

# City Of Hart

407 S. State St  
Hart, Mi 49420

Planning Commission  
Thursday, January 9<sup>th</sup> 2020  
Minutes - APPROVED

**MEMBERS PRESENT:** Betty Root, Gale Goldberg, Diane LaPorte (late), Rob Splane, Peggy Wittman,

**ABSENT:** Jim Cunningham

**OTHERS PRESENT:** David Jirousek (Horizon Community), Lynne Ladner (City Manager), and Karla Swihart (Dep. Clerk) All others see the attached sign-in sheet.

Chairman B. Root called the meeting to order at 4 pm.

A motion was made by R. Splane to approve the agenda and supported by P. Wittman  
Ayes 4. Absent 2 (Cunningham, LaPorte). The motion carried.

A Motion to adopt the Dec 5<sup>th</sup>, 2019 meeting minutes as presented made by R. Splane and supported by G. Goldberg. Ayes 4 Nays 0 Absent 2 Cunningham, LaPorte. The motion carried.

## **PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- No Public comments.

## **PUBLIC HEARING: OPENED 4:05 pm ORV and Golf Cart permissions on City Streets.**

- Kevin Conley of Greenwood Township planning commission spoke about how Greenwood Township recently passed an ORV Ordinance, and there are a few pigeonholes to be worked out. Mr. Conley is half considering lobbying throughout all the townships and cities to set up some type of a route throughout the counties to go in and out of the cities to be able to come in and get some gas and food. Mr. Conley feels it is a really good idea for the city of Hart to consider this ordinance.
- Mark Platt wanted to offer his perspective as a resident of the city of Hart. As a citizen, one of my favorite activities is interacting with the great outdoors. While I am not an avid ORV person, I believe most activities that get people active and outside with their friends and families are wonderful for a sense of community and provide tremendous economic opportunities. ORV'ing is a very popular activity in the state of Michigan, and it most certainly can be attributed to economic growth and development, but there are concerns that I have regarding ORV/Golf Cart that I encourage the Commission to consider before adopting any proposal.
  - 1) The first concern is Insurance. Legally any vehicle that is to be driven on the streets is supposed to have Insurance. In reality, numerous drivers do not have insurance. In my opinion, the ORV and golf cart issue becomes a concern when we must share a roadway with them. If one gets into an accident with someone who doesn't have insurance on their car, this is a bigger problem for me, and not as much for them. It is very hard to collect from someone who doesn't have Insurance.
  - 2) If the City is going to allow the proposal of ORVs and Golf Carts, I will hope that it is connected to a greater, more formalized plan.
- Chief Juan Salazar spoke up regarding concerns he has heard, and he just said whatever the City decides to do is what we are going to do.
- City Manager Lynne Ladner read letters submitted by the public.

- Christy (Bakery on the Corner), stated she does not have a problem with ORV's in town, but how are they going to get here.
- Lots of concerns over what is an ORV. City Manager Lynne Ladner read from the Ordinance the definition of an ORV.

Section 1 paragraph G. "ORV" or, unless the context implies a different meaning, A vehicle means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of road or trail, on or immediately over land, snow, ice, marsh, swampland, or another natural terrain. A multitrack or multi-wheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 4 or more wheels, a golf cart, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. "ORV" or "vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft. An "ORV" does not include a three-wheeler, dune buggy, or a sandrail.

A motion to close the Public hearing made by D. Laporte and supported by Splane.

Ayes 5 Absent 1 (Cunningham). The motion carried; Public hearing closed @ 4:19 pm

### **ACTION ITEMS:**

- Adopt 2019 PC Annual Report.
  - D. Jirousek shared a copy of the annual report prepared for the Planning Commission, which is an annual requirement of the Michigan Planning Enabling Act. The purpose of this document is to create a summary of the actions and accomplishments of the previous year and goals for the upcoming 2020 year and is required to be sent over to the City Council for their review. D. Jirousek went over some of the major issues and noted in the annual report are accomplishments over the previous year and put together some of the bylaws and rules of procedure, which were updated. The sign ordinance was updated. Marijuana Regulation opted out ordinances on both medical and recreational, The Marketing and Branding Plan in the economic development plan that was prepared by the City's consultant. As well as many steps that were accomplished for the RRC certification program. Overall in terms of our workload, our average has been about 2-3 development applications per year.

David also went out potential goals he put together for 2020:

1. Discuss feedback on development processed and potential improvements to processed or requirements (RRC best practice)
2. Continuing education.
3. Look at The Master Plan implementation-short-term actions. Those would be regarding zoning updates, redeveloping incentives for the downtown area.
4. Achieve and maintain the Redevelopment Ready Communities certification. (Not ready yet)
5. Other goals to be determined by the Planning Commission and Staff in January.

A motion to adopt the 2019 Planning Commission Annual Report made by R. Splane and supported by D. LaPorte.

Discussion: P. Wittman asked David about a timeline needed for the Annual Report to be approved. Does it need to be approved today, or can we wait until next month to have the changes made to the document and then have the finalized document approved? David stated there is not a timeline, it's an annual requirement, and if it makes it to the City Council, that is all the state requires us to do.

Ayes 5, Nays 1, (Wittman) the motion carried.

- A. Consider a recommendation to the City Council regarding ORV and Golf Cart permissions.

Lynne Ladner asked to address the Planning Commission with some of the public comments that have come up.

- Regarding the golf cart if you like to make a suggestion to the City Council that the golf cart amendment is revised to require proof of liability insurance and also require parties to pull a permit at City Hall to be able to use golf carts on city streets. That way, a permit will not be granted until you show proof of liability insurance.

A motion was made by P. Wittman to table the decision until more information is provided. The motion was not supported.

A motion was made by G. Goldberg that we submit the Ordinance for ORV or Golf Carts to the Council with a recommendation not to pass and supported by P. Wittman.

Chairman B. Root asked for a roll call vote.

LaPorte No

Splane No

Root No

Wittman Yes

Goldberg Yes

A motion was made by D. LaPorte that we submit the Ordinance for ORV and Golf Carts to the Council with No recommendations. Diane rescinded her motion.

A motion was made by R. Splane that the ordinance gets passed on to the Council with concerns about liability over the City's potential safety issues and issues about having uninsured vehicles on the road. Supported by D. Laporte

Discussion: G. Goldberg asked if the motion does not pass will it still go to Council. L. Ladner responded that yes because it is not a Planning issue. It will not go in front of the Council until the February meeting.

Roll Call Vote

LaPorte Yes

Splane Yes

Root Yes

Wittman No

Goldberg Yes

#### **DISCUSSION ITEMS:**

- L. Ladner received in the mail a list of Planning and Zoning Training taking place in 2020. She will be scanning and getting copies to all on the planning commission in case one would like to attend.

#### **OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:**

- P. Wittman asked about By-Laws as requested at the last meeting. Most would like a hard copy rather than an email copy.

A motion was made by D. LaPorte to adjourn the meeting and supported by R. Splane. All ayes, Absent 1 (Cunningham). The motion was carried, and the meeting was adjourned at 4:57 pm

The next scheduled meeting is on February 6<sup>th</sup>, 2020, at 4 pm.