

**Village of Lexington  
Planning Commission Regular Meeting  
Village Hall, 7227 Huron Ave., Lexington, MI 48450  
August 7, 2023  
7 PM**

**CALL TO ORDER REGULAR MEETING:** Mike Ziegler

**ROLL CALL:** Vicki Scott

Members:	Ziegler	Stencil	Roehl	Fulton	Kaatz
	Picot	Regan	Morris	Huepenbecker	

**APPROVAL OF AGENDA:**

**APPROVAL OF MINUTES:**

Motion to approve the minutes of the Regular Meeting of July 5, 2023

Pages 1-3

**PUBLIC COMMENT:** (3-minute limit)

**ZONING ADMINISTRATOR'S REPORT**

Pages 4-5

**OLD BUSINESS**

Pages 6-10

1. **Gielow Amended Plans**
2. **Fee for appealing to the ZBA - Jackie**  
Motion to recommend to Council a \$200 fee for appealing to the ZBA
3. **Decreasing the membership on ZBA from five to three members - Jackie**  
Motion to hold a public hearing on September 11 to take comments on proposed amendments to the following section of the Village Zoning Ordinance, Article 11 Zoning Board of Appeals, Section 11.2 Membership.
4. **Harbor update –**
5. **RRC Update –**

**NEW BUSINESS**

1. **Commission Unity - Wil**
2. **Code of Ethics to accompany the Oath of Office - Jackie**  
Motion to approve a Code of Ethics to accompany the Oath of Office

**PUBLIC COMMENT:** (3-minute limit)

**ADJOURNMENT**

**VILLAGE OF LEXINGTON**  
**Planning Commission Public Hearing/Regular Meeting**  
**Village Hall**  
**7227 Huron Avenue, Lexington, MI**  
**July 5, 2023 7 p.m.**

**Public Hearing called to order at 7:00 p.m. by Chairman Ziegler**

- The purpose of the public hearing is to take comments on proposed amendments to the following sections of the Village Zoning Ordinances, Article 2 Definitions, Section 2.2 Dumpster; Article 6 Environmental Protection & Design Provisions, Section 6.2.9 Screening of Trash Containers, Section 6.10.1 Containers & Dumpsters.

**Public Comment:**

- Mike McGovern (7316 Simons) – commented after touring the Village and seeing the current dumpsters in town, he agreed with the original recommendation.

**Closed Public Hearing at 7:03 p.m. by Chairman Ziegler**

**Regular Meeting called to order at 7:03 p.m. by Chairman Ziegler**

**Roll Call:** Vicki Scott, Clerk

**Present:** Ziegler, Picot, Stencil, Roehl, Morris, Fulton, Huepenbecker, Kaatz

**Absent:** Regan

**Others Present:** D. Klaas, C. Heiden, C. Townley, Doug Gielow, C. Gielow, Orin Campbell, L. Adams, S. Klaas, M. McGovern, (2) citizens

**Approval of Agenda:**

Motion by Huepenbecker, seconded by Roehl, to approve the agenda as presented.

All ayes

Motion carried

**Approval of Minutes:**

Motion by Huepenbecker, seconded by Fulton, to approve the minutes of the Regular Meeting of June 5, 2023, as presented.

All ayes

Motion carried

Motion by Morris, seconded by Roehl, to approve the minutes of the Special Meeting of June 15, 2023, as presented.

All ayes

Motion carried

**Public Comment:** None

**Zoning Administrator's Report:**

Klaas explained the zoning administrator's report and answered questions.

Motion by Morris, seconded by Fulton, to approve the zoning administrator's report as presented.

All ayes

Motion carried

**Old Business:**

**1. Update on Gielow Project –**

Klaas explained that through communicating with Mr. Gielow to see where the project was at, Mr. Gielow stated there had been some changes in the drawings for their plans due to

unforeseen obstacles.

Klaas forwarded the new drawings to Chris Townley (our engineer), Chris Heiden (Utilities Manager), and the Planning Commission. Mr. Townley provided a list of questions and concerns regarding their changes.

