

WHITEFISH TOWNSHIP PLANNING COMMISSION

AUGUST 16th, 2022 “SPECIAL” MEETING MINUTES – “UNAPPROVED”

WHITEFISH TOWNSHIP COMMUNITY CENTER / 7:00 PM

SCOTT ERICKSON – CHAIRMAN JON JASINSKI – RECORDING SECRETARY

BRIDGET NODRUFT DONALD KALFAYAN RICHARD GRATOPP – BOARD APPOINTEE

- **Call to Order –**
Meeting called to order by Chairman Erickson @ 7:00 PM.

- **Pledge of Allegiance –**

- **Roll Call –**
Present – Erickson / Gratopp / Nodruft / Kalfayan / Jasinski

- **Amendments to the Agenda –**
 - None

- **Review & Approval of Meeting Minutes –**
 - Motion made by Gratopp with 2nd by Erickson to approve the July 13th, 2022 meeting minutes with Gratopp, Erickson & Jasinski voting yes and with Nodruft & Kalfayan abstaining, motion passed.
 - Motion made by Jasinski with 2nd by Erickson to approve the August 3rd, 2022 meeting minutes with Gratopp, Erickson & Jasinski voting yes and with Nodruft & Kalfayan abstaining, motion passed.

- **Public Correspondence & Communications –**
 - Jasinski read aloud a letter as submitted by Robert Georgeff stating that the township was in breach of contract in denying his STR application which had been submitted prior to the STR Moratorium being instituted and further indicating his displeasure with the direction of the township government.
 - Erickson read aloud a letter as submitted by Jennifer Westerfield who owns and operates a STR explaining the benefits that they provides to the community as well as stating that certain residents of the township are harassing the visitors who are renting them to the point of having to refund their monies.
 - Erickson read aloud a letter as submitted by Jim Erickson in support of STR's and the benefits that they provide to the community.

- **Public Comment Period –**

- Jennifer Disney read aloud a letter as submitted by Jason & Amanda Isenga questioning the Township Board of Trustees and Planning Commissions personal agendas and failure to fulfill fiduciary responsibilities to the community and its taxpayers.
- Paul Quinn spoke about the STR Moratorium and its legality.
- Rick Bicknal spoke about a recent Chippewa County Court Ruling about a Whitefish Township Subdivision which involved STR operating in a subdivision which had deed restrictions in place not allowing them. The court ruled that the STR Deed Restrictions were valid and had to cease. Mr. Bicknal mentioned that five (5) other subdivisions in Whitefish Township have the same Deed Restrictions.
- Derek Tait read aloud a letter as submitted by Thomas Dallman, President of Quality Healthcare Environment in Bullhead, Arizona who is in his last year of practice and who will be residing in Paradise who voiced opposition to the STR Moratorium and questions why the Township Board of Trustees and Planning Commission could not come to compromise in which everyone benefits rather than having the issue going to court.
- Melody Berg spoke against STR's stating that there was one operating in a subdivision where deed restrictions prohibited it, that legal action was taken and that possibly the STR is still in operation against the court order.
- Heather Bromley spoke in favor of STR's stating that without the ability to operate theirs they would not have been able to improve the property nor afford the taxes.
- Melanie Davis read aloud the State Statutes that govern Township Master Plans and the need to update the current Whitefish Township Master Plan prior to drafting ordinances citing MCL 125.3831.
- Jason Isenga read aloud a letter as submitted by Thomas Dallman, Jennifer Disney, Robert Georgeff, Jason Isenga, Dominic Johnson, Tanya Moore, Paul Quinn, Susan Salisbury, Jennifer Westerfield, Rebekah Dallman, James Disney, Robert Hughes, Amanda Isenga, Timothy Pritchard, Timothy Salibury & Melinda Salisbury stating their concerns regarding the Whitefish Township Planning Commission and its recent actions during the July 13th, 2022 and August 3rd, 2022 meetings. The letter stated concerns over the actions of Planning Commission members Scott Erickson and Richard Gratopp relative to a failure of fiduciary responsibilities, conflicts of interest, breach of ethical obligation and both having spot zoning violations. The Planning Commission is working without a current Master Plan. The letter calls upon the Whitefish Township Board of Trustees to put an end to the mismanagement and personal agendas of Mr. Richard Gratopp and Mr. Scott Erickson and suspend them from their duties as planning commission board members. The letter continues to call upon the Whitefish Township Board of Trustees to instead appoint two new planning commission board members with a confirmed track record for transparency and accountability in all matters and who are guided by beliefs in diversity, equity and inclusion for all and for supporting and engaging our community taxpayers.

