

Minutes of Lapeer Township Board
 Lapeer Township Offices and Community Building
 1500 Morris Road, Lapeer, Michigan 48446
 Regular Meeting
 December 10, 2007
 7:30 PM
 Dawn Walker, Clerk

Supervisor Jarvis called the meeting to order at 7:30 p.m.

PRESENT: Clerk Dawn Walker, Supervisor Scott Jarvis, Treasurer Lori Ann Taylor, Trustees John Rutzen and Howard Stack.

Also present:

Leonard Lumley, 1031 Pine Tree Lane
 Lenny Schneider
 Linda Jarvis
 Bill Blaine
 Randy St. Laurent

Representing:

Self
 Resident/County Commissioner
 Resident/County Commissioner
 Resident/EMS representative
 Candidate for State Representative

Everyone stood for the Pledge of Allegiance.

CONSENT
 AGENDA:

Clerk Walker asked for the addition of Air Advantage wireless internet provider as number 13 on the agenda.

The minutes of the November 12, 2007 regular meeting.
 General correspondence for review:
 Police Statistics for November 2007
 Fire Report for November 2007
 GLTA reports

MOVED by Stack, support by Rutzen to approve the board minutes of November 12, 2007 with no corrections. A vote was taken. Yes: All (5). **MOTION CARRIED.**

PUBLIC TIME:

Randy St. Laurent spoke regarding his candidacy for State Representative. Commissioner Schneider and Commissioner Jarvis representing the County Commission gave the board a "First Call for Help" directory and wished the board a Merry Christmas.

AGENDA:

TREASURERS
 REPORT:

FUND	CLOSING BALANCE
General Fund Checking	\$15,622.97
General Fund Saving	\$23,556.46
CERTIFICATES OF DEPOSIT	
Wolverine Bank 4.4% Mat 12/13/07	\$233,722.23
LCBT #1 4.9% Matures 12/10/07	\$102,789.34
LCBT #2 4.9% Matures 2/16/08	\$152,329.31
MONEY MARKET	
Wolverine Bank 3.69% Matures 12/13/2007	\$10,141.45
COMERICA	
Revolving Improvement	\$177,140.27
Capital Improvement	\$144,136.31
General Fund J-Account	\$80,103.71
LASALLE BANK	
State Share	\$22,145.44
General Township Working Totals:	\$961,687.49
RESTRICTED FUNDS	
LAPEER COUNTY BANK & TRUST	
Disaster Contingency	\$300.76
Liquor Law Enforcement	\$939.36
Cemetery Trust	\$34,864.57

Trust & Agency	\$30,900.00
NATIONAL CITY BANK	
Tax Collection	\$48,720.19

MOVED by Walker, support by Stack to accept the Treasurers report for November. A vote was taken. Yes': All (5). **MOTION CARRIED.**

Randy St. Laurent departed at 7:50.
Commissioner Schneider departed at 7:52.

CLERKS
REPORTS:

Clerk Walker presented the following:

- Vouchers presented from November 16th thru December 15th, including payroll from December 3rd for total voucher payments in the amount of \$\$49,221.87.
- Budget report.
- General Fund Balance sheet.
- Profit & Loss report.
- Payroll report.

Discussion followed.

MOVED by Rutzen, support by Stack to approve payment of the vouchers. A vote was taken. Yes': All (5). **MOTION CARRIED.**

EMS SERVICE:

Lapeer Township EMS representative, Bill Blaine appeared before the board in regards to Marathon Township being excluded from the EMS license for response of emergency services. Discussion followed. It was the consensus of the board to vote in favor of excluding Marathon Township from EMS services.

ZONING
ORDINANCE:

The following zoning ordinance amendments have been recommended for approval from the Lapeer Township Planning Commission and County Planning. All written comments were reviewed.

Amend Article 3 OFF STREET PARKING AND LOADING REQUIREMENTS, by amending Section 3.06 Access Management and Control Standards, by amending subsection 3 Residential Driveways, by amending subsection (n) to read as follows:

- (n) **Driveway Length.** No residential driveway shall be allowed to exceed a maximum length of two hundred and fifty (250) feet unless a turnaround has been provided for emergency vehicles.

All members in agreement with.