Orin Campbell, Gielow's architect, explained the changes to the Commission and answered some of Mr. Townley's questions. Mr. Townley stated he looks forward to Mr. Campbell's revised details so we may take it to the next level of review. A lengthy discussion followed.

Orin Campbell said he planned to submit revised plans by the following Wednesday.

**2. Consider recommending to Council changes to the ordinance regarding Screening for Trash Containers –**

Motion by Morris, seconded by Fulton, to send the recommended changes on dumpsters to Council for approval.

Discussion: Huepenbecker stated she was against the change. It would be difficult for a business like Foley's to screen their dumpster, but we could add a section to our ordinance allowing businesses to apply for waivers, as is done in several other places. Kaatz stated in order for the zoning administrator to enforce this, it must be uniform for all.

Klaas explained if you remove it from the ordinance and add it to the code of ordinances, you will need a full-time zoning administrator to become the trash police. It will become an issue where I continually go out to determine if it is now a blight violation. Ziegler suggested only investigating it if you receive a complaint.

Roll Call:

Ayes – Morris, Fulton, Picot, Kaatz, Ziegler

Nays – Huepenbecker, Roehl

Abstain – Stencil

Motion carried

**3. Discuss RRC Visit by Katie Higgs, our MEDC consultant for RRC –**

Picot reported Katie Higgs offered to come out and let us know what form of technical support we need to help move us along with RRC progress. Kaatz suggested including the new Village Manager in this to bring her up to speed.

**4. Update by Ad Hoc Committee on RRC, Capital Improvement Plan, ZBA –**

Huepenbecker included the report in the packet. We are moving along on all of them. Kaatz took action on the CIP plan and RRC at the last Council meeting. Kaatz thanked Klaas for volunteering to assist with this.

**5. Update by Ad Hoc Committee on Trash Containers, Gielow Land Use, Solar Energy Ordinance –**

Ziegler explained the first two have been covered above. We have gathered some information but have not had a chance to meet on solar energy.

**6. Monthly Budget Report –**

Huepenbecker explained that we now have the Planning financials in our monthly packets.

**New Business:**

**1. Recommend to Council a fee of \$200 for Appeals to the ZBA**

Huepenbecker explained we did not have a cost for an appeal to the ZBA in our fee schedule. We had it for variances but not for appeals. Many other communities do have a

fee for appeals. The zoning administrator and I have discussed this and feel \$200 is a reasonable fee. There is a \$400 or \$500 fee for a variance. Morris is concerned this may take away appeal rights to some citizens who may not be able to afford this. Huepenbecker explained there are costs when the board convenes. Discussion followed. Huepenbecker will research other communities and bring this back next month. Kaatz suggested reviewing all the fees now before they go to Council in November.

**Public Comment**

- Mike McGovern (7316 Simons) – commented on the \$200 fee for appeals.
- Gil Orris (5113 Birch) – commented on the public not being able to comment during the Gielow project presentation, the smoke issue during Gielow's clearing phase, identifying who is speaking during the presentation, and how difficult it is to get information from the Village on the progress of Gielows.
- Robert Dost (7356 Lester) – asked about the location of the boardwalk that is to be constructed at the harbor.
- Dave Picot – commented the first zoom meeting for the harbor committee will be June 10, 2023.

**Adjournment** - Motion by Kaatz, seconded by Fulton, to adjourn at 8:36 p.m.

Respectfully submitted,  
Vicki Scott

## **Zoning Administrator Report**

### **Village of Lexington**

**August 1<sup>st</sup> 2023**

I am writing to provide an update on a recent information meeting I had with key stakeholders regarding the Gielows LLC project. The meeting involved Cynthia, our Village Engineer Chris Townley, and Craig and Doug Gielows from Gielows LLC.

During the meeting, it was conveyed that Gielows LLC has encountered some challenges with the original three-phased plan, primarily due to time constraints and drainage issues. As a result, they have decided to proceed with only Phase One of their project at this time. They plan to address Phase 2 and Phase 3 once the issues are resolved.

