

**BOARD OF TRUSTEES  
MINUTES - JANUARY 11, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Dave Hamann, Tammy Beal, Travis Hodge, Les Andersen, Dan Lowe (arrived at 7:05 p.m.), and Paula Wyckoff

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Ken Palka, Pfeffer, Hanniford & Palka  
Chris Arsenault, Pfeffer, Hanniford & Palka  
Dave Schroeder, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda as presented. Travis Hodge seconded.

**Motion carried 6-0.**

**CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda. Paula Wyckoff seconded. Roll call vote: Dave Hamann, Tammy Beal, Bob Hanvey, Paula Wyckoff, Les Andersen, Travis Hodge—all yes. **Motion carried 6-0.**

**KEOUGH SHOW CAUSE HEARING**

Dave Hamann motioned to postpone the Show Cause Hearing for Patrick and Judy Keough. Les Andersen seconded. **Motion carried 7-0.**

**JUNE 30, 2006 AUDIT PRESENTATION**

Ken Palka, from Pfeffer, Hanniford & Palka, thanked the board members for their assistance during the audit process. The objective is to give an opinion on the numbers based on generally accepted accounting principles. The township has been given the highest level. Mr. Palka reviewed some of the funds, including the General Fund, the Recreation Fund, and the Sewer Fund. He suggested that the township consider evaluating its sewer rates. Chris Arsenault, from Pfeffer, Hanniford & Palka, reviewed comments and recommendations as a result of the audit. Tammy Beal motioned to accept the audit report as presented. Les Andersen seconded. **Motion carried 7-0.**

**SEWER USAGE RATES**

The board continued its discussion on sewer usage rates. The trend is consistent and substantial. Ken Palka recommended a five to ten cent increase. Dan Lowe motioned to keep the sewer rate at \$3.50 per 1000 gallons. Bob Hanvey seconded.

**Motion failed 2-5.** Dave Hamann motioned to adopt a resolution to increase the sewer usage fee to \$3.55 per 1000 gallons, for metered users only. Travis Hodge seconded.

Roll call vote: Paula Wyckoff, Travis Hodge, Dave Hamann, Tammy Beal, Les Andersen—yes; Bob Hanvey, Dan Lowe—no. **Resolution passed 5-2.**

**MHOG PIPELINE**

Bob Hanvey provided the board with an update. MHOG is willing to work out a financial arrangement that will be repaid by new user fees.

### **TEXT AMENDMENT—SECTION 6.07 #1**

Dave Hamann motioned to adopt a resolution to approve the text amendment for Section 6.07 #1—Accessory Uses and Structures. Tammy Beal seconded. Roll call vote: Tammy Beal, Bob Hanvey, Travis Hodge, Les Andersen, Dan Lowe, Paula Wyckoff, Dave Hamann—all yes. **Resolution passed 7-0.**

### **PLANNING COMMISSION REPORT**

Dave Hamann provided an update from the Planning Commission December 19 meeting.

### **COMMUNITY WASTEWATER UTILITY SYSTEMS**

Dave Hamann motioned to table Community Wastewater Utility Systems general ordinance issues until the Planning Commission has finalized the zoning ordinance. Travis Hodge seconded. **Motion carried 7-0.**

### **TOWNSHIP ROADS**

Bob Hanvey suggested forming a committee to review and provide guidance on road issues. Dave Hamann said this should be kept separate from the general ordinance and private road ordinance. Paula Wyckoff said there should be direct communication with the Livingston County Road Commission. Les Andersen said OHM had previously suggested a 10-year road plan. Dave Hamann asked if the committee would be limited to board members. Bob Hanvey said the member could make that choice. Tammy Beal motioned to create the Marion Township Public Road Committee with Les Andersen, Travis Hodge and Dave Hamann as members. Paula Wyckoff seconded.

**Motion carried 7-0.**

### **PERSONNEL HANDBOOK UPDATE**

Dave Hamann motioned to approve the Medical Leave of Absence policy for the employee handbook. Paula Wyckoff seconded. **Motion carried 7-0.**

### **CLARK HILL INVOICE**

Paula Wyckoff motioned to approve the Clark Hill invoice for \$110. Dave Hamann seconded. Roll call vote: Bob Hanvey, Dan Lowe, Paula Wyckoff, Tammy Beal, Dave Hamann, Travis Hodge, Les Andersen—all yes. **Motion carried 7-0.**

### **SUMMER TAX COLLECTION FEE**

Paula Wyckoff motioned to adopt a resolution to approve collection of summer school property taxes at \$3 per parcel, per the agreement provided in the board packet. Tammy Beal seconded. Roll call vote: Travis Hodge, Tammy Beal, Les Andersen, Dan Lowe, Bob Hanvey, Dave Hamann, Paula Wyckoff—all yes. **Resolution passed 7-0.**

### **SPENDING AUTHORIZATION**

Dave Hamann motioned to authorize the supervisor, clerk, and treasurer to spend up to \$3,000 without board approval. Les Andersen seconded. Roll call vote: Dan Lowe, Paula Wyckoff, Dave Hamann, Travis Hodge, Les Andersen, Tammy Beal, Bob Hanvey—all yes. **Motion carried 7-0.** Dave Hamann motioned to authorize the supervisor, clerk and treasurer to use the National City charge card for township business only. Les Andersen seconded. Roll call vote: Dave Hamann, Dan Lowe, Tammy Beal, Bob Hanvey, Paula Wyckoff, Les Andersen, Travis Hodge—all yes. **Motion carried 7-0.**

### **CARPET CLEANING BIDS**

Tammy Beal motioned to accept the bid from Carousel Cleaning Service. Dave Hamann seconded. Roll call vote: Paula Wyckoff, Travis Hodge, Bob Hanvey, Dave Hamann, Tammy Beal, Les Andersen, Dan Lowe—all yes. **Motion carried 5-0.**

### **PARKS & RECREATION**

Paula Wyckoff provided the board with an update from the January 9 Howell Parks &

Recreation Committee and the Howell Area Parks & Recreation Authority Board meetings, as provided in the packet.

**ZBA REPORT**

Dan Lowe reported that no meeting was held this month.

**CORRESPONDENCE/UPDATES**

General Ordinance for Finalization Procedures: No information at this item.

Outdoor Lighting: Tammy Beal will contact Ron Monette.

McCracken Case: This item has been forwarded to the judge for action.

Supreme Court Case: A handout is provided in the board packet. MTA is providing support and will file a brief.

Township Issues: Handouts are provided in the board packet and Bob Hanvey discussed Darakjian, Highland, and the Act 425 agreement with the City of Howell. The next item to be discussed at the February meeting is the cable franchise.

**FOR THE GOOD OF THE TOWNSHIP**

Bob Hanvey provided information on the county's efforts to establish Wi-Fi in the community. He also gave an update on the Natural Features Coalition.

**CALL TO THE PUBLIC**

Corlissue Krokosky, 2760 Pingree: Ms. Krokosky said that one neighbor has a day care center and the other neighbor has applied for a hobby kennel permit. She said both are affecting her quality of life. Bob Hanvey explained that a day care center is regulated by the state, and if the hobby kennel applicant meets the zoning ordinance criteria, then it is allowed.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 9:36 p.m. Tammy Beal seconded.

**Motion carried 7-0.**

**MINUTES - FEBRUARY 8, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Dave Hamann, Tammy Beal, Travis Hodge, Les Andersen, and Paula Wyckoff

**MEMBERS ABSENT:** Dan Lowe

**OTHERS PRESENT:** Dave Schroeder, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda as presented. Tammy Beal seconded.

**Motion carried 6-0.**

**CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda. Paula Wyckoff seconded.

**Motion carried 6-0.**

**KEOUGH SHOW CAUSE HEARING**

Bradford Maynes, attorney representing the Keoughs, said his client has submitted an application to the Zoning Board of Appeals and would like this item tabled until after the

ZBA hearing. Dave Hamann motioned to table this item until after the ZBA hearing in April. Travis Hodge seconded. **Motion carried 6-0.**

#### **TEXT AMENDMENTS**

Dave Hamann summarized the text amendments for the Board. Dave Hamann motioned to approve text amendment #13-06, Section 3.02, figures 3-2 and 3-6. Les Andersen seconded. **Motion carried 6-0.** Dave Hamann motioned to approve text amendment #14-06, Section 4.03 E. Travis Hodge seconded. **Motion carried 6-0.** Dave Hamann motioned to approve text amendment #15-06, Section 6.08. Les Andersen seconded. **Motion carried 6-0.**

#### **MHOG PIPELINE**

Bob Hanvey provided the board members with a summary of a meeting he and the clerk attended. The attorney for MHOG will draft a proposal for the township attorney and board members to review. The agreement will be signed by two members from each unit: the MHOG chairman and treasurer, and Marion Township's supervisor and clerk.

#### **APPROVAL OF BANKING INSTITUTIONS AND INVESTMENTS**

Paula Wyckoff motioned to adopt a resolution to approve the list of Marion Township approved banking institutions, dated 2/2007. Les Andersen seconded. Roll call vote: Dave Hamann, Tammy Beal, Bob Hanvey, Paula Wyckoff, Les Andersen, Travis Hodge—all yes. **Resolution passed 6-0.**

Dave Hamann motioned to adopt a resolution to approve the Marion Township Investment Policy, dated September 11, 1998. Paula Wyckoff seconded. Roll call vote: Paula Wyckoff, Travis Hodge, Bob Hanvey, Dave Hamann, Tammy Beal, Les Andersen—all yes. **Resolution passed 6-0.**

#### **AMENDMENTS TO BUDGET**

A spreadsheet showing profit & loss budget vs. actual for 7/1/06 through 2/6/07 is included in the board packet. Bob Hanvey asked the board members to review the proposed amendments. He suggested keeping litigation as a separate line item.

#### **BURNHAM & FLOWER INSURANCE INVOICE**

Dave Hamann motioned to approve the Burnham & Flower invoice, dated January 31, 2007, for \$56,186. Les Andersen seconded. Roll call vote: Tammy Beal, Bob Hanvey, Travis Hodge, Les Andersen, Paula Wyckoff, Dave Hamann—all yes.

**Motion carried 6-0.**

#### **PARKS & RECREATION**

Paula Wyckoff provided the board members with information on how the Authority could be funded using a three-tiered system of fees. Dave Hamann questioned if the original Articles of Incorporation for the Parks & Recreation Authority will have to be redone.

#### **OBSERVANCE OF PRESIDENT'S DAY**

Tammy Beal said that President's Day is a government holiday and asked whether the township offices should be closed. Livingston County offices, other municipalities and the post office are all closed. Tammy Beal motioned to observe President's Day as a paid holiday. Les Andersen seconded. Roll call vote: Paula Wyckoff—yes; Tammy Beal—yes; Dave Hamann—no; Bob Hanvey—no; Travis Hodge—no; Les Andersen—yes.

**Motion failed 3-3.**

#### **RESOLUTION FOR LIVINGSTON COUNTY WIRELESS**

A proposed resolution to support the Livingston County Board of Commissioners to become actively involved in creating Livingston Wireless to provide wireless internet services to the entire county at one time is included in the board packet. Tammy Beal motioned to adopt a resolution to allow the clerk to sign the resolution to explore

countywide wireless internet services. Paula Wyckoff seconded. Roll call vote: Travis Hodge, Tammy Beal, Les Andersen, Bob Harvey, Paula Wyckoff—all yes; Dave Hamann—no. **Resolution passed 5-1.**

**TOWNSHIP ROAD COMMITTEE REPORT**

Les Andersen reported on the January 19 meeting with the Livingston County Road Commission. The LCRC would like to have a list of projects by March 1, will provide cost estimates by April 1, and final decisions made by May 1. The board discussed the areas that will be affected by the new high school. Les Andersen will contact Tim Johnson to schedule a drive by the roads. Tammy Beal motioned to have the Township Road Committee get estimates for Jewell Road, County Farm Road (in segments), and Kettle/Sexton Roads. Dave Hamann seconded. **Motion carried 6-0.**

**TOWNSHIP-WIDE RUBBISH REMOVAL REPORT**

A report of responses received to date is included in the board packet. Dave Hamann asked if this should be put on a ballot. Tammy Beal said that MTA advised that this is not a ballot issue. Les Andersen motioned to not pursue township-wide rubbish removal. Dave Hamann seconded. **Motion carried 6-0.**

**ZBA REPORT**

In Dan Lowe’s absence, Bob Harvey reported that the ZBA heard one appeal at its last meeting. The item was tabled until the applicant can get more information from the Livingston County Health Department.

**CORRESPONDENCE/UPDATES**

Pump Station and Township Hall Outdoor Lighting: Tammy Beal reported this item is complete.

McCracken Case: This item has been scheduled for trial in February.

Supreme Court Case: The briefs haven’t been received yet.

Cable Franchise: A template is provided in the board packet for the Uniform Video Service Local Franchise Agreement.

**FOR THE GOOD OF THE TOWNSHIP**

Charlie Musson, 333 Triangle Lake Road: Mr. Musson wanted to share that the provider of satellite television are offering a good deal for new customers.

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 9:01 p.m. Tammy Beal seconded. **Motion carried 6-0.**

**MINUTES - FEBRUARY 22, 2007**

**MEMBERS PRESENT:** Bob Harvey, Dave Hamann, Tammy Beal, Travis Hodge, Les Andersen, and Dan Lowe

**MEMBERS ABSENT:** Paula Wyckoff

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**CALL TO ORDER**

Bob Harvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

None.

### **APPROVAL OF AGENDA**

Tammy Beal motioned to approve the agenda as amended. Travis Hodge seconded.

**Motion carried 6-0.**

### **CONSENT AGENDA**

Tammy Beal motioned to approve the consent agenda. Dave Hamann seconded.

**Motion carried 6-0.**

### **MHOG WATERLINE**

Bob Hanvey provided the board members with an update from this week's MHOG Board meeting. The attorney is making minor text revisions for final approval. Mr. Hanvey said Public Act 233 of 1955 can be reviewed on the Michigan Legislature's website or copies can be obtained at the township hall.

### **PRIORITIZATION OF TEXT AMENDMENTS**

Dave Hamann indicated the Planning Commission would like the Board's assistance in prioritizing the list of zoning text amendments. After discussion, the Board recommends the following:

1. Article VI: Home Occupations
2. Article VIII, *Sections 8.01 D 2* and *8.02 D 1* (private stables), and Article XVII, *Section 17.28* (commercial stables)
3. Article III, Section 3.02 (definitions relating to lots)
4. Flag lots.

### **TOWNSHIP ROAD COMMITTEE REPORT**

Les Andersen reported that the estimates from the Livingston County Road Commission haven't been received, but will be delivered to the township hall by Monday, March 5.

### **AMENDMENTS TO BUDGET**

The board reviewed the budget vs. actual report for 7/1/06 through 2/22/07.

### **TOWNSHIP-WIDE RUBBISH REMOVAL DISCUSSION**

Dan Lowe asked to have this item investigated further before a decision is made.

Tammy Beal said she contacted MTA again for guidance on putting this item on a ballot.

Dan Lowe motioned to proceed with obtaining bids for township-wide rubbish removal.

Tammy Beal seconded. Roll call vote: Dave Hamann—no; Dan Lowe—yes; Tammy Beal

—yes; Bob Hanvey—yes; Les Andersen—no; Travis Hodge—yes. **Motion carried 4-2.**

### **FEE SCHEDULE**

The board discussed the disparity between fees charges for ZBA and Planning Commission activities, and reviewed the current fee schedule. Les Andersen motioned to raise the fee for Zoning Board of Appeals meetings to \$400. Dave Hamann seconded.

Roll call vote: Travis Hodge, Bob Hanvey, Dave Hamann, Tammy Beal, Les Andersen,

Dan Lowe—all yes. **Motion carried 6-0.** Bob Hanvey asked the board to consider

changing the REU fee for water service so that it's done the same way as sewer. Dave

Hamann motioned to remove the driveway permit fee from the fee schedule. Travis

Hodge seconded. **Motion carried 6-0.**

### **FEDERAL POVERTY GUIDELINES FOR BOARD OF REVIEW**

Dave Hamann motioned to adopt a resolution to adopt Federal Poverty Guidelines for the Marion Township Board of Review. Tammy Beal seconded. Roll call vote: Bob Hanvey, Dan Lowe, Tammy Beal, Dave Hamann, Travis Hodge, Les Andersen—all yes.

**Resolution passed 6-0.**

### **WRITTEN APPEALS TO BOARD OF REVIEW**

Tammy Beal motioned to adopt a resolution to allow written appeals to the Board of

Review. Dave Hamann seconded. Roll call vote: Travis Hodge, Tammy Beal, Les Andersen, Dan Lowe, Bob Hanvey, Dave Hamann—all yes. **Resolution passed 6-0.**

**CLARK HILL INVOICE**

Dave Hamann motioned to approve the Clark Hill invoice for \$5,896. Dan Lowe seconded. Roll call vote: Dan Lowe, Dave Hamann, Travis Hodge, Les Andersen, Tammy Beal, Bob Hanvey—all yes. **Motion carried 6-0.**

**CORRESPONDENCE/UPDATES**

McCracken Case: The court appearance was Monday, and the judge asked Mr. McCracken to reapply to the ZBA, and he will review again in May.

Supreme Court Case: Discussed during Clark Hill agenda item.

Township Issues: Bob Hanvey discussed the current status of the Howell Area Fire Authority.

**FOR THE GOOD OF THE TOWNSHIP**

Tammy Beal advised the board that the Livingston County chapter of the MTA will be holding a meeting at the township hall on Wednesday, February 28 at 7:00 p.m. County commissioners will be discussing infrastructure and a representative from the Livingston County Planning Department will also attend.

Ms. Beal also thanked Ray and Juanita Davis of Yax Pointe for their donation of an electric organ for the township hall.

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 9:20 p.m. Tammy Beal seconded. **Motion carried 6-0.**

**MINUTES - MARCH 8, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Dave Hamann, Travis Hodge, Les Andersen, Paula Wyckoff, Dan Lowe

**MEMBERS ABSENT:** Tammy Beal

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda. Paula Wyckoff seconded. **Motion carried 6-0.**

**CONSENT AGENDA**

Bob Hanvey pointed out that one item on the consent agenda, election commission minutes, are provided for information only. Dave Hamann motioned to approve the consent agenda. Les Andersen seconded. **Motion carried 6-0.**

### **MHOG WATERLINE**

Bob Hanvey provided the board members with a handout listing the parcels affected and a map with those parcels highlighted. The township attorney has reviewed and suggested a change to paragraph 5.5. This item will be on the next MHOG meeting agenda. Les Andersen motioned to approve contract as to form with amendment to paragraph 5.5 that special assessments are not restricted to term of agreement. Dan Lowe seconded. Roll call vote: Dave Hamann, Dan Lowe, Bob Hanvey, Paula Wyckoff, Les Andersen, Travis Hodge—all yes. **Motion carried 6-0.**

### **AMENDMENTS TO BUDGET**

Bob Hanvey provided a summary by expense type. The board discussed that the 50 cents per hour pay increase in the policy manual is less than the 3.7% CPI. Les Andersen said a salary comparison should be done with other townships. The board also discussed amending the budget by moving money from "attorney" (6210) to "litigation" (6195 and 6196), moving money for "roads" (6446), and "recreation department" (6756).

### **TOWNSHIP ROAD COMMITTEE REPORT**

Les Andersen summarized the meeting held with the Livingston County Road Commission (LCRC). A handout is provided with cost estimates. Les Andersen motioned to accept the LCRC estimates to repair Peavy Road south of Keddle for \$49,400, Sexton Road south of Peavy Road for \$90,600, and the shortest section of County Farm from M-155 to Jewell for approximately \$137,000. Dave Hamann seconded. Roll call vote: Paula Wyckoff—yes; Travis Hodge—no; Bob Hanvey—no; Dave Hamann—yes; Les Andersen—yes; Dan Lowe—no. **Motion failed 3-3.**

Discussion: Bob Hanvey said he's not comfortable spending that amount of money, but the two curves should be fixed. Dan Lowe said the LCRC needs to look at road counts, and County Farm should have been done two years ago. Les Andersen explained that the LCRC needs a financial commitment from the township, and those townships that approve funds would be given top priority. Dan Lowe motioned to table this item for more information. Bob Hanvey will contact Steve Wasylyk at the LCRC for more detailed information on the work included in the estimates. Travis Hodge seconded.

**Motion carried 6-0.**

### **PARKS & RECREATION**

Paula Wyckoff summarized the February 27 Marion Township Parks & Recreation Committee meeting. She also provided the board with an outline for the Howell Recreation Authority start-up.

### **TOWNSHIP-WIDE RUBBISH REMOVAL DISCUSSION**

A response was received from MTA as to whether this item should be placed on a ballot, and the answer is no.

