

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
Thursday, December 10, 2020
7:30 p.m.

Call to Order
Pledge of Allegiance
Members Present/Members Absent
Call to the Public

- 1) Approval of Agenda
- 2) Consent Agenda
 - a. Approval of November 12, 2020 Regular Meeting Minutes
 - b. November 17, 2020 HAPRA Minutes
 - c. November 18, 2020 MHOG Agenda/Minutes
 - d. November 18, 2020 HAFDA Agenda/Minutes
 - e. September & October 2020 Sheriff Report
 - f. DPW Report
 - g. November 2020 Financial Reports
 - h. Zoning Report

- 3) 2020-2021 Audit Presentation
- 4) Assessing Audit
- 5) Lake Lochmoor SAD
- 6) Meadows West Line of Credit
- 7) CVTRS Submittal
- 8) ZBA Appointments
- 9) PC Appointments
- 10) Board of Review Appointments
- 11) Padnos Metal Shredding Resolution

Correspondence and Updates
Crystal Wood Paving
2021 Pavement Preservation Program

Call to the Public
Adjournment

Reminder: Next Board Packet will be ready after 3pm on Thursday, January 7, 2021

DRAFT

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 12, 2020

MEMBERS PRESENT: Les Andersen, Tammy Beal, Duane Stokes, Scott Lloyd, Greg Durbin, Dan Lowe, and Bob Hanvey

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Spicer

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:33 pm. The meeting is scheduled to be available remotely; however, there were technical difficulties.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF AGENDA

Les Andersen motioned to approve the agenda. Greg Durbin seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Duane Stokes seconded. **Motion carried.**

PUBLIC HEARING FOR CRYSTAL WOOD ESTATES SAD ROLL

Bob Hanvey opened the public hearing for the Crystal Wood Estates SAD roll. No comments were heard, and the public hearing was closed. Les Andersen motioned to adopt a resolution to approve the roll for the Crystal Court Special Assessment District, as presented. Scott Lloyd seconded. Roll call vote: Lowe, Lloyd, Beal, Hanvey, Durbin, Andersen, Stokes—all yes. **Resolution passed 7-0.**

PUBLIC HEARING FOR COON LAKE WEED CONTROL SAD ROLL

Tammy Beal motioned to table this item for discussion near the end of the agenda. Les Andersen seconded. **Motion carried.**

2021 HAPRA BUDGET PRESENTATION

Tim Church, HAPRA Executive Director, was present to ask for the board's support and to answer any questions. The board members discussed some of the changes this year due to COVID, and the elimination of managing the aquatic center. Tammy Beal said they've done a good job during the

pandemic. Sean Dunleavy, HAPRA Chairman and Oceola Township Trustee, said they are looking forward to opening the new Oceola Community Center. Tammy Beal motioned to approve the 2021 HAPRA budget, as presented. Les Andersen seconded. Roll call vote: Stokes, Durbin, Hanvey, Lloyd, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

MEADOWS WEST LINE OF CREDIT

Tammy Beal motioned that the security instrument (bond, letter of credit, cash, etc.) remain in place until the development is built-out. Les Andersen seconded. Roll call vote: Beal—yes; Andersen—yes; Lowe—no; Durbin—yes; Stokes—no; Hanvey—no; Lloyd—no. **Motion failed 3-4.**

Dan Lowe motioned that the security instrument remain in place and be reviewed in five years; it should be released when the last structure is complete. Greg Durbin seconded. **Motion carried.**

FINAL REZONING FOR DEAN KILLINGBECK, 725 MASON ROAD

Gary McCririe was present on behalf of the owner, asking for the property at 725 Mason Road to be rezoned from Highway Service to Urban Residential. Les Andersen motioned to adopt a resolution to change the zoning as requested. Duane Stokes seconded. Roll call vote: Stokes, Beal, Andersen, Lowe, Hanvey, Lloyd, Durbin—all yes. **Resolution passed 7-0.**

DESIGNATED ASSESSOR CONTRACT

A memo from Sue Bostwick, Director of Livingston County's Equalization Department, is included in the packet, and Bob Hanvey passed out an email from Ms. Bostwick that was received today. By signing the contract, the township will be compliant with the new law regarding AMAR, and there is no cost to the township. Tammy Beal motioned to accept the proposal as presented. Les Andersen seconded. **Motion carried 6-1** (Lowe opposed.)

TOWNSHIP FURNACE

An estimate from Professional Duct Cleaners of Michigan LLC to clean the duct work is included in the packet. In addition, the furnace that heats the kitchen and hallway where Bob Hanvey's office is, doesn't work (or work properly.) Dan Lowe said if sand is getting in now, he's concerned that cleaning the ducts could cause problems. The board members discussed whether having the duct work lined is possible; Phil Westmoreland said he doesn't know. Greg Durbin said he's concerned about the furnace and it should be inspected. Dan Lowe said the duct cleaners should run a camera before and after doing the work. Les Andersen motioned to approve the estimate from Professional Duct Cleaners of Michigan LLC for \$3,950, and to ask that they run a camera before and after. Tammy Beal seconded. Roll call vote: Lowe—no; Durbin, Lloyd, Stokes, Andersen, Beal, Hanvey—all yes. **Motion carried 6-1** (Lowe—no.)

PUBLIC HEARING FOR COON LAKE WEED CONTROL SAD ROLL

Bob Hanvey opened the public hearing for the Coon Lake Weed Control SAD roll. Tammy Beal said she received the following objection:

John Reynolds, 1922 Olympia, Tax Codes 4710-25-202-018 and 4710-25-400-007

The public hearing was closed at 8:48 pm. Greg Durbin motioned to adopt a resolution to approve the roll for the Coon Lake Weed Control SAD roll, as presented. Les Andersen seconded. Roll call vote: Lowe, Lloyd, Beal, Hanvey, Durbin, Andersen, Stokes—all yes. **Resolution passed 7-0.**

CORRESPONDENCE & UPDATES

The Livingston County update is included in the packet.

Tammy Beal provided a summary of the November 3, 2020 election.

Bob Hanvey thanked Duane Stokes for his past four years of service. Mr. Stokes will be retiring on November 19.

Tammy Beal swore in the officers present at the meeting and asked them to see her in the office to sign their oath of office.

Les Andersen mentioned that Meridian Township approved a millage for open space/farmland preservation.

CALL TO THE PUBLIC

Matt Brinker, 4717 Lakeshire Ct., (attending remotely) asked if the public hearing for Kingswood had been scheduled for December 10; Mr. Hanvey said no, it still needs to be determined who would be included.

Brian Riordan, 236 Crystal Ct., was unable to attend the meeting online and missed the discussion of Crystal Wood Estates SAD. He asked if the board would consider making the assessment ten years rather than five years. Mr. Hanvey said he would check on that.

Les Andersen asked when the township would need to create another precinct; Tammy Beal said when a precinct reaches 2,999 registered voters.

ADJOURNMENT

Tammy Beal motioned to adjourn at 8:49 pm. Les Andersen seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date



Howell Area Parks & Recreation Authority
Bennett Recreation Center

Regular Board Meeting Minutes

November 17, 2020

Call to Order

Chairman Sean Dunleavy called the Virtual meeting to order at 7:02 pm.

Attendance

Chairman Sean Dunleavy, Vice Chair Diana Lowe, Secretary Tammy Beal, Jean Graham, and Jeanette Ambrose

Absent

None

Staff

Director Tim Church, Kyle Tokan, Kevin Troshak, Ann Marie Moran, Ameila Purdy Ketchum

Public

WHMI Reporter

Pledge of Allegiance

Approval of Agenda

Diana Lowe motioned to approve the Agenda, supported by Jeanette Ambrose. **Motion carried 5-0.**

Approval of Regular Minutes

Jeanette Ambrose made a correction to the October 20, 2020 minutes. Under old business it should have read that she said that a citizen stated that the school funding, instead of pool funding was not cut....Diana Lowe made a motion to approve the October 20, 2020 minutes as corrected, supported by Jeanette Ambrose.

Motion carried 5-0.

Call to the Public

None heard.

Staff Comments

Kevin Troshak pointed out that there are rumors flying around about Howell City opting out of the authority. He said that they are a proud team and have worked very hard trying to keep the community engaged during the pandemic and was hoping that the Bennett Center could have been the next Teen Center. He said he was very disheartened. Jeanette stated that Mayor Proctor thought that Howell City should pull out of the authority because of financial reasons, but this was not a done deal, only Mayor Proctor's opinion. Counsel will be meeting via zoom on Saturday from 8:30am-12:30pm. Chairman Dunleavy would like to attend this meeting and hopefully meet with the Mayor prior to the meeting.

HAPRA Treasurer

Sean Dunleavy made a motion to nominate Jean Graham for the new HAPRA Treasurer, supported by Diana Lowe. **Motion carried 5-0.**

Budget Presentation Update

Director Church thanked all the jurisdictions that he has presented to so far, he feels like HAPRA still has great standings with the community, thanks to the staff and the board members.

Dog Park Agreement

Auditor thinks that the agreement is being followed as it should be. HAPRA Attorney, John Gormley, says that there is no way to get out of the agreement unless both parties agree to it. The money is being used correctly, such as for construction and maintenance.

Check Register and Bank Statements ending October 31, 2020

Everything looks good.

Financial Reports ending October 31, 2020

Everything looks good.

Directors Report

- Holiday in the Park has seen great ticket sales. Opening night is sold out with a total of 200 cars; 442 tickets have been sold all ready. Chamber of Commerce, LESA, 1st National Bank, St. Joseph's Church and other community members have all come together to make this successful. Wednesday, November 25th will be a dry run from 6-7pm for members to drive through and view.
- REC Software update-the kick off is November 24th and it should be up and running when the new facility opens. It has been an easy and positive experience so far.
- New Ocoala Center is moving along fantastically and is almost closed in. Walking track was poured and dry wall has arrived. They are paving the parking lot next week.

Old Business

Jean Graham asked if what she was hearing about the Aquatic center reopening was true? Director Church responded that the school is looking for a way to open the pool back up for gym classes and lifeguard classes. They are looking for a facility manager.

New Business

- None heard
-

Next Meeting

The next regular meeting is scheduled for Tuesday, December 15, 2020 at 7 pm and will be virtual.

Motion to adjourn at 7:45 pm by Jeanette Ambrose supported by Diana Lowe. **Motion carried 5-0.**

Approved

Date

Respectfully Submitted by: Tammy L. Beal, Secretary

MHOG Water Authority Meeting
November 18, 2020
5:00 PM at Oceola Township Hall

AGENDA

- 1. Approval of the Minutes of October 21, 2020**
- 2. Call to Public**
- 3. Reports**
 - **Staff Reports: Greg Tatara**
 - **Treasurer (Robin Hunt)**
 - **Engineer (Gary Markstrom)**
 - **CPA (Ken Palka)**
- 4. New Business**
 - **Correspondence**
- 5. Old Business**
- 6. Adjournment**

Marion Howell Oceola Genoa

WATER AUTHORITY

MHOG Water Authority Meeting MINUTES

The Marion, Howell, Oceola, Genoa Water Authority met on October 21, 2020 at 5:00 PM. Members present were Bamber, Coddington, Rogers, Hanvey, Schuhmacher, Hunt and Counts.

The meeting was called to order by Chairman Hanvey.

A motion was made by Schuhmacher to approve the minutes of the September 16, 2020 meeting with Palka changed to Tatara on 2 motions. The motion was seconded by Rogers and carried.

A call to the public was held.

A motion was made by Rogers to accept the Nelson Proposal to supervise the painting of the Oceola and Genoa Water Tanks for \$31,450. The motion was seconded by Counts and carried.

A motion was made by Coddington authorizing the removal and inspection of Pump #3 and rebuild it if necessary for up to \$30,299. The motion was seconded by Schuhmacher and carried.

A motion was made by Schuhmacher to upgrade the SCADA at the Sanitorium Booster Station. The cost is \$13,895. The motion was seconded by Hunt and carried.

A motion was made by Schuhmacher to approve expenditures of \$212,901.16 from the MHOG Operating Fund represented by check numbers 8544-8582 and PR 593 to 600. The motion was seconded by Coddington and carried.

A motion was made by Counts to approve expenditures of \$135,240.42 in MHOG Connection Fees represented by check number 1014 & 1015. The motion was seconded by Schuhmacher and carried.

A motion was made by Hunt to adjourn. The motion was seconded by Coddington and carried.

William J. Bamber, Secretary



MHOG Utility Department

2911 Dorr Road
Brighton, MI 48116
810-227-5225
www.mhog.org

November 13, 2020

Marion, Howell, Oceola, and Genoa Sewer and Water Authority
1577 North Latson Road
Howell, MI 48843

Subject: M.H.O.G. – November 2020 Board Packet

Dear Board Members;

For the previous month, the MHOG System operated very well. With lower demand, operators have been working to get the smaller north cone in operation and in the distribution system, they also have been repairing fire hydrants from the fall flushing.

- We have not had much activity on the 24-inch water main project as we are waiting on the State DNR to respond to our easement request.
- We are working on the painting of the Oceola and Genoa Towers for 2021. Provided in the report are renderings of the two towers based on last month's comments. We are looking for any additional comments or changes to the tower designs. In working with Nelson, we have a pre-bid meeting scheduled for January 26, 2021, with bids due February 9th. It is slated to have Genoa Tower painting between April 1 and June 1, and then Oceola from September 1 to November 1.
- New development has been busy with several walk through inspections, tie ins, and bacteriological testing. A complete summary of the new development activity is provided in the report.
- In October, 2901 Earl Lake Road tied into water. As part of the tie in, they dug up the curb stop and connected 1-inch Poly line to the compression curb stop and brought it into the home. They backfilled with the clay soil on site. During some heavy rains overnight, the dirt in their trench settled, and caused the curb stop to pull off of the pipe. With a full 1-inch service running, water ran in over the sill plate of 2885 Earl Lake Road, and flooded the basement. We had Serve Pro come and extract the water, remove the wet materials and dry the basement. Attached, for the Board's consideration is a quote from Serv Pro to restore their basement. I explained to the owners of 2885 Earl Lake, that items would have to be depreciated. I am not sure we can go after anyone, as we were not present for the

connection, so we don't know if the neighbor's contractor did anything to impact the curb stop, the extent to which the dirt settled and pulled on the piping, or how the water got into the basement. I am hopeful to meet with the homeowners regarding this repair estimate prior to the meeting.

- Presented in the report is an update/status letter on the Hometown Lawsuit. It essentially sounds like a discovery period is being established regarding property ownership and the quiet title.
- The existing computer server was installed at MHOG in 2011. This server, which uses Microsoft 2008, is no longer supported, so if we have an issue, Microsoft will not provide a new operating platform for it. As a result of the age of the server, and the amount of data on it, we are being encouraged by our IT person to upgrade this server. Provided in the report is quote from Network Services Group to upgrade our server at MHOG.
- T-Mobile has sent an addendum to continue with the lease on the Howell Township tower. If the Board recalls, we did not want to renew the lease due to T-Mobile not removing their equipment the last time we painted the tower. However, before totally rejecting this, as 4 years of a lease equals over \$114,000, I want to verify with the board that this is still our intent. Alternatively, we could suggest language to the addendum requiring them to remove their equipment and set up a Cell On Wheels, once during the lease term. We could also propose no automatic renewals as well. I look forward to determining a direction with the Board at the meeting.
- The Deputy Report includes monthly production data, hydrant flushing data, as well as quotes for SCADA upgrades and well service.
- Mr. Ken Palka is working on the FY 2020 ending budget report prior to the Audit. In addition, he is also working on the 6-month budget to actual report for the DPW Fund. We are hopeful to distribute and review both of these financial reports with the Board at the meeting.

We look forward to discussing the contents of the report in detail with the Board at the regular meeting on November 18, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Tatara", is positioned above the printed name.

Greg Tatara
Utility Director

Section 3 - Deputy Director Report

Production

The MHOG WTP produced 45.071 MG in the month of October 2020. This was a 0.9% decrease compared to October 2019. We averaged 1.454 MG per day. Our peak day for the month of 1.809 MG occurred on Friday, October 9, 2020. *See Attachments 3B.1 – 3B.3.*

Compliance

- There were no permit exceedences in the month of October.

Highlights

- None

Plant

- None

Booster Stations and Towers

- 10/29/20 – Golf Club Road PRV – K&J Electric replaced the exterior breaker panel enclosure.

Water Mains and Services

- 10/07/20 – 4253 Sonata – Operators cut out a 2' X 3' section of concrete driveway to lower a curb stop box 2" to grade. The operators poured new concrete to repair the driveway.
- 10/09/20 – 6719 & 6723 Courtland Ave. – Mr. Management, the property management company, called to report a leak and standing water in the green belt in front of the 2 addresses. Operators investigated and found no leak or standing water. The operators spoke to one of the homeowners and they informed him that the periodic puddle is from their sump discharge. The homeowner said that Mr. Management knows that this is not a leak.
- 10/19/20 & 10/20/20 – Marion Oaks – Operators collected 2 sets of bactis. Both sets of bactis were negative.
- 10/23/20 – Marion Oaks – Operators witnessed the water main tie-in. Operators flushed the water main afterward.
- 10/23/20 – 2901 Earl Lake Dr. – Operators were notified of a leak. Water was flowing out of the ground from around the curb stop box, across the driveway and up against the neighbor's home. The water main needed to be isolated to stop the leak. After excavating it was observed that the homeowner's side of the service had pulled away from the curb stop. The service was repaired and the water main was flushed. The

affected homes were placed on a boil water notice. Two sets of bactis were collected. Both sets of bactis were negative.

- 10/26/20 – Ocoola Community Center – Operators witnessed the tie-in of the new water main and flushed it afterward.

Hydrants and Valves

- 10/20/20 – Fall hydrant flushing complete.
- 10/21/20 – Operators began repairs following fall hydrant flushing.
- 10/21/20 – H1370 – West side of Salvation Army Building – The hydrant was hit by a vehicle on 10/15/20. Operators repaired and reinstalled the hydrant.
- 10/21/20 - H1300 – Lawson Dr. south of Grand River – The hydrant was hit by a vehicle on 10/16/20. Operators repaired and reinstalled the hydrant.

Miss Dig

A total of 351 Miss Digs were received in the month of October. All Miss Digs were reviewed and 120 were marked in the MHOG water system. *See Attachment 3C.*

Water Loss

Please see *Attachment 3D* for a summary of the known non-metered water loss for this past month.