I worked closely with our Village Planner, Adam Young, to discuss and approve their proposal to continue with Phase One while working on the plans for the subsequent phases to be submitted at a later date for final site plan approval.

The Planning Commission had previously granted approval for Gielows to proceed with installing footings and working on the grading of Phase One. However, the final site plan, along with a full Land Use permit for construction and a building permit from the county, is still pending. I will continue to coordinate with Adam Young to ensure the necessary approvals are obtained before construction commences.

I would like to bring to your attention a couple concerns I have regarding garbage and blight issues, particularly related to over-flowing trash containers (dumpsters). With the removal of the screening ordinance, there seems to be limited means of enforcing this issue unless the containers remain in that state for a period of 30 days. I would appreciate guidance from the Planning Commission on how we can effectively address and enforce this matter to maintain the aesthetics and cleanliness of our community.

Second concern I wanted to draw your attention to an important matter that has come to my attention. Our Code of Ordinances and Zoning Ordinances require a thorough review and update to ensure they remain current and effective.

Upon examination, it appears that our Code of Ordinances has not been reviewed since 2005. Considering the dynamic nature of regulations and laws, it is essential that we conduct a comprehensive review to identify any outdated or conflicting provisions. Additionally, to enhance accessibility and ease of use, I suggest converting the Code of Ordinances into a searchable format for the benefit of residents, businesses, and stakeholders.

Furthermore, our Zoning Ordinances also need scrutiny to keep pace with evolving trends and address any emerging needs in our community. A comprehensive update will help align the zoning regulations with our long-term goals and aspirations.

I believe that a coordinated effort by the Planning Commission to vet and update these ordinances will be immensely beneficial for the effective governance and planning of our village.

Thank you for your attention to these matters. Should you have any questions or require further information, please do not hesitate to reach out to me.

I am committed to maintaining effective communication with all stakeholders and enforcing zoning regulations to promote a safe, attractive, and well-planned community. If you have any questions or require further information on these matters, please do not hesitate to contact me.

(3) Land Use Permit Applications:

7209 Lester St. (Deck)  
5472 Washington St. (Fence)  
7329 Huron Ave. (Privacy Panels)

(1) Sign Permit:

5481 Main St. Chris Winn (Gazebo)

(4) Zoning Ordinance Violations

5522 Dallas (SEC. 9.8 OUTDOOR STORAGE OF RECREATIONAL VEHICLES)  
7162 Lester (SEC. 9.8 OUTDOOR STORAGE OF RECREATIONAL VEHICLES)  
5795 Main St. (Deck/Porch Land Use Permit Violation) Didn't obtain permit before building  
7333 Lake St. (SEC. 9.8 OUTDOOR STORAGE OF RECREATIONAL VEHICLES)

(3) Code Ordinance Violations

7003 Greenbush Ln (Section 3-1-3-3 Anti Blight Ordinance) 2 Attempts  
7021 Greenbush Ln (Section 34-76 (a) regarding weeds, solid waste, and similar items, it is unlawful to permit dead trees to accumulate or exist on owned or occupied property.)  
7176 Lake St. (Section 3-1-3-3 Anti Blight Ordinance)

Dennis Klaas  
Village of Lexington Zoning Administrator  
586-372-8035  
zoning@villageoflexington.com