### **FEE SCHEDULE FOR REUs**

Bob Hanvey provided handouts for the board members to review. Dave Hamann motioned to leave the water frontage fees as they are until study shows a reason to change. Travis Hodge seconded. **Motion carried 6-0.**

### **BOARD OF REVIEW FIELD INSPECTION PAY SCALE**

Les Andersen motioned to authorize an hourly rate of \$15 for Board of Review inspections, including mileage. Paula Wyckoff seconded. **Motion carried 6-0.**

### **JESSE DRIVE**

Dave Hamann motioned to adopt Jesse Drive as an approved private road. Les Andersen seconded. **Motion carried 6-0.**



**LOVE'S CREEK**

Revised estimates from OHM are included in the packets. Bob Hanvey said he would like to invite the residents to the next meeting. Paula Wyckoff motioned to schedule a preliminary information meeting for the next board meeting. Travis Hodge seconded.

**Motion carried 6-0.**

**CORRESPONDENCE/UPDATES**

Supreme Court Case: Bob Hanvey said there is no schedule yet.

Cable: Charter Communications submitted a franchise agreement using the new template from the State of Michigan. Bob Hanvey said the septage processing plant would open in the spring. A handout is provided in the packet on Transfer Development Rights, which is a new concept to consider.

Premier Farms: Premier Farms is coming back to the Planning Commission for conceptual approval. Bob Hanvey would like a board meeting with notice of the presentation to determine whether the project is still in compliance with the previous conceptual plan. Dave Hamann said the board members should have all of the information from the previous approval process. Dave Hamann motioned to have the clerk provide documentation on Premier Farms for the board members. Les Andersen seconded. **Motion carried 6-0.**

**FOR THE GOOD OF THE TOWNSHIP**

None.

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 9:47 p.m. Les Andersen seconded.

**Motion carried 6-0.**

**MINUTES - MARCH 22, 2007**

**MEMBERS PRESENT: Bob Hanvey, Dave Hamann, Travis Hodge, Les Andersen, Paula Wyckoff, Dan Lowe, Tammy Beal**

**MEMBERS ABSENT: None**

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:02 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda as amended. Travis Hodge seconded.

**Motion carried 7-0.**

**CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda. Paula Wyckoff seconded.

**Motion carried 7-0.**

**LOVE'S CREEK**

Residents of Love's Creek and Sesame Drive were present in response to a March 16 letter sent by Bob Hanvey. Supervisor Hanvey said that according to Public Act 188, the

petition submitted last year is still valid. He also explained the steps in the process if the decision is made to go forward. The engineer's opinion of probable cost is \$385,000.

### **Call to the Public**

**Randall Marich, 4040 Love's Creek:** Mr. Marich said the original estimate was approximately \$3000 per parcel. He also said several residents weren't able to attend because there wasn't enough advance notice. Mr. Hanvey explained this is an informal meeting. Mr. Marich said it should be either hands up or hands down as far as the majority who want to pay that amount of money to drain somebody's property down at Sesame and Love's Creek. Why put in drain pipes when all of these years it's been sufficient. Mr. Marich said he'd rather have gravel than a \$400,000 road. Mr. Hanvey said the basic purpose of the township's involvement is to provide financing. Love's Creek and Sesame are both private roads that were developed that way at the request of the developer. The residents own the road and control what happens to it. The township's role is to provide financing. If the township provides the financing, then the township must go through a rigorous procedure to ensure that everything is done according to a plan. The plan would be available for everyone's inspection. The township engineer would be on-site during construction to make sure it's done according to the plan. Mr. Marich asked if the residents of Sesame and Love's Creek would vote it on. Mr. Hanvey said Public Act 188 doesn't have a formal provision for a vote beyond the petition.

**Dick Dattilo:** Mr. Dattilo said he's owned a lot on Sesame for 15 years. He said there's no mention of any drainage in the letter. Mr. Hanvey said that drainage is something that normally happens when a road is constructed to ensure that there will be some drainage. Mr. Dattilo said there's nothing in the letter about drainage. Mr. Hanvey said the plans haven't been prepared yet. The estimate was based on a list of materials and the review of the road by the township's engineer. Mr. Dattilo said he counted 16 homes on Love's Creek and 15 on Sesame Drive, north of Love's Creek. Where did the number 49 come from? Mr. Hanvey said there are a few lots that are non-contiguous. Lots that are next to each other would be considered one unit. The final count would be done at the second hearing. Mr. Dattilo said that Sesame Drive, north of Love's Creek, is in fine shape. Why is the township looking at drainage and repaving? Mr. Hanvey said vacant lots would be charged the same as lots with homes.

**Larry Grunn, 3969 Love's Creek:** Mr. Grunn said people are upset by the cost. Previous bids from Cadillac Asphalt were \$245,000 for 3" asphalt and \$277,000 for 4" asphalt. Mr. Grunn said he's been asking for the estimate from OHM, but still hasn't received it. Mr. Hanvey said the number that's been provided is not a contract number; it's the engineer's estimate of probable cost. The number can always be reduced if the actual bids come in lower. If they come in more than 5% higher, public hearings would have to be held again. Mr. Grunn said the road is failing, all they want to do is remove the asphalt, put a good base down, check the sewers and the drains, make sure that it's fixed right.

**Cindy Alesso, 4045 Love's Creek:** Ms. Alesso said the letter didn't indicate what the number represents in terms of repairs, and asked for a recap. Mr. Hanvey said the exact specifications have not yet been prepared. Dan Lowe said what the job entails is pulvering the existing asphalt, regrade and reslope it, ditch where necessary, and repave.

**Jim Myers, 3966 Love's Creek:** Mr. Myers wanted to clarify continuous ownership because he owns four parcels. Mr. Hanvey said if there's a consensus on contiguous

lots being considered one lot, and being assessed one share. This would eliminate owners combining lots to avoid having to pay multiple shares; the definition of parcel is taken from the Land Division Act. Mr. Myers said he doesn't remember discussing the work being this extensive.

**Larry Grunn:** Mr. Grunn said the steel culverts underneath the road are 35-40 years old and they could be rusted. Dan Lowe said chances are the driveway culverts won't be changed, just cross tubes in the road. Mr. Grunn asked what is proposed for the road and what is for engineering. What are the engineering costs proposed? A copy of the estimate was provided to the attendees, and the engineering costs total \$65,000.

**Randall Marich:** Mr. Marich asked if there is a possibility of having a vote. Mr. Hanvey said there's nothing in the statute that provides for that process.

**Larry Grunn:** Mr. Grunn asked if they are required to use the township's engineer. Mr. Hanvey said if the township provides financing, then they have to use the township engineer. Mr. Grunn asked if the board would be interested in seeing other bids; maybe the township is getting gouged. Les Andersen clarified what Public Act 188 requires. The property owners have the option to do the project with their own financing. Larry Diedrich said they feel the engineering company is really getting in their pockets. Dan Lowe asked if they have other bids. Larry Grunn said yes, \$15,000-\$16,000. Dan Lowe said you have to compare apples to apples, but \$65,000 sounds like a lot to him.

**Pat Swift, 3867 Love's Creek:** Mr. Swift said the last meeting was 15 months ago. One of the issues was to provide some options as well as recommendations. It sounds like this is what they have to do. In the last meeting, there was a great deal of debate on the issue of how the assessment would be distributed.

**Dick Datillo:** Mr. Datillo said he sees three options: do nothing, only do Love's Creek and not Sesame, there are variables. The owners should decide what needs to be done. Les Andersen said there's only one option if township money is involved.

**Karen Maisano, 4114 Love's Creek:** Ms. Maisano said the residents were only given two days notice, and they should find out the general feeling about paving.

**Gary Turnbull, Sr., 2901 Sesame Drive:** Mr. Turnbull said that's already been done, but he was surprised to hear tonight that the petition is not tied to a dollar amount. Dave Hamann motioned to provide this group with a copy of the engineering spec received from OHM, postpone this item until the township is approached by the Love's Creek/Sesame group with a newly-signed petition, which will be provided by the township. Paula Wyckoff seconded.

**Tracy Turnbull, 3031 Sesame Drive:** Ms. Turnbull asked if they could get lower prices from other engineers. Mr. Hanvey said that costs money. Ms. Turnbull said \$65,000 is a ridiculous amount of money. Bob Hanvey said he would like this group to agree on who the representatives will be. The representatives will be Randall Marich and Larry Grunn. Roll call vote: Dave Hamann, Dan Lowe, Tammy Beal, Bob Hanvey, Paula Wyckoff, Les Andersen, Travis Hodge—all yes. **Motion passed 7-0.**

#### **MARION RETAIL CENTER FINAL SITE PLAN**

Joe Moore from Boss Engineering was present on behalf of the applicant to request final site plan approval for this project. He reviewed the project for the board members. Les Andersen questioned the dimension for the truck cab and trailer on page four, shown at 55'. Mr. Moore explained that initially, Carlisle Wortman, OHM and Boss Engineering were using different templates, and that 55' is the standard. Les Andersen and Dan Lowe disagreed that 55' is the standard.

Dave Hamann motioned to approval the final site plan for Marion Retail Center contingent upon issues with the Drain Commission being resolved, and based on the latest approval letters from the following: Livingston County Road Commission letter dated January 30; Livingston County Drain Commission letter dated March 12; Carlisle Wortman letter dated March 7; OHM letter dated March 15; TetraTech letter dated March 19; and the Planning Commission's list of contingencies. Travis Hodge seconded.

**Motion carried 7-0.**

The applicants, Kevin Jappaya and George Jappaya, said tenants are reluctant because of the high sewer and water fees, and asked the board if it would consider reducing fees. Bob Hanvey said the township is not in a position to reduce tap fees. He said the township could check with its bond counsel. Mr. Moore said they also might want to modify the patio for a bank drive-thru. The board said that should be discussed with the zoning administrator.

#### **PREMIER FARMS REVIEW**

Information is provided in the packets based on a request from the last meeting. Les Andersen suggested having the township planner educate the board on its role, etc., regarding this project. Bob Hanvey said John Enos could be invited to do that. Les Andersen motioned to invite John Enos to the next board meeting and postpone the meeting with Mark Janek. Dan Lowe seconded. **Motion carried 7-0.**

#### **FRANKLIN KNOLL SITE PLAN EXTENSION**

Pat Keough, from Advantage Engineering, requested an extension on the site plan approval for this project. The Board determined that an extension for this project is not required, and will have the zoning administrator inform Mr. Keough

**(Action Item #01.)**

#### **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

Two projects, Highland Development and Ara Darakjian, with REUs committed, have been transferred into the City of Howell under a 425 agreement. As a result, the parcels are no longer taxed by Marion Township. There was no tax bill to put the special assessment levy on. The treasurer has been authorized to bill them directly for special assessments. Highland paid both summer and winter; Darakjian paid neither. Bob Hanvey checked with three attorneys regarding the procedure for collection of delinquent special assessments. None of the attorneys agree with the county treasurer, who writes the checks. The county treasurer is declining to reimburse the township for the special assessments for Darakjian. One of the options she is suggesting is to work with the city to put the special assessment levies on the city tax bill for subsequent years. Mr. Hanvey said other options are to sue the county treasurer or attempt to collect it ourselves. Paula Wyckoff said the county treasurer feels the township let this fall through the cracks and needs to get with the city to take care of it, and she wanted no part of it. John Baukham, John Axe and Scott Smith from Clark Hill all agree that she has to pay. Dan Lowe said the board should write her a letter. Bob Hanvey provided the board members with a copy of the General Tax Act. Mr. Lowe suggested writing a letter to the County Board of Commissioners. Mr. Hanvey said they have no influence on the county treasurer. Mr. Hanvey suggested taking the balance from this levy and put it on the remaining payments, and then get the City of Howell to subsequently collect the money. Action must be taken prior to the end of May. The City of Howell has language that was used from a previous similar situation. Dave Hamann motioned to authorize the treasurer and supervisor to discuss further with the City of Howell. Dan Lowe seconded. **Motion carried 7-0.**

### **TOWNSHIP RUBBISH REMOVAL**

Tammy Beal was given a sample of bid specs from a township resident. Mike Mullins, a representative from Hometown Village of Marion, was present to indicate the homeowner's association's support for having township-wide rubbish removal. Dan Lowe motioned to have the clerk provide board members with copies of the bid packet. Tammy Beal seconded. Roll call vote: Paula Wyckoff—yes; Travis Hodge—yes; Bob Hanvey—yes; Dave Hamann—no; Tammy Beal—yes; Les Andersen—no; Dan Lowe—yes. **Motion carried 5-2.**

### **THE FOREST MANHOLES**

The township received a letter from the City of Howell's DPW Department regarding manholes in The Forest subdivision. Dan Lowe said the manholes have been covered up and need to be uncovered. He talked with the City of Grand Blanc's DPW and Building departments, and said they require a plot plan from a registered surveyor for a land use permit. Bob Hanvey said the issue regarding manholes should be part of the township's existing Sewer and Water general ordinance (**Action Item #02.**) Dan Lowe questioned whether there are easements. Charles Musson said the manholes should be in the road right-of-way. Dan Lowe motioned to raise the catch basins up to grade, provided easements are available, with funds taken from the sewer fund. Les Andersen seconded. Roll call vote: Bob Hanvey, Dan Lowe, Paula Wyckoff, Tammy Beal, Dave Hamann, Travis Hodge, Les Anderson—all yes. **Motion carried 7-0.**

### **CLARK HILL INVOICE**

Dave Hamann motioned to approve the Clark Hill invoice for \$5,434. Travis Hodge seconded. **Motion carried 7-0.**

### **MHOG WATERLINE**

Dave Hamann motioned to adopt a resolution to authorize the clerk and supervisor to sign the agreement between the MHOG Authority and Marion Township, publish a notice, and give the public 45 days from the date of publication to object. Tammy Beal seconded. Roll call vote: Tammy Beal, Bob Hanvey, Travis Hodge, Les Andersen, Dan Lowe, Paula Wyckoff, Dave Hamann—all yes. **Resolution passed 7-0.**

### **CHARTER COMMUNICATIONS**

A proposed agreement from Charter Communications is in the board packets. The township's attorney has reviewed the document, and he advises that Section VI needs to be filled out for 5%, and Charter Communications should be formally advised of that. Dave Hamann motioned to adopt a resolution to authorize the clerk and supervisor to sign the franchise agreement with Charter Communications. Paula Wyckoff seconded. Roll call vote: Dan Lowe, Paula Wyckoff, Dave Hamann, Travis Hodge, Les Andersen, Tammy Beal, Bob Hanvey—all yes. **Resolution passed 7-0.**

### **SALARY COMPARISON**

Tammy Beal said she obtained some information, but it was insufficient. She is waiting to hear from MTA on this subject, and should have information for the next meeting.

### **BANKING INVESTMENT APPROVAL**

Tammy Beal motioned to authorize the treasurer to add Charter One Bank to the approved list of banks. Travis Hodge seconded. **Motion carried 7-0.**

### **TOWNSHIP ROAD COMMITTEE REPORT**

Additional information was received from the Livingston County Road Commission on what is included in the estimate. Dan Lowe said he feels the work shouldn't cost more than \$30,000. Les Andersen said the township shouldn't have a road committee if there isn't any funding. He also said it's important for the township to have a representative at

the Road Commission meetings. He asked for the board members opinion on putting a road millage on a ballot. The board members didn't feel that was a good idea. Dave Hamann motioned to disband the road committee due to lack of funds. Les Andersen seconded. Roll call vote: Dave Hamann—yes; Dan Lowe—yes; Tammy Beal—no; Bob Hanvey—yes; Paula Wyckoff—no; Les Andersen—yes; Travis Hodge—yes. **Motion carried 5-2.** Tammy Beal will get dollar amounts for dust control and bring the information back to the board **(Action Item #03.)**

**TOWNSHIP FLEA MARKET**

Tammy Beal said the staff would like to have a township flea market the Saturday after Labor Day. Tables could be sold and the funds donated for park equipment. Dave Hamann motioned to have the clerk gather more information to bring back to the board. Paula Wyckoff seconded. **Motion carried 7-0.**

**HOWELL AREA FIRE AUTHORITY ARTICLES OF INCORPORATION**

The articles of incorporation are included in the packets for the board's review. This item can be discussed at the next meeting.

**FIRE BUDGET**

Included in the packet is information for review and discussion at the next meeting.

**BOARD PACKET DEADLINE**

Les Andersen motioned to change the cutoff for board packets to Thursday at noon, with the packets being available by 3:00 pm, for the following Thursday's meeting. Travis Hodge seconded. **Motion carried 7-0.**

**CORRESPONDENCE/UPDATES**

The two issues, Supreme Court case and rubbish removal, were discussed earlier.

**FOR THE GOOD OF THE TOWNSHIP**

None.

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 10:38 p.m. Tammy Beal seconded. **Motion carried 7-0.**

**MINUTES - APRIL 12, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Dave Hamann, Travis Hodge, Les Andersen, Paula Wyckoff, Dan Lowe, Tammy Beal  
**OTHERS PRESENT:** Mike Kehoe, Township Attorney  
John Enos, Township Planner  
Annette McNamara, Zoning Administrator

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:02 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

Phil Lachowicz, 3359 Jewell Rd. (taxpayer since 1991, resident since 1998): Mr. Lachowicz asked why County Farm Road isn't being salted past Sanitorium. Les Andersen said that a portion of the road is state highway M-155, but will soon be turned over to the county and will be maintained the same as the rest of County Farm.

Thomas Bauer, 5757 Lange Rd. (resident since 1989): Mr. Bauer asked whether the township had acquired the park land they were looking at on Jewell Road. Mr. Hanvey said yes.

#### **APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda. Dan Lowe seconded.

**Motion carried 7-0.**

#### **CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda. Paula Wyckoff seconded.

**Motion carried 7-0.**

(Planning Commission chairman called joint meeting to order at 7:06 pm and members introduced themselves.)

#### **TOWNSHIP RUBBISH REMOVAL DISCUSSION**

Dave Kocsis, 2808 Black Eagle Ridge, talked briefly with the board about his experience as a city manager in Garden City and provided a copy of the bid specs the city used. He discussed advantages and disadvantages, and told the board members to expect phone calls at home if residents aren't happy with the service. Mr. Hanvey commented on the severe penalties for failure to meet the contract specifications. Mr. Kocsis said those penalties are common in the Wayne County area. Dave Wright, 5228 Cranberry Court: Mr. Wright asked how much this would cost. He is currently paying \$150 per year. Alison Bauer, 5757 Lange Rd.: Mrs. Bauer said she pays \$160 per year and receives superior service. She doesn't want to be stuck with a company that she has no control over. Debra Wiedman-Clawson, 2355 White Birch Trail: Ms. Wiedman-Clawson asked how many responses were received to the survey. Les Andersen said that Cohoctah and Iosco townships both allow residents to opt out of the service if they desire. Charlie Musson, 333 Triangle Lake Road: Mr. Musson asked if the township has a refuse ordinance. Mr. Kocsis cautioned the board that if the township does proceed with this service, the performance bond should be renewed well in advance, and the contract is typically for five years.

#### **PREMIER FARMS REVIEW—JOINT WITH PLANNING COMMISSION**

John Enos from Carlisle Wortman, the township's planning consultant, gave a brief history of this project. The conceptual plan was approved in 1999-2000. This is a three-phase project in the suburban residential zoning district, with 1000+ acres. He explained that a Planned Unit Development (PUD) is a negotiated development. Mr. Enos feels that the new conceptual plan is substantially the same as the old one, and that several units will be eliminated before the preliminary plan is presented. Mr. Enos also said that the Planning Commission feels the new plan is substantially in compliance.

Matt Kuehn, 4630 Cedar Lake Road (resident since 1990): Mr. Kuehn asked if a review has been done of the viability of this project. There is a similar project on M-59 and portions of it have gone into foreclosure. Mr. Enos said the applicant will be asked to provide a marketability study. Bob Hanvey said the rules for PUDs are in Article 13 of the zoning ordinance, which is available at [www.mariontownship.com](http://www.mariontownship.com).

Alison Bauer, 5757 Lange Rd.: Mrs. Bauer said the new plan increases the density and reduces the land for the school from 15 to 10 acres. Traffic is also an issue.

Mr. Hanvey said the number of units is not fixed. Mr. Enos said the number of units proposed is still fewer than the number that could be developed by right.

Thomas Bauer, 5757 Lange Rd.: Mr. Bauer asked if variances would be required. Mr. Hanvey said no, not in a PUD. Mr. Bauer is concerned about his well. Mr. Hanvey said the aquifer that will serve the site is only at ¼ of total capacity.

