

**VEVAY TOWNSHIP  
BOARD OF TRUSTEES  
Regular Session  
Monday, June 13, 2016  
Vevay Township Hall at 7:00 p.m.**

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**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 and Legal Counsel David Revore

**Others Present:** Dennis Marvin, *Consumers Energy (CE)* Community Engagement Manager, Lindsey Kosner, *CE* Permit Agent, Emily Warners, *CE* Project Engineer, and John Lazet, Planning Commission Secretary

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

**Set/Amend.** The following item was removed from the agenda under Pending Business:

Hawley Cemetery Funds

And replaced with the following item:

Authorization Request to Approve Payment of Invoices from *Gabridge & Company* and Bob Raab

**Consent Agenda.** Trustee Walker noted that minor changes have been made to last month's Planning Commission minutes. Treasurer Sherwood commented that one of the checks listed on the receipt register was for personal property taxes from 2009.

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

**Roll Call Vote**

**Yeas: 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 (\*).**

- Meeting Minutes on 5-9-16. \*approve & file
- Financial Reports – 1) Fund Balances 2) Balance Sheets, 3) Revenue & Expenditure and 4) Cash Receipt Reports. \*receive & file

- Planning Comm. Minutes Regular/Public Hearing 5-4-16 and Special Meeting 5-11-16.\*distribute
- June 2016 AGS Building/Zoning Report. \*receive & file
- Correspondence from:
  - 1.) Treasurer Sherwood re: MiCPT Recertification. \*file
  - 2.) MERS Retirement re: Quarterly Report ending 3-31-16. \*file
  - 3.) WOW! Cable re: Franchise Fees Quarterly Payment. \*file
  - 4.) WOW! Cable re: Rate/Bundle Adjustments effective 5-31-16. \*file
  - 5.) WOW! Cable re: Programming Adjustments effective 7-1-16. \*file
  - 6) Tri-County Regional PC re: Economic Sustainability Bus Tour. \*file
  - 7.) Deputy Clerk Linsley re: Scholarship Awarded for Attendance @ MAMC Conf. \*file

**Public Comment.** None.

**Accounts Payable Disbursement Authorization Report.** Clerk Kean noted that EFT #159 was voided.

**MOTION Kean, seconded Shaw, to approve the Disbursement Authorization Report for General Fund Checks #27426 – #27592 and EFTs #156, #157, #158, #160 and #161 in the total amount of \$61,686.66.**

**Roll Call Vote:**

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

**Auditor Field Visit to Vevay Township Report.** Joe Verlin of *Gabridge & Co.*, the Township's new auditor, conducted a field visit on June 7<sup>th</sup> and 8<sup>th</sup>. He made a few recommendations that could result in new policies. Overall, his review was favorable towards the work of Township officials and staff, demonstrating the positive impact of the internal controls that have been implemented.

**Supervisor's Reports:**

**1. 2016 Local Roads Program.** The Ingham County Road Department recently sent a list of suggested road improvements as well as a traffic flow map. Supervisor Ramey explained that no money was budgeted for road repairs in the 2016-17 fiscal year. This was one of several decisions the Board made in order to cut expenses and create a leaner budget. He (Ramey) said it is his understanding that the annual \$30,000 match made by the County can be carried over into the next fiscal year.

**2. Lawn Mower Update.** Since May of 2015, the Township has paid almost \$4,800 in lawn mower repairs. Currently, the Township does not have funds to purchase a new mower. The current mower does not have a warranty and the annual upgrade agreement was discontinued several years ago. This item was included in the report for informational purposes.

**3. Service Road Clean Up Report.** Regarding the zoning violation at 1074 Service Road, Supervisor Ramey explained that *Service Master* has completed its portion of clean up at the property. The owner of the home has hired an individual to do the remainder of the cleanup. Trustee Walker asked Attorney Revore whether there would be any recourse for the Township to get back the money it paid for cleanup. Attorney Revore said the Court has given the Township permission to invoice the homeowner for clean-up costs. If the invoice is not paid within a

specific period of time, the homeowner would be held in contempt of court. In that case, all legal fees and cleanup costs would be attached to property taxes owed to the Township.

