

SPRINGFIELD TOWNSHIP BOARD MEETING

July 13, 2006

SYNOPSIS

CALL TO ORDER: 7:30 p.m. by Supervisor Walls

PUBLIC COMMENT: Jackie Fromm and Cassandra Goulding presented information about Clarkston Area Youth Assistance

CONSENT AGENDA:

- a) Approved Minutes: June 8, 2006 Regular Meeting with bills and additional disbursements of \$340,976.68
- b) Approved Minutes: June 8, 2006 Special Meeting
- c) Accepted June 2006 Treasurer's Report
- d) Received June 2006 Reports: Building, Electrical, Plumbing, Mechanical; Litigation; Fire and Ordinance
- e) Authorized payment of bills as presented, total \$98,222.34
- f) Adopted policy establishing \$200.00 minimum for setting up a previous year's invoice or obligation as an "Accounts Payable"
- g) Adopted Resolution transferring powers provided by Michigan Enabling Act to Planning Commission, per P.A. 110 of 2006
- h) Extended Property Management Services Agreement with Mike Forst to June 30, 2007 at \$1,200.00/month and \$35.00/hour
- i) Awarded bid to Douglass Safety Systems for 5 sets of Turnout gear, total \$5,262.75
- j) Authorized Treasurer to transfer budgeted General Funds to Building Department Fund on an as needed basis
- k) Received communications and placed on file.

OLD BUSINESS:

1. Second Readings: Adopted Zoning Ordinance Amendments
 - a) Sections 2.00 and 16.17.1
 - b) Section 16.25, Safety Paths
2. Zoning Ordinance Amendments:
 - a) 18.07, Second Reading: Authorized change to proposed language and republication for Second Reading
 - b) 18.10: Responded to Planning Commission Request for Clarification
3. Ellis Barn Contribution: Authorized \$9,280.00 contribution and budget amendment
4. Conditionally approved Westwood Hills Street Lighting Request
5. Employee Health Care Benefits:
 - a) Voted to reconsider action taken at June 8, 2006 Township Board meeting
 - b) Approved continuation of current employee health care benefit plan, subject to annual review
6. Softwater Lake: Continuation Hearing of Practicability:
 - a) Voted not to expand proposed district
 - b) Authorized \$2,700.00 for study and recessed Hearing of Practicability

NEW BUSINESS:

1. Westwood Hills: Amended Consent Judgment
2. Ordinance 16: Discussed proposed amendments
3. Tabled Request for liquor license transfer
4. 2007 Budget Schedule: Set Workshop Meeting for 7:00 p.m., August 28, 2006
5. Conditionally approved Fireworks Permit
6. Authorized purchase and installation of Civic Center gutters & downspouts, not to exceed \$5,300.00
7. Park Commission Vacancy: Set week of July 31, 2006 to interview candidates

PUBLIC COMMENT: None

ADJOURNED: 10:00 p.m.

NANCY STROLE, Clerk

Call to Order: Supervisor Collin Walls called the July 13, 2006 Regular Meeting of the Springfield Township Board to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

Roll Call:

Board Members Present

Collin W. Walls	Township Supervisor
Jamie Dubre	Township Treasurer
Nancy Strole	Township Clerk
Dennis Vallad	Township Trustee
David Hopper	Township Trustee
Roger Lamont	Township Trustee
Marc Cooper	Township Trustee

Board Members Not Present

Others Present

Greg Need	Township Attorney
Leon Genre	Building/Planning Director

Agenda Additions & Changes:

Supervisor Walls asked to add Park Commission Vacancy to the agenda as item #7 under New Business.

Payment of Bills total should be changed to \$98,222.34.

Board Members agreed to both changes.

Public Comment:

Ms. Jackie Fromm of Clarkston Area Youth Assistance thanked the Board for their contributions and gave a brief overview of the help they have provided to the public.

Consent Agenda:

- ★ Trustee Hopper moved to approve the Consent Agenda as amended. Treasurer Dubre supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole,

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Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.

- a) Approval of Minutes: June 8, 2006 Regular Meeting with bills and additional disbursements of \$340,976.68.
- b) Approval of Minutes: June 8, 2006 Special Meeting
- c) Acceptance of June Treasurer's report.
- d) Receipt of June 2006 Reports: Building, Electrical, Plumbing, Mechanical, Litigation, Fire and Ordinance.
- e) Authorize payment of bills as presented, totaling \$98,222.34.
- f) Adopt policy establishing \$200 minimum for setting up a previous year's invoice or obligation as an "Accounts Payable."
- g) Adopt Resolution transferring powers provided by Michigan Enabling Act to Planning Commission per P.A. 110 of 2006.
- h) Extend Property Management Services Agreement with Mike Forst to June 30, 2007 at \$1,200.00 per month and \$35.00/hour.
- i) Award bid to Douglass Safety Systems for 5 sets of Tumout gear, total \$5,262.75.
- j) Authorize Treasurer to transfer budgeted General Funds to Building Department Fund on an as needed basis.

