

**VEVAY TOWNSHIP
BOARD OF TRUSTEES
Regular Meeting
Monday, October 12, 2015
Vevay Township Hall – 7:00 p.m.**

MINUTES

Members Present: Supervisor Jesse Ramey, Clerk JoAnne Kean, Treasurer Shaun Sherwood, Trustees Doug Shaw and Bruce Walker

Members Absent: None

Staff Present: Deputy Clerk Brett Linsley

The meeting was called to order by Supervisor Ramey at 7:00 p.m. and followed by the Pledge of Allegiance.

Because John Fischer of *J&J Properties* was present, Supervisor Ramey recommended moving Mr. Fischer's Special Land Use (SLU) permit request to the beginning of the agenda.

SLU Permit Request from J&J Properties at 2377 E. Kipp Road for a Vehicle Body and Repair Shop (SLU #126). During the SLU approval process, the Planning Commission (PC) discusses the basis of determination (Zoning Ordinance, Section 16.03A, Standards 1-6). A careful reading of the Zoning Ordinance indicates that the Board must also review the basis of determination.

The PC has approved the site plan for a vehicle body and repair shop at 2377 E. Kipp Road and recommended that the Board approve SLU #126. The Board reviewed the PC's findings (found in the September 9, 2015 PC meeting minutes) as they relate to the following basis of determination standards which are found in Section 16.03 (A, 1-6) of the Zoning Ordinance:

1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Standard A(1) - The parcel has been used for Highway service and vehicle repair/maintenance for years, and the proposed almost identical use does not impair the character of adjacent properties or the surrounding area. The elimination of long-term outside storage of especially recreational vehicles should be a visual improvement of the site. Surrounding uses include a large scale retail operation (Meijer), a well drilling firm, some commercial uses, heavy manufacturing, a railroad, the airport, farming of undeveloped and buffer lands, the High School and the County Fairgrounds, as well as the proposed operations which will be transferred across the street from the firm's existing property. The parcel is already designed and constructed to meet the character of the district and surrounding area, and will be operated and maintained in a manner that is harmonious with the surrounding area. The addition of vegetative screening could be considered to be an improvement that has the property appearing more "rural" or natural despite being located in an area designated by the Master Plan as appropriate for industrial uses. – Condition Met

2. The Special Land Use shall not change the essential character of the surrounding area.

Standard A(2) – The essential character of the surrounding area includes traffic of heavy and light vehicles; industrial uses, commercial uses, farming, recreational public school sports, and county fair operations; airport uses; and localized vehicle repair and maintenance of Anderson-Fischer vehicles. No new structures are proposed to be constructed, no new parking areas are proposed, and no current structures are proposed to be modified or torn down. Natural features include the lake across the street, treelines on surrounding parcels along the railroad, woods to the west and the northeast, farmland to the more distant southeast, and flat, open areas due to development. None of these natural features would be changed or affected by the proposed use. As the operations are merely being transferred from across the street to the current location, the essential character of the surrounding area is deemed by the Commission to not be changed by the proposed use. – Condition Met

3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.

Standard A(3) – While the proposed uses would involve hazardous materials associated with vehicles, such as new and used oil, cleansers and solvents, etc., their business relationship with the government requires them to be in compliance with all applicable federal and state law as it relates to hazardous materials, and they are audited to ensure compliance. No outside storage, activities, or burning are proposed. No public traffic or new traffic on Kipp Road is anticipated. Vehicle access to public roads will be reduced by the elimination of one driveway. No new or additional noises, odors, smoke, dust, fumes, or glare are expected due to the proposed use. The building is insulated for year-around use, which could mitigate noise generated by work on vehicles. No pedestrian traffic will be generated or encouraged. There will be no change to the topography or current structures. On-site bathroom facilities meet the sanitary needs of employees. Site drainage has been adequate to date, and should continue to be so. In summary, there will be few people on site and their health, safety, and welfare are already accommodated. No public access is planned. There should be no new impacts beyond the parcel boundaries, and no new negative impacts on the parcel itself. The parcel is not adjacent to nor particularly close to residential uses. There was discussion of future SLU permit uses that would entail opening the operation to commercial use beyond just one lessee, and use of the facility beyond the stated use by Anderson Fischer. Mr. Revore – recommended adding a condition to the SLU permit that all uses be in compliance with all applicable federal, state, and local law. This would give the Township a clear rationale for addressing certain potential SLU permit violations. The Ordinance already requires such compliance in Sec. 3.02 for all enterprises, land use, and activities in the Township, and adding this condition to the SLU permit would be for purposes of enforcement, if needed.—Condition Met

Trustee Walker – regarding Standard 3, said that, unlike most SLUs, #126 does not have consistent, regular hours of operation, but noted that the PC did discuss this issue during its review at its September 9, 2015 meeting.

