there's a definition. A definition of "Contiguous"

Definition: Contiguous means "land adjoining and touching by a common corporate or a common body line. Includes land having common ownership and divided by a vote of the legislature."

PUBLIC COMMENT (PUBLIC HEARING):

Paul Sak reminded the Planning Commission of his suggestion to them a few years back about this issue and said "I question the common sense...how do you take the 100 foot now on the water and say two homes can use that?...It's contradictory to our (Master Plan).

No questions were posed or further discussions took place by the Planning Commission on this suggestion.

Gurr Closed Public Comment Period.

Gurr also indicated the “findings of fact” was not needed for amending a zoning ordinance.

Gurr asked the Planning Commission if they had anything they wanted to share with fellow commissioners with respect to this amendment?

Schilling indicated “I’m in favor of it.”

Gurr then reiterated the fact he wanted to make sure he managed the Planning Commission’s ongoing about the propriety of our language.

He then called a Roll Call Vote for language in Ordinance 5.02.01 and the definition of “contiguous.”

VandenBerg made a motion to approve the language and definition.

Hunstad seconded the motion.

Motion carried.

Gurr indicated the 5.02.01 language amendments will go forward by going through the process and then closed the Public Hearing and went back to OLD BUSINESS.

OLD BUSINESS:

Gurr shared that the County Planning Commission had not yet determined if they would be having a September meeting.

Next Township Planning Commission Regular Meeting:

Gurr announced the next Township Planning Commission’s Regular Meeting is September 4th, 2025, at 5 o'clock. Regular meeting. Hearing nothing that needs to go forward, I'm looking for a motion to adjourn

Schilling: So Motioned.

Gurr: Which will occur at 5:39 pm

Meeting adjourned.

Recording Stopped

Provided by,

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