HOWELL AREA FIRE AUTHORITY AGENDA

Date: November 18, 2020

Time: 6:00 PM

Location: Remote access via BlueJeans, <https://bluejeans.com/931033109>

Board members

Bill Bamber, Oceola Twp, Chairman

Mike Coddington, Howell Twp., Vice Chairman

Mark Fosdick, Cohoctah Twp., Secretary

Robert Hanvey, Marion Twp., Member

Nick Proctor, City of Howell, Treasurer

Ron Hicks, Fire Chief

Laura Walker, Asst. Sec/Treasurer

WELCOME!

Visitors are invited to attend all meetings of the Howell Area Fire Authority Board. If you wish to address the Board, you will be recognized by the Chairman, and then state the County, City, Township, or Village and State from which he or she is attending the meeting remotely.

Meeting called to order at 6:00pm

Pledge of Allegiance

Discussion/Approval: Temporary remote access meeting policy.

Approve the minutes of the regular meeting of October 21, 2020

Call to public (Items not on the agenda)

Personnel Issue Appeal

Discussion/Approval of MERS Resolution 06-20 to designate Chief Hicks to be the authorized representative of the Employer to execute contracts with MERS.

Discussion/Approval Contract renewal for HAFA Attorney Kevin Gentry

Discussion/Approval 2021 Howell Area Fire Authority Board Meeting Schedule

Chief's Comments

- Engine 20

Approve Payment of Bills and Payroll in the amount of \$143,468.88

- New Business
-

Old Business

Closed Session

Adjournment

HOWELL AREA FIRE AUTHORITY

October 21, 2020 – 6:00 pm

Oceola Township Hall – 1577 N. Latson Rd. Howell, MI 48843

Present: Chairman Bill Bamber, Vice Chairman Mike Coddington, Treasurer Nick Proctor, Secretary Mark Fosdick, Member Bob Hanvey, Attorney Kevin Gentry, Fire Chief Ron Hicks, Asst. Sec/Treas. Laura Walker

Chairman Bill Bamber called the meeting to order at 6:00 pm

Approve minutes of the regular meeting of September 16, 2020: MOTION by Mr. Proctor, SUPPORT by Mr. Coddington to approve the minutes of the regular meeting of September 16, 2020. MOTION CARRIED UNANIMOUSLY.

Call to Public: No Response

Discussion/Approval 2019/2020 Annual Audit Presentation, Ken Palka: MOTION by Mr. Fosdick, SUPPORT by Mr. Coddington to receive and authorize PHP to send audit to the State of Michigan. MOTION CARRIED UNANIMOUSLY.

Approve Payment of Bills and Payroll: MOTION by Mr. Proctor, SUPPORT by Mr. Fosdick to authorize payment of bills and payroll in the amount of \$231,154.92. MOTION CARRIED UNANIMOUSLY.

Adjourn: MOTION by Mr. Proctor, SUPPORT by Mr. Fosdick to adjourn the meeting at 6:30pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted: _____
Laura Walker, Asst. Secretary/Treasurer

Approved By: _____
Mark Fosdick, Secretary

MONTHLY UPDATE TO THE BOARD

TO: HOWELL AREA FIRE AUTHORITY BOARD OF DIRECTORS
FROM: RON HICKS, FIRE CHIEF
SUBJECT: MONTHLY HAFD REPORT FOR OCTOBER 2020
DATE: NOVEMBER 18, 2020

During the month of October, the HAFD responded to a total of 141 calls for service. There were 110 calls in October of 2019. The total year-to-date runs for 2020 is 1428. Last year's total at the end of October was 1311.

Some of the more significant events for the month included:

On October 6th, Howell Firefighters were dispatched AMA to a structure fire in the 6000 block of Sherwood Rd. in Conway Township. Upon arrival units reported a working fire on the rear deck with extension up the rear of the home and into the attic.

On October 13th Howell Firefighters responded to a multi vehicle accident on E.B. I96 involving a wrong way driver. Upon arrival units found a head on crash along with damage to several other vehicles and a semi truck. At the time of the accident it appeared the wrong way driver traveled approximately (3) miles before striking the other vehicle.

On October 14th Howell Firefighters were dispatched to an unknown accident on Francis Rd. in Marion Township. Units arrived to find a car vs tree with an unresponsive driver, Firefighters assisted EMS and provided a driver to U of M in Ann Arbor.

On October 14th Howell Firefighters were dispatched to assist police with gaining access to an apartment in the City of Howell. After gaining access units reported the occupant was deceased and requested the medical examiner. Later that day Firefighters were requested by the ME to assist with body removal.

Training for the month of October consisted of HazMat dress out, HazMat identification and SOG updates.

The next meeting of the Howell Area Fire Authority Board is scheduled for Wednesday November 18th, 2020 at 6:00 pm.



Howell Area Fire Department Fire Marshal Division

1211 W Grand River Ave Howell, MI 48843
office: 517-546-0560 fax: 517-546-6011
firemarshal@howellfire.net

DATE: November 11, 2020
TO: Chief Ron Hicks
Fire Authority Board
FROM: Jamil Czubenko, Deputy Chief/Fire Marshal
REF: October 2020 Month End

The month of October 2020 was busy in the Fire Marshal Division (FMD).

The FMD participated in emergency responses and department training throughout the month.

October continued to have the FMD very active in the department's Covid-19 planning and response. Planning for our personnel and their response to our customers with the appropriate PPE along with ever changing medical protocols. Although request have slowed down, I am still handling the Logistics for PPE requests from public safety agencies within the county.

The FMD has been involved with buyers and sellers of property for vacant property and existing buildings throughout our jurisdiction. A few proposals for projects have been submitted for review and comment.

The FMD continues to work with businesses to assist them in complying with the various MDHHS Executive Orders. This has been a balance of education and consultation to get our customers where they need to be, to be compliant and open. This effort continues, as the situation is ever changing.

The HAFD visited 6 homes and installed a total of 5 batteries and 10 smoke detectors. To date, 105 smoke and 9 CO detectors have been installed by the HAFD.

November 2020 brings us more planning for future projects and various fire prevention events.

INCIDENT NUMBER	INCIDENT TYPE	DATE	LOCATION	APPARATUS
2020-1425	311 - Medical assist, assist EMS crew	10/26/2020	5855 WARNER RD	BR20
2020-1436	311 - Medical assist, assist EMS crew	10/28/2020	1021 E BARRON RD	BR24
2020-1444	600 - Good intent call, other	10/31/2020	3480 BREWER RD	EN21,EN24,FM2

Total # Incidents for HOWELL TWP:

30

ZONE: MARION - MARION Twp

2020-1308	311 - Medical assist, assist EMS crew	10/02/2020	658 GLENLIVET ST	BR20
2020-1311	745 - Alarm system activation, no fire - unintentional	10/02/2020	56 S BURKHART RD	C-2,EN23
2020-1322	611 - Dispatched & cancelled en route	10/04/2020	822 SPIREA	BR20
2020-1323	311 - Medical assist, assist EMS crew	10/04/2020	4692 VINES RD	BR20,BR23,CH23,CPT23,LT23
2020-1326	551 - Assist police or other governmental agency	10/04/2020	5756 LOWE RD	BR20
2020-1335	551 - Assist police or other governmental agency	10/06/2020	1188 WEATHERSTONE LN	C-202
2020-1344	311 - Medical assist, assist EMS crew	10/08/2020	400 WRIGHT RD	BR23,CH23,CPT23
2020-1349	324 - Motor vehicle accident with no injuries.	10/10/2020	136 W I96	EN21
2020-1357	631 - Authorized controlled burning	10/11/2020	2818 BUTTERCUP CT	BR20,BR23,CH23,CPT23
2020-1359	631 - Authorized controlled burning	10/11/2020	3999 MASON RD	LT202
2020-1361	311 - Medical assist, assist EMS crew	10/12/2020	124 SEDUM	BR20
2020-1373	322 - Motor vehicle accident with injuries	10/14/2020	875 FRANCIS RD	C-202,EN21
2020-1375	311 - Medical assist, assist EMS crew	10/14/2020	4397 SUNDANCE XING	EN23
2020-1390	311 - Medical assist, assist EMS crew	10/16/2020	3745 PINCKNEY RD	BR23,CPT23
2020-1394	611 - Dispatched & cancelled en route	10/17/2020	590 E DAVIS RD	C-2
2020-1395	746 - Carbon monoxide detector activation, no CO	10/17/2020	3724 PRESCOTT DR	CPT23,EN23
2020-1402	561 - Unauthorized burning	10/20/2020	5373 STONE GARDEN DR	BR23
2020-1403	311 - Medical assist, assist EMS crew	10/20/2020	124 SEDUM	BR20
2020-1411	322 - Motor vehicle accident with injuries	10/23/2020	350 W COON LAKE RD	BR23,EN23,LT23
2020-1412	311 - Medical assist, assist EMS crew	10/24/2020	5536 BENTLEY LAKE RD	BR20,BR23,CH23,CPT23
2020-1415	324 - Motor vehicle accident with no injuries.	10/24/2020	2999 W COON LAKE RD	CH23,EN23
2020-1421	700 - False alarm or false call, other	10/25/2020	775 SEXTON RD	CH23,EN23,LT23
2020-1427	553 - Public service	10/26/2020	2875 SANITORIUM RD	BR20
2020-1429	611 - Dispatched & cancelled en route	10/26/2020	2112 INDUSTRIAL ST	C-2
2020-1430	631 - Authorized controlled burning	10/26/2020	1209 S ALSTOTT DR	BR20
2020-1433	311 - Medical assist, assist EMS crew	10/28/2020	4000 JEWELL RD	BR23,C-2
2020-1443	324 - Motor vehicle accident with no injuries.	10/30/2020	299 S BURKHART RD	C-202,EN20

Total # Incidents for MARION:

27

ZONE: OCEOLA - OCEOLA Twp

2020-1314	311 - Medical assist, assist EMS crew	10/02/2020	86 ENDICOTT DR	BR22
2020-1316	311 - Medical assist, assist EMS crew	10/03/2020	2433 MONTE CARLO DR	BR22,CH22,EN21
2020-1330	311 - Medical assist, assist EMS crew	10/06/2020	1633 WHITE BLOSSOM LN	BR22,C-202,FM2

Only REVIEWED incidents included. Archived Zones cannot be unarchived.



**LIVINGSTON COUNTY SHERIFF'S OFFICE
MARION TOWNSHIP SEPTEMBER 2020**

Nature	# Events
911 HANG UP	1
ALARM	3
ANIMAL COMPLAINT	1
ASSIST EMS	1
ASSIST OTHER AGENCY	4
BURGLARY REPORT ONLY	1
CARDIAC/RESPIRATORY ARREST	2
CHILD OR ADULT ABUSE/NEGLECT	1
CITIZEN ASSIST	3
CIVIL COMPLAINT	1
DISTURBANCE/TROUBLE	3
DOMESTIC VERBAL	2
EXPLOSION	1
FRAUD	3
HAZARD	5
INDECENT EXPOSURE	2
INTIMIDATION THREATS HARASSMEN	1
LARCENY	1
LOST/FOUND PROPERTY	2
LOUD PARTY	1
MDOP	3
MENTAL/CMH/PSYCH	1
MOTORIST ASSIST	2
NOISE COMPLAINTS	1
PARK/TRAF COMP	2
PDA	7
SHOTS FIRED	2
SUICIDAL SUBJECT	1
SUSPICIOUS SITUATION	1
SUSPICIOUS VEHICLE	2
TRESPASSING, LOITERING	2
UNCONSCIOUS/FAINTING	1
UNKNOWN ACCIDENT	1
WELFARE CHECK	2
TOTAL:	67

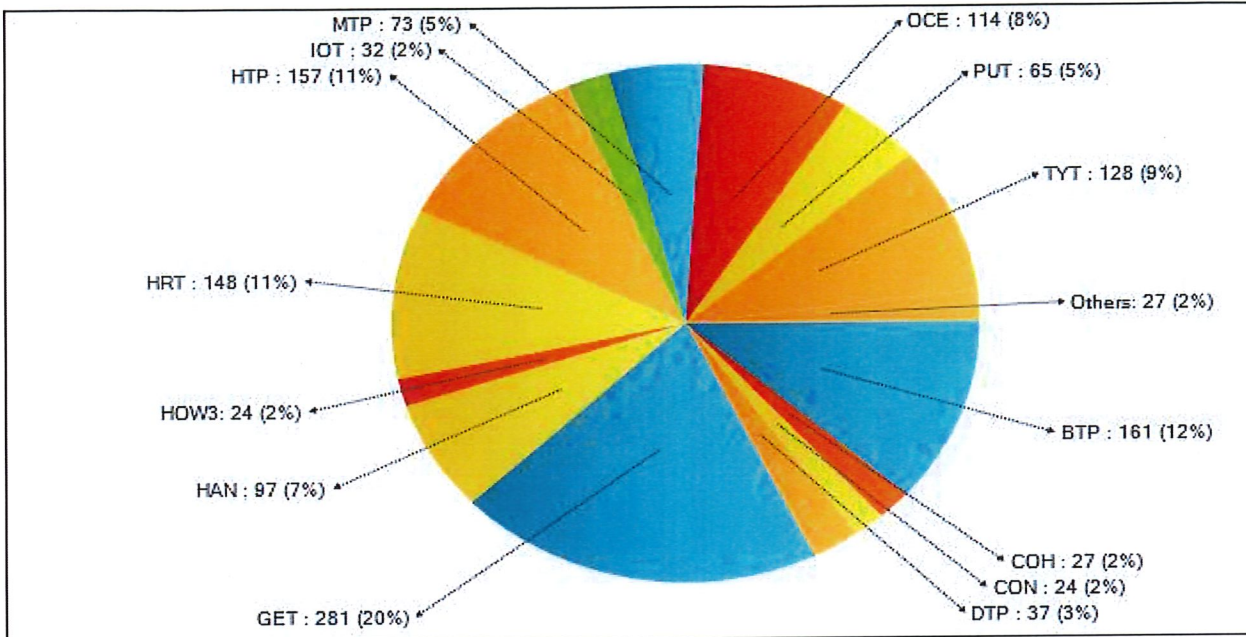
**LIVINGSTON COUNTY SHERIFF'S OFFICE
MARION TOWNSHIP OCTOBER 2020**

Nature	# Events
911 HANG UP	2
ABANDONED VEHICLE	2
ALARM	7
ANIMAL COMPLAINT	3
ASSIST EMS	1
CARDIAC/RESPIRATORY ARREST	1
CIVIL COMPLAINT	2
CRIMINAL SEXUAL CONDUCT REPORT	1
DISTURBANCE/TROUBLE	1
DOMESTIC PHYSICAL IN PROGRESS	2
FRAUD	3
HAZARD	3
INTIMIDATION THREATS HARASSMEN	1
LARC IN PROGRESS	1
LOUD PARTY	1
MENTAL/CMH/PSYCH	2
MOTORIST ASSIST	1
NOISE COMPLAINTS	1
PATROL INFORMATION	2
PDA	11
PERSONAL INJURY ACCIDENT	4
PHYSICAL DOMES REPORT ONLY	1
PIREF (REFUSE EMS)	2
SHOTS FIRED	5
SUICIDAL SUBJECT	2
SUSPICIOUS SITUATION	5
SUSPICIOUS VEHICLE	2
TRESSPASSING, LOITERING	1
UNKNOWN ACCIDENT	1
WELFARE CHECK	2
TOTAL:	73

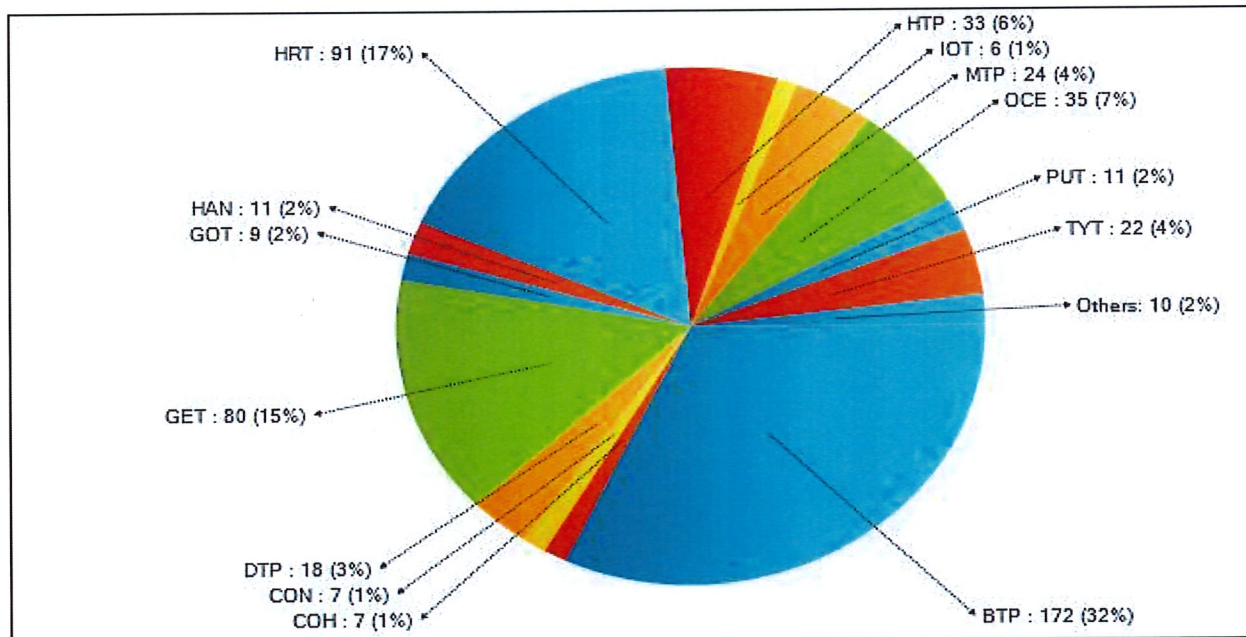
MARION 2020

	CALLS FOR SERVICE	TICKETS WRITTEN	ARRESTS
JANUARY	79	13	3
FEBRUARY	81	14	5
MARCH	64	25	3
APRIL	61	6	5
MAY	79	12	5
JUNE	69	6	0
JULY	69	6	4
AUGUST	98	12	7
SEPTEMBER	67	9	4
OCTOBER	32	2	1
NOVEMBER	0	0	0
DECEMBER	0	0	0
	699	105	37