4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

Standard A(4) – There is already a 5 inch well for potable water supply, and a septic field on site. The current construction on Kipp Road has improved all public road needs. No increased traffic is expected to be generated. There is no public storm water system that serves the parcel, and at this time no need to utilize one. No activities are planned that would require enhanced law enforcement oversight or presence. No activities are planned that would increase the potential need for either fire or emergency medical services. No new construction or modifications limits additional tax assessment needs. No new residential use means no new residents requiring services. – Condition Met

5. The Special Land Use shall be in general agreement with the Township Master Plan.

Standard A(5) – As the Master Plan is currently written, the proposed use is not in disagreement with its goals. The location is already designated for industrial purposes. Commissioners are familiar with the Long Term Interests laid out by the Master Plan, as well as the various specific goals specified in the Plan. No Commissioner expressed any possible conflict with the Master Plan. – Condition Met

6. The Special Land Use shall comply with all site plan review standards.

Standard A(6) – The required site plan review process by the Commission, as noted earlier in these minutes, determined that the submitted site plan and accompanying documentation indicate the proposed use complies with all applicable standards. – Condition Met

MOTION Kean, seconded Ramey, to approved the issuance of Special Land Use Permit #126 as recommended by the Planning Commission to the property owner and *Successor(s) in Interest*, on parcel #33-10-10-16-100-009, commonly known as 2377 East Kipp Road, Mason, MI 48854 for a vehicle body and repair shop, on a property zoned B-2 Highway Service as provided in Vevay Township Ordinance No. 68, under Section 8.01(B) based on compliance with Zoning Ordinance’s Basis of Determination, Section 16.03 (A) (1-6).

Furthermore, it is understood that the special condition shall be that the operation and activity on said property shall be at all times in compliance with all applicable local, state, and federal laws and regulations, and any violations thereof shall be grounds for revocation of the Special Land Use Permit.

Roll Call Vote

**Ayes: Kean, Ramey, Sherwood, Shaw & Walker
Nays: None**

Trustee Walker – thanked Mr. Fischer for being patient as the PC continues to perfect the SLU approval process. The Board also expressed thanks for Mr. Fischer’s patience. The SLU agreement will be sent to Mr. Fischer’s office for him to sign.

Consent Agenda. Treasurer Sherwood directed the Board's attention to a cash receipt report attached to this month's balance and investment report in order to help the Board see what revenues have been collected since the last Board meeting.

MOTION Shaw, seconded Walker, to approve the consent agenda as published.

Roll Call Vote

**Ayes: Ramey, 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 (*).**

- **Regular Meeting Minutes from September 14, 2015. *approve & file**
- **Financial Reports – September 2015: 1) Fund Balances/Investments 2) Balance Sheets and 3) Revenue & Expenditure Report. *receive & file**
- **Planning Commission Regular/Public Hearing Mtg. Minutes from 9-09-15.*distribute**
- **September 2015 AGS Building/Zoning Report. *receive & file**
- **Correspondence from:**
 1. **Mason Fire Dept. re: September Response Report.*file**
 2. **WOW! Business re: New Cable Tier Option Available after 10-26-15. *file**
 3. **Office Secretary Shirley Harmon re: Training Opportunity Thank You. *file**

Public Comment. None.

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

- #94 Teresa Miller, 1055 Hull Road – Beauty Shop
- #107 Eden United Brethren Church, Eden Road – Church Expansion

Trustee Walker – regarding SLU #107, asked if the SLU covers an ongoing or a completed project. Supervisor Ramey – clarified that the project has been completed but requires an SLU.

Both fees have been paid.

