

**Ford River Township Planning Commission  
Regular Meeting Minutes  
September 1, 2021**

Meeting was called to Order at 7:00 pm by R. Livingston and the Pledge of Allegiance was recited.

Present: P. Dagenais, K. Jaeger, R. Livingston. Absent: J. Church, K. Mineau.

**Public Comment on Agenda Items**

- Ray Fettig asked about the review of the Master Plan. K. Jaeger stated that our review was finished and that we were going to wait for the census and 5 year plan to be done before looking at making any changes.
- Zoning Administrator C. Detiege would like to add Marijuana under New Business
- Kymberlee Bateni would like to be added to agenda

**Conflict of Interest Declaration** - None

**Public Hearing** - None

**Minutes**

- Planning Commission meeting minutes from August 2021 were approved with a motion by P. Dagenais, seconded by R. Livingston. Unanimous approval.

**Reports**

- Zoning Administrator C. Detiege provided the commission with the August 2021 Zoning Administrators Report.

**Permits**

- Z1163 - Shawn Wallin, R2, 4324 12th Rd, 8/1/21  
009-053-018-10, New Garage
- Z1165 - Brian Werner, RR, 4048 10th Rd, 8/23/21  
009-067-026-10, New Shed
- Z1167 - Joseph Lantagne, RR, 2666 15.5 Ln, 8/30/21  
009-223-010-20, New Fencing
- Z1168 - Sarah Newhouse, RR, 1115 H Rd, 8/31/21  
009-123-003-40, New Shed

**Unfinished Business**

- 5 year recreation plan - Waiting on Update from CUPPAD.
- Ordinance Update - The commission will hold a public hearing in October.
- Change Zoning from R1 to R2 - Zoning Administrator C. Detiege would like the commission to possibly look at re-zoning a few areas in the township. He is still awaiting information. This will be tabled until next month.

**New Business**

- Kymberlee Bateni - Chairman Livingston informed K. Bateni that typically the commission allows 3 mins for an add on to the agenda. K. Bateni started by sharing the section of the Planning Commission bylaws in regards to Not voting on the same issue twice. She then stated that she felt K. Jaeger was in violation of the bylaws by sitting on the Planning Commission and the Zoning Board of Appeals. K. Jaeger asked what decision was made by the Planning Commission. K. Bateni stated that the commission issued her the violation. The violation was actually issued by the Zoning Administrator.

K. Bateni then stated that K. Jaeger should have recused herself as she publicly stated that she had a cottage on her property, that admission is a personal conflict of interest on discussion. K. Jaeger said she did state she has a cabin on her property that is used for storage, there is no cottage.

K. Bateni again brought up that as a member of the Zoning Board, K. Jaeger has already discussed, reviewed, and made a decision with a vote on Planning Commission and cannot hear or vote on the issue twice. K. Jaeger asked again what the Planning Commission has voted on, as the Planning Commission has not changed anything in regards to short term rentals, or her cabin on her property. K. Bateni then asked how they got changed, she stated she looked in previous minutes where nothing was found in regards to short term rentals and then all of a sudden it was found. Clerk D. Brown informed the commission and public that short term rentals have been prohibited in R1 since the first ordinance in 1983.

K. Bateni then stated that the violation giving to her by the commission was unlawful and therefore unenforceable for the following reasons:

She stated that she contacted the health department and that she is permanent and that taking out plumbing is not what she should be doing and stated that he submitted a letter. It is creating a health and safety issue in the community by taking out the plumbing, because if the plumbing is taken out, it becomes storage, moisture sets in, its unlivable, lead base paint starts falling off the wall, asbestos tiles can pop up, and it can become rat and bat infested. They don't want health and safety issues within their community.

Also, the Commission and others associated with the Ford River Township told her on more than one occasion to remove the plumbing in her cottage because it violates the ordinance. She states nowhere in the Ford Township is this addressed, neither is any removal of plumbing direction in Delta County or the State of Michigan as a violation or a resolution to this issue. According to your commission the definition of dwelling that this commission has adopted is one of plumbing when actually the proper definition of dwelling on the county, state and federal level is defined as being regulated by health and safety issues specifically named as heat and ventilation.