Steve Williams, 5118 Hinchey (resident for 39 years): Mr. Williams is the county commissioner for District 6, and wanted to clarify a recent article in the newspaper regarding road work. The Michigan Department of Transportation (MDOT) will only be resurfacing the existing ramps at M-59 in Howell Township. John Lowe asked about offsite improvements. Mr. Enos said the projected build out is 15 years. The township can't project the impact to require offsite improvements. He cited the Arrowhead case in Brighton Township, and the courts said the township couldn't require offsite road improvements. Richard Pennala, 4024 Emily Court (resident since 2000): Mr. Pennala had questions about Article 13, Sections 13.03 and 13.04. Jack Lowe asked Mr. Enos to clarify the deviation between the original plan and this plan. Mr. Enos said the new plan has 80+ more units, and 10-15 acres less in property. The wetlands, easements and road right-of-way are deducted from the total. Also, the configuration of the commercial area is different. Dave Latcha, 5480 Norton Road (resident since 2002): Mr. Latcha said we have to ask if this is good for the township. Bob Hanvey said the state has given the township the authority through Public Act 110, but whether or not it's good for the township is a matter of opinion. Mr. Enos said the township has a master plan based on public input, surveys, etc. Steve Williams asked if the development would include senior low-income housing. Mr. Enos said he didn't know. Gary Dunn, 893 Hurley (resident since 2000): Mr. Dunn asked what good is a master plan if the township backs down rather than be sued. Mr. Hanvey said there are currently two cases of the township not backing down before Judge Latrielle. Jim Barnwell, Desine, Inc., said he has been involved with this property since 1987. Mr. Barnwell said this proposal is consistent with the master plan. Charlie Musson, 333 Triangle Lake Road (resident for 71 years): Mr. Musson asked what type of PUD this is. Mr. Enos said open-ended PUD overlay. Phil Lachowicz, 3359 Jewell Road: Mr. Lachowicz asked if this would be considered the town center. He also said there should be a bond for road improvements, and speed limits should be reduced. William Flatt, 109 Amos Road: Mr. Flatt asked if there are any plans for Amos Road. Mark Janeck introduced himself as the representative for the owners. Mr. Janeck said he has been working for the past year to get to this point for affirmation from the board. He highlighted the following items. The previous plan had Amos connect to Cedar Lake Road. They have increased the municipal site to 20 acres. The proposal calls for 2,083 units, and they could propose as many as 2,300 units. There is an increase in the open space area. The greenbelt would be 200-300 feet wide along the roadways with existing vegetation. In response to whether there would be a school, he said probably. There is capacity in the water system, and sewer would be cleaner than septic. He indicated they have hired a firm to conduct a traffic study, which is almost done. There are 150 acres of wetlands, and they are only impacting about 3 acres. As far as offsite improvements are concerned, Amos Road would have to be paved. The project complies with the master plan, and was previously approved conceptually in 2001. With regard to low-income housing, he can't answer this. He said this development would not be considered the town center. Steve Williams asked about having an ambulance/fire substation. Mr. Janeck said this is possible. Matt Kuehn asked about how the common areas would be maintained. Mr. Janeck said the builders have to put up a letter of credit to finish public improvements. Most likely, an overall HOA would be responsible for maintenance of common areas. Bob Hanvey asked John Enos what the criteria is for deciding whether the current plan is compliant with the previous plan. Mr. Enos said whether it meets the criteria and generalized standards. Mr. Hanvey asked what would be set in concrete. Mr. Enos said the "bubble" items (location of commercial,



location of multi-family, location of open space, etc.) Mr. Enos said the number of units and layout of the roads can change. Dave Hamann said a conceptual plan was optional at the time this was approved. Debra Wiedman-Clawson said the township's website has the current ordinance; the previous one isn't there. Bob Hanvey said he would see that the previous ordinance section is added (AI #1). Mike Kehoe said the current ordinance would be considered from this point forward. Richard Pennala, 4024 Emily Ct.: Mr. Pennala asked about the phases. Mr. Barnwell said the commercial phase would be done toward the end of the project. Bob Hanvey said the statute requires a public hearing, which has already been held, and the public is invited to all subsequent Planning Commission and Board of Trustees meetings. Debra Wiedman-Clawson pointed out that this property is located in the Wellhead Protection Area and the types of commercial business would be limited. John Lowe adjourned the Planning Commission portion of the meeting at 8:51 p.m.

#### **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

Paula Wyckoff and Bob Hanvey attended a meeting with the City of Howell. They are willing to cooperate and feel that would better serve their residents. The township would still be able to move REUs. The details of this process are very complex. A one-year agreement through the 2007 tax bills is being suggested. The county treasurer is still unwilling to make reimbursement. A meeting will be held with representatives from Darakjian in the next few weeks.

#### **MHOG WATERLINE**

It was discovered the line from Francis Road south to Hometown Village of Marion is 8", not 10" or 12", which makes the connection between the Meadows and Hometown Village necessary. Dan Lowe has talked with property owners regarding easements (108' across the back of their property.) The MHOG agreement will have to be redone to include that line. Dan Lowe motioned to adopt a resolution approving that the connection between Hometown Village of Marion and the Meadows be added to the agreement with MHOG. Les Andersen seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Resolution passed 7-0.**

#### **TOWNSHIP ROADS**

Information is provided in the packets on dust control. There is also a map from the LCRC showing the two curves being considered for improvements. Les Andersen said he feels someone representing the township needs to attend all of the LCRC meetings. The board members discussed the curve on Peavy/Sexton with Tom Kizer, who lives on the curve. Mr. Kizer said he's willing to work with the township on the improvements. Dan Lowe motioned to approve up to four (4) brine applications, as needed. Tammy Beal seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

Les Andersen motioned to approve \$50,000 for overlay project on County Farm Road between M-155 and Jewell Road if the LCRC is willing to cost share. Paula Wyckoff seconded. Roll call vote: Beal, Hanvey, Hodge, Andersen, Lowe, Wyckoff, Hamann—all yes. **Motion carried 7-0.**

Tammy Beal motioned to approve offering \$50,000 to LCRC to cost-share the improvements on Peavy/Keddle/Sexton curves. Travis Hodge seconded. Roll call vote: Hanvey—yes; Lowe—no; Wyckoff, Beal, Hamann, Hodge, Andersen—yes.

**Motion carried 6-1.**

#### **HOWELL AREA FIRE AUTHORITY ARTICLES OF INCORPORATION**

Travis Hodge motioned to adopt a resolution to approve the Third Amended and

Restated Articles of Incorporation of the Howell Area Fire Authority. Paula Wyckoff seconded. Roll call vote: Hodge, Beal, Andersen, Lowe, Hanvey, Hamann, Wyckoff—all yes. **Resolution passed 7-0.**

**HOWELL AREA FIRE AUTHORITY BUDGET**

Tammy Beal motioned to adopt a resolution to approve the Howell Area Fire Authority Budget as presented. Travis Hodge seconded. Roll call vote: Lowe, Wyckoff, Hamann, Hodge, Andersen, Beal, Hanvey—all yes. **Resolution passed 7-0.**

**SALARY COMPARISON**

Tammy Beal provided information for the board members to review and discuss at the next meeting.

**LAWN BIDS**

Eight bids were received and copies were provided to the board members. After reviewing the bids, Dan Lowe motioned to select Jay-Bird’s Lawn Care for the 2007 season. Les Andersen seconded. Roll call vote: Hamann—no; Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—yes. **Motion carried 6-1.**

**ZBA REPORT**

Dan Lowe reported that a request for interpretation of the zoning ordinance was heard from Pat & Judy Keough for an accessory building without a principal dwelling on a 20-acre parcel. The case was tabled for three months to allow the Keoughs enough time to plant trees. The zoning administrator will inspect the site.

**TOWNSHIP FLEA MARKET**

Tammy Beal provided the board members with information on insurance for this event. A flea market is considered a low-hazard event.

**CORRESPONDENCE/UPDATES**

Bob Hanvey said the Highland case is scheduled for May 10 in Lansing.

**FOR THE GOOD OF THE TOWNSHIP**

Les Andersen asked the treasurer, Paula Wyckoff, and Charlie Musson, a former trustee, to provide the board members with some background information and history on the Parks & Recreation Authority at the next board meeting.

**CALL TO THE PUBLIC**

Debra Wiedman-Clawson, 2355 White Birch Trail (resident for 15 years): Ms. Wiedman-Clawson asked about the flea market. Tammy Beal explained that the employees were considering having a flea market the Saturday after Labor Day, where tables would be rented with proceeds used to purchase park equipment or something similar.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 10:05 p.m. Les Andersen seconded. **Motion carried 7-0.**

**MINUTES - APRIL 26, 2007**

**MEMBERS PRESENT: Bob Hanvey, Dave Hamann, Travis Hodge, Les Andersen, Paula Wyckoff, Dan Lowe, Tammy Beal**

**MEMBERS ABSENT: None**

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

Tammy Beal motioned to return to the closed session that was in progress prior to the start of the Regular Board of Trustees meeting to discuss specific pending litigation and

possible trial strategy and/or settlement because an open meeting could be detrimental to the Township. Dave Hamann seconded. Roll call vote: Lowe, Andersen, Beal, Hanvey, Wyckoff, Hodge, Hamann—all yes. **Motion carried 7-0.** The regular meeting reconvened at 7:40 p.m. Dave Hamann motioned to instruct the attorney to proceed as discussed in the closed session. Les Andersen seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Motion carried 7-0.**

#### **BOARD MEMBERS PRESENT**

The board members introduced themselves.

#### **CALL TO THE PUBLIC**

Alison Bauer, 5757 Lange Road: Mrs. Bauer asked if the township will be responsible for safety issues at the new high school. She is concerned that older students attending LCC will be co-mingling with high school students. Dan Lowe said the township has no authority over the schools. Mrs. Bauer also asked if school administration is aware of the Premier Farms development and the possibility they may designate an area for a school. Mr. Hanvey said Mr. Breiner and Mr. Terres are both aware of the project. Phil Westmoreland said the students attending LCC will be in a separate wing at the new high school.

#### **APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda. Dan Lowe seconded.

**Motion carried 7-0.**

#### **CONSENT AGENDA**

Bob Hanvey asked to have approval of the minutes removed from the agenda and tabled. Tammy Beal motioned to approve the consent agenda as amended. Dave Hamann seconded. **Motion carried 7-0.**

#### **PREMIER FARMS REVIEW**

The board discussed approval of the conceptual plan. It needs to be made clear to the developer that if the conceptual plan is deemed to be compliant with the previously approved conceptual plan, all proceedings after that will be considered under the new PUD ordinance.

#### **SPRUCE RUN**

Jim Barnwell from Desine, Inc. was present on behalf of this project. Tammy Beal motioned to grant final site plan approval for Spruce Run, and to require review of Exhibit B drawings by the township's attorney prior to recording with the Register of Deeds and that Exhibit C also be recorded, which is the signed agreement between Spruce Run's developer and John Grissim, developer for Maple Farms. Dave Hamann seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

#### **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

Bob Hanvey reported that a meeting was held with representatives from Darakjian on Monday. No new progress has been made with the City of Howell on collection.

#### **MHOG WATERLINE**

Les Andersen motioned to proceed with installation of the pipe from Hometown Village of Marion to the Meadows, financed by the township. Tammy Beal seconded. Roll call vote: Beal—yes; Hanvey—yes; Hodge—no; Andersen—yes; Lowe—yes; Wyckoff—yes; Hamann—yes. **Motion carried 6-1.**

#### **TOWNSHIP ROADS**

The price for dust control is about \$15,000 less than the bid. Les Andersen updated the board on a recent meeting with the Road Commission. The Peavy Road project was

approved. Bids for the overlay work will be in on May 22. Also, M-155 will not be turned over to the county.

### **HOMETOWN VILLAGE OF MARION FRONT YARD SETBACKS**

A memo from the zoning administrator was included in the board packets. After much discussion, Dan Lowe motioned to table this item for further study. Les Andersen seconded. **Motion carried 7-0.**

### **PROPOSED TEXT AMENDMENTS**

Dave Hamann gave the board members an overview of the amendments. Tammy Beal motioned to approve the amendment for Section 6.08—One Building to a Lot. Dave Hamann seconded. **Motion carried 7-0.**

Dave Hamann motioned to approve amendment for Section 4.03 E—Administration, Enforcement & Penalties, with change to wording from “during the” to “prior to.” Les Andersen seconded. After discussion, Dave Hamann withdrew his motion and Les Andersen seconded. Les Andersen motioned to have a Planning Commission member, Board Member and the zoning administrator meet to discuss wording of this amendment. Tammy Beal seconded. **Motion carried 7-0.**

### **SALARY COMPARISON**

After reviewing the information provided by the clerk, Les Andersen said if the board members that will be taking a raise feel comfortable with their salaries compared to surrounding communities, the raises should be given. Dan Lowe said he feels that no raises should be given for the next fiscal year. Dave Hamann concurred.

### **PARKS AND RECREATION HISTORY**

Charlie Musson and Paula Wyckoff provided the board with a brief history of Parks and Recreation. Paula Wyckoff provided board members with a handout showing proposed rates, budget information and participation counts. Paula Wyckoff said the message has been given to the city that Marion Township will participate at the current level for the next year. Dave Hamann said he would like to see how the money being spent on the township park complements what the city offers.

### **TOWNSHIP FLEA MARKET**

Tammy Beal provided board members with a sample registration form for the proposed flea market.

### **CORRESPONDENCE/UPDATES**

Information on the Supreme Court case is included in the packets. Rubbish: Les Andersen motioned to table this item indefinitely. Paula Wyckoff seconded.

**Motion carried 7-0.**

### **FOR THE GOOD OF THE TOWNSHIP**

Bob Hanvey asked the board to authorize spending \$250 toward battery recycling. This would be a legitimate Phase II watershed expense, so the funds would come from that account. Paula Wyckoff said she thinks it’s a good idea.

### **CALL TO THE PUBLIC**

Phil Westmoreland, 2995 Sunset Meadow Drive: Mr. Westmoreland stated his support for the Parks and Recreation Authority. Debra Wiedman-Clawson, 2355 White Birch Trail: Ms. Wiedman-Clawson suggested putting a time limit on site plan review applications. If no progress is made within a certain amount of time, the applicant is notified and money is refunded. Dave Hamann asked that discussion on an ordinance officer be added to the next meeting’s agenda (**AI #1**).

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 9:40 p.m. Travis Hodge seconded.  
**Motion carried 7-0.**

**MINUTES - MAY 10, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Dave Hamann, Travis Hodge, Les Andersen, Paula Wyckoff, Dan Lowe, Tammy Beal

**MEMBERS ABSENT:** None

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

Jim Barnwell, Desine, Inc., said he wanted to correct a statement made at the last meeting regarding Spruce Run. The old barn has not been removed yet; it will be removed.

**APPROVAL OF AGENDA**

Dan Lowe motioned to table the April 12, 2007 minutes. Les Andersen seconded.  
**Motion carried 7-0.** Dave Hamann motioned to remove the April 26, 2007 minutes from the consent agenda and table. Travis Hodge seconded. **Motion carried 7-0.**  
Dave Hamann motioned to approve the agenda as amended. Travis Hodge seconded.  
**Motion carried 7-0.**

**CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda as amended. Travis Hodge seconded. **Motion carried 7-0.**

**PREMIER FARMS REVIEW**

Dave Hamann motioned to adopt a resolution as follows:  
Whereas, in the year 2001, the Board of Trustees approved the Conceptual Plan for the Premier Farms Planned Unit Development (PUD);  
Whereas, the Township Board recognizes that a revised Conceptual Plan for the Premier Farms PUD has been created in 2007 and submitted to the Township, that is different than the Conceptual Plan, which was approved in 2001;  
Whereas, the Township Planning Commission and Township Board have reviewed and considered the revised Conceptual Plan;  
Whereas, the Board of Trustees finds the 2007 version of the Conceptual Plan for the Premier Farms PUD to be substantially consistent with the Conceptual Plan approved in 2001;  
Whereas, while there has been a finding there is substantial consistency between the two conceptual plans, this finding does not constitute approval of a Preliminary Planned Unit Development Submittal or a Final Planned Unit Development Submittal for the Premier Farms PUD;  
Now, therefore, be it resolved that a Preliminary Planned Unit Development Submittal in accordance with Article XIII of the Marion Township Zoning Ordinance for the Premier Farms PUD may be submitted in accordance with the review process set forth in the

Zoning Ordinance. Tammy Beal seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Resolution passed 7-0.**

#### **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

Bob Hanvey said there is no new information on this item.

#### **MHOG WATERLINE**

Information on the bids submitted is included in the packets.

#### **TOWNSHIP ROADS**

Tammy Beal has talked with the LCRC and the first dust control treatment should begin in the next two weeks. Bob Hanvey passed out the Private Road general ordinance for board members to review for the next meeting (**AI #1**).

#### **HOMETOWN VILLAGE OF MARION FRONT YARD SETBACKS**

Bob Hanvey said the zoning administrator has investigated three lots. These situations need to be discussed with the HVM homeowner's association and the PUD agreement needs to be modified. Dan Lowe will arrange meeting with the zoning administrator and Planning Commission representative (**AI #2**).

Jeff Grainger, 2998 W. Coon Lake: Mr. Grainger asked if the modification to the PUD agreement would be lot specific. Mr. Hanvey said yes.

#### **PROPOSED TEXT AMENDMENTS**

Bob Hanvey said that agenda items 8 *a-e* (*Z-61-06 through Z-65-06*) cannot be approved until the General Ordinance is done. Dave Hamann motioned to table these items until the next meeting. Paula Wyckoff seconded. **Motion carried 7-0.**

Dave Hamann motioned to approve the text amendments in agenda items 8 *f-m* (*Z-62-05, Z-63-05, Z-23-07, Z-24-07, Z-25-07, Z-26-07, Z-27-07, Z-28-07*). Les Andersen seconded. **Motion carried 7-0.**

#### **ENFORCEMENT OFFICER**

Dave Hamann said he was asked by the Planning Commission to have this item discussed by the board. Bob Hanvey asked what the tasks would be. Would the enforcement officer respond to complaints or look for problems. Mr. Hamann said the Planning Commission wants the entire township monitored according to the ordinance. Tammy Beal asked how the wages would be funded. Mr. Hamann said he thinks having an enforcement officer is premature. Dan Lowe said he doesn't think it's a good idea. Les Andersen motioned to postpone this item indefinitely until the Planning Commission makes another request. Tammy Beal seconded. **Motion carried 7-0.**

#### **PROFESSIONAL SERVICE AGREEMENTS FOR LITIGATION**

Bob Hanvey presented a contract for independent engineering expenses incurred for the Marion Oaks case and the Chestnut case. He is asking for the board's authorization for the supervisor to sign the contract. Dan Lowe motioned to have Bob Hanvey contact the consultant to have bills sent to the township and presented at the next board meeting for approval. Les Andersen seconded. **Motion carried 7-0.**

#### **APPROVAL OF CEMETERY GRAVE AND SERVICE CHARGES**

Les Andersen motioned to adopt a resolution approving the grave and service charges as presented. Tammy Beal seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Resolution passed 7-0.**

#### **CLARK HILL INVOICE**

Dave Hamann motioned to approve and pay the Clark Hill invoice for \$11,682. Paula Wyckoff seconded. Roll call vote: Beal, Hanvey, Hodge, Andersen, Lowe, Wyckoff, Hamann—all yes. **Motion carried 7-0.**

**MARION PARK #1 EXPENSES**

Paula Wyckoff provided the board members with a printout listing expenses for Marion Park #1.

**NORTHERN MATERIALS**

Joe Ricardi from Northern Materials is asking to have his restoration bond released. A letter from OHM is included in the packet. Dan Lowe motioned to table this item until the end of the meeting. Les Andersen seconded. **Motion carried 7-0.**

**JULY 4<sup>TH</sup> WORK SCHEDULE**

Tammy Beal motioned to have the township offices closed on Thursday, July 5, 2007, with employees taking a day without pay or a vacation day. Paula Wyckoff seconded. **Motion carried 7-0.**

**RESOLUTION FOR DEFINING 8% PENSION**

Tammy Beal motioned to adopt a resolution to pay 8% pension on gross wages, excluding wages earned for sitting on any boards and recording secretary wages, and to update the employee handbook. Dave Hamann seconded. Roll call vote: Hanvey, Lowe, Wyckoff, Beal, Hamann, Hodge, Andersen—all yes. **Resolution passed 7-0.**

**CORRESPONDENCE/UPDATES**

Supreme Court Case: Bob Hanvey updated the board on the proceedings held this week.

**FOR THE GOOD OF THE TOWNSHIP**

Bob Hanvey asked Phil Westmoreland about the MDOT Norton Road bridge project. Mr. Westmoreland said he has recommended non-approval of the plans. There are some minor changes that need to be made. Tammy Beal said the packets for the July 12 board meeting will be ready for pickup on Monday, July 9. Bob Hanvey handed out an article regarding easements on farmland.

**CALL TO THE PUBLIC**

Jeff Grainger, whose parents are Jim and Janice Grainer at 2588 Pinckney Road, said a recent article in the Daily Press & Argus indicated there would be commercial property on Pinckney road across from the new high school. Bob Hanvey said there was a misunderstanding of what property he was talking about. Dan Meisler said he would clarify the information as soon as possible. Charlie Musson, 333 Triangle Lake Road: Mr. Musson asked about the elevation at the water tower.

**NORTHERN MATERIALS**

Mr. Ricardi said he is asking for a full release of the reclamation bond because he feels he has fulfilled the reclamation plan. Mr. Ricardi and Phil Westmoreland will coordinate a site visit, tentatively Tuesday, May 22 at 6:00 p.m. **(AI #3)**. Tammy Beal motioned to reduce the amount of the bond to \$20,000. Dave Hamann seconded.

