

BOARD OF TRUSTEES
Regular Meeting
Monday, August 11, 2014
Vevay Township Hall – 7:00 p.m.

MINUTES

Members Present: Supervisor Gary Howe, Clerk JoAnne Kean, Treasurer Shaun Sherwood, Trustee Bruce Walker and Trustee Doug Shaw
Staff Present: Deputy Clerk Brett Linsley, Community Planner Mark Eidelson and Legal Counsel David Revore

The meeting was called to order by Supervisor Howe at 7:01 p.m. followed by the Pledge of Allegiance.

Amend Agenda. Report: Trustee Walker re: MERS Annual Valuation Update - postponed.

Adoption of Consent Agenda. MOTION Shaw, seconded Walker, that the Consent Agenda be adopted as published.

Roll Call Vote

Ayes: Howe, Sherwood, Shaw, Walker & Kean
Nays: None

***All items listed in Item IV are considered to be routine by the Township Board and will be enacted by one (1) motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately. Recommendations are preceded by an asterisk (*).**

- A. Regular Meeting Minutes on 7-14-14. *approve & file
- B. Treasurer's Report on July 2014 Fund balances. *receive & file
- C. Clerk's Report – July 2014 Balance Sheets. *receive & file
- D. Disbursements: General Fund Checks #26089 - #26160, EFTs #82 & #83 in the amount of \$57,407.71. *approve & file
- E. Planning Commission Regular Meeting Minutes from 7-9-14. *distribute
- F. AGS July 2014 Building/Zoning Report. *receive & file
- G. Correspondence from:
 - 1. Mason Fire Dept. re: July Response Report.*file
 - 2. MI Municipal Employees' Retirement System re: Quarterly Report ended 6-30-14.*file

Approval and Continuation of Certain Special Land Use (SLU) Permits. The Planning Commission has recommended approval and continuation of the following SLUs:

- #62 MI Steam Engines & Threshers Club, (S. Smalley) Hull /Barnes – Parking Lot Expansion
- #73 Diane Lechleitner, 1584 Barnes – “You Pick” Berries
- #87 Lansing Ice & Fuel, Legion Drive – Fuel Facility
- #101 Verizon Wireless/Merwil&Walter Kranz, Service Rd North of Rolfe – Cell Tower#91758
- #114 Stanton & Associates, Legion Drive & Cedar Street – Wendy's Pole Sign

MOTION Walker, seconded Sherwood, that Special Land Use Permits #62, #73, # 87, #101 and #114 be approved for continuation as recommended by our Planning Commission.

Roll Call Vote

Ayes: Shaw, Sherwood, Howe, Walker & Kean

Nays: None

Supervisor's Reports.

- 1.) **Township Property Updates.** The Township is now in the process of installing both an emergency generator and new security system. The Mason Baseball & Softball Club's repairs to the ball diamond are almost complete. Improvements on the dugouts have not yet been finished.
- 2.) **Opinion Regarding Agritourism and Social Events.** Our Planning Commission has requested and received a written opinion from Community Planner Mark Eidelson regarding social events as related to Agritourism.
- 3.) **July Board of Review Updates.** The Board of Review met in July. The major topic of discussion was a property tax exemption for Veterans. The extended deadline for those to apply for 2013 exemption was the same date as the meeting. Eleven Vevay residents have qualified. The revenue loss to the Township is approximately \$1,000.

Clerk's Report: Primary Election Update. Clerk Kean provided the following figures for the August Primary Election:

- Absentee ballots voted: 246
- Ballots cast in precinct: 290
- Total ballots cast: 536 (18.5% voter turnout)
- Proposal 1 passed in Precincts 1 & 2
- Library millage renewal passed in Precincts 1 & 2

Vevay's Election Inspectors asked Clerk Kean to relay their thanks to the Board for the meals provided by the Township. It allowed more time to prepare for Election Day duties.

Application for Farmland Preservation (PA116) for Wayne & Marion Every – 40 Acres Section 12. The Township received a 15-year PA116 application request from Wayne and Marion Every. Letters to the reviewing agencies (Tri-County Planning Commission, City of Mason, and the Ingham Conservation District) have been sent. Responses are required within the next 30 days. Discussion occurred regarding the nature of tax exemptions under a PA116 agreement. Many farming operations in the Township currently operate under PA116 agreements. Once approved by the Board, the application must be forwarded to the State of Michigan (Note: If submitted by November 1st, the tax exemptions would be effective for the current tax year).

MOTION Kean, seconded Walker, to approve and forward to the State the PA116 application from Wayne and Marion Every 40 Acres, Section 12, contingent upon favorable reviews by the Tri-County Planning Commission, City of Mason, and the Ingham Conservation District.