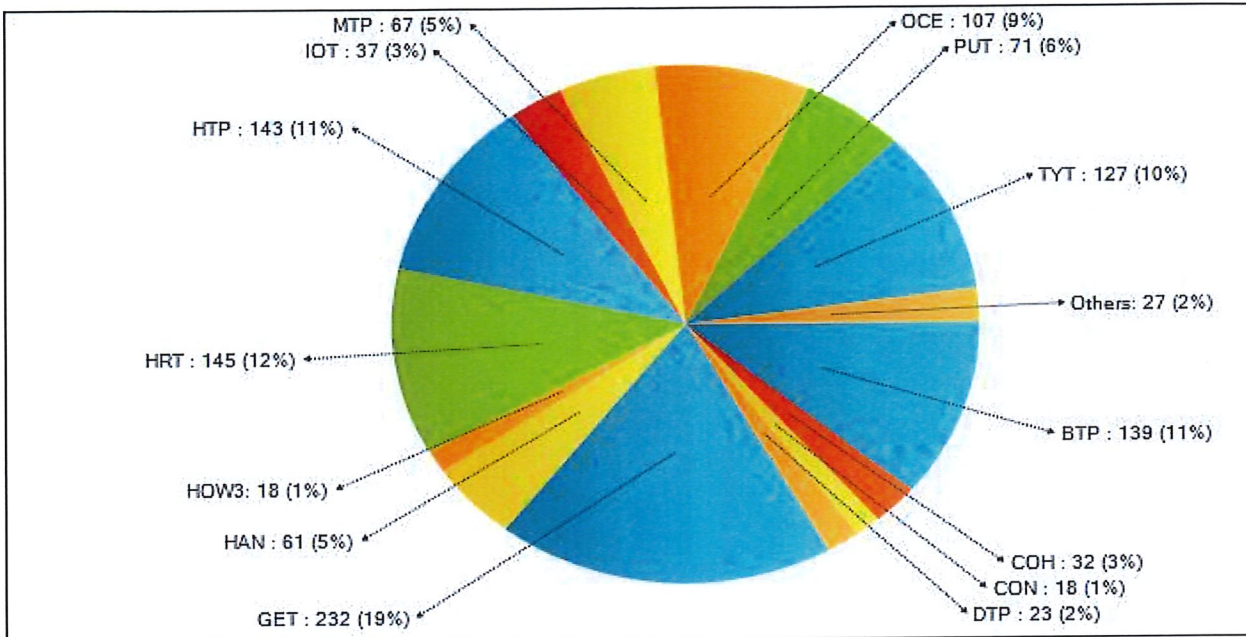
LIVINGSTON COUNTY SHERIFF'S OFFICE
 OCTOBER 2020 CALLS FOR SERVICE



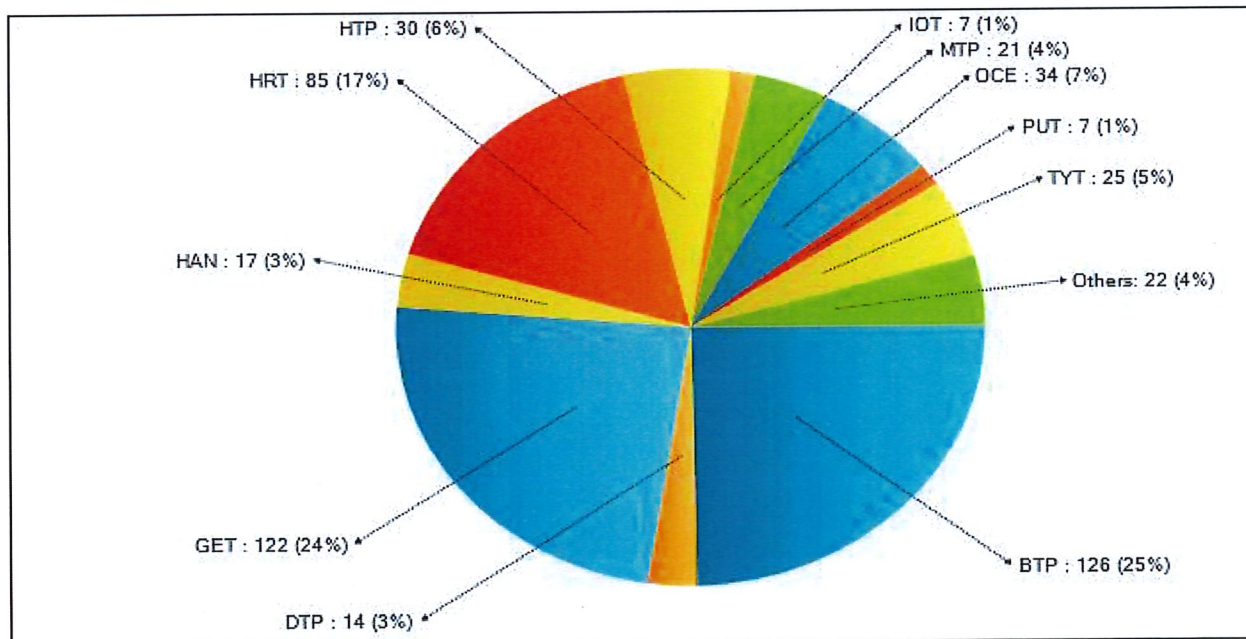
MICHIGAN STATE POLICE
 OCTOBER 2020 CALLS FOR SERVICE



LIVINGSTON COUNTY SHERIFF'S OFFICE
 SEPTEMBER 2020 CALLS FOR SERVICE



MICHIGAN STATE POLICE
 SEPTEMBER 2020 CALLS FOR SERVICE



DPW Report

	2020												
	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
WATER													
NEW	6	9	5	2	16	0	4	6	13	3	5		69
EXISTING													
REPLACEMENT													
IRRIGATION													
NEW	1	0	4	5	5	5	3	10	26	7	6		72
EXISTING													
SEWER													
NEW	6	8	4	2	17	0	7	6	13	1	4		68
EXISTING													
TOTAL	13	17	13	9	38	5	14	22	52	11	15		209

GENERAL FUND CHECKING

Previous Balance	\$	1,446,151.88
Receipts	\$	242,138.40
Interest	\$	298.92
	\$	<u>1,688,589.20</u>
Expenditures	\$	86,289.78
Balance	\$	<u>1,602,299.42</u>

CEMETERY FUND

Previous Balance	\$	33,184.39
Receipts	\$	1,000.00
Interest		
	\$	<u>34,184.39</u>
Expenditures	\$	2,900.00
Balance	\$	<u>31,284.39</u>

PARKS & RECREATION FUND

Previous Balance	\$	22,194.90
Receipts	\$	119.50
Interest		
	\$	<u>22,314.40</u>
Expenditures	\$	-
Balance	\$	<u>22,314.40</u>

WATER - NEW USER

Previous Balance	\$	449,242.12
Receipts	\$	23,454.50
Interest	\$	-
	\$	<u>472,696.62</u>
Expenditures	\$	17,524.75
Balance	\$	<u>455,171.87</u>

SEWER OPERATING & MANAGEMT

Previous Balance	\$	133,749.61
Receipts	\$	32,657.10
Interest		
	\$	<u>166,406.71</u>
Expenditures	\$	27,680.48
Balance	\$	<u>138,726.23</u>

SEWER - NEW USER

Previous Balance	\$	389,060.89
Receipts	\$	37,000.00
Interest		
	\$	<u>426,060.89</u>
Expenditures	\$	-
Balance	\$	<u>426,060.89</u>

SPEC ASSESS. FUND

Previous Balance	\$	172,924.90
Receipts	\$	-
	\$	<u>172,924.90</u>
Expenditures	\$	56,606.25
Balance	\$	<u>116,318.65</u>

ESCROW FUND

Previous Balance	\$	271,723.16
Receipts	\$	13,149.25
	\$	<u>284,872.41</u>
Expenditures	\$	179,367.50
Balance	\$	<u>105,504.91</u>

CURRENT TAX FUND

Previous Balance	\$	41,230.37
Receipts	\$	33,825.42
	\$	<u>75,055.79</u>
Expenditures	\$	51,098.64
		48764.52+2334.12 NSF

Balance

\$

23,957.15

SUMMARY TOTALS

General Fund	\$	1,602,299.42
Cemetery Fund	\$	31,284.39
Parks & Rec Capital Chk	\$	22,314.40
Water - New User	\$	455,171.87
Sewer Operating & Mana	\$	138,726.23
Sewer - New User	\$	426,060.89
Special Assess. Fund	\$	116,318.65
Escrow Fund	\$	105,504.91
Current Tax Fund	\$	23,957.15
TOTAL	\$	<u>2,921,637.91</u>

#101 General Fund Transactions by Account

As of November 30, 2020

001 - CASH - GENERAL - FNB	Date	Num	Name	Memo	Amount
	11/02/2020	11192	Renee Hocking	October 2020 CLEANING	-485.00
	11/02/2020	11193	AAA Service Network	VOID: SERVICE FEE FOR MAINTENANCE ON	0.00
	11/02/2020	11194	AAA Service Network	SERVICE FEE FOR MAINTENANCE ON 11/2/2	-160.00
	11/02/2020	11195	DAVID HAMANN	OCTOBER 2020 MILEAGE	-120.18
	11/02/2020	11196	Karen Hawkins	OCTOBER 2020 MILEAGE	-136.28
	11/02/2020	11197	Duane Stokes	OCTOBER 2020 MILEAGE	-55.20
	11/02/2020	11198	Gail Ann Burlingame	OCTOBER 2020 MILEAGE	-30.00
	11/02/2020	11199	Jessica Timberlake	OCTOBER 2020 EXPENSE	-44.94
	11/02/2020	11200	PRINTING SYSTEMS INC	ACCOUNT# 1136 / INVOICE# 217128	-208.34
	11/02/2020			Deposit	182,881.00
	11/02/2020			Deposit	3,872.12
	11/03/2020	11191	Showerman Family Cooking	November 3 2020 ELECTION FOOD - 55 PEOF	-660.00
	11/04/2020	ATT- NOV20		AT&T CELL TOWER LEASE PAYMENT NOVE	2,281.31
	11/04/2020	ATT- NOV20		AT&T PAYMENT 10/28/20 - LEASE RENEWAL	10,000.00
	11/04/2020	11207	LIV CO ASSESSOR'S ASSOC	DATABASE AUDIT & CLEANUP 11/18/2020 - K	-30.00
	11/05/2020	11201	PHILLIP CAMPBELL	VOID: NOVEMBER 2020 ELECTION CLEAN UI	0.00
	11/05/2020	11202	PHILLIP CAMPBELL	NOVEMBER 2020 ELECTION CLEAN UP-SET	-215.00
	11/05/2020	11208	BARBARA HAMANN	OCTOBER 2020 MILEAGE	-8.05
	11/05/2020	11209	D STAT Pro Services	CUSTOMER# 10007 / SANITATION AFTER 11/	-849.74
	11/05/2020	11210	STATE OF MICHIGAN	RENEWAL OF ASSESSOR CERT: LOREEN JL	-400.00
	11/05/2020	11211	Culligan of Ann Arbor	ACCOUNT 760611 / INVOICE# 630324, 635421	-96.50
	11/05/2020	11212	AT&T -General	ACT# 517 546 6622 125 8 / INV# 517546662201	-289.21
	11/05/2020	11213	MICHAEL J. KEHOE, P.C.	INVOICE# 3198 & 3199	-259.25
	11/05/2020	11214	CUMMINGS, MCCLOREYC DAVIS & ACHO	INVOICE# 317082 GENERAL LEGAL	-150.00
	11/05/2020	11206	LIV CO ASSESSOR'S ASSOC	VOID: DATABASE AUDIT & CLEANUP 11/18/2	0.00
	11/05/2020	11217	JOE VELLARDITA	VOID: Parking Lot Expansion	0.00
	11/05/2020	ELECT20TAX		TOTAL TAXES FOR NOVEMBER 2020 ELECT	-2,143.86
	11/05/2020	OCT.20TAX		TOTAL TAXES FOR OCTOBER 2020 PAYROL	-10,713.41
	11/05/2020	76168977-XX	SCOTT R. LLOYD	OCTOBER 2020 PAYROLL	-260.31
	11/05/2020	76168978-XX	DANIEL F. LOWE	OCTOBER 2020 PAYROLL	-676.13
	11/05/2020	76168976-XX	LESLIE D. ANDERSEN	OCTOBER 2020 PAYROLL	-375.57
	11/05/2020	76168979-XX	LARRY J. FILLINGER	OCTOBER 2020 PAYROLL	-184.70

#101 General Fund
Transactions by Account
As of November 30, 2020

Date	Num	Name	Memo	Amount
11/05/2020	76168980-XX	EDMUND J. GALUBENSKY	OCTOBER 2019 PAYROLL	-92.35
11/05/2020	76168981-XX	JEAN ROOT	OCTOBER 2020 PAYROLL	-88.10
11/05/2020	76168981-XX	JAMES L. ANDERSON JR.	OCTOBER 2020 PAYROLL	-176.20
11/05/2020	76168983-XX	BRUCE V. POWELSON	OCTOBER 2020 PAYROLL	-184.70
11/05/2020	76168984-XX	CHERYL A. RANGE	OCTOBER 2020 PAYROLL	-184.70
11/05/2020	6306485-DD	TAMMY L. BEAL	OCTOBER 2020 PAYROLL	-2,572.25
11/05/2020	6306486-DD	JESSICA S. TIMBERLAKE	OCTOBER 2020 PAYROLL	-2,425.20
11/05/2020	6306487-DD	THOMAS A. LLOYD	OCTOBER 2020 PAYROLL	-501.37
11/05/2020	6306488-DD	KITSEY A. RENNELLS	OCTOBER 2020 PAYROLL	-2,665.01
11/05/2020	6306490-DD	DIANE D. BOCKHAUSEN	OCTOBER 2020 PAYROLL	-184.70
11/05/2020	6306491-DD	GAIL A. BURLINGAME	OCTOBER 2020 PAYROLL	-2,690.22
11/05/2020	6306492-DD	DUANE M. STOKES	OCTOBER 2020 PAYROLL	-2,076.09
11/05/2020	6306493-DD	SANDRA J. LONGSTREET	OCTOBER 2020 PAYROLL	-2,193.96
11/05/2020	6306494-DD	GREGORY L. DURBIN	OCTOBER 2020 PAYROLL	-1,075.37
11/05/2020	6306495-DD	LINDA M. MANSON-DEMPESEY	OCTOBER 2020 PAYROLL	0.00
11/05/2020	6306496-DD	DAVE HAMANN	OCTOBER 2020 PAYROLL	-2,732.89
11/05/2020	6306497-DD	LAWRENCE W. GRUNN	OCTOBER 2020 PAYROLL	-308.34
11/05/2020	6306498-DD	ROBERT W. HANVEY	OCTOBER 2020 PAYROLL	-3,750.33
11/05/2020	6306499-DD	KAREN D. HAWKINS	OCTOBER 2020 PAYROLL	-2,070.21
11/05/2020	6306500-DD	PATRICIA J. HUGHES	OCTOBER 2020 PAYROLL	-249.45
11/05/2020	6306501-DD	LOREEN B. JUDSON	OCTOBER 2020 PAYROLL	-3,700.73
11/05/2020	11218	VOYA Institutional Trust	OCTOBER 2020 PAYROLL	-400.00
11/05/2020	11219	Marion Township Flex Fund	OCTOBER 2020 PAYROLL	-1,376.93
11/05/2020	11220	ALERUS PAYMENT SOLUTIONS	DIVISION# 400381 / PLAN ID# 628223 / #4720	-3,727.43
11/05/2020			Deposit	50.00
11/05/2020			Deposit	5.00
11/05/2020			Deposit	50.00
11/05/2020			Deposit	105.00
11/05/2020			Deposit	3,800.41
11/05/2020	11237	JULIE DAILEY	NOVEMBER 4, 2020 ELECTION	-1,166.22
11/05/2020	11238	FOWLERVILLE NEWS & VIEWS	VOID: INVOICE# 39539 / OCTOBER 2020 PUB	0.00
11/05/2020	76168985	KATHERINE L. ALWARD	NOVEMBER 3, 2020 ELECTION	-224.65
11/05/2020	76168996	JULIE DAILEY	NOVEMBER 4, 2020 ELECTION - REVERSED	-1,166.22

#101 General Fund Transactions by Account As of November 30, 2020

Date	Num	Name	Memo	Amount
11/10/2020	11203	VICTORIA PARGOFF	NOVEMBER 2020 ELECTION - SANITATION	-159.00
11/10/2020	11204	FAITH MCDEVITT	NOVEMBER 2020 ELECTION - SANITATION	-123.00
11/10/2020	11205	Gary Beal	NOVEMBER 2020 ELECTION - SET UP/CLEAN	-315.00
11/10/2020	11215	VOYA Institutional Trust	VOID: OCTOBER 2020 PAYROLL	0.00
11/10/2020	11216	Marion Township Flex Fund	VOID: OCTOBER 2020 PAYROLL	0.00
11/12/2020	11221	CARLSLEWORTMAN, Inc.	CLIENT# 266 / INVOICE# 2158863 & 2158865	-727.50
11/12/2020	11222	WATER TECH	INVOICE# 48919 Water Analysis	-50.00
11/12/2020			Deposit	421.12
11/13/2020		PAROLL FEES	ADP FEE - GENERAL AND ELECTION INSPEC	-371.45
11/16/2020	11223	JOE VELLARDITA	Parking Lot Expansion	-8,002.00
11/16/2020	11224	ECONO-PRINT INC.	INVOICE# 661155 / 2020 Winter TAX BILLS -P	-2,394.18
11/16/2020	11225	MARY CHIAPPARO	HALL RENTAL REFUND 12/12/2020	-200.00
11/17/2020		CHA-JUL-SEP	CHARTER PAYMENT JULY, AUGUST, SEPT	33,564.16
11/17/2020			Deposit	1,425.00
11/18/2020			Deposit	1,575.00
11/19/2020	11226	Anynetwork.com, LLC	Inv #1973 New Sound System adjustments & S	-3,153.66
11/19/2020	11227	Marion Township Flex Fund	2020 PRORATED BCBS DEDUCTIBLE FOR S	-646.14
11/19/2020	11228	Fire Alarm Service Team LLC	INVOICE# 1179-5712 / EXTEND CABLE AND F	-255.00
11/19/2020	11229	CONSUMERS ENERGY	ACCOUNT# 1000 1974 2632 10/09/20 - 11/09/2	-177.59
11/19/2020	11230	Michigan.com	ACCOUNT# PA0031840 / 11/01/20 - 11/30/20 S	-480.02
11/19/2020	11231	QUADIANT FINANCE USA, INC.	ACT# 790004449626229 / NOVEMBER 3, 202	-300.00
11/19/2020	11232	DTE ENERGY	ACCOUNT# 9100 104 3211 0 / 09/04/20 - 10/0	-518.02
11/19/2020	11233	BEAR WATER TREATMENT	TICKET# 153343 / SERVICE DATE: 11/18/20	-102.66
11/19/2020	11234	STATE OF MICHIGAN	INV# 761-10586158 / UTILITIES	-138.12
11/19/2020	11235	QUADIANT FINANCE USA, INC.	ACT# 790004449626229 / NOVEMBER 3, 202	-300.00
11/23/2020	11236	LIV CO CLERK, Elections	November 2020 ELECTION - PROGRAMMING,	-2,207.57
11/23/2020		CK.REV.PAYR	REVERSAL OF JULIE DAILEY PAYROLL CHEI	1,166.22
11/24/2020	11239	Blue Cross Blue Shield of Michigan	GROUP 007017906710 / COVERAGE 12/15/20	-12,051.21
11/24/2020	11240	FOWLERVILLE NEWS & VIEWS	INVOICE# 39539 / OCTOBER 2020 PUBLICATI	-117.50
11/24/2020			Deposit	600.00
11/25/2020	11241	Colonial Life	BCN# E4270229 INVOICE# 4270229-1101475	-452.74
11/25/2020			Deposit	50.00
11/25/2020			Deposit	150.00