**4. Water Test Results.** The Township has turned in its quarterly water test to the Ingham County Health Department. The test results indicated that the Township's water is still meeting the required standards.

**Treasurer's Office Report: MMTA Advance Institute Training Report.** Treasurer Sherwood thanked the Board for allowing her to attend her re-certification training in May. She reviewed some of the highlights of the educational sessions.

**Clerk's Office Reports:**

**1. Vevay Voice Newsletter.** Clerk Kean announced that the Township's newsletter was mailed in June. For the first time, the newsletter was also sent in electronic form to those residents who are on our email list. The electronic version was well-received by residents and saved printing and postage costs. A few new names were added to the emailing list as a result of the newsletter. Almost thirty residents requested to be put on the permanent absentee voter list by returning the application included in the newsletter. Clerk Kean said that this will help to reduce lines and wait times at the polling location in August and November.

**2. Elections Update.** At the end of May, the Clerk's Office sent applications to residents on the permanent absentee voter list. They have been coming back to the Township steadily. Deputy Clerk Linsley has also sent military and overseas ballots to those who have requested them throughout the year.

**Rezoning Request from J&J Properties (John Fischer) to Change from B-2 Highway Service to M-1 Industrial at 2377 Kipp Road, Mason.** At the beginning of April, Township resident and business owner John Fischer applied for his property to be rezoned from B-2 to M-1. The application was reviewed first by the Zoning Administrator and then by the Planning Commission who reviewed the criteria for approval and also held a Public Hearing. Supervisor Ramey read the specifications in the Zoning Ordinance that must be met for the request to be approved.

**The following ordinance was introduced for adoption by Ramey and supported by Kean:**

**VEVAY TOWNSHIP  
INGHAM COUNTY, MICHIGAN  
ORDINANCE NO. 68.27  
PREAMBLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 68, THE VEVAY TOWNSHIP ZONING ORDINANCE, AND OFFICIAL ZONING MAP TO REZONE THE PROPERTY DESCRIBED HEREIN FROM THE B-2 HIGHWAY SERVICE ZONING DISTRICT TO THE M1 INDUSTRIAL ZONING DISTRICT, AND TO REPEAL ALL OTHER ORDINANCES INCONSISTENT WITH THIS ORDINANCE, AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

Parcel #33-10-10-16-100-009, commonly known as 2377 Kipp Rd. Mason, MI 48854

Trustee Walker – noted that areas zoned B2 tend to attract retail operations, and that Mr. Fischer’s operation is not retail.

**Roll Call Vote**

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

A legal notice of the Zoning Amendment will be published in the newspaper as required by law.

**SLU Application for a Large Solar Energy System.** The Board packet included materials regarding a request from *Allen S. Frederick Farm LLC* and *Consumers Energy* for a Special Land Use Permit that would allow them to build a large solar energy system on Jewett Road. The Zoning Administrator and Community Planner both reviewed the site plan application and submitted their findings to the Planning Commission (PC). The PC has approved the site plan application and recommended that the Board approve the SLU. The PC opted to incorporate their site plan findings and other testimony into a format to assist the Board in making their decisions with Section 16.03(A) of the Zoning Ordinance, Basis of Determination (BOD). Their findings were listed in the June 8<sup>th</sup> PC minutes. Supervisor Ramey asked the Board to offer comments on the six items of the BOD. Regarding BOD A(2), Supervisor noted that the solar panels themselves will be the only noticeable change to the property. After review, the Board agreed that the findings listed in the June 8<sup>th</sup> PC meeting minutes were sufficient evidence that the six items comprising the BOD had been met.

The Board reviewed the SLU agreement. Supervisor Ramey recommended striking item B because it repeated language stated in item G. The Board agreed to remove item B and re-letter all subsequent items.

Trustee Walker asked whether the land was currently being cultivated and whether reseeding the land should be a stipulation of the agreement. He also asked Attorney Revore whether having three signers on the SLU agreement would be a liability to the Township. Attorney Revore said that under the current agreement the only liability posed by three signatures would be on the signers themselves if they could not agree on how to meet conditions of the agreement.