Roll Call Vote

Ayes: Sherwood, Howe, Kean, Walker & Shaw

Nays: None

Treasurer's Report. Treasurer Sherwood has requested the Board to approve *MSU Federal Credit Union* (MSUFCU) as a new depository for Township funds. Treasurer Sherwood will meet with

MSUFCU to discuss Township policies and create a plan for moving forward. It was noted that MSUFCU offers comparatively generous interest rates and comes highly recommended by Townships who are currently using that bank as a depository. (Note: Vevay Township Resolution #08-03 requires Board approval of any financial institutions as depositories of Township funds.) The Mason branch of MSUFCU will open this Fall.

MOTION Howe, seconded Shaw, to approve *MSU Federal Credit Union* as an official depository of Township funds.

Roll Call Vote

Ayes: Shaw, Sherwood, Howe, Kean & Walker
Nays: None

Health Insurance Proposals. The *Burnham & Flower* Insurance representative, Mr. Tom Armintrout, delivered the company's Health Insurance proposals to the Township and met with staff including the two employees who currently receive health insurance benefits. Mr. Armintrout reviewed both the current and alternative plans. The effective date will be October 1, 2014. The employees have respectfully requested renewal of their current plan. Renewing the plan would save the Township approximately \$650 in premium costs for the coming year (Note: The monthly premium will be \$924.23 per employee, with the employee contributing 20% of the amount). Other comparable plans discussed were a *Blue Care Network HMO* plan and a *BCBS Community Blue Plan HRA* with a \$1,500 deductible.

MOTION Shaw, seconded Howe, to approve the renewal of the current *Blue Cross Blue Shield Health Insurance* plan, with benefit coverage as specified by the information provided by *Burnham & Flower Insurance* to be effective October 1st, 2014.

Roll Call Vote

Ayes: Walker, Shaw, Sherwood, Howe & Kean
Nays: None

Outdoor Assembly Permit Application Request from the *Ingham Conservation District (ICD)*. The ICD, a tax-exempt organization under Section 501 c-3 of the Internal Revenue Code, requested approval of their permit as well as the waiving of the \$250 application fee for their Outdoor Assembly. The Board has approved the fee waiver in past years. The *Green Space Trail Race* will take place in Vevay Township on Saturday, October 11th, 2014.

MOTION Kean, seconded Sherwood, to approve the Outdoor Assembly Permit, including the waiver of the application fee, for *Ingham Conservation District's Sixth Annual Green Space Trail Race* to be held on October 11th, 2014.

Roll Call Vote

Ayes: Kean, Walker, Shaw, Sherwood & Howe
Nays: None

Local Franchise Agreement. *AT&T* has provided the Township with a standard agreement for "video services." The agreement would create competition for the Township's current provider *WOW!* and provide additional coverage for many residents who do not currently have access to these services. *AT&T* will pay a 3% franchise fee as revenue for the Township. Legal Counsel indicated that this figure could be higher, but the Township's current ordinance has a 3% cap on franchise fees. This would be a 10-year agreement with *AT&T* at the 3% rate. The Board could review and change the ordinance to

increase franchise fees to the maximum of 5%. However, *AT&T* and *WOW!* would not be required to increase their fee percentage until their contract with the Township has expired. If changed, the Township could try to re-negotiate an increase to the percentage under the current contract; however, it is unlikely these companies would agree. Action by the Board must be taken within 45 days of the receipt of *AT&T*'s request otherwise the agreement will automatically go into effect.

Note: The Township received the request on June 20th and had 15 **business** days beginning on June 23, 2014 within which to notify *AT&T* if there were any changes to be made to the agreement. If not done so by the 15th day (or by 7-14-14), the agreement would be deemed complete. If the Board has not approved the completed franchise agreement within thirty days (not business days) following its submission, the agreement is automatically approved. The 30th day would have been August 15th, 2014.

MOTION Kean, seconded Shaw, to authorize the *AT&T* local franchise 10-year agreement for video services at the franchise fee rate of 3%. Furthermore, to authorize the Supervisor to be the signator of said agreement, effective on 8-11-2014.

Roll Call Vote

Ayes: Howe, Kean, Walker, Shaw & Sherwood

Nays: None

(Note: On August 13th, Trustee Walker contacted *AT&T* to request additional information about the franchise agreement. "Video services," as presented in the agreement, are equivalent to a cable TV package. While this service is specifically what the franchise agreement covers, *AT&T* also offers a separate broadband internet option. Mr. Andy Solon, the representative Trustee Walker spoke with, also explained that existing phone infrastructures will be utilized for these services.)

Distribution of the DRAFT Audit Report. Auditor David Williamson of *PSLZ, LLP* has provided a draft audit report for the Board's review. An exit conference with Mr. Williamson will be held on Wednesday, August 13th at which time the initial review of the draft will take place. The final Audit Report will be presented to the Board at a later date.

