

**Vergennes Township  
Regular Board Meeting  
July 20, 2016**

The meeting was called to order at 7:00pm by Supervisor, Tim Wittenbach.

Roll call was taken. All members were present, Rasch, Hoffman, Wittenbach, Stone and Gillett.

The Agenda was approved as presented with a motion by Hoffman, supported by Wittenbach.

The minutes from the June 20, 2016 meeting were approved as presented with a motion by Gillett, support by Hoffman. **Motion carried.** The treasurer's report was read. The bills were reviewed; Hoffman made a motion to approve the bills as presented, Gillett supported. **Motion carried.**

**Public Hearing – Hardy Temporary Dwelling Agreement**

Chris and Sandy Hardy are applicants. They were not present for hearing. According to Vandersloot, they sold their current house and are in the process of purchasing vacant land on Kazemier Woods Drive. They would like to live in their 5<sup>th</sup> wheel while they are building the house. It is their goal to be in the house by December 1, 2016.

The Public Hearing was opened at 7:07 pm. Franklin Holwerda, currently building house on McPherson Street - Is this a precedent? Have other properties had to go through this procedure in the past? Per Wittenbach, yes. There have been several done in this manner. Public Hearing closed at 7:08 pm.

**Unfinished Business**

**1. Hardy Temporary Dwelling Agreement**

Discussion about amount of letter of credit or escrow deposit required. In the Temporary Dwelling Agreement, it states they have one year to complete work on house and move out of 5<sup>th</sup> wheel. Hardy's do not want to be in 5<sup>th</sup> wheel over winter. It is too cold. The agreement can be made contingent upon them actually purchasing the property. There is a small holdup with the seller's side. Amount for escrow is set at \$2500. Stone made a motion that the Township grant a temporary residence permit with a \$2500 deposit either by letter of credit or in escrow, contingent upon them taking ownership of the property. Gillett supported. **Motion carried.**

**2. Planning Commission Vacancy**

The ad did not get placed in the paper asking for applicants as stated at last month's meeting. A motion to table this discussion to the August meeting was made by Stone, supported by Gillett. **Motion carried.**

## **New Business**

### **1. Kik request for tower**

Jennifer Kik called Vandersloot regarding putting up a tower in order to get good internet service. Vandersloot updated the Board on new FCC rules that say we cannot impede property owner's ability to receive internet service. No fees, applications, permits, etc... are to be required. They are hoping to put it up close to the house, need a tower 80' tall to get past tree line. The Board discussed need to update the ordinance. Vandersloot has been looking to see what other townships have done, and will keep the Board updated. Given this information, whatever it takes for the Kik's to get a signal is allowed. Okay per Township.

### **2. Bruce Roth – Request to keep PDR Application active for 2016**

Stone motioned to keep the PDR application as approved in 2015 for Bruce Roth active for 2016. Gillett supported. **Motion carried.**

### **3. Smith Request for accessory building prior to house**

Their intent is to start building pole barn this fall. When weight limits are off in spring, they will start building house. They would like to be in the house before winter, 2017. He will be contractor and has friends in the trades to help complete work. Escrow or Letter of Credit in the amount of \$2500 is required. It will be returned once the occupancy permit is issued for the house. There is no public hearing required. Stone motioned to allow the Smith's to build pole barn prior to house upon receipt of \$2500 in escrow or letter of credit, and issuance of a building permit. Gillett supported. **Motion carried.**

### **4. Discussion – Foreman Farms Drainage – Request for review**

A homeowner has contacted Vandersloot regarding drainage on her property from her association's private road. The HOA has not been responsive to the affected homeowner. The Board questioned the township's role. This appears to be a Homeowner's association issue. Vandersloot has sent a memo to our Township engineer, Dave Austin, to see if he's run into this before. The Board directed Vandersloot not to involve Austin unless we are sure the HOA will cover the costs.

### **5. Fireworks Permit for Pink Arrow Game – September 16, 2016.**

Theresa Beachum will submit the same paperwork as in previous years, including proof of liability insurance. Gillett motioned to approve a fireworks permit for the September 16, 2016 Pink Arrow Game. Stone supported. **Motion carried**

### **6. Hall addition report**

Stone had contacted Ken Dixon, who said it would be ok to use any part of the plans he submitted for the hall addition to obtain final construction plans. Kerry Fitzpatrick is willing to come and discuss needs and give bid for the creation of construction plans. Wittenbach

spoke to Jernberg at Triangle and asked if they could provide the same. He said Triangle is very busy this season, and is not sure they can but will get back with us. Wittenbach – at this point we are looking for someone to get us drawings to send out for construction bids.

#### **7. Attorney Followup – Flat River Cement Ramp Access**

At the June Board meeting, the property owner made a claim under the Fair Housing Act that he was exempt from the Flat River Zoning. It was the township attorney's opinion that the act does not apply to this situation, nor does the ADA or any other laws affecting handicapped persons. He suggested the property owner should present his case to the ZBA, or provide legal proof of what he is basing his argument on. Hoffman made a motion to direct him apply to the ZBA for a variance by August 10, 2016 or provide legal documents supporting his case. If nothing is received, he will be cited with a civil infraction ticket requiring the ramp to be removed. Gillette supported. **Motion carried.**

Once a ticket is issued, an informal hearing in front of a magistrate is set. If the magistrate finds the property owner to be in violation, he can be ordered to remove it. Either party can appeal to the circuit court if they disagree with the outcome.

#### **Citizen Comments**

Gerald Miller – Member of the Conservation District in Kent County. He handed out the annual report for Fiscal year 2015. He went over highlights of the last year. There are native plant sales in the spring and again in the fall. There are currently two vacancies on the Board, if anyone was interested.

Bob Rogers – Chairperson of Love Project through Impact Church. They are doing 30 projects in Township and City of Lowell. Six projects affect Vergennes Township including landscaping at Murray Lake Elementary and Lowell High School, Cleanup of Cooper Trail and Trailhead sign, privacy slats at football field at High School, painting buildings and doing lights at Lowell Airport, and painting fence around Bailey Cemetery. The Township is covering costs of painting fence. Rogers asked the Board to keep additional projects in mind for next year.

Vandersloot – status of sheds on Murray Lake – Letters sent to 2<sup>nd</sup> homeowner. No response. Send another letter giving him 7 days to respond to Township. If there is no response by August 10, issue a ticket. Remove the shed or show plans to build house in near future.

The meeting was adjourned at 8:10 pm.

Mari Stone, Vergennes Township Clerk