1:29 PM
12/02/20
Accrual Basis

#101 General Fund

Transactions by Account

As of November 30, 2020

Date	Num	Name	Memo	Amount
11/25/2020			Deposit	142.06
11/30/2020	11242	Renee Hocking	November 2020 CLEANING	-350.00
11/30/2020	11243	SPECTRUM PRINTING INC.	INVOICE# 65557/ 5 VOTE TEST DECKS - Nov	-414.58
11/30/2020	11244	Marion Township Flex Fund	2021 HSA DEDUCTIBLES FOR EMPLOYEES	-53,000.00
11/30/2020	11246	PNC Bank	ACT# 0532 / 10/19/2020 - 11/17/2020	-1,089.75
11/30/2020	11245	PNC Bank	VOID: ACT# 0532 / 10/19/2020 - 11/17/2020	0.00
11/30/2020	11247	ECONO-PRINT INC.	INVOICE# 66115 (2) / 2020 WINTER TAX BILL	-2,140.27
11/30/2020	11248	STAPLES	ACCOUNT# 6035 5178 2066 4075 / 10/20/20 -	-666.24
11/30/2020			Interest	298.92

2020 ZONING REPORT

	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Homes	7	11	4		22	4	5	10	20	1	5		89
Condo Units													0
Accessory Bldgs.	3	2	3		4	3	1	1	2	2			21
Decks	1		3		12	13	6	5	5	3	4		52
Pools					2	3	3	2	1				11
Additions			3		3	3	1	4	1	4	2		21
Land Balancing													0
Other		1				1		1	1	3	2		9
TOTAL LAND USES	11	14	13	0	43	27	16	23	30	13	13	0	203
Waivers	5	5	3		9	4	10	6	4	1	6		53
Finals	18	6	14		7	11	22	20	23	59	34		214
Site Plans													0
Pre-Planning Meetings													0
Sewer Inspections	2	4	4			10	2	0		17	4		43

John M. Pfeffer, C.P.A.
Patrick M. Hanniford, C.P.A.
Kenneth J. Palka, C.P.A.

Members:
AICPA Private Practice Companies Section
MACPA

225 E. Grand River - Suite 104
Brighton, Michigan 48116-1575
(810) 229-5550
FAX (810) 229-5578

November 12, 2020

Board of Trustees
Marion Township
2877 West Coon Lake Road
Howell, Michigan 48843

Dear Honorable Board of Trustees:

In planning and performing our audit of the financial statements of Marion Township as of and for the year ended June 30, 2020, in accordance with auditing standards generally accepted in the United States of America, we considered Marion Township's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Township's internal control. Accordingly, we do not express an opinion on the effectiveness of the Township's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore there can be no assurance that all such deficiencies have been identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be material weaknesses.

A deficiency in internal control exists when the design or operation of control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the following deficiencies in Marion Township's internal control to be material weaknesses:

1. ESTABLISH CONTROL OVER THE FINANCIAL REPORTING PROCESS

Management is responsible for establishing and maintaining internal controls, including monitoring, and for the fair presentation in the financial statements of financial position, results of operations, and cash flows, including the notes to financial statements, in conformity with U.S. generally accepted accounting principles.

At times, management may choose to outsource certain accounting functions due to cost or training considerations. Such accounting functions and service providers must be governed by the control policies and procedures of the Company. Management is as responsible for outsourced functions performed by a service provider as it would be if your personnel performed such functions. Specifically, management is responsible for management decisions and functions: for designating an individual with suitable skill, knowledge, or experience to oversee any outsourced services; and for evaluating the adequacy and results of those services and accepting responsibility for them.

As part of the audit, management requested us to prepare a draft of your financial statements, including the related notes to financial statements. Management reviewed, approved, and accepted responsibility for those financial statements prior to their issuance; however, management did not perform a detailed review of the financial statements. The absence of this control procedure is considered a material weakness because the potential exists that a material misstatement of the financial statements could occur and not be prevented or detected by the Township's internal control.

The existence of significant deficiencies or material weaknesses may already be known to management and may represent a conscious decision by management or those charged with governance to accept that degree of risk because of cost or other considerations. Management is responsible for making decisions concerning costs and the related benefits. We are responsible to communicate significant deficiencies and material weaknesses in accordance with professional standards regardless of management's decisions.

RESPONSE BY MANAGEMENT

Management believes the benefit of hiring additional personnel with the qualified experience to draft the financial statements does not outweigh the costs. Management has decided to maintain the current practice of requesting the auditing firm to draft the financial statements. Management has read, reviewed, understands and takes full responsibility for the financial statements.

2. SEGREGATION OF DUTIES

The Township has individuals responsible for maintaining the general ledger, writing and posting checks and signing checks (ability to make disbursements). We consider this a lack of segregating duties.

RESPONSE BY MANAGEMENT

Management believes because of the size of the Township, complete segregation of duties can not be done without significant additional costs. Therefore, management has decided to maintain the current practice.

Conclusion

We would like to thank the Marion Township officials and staff for their assistance and hospitality while conducting our audit fieldwork.

This communication is intended solely for the information and use of management, Township Board of Trustees, and others with the Township, and is not intended to be and should not be used by anyone other than the specified parties.

Pfeffer, Hanniford & Palka, P.C.

PFEFFER, HANNIFORD & PALKA
Certified Public Accountants

COMPLETE REPORT AVAILABLE AT TOWNSHIP

MARION TOWNSHIP

Report on Audit of Financial Statements

For the Year Ended June 30, 2020

DRAFT

MEMO

To: Marion Township Board

From: Bob Hanvey

Subject: Assessing Audit

Date: December 10, 2020

The attached documents from the Michigan Department of Treasury reflect the work of the Marion Township Assessing Staff. The township received a perfect score on the audit.

As a result of this, the County Designated Assessor contract that we approved at the last meeting will not be an issue for us.

Congratulations to our assessing staff: Lori Judson, Karen Hawkins, Pat Hughes, and Sandi Longstreet.



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

GRETCHEN WHITMER
GOVERNOR

RACHAEL EUBANKS
STATE TREASURER

November 12, 2020

Robert Hanvey, Supervisor
Marion Township, Livingston County
2877 W. Coon Lake Road
Howell, MI 48843

Dear Robert Hanvey:

As you are aware, Tax Management and Associates recently conducted an Audit of Minimum Assessing Requirements (AMAR) on behalf of the State Tax Commission. The audit indicated that Marion Township met all of the requirements of the AMAR. We wish to congratulate the Township on receiving a perfect score on the review and thank you for your cooperation throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read "William Gast".

William Gast, Specialist
Michigan Department of Treasury

Enc: AMAR Review

Cc: Marion Township Clerk
Marion Township Assessor
Equalization Director

Michigan State Tax Commission
Audit of Minimum Assessing Requirements
AMAR Review Sheet

The State Tax Commission, per MCL 211.10f, has jurisdiction to determine substantial compliance with the requirements of the General Property Tax Act. The AMAR review reflects the minimum assessing requirements of a local unit of government based on statute and STC Rules, Policy, Bulletins and Publications. Local units of government that do not meet one or more of the minimum requirements must submit a corrective action plan detailing how and when the deficiencies will be resolved.

Failure to submit an acceptable corrective action plan, or failure to resolve the deficiencies as outlined within the corrective action plan that is approved by the State Tax Commission, will result in a determination of substantial non-compliance and may result in the State Tax Commission assuming jurisdiction of the assessment roll of the local unit of government. Failure to meet one or more of the minimum AMAR requirements does not automatically result in State Tax Commission assumption of jurisdiction of the assessment roll.

Local Unit Background Information:

Year of Audit: 2020

Name of Local Unit: Marion Township

Name of County: Livingston County

Name of Assessor: Loreen B. Judson

Assessor Certification Level: MAAO

Name of Supervisor, City Manager or Mayor: Robert Hanvey

Title: Supervisor

Mailing Address for Supervisor, City Manager, or Mayor:

2877 W. Coon Lake Road Howell, MI 48843

What date did the assessor certify the assessment roll? 02/28/2020

What is the Residential Coefficient of Dispersion (COD) for the local unit? 12.03

Assessor had 457 valid sales to calculate a Residential COD of 12.03.

What is the Residential Price Related Differential (PRD) for the local unit? 01.00

Assessor had 457 valid sales to calculate a Residential PRD of 1.00.

Does the L-4022 in possession of the local unit match the L-4022 in possession of the County Equalization Director and the information uploaded on the L-4023 on the E-File Site? YES: NO:

The local unit's L-4022 signed and dated 3-17-20 matches the L-4022 in possession of the County Equalization Director and the information uploaded on the L-4023 on the E-File Site. 5,377 total real parcels with a total assessed value of 661,556,100.

MCL 211.7cc requires interest at a rate of 1.25% per month or fraction of a month to be charged to the owner of property that has been issued a PRE denial notice. Upon collecting the interest, MCL 211.7cc also details the required distribution of the interest depending on the governmental unit that issued the denial notice. Was Form 4142 completed and submitted to the Michigan Department of Treasury by a County, City or Township when the State's portion of PRE denial interest is remitted?

YES: NO:

Unit had 12 PRE denial notices issued for 2020 and 1 includes prior years. Form 4142 was completed by the County Treasurer, showing the interest, and submitted to the State.

Does the local unit have written procedures, including audit procedures, for determining how to grant real property exemptions or remove real property exemptions when the property no longer qualifies for the exemption?

YES: NO:

Unit has Procedures for Granting and Removing Real Property Exemptions with an application and list of documents for determining real property exemptions. Assessor is to grant or deny.

Does the local unit have accurate Land Value Maps that meet State Tax Commission Land Value Map Publications?

Requirement Met? YES: NO:

Notes:

Assessor had a large map color coded by class with a matching legend and land value rates listed. Sales were numbered on another map to match a spreadsheet of detailed information listed on the left side of the map.

Assessment Roll Analysis:

1. Does the local unit have properly calculated and appropriately documented Economic Condition Factors that meet State Tax Commission requirements per MCL 211.10e and STC ECF Publications?

Requirement Met? YES: NO:

Notes:

Assessor had properly calculated and appropriately documented ECF studies for the agricultural, commercial, industrial and residential classes. The commercial and industrial classes are reviewed with other areas.

2. Does the local unit have Land Value Determinations that are appropriately documented, properly calculated and meet State Tax Commission requirements per MCL 211.10e and State Tax Commission Land Value Determination Publications and less than 1% land adjustments without reason?

Requirement Met? YES: NO:

Notes:

Unit has 0 parcels with a land adjustment and no reason. 232 total adjustments. Land value analysis was performed and was reviewed during the interview. It was appropriate with documented sales and analysis of front foot rates, site value, square foot rates or acreage rates for all property classes in the unit.

3. Does the true cash value on the local unit record cards agree with the true cash value indicated on the assessment roll with less than 1% overrides and less than 1% flat land values – excluding DNR PILT Property (STC Policy)?

Requirement Met? YES: NO:

Notes:

Unit has 0 parcels on override. Unit has 0 flat land values.

4. Personal Property Review:

- a) Does the local unit conduct an annual personal property canvass?

YES: NO:

Unit conducts an annual personal property canvass by visiting businesses to update changes or add new accounts.

- b) Did the local unit grant any exemptions under MCL 211.9o (Small Business Taxpayer Exemption)?

YES: NO:

Unit has 320 personal property parcels. 99 have the Form 5076 Accepted, granting an exemption.

- c) If the answer to item 4b is yes, does a sampling indicate the local unit properly processed the exemptions received? This includes: Form 5076 filled out completely, timely received and received annually. If Form 5076 is not received the exemption is removed, parcel number created for any business that was granted an exemption, ensuring that a parcel with the exemption is not retired, all locations within the local unit are considered when granting the exemption.

Requirement Met? YES: NO:

Notes:

Based upon a sample, Form 5076 was filled out and timely received (date stamp, envelope or postmark were on or before Feb 20).

5. Review of Exemptions Granted under MCL 211.7u (poverty exemptions)

- a) Did the local unit grant any exemptions under MCL 211.7u (Poverty Exemption)?

YES: NO:

Unit had 2 Poverty Exemptions granted by the MBOR.

- b) Does the local unit have proper poverty exemption guidelines?

YES: NO:

Unit adopted poverty exemption guidelines on 1-10-19 with annually approved Federal income guidelines increased 135%, the affidavit if tax returns are not filed and an application.

c) Does the local unit poverty exemption guidelines include a proper asset level test? YES: NO:

The asset level test is not to exceed \$50,000.

d) Does a sampling of the exemptions granted under MCL 211.7u indicate that the statutory requirements were met and that the local unit policy was followed?

Requirement Met? YES: NO:

Notes:

Unit had 2 Poverty & 30 Veteran Exemptions granted by the MBOR. Local unit policy was followed when granting an exemption.

6. Does a sample of the July and December Board of Review actions indicate the Board met the requirements of MCL 211.53b and considered only those items over which they have statutory authority?

Requirement Met? YES: NO:

Notes:

JBOR and DBOR actions indicate the Board met the requirements on those items which they have statutory authority. JBOR granted prior year(s) PRE requests, qualified errors, current year PRE requests for untimely filed Affidavits, qualified ag and veteran exemptions. DBOR granted prior year(s) PRE requests, current year PRE requests for untimely filed Affidavits, qualified errors, qualified ag, poverty and veteran exemptions.

7. Does the local unit follow the requirements under MCL 211.27b to levy the interest and penalty for failure to file a Property Transfer Affidavit?

Requirement Met? YES: NO:

Notes:

Unit had 444 transfers, 25 did not have a PTA and 26 had the PTA filed after 45 days. There was no penalty billed.

If waived, did the local unit waive the interest and penalty by resolution and is that resolution kept on file?

Requirement Met? YES: ✓ NO:

Notes:

Unit adopted Resolution #2010-33 on 10-4-10 to Waive Penalty and Interest Fees for Failure to File a Property Transfer Affidavit. Resolution is kept on file.

Comments:

I hereby declare that the foregoing information submitted is a complete and true statement.

Al Consiglio

Signature

08/24/2020

Date

By checking this box, I agree and confirm that the signature I have typed above is the electronic representation of my original, handwritten signature when used on this document and creates a legally-binding contract. I further understand that signing this document using my electronic signature will have the same legally-binding effect as signing my signature using pen and paper.

MEMO

To: Marion Township Board

From: Bob Hanvey

Subject: Lake Lochmoor Weed Control Special Assessment District

Date: December 10, 2020

Many residents have requested us to create a Weed Control SAD for Lake Lockmoor. Tammy, Duane, and I had an informal meeting with some residents to explain the process.

My concerns are mainly the determination of which parcels receive a benefit, if all the parcels benefit equally, and if residents' expectations of outcomes are realistic.

Attached are several documents to assist in making the decision to go forward with the creation of the SAD:

Emails and letters from residents for and against the project;

An orthophoto (spring 2015) showing parcels in favor (yellow), opposed (blue), and no response (red).

An orthophoto (spring 2015) with the indication that the western part of the "lake" is called a Palustrine Emergent wetland;

A definition of Palustrine wetland;

A section of the plat that calls the western part a "Flood Plain Area;"

Orthophotos from September 2020 with and without parcel boundaries;

A proposed assessment roll showing the annual parcel levies with an annual not-to-exceed amount of \$10,000 and a tabulation of for and against acres;

A resolution to hold a public hearing on creating the district;

A resolution to hold a public hearing on the roll.

If the Board decides to proceed based on input from the residents, both required public hearings could be held on the same day.

Bob Hanvey

From: Matthew Brinker <brinkerm@chartermi.net>
Sent: Tuesday, November 24, 2020 12:45 PM
To: 'supervisor@mariontownship.com'; 'treasurer@mariontownship.com'; 'dstokes@mariontownship.com'; 'trustee1@mariontownship.com'; 'gregdurbin@mariontownship.com'; 'tammybeal@mariontownship.com'; 'bjlindell88@gmail.com'; 'ccjkmiller@att.net'; 'jwheeler1048@gmail.com'
Subject: RE: Lake Lochmoor SAD

Bob,

We have gone to great lengths to make sure that only riparian parcels with equal benefit are included. That's why we proactively asked for lot #48 (parcel 10-36-104-030) to be removed from the proposed SAD once we realized it didn't have the same access enjoyed by the other residents. All the remaining parcels have water views and water access.

We have been very thorough in our communication with residents to be included in the proposed SAD and most have been very supportive of this effort. Thus far, we've had approximately 90% of the 24 parcel owners strongly support or, at the very least, not object to the establishment of the SAD. Could that change once the process moves along? It's possible but, without going through the public hearing, we're just dealing with hypothetical situations.

As you know, permitting is a time-sensitive process given the amount of backlog with EGLE. Therefore, we request that you schedule a public hearing for December 10th as you originally proposed during our October 26th meeting.

It was suggested to me, in the mean time, we ask the waterfront property owners to reach out to you and the board to express their feelings on this subject. We are encouraging them to do so.

Thanks,
Matt Brinker

Hi All – my main concern is the determination of benefit to the properties that is the basis for the assessment. I'm not sure all properties benefit equally and we know that there is at least one resident opposed to the project. If we include every parcel on your list and several owners object to their levy and file tax tribunal appeals we could find ourselves reallocating the cost over fewer parcels. If we leave the protesters out, the remaining owners may file appeals.

What are your thoughts?