Proposed Zoning Ordinance Amendments. Three new amendments to the Zoning Ordinance have been discussed and forwarded to the Board by the Planning Commission:

1. Wireless Communications Tower
2. Solar Energy Systems
3. Agriculture

Ordinance #68.20 – Wireless Communications Tower. Mr. Revore and Mr. Eidelson offered general remarks on the nature of said revisions. A brief discussion occurred regarding proposed Ordinance 68.20, Subsection PP, regarding amendments (which occur throughout the Ordinance) of the phrase "Towers Over 75 Feet."

The following ordinance was introduced for adoption by Howe, seconded by Walker.

VEVAY TOWNSHIP
INGHAM COUNTY, MICHIGAN
ORDINANCE NO. 68.20

PREAMBLE

AN ORDINANCE TO AMEND ORDINANCE NO. 68, THE VEVAY TOWNSHIP ZONING ORDINANCE AND SPECIALLY TO AMEND CHAPTER 2, SECTION 2.23, "WIRELESS COMMUNICATIONS TOWER, COMMERCIAL"; TO ADD TO CHAPTER 3, SECTION 3.26, "SPECIFIED WIRELESS COMMUNICATION FACILITIES AS PERMITTED USE", TO AMEND CHAPTER 5, CHAPTER 6, CHAPTER 7 AND CHAPTER 9, TABLE OF USES "NON RESIDENTIAL" CATEGORY; TO AMEND CHAPTER 16, SECTION 16.06 "SPECIFIC SPECIAL LAND USE STANDARDS", SUBSECTION PP, "WIRELESS COMMUNICATION TOWERS OVER 75 FEET"; AND TO REPEAL ANY ORDINANCES IN CONFLICT THEREOF; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

(Note: The official record of Ordinance No. 68.20 is printed in its entirety (seven pages) in Vevay Township Ordinances, Volume II.)

Roll Call Vote

Ayes: Walker, Shaw, Sherwood, Howe & Kean

Nays: None

ORDINANCE DECLARED ADOPTED.

Ordinance #68.21 - Solar Energy Systems. Trustee Shaw brought forward concerns about the greenbelt requirements for ground-mounted solar systems found in Ordinance 68.21, Section 2(A)(4). Such belts could potentially block reception of sunlight on solar panels. Mr. Eidelson suggested that ground panels are generally used on large parcels of land; Subsection B(1)(4) indicates that such belts are not required if the system is located 150 feet or more from the lot line.

The following ordinance was introduced for adoption by Howe, seconded by Kean.

VEVAY TOWNSHIP
INGHAM COUNTY, MICHIGAN
ORDINANCE NO. 68.21

PREAMBLE

AN ORDINANCE TO AMEND ORDINANCE NO. 68, THE VEVAY TOWNSHIP ZONING ORDINANCE, AND SPECIALLY TO AMEND CHAPTER 2, SECTION 2.19, TO ADD THE DEFINITION SOLAR ENERGY SYSTEM (SES), AND THE RELATED TERMS AND DEFINITIONS: LARGE SOLAR ENERGY SYSTEM (LSES), MEDIUM SOLAR ENERGY SYSTEM (MSES), SMALL SOLAR ENERGY SYSTEM (SSES) AND SOLAR COLLECTION PANELS; AND TO ADD TO CHAPTER 3, SECTION 3.27, SOLAR ENERGY SYSTEMS; TO REPEAL ANY ORDINANCES IN CONFLICT THEREOF; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

(Note: The official record of Ordinance No. 68.21 is printed in its entirety (seven pages) in Vevay Township Ordinances, Volume II.)

Roll Call Vote

Ayes: Shaw, Walker, Kean, Howe & Sherwood

Nays: None

ORDINANCE DECLARED ADOPTED.

Ordinance #68.22 – Agriculture.

MOTION Howe, seconded Kean, to adopt Ordinance # 68.22 as presented.

Regarding proposed Ordinance 68.22, Section 2(A), Trustee Shaw said there are many ways to interpret a definition that requires sellable products to “rely principally” on items produced by an agricultural operation. Extensive conversation took place exploring potential circumstances that could arise should this phrasing be adopted as part of the Ordinance. It was recommended that the phrase “rely principally” be struck from the text and replaced with “fundamentally rely.”

Trustee Shaw also wished to ask specifically what products fall under the definition of “farm products” (as referenced in Section 6(A)(1)). As an example, he enquired if the sale of t-shirts, mugs, and other similar products would be prohibited in the A-1 Ag District under this definition. He (Shaw) felt this issue must be addressed as many agricultural operations sell these kinds of products. Prohibiting them could significantly limit the ability of farmers to market the agricultural products that comprise the focal point of their operations. Including a specific percentage of marketable items that must be considered “farm products” could remedy this problem.

Mr. Eidelson and Mr. Revore agreed that this is an important phrasing to consider and suggested that there are several ways the Board might go about making adjustments. One option is to make changes at tonight’s meeting and pass the Ordinance immediately.

