

# Vergennes Township Board

## Regular Meeting Minutes

May 18, 2015

*As Amended*

The regular meeting of the Vergennes Township Board was called to order by Tim Wittenbach at 7pm in the Vergennes Township Hall.

Members Present:	Tim Wittenbach	Supervisor
	Mari Stone	Clerk
	Jenean Hoffman	Treasurer
	Duane Rasch	Trustee
	Rick Gillett	Trustee

The agenda for the meeting was approved with the addition of Bill Byl of the Kent County Drain Commission with a motion made by Wittenbach, seconded by Gillett. **Motion Carried.** The minutes for the April 20, 2015 regular meeting were approved as presented. The Treasurer's report was read and approved as presented. The invoices were approved with a motion by Hoffman, seconded by Gillett. **Motion Carried.**

**Guest Speaker – Bill Byl, Kent County Road Commission** - Mr. Byl gave handouts to Board members with background information and current activity about the local county drains. The Fairchild Drain crosses under McPherson Street - established in 1903 and the last maintenance record is from 2001. The drain is 4125 feet long and covers 200 acres in its drainage district. A handout showed the outline of the district and land usage in the area.

History - The Drain Commission received a complaint from a property owner last fall that there was water over the road. The Kent County Road Commission also brought it to their attention. It was determined there was little water flowing through due to fallen trees and sediment blocking the drain. An excavator was hired and, once cleared, there was good water flow and the problem was corrected.

In 2001, maintenance was done on the drain and the Township helped defray the costs to the affected property owners. Byl noted that townships typically pay between 5% and 20% of the total cost based on public benefit. The Kent County Road Commission has agreed to pay approximately 20% of the cost (\$750). This leaves \$3049 to be covered by the Township and/or property owners. Could be done through an assessment to all in the drainage district on their tax bills. Mr. Byl is willing to wait until June for a decision if the Board is not able to act on it tonight.

Stone – does the Drain Commission do anything with scheduled maintenance of drains like the Road Commission does for the streets? Per Byl, some drains require regular maintenance but most don't. He can give the Township a description of each drain, the condition and last date of maintenance. Stone would like to take a month to come up with a policy on how to handle these costs in the future. Stone made a motion to table a decision on payment for drain maintenance to the June, 2015 meeting. Hoffman seconded. **Motion carried.**

Mr. Byl also gave the Board an update on Drain Commission and DEQ action concerning Arrowhead Golf Course. A plan to restore the area to its original state was submitted by Arrowhead. The Drain Commission will give guidelines as to how to proceed.

### **Unfinished Business**

**1. Private Road Ordinance – Amendments** - The Planning Commission had approved what Jay Kilpatrick of Williams and Works outlined in his memo of May 8th 2015. There were three areas that language was added regarding lanes, road widths, number of lots allowed and changes to the cross-section drawings for lanes and feeder streets. Per Jay, it is very easy to pull together as a final draft and move forward.

Don DeGroot, Excel Engineering asked to make some comments on the ordinance. He questioned options for ditches or valleys on cross-section C. Since they are both shown on drawing, it is understood both are options. Also, he could not see where in the ordinance it allowed for flexibility in standards. See section 202.006, 3 b 4. It states the Township Board has final decision regarding application for a private road. It allows alternative approaches to accomplish the primary objectives of the Ordinance.

Stone motioned to adopt the amendments to the Private Road Ordinance, with the addition of Jay Kilpatrick's wording regarding lanes and cross-section C ditch. Gillett supported the motion. Roll call: Wittenbach – yes, Stone – yes, Hoffman – yes, Rasch – yes, Gillett – yes. **Motion carried.**

### **New Business**

**1. Alden Nash Land Division/Site Condo Proposal** - For the development to move forward with a public hearing for the private roads, an outline of association bylaws and drainage calculations are needed. Approval of private roads can be made conditional per approval of site condo. The developer would like to get started as soon as possible. There is a 15 day notice to residents and public prior to public hearing date. The developer can have a lot more information in the next week. It would not be final, but close to it. They will get back with Jeanne Vandersloot as soon as possible so public hearing can be set.

The Township Board did not see any glaring issues with the plans. It meets many of the requirements they were looking for.

**2. Envision New Construction Project – OE Bieri Industrial** - The Special exception Use request by Envision would normally start at the Township Board level. The Board would then decide if they were going to handle it themselves, or pass it on to the Planning Commission for further action. Envision came to Planning Commission meeting on April 27, 2015 to start the process. A motion to refer the matter of Envision's special exception use to the planning Commission was made by Gillett, seconded by Stone. **Motion passed.**

Per Wittenbach, Envision met with the *DNR and a representative of the MEDC* at the building site. There will be a 4-way stop at the trail. The trail between Vergennes and Lowell is set to be paved by 2017. A

public hearing can be set by the Planning Commission for either June 29 or July 6. The Alden Nash Development can be on the agenda for that meeting as well.