Thanks
Bob Hanvey

From: brinkerm@chartermi.net <brinkerm@chartermi.net>
Sent: Thursday, November 19, 2020 12:31 PM
To: 'supervisor@mariontownship.com' <supervisor@mariontownship.com>
Cc: 'jwheeler1048@gmail.com' <jwheeler1048@gmail.com>; 'bjlindell88@gmail.com' <bjlindell88@gmail.com>;

'ccjkmiller@att.net' <ccjkmiller@att.net>

Subject: Lake Lochmoor SAD

Bob,

Please let me know if there's a date/time you can meet (virtually or in-person) to discuss your concerns with the SAD.

Thank you,
Matt Brinker

Bob Hanvey

From: Susan Osborne <smosborne3@gmail.com>
Sent: Thursday, November 26, 2020 12:38 PM
To: supervisor@mariontownship.com
Cc: treasurer@mariontownship.com; trustee1@mariontownship.com;
dstokes@mariontownship.com; tammybeal@mariontownship.com;
gregdurbin@mariontownship.com
Subject: Lake Lochmoor - Scheduled Meeting Discussion for SAD

Mr. Bob Hanvey, Marion Township Supervisor:

My husband, Jack, and I moved to our home on Lake Lochmoor on November 9, 2019. We loved the area and the lake was clear of any lily pads. It was fun to envision our family kayaking on the water, using the row boat, and purchasing a paddle boat. What great fun! Late spring arrived and the lily pads started to populate the lake invasively. Reality set in that our lake we had so many fun plans for was not taken care of and would eventually become a bog very similar to some of the Cranberry Lake areas.

In the early Spring, Lake Lochmoor has merganser ducks, pied-billed grebe ducks, wood ducks, geese, eagles, sandhill cranes, blue heron, and green heron just to name a few. We love it; however, when the lily pads take over, most of the wildlife disappears. The wildlife cannot maneuver among the dense lily pads. All but a small eastern portion of the lake is covered. It seems that it would be only right for the lake owners to take care of the lake for the sake of the wildlife.

It appears that the issue is the safety of the water. Many lakes in Michigan are treated each year to reduce the weeds in the lake. The chemicals used are approved by the Department of Environment, Great Lakes, and Energy Water Resources Division (EGLE). The chemicals would not be approved by the State of Michigan if they had a major effect on the water tables.

As far as the homes in the Lake Lochmoor area, only the riparian parcels with equal benefit are included. It should be stated that homes on lakes or with a lake view have a greater value and are in high demand. As far as dry or wet years and access to the lake, that is something that cannot be controlled. The benefit of the view is still there. It should be a choice of the lake homeowners, if they want to view lake water or a lake dense in lily pads that will eventually become a bog.

We are asking that the Marion Township Board put Lake Lochmoor on their meeting schedule so a Special Assessment District (SAD) can be discussed and voted upon. This should be a voting process with rules of democracy and not stopped just because another family decides to be vocal and threaten legal action.

Looking forward to having a township meeting where all of us have a meaningful voice.

Sincerely,

Susan Osborne Wheeler
724 Prince Edward Drive
Howell, MI 48843

Bob Hanvey

From: Jack Wheeler <jwheeler1048@gmail.com>
Sent: Thursday, November 26, 2020 1:26 PM
To: supervisor@mariontownship.com; treasurer@mariontownship.com; trustee1@mariontownship.com; dstokes@mariontownship.com; tammybeal@mariontownship.com; gregdurbin@mariontownship.com; Matt Brinker; Blake Lindell; Craig Miller; AAASusan ICE; John and Sandy (neighbors) Dryja
Subject: Lake Lochmoor proposed SAD
Attachments: Letter to Marion Township Nov 27,2020.docx; Untitled attachment 00014.txt; image 3.png; Untitled attachment 00017.txt

I am requesting that the Lake Lochmoor SAD proposal be put on December township meeting

Thank you,

Jack Wheeler

November 27, 2020

Bob Hanvey Supervisor, Members of the Marion Township Board of Trustees

Ref: October 26th Marion Township meeting Lake Lochmoor SAD

I along with other home owners adjacent to Lake Lochmoor attended the October 26th township meeting. Some attended the meeting by way of Zoom. We were there to be informed of the process to establish a Special Assessment District to manage weed control on Lake Lochmoor.

We were told that a team or group of individuals may provide the township with information as to why a SAD should be formed. If deemed valid, the township would put the request on the November meeting agenda. We have interviewed several companies as to the best approach to control the weeds. Kirk Grant president of Blue Water Aquatics joined the meeting to address any questions home owners may have. We as a group have done our due diligence for establishing the requirements of a SAD. One company we interviewed said they treat 160 lakes and 400 ponds per year in Michigan using EGLE approved products. In another company's literature, they used the example of Reward being applied at the rate of 2 gallons per acre. A 150 pound person would have to ingest 3,750 to 750,00 gallons of treated water immediately after application, or 375,000 to 750,000 gallons of treated water within 10 to 14 days post treatment to ingest enough dibromide to achieve lethal death 50% of the time. We were told that most products dissipate within a few hours to a couple of days. Lake Lochmoor is approximately 20 acres in size. There are 28,000 gallons of water in an acre 1" deep. If we assume the average depth to be 4 feet. $20 \text{ acres} \times 28,000 \text{ gal} \times 48'' = 41,817,600$ gallons of water. Although most of the product is absorbed into the weeds, I personally feel comfortable with the dilution rate not affecting the environment.

Bob Hanvey explained the process of having a First Hearing: where the township board meets with residents to determine the level of support to establish a SAD, a Second Meeting where the township has an open meeting to hear the voice of the people pros and cons. Bob also said a letter of notice would be mailed to the residents and notices would be put in the newspaper.

I attended the November township meeting, the Lake Lochmoor SAD topic was not on the agenda nor was it addressed until Matt Brinker brought the subject up at the end of the meeting and was told by township supervisor Bob Hanvey that he needed time to think about it some more and have more discussions as to who would and would not benefit from the special assessment and should some be assessed differently than others. This seems to be getting the horse ahead of the cart. My question is why wasn't the Lake Lochmoor SAD topic on the agenda and why wasn't it addressed? When will the topic be put on the township agenda as we were told?

We were told that the Lake Lochmoor SAD topic would be on the November township agenda.

In our neighborhood Zoom meetings addressing a Lake Lochmoor SAD, prior to the township meeting, we as a group suggested that home owners who have riparian rights to Lake Lochmoor would be included in the SAD. Is it up to the township to determine who benefits more or less from the SAD? It could be suggested that those who benefit more or less from the SAD could be in the eyes of the beholder or one's mind set. There are supporters of the weed management program who will never go out on the lake do to their age but still want to be good caretakers of the lake.

I am requesting that the Lake Lochmoor SAD proposal be put on the December township meeting agenda and let the Parliamentary Procedure process take place (The rule of the majority with the respect for the minority. The object is allow deliberation of questions of interest of the group and to arrive at the sense or will of the assembled group and reach a group decision, usually by vote, with the least amount of friction.)

Respectfully,

Jack Wheeler

Bob Hanvey

From: John Webb <jwebb033@sbcglobal.net>
Sent: Wednesday, November 25, 2020 10:29 AM
To: supervisor@mariontownship.com
Cc: Matt Brinker
Subject: Lake Lockmore Aquatic Weed Management

As a lakefront resident of Lake Lockmore my wife and I would appreciate any help you can provide in the scheduling of a public hearing on the establishment of a Special Assessment District to facilitate the efforts to protect our lake. Thankyou for your help in this matter.

John and Mary Webb
4519 Lakeshire Dr.

Bob Hanvey

From: Craig Miller <ccjkmiller1@att.net>
Sent: Tuesday, November 24, 2020 6:14 PM
To: supervisor@mariontownship.com
Subject: Lake lochmoor

Im sending this email on behalf of our HOA located at Lake lochmoor. My name is Craig Miller and my address is 4577 Lakeshire Dr . My wife and I are five-year residents here.

While we love the area tremendously I find it disheartening that the board or anybody associated with the township has an initiated contact back to Matt Brinker. With varios forms tof communication available to you why the stalemate on communication?

The board or members of the board are not responding back in a timely matter or not all to our hoa president Matt Brinkler about the necessary permit needed and the application to be filed and filed on our behalf by Marion twsp. ALL the HOAs land owners that represented a majority to vote were present at the Marion twsp hall / or via zoom mtg and we voted to begin the process as we were a majority. Why has there been NO contact back either via email OR phone?

Thank you in advance for your attention to this matter.

734-620-8715 Craig Miller

4577 Lakeshire Drive

Howell Michigan 48843

Sent from AT&T Yahoo Mail on Android

Bob Hanvey

From: Gary Boss <gboss60@yahoo.com>
Sent: Tuesday, November 24, 2020 4:26 PM
To: supervisor@mariontownship.com
Subject: Lake Lochmoor SAD

As the original owner and developer of "Kingwood" and current owner of Lake Lochmoor frontage, I would like to register my support for a Special Assessment District for aquatic weed management.
Gary R. Boss

Bob Hanvey

From: Holly Emery <emeryh23@gmail.com>
Sent: Tuesday, November 24, 2020 3:39 PM
To: supervisor@mariontownship.com
Subject: Special Assessment District for Lake Lochmoor Residents

Mr. Hanvey -

As a lakefront homeowner in Kingswood sub on Lake Lochmoor, I am writing to kindly request a public hearing ASAP regarding establishing a Special Assessment District. We've made great progress with our efforts to arrange weed control for the lake during the summer of 2021. We have a contractor in place and he's ready to apply for the necessary permits. It is imperative that we move forward as to protect our lake before it is too late.

I look forward to your prompt reply.

**Yours truly,
Holly Emery
4741 Lakeshire Drive
Howell, MI 48843**

--
Holly Emery
Certified OPTAVIA Health Coach

734-323-8746

Bob Hanvey

From: Damian Starr <damianastarr@gmail.com>
Sent: Tuesday, November 24, 2020 3:36 PM
To: supervisor@mariontownship.com; treasurer@mariontownship.com; trustee1@mariontownship.com; dstokes@mariontownship.com; tammybeal@mariontownship.com; gregdurbin@mariontownship.com; Matt Brinker
Subject: Lake Lochmoor Aquatic Weed Management

It has been brought to the attention of water front property owners along Lake Lochmoor that the township is not allowing for the required public hearing to take place that will allow for the establishment of a SAD.

I have participated in several virtual meetings with neighbors who all share a deep concern with protecting our lake. It seems that the township may be listening to the voices of a minority and ignoring the majority.

I am requesting that township allow the public hearing to take place on 12/10/2020 so that the aquatic treatment that a majority of the owners want can move forward.

Damian Starr
784 Prince Edward Dr, Howell, MI 48843
517-204-4106

Bob Hanvey

From: Blake Lindell <bjlindell88@gmail.com>
Sent: Thursday, December 3, 2020 4:37 PM
To: supervisor@mariontownship.com; treasurer@mariontownship.com; trustee1@mariontownship.com; dstokes@mariontownship.com; tammybeal@mariontownship.com; gregdurbin@mariontownship.com; Matt Brinker; Jack Wheeler; Craig Miller
Subject: Lake Lochmore SAD support

Hello,

I am writing in support for the Lake Lochmore SAD.

I am adding to the current pile of others that are FOR improving Lake Lochmore and implementing the SAD. We believe there's a desperate need to protect our lake before it's too late.

Thank you,

Blake and Valerie Lindell

Bob Hanvey

From: Matt Cieslak <mattcieslak01@gmail.com>
Sent: Thursday, December 3, 2020 8:39 PM
To: dstokes@mariontownship.com; trustee1@mariontownship.com; Tammy Beal; treasurer@mariontownship.com; gregdurbin@mariontownship.com; Bob Hanvey
Subject: Lake Lochmoor SAD Support

Hello,
I am writing in regards to the Lake Lochmoor SAD. Myself and my wife Lindsay are in full support of the SAD for Lake Lochmoor weed control.

We would very much like to enjoy the lake year round. However, due to the weeds, lilly pads, and other species of plants this is not possible. The weeds have become a glaring issue the last 3 years, and if something is not done ASAP I am worried there will be no lake left. We are worried about the substantial effect this may have on the property value of our home. This summer I attempted to take my children out in our canoe, and paddling through the weeds was nearly impossible.

As an avid outdoorsman, primarily a waterfowl hunter, I have witnessed the damage that invasive species of aquatic plants can do to lakes, ponds, creeks and rivers. Many locations I have enjoyed over the years have been taken over by invasive species of plants, and have become unrecognizable. This is something that we DO NOT want, and will not let happen to our lake.

It is my understanding that a very few homeowners on the lake have expressed their disapproval of the SAD, however, they have not seen what I have seen. In our opinion, this NEEDS to happen.

Thank you so much for your time and Happy Holidays!

Matthew and Lindsay Cieslak
4595 Lakeshire Dr.
Howell, MI 48843

Bob Hanvey

From: Matt Cieslak <mattcieslak01@gmail.com>
Sent: Thursday, December 3, 2020 8:39 PM
To: dstokes@mariontownship.com; trustee1@mariontownship.com; Tammy Beal; treasurer@mariontownship.com; gregdurbin@mariontownship.com; Bob Hanvey
Subject: Lake Lochmoor SAD Support

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As an avid outdoorsman, primarily a waterfowl hunter, I have witnessed the damage that invasive species of aquatic plants can do to lakes, ponds, creeks and rivers. Many locations I have enjoyed over the years have been taken over by invasive species of plants, and have become unrecognizable. This is something that we DO NOT want, and will not let happen to our lake.

It is my understanding that a very few homeowners on the lake have expressed their disapproval of the SAD, however, they have not seen what I have seen. In our opinion, this NEEDS to happen.

Thank you so much for your time and Happy Holidays!

Matthew and Lindsay Cieslak
4595 Lakeshire Dr.
Howell, MI 48843

Bob Hanvey

From: Bob Hanvey <supervisor@mariontownship.com>
Sent: Wednesday, November 25, 2020 2:33 PM
To: Bob Hanvey
Subject: FW: To Bob Hanvey about Lake Lochmoor Proposal

Sent from [Mail](#) for Windows 10

From: [Tracy Muscoe](#)
Sent: Thursday, October 29, 2020 3:04 PM
To: supervisor@mariontownship.com
Subject: To Bob Hanvey about Lake Lochmoor Proposal

For: Bob Hanvey

Regarding Lake Lochmoor Plant control proposal

These pictures from the National Wetlands Inventory show why we have issues with the process. Our property is not on Lake Lochmoor. Our property is considered to be a PEM1C Wetland, photos attached. Red Circle is our house and we have also attached a definition of what the C stands for. We have lived here 23 years, and roughly half of those years water levels have been on the lower end of the spectrum. It is impossible and not safe when the water level is lower to gain access to the lake. We have tried to go out when it is low and have sunk almost to waist level. When the wetlands retreats, and it will cycle, the newer residents who live on this wetland may start to understand why this may not be a good investment for them. It is possible, many years the value of our property would be lower, not only because of the lack of lake access, (which we are aware of) but the added higher tax/fee rate relative to surrounding homes.

If everyone who lives along the wetland is properly informed about the history of the wetlands, we would have less issues with the process. However, from a legal standpoint, there is still the issue that we live on a wetland and we will be paying to improve a lake that we do not live on, and may not always have access to.

Mike and Tracy Muscoe



National Wetlands Inventory

surface waters and wetlands

 GET



[picture wetlands.jpg](#)

[119.9KB](#)



National Wetlands Inventory

surface waters and wetlands

GET



formed or bedrock shoreline features lacking; (3) water depth in basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to less than 0.5 ppt.

Class **Emergent (EM)** : Characterized by erect, rooted, herbaceous excluding mosses and lichens. This vegetation is present for most season in most years. These wetlands are usually dominated by

Subclass **Persistent (1)** : Dominated by species that normally re least until the beginning of the next growing season. This subclass the Estuarine and Palustrine systems.

Water Regime **Seasonally Flooded (C)** : Surface water is present periods especially early in the growing season, but is absent by growing season in most years. The water table after flooding ce extending from saturated to the surface to a water table well be surface.

For more information on wetland classification codes click

1:9,028
42.516 | -83.922

USDA FSA, GeoEye, Maxar | E



YELLOW IN FAVOR
BLUE OPPOSED
RED NO RESPONSE



Location: 13,243,295.400 37	
Field	Value
FID	57
Shape	Polygon
AREA	410000
PERIMETER	3158.587
WETLANDS_S	7294
WETLANDS_1	7283
NWI_CODE	PEMY
ACRES	9.371
SYSTEM	Palustrine
SUBSYSTEM	
CLASS	Emergent
SUBCLASS	

Location: 13,243,419.098 370,999	
Field	Value
FID	2543
Shape	Polygon
Long_PID	WATER
Short_PID	WATER
GIS_Acres	21.77
In_Date	<null>
Split_From	
Comb_From	

Classification of Wetlands and Deepwater Habitats of the United States

Palustrine System

Definition. The Palustrine System (Fig. 6) includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ‰. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2 m at low water; and (4) salinity due to ocean-derived salts less than 0.5 ‰.

Limits. The Palustrine System is bounded by upland or by any of the other four Systems.

Description. The Palustrine System was developed to group the vegetated wetlands traditionally called by such names as marsh, swamp, bog, fen, and prairie, which are found throughout the United States. It also includes the small, shallow, permanent or intermittent water bodies often called ponds. Palustrine wetlands may be situated shoreward of lakes, river channels, or estuaries; on river floodplains; in isolated catchments; or on slopes. They may also occur as islands in lakes or rivers. The erosive forces of wind and water are of minor importance except during severe floods.

The emergent vegetation adjacent to rivers and lakes is often referred to as "the shore zone" or the "zone of emergent vegetation" (Reid and Wood 1976), and is generally considered separately from the river or lake. As an example, Hynes (1970:85) wrote in reference to riverine habitats, "We will not here consider the long list of emergent plants which may occur along the banks out of the current, as they do not belong, strictly speaking, to the running water habitat. " There are often great similarities between wetlands lying adjacent to lakes or rivers and isolated wetlands of the same class in basins without open water.

Subsystems. None.

Classes. Rock Bottom, Unconsolidated Bottom, Aquatic Bed, Unconsolidated Shore, Moss-Lichen Wetland, Emergent Wetland, Scrub-Shrub Wetland, and Forested Wetland.