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 07/31/2023 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 07/31/2023 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDC USED
Fund 101 - GENERAL FUND						
Revenues						
Dept 722 - COMMUNITY & ECONOMIC DIMENT						
101-722-523.000	MEDC GRANT	0.00	0.00	0.00	0.00	0.00
101-722-670.000	SHORT TERM RENTAL	0.00	0.00	0.00	0.00	0.00
101-722-671.500	MISC ACCT OF REVENUE	0.00	0.00	0.00	0.00	0.00
Total Dept 722 - COMMUNITY & ECONOMIC DIMENT		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES						
		0.00	0.00	0.00	0.00	0.00
Expenditures						
Dept 722 - COMMUNITY & ECONOMIC DIMENT						
101-722-701.000	WAGES	32,500.00	1,943.75	1,943.75	30,556.25	5.98
101-722-704.100	MATCH - SOCIAL SECURITY	2,525.00	148.70	148.70	2,376.30	5.89
101-722-704.500	MICH EMP SEC COM	350.00	0.00	0.00	350.00	0.00
101-722-728.000	COMPUTER-HARDWARE-SOFTWARE	0.00	0.00	0.00	0.00	0.00
101-722-740.000	SUPPLIES	400.00	0.00	0.00	400.00	0.00
101-722-803.000	PHONE	900.00	75.00	75.00	825.00	8.33
101-722-805.000	ADVERT/PUBLICATIONS	700.00	0.00	0.00	700.00	0.00
101-722-808.000	SCHOOL/TRAINING	1,800.00	0.00	0.00	1,800.00	0.00
101-722-810.000	MEMBERSHIP/DUES	725.00	0.00	0.00	725.00	0.00
101-722-811.000	LEGAL	1,500.00	0.00	0.00	1,500.00	0.00
101-722-811.200	ZONING SURVEY	0.00	0.00	0.00	0.00	0.00
101-722-812.000	MILEAGE	200.00	0.00	0.00	200.00	0.00
101-722-813.000	MASTER PLAN	0.00	0.00	0.00	0.00	0.00
101-722-820.000	CONTRACTED SERVICES	1,200.00	0.00	0.00	1,200.00	0.00
101-722-821.000	STIPEND	0.00	0.00	0.00	0.00	0.00
101-722-969.000	MISCELLANOUS	0.00	0.00	0.00	0.00	0.00
Total Dept 722 - COMMUNITY & ECONOMIC DIMENT		42,800.00	2,167.45	2,167.45	40,632.55	5.06
TOTAL EXPENDITURES						
		42,800.00	2,167.45	2,167.45	40,632.55	5.06
Fund 101 - GENERAL FUND:						
TOTAL REVENUES						
		42,800.00	2,167.45	2,167.45	40,632.55	5.06
TOTAL EXPENDITURES						
		(42,800.00)	(2,167.45)	(2,167.45)	(40,632.55)	5.06
NET OF REVENUES & EXPENDITURES						
		0.00	0.00	0.00	0.00	100.00
TOTAL REVENUES - ALL FUNDS						
		42,800.00	2,167.45	2,167.45	40,632.55	5.06
TOTAL EXPENDITURES - ALL FUNDS						
		(42,800.00)	(2,167.45)	(2,167.45)	(40,632.55)	5.06
NET OF REVENUES & EXPENDITURES						
		0.00	0.00	0.00	0.00	100.00

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 101 GENERAL FUND							
07/01/2023			<b>101-722-701.000 WAGES</b>		BEG. BALANCE		0.00
07/05/2023	PR	CHK	SUMMARY PR 07/05/2023		562.50		562.50
07/12/2023	PR	CHK	SUMMARY PR 07/12/2023		525.00		1,087.50
07/19/2023	PR	CHK	SUMMARY PR 07/19/2023		387.50		1,475.00
07/26/2023	PR	CHK	SUMMARY PR 07/26/2023		468.75		1,943.75
07/31/2023			101-722-701.000	END BALANCE	1,943.75	0.00	1,943.75
07/01/2023			<b>101-722-704.100 MATCH - SOCIAL SECURITY</b>		BEG. BALANCE		0.00
07/05/2023	PR	CHK	SUMMARY PR 07/05/2023		43.03		43.03
07/12/2023	PR	CHK	SUMMARY PR 07/12/2023		40.16		83.19
07/19/2023	PR	CHK	SUMMARY PR 07/19/2023		29.65		112.84
07/26/2023	PR	CHK	SUMMARY PR 07/26/2023		35.86		148.70
07/31/2023			101-722-704.100	END BALANCE	148.70	0.00	148.70
07/01/2023			<b>101-722-803.000 PHONE</b>		BEG. BALANCE		0.00
07/27/2023	AP	INV	JULY 2023 PHONE	PHONE JULY 2023	75.00		75.00
07/31/2023			101-722-803.000	END BALANCE	75.00	0.00	75.00
TOTAL FOR FUND 101 GENERAL FUND					2,167.45		2,167.45



### Survey on Fees for an Appeal to the ZBA

Lexington has no fee for an appeal to the ZBA. Lexington has a 13% poverty level. A recommendation was made to charge \$200.