Receipt of Communications:

- Senior Transportation Report
- Thank You letter from MTA
- Receipt of letter from Grant Ward
- Holly Area Youth Assistance Report

Old Business:

1. Second Readings: Zoning Ordinance Amendments
 - a) Sections 2.00 and 16.17.1

*** Clerk Strole moved to adopt amendments to Zoning Ordinance 26 specifically Sections 2.00 and 16.17.1 as published for Second Reading, said amendments to take effect seven days after publication of Notice of Adoption. Treasurer Dubre supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

- b) Sections 16.25, Safety Paths

Trustee Hopper asked, regarding item 1d and the referral to the Township, when referring to mature trees and wetlands, it states the Planning Commission shall be the authority. He asked if that should be the Township? Trustee Lamont said the intent was to say the Township. Attorney Greg Need said that is not a substantive change and the amendment could go forward with the change.

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*** Clerk Strole moved to adopt amendments to Zoning Ordinance 26 specifically the addition of a new Section 16.25 as published for Second Reading with the exception of the non-substantive correction noted this evening, said amendments to take effect seven days after publication of Notice of Adoption. Treasurer Dubre supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

2. Zoning Ordinance Amendments:
 - a) Sections 18.07: Second Reading
 - b) 18.10: Planning Commission Request for Clarification

*** Supervisor Walls moved to republish the amendment of Section 18.07 subparagraph 4 using the language as drafted by Greg Need for Second Reading at our next meeting. Trustee Lamont supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

Clerk Strole commented that the action of the Board for item 2A clarifies item 2B.

3. Ellis Barn Contribution

*** Treasurer Dubre moved to contribute \$9,280.00 and amend the budget in accordance with the Supervisor's July 5, 2006 memo. Trustee Hopper supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

4. Westwood Hills Street Lighting

*** Supervisor Walls moved to approve the ornamental street light at Maple Lane and Rattalee Lake Rd. located in the Maple Lane center island subject to the Westwood Hills Association paying the \$4,330.00 construction cost to the Township and signing a contract to pay the operating cost prior to the order being placed for a one post, two fixture ornamental light. Treasurer Dubre supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

5. Reconsideration: Employee Health Care Benefits

*** Supervisor Walls moved to reconsider the June 8, 2006 action to table the health care insurance benefits package discussion. Trustee Cooper supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

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- ★ **Supervisor Walls moved that at this time the Township would not make any changes to the medical insurance program and that we review medical insurance costs after any increases are submitted to us by the insurance company and after reviewing those costs a determination as to what, if any, of the increase might be requested to be paid by the employees. Trustee Lamont supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

6. Softwater Lake: Continuation Hearing of Practicability

Supervisor Walls suggested that the Board discuss the direction of last month's meeting to explore expanding the assessment district, look at the non-lakefront units that have or may have access to Softwater Lake. He included in the provided report, the Exhibit B's from the condominiums and a brief outline of what he found in the Master Deed and By Laws. The current Master Deed and By Law lake access provisions have evolved because he found very few of any of the things we now find to be standard in those documents. Supervisor Walls said he is concerned that if we wish to expand the assessment district it will take a legal review of those documents to determine what, if any, rights non lakefront property owners might have, what variations there are so that we can attempt to determine benefit. Based on use, he is of the opinion that there isn't much benefit and will probably not warrant the legal search.

Treasurer Dubre concurred that it is not a good idea to expand the assessment district. We agreed to look into it and we did and moving forward opens the door for significant costs in addition to what the intent is. Trustee Lamont agreed. Trustee Vallad said he believes the district is defined properly.

Clerk Strole said she would concur that expansion of the proposed district is not warranted or appropriate.

- ★ **Supervisor Walls moved that for discussion purposes and continuation, the Softwater Lake Assessment district not be expanded. Treasurer Dubre supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

Supervisor Walls explained that he and Dr. Pullman visited Softwater Lake and checked the property on both ends and one spot in the middle. Two things of interest and concern are, they were there shortly after the chemical treatment, which they both believed included an algacide treatment, and there was still algae present in areas that were probably treated. There is also milfoil now present that was not there in 2004. Dr. Pullman suggested that both the milfoil and the algae would be much more problematic later this year. The milfoil can be dealt with with a second harvesting, if scheduled correctly. The algae cannot. Dr. Pullman said the problem with waiting until 2007 to conduct his study is that it leaves the Board without much direction for a treatment plan in 2007. Dr. Pullman said it would be possible to do the study in 2006, and Supervisor Walls said we can use Special Assessment funds for that because a study was

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included in that three year assessment. Supervisor Walls said Dr. Pullman could have the study back to the Board as soon as the third week of August.

- ★ **Treasurer Dubre moved to do the study at a cost not to exceed \$2,700.00, to have the Supervisor facilitate with Dr. Pullman and having that study completed in time to meet the publication in order to then move forward with the Hearing of Practicability which would further table that until we receive the study back and then go forward with the assessment roll. Trustee Cooper supported the motion.**

Mrs. Karen Mann, 7241 Blue Water, asked if Dr. Pullman indicated that there would be any practicability to treating or harvesting based on the water level at the end of the canal because it is so shallow? Supervisor Walls said a small harvester could get into shallow water.