MOTION Walker, seconded Sherwood, to approve SLUs #94 and #107 as recommended by the Planning Commission.

Roll Call Vote

**Ayes: Sherwood, Ramey, Kean, Walker & Shaw
Nays: None**

SLU #110 permits the sign belonging to *Paul Davis Restoration* on Hull Road. Under Amendment #68.20 of the Zoning Ordinance, *Paul Davis Restoration* no longer needs an SLU for its sign.

MOTION Sherwood, seconded Kean, that SLU #110 shall be discontinued and no longer invoiced in order to reflect changes to the Zoning Ordinance made by Amendment #68.20 which no longer requires an SLU permit for the sign at *Paul Davis Restoration* on Hull Road. Therefore, the Board also authorizes the refund and payment of \$35 for the 2015 SLU review fee.

Roll Call Vote

Ayes: Shaw, Sherwood, Ramey, Kean & Walker

Nays: None

Accounts Payable Disbursement Authorization. Clerk Kean – directed the Board’s attention to the two reimbursement checks made out to Treasurer Sherwood, one listed as “Shaun Sherwood” and the other as “Shaun L. Sherwood.” There are currently two vendors for Treasurer Sherwood. Deputy Clerk Linsley will merge those vendors to avoid future confusion. The Board also discussed the large sum of money being disbursed this month. Most of that cost reflects the pre-payment made to the Drain Commissioner for the Mud Creek Drain project.

MOTION Kean, seconded Walker, to approve the Disbursement Authorization Report as presented for General Fund Checks #27037 – #27097 and EFTs #120, #121, and #122 in the total amount of \$249,741.18.

Roll Call Vote

Ayes: Walker, Shaw, Sherwood, Ramey & Kean

Nays: None

Supervisor’s Reports:

- 1) **Mud Creek Drain Project Update.** As of late last week, all connections in the Mud Creek drain system have been completed. Most of the remaining work will involve re-landscaping the area. Any minor issues left to be resolved will be completed in the spring.
- 2) **ICHD Water Quality Tests and Repairs.** Ingham County Health Department recently conducted water tests at the Township Hall that were returned positive for chloroform and escherichia coli bacteria. To meet Health Department standards, the Township hired Brad Hart to clean the well and chlorinate the water system. The first test of the system was unsuccessful. The chlorination process was done a second time. The Township does not yet know the results.
- 3) **Official Zoning Map.** The new zoning map has been officially approved and signed. There are, however, applications for potential rezoning coming before the PC in November. The Board needs to consider whether to start printing maps or wait to see if any further changes will be required in the near future. The Board reviewed possible situations that could change zoning in the near future and reached a consensus to postpone printing. Supervisor Ramey – noted that the past filing systems have made it difficult to track changes to the official zoning map and that new steps will be taken to track future changes more easily.

- 4) **PC Special Master Plan Meeting.** The PC will hold a Special Meeting this month to discuss the Master Plan. That meeting will take place at the Township Hall on October 21st at 6:00 p.m.
- 5) **Consumers Energy Solar Garden Project.** *Consumers Energy* (CE) recently met with Township Officials to discuss permitting regulations and processes for a potential project in the Township. The company's representatives informed the Board that they are considering building a large "solar garden" (at a projected cost of \$10-20 million) in Vevay Township. Supervisor Ramey distributed a flyer on solar gardens. One way that CE would offset costs would be to have people buy subscriptions to invest in the project. Individuals with subscriptions would receive energy credits that would be put towards monthly CE bills. The Board discussed the Township's solar energy ordinance and how this project could potentially increase Township revenues.
- 6) **Ingham County Trails and Parks Public Input Meetings.** Ingham County will be holding a series of town hall meetings throughout the County to discuss how Parks and Trails millage money may be spent. One of those meetings will take place at the Vevay Township Hall on Tuesday, November 17th at 6:30 p.m. The Township has already e-mailed notices to the Downtown Development Authority and will mail notices to the Township's Recreation Committee to encourage their attendance at the event.

