

TOWNSHIP OF FREMONT
COUNTY OF TUSCOLA
MAYVILLE, MICHIGAN 48744
Planning Commission Meeting

April 9, 2024

Board Present: Brandon Blatt, Tyler Ireland, Greg Eggert, Dwight Uhl, Kyle Thom and Kim Vaughan.

Board Absent: RoseAnn Laskowski

Guest Present: Amy Prill (recording secretary), Brian Garner (Twp. Attorney), Matt Blatt, Jerry White, Joy Langford-Hipes, Jeff & Tina Lo'Ree, Tom Richardson, Sonya Thompson, Janet Ellicott, Frank Ellicott, Michael Binder, Edward Lesko, Sally Minehart, Candra Franzel, and Gail Prill.

Minutes:

Motion made by B. Blatt, seconded by T. Ireland to approve the January 9, 2024, minutes as presented – motion carried.

Presentation by Township Attorney:

Mr. Garner stated that he had received a call from M. Blatt regarding possibly needing a noise ordinance. He stated that they are somewhat common but only 50% of townships have them because they are very hard to enforce. He stated that some townships limit it to certain times during the day. He gave the Board a sample copy of a noise ordinance that he did for Marlette Township. He stated that you can adopt an ordinance and in that ordinance you have to authorize who will enforce it. He stated one of the problems with noise ordinances is deciding what to use as a measuring stick; are you going to use decibels or timeframes or audibly heard off the premises? He stated that since a noise ordinance is hard to enforce they are mostly used as a deterrent. K. Vaughan stated that he feels before we put a noise ordinance into place we need to really look into it and do our research. It was also commented that you could have different regulations for different days of the week. B. Blatt thinks a noise ordinance would open up a door for more complaints and he does not know if this is the best option for our township. Mr. Garner stated that he does not necessarily like noise ordinances but if a client requests one then he writes them. He stated that they have limited use and are mostly for a deterrent. He also stated that in order for a noise ordinance violation to go to court there would need to be proof and so someone would have to be willing to sign an affidavit confirming the complaint. He stated this can be a problem if neighbors are not willing to go on record for fear of retaliation. D. Uhl asked if it would be better to have specific items and timeframes instead of decibels and Mr. Garner said yes. B. Blatt asked if it would be better to leave the items vague so it would be case by case basis and Mr. Garner stated that the list needs to be specific but the ordinance would state that the list is examples and not an exhausted list.

Public Comments on Presentation:

A Resident that lives on O'Brien Road near the property that has had numerous complaints and the land owner refuses to keep things quiet. He stated there is loud music, loud vehicles and lots of people and this started last year and it is out of hand. He stated it is a public safety issue. Another Resident on O'Brien Road commented that they have contacted the sheriff and state police several times. Last year there was an accident in front of their house from vehicles playing chicken in the road and the police did come out for that. They stated that the parties start around 10-11pm and lasts until 4am. They stated that according to the police record there have been 16 calls at that address last year and already 6 calls this year. G. Eggert asked Mr. Garner what could be done with this instance and Mr. Garner stated we could file an injunction. M. Blatt asked if we could file an injunction without a noise ordinance and Mr.

Garner said no we would need a noise ordinance. K. Thom stated that there is clearly a lack of respect towards the neighbors and because of a couple trouble spots we are looking at constraints that will affect everyone. He stated we need to be deliberate on what we are planning to do and not rush into creating an ordinance. Another resident stated that they have the same problem with noise but on Ambrose Road. They stated that the other neighbors would not come to the meeting because they are scared of retaliation. Mr. Garner again stated that in order to enforce a noise ordinance we would need someone to sign an affidavit so if the neighbors will not do that we would have to have someone to enforce the ordinance that will go out and personally experience the problem in order to testify. Another Resident stated that they have had an issue on Snover Road with loud music and loud cars and it is becoming a safety issue. G. Eggert stated that we have contacted other townships in the County and the few that responded stated that they have an ordinance have also said that it is hard to enforce. Another Resident stated that they have had police out to their house and the police have not found anything wrong and they did not say that they had to turn their music down. This Resident stated that they do not party all night and they are making sure that their music is not too loud for their neighbors. D. Uhl stated that he does not want the residents to take the Board hesitation as not wanting to help but the Board wants to make sure that the solution does not make the problem worse. He stated we cannot rush into an ordinance and have to look at all options. G. Eggert asked for a raise of hand for people that want a noise ordinance and there were 5. He then asked for a raise of hand for those against a noise ordinance and there were 6.

Public Comments on General Topics:

A Resident wanted to know what the regulations are for gravel pits because the one near their house has been closed for a long time and is now being used again. It was commented that they are hauling out a pile of leftover material and the contractor has talked with the County to make sure they do not need a haul route and that they are following the rules. This job will be done within a day or two. It was also mentioned about the dust problem and M. Blatt stated that the County will be applying dust control around Memorial Day.

Old Business:

G. Eggert stated that we received the proposed ordinance amendments from the Township Attorney. Mr. Garner had a couple questions about the amendments so the Board discussed those. Mr. Garner stated that after the Planning Commission have completed the list for the amendments than we would need to have a public hearing and then the amendments sent to the County Planning Commission and the Township Board for approval and then posted in the newspaper. Motion made by K. Vaughn, seconded by D. Uhl to table these amendments until they next meeting – motion carried.

New Business:

Noise Ordinance – K. Thom wants to have more time to work on this and K. Vaughan said we need to look more into this before we make a decision. Motion made by K. Thom, seconded by B. Blatt to table this until the next meeting – motion carried.

The next regular meeting is scheduled for July 9, 2024, at 7:00 p.m.

Meeting adjourned at 8:17 p.m.

Respectfully submitted by
Amy L. Prill, Secretary