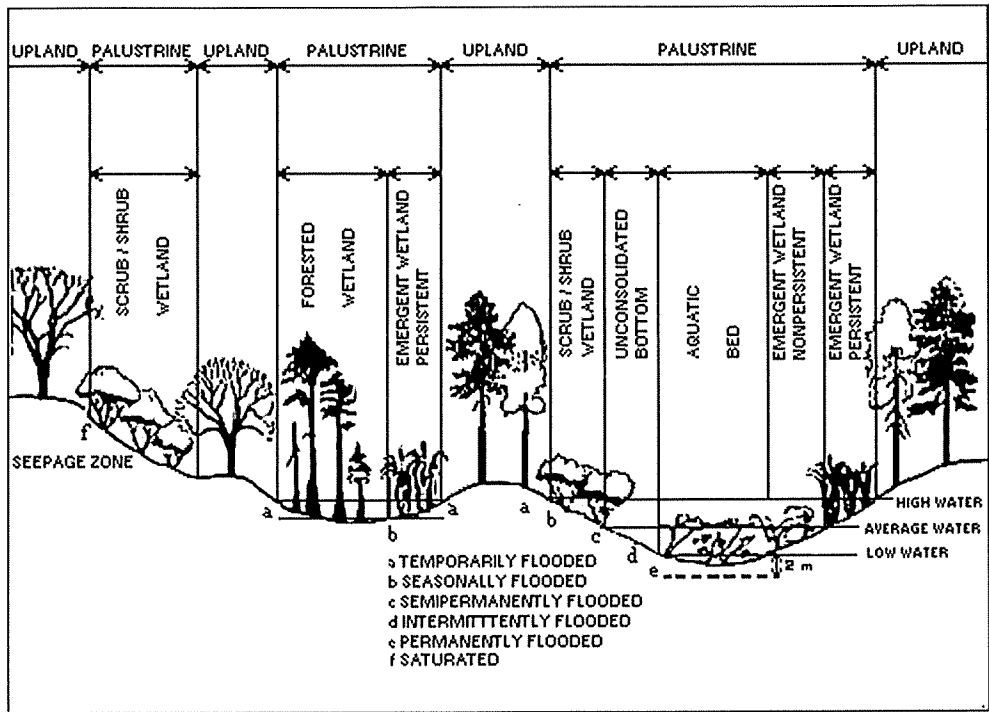
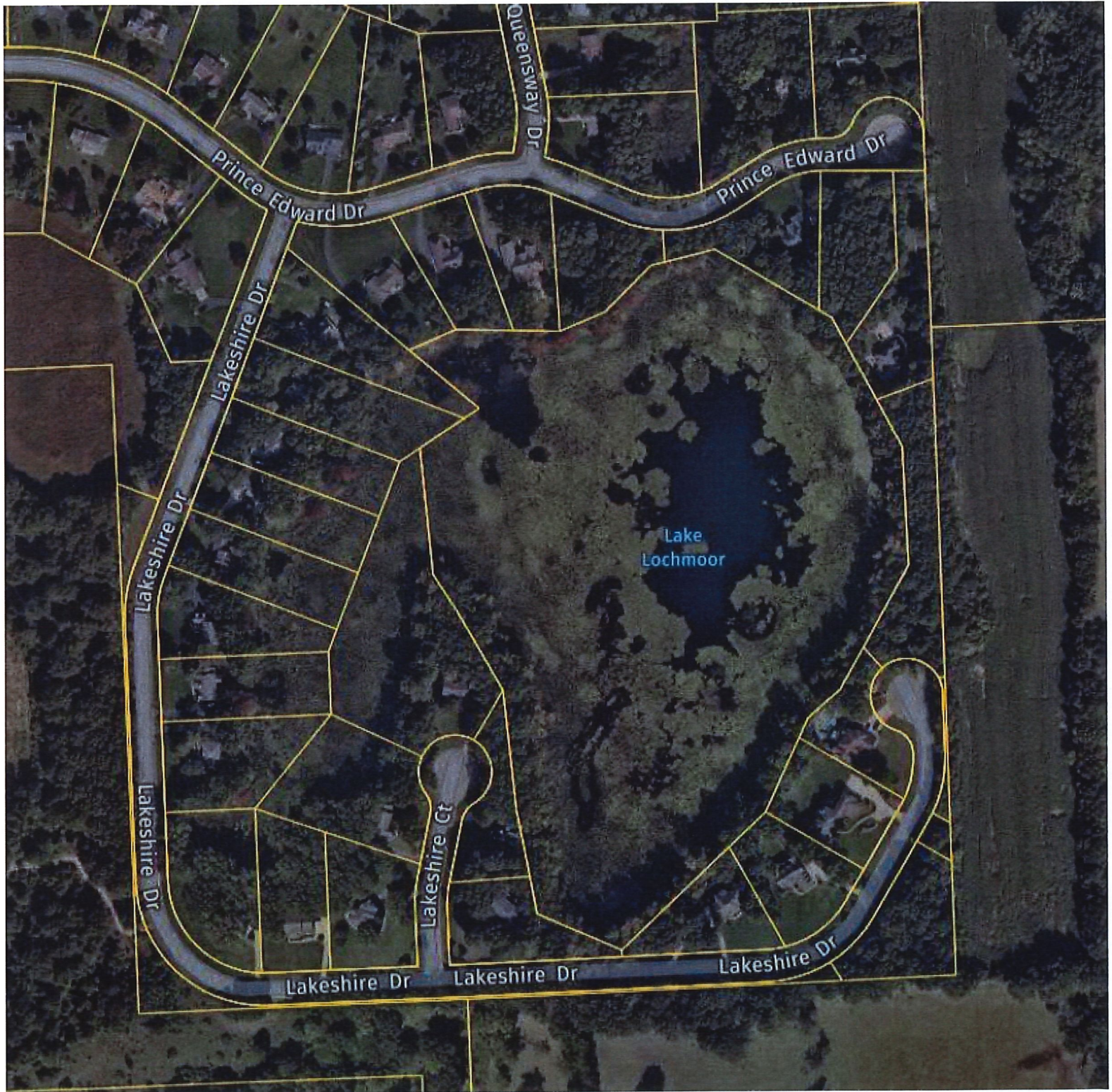


Fig. 6. Distinguishing features and examples of habitats in the Palustrine System.





Lake Lochmoor
Weed Control Special Assessment Roll

Address	Street	Parcel Number	Lot #	GIS Acres	No	No Acres	Yes	Yes Acres	Shares	Levy	Owner Names
708	PRINCE EDWARD DR	4710-36-102-007	7	1.085		0.000		0.000	1.0	\$400	DRYJA JOHN & SANDRA K
724	PRINCE EDWARD DR	4710-36-102-008	8	0.855		0.000	Y	0.855	1.0	\$400	WHEELER SUSAN OSBORNE & JOHN D
750	PRINCE EDWARD DR	4710-36-102-009	9	0.929		0.000		0.000	0.5	\$200	FITZGERALD LAFRENDA E LIVING TRUST
4473	LAKESHIRE DR	4710-36-104-020	38	1.248		0.000		0.000	1.0	\$400	WOLF JENNIFER & MICHAEL
4501	LAKESHIRE DR	4710-36-104-021	39	1.243	N	1.243		0.000	1.0	\$400	MUSCOE MICHAEL T & TRACY
4519	LAKESHIRE DR	4710-36-104-022	40	1.021		0.000	Y	1.021	1.0	\$400	WEBB JOHN & MARY
4537	LAKESHIRE DR	4710-36-104-023	41	1.047		0.000		0.000	1.0	\$400	SARGENT TINA & YOCKEY JAMES
4555	LAKESHIRE DR	4710-36-104-024	42	1.047		0.000		0.000	1.0	\$400	BORKOWSKI CRAIG & BREE
4577	LAKESHIRE DR	4710-36-104-025	43	1.011		0.000	Y	1.011	1.0	\$400	MILLER CRAIG & CHARISSE
4595	LAKESHIRE DR	4710-36-104-026	44	1.028		0.000	Y	1.028	1.0	\$400	CIESLAK MATTHEW D & LINDSAY A
4617	LAKESHIRE DR	4710-36-104-027	45	1.139		0.000		0.000	1.0	\$400	HEWITT HEATHER
4639	LAKESHIRE DR	4710-36-104-028	46	1.236		0.000		0.000	1.0	\$400	SULEK RYAN & KATIE
4657	LAKESHIRE DR	4710-36-104-029	47	1.008		0.000		0.000	1.0	\$400	SMALLEY ERIK & KATHRYN
4734	LAKESHIRE DR	4710-36-104-030	48	1.033		0.000		0.000	1.0	\$400	HAMMOND ROBERT & ANN
4716	LAKESHIRE CT	4710-36-104-031	49	1.464		0.000		0.000	1.0	\$400	FICARO MARTIN & ANGELA A
4700	LAKESHIRE CT	4710-36-104-032	50	2.713		0.000		0.000	1.0	\$400	ZEBROWSKI MARK P & MARLENE B
4717	LAKESHIRE CT	4710-36-104-033	51	0.717		0.000	Y	0.717	1.0	\$400	BRINKER MATTHEW
4735	LAKESHIRE CT	4710-36-104-034	52	0.925		0.000		0.000	1.0	\$400	WALTERS JOHN G & JANICE M
4719	LAKESHIRE DR	4710-36-104-035	53	0.861		0.000		0.000	1.0	\$400	GOWER SCOTT R & CHRISTINE E TRUST
4741	LAKESHIRE DR	4710-36-104-036	54	0.941		0.000	Y	0.941	1.0	\$400	EMERY BRAD & HOLLY G
4759	LAKESHIRE DR	4710-36-104-037	55	0.916		0.000	Y	0.916	1.0	\$400	LINDELL BLAKE & VALERIE
4777	LAKESHIRE DR	4710-36-104-038	56	0.739		0.000		0.000	1.0	\$400	RONDEAU BRAD
		4710-36-104-039	57	1.208		0.000	Y	1.208	1.0	\$400	BOSS INVESTMENT NUMBER 2 LLC
810	PRINCE EDWARD DR	4710-36-104-041	59	1.054		0.000		0.000	0.5	\$200	WILLIAMS ALICIA
806	PRINCE EDWARD DR	4710-36-104-042	60	1.030		0.000		0.000	0.5	\$200	WILLIAMS ALICIA
784	PRINCE EDWARD DR	4710-36-104-043	61	1.033		0.000	Y	1.033	1.0	\$400	STARR, DAMIAN
762	PRINCE EDWARD DR	4710-36-104-044	62	0.898		0.000		0.000	0.5	\$200	FITZGERALD LAFRENDA E LIVING TRUST

Total Acres

29.429 1.243 8.730 25.0

20% of total land area

5.886

50% of total land area

14.715

\$10,000 Annual Total

MARION TOWNSHIP RESOLUTION
TO SCHEDULE A PUBLIC HEARING FOR THE CREATION OF THE
LAKE LOCHMOOR AQUATIC WEED CONTROL
SPECIAL ASSESSMENT DISTRICT

Resolution # 2020-XX
December 10, 2020

At a meeting of the Board of Trustees for the Township of Marion, Livingston County, Michigan, held at 2877 W. Coon Lake Road, Howell, Michigan 48843, on the 10th day of December 2020, at 7:30 p.m. Eastern Standard Time.

A Resolution was offered by _____ and supported by _____.

WHEREAS, the Township of Marion has received a request to create a Special Assessment District for LAKE LOCHMOOR AQUATIC WEED CONTROL and

WHEREAS, Michigan Public Act 188 of 1954 requires a public hearing prior to creating a Special Assessment District, therefore;

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. To schedule a public hearing for the proposed creation of a Special Assessment District for LAKE LOCHMOOR AQUATIC WEED CONTROL on JANUARY 14, 2021 at 7:30 pm.
2. BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.
3. BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Upon roll call vote the following voted "Yes":

The following voted "No:"

The supervisor declared the motion _____

MARION TOWNSHIP
COUNTY OF LIVINGSTON
STATE OF MICHIGAN

I, the undersigned, the duly qualified and acting clerk for the Township of Marion, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Board of Trustees at a meeting held on the 10th day of December 2020, and further certify that the above Resolution was adopted at said meeting.

Tammy L. Beal, Marion Township Clerk

MARION TOWNSHIP RESOLUTION
TO SCHEDULE A PUBLIC HEARING ON THE ASSESSMENT ROLL FOR THE
LAKE LOCHMOOR AQUATIC WEED MANAGEMENT
SPECIAL ASSESSMENT DISTRICT

Resolution # 2020-XX
December 10, 2020

At a meeting of the Board of Trustees for the Township of Marion, Livingston County, Michigan, held at 2877 W. Coon Lake Road, Howell, Michigan 48843, on the 10th day of December 2020, at 7:30 p.m. Eastern Standard Time.

A Resolution was offered by _____ and supported by _____.

WHEREAS, the supervisor of the township has prepared a special assessment roll in the total amount not to exceed \$10,000.00 per year covering all the parcels of land in the LAKE LOCHMOOR AQUATIC WEED MANAGEMENT SPECIAL ASSESSMENT DISTRICT according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district and has affixed thereto his certificate as required by statute;

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. That said special assessment roll shall be filed with the township clerk and shall be available for public examination during regular working hours of regular working days from the present date until the public hearing upon the same and shall further be examined at such public hearing.
2. That the township board shall meet at 7:30 o'clock p.m. on January 10, 2021, at the Marion Township hall located at 2877 W. Coon Lake Road, Howell, MI, within the township, to review such special assessment roll and hear any objections thereto.
3. BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.

Upon roll call vote, the following voted "Yes":

The following voted "No":

The supervisor declared the motion _____

MARION TOWNSHIP
COUNTY OF LIVINGSTON
STATE OF MICHIGAN

I, the undersigned, the duly qualified and acting clerk for the Township of Marion, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Board of Trustees at a meeting held on the 10th day of December 2020, and further certify that the above Resolution was adopted at said meeting.

Tammy L. Beal, Marion Township Clerk

MEMO

To: Marion Township Board
From: Bob Hanvey
Subject: Meadows West Line of Credit
Date: December 10, 2020

Based on the motion of the Township Board (below) at the last meeting, I talked to Mitch Harris about keeping the security instrument in place for another five years and he still thinks it was only intended to stay in place during construction of the infrastructure, roads, water, sewer, etc.

MEADOWS WEST LINE OF CREDIT

Tammy Beal motioned that the security instrument (bond, letter of credit, cash, etc.) remain in place until the development is built-out. Les Andersen seconded. Roll call vote: Beal—yes; Andersen—yes; Lowe—no; Durbin—yes; Stokes—no; Hanvey—no; Lloyd—no. **Motion failed 3-4.**

Dan Lowe motioned that the security instrument remain in place and be reviewed in five years; it should be released when the last structure is complete. Greg Durbin seconded. **Motion carried.**

Attached to this memo are the documents from the last packet. In addition, the second amendment to the Meadows condo docs (not yet recorded) is also attached. On page two, in Section 13, for road maintenance and cost sharing, the terms development, construction, and occupancy are listed as separate items.

The amendment was referred to in the consent judgment so it could be that the intention was to release the Line of Credit after infrastructure was completed.

Mitch is asking for reconsideration.

Question to Mike Kehoe about the Meadows West Letter of Credit

On Oct 28, 2020, at 2:44 PM, Bob Hanvey wrote:

Hi Mike – I suspect we are going to have a disagreement with Mitch Harris about the release of the Letter of Credit. The word development is going to cause the problem. The Township Board thinks that means when the last dwelling unit is built and Mitch Harris thinks that means when infrastructure is completed.

How should we proceed?

Thanks
Bob Hanvey

Background Information

From Consent Judgment

Meadows West Condominium. Pursuant to Marion Township Zoning Ordinance Section 4.06, Plaintiff shall also post a performance guarantee bond with the Township in the sum of \$50,000.00 to insure completion by Plaintiff of all repairs to any damage caused to the existing roads in the Meadows Condominium by Plaintiff, its agents, representatives, successors or assigns as the result of the development of the Meadows West Condominium, but Plaintiff shall not be obligated hereunder to repair and/or replace said roads as a result of normal wear and tear to which the roads have been and will be subject. If Plaintiff fails to complete the road repairs and the bond is ultimately insufficient to complete such road repairs, Plaintiff shall be responsible to provide sufficient funds to cover the cost of all such repairs, including any fees incurred by the Township for inspections, supervision, legal, etc. to insure the work is done according to Township specifications. The release of the bond shall be governed by Section 4.06 of the Marion Township Zoning Ordinance.

From Zoning Ordinance Section 4.06

Return of Performance Guarantee: The Township Board, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of

the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the improvement, minus any legal and engineering fees incurred.

D. Withholding and Partial Withholding of Performance Guarantee: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission and Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

1. The Planning Commission, or in the case of a planned unit development, the Township Board, shall either approve, partially approve or reject the improvements or conditions upon the written recommendation of the Zoning Administrator and shall notify the obligor in writing of the action of the Planning Commission or Township Board within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

2. Should installation of improvements begin and fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.

Answer from Mike Kehoe:

Bob,

The order says it shall be determined based upon 4.06 of the zoning ordinance and that the decision rests with the Board. I do think it's unreasonable to think the money has to stay until Meadows West is built out. That could take years and I don't think that's fair.

Why not just have some type of annual review? The Consent Judgment does state that he remains liable for repairs even if the money is insufficient.

Michael J. Kehoe

**SECOND AMENDMENT TO MASTER DEED
THE MEADOWS CONDOMINIUM**

THIS SECOND AMENDMENT TO MASTER DEED of THE MEADOWS CONDOMINIUM is made and executed this ____ day of _____, 2019, by Mitch Harris Building Company, Inc., a Michigan corporation, of 211 North First Street, Suite 100, Brighton, Michigan 48116 (the "Developer").

WITNESSETH:

- A. Developer is the developer of The Meadows Condominium (the "Project") in accordance with the Michigan Condominium Act (Act 59 of the Public Acts of 1978, as amended) (the "Act");
- B. Developer recorded the Master Deed for the Project (the "Master Deed") with the Livingston County Register of Deeds where it was assigned Condominium Plan No. 232;
- C. Pursuant to Article VI of the Master Deed, Developer reserved for the benefit of itself, its successors and assigns the perpetual right of ingress and egress over the roads in the Project to provide access to Highway D-19 for the benefit of the adjacent land defined as the South Future Expandable Area in Article VIII, Section 1(a);
- D. Developer possesses the right, pursuant to Article VI, Section 7 of the Master Deed, to amend the Master Deed to grant easements over, under and across the Project for roads and utilities in Developer's sole discretion, without the need to secure the consent of any co-owner, mortgagee, or other person so long as Developer owns a condominium Unit in the Project;
- E. As of the date hereof, Developer owns more than one Unit in the Project;
- F. Pursuant to Article IX, Section 2(c) of the Master Deed, Developer possesses the right to unilaterally amend the Master Deed for all purposes reserved by Developer therein;
- G. Developer has received special use permit and site plan approval by Marion

Township for the development of 52 residential condominium units on the land defined as the South Future Expandable Area (“Meadows West Condominium”);

H. A First Amendment To Master Deed Of The Meadows Condominium was recorded with the Livingston County Register of Deeds at 2011R-014592; and

I. Developer now desires to amend the Master Deed as stated in this Second Amendment To Master Deed to define with greater specificity the scope and conditions for the use of the easement over the roads in the Project for ingress and egress between Meadows West Condominium and Highway D-19.