Treasurer's Reports:

- 1) **Summer Tax Collection.** Summer Tax Collection went well. There are 205 property tax bills and 4 personal property tax bills still outstanding. Payments are still being made intermittently.
- 2) **Training Update.** Treasurer Sherwood recently attended both the Annual MMTA Conference and an MTA Treasurer's Retreat. Deputy Treasurer Dockter was able to attend the latter. She (Sherwood) updated the Board on the training and thanked the Board for authorizing the funds for her to attend. Deputy Treasurer Dockter submitted a memo dated October 12, 2015 thanking the Board for authorizing her attendance at the retreat.

Clerk's Office Reports:

- 1) **MTA Clerk's Training Update.** Clerk Kean thanked the Board for authorizing the expenses for her to attend an MTA Clerk's Retreat and provided a brief update of the training she had received.
- 2) **MTA-ICC Quarterly Meeting.** The Ingham County Chapter of MTA will be meeting on October 28th at the Vevay Township Hall at 6:30 p.m. Larry Merrill, Executive Director of MTA, will be the special guest speaker. All officials are welcome.
- 3) **State Election Expense Reimbursement.** The Township received its reimbursement for the May Election in the amount of approximately \$6,000. About \$1,400 of the reimbursement was for approximately 140 hours worked by the Deputy Clerk in election capacities. The Board discussed how that money will appear in the revenues and expenditures and its integration into the budget.

- 4) **Proposed Brochure.** Clerk Kean has been working with other Township Officials on a brochure for new residents and business owners for the past two months. The proposed brochure was distributed to the Board. She (Kean) thanked Deputy Clerk Linsley for his work and the Board for their input on the brochure. With the Board's approval, the Clerk's Office will begin mailing the brochures to new arrivals. The Township Attorney has reviewed and approved the brochure, and the Supervisor has already been able to share the brochure with a new business owner. There were no objections to begin using the brochure.

Second Quarter Budget Revenue & Expenditure Report Review and Amendments. The Board reviewed the budget in detail. Several line items were highlighted and explained. Clerk Kean – explained that the *Employee Medical Insurance Buyout* line item may need adjustment as health insurance buyouts had not been properly calculated. Those affected by the miscalculation have been contacted and the problem will soon be resolved. The only adjustment needed at the meeting was additional funds in the line item *Zoning Board of Appeals Per Diem*.

MOTION Kean, seconded Walker, to authorize the transfer of \$1,000 from *Unappropriated Funds (GL #101-000-676.000)* to *Zoning Board of Appeals Per Diem (GL #101-815-705.000)*.

Roll Call Vote

**Ayes: Ramey, Kean, Walker, Shaw & Sherwood
Nays: None**

Request for Proposals (RFP) for 2016 Audit Services. Auditor David Williamson of *PSLZ LLP* recently sent a letter announcing that he will not continue to provide audit services for the Township. He has provided auditing services to the Township for the last three years and has chosen not to continue any additional “optional years” as provided for in the contract. Clerk Kean reviewed the request for proposals document that the Township will be sending to interested parties. The Board discussed the termination clause in the RFP which requires a 90-day notice be provided by the terminating party. Trustee Walker – stated his concern that the current clause could pose a potential danger to the Township if a company were to terminate the agreement during audit season.

Note: RFPS are due to the Clerk's Office no later than 4:00 pm on November 3rd. Proposals will be included in the November Board of Trustees meeting agenda.

MOTION Kean, seconded Walker, to accept, with regret, the termination of services with *PSLZ LLP* and to approve the request for 2016 audit services proposal as written.

Roll Call Vote

**Ayes: Sherwood, Shaw, Walker, Kean & Ramey
Nays: None**

Discussion of Internal Controls. Clerk Kean read the following statement for public record:

“In recent years, steps have been taken to improve Vevay Township's internal controls. Currently, two signatures are required for 2 of the 3 Township checking accounts: they are the General Fund and Downtown Development Authority. In

several recent training classes hosted by Michigan Townships Association and the Clerk's Association, it has been strongly suggested that a counter signature be added on checks for the Tax Account. Adding a second signature on the Tax Account checks would represent another major improvement in the Township's internal controls. Because this is not required by State law, its implementation would have to be voluntarily. For the public record, I agree with the recommendation by Michigan Townships Association, the Township Auditor and the Township Attorney that this additional internal control is what is best for the Township."