K. Jaeger stated that our ordinance can be stricter. K. Bateni agreed and said we have 12 different items on our description, one of which is a crawl space, which she doesn't have.

Approximately 9 minutes in to the discussion, Chairman Livingston asked K. Bateni what she was trying to accomplish as the decision has already been made, and we are not able to make decisions or changes tonight.

K. Bateni wanted to continue as she feels she did not receive a rightful and lawful hearing. She then stated in regards to the Short Term rental that she felt P. Dagenais has personally concerned himself and that each member of the planning commission should avoid conflict of interest.

Chairman Livingston informed her that this does not have anything to do with P. Dagenais it has to do with short term rental in the wrong area. People have come to the planning commission in the correct area and have been granted permits to do so.

K. Bateni asked if it could be amended and Chairman Livingston stated that is not something that we can just change, it was discussed heavily in 2008 and the people in R1 wanted it to continue to be prohibited.

Pam Heffner Caron then stated that there are member or members that are on the board that do not need to be sitting on the board, nor are they following the bylaws. K. Bateni stated that this violation was brought up by a boldfaced lie and a conflict of interest. At approximately the 12 minute mark of the discussion, Chairman Livingston ended the discussion.

- Marijuana - The Township Board would like the commission to re-visit this. The state rules are in place. Clerk D. Brown mentioned the board had a few sample ordinances that she would provide for the commission to look at. This will be discussed further next meeting.

### Communications

- Short Term Rental Emails
- Email From Pam Heffner Caron
- Kymberlee Bateni present the commission with a list of signatures of people in support of short term rentals in R1 in Ford River. This will be discussed next month on how we'd like to handle this situation. J. Church and K. Mineau should be back, with P. Dagenais abstaining from conversation, K. Jaeger and Chairman Livingston were not comfortable making the next move.

P. Caron stated that she was not comfortable with that, because just like the emails that we received and what Kym tried to speak of tonight was cut off, there is no discussion, there is no resolution, there is no anything. She feels they are not heard and we don't want to hear them. She stated to Chairman Livingston that she has witnessed a violation of Kym's constitutional right to speak. She feels that it is shameful and if that is what is happening with everything that is brought before this board to try and have something resolved, we are in trouble. When you talk about this only effecting people in R1, and what they think ought to be done, have you read your bylaws. When you have a board that is representing the people that have hired you, we pay the taxes, we elect you, we expect an ethical, honest, high integrity behavior out of you, not a 3rd grader, at this time R. Livingston asked that P. Caron direct her comments to him, she stated she was speaking to the whole board, as it is her right.

Zoning Administrator C. Detiege informed the public, that the planning commission is appointed not elected. In regards to elected officials she would have to talk to the Township Board. Clerk D. Brown stated that the commission is actually appointed by the Township Supervisor and approved by the Township Board.

P. Caron stated she appreciated knowing that as usually they do not get any resource or any direction from anyone, Clerk D. Brown did state that all terms are posted outside.

P. Caron stated that when you speak about only the people in R1 being interested or that their opinions should take a higher perspective in your discussion. This township is part of a greater picture, an entire community that involves several townships and the City of Escanaba all for one purpose, and this by your bylaws, this township is supposed to be supporting that greater area. We are not just Ford River Township with blinders on, everything that we do and say, make rules about and decisions about only effect Ford River Township, No, everything that we do should be supporting our local businesses, our tourism, our hotels, our restaurants, our gas stations, all of the local residents, the Bonifas Center, all of the culture, plays, everything that we do should be focused on, as your bylaws say, focused on the bigger picture.

At this point in time, Chairman Livingston stated that he was not going to sit here and argue over this.

P. Caron stated that she was not arguing and wanted the commission to listen and be a little more broad minded. She stated she has not seen that and certainly not tonight as Kym was unable to express what she needs to express.

Chairman Livingston reminded the public that there is no decision to be made tonight, it has already been made. At this time, a motion to adjourn was made by R. Livingston, seconded by P. Dagenais. Unanimous approval. Meeting was adjourned at 7:44 pm.

 10-6-21