**Motion carried 7-0.**

**ADJOURNMENT**

Travis Hodge motioned to adjourn the meeting at 8:28 pm. Dave Hamann seconded. **Motion carried 7-0.**

**MINUTES - MAY 24, 2007**

**MEMBERS PRESENT: Bob Hanvey, Dave Hamann, Travis Hodge, Les Andersen, Paula Wyckoff, Dan Lowe, Tammy Beal**  
**MEMBERS ABSENT: None**  
**OTHERS PRESENT: Phil Westmoreland, OHM**

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### **CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

### **PLEDGE TO FLAG**

### **BOARD MEMBERS PRESENT**

The board members introduced themselves.

### **CALL TO THE PUBLIC**

None.

### **APPROVAL OF AGENDA**

Bob Hanvey asked to add Marion Oaks to the agenda. Dave Hamann motioned to approve the agenda as amended. Travis Hodge seconded. **Motion carried 7-0.**

### **CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda. Paula Wyckoff seconded.

**Motion carried 7-0.**

### **HERREN SHOW CAUSE HEARING**

Pamela Herren was present in response to a notice she received from the zoning administrator. Bob Hanvey said it appears the resident has added on to her barn without a permit. Ms. Herren said she received a letter dated April 16 and she didn't understand it. She called and spoke with the zoning administrator on April 17, and the zoning administrator said she needed to measure the barn. The zoning administrator and supervisor visited the site on April 23. The next thing is she received a notice for the show cause hearing. Mr. Hanvey asked what that letter said. Ms. Herren said the show cause letter said she didn't comply. Mr. Hanvey said besides not obtaining a permit, the violation is that the ratio of the coverage on the lot by the accessory structures to the amount of the principal structure exceeds what the zoning ordinance allows. Chris Miner said doesn't that fall under agricultural because it's strictly storage. He said there's a county drain on the side they put the addition on, and nothing more could ever be done in that area. Ms. Herren said she got a land use permit when she first bought the property. Mr. Hanvey said that was for the original structure. Ms. Herren came to the Zoning Board of Appeals to add on to the structure on the south side and conditional approval was given. Ms. Herren said before she bought the property, she came to the township office and explained what she wanted, and was told yes. After she bought the house, she was told she couldn't build the barn. Mr. Hanvey said she was told the ratio of the accessory building to the main building had been exceeded. Ms. Herren said she was going to convert the garage into living space. Apparently, that never happened. The second 10' x 80' was added to the accessory building without a permit. Ms. Herren said she bought a land use permit when she bought the property. Mr. Hanvey explained that the land use permit was issued and she built what was permitted by that permit. Ms. Herren asked if every time you build something on your property, do you need a land use permit. Mr. Hanvey said yes. Mr. Hanvey restated that the original permit was issued on the condition that the garage would be converted to living space. Ms. Herren said that was done. Then, the ordinance specifies a ratio of principal space to accessory space, which has now been exceeded by the added-on structure. Mr. Miner asked by how much. Bunch of numbers being discussed---Bob said it's not close, not like just a foot or two. Les Andersen said according to Annette's calculations, they're allowed 6552 sq ft. if the garage was converted to living space, which wasn't done; with the 10' x 80' add-on, it's off by quite a bit. Mr. Hanvey said Ms. Herren has the option of applying to the ZBA for a variance. There's a procedure for that: there's an application and the applicant has to state the reasons why the variance is necessary. Dan Lowe said there's



a list of criteria that the applicant needs to respond to. Mr. Hanvey explained that application to the ZBA is not a guarantee that a variance would be granted.

#### **CLARK HILL INVOICE**

Dave Hamann motioned to approve payment of the Clark Hill invoice for \$5,410.38. Paula Wyckoff seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Motion carried 7-0.**

#### **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

Bob Hanvey said he and the treasurer are still working on this item.

#### **MHOG WATERLINE**

Bob Hanvey said the bid numbers on the handout at the last meeting didn't include Tetrattech or the connection between The Meadows and Hometown Village. It came out to about \$490,000. The MHOG Board approved an amendment to the previous contract to change the amount from \$425,000 to \$499,999, which is less than what was published in the paper. When the paperwork is available, it will be presented to the board members.

#### **TOWNSHIP ROADS**

Bob Hanvey reported that dust control has been applied to Triangle Lake Road and Sexton from County Farm Road to D-19. They also put brine on Lucy Road and Fisk, but he's not sure whether the township paid for that section or someone else did. Travis Hodge reported that Peavy Road has had some tree removal done. Dave Hamann reported that the LCRC received bids for the overlay project so they will probably be able to include Marion Township. They have to do some analysis to determine how much and let the township know. Mr. Hamann reported that Mike Crain said that Mark Janek, representative for Premier Farms, has been trying to contact him regarding the next step. Mr. Hanvey asked if board members had questions on the Private Road General Ordinance he passed out at the last meeting. Mr. Hanvey said he had questions on the rewording in Section 7.05. Dave Hamann said being more restrictive on pre-existing, non-conforming private roads is asking for trouble. Mr. Hanvey asked Mr. Hamann to make a list of his concerns and give to the clerk for the next board meeting's packet **(AI #1)**.

#### **HOMETOWN VILLAGE OF MARION FRONT YARD SETBACKS**

Dan Lowe motioned to table this item until more information is available **(AI #2)**.

Tammy Beal seconded. **Motion carried 7-0.**

#### **PROPOSED TEXT AMENDMENTS**

Bob Hanvey passed out a list of his comments on the general ordinance that must be approved in conjunction with the zoning ordinance text amendments. One that wasn't listed on the handout is in Section 3.2 C 2—remove comma after the word owner.

The following was discussed:

1. This sentence should be moved either up or down, or should say something like "...if there is a community wastewater utility system installed, it may be placed at a location where it's hard to service with a municipal system." Mr. Hanvey will provide a suggested rewording for the next board meeting **(AI #3)**.
2. The definition is different than the zoning ordinance—they should be the same.
3. Questions the definition of expansion.
4. Suggested using the word "municipal system" as opposed to "public utility."
5. Should be 17.31, not 17.32.
6. Relates to item 3.

7. Several uses of the word "permit"; should be precise about what type of permit is being referred to.
8. Because fees are defined fees, those should be approved at the same time as the general ordinance. The board discussed what the various fees should be. Phil Westmoreland said each project is different. Mr. Hanvey said the application fee could be a set amount. Dan suggested a graduated chart to determine escrow amounts. Dan Lowe and Phil Westmoreland will work on this together **(AI #4)**.
9. Same as item 8.
10. Same as item 7.
11. Same as item 7.
12. The township doesn't issue Certificates of Occupancy; should probably be Certificate of Zoning Compliance.
13. Same as item 7.
14. Same as item 7.
15. Bob Hanvey will work on this item. He's confused because the act that's cited under a civil remedy is a criminal act. It should be moved from this section. Dan Lowe said have the township attorney review it.

Dave Hamann motioned to postpone this agenda item until the June 28 meeting. Les Andersen seconded. **Motion carried 7-0.**

#### **PROFESSIONAL SERVICE AGREEMENTS FOR LITIGATION**

Bob Hanvey hasn't been able to get in touch with Phil Loud. Phil Westmoreland said he doesn't think he works for Stantec anymore.

#### **NORTHERN MATERIALS/NORTHERN LIGHTS**

Phil Westmoreland has visited the site. The perimeter is all restored. The middle of the site has not been seeded. There's a lot of soil erosion and the owner has tried to remedy this. Mr. Ricardi would like the reclamation bond removed so he can get financing. Dan Lowe motioned to keep the \$20,000 bond in place until there is substantial grass on the site, or the owner could give the township \$20,000 cash. Les Andersen seconded.

**Motion carried 7-0.**

#### **TOWNSHIP HALL USE POLICY**

Tammy Beal said the township had been asked about using the hall during the summer months for yoga classes. Ms. Beal had information from Oceola Township on its policy. Dave Hamann asked about an insurance rider. Ms. Beal will get information on additional insurance **(AI #5)**. Les Andersen motioned to have the clerk and treasurer work on the hall usage policy, to include a cleaning fee, and to allow the yoga group to use the hall on a one-month trial basis, and the clerk will determine an appropriate fee for the yoga group. Dan Lowe seconded. **Motion carried 7-0.**

#### **MARION OAKS**

Bob Hanvey presented the following resolution from the attorney regarding the Marion Oaks litigation:

Whereas, Marion Township has been involved in extensive litigation proceedings in the matter of Marion Oaks Development LLC vs. Marion Township, Livingston County Circuit Court Case No. 04-20849-CZ; and

Whereas, the Township Board has received significant information, advice and opinions from its consultants, including its planner, engineer and attorneys; and

Whereas, the Township Board has extensively considered such information and its options in regard to this specific litigation; Now Therefore,

Be it resolved that the Consent Judgment as executed by the Plaintiff dated May 15, 2007 is hereby approved for entry with the Court and the execution of said Consent Judgment by the Supervisor and Clerk is hereby approved and ratified. Bob Hanvey motioned to adopt the above resolution. Dan Lowe seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe. **Resolution passed 7-0.**

**CORRESPONDENCE/UPDATES**

Bob Hanvey said he received a fax today from Deerfield Township suggesting that the effort to consolidate services that's going on in Lansing is not appropriate. They are suggesting that all state spending be cut by 15%, including education and social services, cut the governor's office staff including all legislature staff by 50%, and institute a part-time legislature, as Michigan is the only state with a full-time legislature. Mr. Hanvey also said that board members were prepared to go to Lansing this week and this item was temporarily tabled. The resolution that was posted for House Bills 4780-4788 are not currently under consideration. Mr. Hanvey said a contract needs to be signed with the county for battery collection recycling effort. The township attorney has reviewed and approved the contract. Les Andersen motioned to allow the clerk and supervisor to sign the contract for the battery collection recycling effort. Paula Wyckoff seconded. Roll call vote: Beal, Hanvey, Hodge, Andersen, Lowe, Wyckoff, Hamann—all yes. **Motion carried 7-0.**

Mr. Hanvey reported that he has a similar letter from Recycle Livingston. They are trying to get a cardboard compactor and they need \$16,000 in funds for the wiring. Oceola Township is pledging \$3000 toward the contract. Mr. Hanvey will contact Recycle Livingston for more information **(AI #6).**

Mr. Hanvey passed out a letter from OHM regarding the pavement condition in Copperfield Villas for the board's review. Les Andersen motioned to have OHM send the letter to Boss Engineering regarding the pavement condition in Copperfield Villas. Travis Hodge seconded. **Motion carried 7-0.**

**FOR THE GOOD OF THE TOWNSHIP**

The playground equipment has been delivered to the township park and is being put together by Jack Lowe. Les Andersen said the township should be looking into buying more property next to Lakeside Cemetery for expansion. The board or the cemetery committee should pursue this **(AI #7).**

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

Les Andersen motioned to adjourn the meeting at 8:25 pm. Tammy Beal seconded.

**Motion carried 7-0.**

**MINUTES - JUNE 14, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Dave Hamann, Travis Hodge, Les Andersen, Paula Wyckoff, Tammy Beal, Dan Lowe (arrived at 7:15 p.m.)

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:02 p.m.

## **PLEDGE TO FLAG**

### **BOARD MEMBERS PRESENT**

The board members introduced themselves.

### **CALL TO THE PUBLIC**

Charlie Musson, 333 Triangle Lake Road: Mr. Musson said the oath of office the board members took requires them to consider the health, safety and welfare of the residents, and prohibiting a cell tower doesn't own up to the oath.

### **APPROVAL OF AGENDA**

Tammy Beal motioned to move agenda item #8 between items #3 and #4. Dave Hamann seconded. **Motion carried 6-0.** Dave Hamann motioned to approve the agenda as amended. Les Andersen seconded. **Motion carried 6-0.**

### **CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda. Paula Wyckoff seconded. **Motion carried 6-0.**

### **LOVER SHOW CAUSE HEARING**

Frank Lover was present for this hearing. Mr. Lover said the first letter sent by the zoning administrator was out of line because there isn't a junkyard on his property. He feels there is selective enforcement on Lucy Road. He asked what the township wants him to do. Bob Hanvey said Mr. Lover needs to bring a site plan to the Planning Commission. Tammy Beal motioned to have Frank Lover fill out a site plan application for the Planning Commission, and to move the cars on the property. Les Andersen seconded. **Motion carried 7-0.**

Dan Lowe asked exactly what Mr. Lover needs to move off the property. Bob Hanvey said he needs to move any vehicles that he doesn't own. Frank Lover said he would have the cars moved within 4-5 days.

### **TOWNSHIP ROADS**

#### **Cedar Creek**

Mark Montagano, 3386 Prescott: Mr. Montagano said the issues the Cedar Creek residents want to discuss are road defects and drainage defects in Cedar Creek. He thanked the board for the opportunity to discuss these issues. The co-owners of Cedar Creek are requesting Marion Township, pursuant to its ordinances, to use its authority to enforce the site plan requirements at Cedar Creek Estates to correct the road defects and the drainage defects that currently exist. Bob Hanvey asked if there is a list or record of specific defects. Mr. Montagano said there are a number of defects. He would like to walk the property with the township engineer to document the defects. Mr. Hanvey asked if the residents have read the Master Deed & Bylaws. A resident said they understand that the township can't enforce the Master Deed & Bylaws. They are asking the township to enforce the site plan that was approved by the Planning Commission. Mr. Hanvey said the condo documents contain a paragraph that says the township board has the authority to create a special assessment district to bring the private road up to current standards and to divide the cost among the co-owners. Mr. Montagano said they want the township to enforce the drainage and road defects that don't comply with the site plan. Mr. Hanvey asked for specific details. Mr. Montagano said there are failures in the road structure itself, and conditions that vary from the site plan that don't adhere to the site plan. Another issue, just recently, is flooding and wells have been contaminated due to grading issues of each individual site.

Les Andersen asked if an engineering firm would have signed off on that project. Mr. Hanvey said at that time, the township engineer did not review.

Bill Ray, 3589 Prescott: Mr. Ray said there is no culvert in the low point of the road—it's 50' away. It either doesn't conform to the design or the design was incorrect.

Les Andersen asked Phil Westmoreland whether the engineer for the project should be liable because they signed off and approved the road. Mr. Westmoreland said the old ordinance states that the road has to be designed according to Livingston County Road Commission standards. Under the old ordinance, the township didn't have an inspector on site. Les Andersen asked what engineering firm did the project; the residents said Boss Engineering. Mr. Hanvey referred to a letter received from Boss Engineering that the road was substantially in compliance with the site plan. Mr. Montagano said they have potholes and ruts 6-8" deep, which indicates the thickness of the asphalt is insufficient. Les Andersen asked if the Cedar Creek residents are looking for the township's help in determining whether Boss Engineering incorrectly certified the roads and proceed against Boss Engineering, or are they looking for a special assessment district to repair the roads. Mr. Montagano said they want the township to use its authority to enforce the site plan requirements. Mr. Hanvey said the big question is who will correct the roads and who pays for it. Mr. Hanvey said it's possible that the grading issues were created by individual owners after the project was completed. Dan Lowe asked if anyone has looked at the pieces of the road to see how thick they are. Mr. Montagano said about 1 ¼".

Nancy Stebbing, 3481 Prescott: Ms. Stebbing asked about the certificates of occupancy. Tammy Beal said the county issues the certificate of occupancy for the actual house. Mr. Hanvey said the township has a final zoning compliance says the house is where it's supposed to be. Mr. Montagano said being that the developer still owes the land, can't the township force the site requirements to be met.

Joanne Wreford, 2246 Asbury Court: Ms. Wreford said she has wetlands on her property and the more construction that's been going on, the more water she has on her lot.

Cindy Henley, 2500 Ridgewood: Ms. Henley has lived in Cedar Creek for seven years in August and they are looking for guidance from the township. They realize they need to hire an attorney. The roads in Cedar Creek are cracked and collapsing.

Derrick Dejean, 3517 Prescott: Mr. Dejean asked if there was a plan submitted that shows how the roads should be built. Dan Lowe asked the residents to provide a list of houses that flooded.

Scott Lloyd, 5717 Pingree: Mr. Lloyd said the builder chooses where to put the houses.

Lori VanDoelen, 3724 Prescott: Ms. VanDoelen said she is getting runoff from the creek into her basement. Her lot was never graded correctly. She asked what she can do about this. She's talked with the Drain Commissioner's office and her builder. Is it a county drain or private drain? There is a meeting scheduled for July 10 with the company Mitch Harris hired to handle handing over the association. Mr. Hanvey asked if any of the residents have actually talked with Mitch Harris. Ms. Wreford said she has sent him several letters.

Anthony Degram, 3131 Prescott: Mr. Degram said Mr. Harris did come out to his house a few weeks ago. Mr. Montagano said he's sent several letters and hasn't received a response. Dave Hamann asked if Mitch Harris is still in control of the association. Mr. Hanvey said they are actually past the time when the association should be turned over.

Jane Risacher, 3713 Prescott: Ms. Risacher said final grade shouldn't be done until all homes are complete.

Derrick Dejean, 3517 Prescott: Mr. Dejean asked if the low spot were to cave in and it created a hazard, would the township have authority to step in and do something at that point. Mr. Hanvey said based on the Master Deed, he believes so.

Jerry Sidlar, 3176 Prescott: Mr. Sidlar asked if the township could send its engineer out and give them

something in writing that states the roads are/are not in compliance. Les Andersen motioned to authorize OHM to inspect the roads in Cedar Creek Estates and determine if they meet the site plan requirements, give an engineer's opinion of probable cost, and have the township attorney review and give his opinion. Tammy Beal seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes.

**Motion carried 7-0.**

**Copperfield Villas:** This item will be discussed later in the meeting.

**General Ordinance:** Bob Hanvey said he feels the private road general ordinance should be in agreement with the land division ordinance and the zoning ordinance regarding whether or not new parcels on a road of any sort have to have frontage. The land division ordinance allows access on a proposed easement. The zoning ordinance requires frontage. Dave Hamann asked if the definitions indicate size. Charlie Musson said the term parcel should mean metes & bounds, and lot means platted. Dan Lowe said he thinks access off of an easement should be allowed. Bob Hanvey will bring suggested wording to the first meeting in July.

**Construction Update:** Dave Hamann attended the LCRC meeting and said they have decided to do the 8,000' between Sexton and Sanitorium this year. They will start the base repair next Tuesday and pavement overlay on June 29. Bob Hanvey said on the Peavy/Sexton corners and curves, they have done substantial grading and tree removal. The township received a request from Mr. Kizer to have the surface finished with limestone rather than gravel, but the LCRC won't mix the two. To do limestone on Sexton from D-19 to Keddle would be approximately \$100,000. Les Andersen said the township should express its appreciation to Mr. Kizer for his cooperation **(AI #1.)** Mr. Hanvey said they are trying to figure out where to put the sewer for the Norton Road bridgework project. There is a meeting on Monday with MDOT to discuss. Residents of Lantern Village have expressed an interest in establishing a special assessment district to have the public road paved.

**Salt Brine:** Tammy Beal reported that one application has been done, and it took five weeks. She is going to give them one more chance to finish the job in a timely manner. The clerk will ask for the second application **(AI #2).**

#### **PROPOSED TEXT AMENDMENT**

Dave Hamann motioned to approve text amendment TXT #13-06: Section 3.02, Figure 3-6—Net and Gross Lot Area. Paula Wyckoff seconded. **Motion carried 7-0.**

#### **HIGH SCHOOL TOWER**

Tammy Beal passed out an excerpt of Public Act 451 of 1976. Mr. Hanvey pointed out that this act was passed after the school got started. The school's original site plan didn't include the tower. Mr. Terres and the school's attorney came to the township to report they had been approached by SBA to put a cell tower on the school's property. The school had planned on putting a tower for their own needs at about 145' that would be used for buses and communication between the various school sites. When the cell tower company came, they proposed that they would put their tower in right away and let the high school use it for their antennas, along with the antennas that they had hoped would be located by other cell phone service providers. Mr. Hanvey called the engineering company and they sent a site plan that shows where they want to locate the tower, and it's not in conformance with the township's current ordinance or the proposed ordinance. It's located 193' off of the property line. According to the current ordinance, it supposed to be at least 200'. The township suggested that they move the tower. They want to put up a tower that's 199' feet, unlighted, with provision for up to

six co-locators. The adjacent property owner, Glen Hanson, said he would prefer the tower to be a couple hundred feet to the south and to the west, which would get it about 400' off of his property line. The school isn't eager to make that change. Mr. Hanvey asked for documentation on why the site was selected. The question for the board is whether there is any suggested action for the board to take. Travis Hodge said it wouldn't be worth fighting over. Les Andersen said he thinks the township should let it go. Dave Hamann said he has no problem with what they're doing. Dan Lowe said he would like to see it moved.