Dennis Marvin of *Consumers Energy* offered comments on how the voluntary subscription program for the solar garden works. Responses to two similar projects have been favorable and customers have requested more renewable energy options.

**VEVAY TOWNSHIP  
SPECIAL USE PERMIT NO. 127**

**By the action of the Vevay Township Board of Trustees (“Township”), pursuant to the recommendation of the Vevay Township Planning Commission, the Special Use Permit (“SLU”) was granted to Consumers Energy Company, Allen S. Frederick Farm LLC., and Maryann Frederick (collectively, the “permittees”) on the 13<sup>th</sup> day of June, 2016 to allow the use of the following property, identified in this SLU permit, for the purposes of a Consumers Energy Solar Garden/Solar Energy System involving Solar Photovoltaic equipment and facilities (“facilities”) on the address commonly known as: 801 Jewett Road, Mason, Vevay Township, Michigan (the “property”). The property is legally described as follows:**

**Part of the Southeast ¼ of Section 17, Town 2 North, Range 1 West, Vevay Township, Ingham County, Michigan, Described as: The North ½ of the Southeast ¼ of Section 17, Except all that part lying Easterly of a line described as beginning 219.33 feet West of the Southeast corner of Section 17, North 00 degrees 09 minutes 44 seconds West 1067.04 feet to a point of curve to the left having a radius of 3749.83 feet, Northerly along arc of said curve 2602.78 to point of tangent of said curve and point of ending. Also except, the South 200 feet of the West 200 feet of the North ½ of the Southeast ¼ of Section 17, Township 2 North, Range 1 West, Vevay Township, Ingham County, Michigan.**

**Parcel No. 33-10-10-17-400-006, commonly known as 801 Jewett Rd. Mason, MI 48854**

**PROVIDED HOWEVER, that the Energy Solar Garden equipment and facilities and relevant uses permitted herein shall be subject to the following conditions and requirements:**

- A) That the permittees shall be responsible for compliance with the terms of this permit and shall provide the Township with the name of each person(s) that should be contacted in the event a term of this permit is violated. The permittees shall provide for how this person(s) can be reached both by telephone, email and mailing address.**
- B) That the permittees shall not, nor permit, the storage of excess equipment and facilities on the property.**
- C) That the permittees shall not, nor permit, the storage of vehicles, trailers, containers, or other items, on the property.**
- D) That this permit shall run with the land and shall be binding on all subsequent property owners and occupants. The permit, however, shall not be transferable for continued operation without the approval of the Vevay Township Board of Trustees; such transfer request must be made in writing and include a representation or commitment by the proposed transferee to abide by all terms of the permit and any new or additional terms deemed necessary by the Board at the time of transfer to safeguard the public interest.**
- E) In the event Consumers Energy Company, Maryann Frederick and Allen S. Frederick Farm LLC., no longer use the property as an active and functional Solar Photovoltaic (PV) project, as described in the Consumers Energy Company project site plan, then Consumers Energy Company, Maryann Frederick and Allen S. Frederick Farm LLC., shall remove, in a reasonable time, the above ground/grade solar energy generating equipment and facilities from the property and grade and reseed the affected property, and return the property to its preconstruction pre-Solar Photovoltaic (PV) project state, unless otherwise agreed to and permitted by the Township.**
- F) That the permittees shall comply with the requirements of all Vevay Township ordinances, Ingham County ordinances, State and Federal law and regulations pertaining to the use and operations of the Energy Solar Garden equipment and facilities.**
- G) Any violations of the terms of this permit, Consumers Energy Company Vevay Solar Garden site plan (as submitted to and on record with Vevay Township), or Vevay Township ordinances, County Ordinances, or State and Federal law and regulations, shall be cause for revocation of this Special Use Permit.**
- H) Revocation of this Special Use Permit shall require the immediate removal, at the permittees' expense, of the ground/grade solar energy generating equipment and facilities from the property. Permittees shall immediately return the property to its preconstruction pre-Solar Photovoltaic (PV) project state.**

- I) For purposes of reclamation, Consumers Energy shall post a Letter of Credit for \$2.275 million to be in effect until the property is returned to its pre-construction state.
- J) This SLU Permit has been duly executed and delivered by the permittees and constitutes a legal, valid and binding obligation upon each of them and enforceable in accordance with its terms. Each person placing his/her signature below represents and warrants that he/she is the signatory duly authorized to execute this SLU Permit as is respectively applicable.