Clerk Kean said that the proposed changes were too significant to authorize at this meeting and withdrew her support from the motion. MOTION FAILED FOR LACK OF SECOND.

Mr. Revore suggested that another option would be to send the Ordinance back to the Planning Commission (PC). After further consideration of 68.22, Section 6(A)(1), the PC may offer a follow-up opinion within a pre-determined period of time. In this case, a public hearing would be necessary as the current considerations could result in substantive changes to the Ordinance. This process could be expedited by passing the currently proposed ordinance with the non-substantive revision to Section 2(A), and returning Ordinance #68.22, Section 6(A) to the Planning Commission for further consideration.

The following ordinance was introduced for adoption by Walker, seconded by Howe, as amended with a non-substantive revision to Section 2A, striking “rely principally” and adding “fundamentally rely.”

VEVAY TOWNSHIP
INGHAM COUNTY, MICHIGAN
ORDINANCE NO. 68.22

PREAMBLE

AN ORDINANCE TO AMEND ORDINANCE NO. 68, THE VEVAY TOWNSHIP ZONING ORDINANCE, AND SPECIALLY TO AMEND CHAPTER 2, SECTION 2.02, TO AMEND THE DEFINITIONS OF: AGRICULTURE/AGRICULTURAL OPERATION, AND AGRITOURISM, AND SECTION 2.07 TO AMEND THE DEFINITION OF FARM MARKET; TO AMEND CHAPTER 2, SECTION 2.18 TO DELETE THE DEFINITION OF ROADSIDE STAND; TO AMEND CHAPTER 3 TO DELETE SECTION 3.14 AND RESERVE SECTION 3.14 FOR FUTURE USE; TO AMEND CHAPTER 3, TO ADD SECTION 3.28, FARM MARKET; TO

AMEND CHAPTER 5, SECTION 5.02 A-1 DISTRICT TABLE OF USES, NON-RESIDENTIAL CATEGORY TO DELETE ROADSIDE STAND; TO AMEND CHAPTER 6, SECTION 6.02 TABLE OF USES, NON-RESIDENTIAL CATEGORY TO AMEND AGRICULTURAL OPERATIONS; TO AMEND CHAPTER 6, SECTION 6.02 RESIDENTIAL DISTRICTS TABLE OF USES, ACCESSORY USE CATEGORY TO DELETE ROADSIDE STANDS PROVISION; TO AMEND CHAPTER 16, SECTION 16.06 SUBSECTION S SPECIAL LAND USES; TO AMEND CHAPTER 16, SECTION 16.06 TO DELETE SUBSECTION FF AND RESERVE SECTION 16.06 SUBSECTION FF FOR FUTURE USE; TO REPEAL ANY ORDINANCES IN CONFLICT THEREOF; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

(Note: The official record of Ordinance No. 68.22 is printed in its entirety (seven pages) in *Vevay Township Ordinances, Volume II.*)

Roll Call Vote

Ayes: Kean, Howe, Sherwood, Shaw & Walker

Nays: None

ORDINANCE DECLARED ADOPTED.

MOTION Howe, seconded Walker, that Ordinance #68.22 be returned to the Planning Commission for consideration/review of possible amendments, specifically to Section 6(A)(1-6) regarding Farm Markets.

Roll Call Vote

Ayes: Kean, Howe, Sherwood, Shaw & Walker

Nays: None

Community Planner Eidelson was thanked by the Board for the hard work and time he has devoted to reviewing and providing input on the Vevay Township Ordinances and Master Plan.

Associated Government Services (AGS). The Township has received a proposed contract that would employ AGS for administration and enforcement of all the trades. Currently the State has responsibilities for electrical, mechanical, and plumbing permits. The Board has reviewed the proposal extensively and has found that the fees proposed by AGS are less expensive than those currently charged by the State. It has also been determined that the contract would expedite the permit process for residents by having all the trades under one service provider. This agreement has also been thoroughly reviewed by the Township's Legal Counsel as well as Legal Counsel for AGS.

MOTION Howe, seconded Kean, to authorize administration and enforcement of building, mechanical, electrical and plumbing codes by the following Associated Government Services Officials: Bert Gale for Building Official; Bert Gale for Electrical Official; Henry Howard for Mechanical Official; and Henry Howard for Plumbing Official. Furthermore, this shall be effective upon the State of Michigan's release of authority.

Roll Call Vote

Ayes: Sherwood, Kean, Shaw, Walker & Howe

Nays: None

Community Planner Eidelson left the meeting at 9:03 p.m.

Extensive conversation occurred regarding what activities are covered by the \$50 per hour service rate that AGS charges for ordinance enforcement. Attorney Revore was consulted regarding the extent to which the Board may direct the actions of independent contractors.