Amend Article 4 ENVIRONMENTAL REQUIREMENTS, by amending Section 4.05 Signs, by amending subsection 2.b Signs in Residential Districts as follows:

- b. For Permitted Principal Uses other than dwellings and for Permitted Uses after Special Approval, one (1) sign, not exceeding thirty-two (32) square feet in area shall be permitted. The height of the sign shall not exceed eight (8) feet. All signs within a residential district shall be setback back seventy (70) feet from the road centerline or ten (10) feet from the existing right of way whichever is greater.

All members agree to send back to Planning Commission and have the comments from County Planning addressed.

Amend Article 1 GENERAL PROVISIONS, by amending Section 1.07 Buildings Accessory to one and two family residential uses, by amending subsection #4 as follows:

Parcel Size	Maximum Accessory Building Size (of all Buildings)	Maximum Number of Buildings
One-half (½) acre of less, or Located in a platted subdivision	720 square feet	1
More than one half (1/2) acre, up to one (1) acre, or located in a platted subdivision	1,200 square feet	1
Greater than one (1) acre, or less than five (5) acres.	1,536 square feet	2
Five (5) acres or more.	2,400 square feet	2

*maximum size refers to aggregate of all accessory buildings

Any request for accessory buildings larger than those noted above shall only be permitted after receiving special land use approval from the Township Planning Commission. As a part of the review of such buildings, the requirement for engineered site plans shall be waived, unless such information

is essential for the review of such building. Further, any review from the Township Planning Consultant and Township Engineer shall also be waived, again, unless such review is essential for the review of the application.

Members agree to return to Planning Commission for further review and to discuss at the January 4, 2008 joint meeting.

Amend Article 1 GENERAL PROVISIONS, by amending Section 1.07 Buildings Accessory to one and two family residential uses, by adding a new subsection being subsection #11 as follows:

11. A certificate of zoning compliance shall be recorded with the County Register of Deeds at the expense of the landowner for any accessory building exceeding 2,400 square feet.

All members agree to send back to Planning Commission for further review and to have them address comments from County Planning.

Amend Article 1 GENERAL PROVISIONS, by amending Section 1.07 Buildings Accessory to one and two family residential uses, by amending subsection #10 as follows:

Accessory buildings used in conjunction with a bona fide agricultural operation are exempt from the height limitation; restrictions on the number of buildings, and the floor area requirements noted above and may also be constructed on a vacant piece of property which has been deemed to be an integral part of the overall farming operation.

All members agree to send back to Planning Commission for further review and to have them address comments from County Planning.

Amend Article 1 GENERAL PROVISIONS, by amending Section 1.30, Farm Animals in Residential Districts as follows:

The keeping of horses, cows, swine, llamas, alpaca, and other split hooved and non split hooved animals which are similar including emu and ostrich, for recreational purposes... remainder of text to remain the same.

1. The minimum lot area shall be five (5) acres (two (2) animals may be kept on the first five acres).
2. Two (2) acres shall be provided for each additional animal over the first two (2) kept on the site.
3. Stables, paddock areas for instruction, exercise or confinement of horses or other animals, and manure storage areas shall be located at least one hundred (100) feet from any residential structure on abutting parcels and at least fifty (50) feet from any property line.
4. Livestock used for 4-H or FFA projects may be permitted (on properties not meeting the size requirements noted above) by the Township subject to a letter being provided which indicates the number of animals currently being raised for such purpose and indicating the timeframe such animals will be on the property. The letter shall also provide confirmation that the applicant or immediate family member is an active member of 4-H or FFA. Authorization to keep livestock pursuant to this subsection shall be valid for a period of one (1) year from the date of receipt of the required letter.
5. The storage and disposal of manure shall follow all applicable GAAMPS.

Members agree to return to Planning Commission for further review and to discuss at the January 4, 2008 joint meeting.

Amend Article 1 GENERAL PROVISIONS, by amending Section 1.31 Panhandle Lots to read as follows:

The creation of any new panhandle lot shall not be permitted. However, legally existing panhandle lots shall be permitted to be developed as provided in this Ordinance and that all applicable setbacks of the R-1-C Zoning District can be met.

All members in agreement with.

Amend Article 1 GENERAL PROVISIONS, by adding a new Section, being Section 1.37 Geothermal Heat Pumps and Drainage, to read as follows:

When a use in the Township utilizes a geothermal heat pump system, consideration shall be given to the potential adverse effects that may result to adjacent land uses. Such systems if not properly designed and installed may result in increased water runoff, excess wetness or flooding or neighboring properties, or the community at large. Therefore, any properties within the Township that utilize a heat pump, or similar heating/cooling system shall conform with the following requirements.