**MOTION Ramey, seconded Shaw, to adopt the foregoing Special Land Use Permit.**

<b>Roll Call Vote</b>	<b>Ayes: Walker, Shaw, Sherwood, Ramey &amp; Kean</b> <b>Nays: None</b>
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Currently 55% of the available subscriptions to the solar garden program have been purchased. Construction of the project will begin when a certain percentage of subscriptions have been sold.

**Authorization Request to Approve Payment of Invoices from Gabridge & Company and Bob Raab.** The Township received two invoices after the disbursement authorization report had been completed. The reimbursement to Mr. Raab was for flags he purchased to place on veteran grave sites at Vevay Township cemeteries. The invoice to *Gabridge & Company* was a partial payment of the 2016 audit fee.

**MOTION Kean, seconded Walker, to authorize the expense and payment of \$132.35 to Bob Raab, charged to *Hawley Supplies* (GL #101-276-728.209), and \$2,555.00 to *Gabridge & Company*, charged to *Audit Services* (GL #101-232-809.000).**

<b>Roll Call Vote</b>	<b>Ayes: Kean, Walker, Shaw, Sherwood &amp; Ramey</b> <b>Nays: None</b>
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**Authorization Request for Payment of the MTA 2016-17 Annual Dues.** The Michigan Townships Association has sent an invoice for renewal of the Township’s membership in the organization. Supervisor Ramey noted that the membership fee has increased slightly since last year (\$130.35). The Board agreed that membership in the organization has been valuable.

**MOTION Kean, seconded Walker, to authorize expense and payment of the 2016-17 Michigan Township Association Legal Defense Fund and Annual Dues at the cost of \$2,538.11 and expensed to *Dues and Subscriptions* (GL #101-101-958.000).**

<b>Roll Call Vote</b>	<b>Ayes: Ramey, Kean, Walker, Shaw &amp; Sherwood</b> <b>Nays: None</b>
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**Treasurer’s Office: Over/Short Policy for Tax Collection.** Treasurer Sherwood submitted a memo explaining that she and the auditor had discussed an “over/under” policy for writing off small over or underpayments for taxes. The auditor suggested setting the policy between three and five dollars. Treasurer Sherwood’s memo suggested setting the fee at three dollars. She (Sherwood) emphasized that write-offs are only a last resort. The line item for *Tax Collection Expenses* (GL #101-253-833.000) would be used to reimburse any uncollected taxes that are written off. Currently, Treasurer Sherwood does not anticipate including any information about this policy on the tax bills.

**MOTION Kean, seconded Ramey, to approve a \$3.00 threshold for overage/shortage payments in the tax collection process.**

**Roll Call Vote**

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

**Board Re-Appointment to Zoning Board of Appeals (ZBA).** Jack Cady's term on the ZBA has expired. Supervisor Ramey noted that Mr. Cady has been a valuable asset to the ZBA and should be reappointed.

**MOTION Ramey, seconded Sherwood, to reappoint Jack Cady to the Zoning Board of Appeals for a three year term effective immediately through May 17, 2019.**

**Roll Call Vote**

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

**Public Comment.** Community Engagement Manager Dennis Marvin thanked the Planning Commission and the Board on behalf of *Consumers Energy* for working so diligently and closely with the company. He (Marvin) said he appreciates the opportunity to partner with the Township to push towards more sustainable energy goals.

Tina Robinson – commented on the poor conditions of a neighboring home. She has contacted the County Health Department but felt they made insufficient efforts to solve the problems. The view, smells, and sounds of the house are unpleasant and disruptive to neighboring properties.

Greg Shaw – announced that this summer is the ten year anniversary of his barn being moved into the Township. He will be hosting an open-house in celebration. All are welcome to attend.

**Adjournment.** The meeting was adjourned at 8:17 p.m.

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JoAnne Kean, Clerk