NOW, THEREFORE, Developer does hereby amend the Master Deed as follows:

1. Easements. Article VI of the Master Deed shall be amended to add a new Section 13 as follows:

Section 13. Road maintenance and cost sharing with Meadows West Condominium. Developer and future Co-Owners of Meadows West Condominium shall have the perpetual right to the unrestricted use of Yarrow and Sedum roads only in the Project for ingress and egress between Meadows West Condominium and Highway D-19 for the development, construction and occupancy of Meadows West. As a condition for such use of the roads, upon and after the issuance of the first certificate of occupancy for a condominium unit in the Meadows West Condominium, Developer and/or the future Co-owners of Meadows West Condominium shall collectively share in the cost of all maintenance, repairs and/or replacement of the roads in the Project. The proportionate share of costs for which Developer and/or the future Co-owners of Meadows West Condominium shall be responsible is based on (1) the development of 52 condominium units in Meadows West Condominium and the existence of 147 units in the Project, (2) Yarrow and Sedum roads comprising 32% of the total linear feet of roads in the Project, and (3) the roads comprising 40% and the private driveways and sidewalks comprising 60% of the total cost of snow removal in the Project. Based on these factors, the obligation of each unit in Meadows West Condominium to share in all costs of maintenance, repairs and/or replacement of the roads in the Project shall be calculated utilizing the following formulas:

A. Road maintenance/repair/replacement: $(\text{Total Cost} \times .32) \div 199 = \underline{\hspace{2cm}} / \text{unit}$ in Meadows West Condominium.

B. Snow removal: $[(\text{Total Cost} \times .32) \times .40] \div 199 = \underline{\hspace{2cm}} / \text{unit}$ in Meadows West Condominium.

The Co-owners of the Project shall be responsible for the payment of all expenses for the road maintenance/repair/replacement and snow removal as a cost of administration by the Association, and the Association shall thereafter be entitled to reimbursement from Developer and/or future Co-owners (individually and through their duly-formed condominium owners association under the Act), as applicable, for their proportionate share of said expenses in accordance with the formulas set forth above. The Association shall submit an invoice for payment of the proportionate share of all snow removal and road maintenance costs incurred in the Project to Developer and/or future Co-owners of Meadows West Condominium on a biannual basis. The Association shall submit an invoice for payment of the proportionate share

of all road repairs or replacement costs incurred in the Project to Developer and/or future Co-owners of Meadows West Condominium upon payment of such expenses by the Association.

2. **Continuing Effect.** Except as amended and modified by this Second Amendment to Master Deed, all terms and conditions of the Master Deed shall remain in full force and effect.

IN WITNESS WHEREOF, Developer has duly executed this Second Amendment to Master Deed as of the day and year first above written.

MITCH HARRIS BUILDING
COMPANY, INC.

By: _____
Mitch Harris
Its: President

STATE OF MICHIGAN)
) SS
COUNTY OF LIVINGSTON)

On this _____ day of _____, 2019, before me, a Notary Public, in and for said County, appeared Mitch Harris, President of Mitch Harris Building Company, Inc., a Michigan corporation, to be personally known and being duly sworn, executed the within instrument; that said instrument was signed and sealed on behalf of said corporation.

Notary Public, _____ County, MI
Acting in _____ County
My Commission Expires: _____

This Instrument Drafted by and
After Recording Return to:

Roger L. Myers, Esq.
Myers & Myers, PLLC
915 N. Michigan Avenue
Howell, MI 48843
(517) 540-1700

MEMO

To: Marion Township Board
From: Bob Harvey
Subject: CVTRS submittal
Date: December 10, 2020

Attached are the documents required by State of Michigan Treasury Department to qualify for the additional Revenue Sharing funds for then next fiscal year.

Below is the auto-response email from Treasury that indicates that it was submitted on time.

They sometimes make suggestions or ask for more information.

The documents were also posted on the Township website.

Bob Harvey

From: TreasRevenueSharing <TreasRevenueSharing@michigan.gov>
Sent: Friday, November 27, 2020 4:21 PM
To: Bob Harvey
Subject: Automatic reply: CVTRS for 2020

Your email to TreasRevenueSharing@michigan.gov has been received.

We are currently receiving a high volume of emails/phone calls and will be responding to inquiries in the order received.

Thank you for your patience.

Revenue Sharing and Grants Division
Michigan Department of Treasury
517-335-7484
www.michigan.gov/revenuesharing

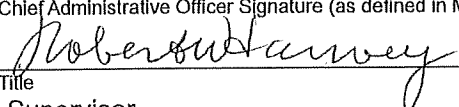
City, Village, and Township Revenue Sharing and County Incentive Program Certification

Issued under authority of 2020 Public Act 166. Filing is mandatory to qualify for payments.

Each city/village/township/county applying for City, Village, and Township Revenue Sharing or County Incentive Program payments must:

1. Certify to the Michigan Department of Treasury (Treasury) that the local unit listed below has produced and made available to the public a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report as required by 2020 Public Act 166. The local unit must include in any mailing of general information to its citizens, the Internet website address or the physical location where all the documents are available for public viewing in the clerk's office.
2. Submit to Treasury a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report.

This certification, along with a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report, **must be received by December 1, 2020**, (or the first day of a payment month) in order to qualify for that month's payment. Postmark dates will not be considered. For questions, call 517-335-7484.

PART 1: LOCAL UNIT INFORMATION			
Local Unit Name Marion Township		Local Unit County Name Livingston	
Local Unit Code 47-1120		Contact E-Mail Address supervisor@mariontownship.com	
Contact Name Robert W. Hanvey	Contact Title Supervisor	Contact Telephone Number (517) 546-1588	Extension
Website Address, if reports are available online www.mariontownship.com		Current Fiscal Year End Date June 30, 2021	
PART 2: CITIZEN'S GUIDE			
Check any of the following that apply:			
<input checked="" type="checkbox"/> The local unit has elected to use Treasury's online Citizen's Guide to comply with the legislative requirements. Therefore, a copy of the Citizen's Guide will not be submitted to Treasury.			
<input checked="" type="checkbox"/> The local unit does not have any unfunded liabilities (pensions or other postemployment benefits (OPEB)).			
PART 3: CERTIFICATION			
<i>In accordance with 2020 Public Act 166, the undersigned hereby certifies to Treasury that the above mentioned local unit 1) has produced a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report and 2) will include in any mailing of general information to our citizens, the Internet website address or the physical location where all the documents are available for public viewing in the clerk's office. The Citizen's Guide, Performance Dashboard, Debt Service Report, and Projected Budget Report are attached to this signed certification, unless otherwise noted in Part 2.</i>			
Chief Administrative Officer Signature (as defined in MCL 141.422b) 		Printed Name of Chief Administrative Officer (as defined in MCL 141.422b) Robert W. Hanvey	
Title Supervisor		Date 11/27/2020	

Completed and signed form (including required attachments) should be e-mailed to: TreasRevenueSharing@michigan.gov. If you are unable to submit via e-mail, fax to 517-335-3298 or mail the completed form and required attachments to:

Michigan Department of Treasury
Revenue Sharing and Grants Division
PO Box 30722
Lansing MI 48909

TREASURY USE ONLY		
CVTRS/CIP Eligible Y N	Certification Received	Citizen's Guide Received
Performance Dashboard Received	Debt Service Report Received	Projected Budget Report Received
Final Certification	CVTRS/CIP Notes	

Performance Dashboard

Local Unit Name: Marion Township
Local Unit Code: 47-1120

	2019	2020	Trend	Performance
Fiscal Stability				
Annual General Fund expenditures per capita	\$115	\$132	↑14.8%	Negative
Fund Balance as % of annual General Fund expenditures	161.1%	195.6%	↑21.4%	Positive
Unfunded pension & OPEB liability, as a % of annual General Fund revenue	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Debt burden per capita	\$0	\$0	#DIV/0!	#DIV/0!
Percentage of road funding provided by the General Fund	100.0%	100.0%	→0.0%	Neutral
Ratio of pensioners to employees	-	-	#DIV/0!	#DIV/0!
Number of services delivered via cooperative venture	7	7	→0.0%	Neutral
Economic Strength				
% of community with access to high speed broadband	88%	86%	↓-2.6%	Negative
% of community age 25+ with Bachelor's degree or higher	#DIV/0!	30%	#DIV/0!	#DIV/0!
Average age of critical infrastructure (years)	-	-	#DIV/0!	#DIV/0!
Public Safety				
Violent crimes per thousand	-	-	#DIV/0!	#DIV/0!
Property crimes per thousand	-	-	#DIV/0!	#DIV/0!
Traffic injuries or fatalities	-	-	#DIV/0!	#DIV/0!
Quality of Life				
Miles of sidewalks and non-motorized paths/trails as a factor of total miles of local/major roads & streets	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Percent of General Fund expenditures committed to arts, culture and recreation	9.2%	7.2%	↓22.4%	Neutral
Acres of parks per thousand residents	2.9	3.7	↑28.9%	Positive
Percent of community being provided with curbside recycling	100%	100%	→0.0%	Neutral

Projected Budget Report

Local Unit Name:
 Local Unit Code:
 Current Fiscal Year End Date:
 Fund Name:

Marion Township
 47-1120
 6/30/2021
 General Fund

REVENUES	Current Year Budget	Percentage Change	Year 2 Budget	Assumptions
Property Taxes	\$ 402,000	2 %	\$ 410,040	New construction
Other Taxes	\$ 700,000	2 %	\$ 800,000	Conservative estimate due to Corona Virus
State Revenue Sharing	\$ -	2 %	\$ 276,420	New construction
Income Tax	\$ 271,000	2 %	\$ 27,362	New construction
Fines & Fees	\$ 26,825	2 %	\$ 500	
Licenses & Permits	\$ 500	2 %	\$ -	
Interest Income	\$ 36,301	2 %	\$ -	
Grant Revenues	\$ -	2 %	\$ 36,301	
Other Revenues	\$ -	2 %	\$ -	
Interfund Transfers (In)	\$ -	2 %	\$ -	
Total Revenues	\$ 1,436,626		\$ 1,550,623	
EXPENDITURES				
General Government	\$ 1,212,200	2 %	\$ 1,236,444	Inflation
Police and Fire	\$ -	2 %	\$ -	
Other Public Safety	\$ 70,000	2 %	\$ 70,000	Dust Control Only
Roads	\$ 10,000	2 %	\$ 10,000	Township At-Large Drains
Other Public Works	\$ -	2 %	\$ -	
Health and Welfare	\$ -	2 %	\$ -	
Community & Economic Development	\$ 130,500	2 %	\$ 133,110	Contract
Recreation & Culture	\$ 31,000	2 %	\$ 31,000	
Capital Outlay	\$ -	2 %	\$ -	
Debt Service	\$ -	2 %	\$ -	
Other Expenditures	\$ 25,000	2 %	\$ 25,000	Land Acquisition Fund
Interfund Transfers (Out)	\$ -	2 %	\$ -	
Total Expenditures	\$ 1,478,700		\$ 1,505,554	
Net Revenues (Expenditures)	\$ (42,074)		\$ 45,069	
Beginning Fund Balance	\$ 2,934,185		\$ 2,892,111	
Ending Fund Balance	\$ 2,892,111		\$ 2,937,180	

Updated revenue sharing projections indicate we underestimated our FY2021 payments

Debt Service Report

Local Unit Name: Marion Township
Local Unit Code: 47-1120
Current Fiscal Year End Date: 6/30/2020

Debt Name: 2020 Sewage Disposal System
Issuance Date: 4/15/2020
Issuance Amount: \$3,687,975
Debt Instrument (or Type): Agreement
Repayment Source(s): Current Funds, New Connections

Years Ending	Principal	Interest	Total
2021	\$	\$ 43,641	\$ 43,641
2022	\$	\$ 73,780	\$ 73,760
2023	\$	\$	\$ 233,344
2024	\$	\$	\$ 232,819
2025	\$	\$	\$ 232,754
2026	\$	\$	\$ 232,625
2027	\$	\$	\$ 234,037
2028			233,744
2029			233,387
2030			232,965
2031			234,085
2032			233,501
2033			232,852
2034			233,744
2035			234,540
2036			233,631
2037			232,657
2038			233,225
2039			232,089
2040			232,495
2041			234,410
Totals	\$ -	\$ 117,421	\$ 4,550,305

Agreement is based on actual construction costs that will not be known until completion around the end of 2021.

Board Appointments

Zoning Board of Appeals

- Linda Manson-Dempsey
- Larry Fillinger
- Diane Bockhausen
- Alternate-Ed Galubensky

Planning Commission

- Jim Anderson
- Bruce Powelson

Board of Review

- Rick Dell
- Diane Bockhausen
- Cheryl Range
- Alternate-Barbara Hamann

tammybeal@mariontownship.com

From: Bob Hanvey <supervisor@mariontownship.com>
Sent: Thursday, December 3, 2020 10:10 AM
To: Tammy Beal
Subject: FW: Padnos Metal Shredding Operation, Howell
Attachments: 202006180648.pdf; Howell Planning Commission Oct 2020.pdf; MKSK Report.pdf

Sent from Mail for Windows 10

From: Greene, Alan
Sent: Thursday, December 3, 2020 7:37 AM
To: Bob Hanvey
Cc: Donald S. Parker
Subject: Padnos Metal Shredding Operation, Howell

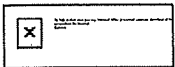
Mr. Hanvey, I know we traded calls and I owe you a call back. Here is what I wanted to discuss with you. As you may recall I am co-counsel for Livingston County Catholic Charities (LCCC) and Matem, LLC. LCCC and Matem have taken the lead in opposing the proposed development of a massive outdoor metal shredding operation at property located at 645 Lucy Road by Padnos Iron & Steel. I understand that Marion Township owns property on the other side of Lucy Road which is zoned for residential use. I know that you are familiar with the background of this matter but I will summarize the procedural history for the Township Board. In November 2019, Howell's Planning Commission, in a divided vote and in the face of strong public opposition, approved a site plan and special land use for the Padnos metal shredding operation. As you may know, Padnos did not submit any environmental reports, wetlands analysis (there were extensive wetlands on the site), traffic information or other materials usually provided for a special land use of such intensive nature. The City did not obtain any outside planning or engineering analyses of the request. In any case, the approval was conditional on Padnos obtaining 3 variances. Howell's Zoning Ordinance required that such a facility be fully enclosed in a building and that all vehicular drives and material storage areas on site be paved. Padnos wanted to operate its shredder outdoors and not pave all of the required areas. In effect, for an operation with such potential adverse impacts as noise, vibration, air and land pollution, fire and explosion hazards, Padnos wanted to avoid even the minimal protections required by Howell's Zoning Ordinance. For a summary of some of the issues posed by such a facility, see the attached report prepared by Brad Strader of MKSK at the request of LCCC which was presented to the Zoning Board of Appeals as described below. Also, even after the Planning Commission approved the project, Padnos experienced another major fire at its facility in Holland, Michigan. See attached news article.

Padnos pursued the variances described above and, in February 2020, Howell's ZBA unanimously denied the variances. LCCC and Matem (LCCC's landlord) took an active role in opposing the variances, but there were many other voices in opposition. Marion Township's Board adopted a resolution authorizing me to represent in the letter of opposition I prepared for Matem and LCCC that Marion Township opposed the variances for the reasons set forth in the letter, including the adverse impact on the value and marketability of Marion's residential property located across the street from the proposed Padnos operation. LCCC has been operating its various counseling and treatment services on property owned by Matem for over 20 years, which property is located in close proximity to the Padnos project. As explained by the attached letter from Mark

Robinson, the Executive Director of LCCC, the Padnos project (particularly if operated in the open as requested by Padnos) would cause LCCC to move. In any case, Padnos has appealed to the Circuit Court from the ZBA's denial of the variances. Because the City of Howell administration has always supported (for reasons we cannot explain) the Padnos project and the variances, LCCC and Matem sought to intervene in the Padnos appeal to support the ZBA's decision and to make sure the opposition to the variances was properly and fully presented. The court recently granted the motion to intervene.

The City, of course, can try to settle the Padnos appeal at any time and enter into an agreement giving Padnos what it wants. We should keep in mind that the Howell City Council has never had any formal role in this Project. The purpose of this lengthy email is to respectfully ask that the Township Board consider adopting a resolution to reiterate its opposition to the project, and particularly the variances requested by Padnos, and send a communication to the City of Howell urging City Council to support and defend the unanimous decision of the ZBA to deny the variances.

I appreciate the Township's consideration of this request and let me know if you need any additional information. Alan

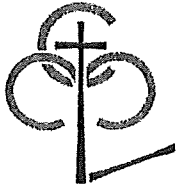


Alan M. Greene
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LIVINGSTON COUNTY
**CATHOLIC
CHARITIES**
HELPING LIVES GROW

2020 E. Grand River, Suite 104 • Howell, MI 48843 • Office: (517) 545-5944 • Fax: (517) 545-7390 • Livingstoncatholiccharities.org

October 19, 2020

Timothy Schmitt, Community Development Director
City of Howell
611 E. Grand River Ave.
Howell, MI 48843

RE: #20-17—645 Lucy Road, Site Plan and Special Land Use Extension.

Dear Planning Commissioners:

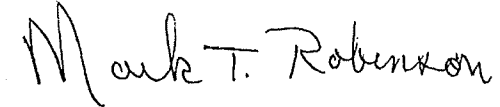
Since initially learning of the proposed Padnos metal shredding project at 645 Lucy Road, Livingston County Catholic Charities (LCCC) has been in opposition. On several occasions I have shared our position with the Planning Commission, the Zoning Board of Appeals and others within local government. For almost 22 years, LCCC has provided social work services to some of the most vulnerable Livingston County residents from our office at 2020 E. Grand River, less than 4/10th mile from the proposed shredder. These services include mental health and addiction counseling, children's services and services for the elderly, including dementia and other cognitive disabilities. Based upon the known impacts of the proposed massive outdoor auto shredder proposed by Padnos, LCCC has determined that it will have to move elsewhere and vacate the two office buildings in which we currently operate. Such a move will create a hardship for our organization and our continuity of service delivery. We saw that Padnos is seeking an extension of its special land use and site plan approval for another year. LCCC respectfully asks that the Planning Commission deny the request.