#### **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

Bob Hanvey said that Highland paid the most recent special assessment bills. New bills will be sent out in a few weeks. Darakjian didn't pay the last bill. One of the options is to begin foreclosure proceedings. The township has talked with the City of Howell about collecting the special assessments on the city tax bill, but they don't have all of the necessary approvals yet. Paula Wyckoff said it was suggested to check with John Axe to see if the township is able to bill them on the winter bill. Another option is Board of Review. The treasurer will send reminder notices and send out the statements for the summer special assessment levy as has been done in the past **(AI #3.)**

#### **MHOG WATERLINE**

The Peavy Road project is underway. The preconstruction meeting was held last week.

#### **FOSTER, SWIFT, COLLINS & SMITH INVOICE**

Les Andersen motioned to approve the invoice for \$4,929.81. Tammy Beal seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes.

**Motion carried 7-0.**

#### **HOMETOWN VILLAGE OF MARION FRONT YARD SETBACKS**

No new information on this item.

#### **EXPERT WITNESS CONTRACT**

Bob Hanvey reported that Tom Meagher wants to stay with Stantec. He will send the contract to the attorney for review **(AI #4.)**

#### **NORTHERN MATERIALS/NORTHERN LIGHTS**

There hasn't been any action on this item.

#### **TOWNSHIP HALL USE POLICY**

Revised guidelines and application form are included in the packets. Les Andersen suggested adding the \$30 hourly rate to the fifth bullet item. Paula Wyckoff suggested adding the capacity limits for the basement to item #5. Les Andersen motioned to approve the Hall Use Policy. Paula Wyckoff seconded. **Motion carried 7-0.**

#### **CLOSED MEETING MINUTES PROCEDURE**

Tammy Beal passed out minutes from the last three closed sessions for the board members to review. Future minutes from closed sessions can be reviewed in the clerk's office.

#### **ZBA REPORT**

Dan Lowe reported on the most recent ZBA meeting. Three requests were heard; two were approved, and one was tabled.

#### **BUDGET PRELIMINARY REVIEW/SET SALARIES**

The board members reviewed the preliminary proposed 2007-08 budget. Bob Hanvey said he proposes a salary increase of 3.7%, and all numbers in the proposed budget assume that. A budget public hearing will be held at the next board meeting.

Tammy Beal motioned to adopt a resolution to increase non-elected staff salaries by 3.7% for the 2007-08 fiscal year. Travis Hodge seconded. Roll call vote: Lowe—no;

Wyckoff—yes; Hamann—no; Hodge—yes; Andersen—yes; Beal—yes; Hanvey—yes.

**Resolution passed 5-2.**

Tammy Beal motioned to adopt a resolution to increase the treasurer's salary by 3.7%, for a total of \$32,553, for the 2007-08 fiscal year. Bob Hanvey seconded. Roll call vote: Hanvey—yes; Lowe—no; Wyckoff—yes; Beal—yes; Hamann—no; Hodge—yes; Andersen—yes. **Resolution passed 5-2.**

Paula Wyckoff motioned to adopt a resolution to increase the clerk's salary by 3.7%, for a total of \$32,553, for the 2007-08 fiscal year. Travis Hodge seconded. Roll call vote: Beal—yes; Hanvey—yes; Hodge—yes; Andersen—yes; Lowe—no; Wyckoff—yes; Hamann—no. **Resolution passed 5-2.**

Paula Wyckoff motioned to adopt a resolution to increase the supervisor's salary by 3.7%, for a total of \$32,553, for the 2007-08 fiscal year. Travis Hodge seconded. Dan Lowe said he would like to increase Mr. Hanvey's salary by more than 3.7%. Mr. Hanvey said he's happy with the proposed increase. Roll call vote: Hodge—yes; Beal—yes; Andersen—yes; Lowe—yes; Hanvey—yes; Hamann—no; Wyckoff--yes.

**Resolution passed 6-1.**

**CORRESPONDENCE/UPDATES**

There hasn't been any action on the Supreme Court case. Copperfield Villas: Phil Westmoreland said that a representative from Boss Engineering will take a look at the roads and call Phil back.

**FOR THE GOOD OF THE TOWNSHIP**

The Marion Oaks case is done, and a consent judgment is in place. ITC wants to sponsor something for the township for \$1,000. Les Andersen said using the money for parks is a good idea. Tammy Beal said that Mrs. Douglas, who owns property adjacent to Lakeside Cemetery, is not interested in selling any land at this point. The township board will send her a letter indicating interest in the property if she decides to sell. Bob Hanvey reported that approximately 30 watershed stakes have been put up. Paula Wyckoff said the new park is moving along, and they are looking at signage. She also said the township needs a park ordinance. Motion by Tammy Beal at 10:08 p.m. to go into a closed session to consider a lease agreement. Paula Wyckoff seconded it.

**Roll call vote:**

Yeas: Dave Hamann, Dan Lowe, Tammy Beal, Bob Hanvey, Paula Wyckoff, Les Andersen, Travis Hodge Nays: None

**Roll call vote to go back into open session.**

Yeas: Paula Wyckoff, Travis Hodge, Bob Hanvey, Dave Hamann, Tammy Beal, Les Andersen, Dan Lowe Nays: None

**Closed session ended at 10:22 p.m., open session started again.**

Resolution by Dave Hamann to have Supervisor Bob Hanvey or Clerk Tammy Beal contact Verizon representative to discuss lease agreement and sign contract if presented. Travis Hodge seconded it. **Roll call vote:**

Yeas: Tammy Beal, Bob Hanvey, Travis Hodge, Les Andersen, Dan Lowe, Paula Wyckoff, Dave Hamann Nays: None **Call to Public:** None Heard

Travis Hodge motioned to adjourn. At 10:25 p.m., Dave Hamann seconded it.

**MINUTES - JUNE 28, 2007**

**MEMBERS PRESENT:**

**Bob Hanvey, Paula Wyckoff, Dan Lowe, Dave Hamann, Tammy Beal, and Les Andersen**



**MEMBERS ABSENT: Travis Hodge**  
**OTHERS PRESENT: Phil Westmoreland, OHM**

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:43 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

Thomas Bauer, 5757 Lange: Mr. Bauer asked the board to send a letter to the state's attorney general office regarding the recent appointment of Dean Miller to the Howell School Board. Mr. Bauer asked the board to condemn the action as unconstitutional. Bob Hanvey asked Mr. Bauer if he knows what statute supports that. Mr. Bauer said he will write a letter to the township board with this request.

Bruce Love, 2876 Cedar Lake Road: Mr. Love referred to the March 22, 2007 minutes and the item concerning disbanding the road committee. He would like to see a road millage. In the last election, four municipalities passed road millages. He also said he feels a salary increase for part-time employees and officials is not warranted. Mr. Hanvey said many places consider full-time less than 40 hours, such as the University of Michigan, where his wife worked 24 hours and was considered full-time. Cynthia Henley, 2500 Ridgewood Drive: Ms. Henley said the reason that Mr. Hanvey's wife was considered a full-time employee for 24 hours of work is because there's a nursing shortage.

**APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda. Les Andersen seconded. **Motion carried 6-0.**

**CONSENT AGENDA**

Tammy Beal motioned to remove approval of the June 14, 2007 minutes from the consent agenda and place under the item for Cedar Creek. Dave Hamann seconded.

**Motion carried 6-0.**

Dave Hamann motioned to approve the amended consent agenda. Paula Wyckoff seconded. **Motion carried 6-0.**

**TRUSTEE SALARIES**

Bob Hanvey motioned to adopt a resolution approving a salary of \$7,416 for the township trustees. Tammy Beal seconded. Roll call vote: Hamann—no; Lowe, Beal, Hanvey, Wyckoff, Andersen—all yes. **Resolution passed 5-1.**

**TRUTH IN TAXATION MILLAGE RATE**

Bob Hanvey motioned to adopt a resolution to set the 2007-08 millage rate at 0.8216. Paula Wyckoff seconded. Roll call vote: Wyckoff, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Resolution passed 6-0.**

**APPROVAL OF BUDGETS**

Dave Hamann motioned to adopt a resolution to approve amendments to the Fiscal Year 2006-07 General Fund budget with total revenue of \$1,080,646 and expenses of \$1,150,930. Tammy Beal seconded. Roll call vote: Beal, Hanvey, Andersen, Lowe, Wyckoff, Hamann—all yes. **Resolution passed 6-0.**

Dave Hamann motioned to adopt a resolution to approve the General Fund Proposed Budget for Fiscal Year 2007-08 with revenue of \$1,079,715 and expenses of \$1,092,059.

Paula Wyckoff seconded. Roll call vote: Hanvey, Lowe, Wyckoff, Beal, Hamann, Andersen—all yes. **Resolution passed 6-0.**

Tammy Beal motioned to adopt a resolution to approve the Sewer Fund Proposed Budget for Fiscal Year 2007-08 with revenue of \$1,158,000 and expenses of \$1,454,545. Dan Lowe seconded. Roll call vote: Beal, Andersen, Lowe, Hanvey, Hamann, Wyckoff—all yes. **Resolution passed 6-0.**

Paula Wyckoff motioned to adopt a resolution to approve the Water New User Proposed Budget for Fiscal Year 2007-08 with revenue of \$227,831 and expenses of \$1,000.

Dave Hamann seconded. Roll call vote: Lowe, Wyckoff, Hamann, Andersen, Beal, Hanvey—all yes. **Resolution passed 6-0.**

Les Andersen motioned to adopt a resolution to approve the Water Special Revenue Fund Proposed Budget for Fiscal Year 2007-08 with revenue of \$413,000 and expenses of \$422,903. Dave Hamann seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen—all yes. **Resolution passed 6-0.**

Les Andersen motioned to adopt a resolution to approve the Love's Creek Fund Proposed Budget for Fiscal Year 2007-08 with no revenue and expenses of \$3,000.

Paula Wyckoff seconded. Roll call vote: Wyckoff, Hanvey, Lowe, Beal, Andersen, Lowe—all yes. **Resolution passed 6-0.**

Dave Hamann motioned to adopt a resolution to approve the Cemetery Fund Proposed Budget for Fiscal Year 2007-08 with revenue of \$14,600 and expenses of \$13,500.

Tammy Beal seconded. Roll call vote: Beal, Hanvey, Andersen, Lowe, Wyckoff, Hamann—all yes. **Resolution passed 6-0.**

Les Andersen motioned to adopt a resolution to approve the Recreation Fund Proposed Budget for Fiscal Year 2007-08 with revenue of \$84,500 and expenses of \$104,000.

Paula Wyckoff seconded. Roll call vote: Hanvey, Lowe, Wyckoff, Beal, Hamann, Andersen—all yes. **Resolution passed 6-0.**

Dave Hamann motioned to adopt a resolution to approve the Road Fund Proposed Budget for Fiscal Year 2007-08 with revenue of \$25 and no expenses. Paula Wyckoff seconded. Roll call vote: Beal, Andersen, Lowe, Hanvey, Hamann, Wyckoff—all yes.

**Resolution passed 6-0.**

#### **PREMIER FARMS**

A tour of the property will be held on Tuesday, July 10 at 6:00 p.m. This will be a joint meeting with the Planning Commission and Board of Trustees. The public is welcome to attend and information will be available on the website and cable channel.

#### **CLARK HILL INVOICE**

Dave Hamann motioned to adopt a resolution to approve the Clark Hill invoice for \$3,850. Tammy Beal seconded. Roll call vote: Lowe, Wyckoff, Hamann, Andersen, Beal, Hanvey—all yes. **Resolution passed 6-0.**

#### **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

An agreement hasn't been worked out yet. Invoices are prepared and are ready to be mailed next week.

#### **MHOG WATERLINE**

Bob Hanvey said everything is pretty much in except the river crossing. Dave Hamann motioned to adopt a resolution to approve and sign the Sunridge easement agreement until the site condo is in place. Dan Lowe seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen—all yes. **Resolution passed 6-0.**

#### **TOWNSHIP ROADS**

**Norton Road Bridge:** Bob Hanvey provided an update on this project.

**Salt Brine Application:** Tammy Beal said they started with the second application yesterday.

**Cedar Creek**

Mark Montagano, 3386 Prescott: Mr. Montagano asked to have the minutes from the 6/14/07 meeting amended. He feels comments attributed to him were taken out of context. The board explained to Mr. Montagano that the minutes don't attempt to record every word. Dave Hamann motioned to table approval of the 6/14/07 Regular Board Minutes to review the audiotapes. Les Andersen seconded. **Motion carried 6-0.**

Bob Hanvey said he and Phil Westmoreland drove through the property last week. Mr. Westmoreland also looked at the property with Mr. Montagano. He will prepare the cost estimate and submit to the township. The township attorney is reviewing whether there's a time limitation on the township's authority to enforce the site plan and will respond to the township.

Mark Montagano, 3386 Prescott: Mr. Montagano said the co-owners of Cedar Creek are requesting Marion Township, pursuant to its ordinances, to use its authority to enforce the site plan requirements at Cedar Creek Estates to correct the road defects and the drainage defects that currently exist.

Joanne Wreford, 2246 Ashbury Court: Ms. Wreford asked Mr. Westmoreland if he had any impressions or noticed anything he felt was unusual. Mr. Westmoreland said the thickness of the asphalt isn't what it should be in areas.

Krista Grossmeyer, 3669 Prescott: Ms. Grossmeyer asked about well contamination and asked whether water should be tested. Mr. Westmoreland said that other than a few lots, it's probably not necessary.

Nancy Stebbing, 3481 Prescott: Ms. Stebbing asked if there are steps that the township can take to prevent further development of the vacant sites. Mr. Hanvey said when the township gets a report from OHM as to what the characteristics of the site are and what the suggested repairs are, a decision will be made. Ms. Stebbing said she doesn't want to see them come in and put in another house. Mr. Hanvey said the township doesn't have the authority to prevent a builder from digging a deeper basement than makes sense. Mr. Montagano said the township has the authority to enforce that the grading be correct by having the engineer inspect it, and that's written in their Master Deed. Mr. Montagano said the township does have the authority to inspect based on their Master Deed & Bylaws. Mr. Hanvey said the attorney is looking at that, and his report should be back before OHM has its report done. Les Andersen pointed out that the money being spent on the engineer and attorney is above and beyond the township's responsibility and is paid for by the taxpayers. Dave Hamann asked if it would be helpful for the board members to see the site plan and see what was in place. Mr. Hanvey said the site plans and Master Deed & Bylaws are available for review at the township. Mr. Montagano said the road was built on wetlands. Certain procedures need to be done in order to accommodate the weight of the road. According to residents who have lived in Cedar Creek since the beginning, the road sunk within one year of installation. After further discussion, the board of trustees said more information will be available once the engineer and attorney have completed their reviews.

**HOMETOWN VILLAGE OF MARION FRONT YARD SETBACKS**

No action on this item.

**PROFESSIONAL SERVICE AGREEMENTS FOR LITIGATION**

Bob Hanvey said the township won't be using Stantech for anything in the trial. The township does owe them some money for work that's already been done. They have a

corporate policy about having a contract in place. The township's attorney has advised against signing the proposed contract. Mr. Hanvey will work on the procedure to pay Stantech **(AI #1.)**

#### **2007-08 FIRE STATION LEASE**

Les Andersen motioned to adopt a resolution to approve and sign the fire station lease for 2007-08. Paula Wyckoff seconded. Roll call vote: Wyckoff, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Resolution passed 6-0.**

#### **COMMUNITY WASTEWATER UTILITY SYSTEMS/PROPOSED TEXT**

##### **AMENDMENTS**

The township attorney's response to the township is included in the packet, along with a document that incorporates all of the changes that were made. Bob Hanvey recommends that the board accept the document, dated 6/28/07, as presented. Mr. Hanvey said the township may need another version for existing project someday. Tammy Beal motioned to approve the text amendments Z-61-06, Z-62-06, Z-63-06, Z-64-06, and Z-65-06. Dave Hamann seconded. **Motion carried 6-0.**

Dave Hamann motioned to adopt a resolution to approve the General Ordinance for Community Wastewater Utility Systems, to become effective seven days after publication. Les Andersen seconded. Roll call vote: Beal, Hanvey, Andersen, Lowe, Wyckoff, Hamann—all yes. **Resolution passed 6-0.**

##### **CELL TOWER LEASE**

The township attorney has reviewed the lease and he has some suggested changes. He has talked with the attorney who provided the lease agreement and they have essentially agreed on the changes. Dave Hamann motioned to adopt a resolution to accept the lease from Verizon with the condition that the township attorney can negotiate the issues he has with the applicant. Les Andersen seconded. Discussion: Dan Lowe questioned the length of the agreement—20 years. Bob Hanvey said the attorney is saying the township should have an option on that; he wants to add something so the township doesn't have to say yes every time. It's similar to the AT&T lease. Paula Wyckoff said she believes the language is the same. Roll call vote: Hanvey, Lowe, Wyckoff, Beal, Hamann, Andersen—all yes. **Resolution passed 6-0.**

##### **CORRESPONDENCE/UPDATES**

Bob Hanvey said the township received a letter from the Drain Commission regarding Turtle Creek. He will forward a copy to the township engineer. The township received a letter from Boss Engineering regarding Copperfield Villas. Dave Hamann said the process in place won't catch everything. Dan Lowe said that nothing should be touched unless the township engineer is there. Phil Westmoreland will respond to Boss Engineering **(AI #2.)**

The township received a letter from Rick Terres regarding the communication tower that Bob Hanvey read to the board members. The Planning Commission sent a letter today regarding placement of the tower, including a print of the site with an indication of where the tower should be. They will be sending a second letter regarding the sign. The McCracken case was scheduled for court today, but Mr. McCracken didn't show up. The judge fined him \$500 and Mr. McCracken has 30 days to move the structure or the township can move it for him and send him the bill, or the amount can be placed on his taxes. On Monday at 8:30 a.m., the Chestnut trial is supposed to begin. It's been postponed eight or nine times, but the attorney is confident that it should start on Monday. No new information on the Supreme Court case.

**FOR THE GOOD OF THE TOWNSHIP**

Paula Wyckoff said at the last Howell Area Parks & Recreation Authority meeting, it was explained that in previous years, the City of Howell allowed its employees to take classes at a discounted price. This board needs to decide whether it wants this practice to continue, expand it to include our employees, or just discontinue it. The board members said it should be discontinued. Les Andersen said that at the recent Planning Commission meeting, there was discussion regarding a Nuisance ordinance to deal with complaints about noise and dust from a property at Cedar Lake and Coon Lake Roads. Mr. Andersen said after reading the MTA monthly newsletter, his suggestion is to try and work out a solution with the owner of the property. Dan Lowe said he talked with Beverly and Perry Points on Peavy Road. They were happy with Rothenberger, and it looks like they're doing a good job so far. One question they had was whether the taps were being put in. Bob Hanvey said yes, both sides. Barney Cole asked about the second application of brine and whether they would regrade the road. He said the last time the road was graded, it was an excellent job.

**CALL TO THE PUBLIC**

Phil Westmoreland, 2995 Sunset Meadow Drive: Mr. Westmoreland, as treasurer for the Howell School Board, asked the township board to not send a letter condemning the recent appointment to the School Board. He would like to see the School Board move forward with no more controversy.

**ADJOURNMENT**

Dave Hamann motioned to adjourn at 9:30 p.m. Tammy Beal seconded.  
**Motion carried 6-0.**

**MINUTES - JULY 12, 2007**

**MEMBERS PRESENT: Bob Hanvey, Paula Wyckoff, Dan Lowe, Dave Hamann, Tammy Beal, Les Andersen, and Travis Hodge**

**MEMBERS ABSENT: None**

**OTHERS PRESENT: Phil Westmoreland, OHM**

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

Mark Montagano, 3386 Prescott Drive: Mr. Montagano asked if the tapes from the last meeting had been restored, and was told no.

**APPROVAL OF AGENDA**

Travis Hodge asked to have an agenda item added for discussion on a flag donation from Rolling Thunder (item #14). Dave Hamann motioned to approve the agenda as amended. Travis Hodge seconded. **Motion carried 7-0.**

**CONSENT AGENDA**

Tammy Beal motioned to have *item f*—2007-08 Meeting Schedule, moved to the agenda as item 15 because a resolution is required. Paula Wyckoff seconded. **Motion carried 7-0.** Dave Hamann motioned to approve the consent agenda as amended. Les Andersen seconded. **Motion carried 7-0.**

## **APPROVAL OF MINUTES**

Dave Hamann motioned to approve the June 14, 2007 minutes as amended. Les Andersen seconded. **Motion carried 7-0.**

## **TOWNSHIP ROADS**

Cedar Creek: Jerry Sidlar, 3176 Prescott, was present and said the residents of Cedar Creek held a meeting this week and elected a board.

Mark Montagano read the following statement: *On Tuesday, June 26, 2007 at approximately 5:00-7:00 pm, township engineer Phil Westmoreland and I inspected portions of the road and drainage defects in the Cedar Creek site condominiums. As a result of the inspection, township engineer Phil Westmoreland determined the roads and drainage do not meet site plan requirements. At the Marion Township Board of Trustees meeting on Thursday, June 28, 2007, Phil Westmoreland, township engineer, gave a verbal report to the Board of Trustees and all that were present, stating the roads and drainage at Cedar Creek site condominium project do not meet site plan requirements.* Isn't that correct? Phil Westmoreland said yes.

