

# Banks Township Board Public Hearing

## Special Events Ordinance

Monday, March 2, 2020

1. The meeting was called to order at 6:00 P.M. by Supervisor Thomas Mann. Present were Supervisor Mann, Treasurer Katy Postmus, Trustee Tom Cooper, Trustee David Rasmussen and Deputy Clerk Tina Sundelius. Absent: Clerk Donna Heeres. Also: Peter Wendling, Township's Legal Counsel, John Iacoangeli and Ruben Shell, Township's planning consultants were present. Also present: Tom Cooper, Shawn Worden, Steve & Nancy Hersha, Robert Russell, Candace Hoeksema, Julie Waterman, Matt & Erin Heeres, Luke Sowash, Brandie Sowash, Travis Chellis, Heidi Cooper, Andrea Hoeksema. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
2. Supervisor Mann gave background information on the reasons for the proposed ordinance and public hearing. He outlined the rules for addressing the Board.
3. John Iacoangeli gave an overview of the proposed ordinance stating that a special event does not include events like garage sales or family gatherings. He explained there will be an application process as well as explaining that the ordinance is a means to manage and set parameters on special events.
4. **PUBLIC COMMENT:** Travis Chellis addressed the Board asking why the ordinance was being considered. He expressed concern about the costs incurred and stated that there have been events going on with no complaints. Thomas Mann explained that it began as a middle ground attempt to be fair to all residents wanting to hold special events. Throughout the process it was discovered that it would not help the Motorcross issue but appears to be a good idea for the community. Chellis stated that he felt it was putting restrictions on things that no one has complained about and goes against the Master Plan which says we are to promote recreation.
5. Attorney Peter Wendling explained that zoning is a land use regulation. He then talked about a recent court decision. January 2020/Nixon Vs Webster Township and the differences between holding special events and changing the use of the land.
6. **PUBLIC COMMENT:** Shawn Worden addressed the Board stating that he represents the Heeres' and Drumlin Hills. He said that the Heeres family supports the ordinance. "This is a bridge and a good economic option for the Heeres' and Rocky Top." He also stated that since both Rocky Top and Drumlin Hills have held successful events prior to any ordinance, "...you have wonderful examples of events that have gone off without a hitch." He stated that the fees were non-specific and he hopes the board would consider 5 or 6 events a year rather than two. Attorney Peter Wendling explained that the events ordinance cannot be utilized to circumvent the zoning ordinance in place. "It's not going to help the track issue, that is a land use issue." Worden stated that he disagreed with the Attorney because the Special Events Ordinance listed sporting events and the Motorcross is a sporting event and therefore should be included. Treasurer Katy Postmus used Rocky Top Farm as an example, with their permission, to discuss the difference between holding a music festival each year on their farm (Special Event) and building a band shell on the farm and how that would change the use of the land. Peter Wendling then reexplained the difference between land use and special events. John Iacoangeli explained that fees should not be set in the ordinance or it would need to be amended each time the fee schedule changes. Thomas Mann explained that the township is not planning to make money on the ordinance and fees will only cover the costs incurred.
7. **PUBLIC COMMENT** Tom Cooper addressed the board asking for clarification about the number of events allowed per year.
8. **PUBLIC COMMENT:** Heidi Cooper addressed the board asking about any changes in the ordinance since it was first presented. Ruben Shell explained that concerns about how to monitor noise were taken seriously and that section was changed. She went on to say, that

the music festival is not a money maker for Rocky Top. "This is not value added for us. This is a community event, we believe in art, we believe in local. We are not replacing the money made from cherries with music. I'm here because I believe in the event." She reminded the board that they have followed all set guidelines and are not opposed to the ordinance. She then went on to ask about specific events asking for clarification. "Farming is not what it used to be and we all need adjunct income."

9. **PUBLIC COMMENT:** Nancy Hersha addressed the board and asked how this all got started, what the issue was with the Motorcross track and why no one was present who opposed it. Tom Mann explained that the track was not the topic of discussion, we are here to discuss the Events Ordinance.
10. **PUBLIC COMMENT:** Travis Chellis addressed the board and asked why did this all come about?
11. Treasurer Katy Postmus explained that the board is trying to be proactive in its approach to zoning instead of reactive. It's hard when the pressure is on and you have the public wanting immediate solutions. "It's no fun putting out fires."
12. John Iacoangeli explained that "Something comes up, in this case the Motorcross track, and it starts a conversation in the community and a need is realized. He then addressed Heidi Cooper's question of weddings and explained that weddings in the Ag zone were addressed under Ag-Assembly. He intends to bring information about Ag-Assembly and Ag-Tourism zoning to the Planning Commission next month.
13. **PUBLIC COMMENT:** Erin Heeres addressed the board and stated, "Why would anyone want to buy a large piece of land and do nothing with it?"
14. **Public Comment was closed and meeting adjourned at 6:45 PM.**

Respectfully submitted,

Tina Sundelius, Deputy Clerk