



**HELENA TOWNSHIP
ADVOCACY GROUP, NFP**
Email: HTAG@Groupmail.com
Website: www.HTAGroup.org

HELENA TOWNSHIP PLANNING COMMISSION MEETING
Thursday, January 9, 2025 at 5:00 p.m.
HTAG RECAP

Mike Robinson called the meeting to order at 5:02 pm.

Present:

Jim Schilling
Jim Gurr
Mike Robinson
Fay VandenBerg
Gordy Schafer

AGENDA AMENDMENT

Gurr made a motion to amend the agenda by removing the last item "Announcement: Modifications to HTPC assignments." because Sue McGlovkin was not in attendance.

CONFLICT OF INTEREST

Schafer asked to make a comment - "Can I make a comment? I've had some digs thrown at me cause I've rented for 30 years; my house is officially listed; I'm getting off the water and not renting but I will still be pro rental."

Approval of 11/7/2024 Minutes

VandenBerg made a motion to accept the Minutes of November 7, 2024, but residents were confused as the November 7, 2024, minutes were never posted for the public to review. Fay indicated they were going through some transitions" would get them posted next week and attempted to proceed with their approval. Residents respectfully stopped the Planning Commission, indicating the Minutes must be published prior to being voted upon and accepted by the PC. Fay then dismissed the residents and proceeded.

Gurr offered to read the Minutes aloud; the attendees accepted. **Gurr read the minutes aloud, in their entirety, to the attendees.**

The Planning Commission voted on and approved the Minutes without the general public having been provided with a copy in advance (either on the website or at the meeting) and simply stated "so those are the minutes we just approved."

***Note*: A Motion to approve the 11/7/24 Meeting Minutes was never made or seconded.**

New Board of Trustee Member and PC Liaison – Jim Schilling

Gurr introduced Jim Schilling as a new Board Trustee and Liaison with the PC. VandenBerg asked Butch Peeples to introduce Jim to which Butch Peeples replied. "I thought we just introduced him?"

Public Comment – Communications or New Business

Residents asked the Planning Commission about a letter, which was sent to the Planning Commission in October of 2024 regarding their concerns and to which no reply had been provided, and it wasn't on the agenda. The Supervisor (Peeples's) reply was they hadn't heard back from the lawyer, but VandenBerg indicated "we've not seen that at all."

Gurr recalled the letter; the Planning Commission divulged they have had poor response time from the attorney for several months on several issues as has the Board.

A Resident then asked why, after asking the Planning Commission (3) Questions about Short Term Rentals ("STRs"), the questions were not reflected in the Minutes from last meeting. He asked the three questions again and for a Finding of Fact on:

(3) Questions

- 1) Are STRs commercial or residential?
- 2) Does the existence of STRs in Residential Zoned areas support our Master Plan?
- 3) Are STRs supported by the results of the 2022 Survey?

Schafer stated the results of the 2022 survey was "47 to 48 not clear cut."

Note: In a thorough review and analysis of the 2022 Helena Township Survey results, it is clear the community WAS CONCERNED about STRs.

A Resident provided an update to a ruling regarding STRs, made by Judge Hoslein on November 21, 2024, in favor of a township's enforcement of NO STRs in residential zones.

Note: The PC had been using the lack of a ruling as a reason not to address the concerns surrounding STRs. Now, even though the ruling was announced, **there was no comment or response whatsoever from the Planning Commission!**

Conflict of Interest:

A Resident introduced herself and indicated she had visited the Michigan Township Association ("MTA") office and talked with the Executive Director. She ordered the MTA manuals and during research, came across the profound definition of **Conflict of Interest** and wanted to share it with the PC so everyone was on the same plane....the definition of conflict of interest." She then read aloud the Conflict-of-Interest language from MTA's Handbook: Township Planning & Zoning Decision-Making Section 1: page 4.: (Handout was made available).

Definition of Conflict of Interest

"A public official has a unique responsibility to avoid the perception of impropriety. Decisions made by a planning commission or zoning board of appeals must be free of perceived bias. If a member participates in or votes on an application in which he or she has a conflict of interest, the validity of that decision could legally be challenged.

Identification of a Conflict

The word “interest” refers to an individual decision maker’s interest in the outcome of the decision. If a person has a duty, obligation, or personal bias to parties on both sides of a question, and those duties conflict, that person has a “conflict of interest.”

If a decision-maker has a conflict of interest, he or she should “recuse” himself or herself. This is more than simply abstaining from voting. It means that the person must remove himself or herself physically from any discussions, hearings, deliberations, and information-gathering regarding that decision, in addition to abstaining from voting on the decision. MTA Legal Counsel recommends that the person remove himself or herself from the meeting room any time the application or issue is addressed.”

