

Vergennes Township
Regular Board Meeting
June 20, 2016

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

Roll Call – Hoffman, Rasch, Stone, Wittenbach, and Gillett were present. None absent.

The agenda was approved as presented with a motion by Wittenbach, supported by Hoffman. **Motion carried.**

The minutes were accepted as presented. The treasurer's report was read. The bills were approved with the addition of \$10,000 payment to LARA for Lowell Township Park and \$149.60 for cemetery foundation. Motion made by Hoffman, supported by Gillett. **Motion carried.**

Unfinished Business

1. Planning Commission Vacancy Update

There is one application for the vacancy from January, 2016. An ad will be placed in the paper requesting applications from those interested in being on Planning Commission. Due date will be one week prior to July meeting date.

2. Hall Addition Update

Design ideas were received from several architects, and two of them were identified as firms the Board would like to continue to work with. Since that determination, Dixon has informed the township that he is no longer able to take on new projects. Triangle is still very interested in working with the Township. They are offering project management services and would get bids for the actual work. Discussion was held regarding the need for project management, and the added costs associated with that service. It was suggested by Hoffman that a committee be formed to move the project forward faster than monthly board meetings could manage. Wittenbach will contact Jernberg regarding their design. Stone will talk with Dixon about using parts of his design we liked to incorporate into final plan. The committee will be comprised of employees who are in the office on a regular basis, and have an understanding of the issues needing attention.

New Business

1. Township Millage Rate for 2016

The 2015 millage rate was 0.8672. Due to the Headley Amendment, the maximum rate the township can collect for 2016 without holding a Public Hearing is 0.8567. Stone made a

motion to set the 2016 Vergennes Township millage rate at 0.8567. Wittenbach supported, and the **Motion carried**.

2. Request to Extend Construction Approval – Harvest Meadows Site Condo

Their plan is to start construction this year. They are in the process of getting approvals on construction documents from various authorities. They expect to start construction on or around December 1. The original approval for construction startup was through July, 2016. That was to previous owners. They expect to start phase one of 25 lots which includes two out lots and one metes and bounds lot. There are no changes to original site plan previously approved. Gillett made a motion to allow extension of construction start up to July, 2017. Stone supports. **Motion carried**.

3. METRO Act Application – Mobilitie

Mobilitie will be working in the road right-of-ways installing equipment similar to telephone poles in order to boost cell phone service. They need approval from the township for their METRO Act application. A motion was made by Gillett to approve Mobilitie's METRO Act application. Stone supported, and the **Motion carried**.

4. Kent County Treasurer – Foreclosed property, First Right of Refusal

There is a strip of land between Alden Nash West and the High School property that should have been incorporated into Alden Nash West. It has back taxes and will go into the Kent County Treasurer's tax delinquent auction. The township has first right of refusal. The Lowell Area School District is interested in obtaining the parcel. If Vergennes claims it, it can then be transferred to the school. Approximately \$625.00 is owed, most of which is fees and penalties. The County is unable to waive them per state law. Hoffman made a motion to claim the property and pay back taxes to the Kent County Treasurer, and any other costs associated with the transfer, contingent on Lowell Area Schools agreeing to reimburse the Township for all costs. Wittenbach supported. **Motion carried**.

5. Polling Place User Agreement

In the past, we have had an informal agreement with Vergennes Methodist Church to use their facilities as a polling place for Precinct 2. Stone would like to have a written agreement with them that spells out the uses, including a \$50 maintenance fee to use their facility for elections. A motion was made by Hoffman to sign the agreement with Vergennes Methodist Church for polling place usage. Gillett supported. **Motion carried**.

6. Zoning Administration Items

a. Murray Lake Accessory Buildings

Owners of two properties put up minor accessory buildings on lots with no houses, which is prohibited under the Zoning Ordinance. Options - If the owner has plans to build a house in the next year, the buildings can remain. A bond and a timeline to

complete the house would be required. Otherwise, the buildings should be removed.

Richard Anderson is the owner of property at 11427 Lally, and was present with his wife. They have plans to begin building a house next spring. He is a builder and is quite busy right now. He needed someplace to put lake stuff. The property owner at 11435 Lally did not respond to a letter or attend the meeting.

Gillett made a motion to revisit 11427 Lally at the September 2016 meeting. Also, to send the owner of 11435 Lally a second letter asking them to respond or appear at the July, 2016 meeting or have the Township move forward to remove the buildings. Stone supported. **Motion carried.**

b. Temporary Residence Request – Kazemier Woods

They are in process of purchasing property. There is some paperwork by the Title Company that needs to be cleared up. Once it is, they will officially purchase property. They plan to have the contractor put up the shell of the house and do electrical, plumbing, and mechanical work, along with drywall. They will finish the rest, including flooring, painting, trim, etc...They borrowed a 5th wheel from a friend and plan to stay in it during the construction. They have to be out of current house July 31. They plan to be in new house by December 1, 2016.

They completed a temporary dwelling agreement and it is good for one year. A public hearing needs to be set for the July Board Meeting. Submission of a letter of credit or money set aside in escrow in the amount of \$2500 was set by the Board. Stone made a motion to set a public hearing for the July 18, 2016 Board meeting. Gillett supported. **Motion carried.**

c. Flat River Access

In the spring, Vandersloot had received calls regarding a 6 foot wide concrete path installed on the bluff to the Flat River at a residence on Thompson Drive to provide a surface on which to employ a UTV for access to the river. It was put in without permits. The Zoning Ordinance lists permitted and special uses in the FR District, which are based on the State Natural Rivers Ordinance. None of the permitted or special uses allow for a concrete path. Vandersloot has consulted with the State Natural Rivers Administrator, who defined it as a structure. The property already has wooden stairs for access, but according to the owner they need repairs. The homeowner has stated that he has health issues. The Natural Rivers Administrator said the owner could apply for an "after fact variance" through the Township Zoning Board of Appeals, or he could remove it.

The owner, Jim Blair, was present. He says he cannot climb 100' of stairs. He stated that he could run a UTV on a dirt path to the river but thinks it would cause erosion issues. He has stained the concrete to match the surrounding landscape, and says it is no longer visible from the river.

Blair asked what part of the ordinance he is in violation of. Discussion was held regarding several issues such as the 100 foot setback for structures in the Flat River district, permits and variances for structures, width of allowed access, and his available options at this point. The Board explained that under the ordinance his next step is to file an appeal with the Zoning Board of Appeals for an after the fact variance.

Blair stated that he will not apply to the Zoning Board of Appeals. He suggested that the Board consult with the Township Attorney, and look into the Fair Housing Act. He feels it is unfair that he cannot access his entire property because of his health. He plans to contact his attorney as well - he believes the township is violating the Fair Housing Act.

The Board directed Vandersloot to contact the Township Attorney for advice as to the next step.

Public Comment

Ron Dawson – Lives on the Flat River. Commented that he thinks the Township has worked hard to follow the Natural Rivers Act. A lot of people are watching to see what happens with this case. There are those that would follow in his footsteps if allowed to. “It would be a shame to see something like this ruin all that the State has done with the River system. Hopefully this can be worked out. “

Bob Rogers – He is a member of Impact Church and is chairperson of the LOVE Project. They are doing community service projects around Lowell this summer. They will paint the fences at Bailey Cemetery. Township will provide paint and brushes. If there are any future projects, please keep them in mind.

The meeting was adjourned at 8:45 pm.

The next regular meeting is July 18, 2016.