1. Install and operate a closed loop system that recirculates geothermal heat pump water rather than discharging such water on to the surface area of the property. If a closed loop system is not feasible or an appropriate alternative can be provided. The Township may permit other types of systems. However, the drainage of such system shall be adequately contained on the subject property by either discharge into a pond, adequate drainage swale, etc.
2. In the event of an emergency situation that temporarily precludes recirculation of water, provisions shall have been made to contain such water upon the host property or charge the aquifer with such water.

All members in agreement with.

AMEND ARTICLE 1 GENERAL PROVISIONS, by amending Section 1.12 LOT AREA MINIMUM AND FRONTAGE, as follows:

For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as herein required. Such lots shall have full frontage on an improved public street or on an approved private road. Minimum frontage shall equal the lot width requirements established by this Ordinance. In the case of cul-de-sac and curved streets, frontage shall be measured at the two points where the minimum building line or setback intersects the side lot lines. No road right-of-way shall be included in the computation of the required minimum land area. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

All members in agreement with.

AMEND ARTICLE 6 SPECIAL LAND USE REVIEW PROCEDURES AND REQUIREMENTS FOR SELECTED SPECIAL LAND USES, by amending Section 6.01 HEARING, as follows:

Requests for Special Land Use approval may be heard and decided at any regular or special meeting of the Planning Commission; provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on Special Land Use requests shall be sent to owners and occupants of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the request for Special Land Use approval. Notice shall be sent by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less fifteen (15) days prior to the hearing.

All members in agreement with.

AMEND ARTICLE 19 ZONING BOARD OF APPEALS, by amending Section 19.01 ESTABLISHMENT, as follows:

There is hereby established a Zoning Board of Appeals as authorized by Article VI Public Act 110 of 2006, as amended. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board. One (1) member shall also be a member of the Township Board. One (1) member shall also be a member of the Planning Commission. The remaining three (3) members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates. The Zoning Board of Appeals shall elect a Chairperson, Vice-Chairperson, and Secretary. The Township Board member may not serve as Chairperson.

The Township Board shall appoint two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. The alternate member may be called as specified in the Zoning Ordinance to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member, if a regular member is absent from or unable to attend one (1) or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision of a case in which the regular member has abstained for reason of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

All members in agreement with.

AMEND ARTICLE 19 ZONING BOARD OF APPEALS, by amending Section 19.02 APPEALS, as follows:

An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal any Ordinance provision or any final decision of the Zoning Administrator or the Planning Commission, including Planning Commission decisions as to special land uses and planned unit developments. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of Appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall also give notice to owners and occupants of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the appeal. Notice shall be by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. Further, the notice of such appeal and hearing shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days prior to such hearing.

All members in agreement with.

AMEND ARTICLE 19 ZONING BOARD OF APPEALS, by amending Section 19.04 POWERS, as follows:

The Zoning Board of Appeals shall have the power to vary or modify any Ordinance provision whenever there are practical difficulties imposed on a property owner if the strict letter of the Ordinance is carried out. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured and substantial justice done.

All members in agreement with.

AMEND ARTICLE 19 ZONING BOARD OF APPEALS, by amending Section 19.06 DECISIONS, as follows:

The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. No variance may be granted or decision overruled unless at least three (3) members vote in favor thereof. Any variance shall expire twelve (12) months from the date it is granted unless a building permit has been acquired and construction undertaken pursuant to the variance. The Zoning Board of Appeals shall state and provide in writing the decision and all grounds of each decision. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:

Remainder of Text to remain as is.

All members in agreement with.

AMEND ARTICLE 24 AMENDMENTS, as follows:

The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedures set forth in Public Act 110 of 2006, as amended. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, Township Board, or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned, or else have the fee owner of the premises concerned, or else have the fee owner subscribed to his petition, and shall submit a petition for rezoning to the Township Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit a fee as established by the Township Board with the Township Treasurer at the time that the petition is filed to cover the costs of processing the petition.

All members in agreement with.

MOVED by Stack, support by Taylor to publish the approved ordinance text amendments as outlined above to take effect thirty (30) days after publication and to further instruct the planning commission to revisit the remaining items. A roll call vote was taken: Stack; yes, Taylor; yes, Rutzen; yes, Jarvis; yes, Walker; yes. **MOTION CARRIED.**

ESO: The amended Engineering Standards Ordinance was presented to the Board for approval. Trustee Stack brought forward discussion regarding the Engineering Board of Appeals as outlined in the ordinance. Discussion followed. TABLED.