Concern was expressed that citizens might have trouble paying the fee. A suggestion was made to survey places with a low-income level similar to Lexington.

The following municipalities are of a similar size as Lexington, their poverty level is higher, and information on fees is available on their website.

<b>Municipality</b>	<b>ZBA Appeal</b>	<b>Percent* Poverty</b>
Caseville	\$ 300	13.1%
Charlevoix	\$ 300	25.4%
East Tawas	\$ 200	19.5%
Laingsburg	\$ 250	28.2%
Mancelona	\$ 250	25.6%
North Branch	\$ 250	23.8%
Rogers City	\$ 200	18.6%
Roscommon	\$ 200	13.8%
Stanton	\$ 125	28.7%
White Cloud	\$ 400	29.8%
<b>Median</b>	<b>\$ 250</b>	
<b>Average</b>	<b>\$ 248</b>	
Lexington	\$ -	13.0%

\* <https://datausa.io/profile/geo/lexington-mi>

## **Recommendation to Decrease the Membership from Five to Three on the Zoning Board of Appeals (ZBA)**

I suggest amending the zoning ordinance to revert from five to three members on the Zoning Board of Appeals (ZBA). If supported, I propose scheduling a Public Hearing at our regular meeting in September. Then, if agreeable, to recommend the amendment to Council.

In December 2021, the Commission recommended to Council that the membership on the ZBA be increased from three to five, with one member coming from the Village Council and one from the Planning Commission. Council approved increasing the membership to five but declined to add the Council and Planning Commission member. The openings for two additional ZBA members have been posted for nineteen months but have never been filled.

The three current members of the ZBA prefer to have three members.

***P. 176***

### **ARTICLE 11 ZONING BOARD OF APPEALS**

#### **SEC. 11.2 Membership**

The Zoning Board of Appeals shall consist of ~~five (5)~~ **three (3)** members appointed by the Village Council.

**Michigan State University Extension**  
**SAMPLE CODE OF CONDUCT and OATH OF OFFICE**  
**for PLANNING COMMISSION**

The Appointed Member of the Planning Commission agrees to abide by this Code of Conduct.

As a member, I will:

1. Accept responsibility to represent the Planning Commission I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and the public. Abusive, insulting, profane, or excessively argumentative language or conduct should not be tolerated.
3. Abstain from and not tolerate physical or verbal abuse.
4. Accept the responsibility to promote and support the Planning Commission to develop an effective planning and zoning program.
5. Attend the meetings of the Planning Commission regularly and provide prior notification of any necessary absences.
6. Read the plan, zoning ordinance, other ordinances, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the Planning Commission and continue to gain knowledge (and understanding) through self-study, inquiries, and attending appropriate training.
7. Attend training programs on planning and zoning to stay current on issues of concern for my community and in planning and zoning law.
8. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission.
9. Read meeting packet materials beforehand and otherwise be prepared for the meetings.
10. Refrain from deciding cases before the meeting discussion.
11. Participate in the Planning Commission deliberation at the meetings when appropriate.
12. Not to engage in activities, such as limited to a conflict of interest, incompatible office, *ex parte* contact, not voting on the same issue twice by serving on two different bodies, or accepting gifts to influence your vote.
13. In public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of it when speaking on its behalf.

**OATH OF OFFICE**

I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Michigan and discharge the duties of the office of a member of the Planning Commission for the Village of Lexington to the best of my ability.

Signed:

\_\_\_\_\_

Name

Date