Nancy Stebbing, 3481 Prescott, said the developer still owns enough empty lots to appoint a representative to the board and has declined.

Mark Montagano said "the co-owners of Cedar Creek are requesting Marion Township, pursuant to its ordinances, to use its authority to enforce the site plan requirements at Cedar Creek Estates to correct the road defects and the drainage defects that currently exist." Bob Hanvey said the board is waiting for the engineer's written report.

Norton Road: Mr. Westmoreland said the plans have been received and a few small changes have been recommended. Dan Lowe asked how long it takes to get the permit. Mr. Westmoreland said a week or so.

Salt Brine: Tammy Beal reported the second application is being finished. Bob Hanvey said extra attention was given to Sexton between County Farm and Peavy, and Lucy Road.

## **FEMA RESOLUTION**

Tammy Beal had maps available for review. The information will be published in the paper on July 15 and 16. Dan Lowe motioned to table this item until the next meeting to gather more information from Ken Recker **(AI #1.)** Les Andersen seconded. **Motion carried 7-0.**

## **PREMIER FARMS**

The Board of Trustees and Planning Commission went on a tour of this property this week.

## **DARAKJIAN/HIGHLAND SPECIAL ASSESSMENT**

Bob Hanvey said the bills have been mailed out.

## **MHOG WATERLINE**

The work is scheduled to be done on July 27. Bob Hanvey said the easement should be in place by next week. Dan Lowe said he will contact the Coddingtons **(AI #2.)**

## **HOMETOWN VILLAGE OF MARION FRONT YARD SETBACKS**

Dan Lowe motioned to postpone this item until more information is available. Les Andersen seconded. **Motion carried 7-0.**

## **PROPOSED TOWNSHIP PARKS & RECREATION ORDINANCE**

Paula Wyckoff provided a sample ordinance for the board's input, and will then send it to the attorney. Tammy Beal asked if the ordinance will be posted. Ms. Wyckoff said the rules will be posted and the ordinance would be published in the paper. Travis Hodge said the supervisor and clerk should have the authority to close the park. Bob

Harvey asked to have the attorney advise on the wording. Tammy Beal motioned to send the proposed township Parks & Recreation Ordinance to the attorney. Paula Wyckoff seconded. **Motion carried 7-0.**

#### **PRIVATE ROAD GENERAL ORDINANCE**

Bob Harvey motioned to table this item until the next meeting, and he will reassemble the packets **(AI #3.)** Paula Wyckoff seconded. **Motion carried 7-0.**

#### **HANDBOOK UPDATE**

Dan Lowe motioned to table this item until the next meeting to gather more information from Ken Palka **(AI #4.)** Tammy Beal seconded. **Motion carried 7-0.**

#### **ZBA REPORT**

Dan Lowe reported on the July 9, 2007 ZBA meeting. Three requests were heard: two were tabled and one was denied.

#### **FLAG DONATION**

Travis Hodge said he was approached by the group Rolling Thunder about possibly donating a flag to the township. The group recently dedicated a flag for POW/MIA to Fire Station #20. Bob Harvey asked how often the flag would be replaced. Mr. Hodge will get more information from the group **(AI #5.)**

#### **2007-08 MEETING SCHEDULE**

Dan Lowe motioned to change the Board of Trustees meeting time to 7:30 p.m. Les Andersen seconded. Roll call vote: Hamann—no; Lowe—yes; Beal—no; Harvey—no; Wyckoff—no; Andersen—yes; Hodge—no. **Motion failed 5-2.**

Tammy Beal motioned to adopt a resolution to approve the 2007-08 Meeting Schedule as presented. Paula Wyckoff seconded. Roll call vote: Wyckoff, Hodge, Harvey, Hamann, Beal, Andersen—yes; Lowe—no. **Resolution passed 6-1.**

#### **CORRESPONDENCE/UPDATES**

Supreme Court Case: Bob Harvey said a ruling was made last week regarding Highland, and it's being sent back to the tax tribunal. The board member agreed it should proceed to a hearing.

Franchise-Related Bonds: A letter was received from MTA indicating the township shouldn't be concerned with this item. Bob Harvey reported that the Triangle Lake Association sent a letter to the South Oaks association restating the South Oaks PUD agreement.

#### **FOR THE GOOD OF THE TOWNSHIP**

Jerry Sidlar, 3176 Prescott: Mr. Sidlar said at a previous meeting, a statute of limitations was mentioned regarding site plans. Mr. Harvey said the attorney hasn't responded yet. Mr. Sidlar asked Mr. Westmoreland about the pipe recently put in north of Cedar Creek. Mr. Westmoreland said that would be part of his report.

#### **CALL TO THE PUBLIC**

Barney Cole, 918 Francis Road: Mr. Cole said he continues having problems getting in touch with someone from Charter Communications regarding interrupted service. Mr. Harvey said the township representative will contact Charter next week **(AI #6.)**

Lori Pollack, 2246 Asbury Court: Ms. Pollack asked the board to consider the serious situation in Cedar Creek.

#### **ADJOURNMENT**

Dave Hamann motioned to adjourn at 8:07 p.m. Les Andersen seconded.

**Motion carried 7-0.**

**MINUTES - JULY 26, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dan Lowe, Dave Hamann, Tammy Beal, Les Andersen, and Travis Hodge

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves. Dan Lowe arrived at 7:05 pm.

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Les Andersen motioned to approve the agenda. Paula Wyckoff seconded.

**Motion carried 6-0.**

**CONSENT AGENDA**

Travis Hodge motioned to approve the consent agenda. Dave Hamann seconded. Roll call vote: Hamann, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes.

**Motion carried 6-0.**

**LOVER SECOND SHOW CAUSE HEARING**

Les Andersen motioned that Frank Lover is not in compliance with the zoning ordinance and finds him in violation of the ordinance as listed in the attached document, signed by the township's clerk and supervisor, dated July 26, 2007, to be kept in the clerk's office, and to proceed with the attorney. Dan Lowe seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

**D-19 VENTURE LIQUOR LICENSE**

Dave Hamann motioned to adopt a resolution as follows:

WHEREAS applicant Craig R. Whitney of 307 Marion Meadows Drive, Howell, Michigan 48843 has requested a Class-C Liquor License for the establishment: D-19 Ventures LLC, address being 1442 Old Pinckney Road, Township of Marion.

WHEREAS applicant Craig R. Whitney has requested a Class-C license to be located at 1442 Old Pinckney Road which is on On-Premises License where the establishment may sell beer, wine and spirits to be consumed on the premises.

WHEREAS the Township of Marion has three available Liquor Licenses at the time that applicant applied for a Liquor License.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees approves the applicant to the use of one license, ABOVE ALL OTHERS, only at the above Old Pinckney Road location, subject to final site plan approval and final inspection of the applicant's proposed location and premises of 1442 Old Pinckney Road. It is the consensus of this legislative body that the applicant is recommended for issuance.

Les Anderson seconded. Roll call vote: Beal, Hanvey, Hodge, Andersen, Lowe, Wyckoff, Hamann—all yes. **Resolution passed 7-0.**

**CEDAR CREEK ASSOCIATION**

Jerry Sidlar, President of the CCHA, provided the board members with a list of officers for the association. The township has received a copy of the OHM report; however, the



attorney has not had the opportunity to review the report. Joanna Wreford asked if Phil Westmoreland could summarize his report, which he did. Bob Harvey said he would like to have the attorney's review before the board discusses the various options. Jerry Sidlar asked if the attorney had given an answer on the time limit. Mr. Harvey said not yet. Mark Montagano asked what the standard period of time is for a response to a complaint that was filed, because he hasn't received a response to complaints #104-07 and #105-07. Mr. Harvey said the township doesn't have a formal written policy.

#### **TOWNSHIP ROADS**

Les Andersen motioned to authorize the township clerk to schedule the third dust control application. Paula Wyckoff seconded. Roll call vote: Harvey, Lowe, Wyckoff, Beal, Hamann, Hodge, Andersen—all yes. **Motion carried 7-0.** Tammy Beal will call and schedule on Monday **(AI #1.)**

#### **FEMA RESOLUTION**

Dan Lowe said he got elevations from the state, but hasn't talked with Ken Recker yet. Bob Harvey asked to see the minutes from the previous meetings where FEMA was discussed **(AI #2.)** Tammy Beal will get a sample resolution for review at the next meeting.

#### **PARKS & RECREATION OPEN HOUSE AUTHORIZATION**

Les Andersen motioned to authorize the township treasurer to authorize the use of the township hall by the Howell Area Parks & Recreation Authority. Tammy Beal seconded. **Motion carried 7-0.**

#### **PROPOSED TOWNSHIP PARKS & RECREATION ORDINANCE**

Tammy Beal motioned to adopt a resolution approving the Marion Township Parks and Recreation Ordinance No. 07-02 as presented. Paula Wyckoff seconded. Roll call vote: Lowe, Wyckoff, Hamann, Hodge, Andersen, Beal, Harvey—all yes. **Resolution passed 7-0.** The clerk will publish the ordinance as required **(AI #3.)**

#### **PRIVATE ROAD GENERAL ORDINANCE**

The board members discussed the proposed private road ordinance, which will be forwarded to the township attorney for his review.

#### **HANDBOOK UPDATE**

Dan Lowe said he spoke with the township's accountant who said the employee handbook has to be updated due to GASBE requirements. Tammy Beal has a meeting with another insurance provider on Wednesday and will provide feedback at the next meeting.

#### **NUISANCE ORDINANCE REQUEST**

The Planning Commission has requested that the Board of Trustees provide written direction on pursuing a nuisance ordinance. Dan Lowe motioned to ask the Planning Commission to come up with a noise-related nuisance ordinance. No support—motion failed. After discussion, the Township Board will report to the Planning Commission that it does not support the creation of a nuisance ordinance. Les Andersen and Dave Hamann said the township should follow-up with complainants. The township will offer to mediate in disputes if necessary.

#### **ROLLING THUNDER FLAG**

The board discussed possibly putting the flag inside or on the fire station's pole. Travis Hodge will get more information and report back to the board.

#### **MITSCHELEN (CODDINGTON) EASEMENT**

Dan Lowe motioned to adopt a resolution to accept the easement agreement as written and assign two (2) water REUs to Mrs. Mitschelen, and allow the township supervisor to

sign the agreement. Tammy Beal seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Resolution passed 7-0.**

**I-96 REST STOP SEWER HOOK-UP**

Bob Hanvey said MDOT would like to hook-up to the sewer system at the Mason and Peavy manhole. He will check with Rita Hanson on what the usage is and report back to the board **(AI #4.)**

**CORRESPONDENCE/UPDATES**

Supreme Court Case: No new information on this item, which should now be referred to as the MTT case.

Norton Road Bridge: Phil Westmoreland picked up the plans on Wednesday and took them to the DEQ office in Lansing.

Darakjian/Highland: Bob Hanvey reported that Mr. Darakjian is still reviewing the data.

**FOR THE GOOD OF THE TOWNSHIP**

Bob Hanvey said the township was approached by a resident who is willing to pick up refuse from the side of the roads, and this could be funded by the Phase II NPDES. Bob Hanvey would like to invite residents in certain areas to attend a meeting regarding preserving open space/farmland. Tammy Beal reported that she met with a tree trimmer regarding trees in the cemeteries that were knocked down during the recent storm.

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

Dave Hamann motioned to adjourn at 8:50 p.m. Tammy Beal seconded. **Motion carried 7-0.**

**MINUTES - AUGUST 9, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, and Travis Hodge

**MEMBERS ABSENT:** Dan Lowe

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

Mark Montagano, 3386 Prescott: Mr. Montagano asked about a response to his complaints #104-07 and #105-07, and also asked the board to enforce Section 18.06 of the zoning ordinance with regard to Cedar Creek.

**APPROVAL OF AGENDA**

Tammy Beal asked to have MHOG removed from Correspondence/Updates and listed as item #17, and add the high school track as item #18. Dave Hamann motioned to approve the agenda as amended. Paula Wyckoff seconded. **Motion carried 6-0.**

**CONSENT AGENDA**

Travis Hodge motioned to approve the consent agenda. Tammy Beal seconded. Roll call vote: Hamann, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Motion carried 6-0.**

### **CEDAR CREEK ASSOCIATION**

Bob Hanvey said the attorney has responded that the township's role has expired and no longer has jurisdiction over site plan violations at Cedar Creek. Joanne Wreford asked if the township can prevent construction on the vacant building sites. Mr. Hanvey said no. Any further action should be between the homeowners and the developer.

### **TOWNSHIP ROADS**

The comments from the attorney need to be reviewed. Bob Hanvey will prepare a packet for final approval at the next meeting **(AI #1.)**

Dave Hamann motioned to pay the Livingston County Road Commission \$50,000 for improvements to County Farm Road between Sexton and Sanatorium Roads. Les Andersen seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen—all yes. **Motion carried 6-0.**

### **FOX MEADOWS SITE PLAN AMENDMENT**

Chris Grzenkowicz was present for Desine, Inc. to request a minor site plan amendment related to sidewalks. The township's Planning Commission has reviewed and recommended approval. Dave Hamann motioned to approve the Fox Meadows site plan amendment, dated July 26, 2007. Les Andersen seconded. **Motion carried 6-0.**

### **PRELIMINARY REVIEW: SECTION 8.04 E #3—ERS YARD SETBACK**

**REQUIREMENTS** Dave Hamann provided an update on this item. The requested change is at the request of the zoning administrator. The Planning Commission is asking for the board's comment prior to sending to the county. Les Andersen motioned to return this item to the Planning Commission without comment. Tammy Beal seconded. **Motion carried 6-0.**

### **PRELIMINARY REVIEW: SECTION 3.02, FIGURE 3-9—ERS REAR YARD**

**REQUIREMENTS DIAGRAM** Tammy Beal motioned to return this item to the Planning Commission without comment. Les Andersen seconded. **Motion carried 6-0.**

### **FINAL REVIEW: SECTION 6.20—NEW PRIVATE ROADS SERVING SINGLE-FAMILY, MULTIPLE-FAMILY AND COMMERCIAL DEVELOPMENTS**

Dave Hamann motioned to table this item until the Private Road General Ordinance is finalized. Travis Hodge seconded. **Motion carried 6-0.**

### **SECTION 3.02, FIGURE 3-8—CUL-DE-SAC FRONT YARD SETBACK DIAGRAM AND SECTION 6.19 B—LOTS TO HAVE ACCESS**

Dave Hamann motioned to table both items until the Private Road General Ordinance is finalized. Les Andersen seconded. **Motion carried 6-0.**

### **FEMA RESOLUTION**

Dave Hamann motioned to table this item until the next meeting. Paula Wyckoff seconded. **Motion carried 6-0.**

### **NPDES WATERSHED**

Bob Hanvey reported that the signs are starting to go up, and a resident has volunteered to attend the goose program sponsored by SEMCOG on August 29.

### **HANDBOOK UPDATE (RETIREE HEALTH CARE)**

Tammy Beal provided the board members with cost comparisons for health care. Dave Hamann motioned to table this item until the next meeting. Les Andersen seconded.

**Motion carried 6-0.**

### **ROLLING THUNDER FLAG**

Travis Hodge will check on placing the flag outside the fire department or inside the township hall, and will set up a date **(AI #2.)** Dave Hamann motioned to table this item. Paula Wyckoff seconded. **Motion carried 6-0.**

**I-96 REST STOP SEWER HOOK-UP**

Bob Hanvey said he received information on usage from the City of Howell, approximately 120,000 gallons per month, with 15 REUs.

**ZBA REPORT**

Bob Hanvey reported that three cases were tabled for additional information.

**MHOG**

Tammy Beal motioned that the township pay for a live tap and curb stop. Travis Hodge seconded. Roll call vote: Beal, Hanvey, Hodge, Andersen, Wyckoff, Hamann—all yes.

**Motion carried 6-0.**

**HIGH SCHOOL TRACK**

The high school will provide the township and adjacent property owner with a letter regarding liability. Bob Hanvey volunteered to be available during tracks meets. Tammy Beal motioned to authorize the Howell High School cross-country team to use the township property. Paula Wyckoff seconded. **Motion carried 6-0.**

**CORRESPONDENCE/UPDATES**

Norton Road Bridge: Work is supposed to resume early next week and be done by the end of the construction season. Bob Hanvey also cautioned residents not to move the barricades.

Darakjian/Highland: Darakjian has hired a forensic accounting firm to verify the amounts.

ITC: Paula Wyckoff read a letter from ITC thanking the township for allowing them to contribute \$1,000.

**FOR THE GOOD OF THE TOWNSHIP**

Les Andersen said the LCRC has indicated the state funding will be cut next year.

Tammy Beal said the cemetery debris has been cleaned up. Bob Hanvey said the McCracken issue has to be resolved 30 days from the date the order was signed by the judge, which was August 2. Most of the walking path has been installed in Marion Township Park #1.

**CALL TO THE PUBLIC**

Joanne Wreford, 2246 Ashbury: Ms. Wreford said it's her understanding from tonight's discussion that the developer doesn't have to adhere to the zoning ordinance.

Homa Najafi, 3036 Ridley Way: Ms. Najafi was present to ask for the board's help with drainage problems she's having in Turtle Creek. Bob Hanvey said the situation is similar to Cedar Creek, and the township board no longer has jurisdiction.

**ADJOURNMENT**

Dave Hamann motioned to adjourn at 8:10 p.m. Les Andersen seconded. **Motion carried 6-0.**

**MINUTES - AUGUST 23, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

### **CALL TO THE PUBLIC**

Mark Montagano, 3386 Prescott: Mr. Montagano asked the board and zoning administrator to reconsider the position that the township has no jurisdiction to enforce the Cedar Creek site plan.

### **APPROVAL OF AGENDA**

Bob Hanvey asked to remove approval of the August 9, 2007 minutes from the consent agenda and made a separate item. Dave Hamann motioned to approve the agenda as amended. Tammy Beal seconded. **Motion carried 7-0.**

### **CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda as amended. Paula Wyckoff seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Motion carried 7-0.**

### **APPROVAL OF AUGUST 9, 2007 REGULAR MEETING MINUTES**

Bob Hanvey said the date given for the SEMCOG program should have been August 22. Dave Hamann motioned to approve the minutes as amended. Travis Hodge seconded. **Motion carried 7-0.**

### **FINAL REVIEW OF SECTION 6.20—NEW PRIVATE ROADS SERVING SINGLE-FAMILY, MULTIPLE-FAMILY AND COMMERCIAL DEVELOPMENTS**

Les Andersen motioned to approve Section 6.20—New Private Roads Serving Single-family, Multiple-family, and Commercial Developments. Tammy Beal seconded. **Motion carried 6-1.**

### **SECTION 3.02, FIGURE 3-8—CUL-DE-SAC FRONT YARD SETBACK DIAGRAM**

Dave Hamann motioned to approve Section 3.02, Figure 3-8—Cul-de-sac Front Yard Setback Diagram. Paula Wyckoff seconded. **Motion carried 7-0.**

### **SECTION 6.19 B—LOTS TO HAVE ACCESS**

Les Andersen motioned to approve Section 6.19 B—Lots to Have Access. Tammy Beal seconded. **Motion carried 6-1.**

### **LAND DIVISION GENERAL ORDINANCE**

Bob Hanvey said the change in accessibility makes this ordinance compatible with Section 6.19 B of the zoning ordinance. Bob Hanvey motioned to approve the Land Division general ordinance as amended. Tammy Beal seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen—all yes; Lowe—no. **Motion carried 6-1.**

### **WATER CONNECTION POLICY**

Travis Hodge motioned to table this item for additional information. Paula Wyckoff seconded. **Motion carried 7-0.**

### **FEMA RESOLUTION**

Dan Lowe said he talked with Ken Recker, and Mr. Lowe doesn't feel its necessary participate at this time. Nancy Stebbing, 3481 Prescott, said she would like residents who want to buy flood insurance to have a choice. Tammy Beal motioned to adopt a resolution to join FEMA. Travis Hodge seconded. Roll call vote: Beal—yes; Hanvey—yes; Hodge—yes; Andersen—yes; Lowe—no; Wyckoff—yes; Hamann—yes.

**Resolution passed 6-1.**

### **HANDBOOK UPDATE (RETIREE HEALTH CARE)**

Travis Hodge motioned to maintain the current health care insurance, and to review options prior to next year's budget. Les Andersen seconded. Roll call vote: Hanvey—yes; Lowe—yes; Wyckoff—yes; Beal—yes; Hamann—no; Hodge—yes; Andersen—yes.

**Motion carried 6-1.**

Dave Hamann motioned to amend the employee handbook and township policies regarding retiree health care coverage. Tammy Beal seconded. Roll call vote: Hodge—yes; Beal—yes; Andersen—yes; Lowe—no; Hanvey—yes; Hamann—yes; Wyckoff—yes.

**Motion carried 6-1.**

**ROLLING THUNDER FLAG**

Travis Hodge said he is waiting to hear about a date for the indoor flag dedication. This item will be removed from the agenda until additional information is available.