The standard for extension of the special land use is that —" The Planning Commission may authorize a 12-month extension of the time limit to begin construction or commence the use of any special land use if in the Commission's view **the conditions supporting the special land use are still applicable**. The applicant must submit a request to the Planning Commission in writing a least one month prior to the expiration of the Site Plan under subsection (g) above." The Planning Commission's approval of the special land use was "conditional" on Padnos obtaining several variances from the Zoning Board of Appeals. I have attached the letter from the City of Howell to Padnos reflecting the approval and the conditions. As you know, the ZBA unanimously denied the variances requested by Padnos. So the condition failed and is no longer applicable. While Padnos is suing the City of Howell over the denial of the variances, that should not be the basis for granting an extension. Padnos should be requested to pursue a new or amended application for special land use approval. LCCC respectfully urges the Commission to deny the request for extension.



We appreciate your consideration of these comments and ask that this letter be shared at the Planning Commission meeting scheduled for Wednesday, October 21, 2020.

Sincerely,

A handwritten signature in black ink that reads "Mark T. Robinson". The signature is written in a cursive style with a large, prominent "M" at the beginning.

Mark T. Robinson
Executive Director

January 2, 2020

City of Howell
Board of Zoning Appeals
c/o Timothy R. Schmitt
611 E. Grand River
Howell, Michigan 48843

MKSK

4219 WOODWARD AVE. #305
DETROIT, MI 48201
313.652.1101

Re: Appeal of the Planning Commission Approval of a Special Land Use for Proposed Scrap Processing Facility at
645 Lucy Road

Dear Board Members:

This letter is in support of the accompanying "Request for Review" form submitted by Livingston County Catholic Charities to appeal the approval of a special land use given by the Planning Commission on November 20, 2019 to Padnos Iron and Metal ("Padnos") to allow for a salvage yard and outdoor metal shredder at 645 Lucy Road. This Appeal is being brought pursuant to Section 12.04 of the City of Howell Zoning Ordinance, entitled "Powers and Duties of the Zoning Board of Appeals", which indicates that *"the Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit decision, or refusal made by the Zoning Administrator or other duly authorized enforcing agent in enforcing any provision of this Zoning Ordinance."* As we describe in this letter, we believe the Planning Commission made such an error in its decision. This appeal is distinct from the variances requested by Padnos, which are also pending before this Board and would also require a separate decision by the Board.

As explained below, the recent split decision rendered by the Planning Commission to approve the special land use does not meet the mandatory criteria for a Special Land Use listed in Section 3.03 (e) of the Zoning Ordinance, nor does it meet the goals and objectives of the City's Master Plan related to this area of the City. We believe it is also contrary to the commitments made by the City of Howell to Genoa Township that development of the property will foster "quality economic development to benefit the respective communities"; "afford reasonable protection to residential properties located in the Township adjacent to the area being transferred" and "to buffer industrial and commercial uses from the Township residential uses" as described in the Act 425 Agreement in which this land was annexed into the City of Howell. As such, the Planning Commission's decision was not supported by substantial, competent and material evidenced on the record and represents an abuse of discretion. Therefore, we ask the Board to review the special land use request applying the Zoning Ordinance criteria correctly. We believe that when the Board considers all the information, it will and should reverse the decision by the Planning Commission.

This letter describes the basis for this Appeal including a review of the Special Land Use standards and the information on the proposed use that had been presented at the Planning Commission meeting to help familiarize the Board with the proposed metal salvage and shredding operations and its impacts on the community.

Professional Qualifications

This letter is based on my review of the information, the City of Howell Master Plan and Zoning Ordinance, and my experience as a certified Community Planner. My 30+ years of experience includes reviewing development proposals and variance requests for dozens of communities across Michigan. I advised Genoa Township on



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planning and zoning for many years, beginning in 1988, so I am very familiar with the Lucy Road area. I also serve as an instructor for Board of Appeals training for the Michigan Association of Planning, and had served in a similar capacity for the Michigan Municipal League.

Description of the Property and Proposed Salvage Yard and Metal Processing Operation

The subject property (the "Property") contains three separate parcels of land totaling approximately 56 acres. One of the parcels is used in part for an existing salvage yard. The largest parcel (about 40 acres) is vacant and was formerly owned by the City of Howell (the "Former City Property"). Padnos has proposed to expand an existing, smaller salvage operation and to construct a massive outdoor metal processing facility on the Former City Property.

While all of the Property is zoned I-2 or General Industrial, it is surrounded by a variety of significantly less intensive land uses and zoning classifications. The eastern boundary of the Property is directly adjacent to land zoned for Public Recreation and General Commercial use in Genoa Township. Those properties are partially developed and used for offices and facilities of the Livingston County Catholic Charities and Livingston County, including the County's environmental and mental health divisions. There are single-family homes located along Chilson Road to the east of the Property. Most of the land on the west side of Lucy Road across from the proposed scrap metal shredding operation is vacant and is zoned for single-family residential use by the City. There are several single-family homes along Lucy Road in this vicinity. To the north and northeast, there are a mixture of industrial, commercial, and residential uses, including a dog day care center, restaurant, and an adult day care center that provides services specifically for people diagnosed with dementia. To the south, there is land zoned for light industrial. Part of the Property also wraps around a former, now closed City landfill along Lucy Road.

One criterion for Special Land Use approval is consistency with the City's Master Plan. The City's 2015 Master Plan designates this area as an Employment District and as part of the Loop Road Area plan. Though the Master Plan recognizes that there are existing heavy industrial uses in the area, it envisions a future mixed-use area and one that will attract a variety of employment and business opportunities.

Access to the proposed new metal processing operation is from Lucy Road--a narrow, unpaved road that is under the jurisdiction of the Livingston County Road Commission. While Padnos was vague in responding to questions from the Planning Commission regarding traffic impacts, a comparison with similar shredders indicates that the operation could generate at least 70 additional heavy trucks per day traveling down narrow, partially unpaved Lucy Road and along Grand River Ave. Surprisingly, Padnos did not submit, nor did the Planning Commission require, a traffic impact study. Such a traffic study is typical for a use that will generate so much heavy truck traffic to evaluate its impacts on traffic operations, safety and road conditions along Lucy Road, Grand River Ave., downtown Howell and the I-96 interchanges. Further, we contacted the Livingston County Road Commission staff which responded that Padnos had not submitted any information about the operation or a request for a permit to access Lucy Road.

Despite information presented on the potential negative impacts by dozens of property owners and residents of the City, as well as representatives of the Livingston County Catholic Charities and Genoa Township, at the public hearing to oppose the special land use request, the Planning Commission by a vote of 5-2, approved the special land use on November 20, 2019. As reflected in both the official letter from the City dated December 5, 2019,

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and the minutes of the Planning Commission meeting, the Planning Commission failed to make any findings of fact as to each of the requirements for issuance of a special land use permit as mandated by the City's Zoning Ordinance (Section 3.03(d)) and State law (MCL 125.3502(4)). This approval was even more stunning given that the proposed use does not meet the City's Zoning Ordinance standards which requires that a metal processing operation be located within a completely enclosed building and that access to the processing facilities and truck drives be paved. The Planning Commission approved the special land use and site plan without these key mandatory, protective requirements of the Zoning Ordinance, subject to this Board granting variances.

Another material deficiency in the Planning Commission's decision was the Commission's complete failure to address contractual obligations owed by the City to both Genoa Township and Marion Township. The former City Parcel was obtained by the City from Genoa Township through an Agreement (i.e. a contract) for Conditional Transfer of Property under Michigan Public Act 425 a copy of which is being provided with this appeal package. That Agreement states that the purpose of the land transfer was for the City to provide municipal city and water services to the area in order to create jobs and additional development. The Agreement provides that it was intended to foster "quality economic development to benefit the respective communities." The Genoa Agreement also contained a commitment by Howell to protect adjacent residential properties in Genoa Township from adverse impacts of development. A similar agreement was entered into by the City with Marion Township.

Genoa Township's Manager appeared at the public hearing to express the Township's concerns with the proposed use and its impacts. He raised numerous issues including the City's potential violation of the terms in the conditional transfer Agreement. A representative of Marion Township was also at the meeting and did not support the special land use request. Neither the City staff reports nor the Planning Commission discussion addressed or even responded to the inconsistency with commitments the City of Howell made in the Agreement with Genoa Township.

For the reasons stated above and described below, and on behalf of Livingston County Catholic Charities, we respectfully ask this Board to reverse the decision of the Planning Commission.

The Project Failed to Satisfy Any of the Special Land Use Criteria

Even though the Property is zoned industrial, the Zoning Ordinance recognizes that salvage yards and similar uses can have significant impacts and thus are regulated as Special Land Uses. Special land uses are designated as such because of their unique potential for adverse impacts on neighboring properties, even as compared to other industrial uses permitted as of right. For example, an industrial special land use may be appropriate in the heart of an industrial district surrounded by other industrial uses and inappropriate on the edge of the district adjacent to less intensive land uses. This why the Zoning Ordinance requires that the Planning Commission "establish that such use and the proposed location comply with" stated criteria as discussed below. Zoning Ordinance at Section 3.03(e), emphasis added.

Salvage Yards are permitted as a Special Land Use provided, among other things, "they are entirely enclosed in buildings or enclosed and screened in accordance with Section 5.13, and provided, further, that one (1) property line abuts a railroad right-of-way. There shall be no burning on the site, and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building." (Note: Emphasis added.)

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As described in the City Zoning Ordinance, "the Planning Commission shall review the proposed special land use in terms of the standards stated within"...and shall establish that such use and the proposed location comply" with the criteria prescribed below. We have included our review of each of the criteria to describe and emphasize why this particular Special Land Use application does not meet the standards set forth below:

(1) Will be harmonious and in accordance with the general objectives or any specific objective of the Master Plan.

The proposed use is plainly inconsistent with the 2015 City Master Plan, in particular with the sections as noted below:

- The proposed special land use is contrary to a Master Plan Guiding Value goal for "a clean, safe, and inviting physical environment" (p. 9).
- The Master Plan classifies this site as part of the Employment District in the Framework Map (p. 24) and indicates that the City will "ensure that standards are in place to allow for expansion while protecting the quality of life in neighboring areas" (p. 23). Again, we believe the special land use would be even more intense than the existing industrial uses, and thus is inconsistent with this Master Plan goal.
- The property is part of the Loop Road Area Small Area Plan identified in the City's Master Plan (p. 56). The City describes this area as an opportunity to develop the eastern section (which includes this site) as an employment district that focuses on sustainability and technology. Within this same Small Area Plan, the western portion is contemplated for development into a mix of uses including residential. The Master Plan states that this area contains uses that are incompatible with the City's core neighborhoods and historic downtown, but that the area has the potential to evolve to provide residential neighborhoods, commercial, office, mixed use, and industrial uses. The City indicates that there are challenges within this study area that will require "comprehensive planning and innovative design to accomplish the vision for the destination and employment district" (p. 80).
- A large expansion of an old, existing salvage yard with a large outdoor metal shredding operation on an additional 40 acres located near homes, the Livingston County Catholic Charities, the Livingston County Health facilities, and a planned mixed use/residential area is contrary to the overall intent and purpose of the Master Plan. Instead, this use and its associated operations will create significant noise, vibration, heavy-truck traffic, and will impact the overall quality of life for existing and potential residents, businesses and service uses in the area. Equally important, allowing such an intensive use on the edge of the industrial district will effectively stymie any realistic achievement of the Master Plan objective to create a mixed-use employment district compatible with residential, commercial and other land uses. In addition to those impacts, the Board should consider that fires and explosions are common at such outdoor metal shredding operations, including at other locations operated by Padnos. (See news articles included with the application for appeal.) Many communities with shredders have adopted extensive ordinances to help regulate operations and impose penalties for such severe and adverse impacts. The City of Chicago, for example, has proposed a very detailed set of regulations. The City of Howell lacks such protective ordinances.

(2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

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Noise levels, increased truck traffic generated from this use, and potential hazardous fires and explosions will have a detrimental effect on not only neighboring properties, but will be far reaching into the City of Howell and adjacent communities. Without special conditions and performance standards, this type of use can operate for long hours, be easily visible from nearby properties, and can be heard from extensive distances. There is nothing harmonious about locating a metal shredding machine adjacent to non-industrial users such as the County offices, and lands zoned for recreational, residential and commercial uses.

(3) Will not be hazardous or disturbing to existing or future nearby uses.

This criterion is intended to ensure that the use will be harmonious with both existing and future land uses, as contemplated in the City and Township Master Plans and Zoning Ordinances. It should also be noted that permits would be needed from the State of Michigan. But the Planning Commission did not make any specific findings on this (or any other) criterion. We believe it overlooked some key information listed below, most of which was described during the Planning Commission's Public Hearing:

- While the shredder operation will require an air quality permit from the Michigan Department of Environment, Great Lakes and Energy, issuance of a permit will not eliminate the potential hazards of airborne emissions, noxious fumes and odors. Smoke, odors and fugitive emissions are common hazards associated with scrap metal shredding facilities. No monitoring is proposed to ensure fugitive emissions do not impact surrounding properties. Nor is there any mechanism for the City to enforce its provisions.
- With respect to noise and vibration, the City Staff report relied on unsubstantiated data provided from Padnos from its facility in Grand Rapids. There is no supporting information to indicate how any testing was performed, whether the testing was of a similar shredder while shredding the same material proposed to be shredded at this facility, at the same rate and volume. Without this information, the data is irrelevant. As such, the application is completely void of any verifiable support that this facility can meet the City's noise standards.
- Vibrations associated with a shredder can have a negative impact on existing and planned land uses. But no information was provided regarding vibrations from the proposed shredder.
- No traffic report or other information was provided regarding heavy truck traffic and its impacts on the condition of roads in the vicinity and accessibility to the Livingston County Catholic Services and other uses near the Property, or even as to the suitability of unpaved Lucy Road to support the large volume of additional heavy trucks.
- In its letter in support of the City of Chicago's Proposed Rules for Large Recycling Facilities, the Natural Resources Defense Council documents that scrap metal shredding operations produce toxic air emissions, residue containing hazardous materials such as lead, cadmium and PCBs and other chemical and physical hazards which pose a threat to surrounding communities. After years of complaints from surrounding residents and businesses over noise, dust, odors, fires and explosions from a large scrap metal shredding operation (which had an air permit from the state of Illinois), the City of Chicago, realizing it could not rely on existing state and federal regulation of scrap metal recycling facilities, proposed its own ordinance to regulate the impacts posed by such facilities. (See documents attached to the application for appeal.)

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- Padnos provided no information about hazardous materials which will be used, handled, stored or generated on site. Information gathered regarding the operation of similar shredders will be provided as part of this Appeal. That information indicates that the automobiles like those that Padnos proposes to shred contain numerous hazardous substances including mercury, gasoline, oils, lead, Freon and PFAS. The shredding process also generates a residual referred to as automobile shredder residue or "fluff". Fluff contains polychlorinated biphenyl (PCBs), metals such as lead and cadmium and total petroleum hydrocarbons (TPH) as well as volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). Padnos does not plan on storing this material in a structure or on pavement. There is no information as to how soils and groundwater or the adjoining wetland will be protected from the hazardous materials used, handled and stored at the proposed facility.
- Fires and the resulting hazardous emissions and odors are also common and inevitable at scrap metal processing facilities. According to Ryan Fogelman, author of the Waste & Recycling Facility Fire Annual Report, fires at metal recycling operations have increased by 63 percent in 2018 as compared with 2017 and have more than doubled as compared to 2016. In 2017, Fogelman reported that over 289 North American recycling facilities experienced fires. Scrap metal recycling facilities account for a majority of these fires. (See documents attached to the application for appeal.)
- Padnos has experienced multiple fires at its yards in Michigan. In October of this year, fire crews battled a fire at Padnos' Grand Rapids facility. In 2016, at that same facility, flames shooting 80 to 100 feet into the air were reported in connection with a fire which purportedly started when workers were moving scrap items into a shredder. In 2010, a fire at the Padnos shredder facility sent thick black smoke thick, over parts of Walker and northeast Grand Rapids and I-96. (See documents attached to the application for appeal.)
- No information or analysis was presented regarding the potential impact the metal shredding operation might have on the closed landfill that partially surrounds the Property, or adjoining protected wetlands.

(4) Will be an improvement in relation to property in the immediate vicinity and to the community as a whole.

This use will not improve the area. It is more likely to negatively impact existing properties, including property values and reasonable use of same, and impede planned development in the area. The proposed use actually intensifies the heavy industrial nature of the Property, creating potential additional nuisances and harmful effects that are incompatible with adjacent properties.

(5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.

As noted by representatives of Marlon Township at the Howell Planning Commission meeting on November 20, 2019, the property lacks any access to public water and there are no future plans to provide water to this site by the City. Further, no information was presented that Padnos has received or even asked for approval to obtain sewer and water services for the Project. While the Fire Department provided comments

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on the application, it did so without any information regarding hazardous materials that would be stored on site.

(6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community; and

Public costs for road maintenance, monitoring, fire fighting, and other municipal services could be significantly more than associated with other types of Industrial uses permitted in the district. Properties in the vicinity could lose value. The detrimental effects of this outdoor operation could lessen the potential for development of the large undeveloped area in the City to the west, and thus reduce the potential tax base associated with that future development.

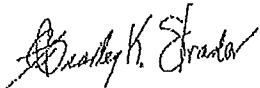
(7) Will be consistent with the Intent and purposes of this Zoning Ordinance.

The I-2 Industrial District in the Zoning Ordinance regulates salvage yards as a Special Land Use for good reasons. It also requires that operations such as the scrap metal shredding facility proposed for the Property be conducted entirely within a building. It is our interpretation that the outdoor shredder does not meet the spirit and Intent of the Zoning Ordinance to protect other properties in the vicinity.

Conclusion

We believe that the Planning Commission made an administrative error in its approval of the Special Land Use for this Property. The Planning Commission did not consider key information such as the experience of other cities, the typical impacts of shredders, and the implications of the Act 425 Agreements with Genoa and Marion Townships, exposing the City to potential claims from these neighboring communities. The Planning Commission also did not require that the applicant provide sufficient information on the potential negative impacts, and how they would be mitigated, such as hazardous substances stored on site and the significant increased volume of truck traffic. Even more important, the Planning Commission's decision was fatally flawed because the Commission failed to make any findings and conclusions as to each of the mandatory standards required by the Zoning Ordinance. For each of the above reasons, we ask on behalf of the Livingston County Catholic Charities that the Board reverse the decision of the Planning Commission. We appreciate the Board's consideration of this information.

Sincerely,



Brad Strader, AICP, PTP

Principal, MKSK