

KEWEENAW COUNTY PLANNING COMMISSION

Regular meeting

Draft Minutes

January 27, 2025, 4 pm

Roll call: John Parsons, present Steven Siira, present
 Bob Pokorski, present AJ Kern, present
 Harvey Desnick, present Don Simila, present
 Rob Middlemis-Brown, absent
 Bob DeMarois, County board rep., present

A quorum was present, the meeting was properly posted.

Pledge of allegiance

Approve Agenda:

Kern requested clarity on "Other (executive session)". Parsons responded to the closed session was about membership and removing a member, Kern.

Motion (M) to approve agenda Pokorski / Second (S) Simila, motion carried

Approve minutes of previous regular meeting (Dec 9, 2024)

Motion (M) to approve Pokorski / Second (S) Desnick, motion carried

Public Comment:

Betsy McColl: Logic Tree- BB only comes out ahead in deception and don't want public to know what they're planning. TNC is for conservation not commercial development - TNC approve of BB ability to request rezone but neither endorse/oppose the actual rezone. Buffer in 2 parcel numbers, can't be RR and RS under one parcel number =cutting corners. This is conditional – where's a survey and deed for the buffer. KC Zoning Ord dated 7/1/2024 section 20.7 notes FINDINGS OF FACT REQUIRED.

Zoning Administrator report: Susan Hockings

"Nothing new since the last meeting."

County Board update: Bob DeMarois

"Nothing new with the county board."

ZBA report: AJ Kern

"John Kern filed ZBA request for January 14 meeting. No quorum. Asking for interpretation of Zoning Ordinance and Administrative Decision. Proceedings on Black Bear rezone stayed. ZBA meets Monday February 3rd, 2025"

New Business:

1. New Members

There were four applicants. A committee of County Board Commissioner Don Piche, ZA Susan Hockings, and Planning Commission Chair John Parsons interviewed applicants. Recommended County Board approve Don Simila and Rob Middlemis-Brown. Middlemis-Brown declined position as a Planning Commissioner.

2. 2025 meeting schedule

Planning Commission meets last Monday of every month at 4:00pm. Parsons noted planning commission does not meet in November or July. Pokorski clarified in December the meeting would be held second Monday.

Motion (M) Pokorski / Second (S) Siira; motion carried

3. Master Plan consultant recommendation: Bob Pokorski

Received six proposals. Proposals were reviewed. Committee recommended Pat Coleman, North 45, to assist in Master Plan rewrite.

Motion (M) Pokorski / Second (S) Siira; motion carried

Pokorski stated he would attend and present to the county board meeting next month.

Parsons stated that the County Board liaison member on the Planning Commission is a voting member. Informed by Brad Neuman MSU extension that the liaison is a full-fledged member. Noted that if the county board liaison voted on an issue during a planning commission meeting, he could not vote on the same issue during a county board meeting.

4. Black Bear rezoning vote:

Parsons stated a public hearing was held on January 14th but did not have a quorum. No action was taken. Took applicant and public comments. Asked best way to proceed. Planning Commission has had no discussion. Stated not going to hold a second meeting just to vote.

Pokorski stated not going to vote today. No vote until Kern and Simila can, at a minimum, read through all the information.

Desnick, believed planning commission should hold another public hearing.

Kern stated submission to ZBA applies to January 14th meeting and administrative decision to take public input. Clarified agenda included 'Rezone Vote'. Read Zoning Enabling Act 125.3604 (3) *An appeal to the ZBA stays all proceedings in furtherance of the actions appealed.* Noted there was no Continuance during the January 14th gathering; *Keweenaw County Zoning Ordinance Section 18.17.* Also stated there were no meeting minutes. Cited state law that Koljonen and Yoder were still voting members; Planning Enabling Act 125.3815 *A member shall hold office until his or her successor is appointed.*

Motion to reschedule a public hearing on Black Bear rezone pending input from the county attorney.

Motion (M) Desnick / Second (S) Pokorski; Kern opposed; motion carried

Motion to hold public hearing on Black Bear rezone February 18th, 2025 at 4:00 pm pending legal opinion.

Motion (M) Pokorski / Second (S) Simila; Kern opposed; motion carried

Old Business:

1. CREO discussion

Parsons, state of Michigan is recommending government bodies adopt a CREO, which can be changed. Mentioned Kern's handout on suggested amendments to CREO several meetings ago. Hockings mentioned possible training on CREO in March in western U.P.

Public Comment:

Betsy McColl: *When pressed by public for what they will do next, John Parsons last said on 1/14/24 as confirmed by audio recording was the PC meeting is coming up and they will discuss and vote.*

Parsons stated people asked what planning commission was going to do.

Closed Session

Parsons announced going into closed session.

Kern refused closed session citing Michigan Open Meeting Act 15.268 Closed Sessions (a) *To consider the dismissal, suspension, or disciplining of, ect... if the named individual requests a closed hearing.* Kern restated, does not want a closed session. Kern stated accusations of malfeasance be made in public.

Parsons cited zoning ordinance if a person was going to miss a meeting that they contact the chair. "Your husband said you (Kern) had pneumonia."

Kern stated husband attended and informed Parsons that Kern had pneumonia and unable to attend before meeting. Stated Koljonen and Yoder were still voting members.

Parsons cited Zoning Ordinance Section 18.4 B. 1. *Member(s) shall be expected to notify the chairperson or his/her designee of his/her expected absence prior to a meeting.*

Kern responded my husband was here prior to the meeting.

Parsons continuing in Section 18.4. B *The Chair of the Planning Commission shall notify the County Board of Commissioners of any non-compliance of attendance criteria of a Planning Commission member by letter, recommending removal of said member from the Planning Commission.* And that is what my intention was to do.

Kern asked if she should go through the long list of the bylaws and zoning ordinances that the chair and commissioners have violated?

Desnick accused Kern of gaslighting.

Parsons asked for a motion.

Kern stated she is entitled to a public hearing before the County Board. Kern again reminded Parsons that Koljonen and Yoder were still voting members. Kern said, state the malfeasance.

Parsons claims Kern opposes what the Planning Commission does.

Simila asked where Kern lives. Asked if Kern has a conflict of interest.

Kern stated she lives several miles away and does not have a conflict of interest.

Kern stated that when she points out bylaws, zoning ordinance, and state statutes... that's the issue. Kern pointed out that bylaws were violated with the appointment of new planning commission members.

Desnick read article on behind the scenes advocacy. Accused Kern of running for public office. Raised issue of commissioner becoming a behind scenes advocate. Advocacy taints commissioners vote. Commissioners have ethical and due process obligations while not giving up right to free speech.

Kern asked if accusations by Desnick were relevant, otherwise, make the motion on the malfeasance.

Parsons claimed Kern is bias on the Black Bear rezone.

Members claimed they were not going to vote on the Black Bear rezone.

Kern restated that the Black Bear rezone vote was on the agenda.

Parsons stated motion to recommend to the County Board that Kern would be removed from planning commission and claimed Kern is biased.

Motion: Recommendation to County Board Kern be removed from Planning Commission.
Motion (M) Parsons / Second (S) Desnick. Siira, Kern, Simila abstained. Motion carried

John Parsons; Yea
Bob Pokorski; Yea
Harvey Desnick; Yea
Bob DeMarios; Yea
Steve Siira; Abstain
Don Simila; Abstain
AJ Kern; Abstain

Public comment :

Kathy McEvers : Thought it was rich for the planning commission to accuse a member of being bias. Referred to two lawsuits in the past which she believed were a result of planning commission decisions made with bias.