RELEASE OF
LOC:

MOVED by Walker, support by Stack for the treasurer to release the Irrevocable standby letter of credit for "Huckleberry Way residential site plan, #2003-005" held in the amount of \$60,000.00 upon payment of remaining invoices due to the township.. A vote was taken. Yes': All (5). **MOTION CARRIED.**

EMPLOYEE
POLICY:

Discussion followed regarding employee manual in regards to the Police department. Suggested changes were tabled for further analysis.

POSTAGE MACHINE: The current postage meter will be obsolete effective at the end of 2007. Quotes for a new meter have been obtained from Neopost / Hasler and accepted as follows:

MOVED by Taylor, support by Stack to accept the bid for the purchase of the Neopost / Hasler IJ40 postage meter. A roll call vote was taken: Taylor; yes, Stack; yes, Walker; yes, Jarvis; yes, Rutzen; yes. **MOTION CARRIED.**

William Marshall departed at 10:00 p.m.

POVERTY
EXEMPTION:

Lapeer Township Poverty Exemption Resolution

The following resolution was offered by Board member Stack and supported by board member Taylor.

WHEREAS, Public Act 390 of the Michigan Public Acts of 1994 authorizes the Township Board of Review to grant poverty exemptions or partial exemptions in appropriate circumstances; and

WHEREAS, the Lapeer Township Board wishes to establish a uniform and fair policy for the consideration of such requests;

THEREFORE, BE IT RESOLVED, that the Lapeer Township Board hereby adopts the following policy to be utilized by the Board of Review in deciding poverty exemption requests:

1. All requests for poverty exemptions or partial exemptions shall be applied for in writing on forms provided by the Township. No request shall be considered unless all required information is properly filled out and presented to the Township. The Board of Review shall require documentation to prove claims made on an application.
2. An application for a poverty exemption or partial exemption from the property taxes shall be filed after January 1 and prior to the last day of the Board of Review meetings in December. Any exemption or reduction shall be granted only for the year in which application is made.
3. Poverty exemptions or partial exemptions shall only be considered for homestead property or qualified agricultural property as defined in MCL 211.7dd. No other types of property shall be eligible for consideration.
4. The annual Federal Poverty Income Standards shall be used as a guideline to determine if a whole; partial; or no exemption may be granted. The total household income of all members of the household must be considered.
5. Total net worth of all household members shall be considered in determining if a whole or partial poverty exemption is warranted.
6. An asset level test shall also be used as a guideline to determine if a whole; partial; or no exemption be granted. The total assets of all members of the household shall be considered. Excluding the property for which this exemption is requested, maximum asset level guidelines are as follows:

Single Person - \$15,000.00
Each additional working adult in the household - \$10,000.00

Married Couple - \$25,000.00
Each additional working adult in the household - \$10,000.00

7. Prior to granting any poverty exemptions, the Board of Review shall take into consideration the potential refund to the property owner of the Michigan Homestead Tax Credit on property taxes in excess of 3½% (three and one-half percent) of household income.

8. In granting a property tax exemption for poverty reasons, the Board of Review shall have the power to grant an exemption for the entire tax assessment or for a portion of the assessment.

*A roll call vote was taken:
Ayes: Stack, Taylor, Jarvis.
Nays: Rutzen, Walker.
The supervisor declared the resolution adopted.*

M-24 EXPANSION
PROJECT:

Resolution in Support of the M-24 Expansion Project

The following resolution was offered by Board member Walker and supported by board member Stack.

WHEREAS, M-24 is one of the major north/south transportation arteries that serves our community with an average daily traffic count of 22,000 vehicles; and

WHEREAS, the M-24 expansion project has been a high priority for the community for at least 20 years; and

WHEREAS, the expansion south of Pratt Road to Brauer Road will improve transportation flow and safety along this vital corridor; and

WHEREAS, the Lapeer Township Board wishes to express our dismay and concern over the cancellation of the expansion of the section of M-24 from Pratt Road to Brauer Road in southern Lapeer County that was scheduled for 2004, especially since the Michigan Department of Transportation has already spent funds to design the road and complete the environmental studies.