**CORRESPONDENCE/UPDATES**

Norton Road Bridge: Bob Hanvey gave an update on this project.

High School Cross-country Track: The track coaches have looked at the site and it is satisfactory.

Darakjian/Highland Special Assessment: Bob Hanvey and Tammy Beal met with Mr. Darakjian, who feels there are no major errors. Nothing has been heard since the meeting.

**FOR THE GOOD OF THE TOWNSHIP**

Mark Montagano, 3386 Prescott: Mr. Montagano asked the board to reconsider complaints #104-07, #105-07, and #112-07. Dan Lowe asked why the township couldn't take action by not issuing land use permits. Bob Hanvey said that wasn't specifically discussed with the attorney, which he will do **(AI #1.)**

Les Andersen reported on the Livingston County Road Commission meeting that he and Dave Hamann attended. Bob Hanvey said he's been asked to talk with the attorney regarding using escrow funds to pay for failures in water service that are clearly the fault of the developer **(AI #2.)** Bob Hanvey reported that at the MHOG meeting, it was decided the township should be reimbursed for sewer usage at the water plant.

**CALL TO THE PUBLIC**

Mark Montagano, 3386 Prescott: Mr. Montagano voiced his concerns about Peavy Road north of Sexton. He feels busses won't be able to maneuver.

**ADJOURNMENT**

Dave Hamann motioned to adjourn at 8:00 p.m. Tammy Beal seconded. **Motion carried 7-0.**

**MINUTES - SEPTEMBER 13, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

Debbie Mikula, 127 Jewett, Howell: Ms. Mikula introduced herself as the new Director of the Parks & Recreation Authority, and said she will try to attend township meetings once a month.

### **APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda as presented. Travis Hodge seconded.

**Motion carried 7-0.**

### **CONSENT AGENDA**

Travis Hodge motioned to approve the consent agenda. Paula Wyckoff seconded.

**Motion carried 7-0.**

### **ROLLING THUNDER PRESENTATION**

Members from Rolling Thunder Chapter 5 from Hamburg presented the township with a POW/MIA flag.

### **WATER CONNECTION POLICY**

Bob Hanvey said a variety of policies have been reviewed, but nothing is consistent. He feels this needs more work and would like to table this item for more information. Dan Lowe said he doesn't feel the fee can be less than the original amount of \$6,100. Dave Hamann motioned to table this item. Les Andersen seconded. **Motion carried 7-0.**

### **REU START-UP FEES**

Dan Lowe motioned to continue the current policy of allowing REUs to be paid in full when a land use permit is issued, until circumstances change. Les Andersen seconded.

**Motion carried 6-1.**

### **PRELIMINARY REVIEW OF MARION PINES COURT PRIVATE ROAD**

Mark Hiller from Livingston Engineering was present to ask for preliminary approval on this project. Tammy Beal motioned to grant preliminary approval for the Marion Pines Court private road project. Dan Lowe seconded. **Motion carried 7-0.**

### **2007 WINTER TAXES 3% PENALTY**

Paula Wyckoff motioned to adopt the following resolution:

Whereas, the Township of Marion, Livingston County, Michigan, is responsible for assessing ad valorem property taxes, collecting property tax levies, and handling review and appeal matters arising there from, and

Whereas, PA 206 of 1893, MCL 211.44(3), provides for imposition of a late penalty charge equal to 3% of the tax on all taxes paid after February 14 and before March 1, and Whereas, it is the desire of this Township Board to encourage the timely payment of taxes,

Now, therefore, be it hereby resolved by the Township Board of Marion Township that this resolution shall apply to all winter property taxes levied in 2007.

Travis Hodge seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Resolution passed 7-0.**

### **TOWNSHIP ROADS**

Dave Hamann motioned to approve payment of the Livingston County Road Commission invoice for \$50,000. Les Andersen seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

Tammy Beal suggested a fourth application of dust control should only be done on the roads that need it the most.

### **POLICY/RESOLUTION TO AUTHORIZE ELECTRONIC TRANSACTIONS**

Les Andersen motioned to adopt a resolution approving the Marion Township Policy for Automated Clearing House (ACH) Arrangements and Electronic Transactions of Funds. Dave Hamann seconded. Roll call vote: Hanvey, Lowe, Wyckoff, Beal, Hamann, Hodge, Andersen—all yes. **Resolution passed 7-0.**

Tammy Beal motioned to adopt a resolution authorizing electronic transactions. Les Andersen seconded. Roll call vote: Beal, Hanvey, Hodge, Andersen, Lowe, Wyckoff, Hamann—all yes. **Resolution passed 7-0.**

**FEMA ORDINANCE**

Jack Lowe, 345 Woodcreek: Mr. Lowe said he attended a FEMA presentation at the Drain Commission meeting. Marion Township is in three watersheds and is essentially the high point in Michigan. He doesn't feel that the township should participate with FEMA. After discussion, Dave Hamann motioned to table this item until the board's first meeting in October. Paula Wyckoff seconded. **Motion carried 7-0.**

**CORRESPONDENCE/UPDATES**

Norton Road Bridge: Dan Lowe gave an update and said the new deadline to complete the work is December 13. Bob Hanvey said the Chestnut case was dismissed by the judge, and the plaintiff has 12 days left to appeal.

Darakjian: Bob Hanvey said he has had more discussions with Darakjian's bank appraisers. Bob Hanvey said the assessor has recommended a reappraisal for the entire township. Preliminary numbers indicate a large percentage of inaccuracies.

**FOR THE GOOD OF THE TOWNSHIP**

AT&T has approached the township about providing cable service. The first high school cross-country meet was held. The first township flea market was held on September 8 and was very successful. The dedication of the new high school was held on September 9. Paula Wyckoff said the dedication of Marion Township Park #1 will be on Friday, September 21.

**CALL TO THE PUBLIC**

Mark Montagano, 3386 Prescott: Mr. Montagano asked the board to reconsider complaints #104-07, #105-07, and #112-07 that were filed with the township.

Mr. Hanvey said a response hasn't been received from the attorney. Les Andersen said he talked with Tim Johnson from the Road Commission, who said they have been asked to do traffic counts on Wright Road and possible some tree cutting.

Joanne Wreford, 2246 Ashbury: Ms. Wreford asked what would be considered a reasonable amount of time for the attorney to respond.

**ADJOURNMENT**

Dave Hamann motioned to adjourn at 8:12 p.m. Paula Wyckoff seconded. **Motion carried 7-0.**

**MINUTES - SEPTEMBER 27, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe (arrived at 7:15 pm)

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:01 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**



### **APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda as presented. Travis Hodge seconded.

**Motion carried 6-0.**

### **CONSENT AGENDA**

Paula Wyckoff motioned to approve the consent agenda. Les Andersen seconded. Roll call vote: Hamann, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes.

**Motion carried 6-0.**

### **TOWNSHIP PARKS & RECREATION REQUEST**

Paula Wyckoff motioned to adopt a resolution to amend the current year's Parks & Recreation budget by transferring in \$11,000. Bob Hanvey seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen—all yes. **Resolution passed 6-0.**

### **TORNADO SIRENS**

Bob Hanvey passed out a sketch with a possible configuration for tornado sirens. The sirens cost approximately \$20,000 and the township would probably need nine. After discussion, Mr. Hanvey will gather more information for presentation at a future meeting.

### **PRIVATE ROAD GENERAL ORDINANCE**

Les Andersen suggested changing the proposed ordinance to require 51% of the frontage owners to sign a written complaint rather than just one person. Dave Hamann agreed. Bob Hanvey will rewrite those portions of the ordinance and have the attorney review prior to the next meeting (**AI #1**). Tammy Beal motioned to table this item until the next meeting. Les Andersen seconded. **Motion carried 7-0.**

### **CORRESPONDENCE/UPDATES**

Norton Road Bridge: Dan Lowe said the progress is slow.

Jewell Road Bridge: Dan Lowe said the DEQ requirements are too restrictive and incur unnecessary cost. He is going to continue looking into this item (**AI #2**).

Sexton Road Gravel: The LCRC contacted the township and recommended more gravel on Sexton Road east of County Farm prior to the next dust control application. They were given approval to add 300 tons of gravel.

Tammy Beal said she received the AT&T franchise agreement, which is available in her office for review. She will include it in the next board packet. Bob Hanvey said AT&T has indicated they will start in the northeast corner of the township sometime in November. Tammy Beal said a representative from AFLAC contacted the township and is scheduled to make a presentation to employees on Thursday, October 4 during lunch. She would also like to make a presentation to all board members.

### **FOR THE GOOD OF THE TOWNSHIP**

Bob Hanvey corrected information provided at an earlier meeting regarding the Chestnut appeal. The time limit for Chestnut's appeal hasn't started yet.

Recycle Livingston: Representatives from the township will be volunteering on Saturday, October 13 and are looking for volunteers. Phil Westmoreland said he would possibly be able to help.

Alarm System: Tammy Beal said the alarm system will be reconfigured and keys have been redone to allow outside groups to use the basement.

### **CALL TO THE PUBLIC**

Paula Wyckoff brought pictures from the recent dedication of Marion Township Park #1.

### **ADJOURNMENT**

Dave Hamann motioned to adjourn at 7:36 p.m. Tammy Beal seconded.

**Motion carried 7-0.**

**MINUTES - OCTOBER 11, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:04 p.m.

**PLEDGE TO FLAG**

**BOARD MEMBERS PRESENT**

The board members introduced themselves.

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda as presented. Paula Wyckoff seconded.

**Motion carried 7-0.**

**CONSENT AGENDA**

Travis Hodge motioned to approve the consent agenda. Dave Hamann seconded.

**Motion carried 7-0.**

**FEMA ORDINANCE**

Ken Recker from the Livingston County Drain Commissioner's office was present at Bob Hanvey's request to discuss this item. He said he hasn't administered FEMA and suggested the board talk with participating townships. He said he doesn't feel knowledgeable enough to give an unqualified endorsement. Bob Hanvey asked if Mr. Recker had heard of any bad experiences. Mr. Recker said he hasn't heard any direct negative experience. Charlie Musson asked when the maps were done. Mr. Recker said he believes approximately two year ago, and Tammy Beal said the maps she received are dated 2005. Mr. Recker said that Les Thomas from the MDEQ may be able to provide more information to the township. Dan Lowe said he opposes adopting the FEMA ordinance. Jack Lowe, chairman of the Planning Commission, said he would like the Planning Commission to have an opportunity to review how participating with FEMA might impact the zoning ordinance. Bob Hanvey reported that he and Tammy Beal talked with representatives from Hamburg Township and Green Oak Township. Both communities have participated for a number of years and feel it is a benefit to the residents. After additional discussion, Les Andersen motioned to table this item until the October 25 board meeting. Tammy Beal seconded. **Motion carried 7-0.**

**STORM WATER ORDINANCE**

Bob Hanvey provided the board with a copy of the general ordinance from Green Oak Township, and a sample maintenance agreement. Les Andersen motioned to have the Planning Commission review this proposed ordinance after it reviews the FEMA information. Paula Wyckoff seconded. **Motion carried 7-0.**

**PRIVATE ROAD GENERAL ORDINANCE**

Bob Hanvey motioned to adopt a resolution to adopt the Private Road General Ordinance #-07-03. Les Andersen seconded. Roll call vote: Hamann—no; Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Resolution passed 6-1.**

### **AT&T CABLE AGREEMENT**

The township attorney has reviewed this agreement. Travis Hodge motioned to adopt a resolution to authorize the clerk to sign the AT&T video service franchise agreement. Les Andersen seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Resolution passed 7-0.**

### **PROPOSED TEXT AMENDMENTS**

The proposed text amendments--#01-07, #06-07, #08-07, #09-07, #11-07—have not been reviewed by the county yet. Les Andersen motioned to send these text amendments to the Livingston County Planning Department for review and comment. Paula Wyckoff seconded. **Motion carried 7-0.**

### **ZBA REPORT**

Dan Lowe reported that two variances were discussed at the October 1 ZBA meeting. Mrs. Herren is working with ITC to try obtaining a 99-year lease on the property, and the ZBA has requested the attorney's opinion on whether this is acceptable. A second variance request was granted for a garage addition on County Farm Road.

### **TRIANGLE LAKE DRAINAGE**

Bob Hanvey reported on this item. A meeting was held at the site this week with representatives from the Drain Commissioner's office, OHM, the LCRC, and the township. Mr. Hanvey said this could qualify as a Phase II project, and possibly Metro Act funds could be used.

### **PRIORITIZING OF TEXT AMENDMENTS FOR PLANNING COMMISSION**

This item was addressed earlier in the meeting. The Planning Commission will review FEMA first, then the Storm Water ordinance.

### **U.S. CENSUS BUREAU (LUCA) PROGRAM**

Based on information that Bob Hanvey and Tammy Beal received at a meeting this week, Paula Wyckoff motioned to authorize the township to use county services for LUCA, and have the clerk withdraw the application from the Census Bureau. Travis Hodge seconded. Roll call vote: Beal, Hanvey, Hodge, Andersen, Lowe, Wyckoff, Hamann—all yes. **Motion carried 7-0.**

### **CORRESPONDENCE/UPDATES**

Norton Road Bridge: Dan Lowe updated the board on the progress of this project.  
Jewell Road Bridge: Discussion was held regarding the types of culverts used for the bridges. It was suggested that Rich Powers from the MDEQ Water Bureau may be able to answer questions.

### **FOR THE GOOD OF THE TOWNSHIP**

Les Andersen asked about the credit union in the new high school, and concerns he heard about a commercial activity outside of the commercial zoning district. Barney Cole, 918 Francis Road, said the culvert on Francis Road was put in today.

### **CALL TO THE PUBLIC**

Jack Lowe, 345 Woodcreek, said he feels that Wright Road east of the new high school is a scenic route and would like to minimize any changes made to the road.

### **ADJOURNMENT**

Dave Hamann motioned to adjourn at 8:45 p.m. Tammy Beal seconded.  
**Motion carried 7-0.**

## **MINUTES - OCTOBER 25, 2007**

**MEMBERS PRESENT:**            **Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe**

**MEMBERS ABSENT: None**  
**OTHERS PRESENT: Phil Westmoreland, OHM**

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda as presented. Les Andersen seconded.

**Motion carried 7-0.**

**CONSENT AGENDA**

Paula Wyckoff asked to have the Parks & Recreation report removed from the consent agenda and added as a regular agenda item. Dave Hamann motioned to approve the consent agenda as amended. Paula Wyckoff seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Motion carried 7-0.**

**FEMA ORDINANCE**

Bob Hanvey updated the board members on information he's been able to gather on this item. He found a website that provides a two-step process for lowering premiums or getting out of the program. He also discovered that even if a community doesn't participate, lenders can implement "forced coverage." He also said that 25% of claims are from people not in the floodplain. Jack Lowe, chairman of the Planning Commission, said he is waiting for a call from the legal department at Metropolitan Title. He's found a lot of contradictory information. He said there isn't a deadline, and would like the opportunity to continue researching before a decision is made. Tammy Beal motioned to provide updates and additional information at the next board meeting. Paula Wyckoff seconded. **Motion carried 7-0.**

**2007-08 SNOW PLOWING BIDS**

Tammy Beal presented the board with the three bids that were submitted. After discussion, Travis Hodge motioned to accept the bid from Jay Birds. Motion failed due to lack of second. The board discussed the bids from Tom Rogers and Absolute Outdoor Services. Ms. Beal said she needs to be able to get in touch with whoever is chosen. Tammy Beal motioned to accept the bid for 2007-08 snow plowing from Absolute Outdoor Services. Travis Hodge seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal—yes; Andersen, Lowe—no. **Motion carried 5-2.**

**PARKING LOT RESEALING**

Tammy Beal said the parking lot needs to be resealed. This item will be placed on the agenda next spring.

**PARKS & RECREATION REPORT**

Paula Wyckoff asked the last line of the report should be corrected to read 9:15 pm. Bob Hanvey asked if the number of permits on the report for Marion Township is daily or annual. Ms. Wyckoff said she believes the numbers are combined. Deb Mikula, Director of the Howell Park & Recreation Authority (HAPRA), said in the future, they will use color-coded stickers to get a more accurate count for each township. She also would like to be able to use the township hall/property for future programs. Tammy Beal motioned to accept the Parks & Recreation report as amended. Paula Wyckoff seconded. **Motion carried 7-0.**

**CORRESPONDENCE/UPDATES**

Norton Road Bridge: Dan Lowe updated the board on the progress of this project.  
Jewell Road Bridge: Phil Westmoreland said he talked with Mike Craine, who said the DEQ doesn't disallow culverts. However, no funds are available from the state for culverts, only bridge work.

**FOR THE GOOD OF THE TOWNSHIP**

Bob Hanvey gave the board members an update on the MHOG and Fire Authority meetings. He also passed out a letter from an attorney retained by a Cedar Creek resident. There will be a Land Preservation information session on Monday, October 29 at 7:00 p.m. at the township hall. Volunteers from Marion Township worked at Recycle Livingston on October 13. Mr. Hanvey said they need a compactor for cardboard and plastic, and would like the township to make a contribution. Mr. Hanvey will draft an agreement to contribute \$1,000 and present it at the next meeting (**AI #1.**)

The Chestnut judgment date is October 12. They have until Friday, November 2 to file an appeal. Some of the township employee's have signed up for AFLAC through payroll deduction. The township has received a report from the DEQ on its Phase 2 efforts. They are redoing the permit. Bob Hanvey has been asked to write a letter of support by the county for a Clean Michigan grant. Travis Hodge reported that AT&T has started work around Peavy Road. Bob Hanvey said he will invite them to a future meeting for an update (**AI #2.**) Les Andersen asked if there's a timeframe on the request from the assessor for reappraisal of the township. Bob Hanvey explained the 14-point review. Dan Lowe asked why the township can't stop issuing land use permits for Cedar Creek. Bob Hanvey said the township's attorney has advised him that the township shouldn't deny a land use permit for the reasons the residents claim.

**CALL TO THE PUBLIC**

Jack Lowe asked whether the board members would be interested in having a steam engine festival, possibly in conjunction with the next flea market. Tammy Beal said yes, and planning should start soon.

**ADJOURNMENT**

Dave Hamann motioned to adjourn at 8:35 p.m. Travis Hodge seconded.

**Motion carried 7-0.**

**MINUTES - November 8, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

**PLEDGE TO FLAG**

**CALL TO THE PUBLIC**

None

**APPROVAL OF AGENDA**

Dave Hamann motioned to amend the agenda and move the AT&T Video Franchise Agreement Presentation from the Correspondence/Updates to # 3 on the regular agenda and add the Stantec contract to #13. Les Andersen seconded.

**Motion carried 7-0.**

### **CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda as amended. Les Andersen seconded.

### **AT&T VIDEO FRANCHISE AGREEMENT**

AT&T Representative Brian Norman explained that AT&T wants to bring competition to our current carrier. They will try to do this with as little disruption as possible. He said one V-Rad box will service 600-700 customers. He stated that the service is already in Marion Township but he doesn't know how many or which residents actually have it.

### **HAZARD MITIGATION PLAN**

Richard Winsett explained that this is a separate Federal Plan from the NFIP. He said that Marion Township doesn't have a lot of issues but the new Howell High School is certainly a concern. If we approve this it means that we agree to join Livingston County's Hazardous Mitigation Plan and they will run our program with our assistance. If we don't join we can't get Federal funds before or after a disaster or no Homeland Security funds. As per the 2000 Census if you have a population of under 10,000 you have to go thru the county's plan. If your population is over 10,000 you can run your own plan provided that you create a support plan and appoint a leader. If your population is 25,000 or higher you have to run your own Hazardous Mitigation Plan. No action taken.

### **FEMA ORDINANCE**

Richard Winsett thinks we should join NFIP because it is a good mitigation plan. Jack Lowe, chairman of the Planning Commission, said he understands that if you join the NFIP that mortgage companies will make you use USGS Benchmarks to establish flood elevations before building and that is time consuming and very costly. He also stated that we don't have a real count of houses or acres of land that are in the flood plains. Jack said that he would research and report on the price difference between NFIP Insurance and mortgage company flood insurance. Bob Hanvey said he would get a list of homes in the flood plains and a count of acres in the flood plains. **(AI #1)**. No action taken.

### **OHM PROPOSED REVIEW FEE SCHEDULE**

Phil Westmoreland, Township Engineer, explained the fee schedule. This is for new site plans that come in. The current reviews that are already in progress will be charged an hourly rate. Les Andersen motioned to accept OHM's fee schedule. Paula Wyckoff seconded. Roll call vote: Dave Hamann, Dan Lowe, Tammy Beal, Bob Hanvey, Paula Wyckoff, Les Andersen, Travis Hodge—Yes; Nays—None. **Motion Carried 7-0.**

### **PEAVY FORCE MAIN FINAL INVOICE**

Motion by Les Andersen to accept OHM's invoice and pay C&E Construction Company \$7,033.32 Tammy Beal seconded. Roll call vote: Paula Wyckoff, Travis Hodge, Bob Hanvey, Dave Hamann, Tammy Beal, Les Andersen, Dan Lowe—Yes. Nays-None.

