

VERGENNES TOWNSHIP
Regular Meeting Minutes
September 20, 2004

The regular meeting of the Vergennes Township Board was called to order by Tim Wittenbach at 7:05 pm in the Vergennes Township Hall.

Members Present: Tim Wittenbach - Supervisor
 Mari Stone - Clerk
 Jean Hoffman - Treasurer
 Al Baird - Trustee
 Vern Nauta - Trustee

Also present, was Jeanne Vandersloot, Township Zoning Administrator.

Minutes of the August 16, 2004 Regular Board Meeting were accepted as presented. Hoffman gave the Treasurer's Report. Motion by Baird, seconded by Nauta, to approve the bills as read. **Motion approved.** T.J. Garrett from Haley Law Firm, PLC, asked to be moved up on the agenda due to her drive to Brighton this evening. Motion by Nauta, seconded by Baird, to approve the Agenda with the change noted. **Motion carried.**

Public Hearing - J & T Machining Industrial District; PA 198 Tax Abatement Request

Opened at 7:09 pm

Ben Zainea, representative for J & T Machining and Mr. Thomas, President. Reviewed the request for the abatement. Real property improvements are scheduled for completion in August and personal property improvements to take place over the course of the year.

No public comments.

Closed at 7:12 pm.

Public Hearing - Henschke Temporary Dwelling Special Use Permit

Opened at 7:12 pm

Marcia Henschke stated they plan to purchase a used mobile home to place on their property on Parnell to live in while they build a new house. They already have the septic and driveway permits.

No public comments

Closed at 7:16 pm

Unfinished Business:

1. **Beer and Wine Ordinance - 3rd Draft**

Vandersloot said the additional information requested by the Board was added and the ordinance does not require a public hearing. The Board agreed to hold a public hearing anyway.

Motion by Nauta, seconded by Stone, to accept the language and schedule a public hearing at the next board meeting before the board adopts the ordinance. Motion accepted.

2. **Consideration of Adoption - Lowell Area Trailway Agreement**

Stone presented an update to the information presented to the Board in August. The

Lowell City Attorney wants to make a couple of changes and the school is interested in participating financially because much of the trail is on school property. Lowell and Vergennes Townships have concerns about capital expenditures and would like to see the agreement worded to specify that funding for trail building come from grants and fund raising efforts. There will need to be a common resolution for all municipalities to adopt. The Board will have an updated version prior to adoption consideration. Township Attorney will review the wording and necessary changes. Baird would like to see a definition of what is considered an emergency in Article IX, D. (wording on page 9). Right now the agreement does not specify how the chairperson can spend the money in an emergency and there should be some type of guideline outlined. **Motion by Stone, seconded by Hoffman, to have the Vergennes Attorney review the amended agreement prior to adoption. Motion carried.**

New Business:

1. **AT&T Communications Tower - Heim St., Noall Property**
T.J. Garrett, Haley Law Firm, PLC was present to explain that Cingular Wireless and AT&T construct a 109 ft. tower at the end of Heim St., on the Noall property.
Motion by Nauta, seconded by Hoffman, to refer the request to the planning commission, Motion carried.
2. **Approval of Township Millage Rate for 2004**
Motion by Hoffman, seconded by Baird, to approve the millage rate for of .8776 for 2004. Motion carried.
3. **J&T Machining Industrial District Establishment**
Stone asked if the property is leased? Zainea explained the building is owned by a revocable trust to the corporation. The lease will be in effect through 12/31/2020. The company is in control of the property and it is reflected in the lease that the company is responsible for the taxes.
Motion by Baird, seconded by Stone, to establish the industrial district. Motion carried.
4. **J&T Machining PA 198 Tax Abatement Request**
Motion by Baird, seconded by Nauta, to approve a twelve year tax abatement for J&T Machining. Motion carried.
5. **Henschke Temporary Dwelling SUP**
Marsha Henschke was present to explain their request for a Temporary Dwelling SUP. Henschke's would like to put a mobile home on their property while they construct a new home on the same property. Marsha Henschke will be the general contractor. Construction is to begin in the spring of 2005 and planned to be completed by Thanksgiving 2005. They would like to start working on the septic and road now and already have permits for both. The driveway will run along the tree line. Henschke provided the Board with a plan to review but indicated several changes. The Board said she would need to have a final plan before getting any permits. The plan is to build a 1 ½ story home, approximately 1358 sq. ft., handicap accessible, with 3 bedrooms on a basement.