Treasurer Sherwood distributed handouts from the State of Michigan Department of Treasury and MTA. She (Sherwood) explained that the law describes administration of the tax account as the Treasurer's prerogative. She (Sherwood) does not feel a second signature would be in the best interest of the Township. Supervisor Ramey – noted that both the Township Auditor and the MTA have suggested adding a signature, but that the Treasurer retains the right to make the final decision. Trustee Walker – asked if there has been any advice regarding other internal controls and that he feels listening to the advice of experts would be best.

Request for Use of Township Hall by the Mason Art Guild for 2016 Dates. The Mason Art Guild recently submitted a list of dates in 2016 on which they are requesting use of the Township Hall. The art guild has also requested for the Township Board to waive the rental fee as has been done in previous years. The Board noted that these dates are subject to change should there be a scheduling conflict in which the Township needs use of the Hall for official business.

MOTION Shaw, seconded Sherwood, to approve the use of the Township Hall by the Mason Area Art Guild and to also approve a fee waiver for the following dates in 2016:

April 7th May 5th June 2nd July 7th August 4th (with pavilion) September 1st October 6th

Roll Call Vote

Ayes: Shaw, Walker, Kean, Ramey & Sherwood

Nays: None

Proposal for Codification Services from Municode. The Township recently requested and received a price estimate for online codification services from *Municode*. Those estimates were included in the evening's packet for the Board's review. The proposal estimate states the following:

"We have reviewed the Zoning Ordinance and estimate it will cost [ap]proximately \$3,400 if the Zoning can be provided in word. A good budget for updating the code with all other ordinances will be approximately \$5,000. An approximate total would be \$8,400."

Associated Government Services and the Township Attorney have both recommended codification services. Supervisor Ramey noted that the fee would not be small and might be considered more seriously at a later date or possibly budgeted next year. The Board discussed the various benefits of codification services. The matter was tabled until a future date.

Foreclosed Vacant Hull Road Property. The County has put a small, foreclosed property on Hull up for two auctions. As required by State Law, the Township must take a positive step to reject the property or it will automatically become Township property. At that time the Township

would be allowed to sell it. Clerk Kean – said that it could be wise to have the Assessor look at the property to determine if it would be of any value to the Township. Trustee Shaw – said that he thinks the Board should get rid of the property tonight. The Board reached a consensus to have Assessor Mackenzie look at the property before making a decision. The matter was tabled until further information can be gathered.

Authorization for Attendance to MTA Annual Conference. The Michigan Townships Association will be holding its Annual Conference and Expo from January 19-22, 2016 in Detroit, Michigan. This year attendees must register for the conference before reserving hotel rooms on the reserve block. As Officials are unsure whether they can attend at this time, the Board agreed it would be best to authorize funds sufficient in the case that all Officials wish to attend. Housing registration opens on October 27th.

MOTION Sherwood, seconded Walker, to authorize up to \$2,500 in expenses for the attendance of Township Officials to the MTA Annual Conference on January 19-22, 2016 in Detroit, Michigan.

Roll Call Vote

**Ayes: Shaw, Sherwood, Ramey, Kean & Walker
Nays: None**

Board Appointments and Re-Appointments.

MOTION Kean, seconded Walker, to approve all reappointments listed as follows:

- Ilene Thayer to the Mason/Vevay Joint PC, from 11/09/15 thru 11/09/18
- George Hayhoe to the City of Mason LDFA, from 12/31/15 thru 12/31/19
- Hannah Watson to the Zoning Board of Appeals form 12/02/15 thru 12/02/18
- Roger Wood to the Zoning Board of Appeals form 12/02/15 thru 12/02/18

Roll Call Vote

**Ayes: Sherwood, Ramey, Kean, Walker & Shaw
Nays: None**

Other Business. In response to a question posed by Trustee Shaw, the Board discussed the Zoning Board of Appeals basis for denying *J&J Properties'* application to build a salt-shed.

Public Comment. Resident Greg Shaw – noted that the structure that *J&J Properties* made an application to build in Vevay has been built in the City of Mason. With regard to Eden Church's SLU, he (Shaw) feels the Township should not charge an annual fee to the church.

Adjournment. The meeting was adjourned at 9:11 p.m.

JoAnne Kean, Clerk