**Motion carried 7-0.**

### **TEXT AMENDMENTS**

Les Andersen motioned to approve Text Amendment #07-07/Z-63-07 Section 8.04 E #3 Existing Residential Subdivision-Rear Yard Set Back Requirements and #07-07/Z-64-07 Section 3.02 Figure 3-9; Existing Residential Subdivision District Diagram. Tammy Beal seconded. **Motion Carried.**

### **GENERAL SCHEDULE #23-ELECTION RECORDS**

Tammy Beal explained that the State has revised and approved of a new retention schedule pertaining to election record retention. She advised that the Township should

adopt this schedule because of the updates. Dave Hamann motioned to adopt the new General Schedule #23 for election record retention. Paula Wyckoff seconded. **Motion Carried.**

#### **BULK MAILING PERMIT**

Bob Hanvey explained the fee schedule and stated that there is a cost savings on any bulk mailing except taxes. Les Andersen motioned to approve the usage of bulk mailing. Seconded by Dave Hamann. Roll call vote: Bob Hanvey, Dave Hamann, Tammy Beal, Travis Hodge, Les Andersen, Dan Lowe, Paula Wyckoff, —Yes. Nays-None.

**Motion carried 7-0.**

#### **RECYCLE LIVINGSTON AGREEMENT**

No new information is available. Dave Hamann motioned to table this item until more information was available. Paula Wyckoff seconded. **Motion Carried.**

#### **MUSSON HILLS SOUTH FINAL PRELIMINARY**

Jim Barnwell presented Musson Hills South. It is 46 acres on D-19 north of Coon Lake Road with 30 lots. Dave Hamann motioned to give final preliminary approval to Musson Hills South part of parcel # 10-23-200-001 with conditions. Paula Wyckoff seconded. Roll call vote: Dave Hamann, Tammy Beal, Les Andersen, Dan Lowe, Bob Hanvey, Travis Hodge, Paula Wyckoff—Yes. Nays-None. **Motion carried 7-0.** Discussion followed and Mr. Charles Musson stated that those are not conditions but recommendations from the Fire Department, Livingston County Road Commission, DEQ etc. Dave Hamann motioned to amend the previous motion and it should now state: Motion to give final preliminary approval to Musson Hills South part of parcel # 10-23-200-001, plan dated 11-01-2007 with no sidewalks or no street lighting. Paula Wyckoff seconded. Roll call vote: Les Andersen, Dan Lowe, Bob Hanvey, Travis Hodge, Paula Wyckoff, Dave Hamann, Tammy Beal, —Yes. Nays-None. **Motion carried 7-0.**

#### **STANTEC**

Tammy Beal motioned to approve the agreement with Stantec, to sign the contract and to pay them \$4,677.00 for professional services during the Chestnut LLC vs Marion Township Court case. Seconded by Dave Hamann. Roll call vote: Dan Lowe, Travis Hodge, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Bob Hanvey —Yes. Nays-None. **Motion carried 7-0.**

#### **CORRESPONDENCE/UPDATES**

Norton Road Bridge: Bob Hanvey updated the board on the progress of this project. He spoke with the MDOT Representative and he said that the bridge would be completed by November 15, 2007.

Jewell Road Bridge: The East bound lane is now open for traffic. This will be a one-lane bridge until repair funding is available.

Next Board Meeting: The next board meeting will be Thursday, November 29, 2007 at 7:00 pm. The packets will be ready for pick up on Wednesday, November 21st after 3:00 pm.

Poverty Exemptions: They are now based on federal guidelines. The new requirement by the State is that the Board of Trustee must set asset guidelines for the Board of Review to follow.

#### **FOR THE GOOD OF THE TOWNSHIP**

Les Andersen reported on Oceola Township's Board of Trustee meeting.

- They have a lawyer on retention that attends every Board of Trustee meeting.
- They advertise in the Community News because it's one half the cost of advertising in the Press & Argus.

- Their Zoning Administrator is at every Board of trustee meeting.
- Board members on multiple boards only get one vote per issue.

Bob Hanvey reported that the Chestnut judgment was signed October 12, 2007. They only have 21 days in which to appeal it and that day was Friday, November 2, 2007, as of today we have not heard of them wanting to do so. Dec. 6, 2007 we have a court date to see if we can recoup expenses from this trial.

**CALL TO THE PUBLIC**

Jack Lowe explained to the board that he has new information concerning the NFIP. He said he has discovered information that states if we join the NFIP that the township must obtain elevations of the lowest level of all new construction and keep a permanent record of them. He will research this further. Mr. Charles Musson thanked the board for amending their first motion concerning his development Musson Hills South.

**ADJOURNMENT**

Dave Hamann motioned to adjourn at 9:36 p.m. Les Andersen seconded. **Motion carried 7-0.**

**MINUTES - NOVEMBER 29, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Phil Westmoreland, OHM

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**CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:02 p.m.

**PLEDGE TO FLAG**

**MEMBERS PRESENT/ABSENT**

The members of the board introduced themselves.

**CALL TO THE PUBLIC**

None.

**APPROVAL OF AGENDA**

Tammy Beal motioned to approve the agenda as amended. Les Andersen seconded.

**Motion carried 7-0.**

**CONSENT AGENDA**

Dave Hamann motioned to approve the consent agenda. Travis Hodge seconded.

**Motion carried 7-0.**

**HOWELL AERIE #3607 FRATERNAL ORDER OF EAGLES/HOWELL AUXILIARY #3607 FRATERNAL ORDER OF EAGLES CO-LIQUOR LICENSEES**

Representatives from the Eagles said that each auxiliary has to be named as a co-licensee on the liquor license to avoid penalties and/or fines. This request does not involve any change in the group's activities. Tammy Beal motioned to adopt a resolution to add Howell Auxiliary #3607 Fraternal Order of Eagles as co-licensee on dance permit in conjunction with 2007 club-licensed business, located at 141 Schroeder Park, Howell, MI 48843, Marion Township, Livingston County. Paula Wyckoff seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes.

**Resolution passed 7-0.**

**HAZARD MITIGATION PLAN**

Tammy Beal motioned to adopt a resolution to approve the Hazard Mitigation Plan



developed by Livingston County. Les Andersen seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Resolution passed 7-0.**

#### **FEMA ORDINANCE**

Dan Lowe said he has the name of the person from MDEQ who is responsible for the maps, and is waiting to hear from him. Jack Lowe asked if Les Thomas had responded back to the board regarding issues discussed at the previous meeting. Tammy Beal said yes. Charlie Musson said that Jack Lowe had an invitation to meet with representatives from MDEQ, and he would be willing to go with him. Bob Hanvey offered to provide Mr. Musson with a copy of the map for his property **(AI #1.)** Jack Lowe said the elevations are still inaccurate; the contours are incorrect. Dan Lowe motioned to table approval of the FEMA general ordinance #07-04 until the next meeting. Motion failed due to lack of second. Tammy Beal motioned to adopt a resolution to approve the FEMA general ordinance #07-04, authorizing Livingston County to be the enforcement agency. Paula Wyckoff seconded. Discussion: Dave Hamann asked what the appeal procedure is for general ordinances. Bob Hanvey said he wasn't sure. Dan Lowe asked if the roll call votes will include names. Tammy Beal said yes. Roll call vote: Beal—yes; Hanvey—yes; Hodge—yes; Andersen—yes; Lowe—no; Wyckoff—yes; Hamann—yes.

**Resolution passed 6-1.**

#### **RECYCLE LIVINGSTON AGREEMENT**

Bob Hanvey said the agreement has been reviewed by the attorney. The \$1000 can be taken from the NPDES Phase II budget and will contribute to Recycle Livingston's capital improvement project to install industrial three-phase power at the recycling center.

Travis Hodge motioned to adopt a resolution to approve the agreement to assist with the capital improvement project in the amount of \$1000. Dave Hamann seconded. Roll call vote: Hanvey, Lowe, Wyckoff, Beal, Hamann, Hodge, Andersen—all yes.

**Resolution passed 7-0.**

#### **2008 BIDS FOR LEGAL ADVERTISING**

Les Andersen motioned to adopt a resolution to accept the bid from the Livingston County Daily Press & Argus for legal advertisements to be published on Fridays unless otherwise necessary. Paula Wyckoff seconded. Roll call vote: Hodge, Beal, Andersen, Lowe, Hanvey, Hamann, Wyckoff—all yes. **Resolution passed 7-0.**

#### **POVERTY EXEMPTION GUIDELINES**

Bob Hanvey said this item requires further discussion. The township will be required to provide an asset test to the Board of Review. Mr. Hanvey will prepare an asset test for review at the next meeting **(AI #2.)**

#### **PA 116 APPLICATION**

Bob Hanvey said he will prepare information for the board's review at the next meeting **(AI #3.)**

#### **CARLISLE/WORTMAN ASSOCIATES, INC. CHARITY/ORGANIZATION**

Carlisle/Wortman Associates, Inc. asked the township for suggestions for its annual charitable contribution. Dave Hamann motioned to suggest that Carlisle/Wortman consider the United Way Livingston County for its charitable contribution. Les Andersen seconded. **Motion carried 7-0.**

#### **FOIA RESOLUTIONS**

Tammy Beal said the township needs to formally approve the Freedom of Information Act (FOIA) form and appoint someone as the FOIA coordinator. Les Andersen motioned to adopt a resolution approving the FOIA Request for Public Records form, and to

appoint Sandi Longstreet as the FOIA coordinator. Dave Hamann seconded. Roll call vote: Lowe, Wyckoff, Hamann, Hodge, Andersen, Beal, Hanvey—all yes.

**Resolution passed 7-0.**

**AUDIT PRESENTATION**

Ken Palka and Chris Arsenault from Pfeffer, Hanniford & Palka were present to review the recent audit. Mr. Palka reviewed the Annual Financial Report for the year ended June 30, 2007. He specifically mentioned the Sewer Fund and said the township should consider increasing the sewer rates. Bob Hanvey asked if they could provide a cash flow projection for sewer and water. Mr. Palka said they will submit a proposal. Mr. Arsenault reviewed the audit comments and recommendations. The auditor has given the township their unqualified opinion. Dave Hamann motioned to accept the audit report as presented. Les Andersen seconded. **Motion carried 7-0.**

**CORRESPONDENCE/UPDATES**

Norton Road Bridge: Dan Lowe reported that the pavement was done today. MDOT's new estimate for completion is December 12 or sooner.

Jewell Road Bridge: With regard to culverts, Tammy Beal said she talked with Mike Crain from the LCRC, who said the state holds government entities to different standards than individuals.

Logo/Flag: Tammy Beal showed the board members the new township logo, which will be used on a new flag for MTA.

Township Tree: The township officials and employees are sponsoring a Christmas tree at the Howell City Park through the Howell Area Parks & Recreation Authority.

Chestnut: Bob Hanvey updated the board members on Chestnut. They have filed a request for a new trial with the circuit court. Our attorney has 21 days to respond.

Musson Property: Charlie Musson has property adjacent to Harger Cemetery that he is interested in selling. Tammy Beal said she wants to review the county specifications. Phil Westmoreland said he will also get information.

Wireless Service: Bob Hanvey and Paula Wyckoff updated the board members on a meeting they attended this week. The project is planned to be complete by the end of 2008. Municipalities will be asked to waive permit fees and to allow antennas on township property. Michtel is asking municipalities to sign an agreement with the county. A copy was provided for the board members to review prior to the next meeting. Dave Hamann said the township needs to make sure it doesn't conflict with its zoning ordinance.

**FOR THE GOOD OF THE TOWNSHIP**

Dan Lowe said there is a large pile of salt on the sidewalk that needs to be removed.

**CALL TO THE PUBLIC**

None.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 8:40 p.m. Travis Hodge seconded.

**Motion carried 7-0.**

**MINUTES - DECEMBER 13, 2007**

**MEMBERS PRESENT:** Bob Hanvey, Paula Wyckoff, Dave Hamann, Tammy Beal, Les Andersen, Travis Hodge, and Dan Lowe  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Phil Westmoreland, OHM

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### **CALL TO ORDER**

Bob Hanvey called the meeting to order at 7:00 p.m.

### **PLEDGE TO FLAG**

### **MEMBERS PRESENT/ABSENT**

The members of the board introduced themselves.

### **APPROVAL OF AGENDA**

Dave Hamann motioned to approve the agenda. Paula Wyckoff seconded. Z

**Motion carried 7-0.**

### **CONSENT AGENDA**

Tammy Beal motioned to remove approval of the November 27 special meeting minutes from the consent agenda. Les Andersen seconded. **Motion carried 7-0.**

Les Andersen motioned to approve the consent agenda as amended. Dan Lowe seconded. **Motion carried 7-0.**

### **APPROVAL OF NOVEMBER 27, 2007 SPECIAL MEETING MINUTES**

Les Andersen motioned to approve the November 27, 2007 special meeting minutes as presented. Tammy Beal seconded. **Motion carried 6-0-1** (Hamann abstained.)

### **CALL TO THE PUBLIC**

None.

### **FEMA NATIONAL FLOODPLAIN EXPLANATION**

Bob Hanvey provided the board members and audience members with a handout in response to questions raised about FEMA participation. The information is also available on the township's website, on paper maps at the township office, or on a CD that the township has created. He stressed that the township's participation in NFIP is not related to whether parcels would be required to purchase flood insurance.

Bruce Lyons, 2588 Sexton: Mr. Lyons asked if the township is benefiting monetarily by participating. Mr. Hanvey said no. Mr. Lyons asked if participation is something that is renewed every year. Dan Lowe said if the township does participate, residents have to deal with FEMA and get USGS elevations to have property removed. He has talked with Bruce Niemi from the MDEQ.

Mr. Hanvey said the NFIP map people said that whether or not a township participates has no effect on the appeal process. Dan Lowe said the maps are inaccurate, there's no topography, the elevations are wrong.

Les Andersen reminded everyone that the maps are the driving factor, whether or not the township participates. Mr. Hanvey said there has been a lot of conflicting information. Dan Lowe said the email response that the clerk sent to the Triangle Lake residents was completely inaccurate.

Jack Lowe, chairman of the Planning Commission, said he has attended many meetings, talked with other townships and county agencies. The mapping that was done in Hamburg Township is different; they paid extra for the maps to be done properly, and that community has a reason to participate. He believes that lake property will be required to have insurance.

Charlie Musson, 333 Triangle Lake Road: Mr. Musson asked if the map he had received from the township is final. Mr. Hanvey said it's tentative. Mr. Musson asked what map the township refers to when deciding what's in a floodplain.

Mary Ellen Finch, 1733 Triangle Lake Road: Ms. Finch asked what the rush is and what is the benefit.

Phil Westmoreland, the township engineer, said he believes they will continue to map the entire township. From an engineering perspective, he would like to have the maps done.

Rita Hanson, 1450 Triangle Lake Road: Ms. Hanson suggested the township wait to join until after all of the maps are done.

Becky Mistretta, 2883 Rubbins: Mrs. Mistretta said if it isn't broke, don't fix it.

Tammy Surian, 758 Foxfire: Ms. Surian said that all residents of the township should be notified, and there are too many conflicts to make a decision. Ms. Surian said this item should be voted on by the residents. Mr. Hanvey said he wasn't certain whether this is an issue that is permitted to be voted on by the residents. Ms. Surian volunteered to research this item to see what information she's able to obtain.

Les Andersen again said that the maps are still going to be there whether or not the township participates. Dave Hamann asked if there would be liability if the township declines to participate. Jack Lowe said there are three parcels that are identified on the maps and those people should be notified. Dan Lowe said it's his understanding that every house built in the township has to have elevations done by USGC at a cost of \$500-1,000.

Mary Ellen Finch asked if this is still under discussion or is it a done deal. Tammy Beal said a resolution was passed on August 23 to join the program, and the intergovernmental agreement with the Livingston County Building Department was passed in November. The application just needs to be completed and sent. Ms. Beal will check to see if the application can be held. Mr. Hanvey said the application requires further review of the maps. Dan Lowe said there are many people in the audience who are against participating and the board members should listen to them. Mr. Hanvey said he doesn't know how many people may be in support of the plan because those people weren't recruited to attend this meeting. He asked Mr. Lowe how many people it would take to convince Mr. Lowe. Mr. Lowe said none if it affects him.

Scott Lloyd, 5717 Pingree: Mr. Lloyd said the board member should listen to the public. Les Andersen thanked everyone for attending the meeting and voicing their opinions.

Bruce Lyons suggested having someone from FEMA make a presentation.

#### **POVERTY EXEMPTION GUIDELINES**

Bob Hanvey provided the board members with a sample asset test policy. Les Andersen motioned to use the suggested formula to be used by the Board of Review for poverty exemptions. Paula Wyckoff seconded. Roll call vote: Hamann, Lowe, Beal, Hanvey, Wyckoff, Andersen, Hodge—all yes. **Motion carried 7-0.**

#### **PA 116 APPLICATION**

Bob Hanvey said the PA 116 application from Thomas and Alison Bauer appears to meet the qualifications. Les Andersen motioned to adopt a resolution to approve the PA 116 application from Thomas and Alison Bauer and forward to the appropriate agencies.

Tammy Beal seconded. Roll call vote: Wyckoff, Hodge, Hanvey, Hamann, Beal, Andersen, Lowe—all yes. **Resolution passed 7-0.**

#### **MUSSON HILLS CEMETERY PROPERTY**

The board members discussed Mr. Musson's property adjacent to Harger Cemetery. The engineer has looked at the property, and made some suggestions regarding the driveway. The property would require minor grading and tree removal, and the parking lot would be best in the front. Mr. Westmoreland will provide the board with a preliminary plan on the number of plots that would be available on the property  
**(AI #1.)**

### **CREDIT CARD USE POLICY**

Tammy Beal reported the township currently has credit cards from Staples, Wal-Mart and National City. The auditor has suggested a more well-defined credit card use policy, and provided a sample for the board members to review. Les Andersen motioned to adopt a resolution to approve the sample credit card policy. Tammy Beal seconded. Discussion: Dave Hamann said he would like the sample policy rewritten specifically for the township before approval. Les Andersen withdrew his motion, and Tammy Beal seconded. Dave Hamann motioned to table this item. Travis Hodge seconded.

**Motion carried 7-0.**

### **HARDEN MOTION FOR RETURNING TO ZBA**

Dave Hamann motioned to have the Harden variance request returned to the Zoning Board of Appeals for another hearing. Paula Wyckoff seconded. **Motion carried 7-0.**

### **DEVELOPMENT SYNOPSIS PRESENTATION**

Phil Westmoreland provided the board members with a private development project status update. The board members reviewed the various projects, and discussed what "complete" means. Jack Lowe said he believes it means monuments are in, landscaping is done, and all agencies have signed off. A punch list could be made and the township could set a bond for the top lift of asphalt. Mr. Westmoreland is asking the board for direction on what developments to continue working on.

### **CORRESPONDENCE/UPDATES**

Norton Road Bridge: Jack Lowe said the bridge is done; cleanup and seeding needs to be done and there are punch list items.

Water Quality Monitor Grant for MiCOR: Bob Hanvey provided the board members with a copy of a letter of support he sent to the Livingston County Drain Commissioner's Office regarding a grant application.

Darakjian: A two-page handout is included with the board packets.

Highland: Bob Hanvey said a date has been set for a conference call at the tribunal with the attorneys.

NPDES: Bob Hanvey said the five-year permit is up for renewal. The board members discussed the benefits of participation. Dan Lowe said he thinks the township should get out of the program.

Verizon: The lease paperwork is complete and work is being done to co-locate.

LCRC: Tim Johnson from the Road Commission has asked the board members to keep projects in mind for the coming year.

Chestnut: Bob Hanvey provided an update.

### **FOR THE GOOD OF THE TOWNSHIP**

Charlie Musson, 333 Triangle Lake: Mr. Musson said he attended the last Road Commission meeting, and they are taking an in-depth look at the overlay program. The budget meeting is next month. Les Andersen said he will try to attend the upcoming meeting. Tammy Beal said the next board meeting is scheduled for Thursday, January 3, and the packets will be ready by Thursday, December 27 at 3:00 p.m.

### **CALL TO THE PUBLIC**

Jack Lowe suggested the township board send a thank-you letter to the Road Commission for the work done on County Farm. Tammy Beal will check to see if something has been sent and, if not, will send a letter (**AI #2.**)

Charlie Musson had questions on how the billing is done for projects. Jack Lowe asked Phil Westmoreland what the cost would be to make the billing statement more detailed.

Mr. Westmoreland asked the township to let him know what should appear on the statements (**AI #3.**)

Linda Myers, Sharma Lane: Ms. Myers asked about progress on the Jewell Road bridge.

Bob Hanvey said the project probably wouldn't be complete for 3-10 years.

**ADJOURNMENT**

Dave Hamann motioned to adjourn the meeting at 10:25 p.m. Travis Hodge seconded.

**Motion carried 7-0.**