Shoreline Ordinance – Clarification from Counsel:

A resident reminded the Planning Commission they were presented with a formal request back in August and September of 2024 to consult with the Township’s attorney, before continuing to develop new Shoreline ordinance language to confirm, in the interest of Cedar Shores, if something is not in the ordinance, is it allowed? – something on record in the Township’s minutes with Attorney Chris Bzdok saying, in 2010 and 2011.

Request for Status of Zoom capabilities:

A resident followed up to confirm the status of the Township’s progress to make all meetings available via Zoom something mentioned last May and updated in August of 2024.

NO RESPONSE FROM PLANNING COMMISSION

Request for Township “Junk Day”:

Resident asked if it were possible, like other surrounding townships, for Helena Township to have a FREE JUNK PICK UP DAY. Jim Gurr stated they have a drop off option and Butch Peebles indicated the Board will need to decide if they will be doing it this year. It will be published in papers and posted on the bulletin board.

Removal of Public Comment Period

Resident noticed tonight’s Agenda did not include a 2nd Public Comment Period which has always been made available for the public to participate in the meetings.

VandenBerg indicated “We don’t need one according to MTA and our meetings were running 2-3 hours which is just uncalled for.” ***Note*: A few meetings ran longer than necessary mainly due to lack of organization.**

Resident asked if she were permanently deleting the second public comment?

VandenBerg: “I am, yes”

Resident asked when the public would be able to discuss the updated Greenbelt ordinance language?”

VandenBerg: “As soon as you get done talking is when we’ll do it.”

Shoreline Ordinance Language:

A resident mentioned the language being proposed was the same language the PC tried to pass in August of 2023 when a hundred+ residents attended and voiced their concerns.

A discussion then took place about the process required to develop and present new ordinance language to get it passed including holding of a Public Hearing.

The steps are as follows – Language will be discussed and agreed upon by the PC, it will then be sent to the attorney along with other questions. A Public Hearing will then be scheduled which will be published. All parties will be notified – the “process will be followed thoroughly.” And, if there are changes at the public hearing, then it goes back again.”

Schafer asked... “We took out the word “Greenbelt”...what did we make it?”

VandenBerg replied “Shoreline Protection Buffer because Greenbelt was redundant.”

A discussion took place regarding concern over removing the word “Greenbelt” from the ordinance as it’s a term defined by the DNR and is in the Master Plan which must be adhere to or would have to be changed.

The Planning Commission replied “If there is a language misconnection, it will be corrected but we are not anticipating jumping into the Master Plan in the next couple of years. The fact that there’s descriptive (not substantive) language that may not be reflected in the Zoning Ordinance is not a reason to throw out the Master Plan...no...those adjustments will be made....it’s a point that’s got too fine of a point on it.”

The Planning Commission then decided to allow the word “Greenbelt” to remain in the ordinance.

NEW BUSINESS

The township’s attorney, who has been MIA for nearly 6 months is now back involved in the township business.

Proposed Shoreline Ordinance Language:

Chapter 5 – Supplemental Regulations Section 5.02 supplemental waterfront, lakes, streams, flood plain and wetland regulations Section 5.02.01 private water access.”

The Planning Commission stated the number of watercrafts allowed on a property and who has access to a private waterfront access must be clearly defined. There was a need to also stop funneling (off-water properties or owners using waterfront property).

***Note*: Language developed for the proposed ordinance was discussed outside of an open, public meeting, a violation of the Open Meetings Act and from language proposed in August of 2023 which was strongly disputed by the public.**

After much confusion about the latest draft of proposed ordinance language presented by the PC’s Secretary and what was being discussed, further comments were made to try and better clarify the proposed language in **Section 5.02.02 – Restrictions applicable to property abutting lakes, rivers, or streams.**

Bob Logee was then asked to explain cause “he was there when we trying to work this language out.”

Logee: “So under this bullet...I think I’m saying this right...add two back lots served by a waterfront lot. The waterfront lot must be at least 100 feet wide and have no buildings. So, then D gets wiped out

because we don't want them to have the option to come forward and petition the board to add more than two, non-waterfront lots."

Resident asked - "But the waterfront property has to NOT have a dwelling on it?"

Bob Logee: "Correct."

Gurr: "It's an access."

Resident said "Ok, it's an access. And the two non-waterfront, they have to be adjacent or at the corner or contiguous?"

Schafer: "Same way for property taxes."

All Agreed

Gurr: "It's an anti-funneling provision that designed to meet the concern that you have expressed."

Schafer: "Now someone builds a house on that front lot...I never got that clear...then the two lots in the back are out, right?"

Logee: "Correct..."

Logee clarified -- 5.02.01 D should be deleted to prevent anyone from requesting additional lots be added.