3. **Lowell Area Fire Authority Budget Discussion – Jim Herb** - The Fire Authority passed the preliminary budget at its meeting May 11, 2015. Last year's budget was \$302,000. This year it is increasing to \$352,000. The increase is needed due to equipment replacement needs and upgrades to technology. New air packs are \$112,000. A LACF grant was applied for in the amount of \$75,000 - the difference of \$36,000 would be divided between the three municipalities (\$12,000 each). The balance of the budget increase is for technology upgrades. Currently, everything is handwritten on the scene and input into the computer when they get back to the firehouse. They are going to purchase I pads for three units and the EMS. This would give everyone information about the site, business information and if any hazardous materials are stored there. The cost of the upgrade is \$11,000 plus \$3,000/year for software.

A committee was formed to look at all large capital items that will need upgrading or replacement in the future. They have put together a list of what is needed, when. Their goal is to be proactive in requesting items so the municipalities are not hit with a large bill they were not planning for.

Hoffman asked what happens to the money not used in the budget. Does it go back to Township or is it used for something else? Per Herb, the Townships and City are currently assessed an additional \$1,000 above regular assessment. This money goes into a capital fund. The fund shows a surplus of about \$20,000 - \$25,000 after this fiscal year. It is possible that if the surplus was large enough, they could look at reducing what the Townships and City are assessed.

The current Fire Chief, Frank Martin, will be retiring in February, 2016. They will start looking for a replacement soon. Salary will be a major adjustment – currently at a very low rate, as Martin also works for the City of Lowell and has been able to balance his duties as Chief with his regular job. Herb will be calling local departments to see what the average salary is for Fire Chief. Raises were recently given to Captains and Lieutenants.

The 2015-16 assessment for Vergennes is \$109,000, Lowell Township is \$125,000, and \$116,000 for City of Lowell. These numbers are based on SEV and historic runs. The fiscal year begins July 1, 2015.

4. **Fee Schedule Amendment – Building Fees** - Mark Fleet did not have time to review fees for this meeting. It is tabled to the June 15, 2015 meeting. Further discussion is needed by the Board regarding compensation for non-permit issues, such as stop work orders or repair/demolish orders.

5. **Proposed Sign Permit – Red Barn Market** - The owners of the Red Barn Market were not present as they did not have enough time to gather all required information. They were going to suggest a sign with several businesses on it, such as the Market, Murray Lake Marina, Witt's Inn B&B, Rasch's Farm Stand, and Arrowhead Golf Course. The proposed location would be at 4 Mile Road and Lincoln Lake Avenue. Stone questioned where in the Sign Ordinance it allows advertising on other property not owned by the business? In the Ag district, farm stand signs are allowed, but it has to be on the property where the stand is located.

Vandersloot – The only area she could find that would allow a variance to the location issue is in the Modification section of the Ordinance. 201.403 Signs and Billboards, Section E 2 a. Modifications of sign requirements. It states “the modification of requirements is justified due to the nature, size, density, location or design of the proposed PUD, Site Condominium, Plat or other Development or Special Use permit, including the design or placement of proposed signs.” Vandersloot suggested only the name of the business and a directional arrow. The proposed property is at the Southeast corner of Lincoln Lake and 4 Mile Road. The owner is Norm Byrne, who has given informal permission.

Gillett felt allowing it would be opening a can of worms. How many other businesses would want a sign along Lincoln Lake? Further discussion by the Board – Does the Ordinance allow it? No. It is a gray area. Does the Township want to add something to the ordinance to allow for directional signs in that area, but not for advertising. Will the Kent County Road Commission allow these signs? Do they have a program that business owners can utilize? It does not appear this request fits our current ordinance. The business owner should check with Kent County to see if there are options through them. Something would need to be written into the Ordinance to allow this type of sign. Vandersloot said another township she works with wrote off premise sign section with very specific criteria. It is a Special Use permit.

Gillett would rather have it go to the ZBA as a one-time issue. It does not make sense to write something into the ordinance for one sign. Since there is nothing in the current ordinance that allows this, the ZBA would not apply. Wait and see what they are proposing. We need site plan and drawing of proposed sign.

**Other Business** – Money was collected to have a sign made remembering Allan Baird, a longtime trustee who passed away in January, 2014. Wittenbach talked with A-1 Laser and *told* them to go ahead and make the sign. He will follow up with them.

Dave Thompson, local Commander of the American Legion, asked for a representative from Vergennes Township to place the flowers at the cemetery at the Memorial Day ceremony. Tim Wittenbach said he would do it.

Alder Meadow Court – Laandsma – the homeowner voiced a complaint about the neighborhood association constructing a turn around on his property. Our Township engineer, Dave Austin, went out and looked at the location and how it was constructed. It appears the mail carrier uses it to come onto the road and swing around to reach the mailboxes on the opposite side of the street. Neighbors also say people who turn onto the road by accident use it to turn around and leave once they realize their mistake. There is no reason they could not drive to the end of the cul de sac and turn around there. Austin indicated the turn-around is in an unsafe location. A letter will be sent to the Homeowner’s Association advising them to return the area to its original state per Austin’s recommendation.

A motion was made to adjourn the regular meeting at 9:17 pm by Stone, seconded by Gillett. **Motion passed.** The next regular meeting is scheduled for June 15, 2015 at 7 pm.

Mari Stone, Vergennes Township Clerk