WHEREAS, the Lapeer Township Board has serious concerns about the three (3) fatalities, 460 accidents and 152 injuries that occurred on this stretch of M-24 during the period of 2003-2006, and

WHEREAS, the expansion is extremely important to our ability to create jobs by attracting and retaining business.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Lapeer formally requests that the Michigan Department of Transportation take the necessary steps to improve M-24 by expanding to a four lane boulevard as proposed.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Governor Granholm, State Senator Jud Gilbert, State Representative John Stahl, U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin and U.S. Congresswoman Candice Miller

*A roll call vote was taken:
Ayes: Walker, Stack, Rutzen, Taylor and Jarvis.
Nays: None.
The supervisor declared the resolution adopted.*

GREAT LAKES
RESOLUTION:

RESOLUTION TO PROTECT OUR GREAT LAKES WATER RESOURCES

The following resolution was offered by Board member Walker and supported by board member Taylor.

WHEREAS, the Great Lakes have historically defined and have been integral to the development of the State of Michigan; and,

WHEREAS, the creation of a National Water Commission could create the potential for water to be diverted from the Great Lakes; and,

WHEREAS, if states without adequate water resources continue to allow unsustainable and uncontrolled growth; and,

WHEREAS, the lack of sound water policy in these areas of the country should not affect the State of Michigan adversely; and,

WHEREAS, the Great Lakes are also intersected by an international border and support major shipping and other economic purposes; and,

WHEREAS, water policy is, and must remain a state and regional policy matter.

NOW, THEREFORE, BE IT RESOLVED that the Lapeer Township Board is opposed to any entity or legislation that could divert water outside their natural watershed, especially within the Great Lakes which is Michigan and surrounding states and provinces most vital natural resource.

BE IT FURTHER RESOLVED, that the Clerk of the Board forward a copy of this Resolution to Governor Granholm, State Senator Jud Gilbert, State Representative John Stahl, U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin and U.S. Congresswoman Candice Miller, and the Michigan Township Association.

*A roll call vote was taken:
Ayes: Walker, Taylor, Stack, Rutzen, Jarvis.
Nays: None.
The supervisor declared the resolution adopted.*

RECREATION
COMMISSION:

Resolution Creating the Lapeer Township Recreation Commission

The following resolution was offered by Board member Walker and supported by board member Rutzen.

WHEREAS, Public Act 157 of 1905 (Township Parks and Places of Recreation Act) authorizes the Township to create a Parks and Recreation Commission,

WHEREAS, the Lapeer Township Board of Trustees desires to create a Parks and Recreation Commission for the purpose of developing a parks and recreation master plan, planning for future park locations, park development and applying for grants,

WHEREAS, Lapeer Township intends to develop a Parks and Recreation Master Plan meeting the requirements of the State of Michigan,

WHEREAS, the Lapeer Township Board of Trustees shall serve as the Parks and Recreation Commission,

WHEREAS, the Lapeer Township Board of Trustees, serving as the Parks and Recreation Commission, shall request input from the Lapeer Township Planning Commission as appropriate,

NOW, THEREFORE BE IT RESOLVED, the Board of Trustees of Lapeer Township at its regular meeting of December 10, 2007 hereby adopts this resolution creating the Lapeer Township Parks and Recreation Commission.

A roll call vote was taken:

Ayes: Walker, Rutzen, Jarvis, Taylor and Stack.

Nays: None.

The supervisor declared the resolution adopted.

AIR ADVANTAGE

PROPOSAL:

A proposal was received from Scott Zimmer, President of Air Advantage regarding the installation of a wireless tower to service the Lapeer Township residents. Discussion followed. TABLED.

PUBLIC TIME:

REPORTS:

CCA, P/C ZBA.

ANNOUNCEMENTS:

The next MTA meeting is at 7:00 p.m. on December 18th at the Lapeer Township Hall.

Board of Review

December 11

Special Board meeting

December 18 – 11AM

Joint Meeting: Board, PC, ZBA

January 7, 2008 - 7PM

Public Accuracy Test Election

January 10, 2008 – 2PM

Clerk's office open to accept

AV ballot applications

Saturday, Jan. 12 – 11 til 2pm

Clerk's office open until 4 PM

for Absentee Voters

Presidential Primary Election

January 15, 2008

ADJOURNMENT:

MOVED by Rutzen, support by Taylor to adjourn the meeting. The meeting was unanimously adjourned (at 10:25 p.m.).

Dawn M. Walker, Clerk