Resident asked for the details to be recorded in the Minutes...specifically Bob's definition.

Gurr then asked if "an approved permit from the Soil Erosion Officer shall be presented to the Zoning Administrator prior" should be struck?"

Bob Logee: "No...we don't want them to be able to come forward and ask for more than two."

Gurr: "We have different pages"

Note PC members had different versions of the same document being discussed and were rustling through papers to try and confirm who had what versions.

Further discussion took place amongst the Planning Commission.

A resident requested to simplify things and include the following language in the ordinance:

A "private waterfront access" cannot occupy any buildings, structures, or dwelling units."

Bob Logee agreed adding "We don't need to add that in as we just leave 5.02.01 alone and delete D."

Robinson: "So, we're going to delete D."

Request for Attorney's response to letter of October of 2024 regarding Short Term Rentals:

Resident asked for status regarding the attorney's response to a letter sent to the Planning Commission in October of 2023. The PC indicated although the attorney's response time "sucks", is very disappointing and his accessibility has "gone downhill since he went out on his own"...as far as they knew, the attorney was aware of the letter.

Another PC member asked...do we look for a new attorney? He was told to ask someone at this evening's Board Meeting as they hire the attorney for the township.

Schafer stated "Bob and Fay have been meeting and going over things. Bonnie locked up the files and hasn't been back and hasn't been really helpful."

Schafer: "I make a motion to approve."

Resident then pointed out the term Greenbelt is from the Dept. of Natural Resources and is quoted throughout our Master Plan - to change it is a big deal as you are going against what the Dept. of Natural Resources has defined." So, keep the previous term of "Shoreline Greenbelt Protection Buffer."

Bob Logee added "It already says it under the definition; the definition Shoreline Greenbelt Protection Buffer!"

The Planning Commission did not want to discuss it further said "It's not a pursuit we need to follow here and the language that was submitted in August of 2023 that never went forward – the only reason it didn't go forward – we had all of the hearings, we notified everyone and all the notifications were made except the final Public Hearing was not noticed properly. So, it didn't have that final step taken so all of that evaporated in the midst of all the concerns....we are still trying to change language."

Schafer: "Greenbelt has always been there"

Gurr: "Find Extant in the Zoning Ordinance."

A Resident stated the word "Greenbelt" has always been in the ordinance and in Master Plan so asked... "Why take it out?"

The PC replied: "If it satisfies the soil erosion officer, we're good with it...no matter what they're called!" "This is a discussion that does not serve us...does not serve anyone in the room well to continue."

Robinson: "So are we adding Greenbelt in?"

A resident shared the meaning and benefit of a "Greenbelt" which is comprised of shrubs and which take in nutrients that flow down towards the water...and studies which have been done for years outline the purpose and benefits. It's an official term, is in the Master Plan and MTA.

Schafer then made a motion to have the word "Greenbelt remain as the PC has talked 30 minutes about one word that we thought was being redundant and leaving it in wouldn't cause any wars."

Jim Schilling: "And I'll second it."

Robinson: "Any other discussion? All in favor?"

All replied "aye" – motion carried.

Schafer and VandenBerg confirmed "Greenbelt" will remain in the ordinance language.

Schafer: "Ok, so the word greenbelt will be added back in and we're back to where we were."

Additional discussion amongst the Planning Commission took place about trying to organize the proposed ordinance language after which it was announced "We've got the language that we need to send to the attorney for consideration and please do everything you can to stick him on our case."

Shoreline Ordinance Language (Cont'd):

Schafer: "The new language says...NO MARINAS!"

A resident asked if a mooring counted towards the number of boats allowed and explained. How a neighbor has (8) shore stations and (3) additional moorings.

A resident then referenced Milton Township's ordinance which the PC had indicated they reviewed and liked (as well as Torch Lake Township's ordinance) and...for 100 Feet of frontage, both townships allow (3); asked how our PC got to (4)?" and also explained they count (2) jet skis as 1 "space". But Helena Township has defined and counts "number of watercraft."

The PC indicated "Those are the types of distinctions at the public hearing...at the public hearing...those types of distinctions that you've noticed between language and intent are exactly what needs to be brought forward in the Public Hearing so that they can be taken into consideration in a constructive way going forward to end up with language that's going to work."

Resident: "That's why I brought it up."

Greenbelt

It was again confirmed by the PC, the word "Greenbelt" will remain in the ordinance and stated their appreciation for the input from the residents and wants them to know their concerns are not being dismissed.

Meeting was adjourned at 6:10 pm

Prepared by:

Helena Township Advocacy Group (HTAG)

[**HTAG@Groupmail.com**](mailto:HTAG@Groupmail.com)

[**www.HTAGroup.org**](http://www.HTAGroup.org)