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Mr. Erickson responded by stating that his and Gratopp's properties were legally rezoned per the 1994 Zoning Ordinance and specifically the Tourist District Section 7.06 of Article VII of which he read aloud.

- Jennifer Disney read aloud a letter on behalf of property owners Jason and Amanda Isenga addressed to the Whitefish Township Planning Commission. The communication is to provide the Whitefish Township Planning Commission and the Board of Trustees a reflection point to push personal agendas and failure to fulfill fiduciary responsibilities to this community and tax payers in regard to short term rentals. The below highlights these failures that are not limited to; conflict of interest on the boards, a breach of ethical obligation to be fair in supportive evidence and spot zoning properties for personal use. She asks, "what basis are you trying to use to restrict short term rentals?". A violation of the Open Meetings Act, failure of fiduciary duties, neglect when appointing new planning commission members and failure of reviewing a new Township Master Plan. To date, Whitefish Township is the only Township in the State of Michigan to target legal pre-existing land-use activities, STR permits and not approve a grandfather policy for those approved permits. This concept is one of the basic private property protection tenants in the Michigan Zoning Law. She further states that a new Township Master Plan is required. The impact of personal agendas has a negative impact on tax revenues, tourist business, local employment and much more. Tourism drives the economy and has done so for years. We should work toward a regulatory solution that protects our community while leaving our local jobs and businesses intact. This board has failed to fulfill its ethical duties to the community and the tax payers.
- David Cords spoke about getting with the local realtors to identify all of the deed restrictions as they relate to STR's and that the Township Planning Commission needs to respect them in their decision making process.
- Paul Quinn spoke about the STR Moratorium and its legality.
- Jim Disney spoke in favor of STR's and the benefit that they provide the community.

- **Zoning Administrators Report –**
 - The Zoning Administrator was not in attendance.

- **Old Business –**
 - Graham "Special Use" Campground Application.
Discussion was had relative to the property having been legally surveyed as was required during the original site plan review but of which had not been completed. A motion was made by Erickson with 2nd by Nodruft to require the survey to be completed prior to the final approval of the application, all voted yes. Discussion was had relative to the documents that were prepared by the Graham's attorney and that of the attorney representing a group of property owners near the parcel. The documents contained information specific to the property deed as it relates to private road access.

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A motion was made by Jasinski with 2nd by Kalfayan to forward all of the documents to the township attorney for review and comment, all voted yes, motion passed.

- Short Term Rental Ordinance.
Discussion was had regarding the draft proposals as submitted by Erickson and Jasinski which included specific district locations, administration, permit expirations and permit fees. A motion was made by Nodruft with 2nd by Kalfayan to approve and incorporate Erickson's proposal into the existing STR ordinance (6.10 Renting & Leasing), roll call vote with Gratopp abstaining, Jasinski voting no, Nodruft voting yes, Kalfayan voting yes and Erickson voting yes, motion passed. A motion was made by Gratopp with 2nd by Nodruft to have Erickson write up the amended STR ordinance and forward it to the township attorney for review and comment, all voted yes, motion passed.
- New Business –
 - None
- Adjournment of Meeting –
Erickson made the motion to adjourn the meeting, 2nd by Gratopp, all voted yes, the motion passed. The meeting was adjourned at 10:15 p.m.

SPECIAL MEETING – AUGUST 16th, 2022 / MINUTES APPROVED BY;

SCOTT ERICKSON –

RICHARD GRATOPP –

BRIDGET NODRUFT –

DONALD KALFAYAN –

JON JASINSKI –