

**ONEIDA CHARTER TOWNSHIP  
PLANNING COMMISSION MINUTES  
APRIL 5, 2016**

**MEMBERS PRESENT: SCHERER, GREEN, WALTERS,  
SCHROEDER, SCHULTZ**

**MEMBERS EXCUSED: STARR**

**OTHERS PRESENT: ZONING ADMINISTRATOR GOSCHKA,  
TREASURER PALERMO, SUPERVISOR COOLEY, CLERK CAMPBELL.**

1. Zoning Administrator/Deputy Treasurer Goschka called meeting to order at 7:30 P.M.
2. Approval of Agenda, Motion was made by Mr. Walters and supported by Mr. Green. Motion Carried.
3. Minutes of November 3, 2015. Motion was made by Mrs. Scherer to approve the minutes as printed. Support was given by Mr. Walters. Motion Carried.
4. Appointment of New Chairman. Mrs. Schultz made a motion to appoint Mr. Walters as Chairman. Support was given by Mr. Green. Motion Carried.
5. Fireworks Ordinance: Zoning Administrator/Deputy Treasurer had sent information to the Board including the State Fireworks Safety Law and the Delta Township Opinion for review prior to the Meeting. She had also discussed a proposed Fireworks Ordinance with Brandy Hatt at the County and Chris Kuhlman of the Sheriff's Department. Sheriff's Deputy Kuhlman said they would be able to help enforce the proposed ordinance and he had forwarded it to his Superiors.

Zoning Administrator/Deputy Treasurer Goschka noted that there were only certain things we could do as far as an Ordinance as

stated in the State Law. And that would be limit time and days per year. Mr. Green agreed. He told the Board of an incident where he had called the Sheriff on a neighbor who was shooting off fireworks and the State Police arrived and told him they couldn't do much as the Township did not have an Ordinance. He suggested that it was disturbing the peace and the Officer said he would go and talk to the neighbor. The neighbor stopped after the Officer called on them.

Chairman Walters said he had canvassed his neighborhood he told them the limits of the State Law and talked with the young and the retirees. He had 2 neighbors who shoot them off at all times.

Chairman Walters asked if the Fire Department could regulate when fireworks can be shot off. Mrs. Schultz said no. They regulate the sales of Fire Works but not the home owners using them.

Zoning Administrator/Deputy Treasurer Goschka said she had not received any complaints on Fireworks. Chairman Walters noted that Delta Township was not enacting an Ordinance. Zoning Administrator/Deputy Treasurer Goschka said that Delta had done extensive study and decided not to enact an Ordinance. Mrs. Schultz said she thought it was too much Government.

Chairman Walters asked if we could just take no action or if we needed to table the proposal of a Fireworks Ordinance. Zoning Administrator/Deputy Treasurer Goschka said the Board could choose to take no action. The Board decided to take no action.

6. Solicitation Ordinance. The Board reviewed the proposed Solicitation Ordinance and Door to Door Vendor Application. The Township Attorney had made changes to Section 3. Definitions. D. a. regarding First Amendment Rights. And to Section 5 i. Deleting Newspaper Carriers, State-licensed Insurance and real estate agents who have a scheduled appointment. Section 6. A., I, b, and it was noted that the date and the name of the prior Township Clerk needed to be corrected. Chairman Walters questioned if changes to sections 9 and 5 were the same. They were not. Mrs. Scherer questioned Section 3. D, a. the Sentence that reads "A solicitor for purposes of this Ordinance shall not include persons, firms or corporations who shall occupy any of such places for the purpose of conducting a permanent business or for exercising First Amendment Rights. "

Zoning Administrator/Deputy Treasurer Goschka said the Attorney had rewritten this section regarding homeless persons who solicit on Street Corners to protect them from legal problems. There was discussion on home owners posting a no solicitors sign and it was noted that no solicitor should approach a home that is posted with this sign and if they do the Sheriff could be called and they would be in trouble. Chairman Walters discussed Meijer Store who have such no solicitation signs. Clerk Campbell noted that the Boy Scouts could apply for a temporary permit from places like Walmart to sell popcorn for a limited time.

Chairman Walters noted that a no solicitors sign on a home would apply to Girl Scouts Kids with Fund Raising Projects as well as other solicitors. And he didn't mind the kids and the Scouts. Residents could then check to see if a solicitor was registered and approved by the Township. Zoning Administrator Goschka

noted that the Seventh Day Adventists had already notified the Township they would be in the Township going door to door in June, July and August.

There was discussion on how to get information to the solicitors themselves and the residents and it was noted that the internet is a good source and used by most young adults.

Chairman Walters asked if there was a commitment from the Sheriff's Department to enforce a Solicitation Ordinance. Zoning Administrator/Deputy Treasurer Goschka said with an Ordinance they have more to act on. And Honest people will ask permission and get registered with the Township. But there will be those who won't. Mr. Green said it would be a learning curve. Mrs. Schroeder said the younger generation in on computers more. She also felt that people might check the internet more to see if solicitation is allowed and if a solicitor is registered with the Township.

Zoning Administrator/Deputy Treasurer Goschka said she could ask the Attorney about Section 3. D. a. Mrs. Schroeder asked if we could leave the sentence and stop at "permanent business". Leaving off the portion that addresses First Amendment Rights.

Mrs. Scherer felt that the First Amendment Rights could be interpreted too broadly and the language should be dropped.. Chairman Walters asked Mrs. Scherer to make a motion in this regard.

Before making a motion Mrs. Scherer asked Zoning Administrator/Deputy Treasurer Goschka about proceeding and asked if we needed another meeting on the matter after Attorney

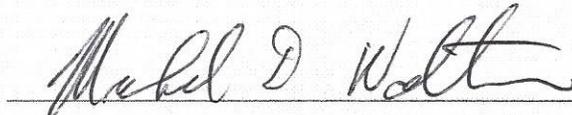
review or how to move forward. Mrs. Schultz said she felt a motion could be made to approve the Ordinance contingent on the Attorney review of the sentence in question. After all discussion: Mrs. Scherer made a Motion to recommend to the Township Board that the Solicitation Ordinance be Approved with discussion with the Township Attorney regarding the first amendment language found in section 3. D., a. of the proposed ordinance. With follow up to the Planning Commission by e-mail. Support was given by Mr. Green.  
Motion Carried with one opposing vote by Mrs. Schultz.

7. Public Comment: Supervisor Cooley discussed a trailer being converted to a Farm Office. Mrs. Schultz said if it was a temporary permit so it was required by the permit to be removed after the use ended. And the use had ended. It was a hardship temporary permit for a home for a mother who was now deceased. The Modular home or trailer has not been removed. Supervisor also discussed additions to MacKenzie Company and L and W Manufacturing.

8. Other Business: Mr. Green questioned the progress in cleaning up unsightly properties on M-100. Zoning Administrator/Deputy Treasurer Goschka said she is working on getting them cleaned up and noted that one of them has been quite cooperative. The other has not. There was no other business.

Motion to adjourn was made by Mrs. Scherer and supported by Mrs. Schroeder. Motion Carried. Meeting adjourned at 8:35 p.m.  
Minutes respectfully submitted by Jan Schultz.

APPROVED



Michael Walters, Chairman