They plan to buy a used mobile home and are waiting for the owners to finalize the sale. The 16 ft. x 80 ft. mobile home will be set on piers. She plans to sell the mobile home

immediately after the house is built and they are moved in. A bond will be issued for the mobile home, so that if she does not remove it within two years, the township will use bond to get rid of it.

The Board explained the process to Henschke that before she can get a building permit, she needs to have the final blue prints (will accept some minor changes) and once she receives the permits she'll have two years to complete the construction. The building permit will be for both homes.

Motion by Baird, seconded by Nauta, to approve the Special Use Permit provided the temporary dwelling meets all township ordinances and codes, a \$5000 bond be issued, and the purchase of the building permit is completed. Motion carried.

6. **Precise Engineering, Tool and Die Recovery**

Ray DeWinkle, of the Right Place Program presented a resolution that can be approved as written or worded to the Board's approval. He is here tonight asking the Board to pass the resolution for tax abatement. This resolution does not require a public hearing.

DeWinkle explained the way the program works is companies who are in this renaissance zone will have all taxes abated for a set number of years. Under the Public Act, the State has agreed to reimburse school districts and libraries the abated taxes. The intent of the coalition is to remain competitive. The zone is the coalition, with 17 companies.

Through cost efficiencies, it will help grow the businesses and keeps them here. The biggest relief is from the single business tax. There was discussion about the effect on the schools and library. This relief is for an industry that is in distress. The resolution is provided by the state and the application to the State is due on Oct 29th.

Motion by Nauta, seconded by Stone, to adopt the resolution contingent upon insertion of language that the schools and libraries held harmless, and a requirement in to provide the schedule to be kept on file. Motion Carried.

7. **Discussion Regarding DeWitt Property - Private Road**

Vandersloot reported that she has received a few inquiries regarding the DeWitt property and why they were not required to build a private road at the time the property was split in 1998. The Board discussed the situation with Vandersloot – it is owned by four family members, and there are two completed houses on the property. In July of 2003 the Board, at the request of an owner, approved a building permit for the second house before obtaining a permit from the Road Commission for a driveway permit. In further discussion, it was determined that there was at that time a general assumption that the entire private road was also under construction. Vandersloot reported the current driveway is 22 ft. wide at the entrance with the remainder generally 14 ft wide.

There was also discussion about an unapproved building on the lot owned by Scott DeWitt. The Assessor had taken a photo of it during 2003 finals, and followed up with a call to the property owner. He stated that it was a shed and that he had made a recent addition. Based on the owners statements, it is currently assessed as a storage shed, although it does not appear to look like a typical shed. When the private road question came up, Vandersloot had checked for permits and confirmed there are no zoning or building permits on file.

The Board agreed the owners need to begin the process to construct the private road. All four of the family members will be sent a letter informing them they are in violation of

the private road ordinance and indicate what they need to do to comply. Also, Vandersloot to send letter to Scott DeWitt about the questionable building. Wittenbach will call Township Attorney Dozema and tell him the letters are coming.

Motion by Wittenbach, seconded by Baird, to have the Township Attorney draft a letter to all four properties regarding the violation of the private road ordinance and a separate letter regarding more information on the building on the Scott DeWitt property. Motion carried.

Citizens Comments:

Tom Richards was present to talk about annexation of the property on Washington and answer any questions. Wittenbach said he did not hear anything, but received a petition to not allow the expansion just prior to the meeting tonight. The Board suggested Richards do some PR with the residents to dismiss any rumors. Richards said the property is a mess right now and would like to make improvements to make it a nicer looking area. Would also like to build storage units for utilities and outdoor storage facilities. Richards said because the property is in both the City of Lowell and Vergennes Township he needs zoning and building permits from both jurisdictions and wants to avoid this. The Board discussed the request, deciding it cannot do anything at this time.

Vandersloot said she received a complaint on the property at McPherson and Parnell. The owner collects memorabilia--vintage signs, old gas pumps, etc., which are displayed on his property, in particular, signs on his fence. She sent the property owner a letter and spoke to him about the items. He said this is his hobby and collection. He's not advertising and no one pays to have the signs posted on his fence. He said the neighbors are okay with it and is surprised there was a complaint. After a short discussion, the Board agreed that the township sign ordinance does not apply to these types of signs. Vandersloot will respond to the complaint that this does not apply to Township's sign ordinance and is not the intent of the Township.

Stone noted that in the Fire Board minutes, item #2, Wittenbach Center had some false alarms and the Fire Board discussed sending them a bill. Discussion about a cost recovery ordinance. Because the township does not have a cost recovery ordinance, no bills will be sent to Wittenbach Center.

Meeting adjourned at 9:53 pm

Respectfully Submitted,

Mari Stone, Clerk