Mrs. Joyce Gibbs, 7243 Blue Water, said the owners in the canal have been in a pay, pay, lose, lose situation and their situation has gotten progressively worse and will not get any better.

- ★ **Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

New Business:

1. Westwood Hills: Amendment to Consent Judgment

Supervisor Walls said this amendment would allow a change from the current minimum 35 foot rear setback. The proposal would leave structures at 35 feet, change to 20 feet for decks and 0 rear setbacks for inground pools. The combined front and rear would remain 75 feet. The proposal also asks that the Consent Judgment be revised so that the Township Board of Appeals has authority to grant variances from the Consent Judgment in regard to setback requirements.

Clerk Strole said she visited the three houses that were used as examples in the proposal and she does see the issues with the decks. Based on what she saw and what is being proposed she would not object to a 20 foot setback for decks for those that abut park areas. She also walked the path on the east boundary and it would appear that with a 20 foot setback it would not infringe into any of the heavily wooded area. Clerk Strole said she does not concur with a zero foot setback for pools.

Trustee Hopper commented that in regard to decks he could go with 25 feet because that is the minimum allowed in the ordinance. Trustee Hopper said he currently lives in a similar subdivision and he knew going into that subdivision what he could and could not do. In regard to pools he does not agree with a zero foot setback and Ordinance 16.14.3 is clear and he does not see why we should vary for pools and if we do we may as well change our whole ordinance. He has no problem with the ZBA being allowed to vary setbacks as long as it is added in regard to strictly front and rear setbacks.

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Trustee Cooper said he does not have a problem with a 25 foot rear setback but would not agree to a zero foot setback for pools and understands that the ZBA should be used if we change to a 25 foot setback. Trustee Lamont concurred. Trustee Vallad said pools should have the same setback as decks and he would agree with the requested 20 foot setback but it must include pools as well as decks. A zero foot setback for a pool becomes a safety issue in his opinion. Treasurer Dubre concurred with Trustee Hopper.

Supervisor Walls asked the Board members what they felt a minimum footage for a functional deck would be. The Board concurred that a 12 foot deck would be the minimum and then not very functional. Supervisor Walls suggested going with the proposed 20 foot rear setback for decks then.

Mr. Dennis Kowalik, 9555 Westwood Circle, commented that he believes we live in a model community with common grounds and open spaces but to just follow the rules is a shortcut.

Supervisor Walls commented that as he drove through Westwood Hills he was glad to see that it is a family oriented neighborhood and quite affordable housing.

- ★ **Supervisor Walls moved that the Board agree to an amendment of the Consent Judgment for Westwood Hills to allow a minimum 20 foot rear setback on all but lots 11, 12, 15, 16, 17, 18, 19 and 20 which are lots that do not abut park spaces, that we retain the combined front and rear setback of 75 feet, that we retain the minimum 35 feet for a dwelling, the 20 foot is for decks, pools and similar accessory structures and that we approve a revision to the Consent Judgment that would allow the Zoning Board of Appeals to review any setbacks on a case by case basis in accordance with the standards contained within the Zoning Ordinance. Trustee Lamont supported the motion.**

Mrs. Moreau, Vice President of Westwood Hills Homeowners Association, said the Rathsburg's have appeared before the ZBA twice and would have to go again because there is not a way to build a pool that would meet the 20 foot rear requirement and still be 10 feet away from the house. Mr. Genre said they could move the pool closer to the house if they GFI protect everything in the rear of the house. Building code states it can be five feet from the house if they GFI protect.

Supervisor Walls suggested refunding the Rathsburg's \$300 since the ZBA had no authority to hear the appeal. The Board concurred.

- ★ **Vote on the motion. Yes: Walls, Strole, Vallad, Lamont and Cooper; No: Dubre and Hopper. The motion carried by a 5 to 2 vote.**
- ★ **Supervisor Walls moved that the Township Board authorize a refund to Martin and Paula Rathsburg of their \$300 Board of Appeals fee in light of the fact that the Board of Appeals had no authority to act on their request. Clerk Strole supported**

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the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.

2. Ordinance 16 Amendments

Supervisor Walls explained that the current “junk” ordinance is outdated, difficult to work with and not clear. Greg Need’s office has put together some changes for review by the Board. Regarding the definition of recreational vehicle, Supervisor Walls suggested that we use the one in our zoning ordinance, which is significantly different. Typos and revisions to penalty provisions were noted. The Board concurred to reviewing the proposed changes and bring this item back to the Board.

3. Liquor License Transfer

The applicant, T.B. Holding Co. LLC is requesting transfer of a Class C liquor license from 221B Baker Street.

Clerk Strole commented that the Building Department recently did an inspection of this property and found no violations. The patron capacity is at 60 persons and should remain at that capacity. Clerk Strole asked the applicant, Ms. Boyd, about the different entities of ownership. She noted that the application is on behalf of TB Holding Company but the request to the LCC is in the name of Boyd’s Beautiful Properties.

Ms. Boyd explained that Trini & Carmen’s of Springfield is the DBA and that is what the restaurant will be called. Boyd’s Beautiful Properties would hold the liquor license and TB Holding Company would hold the real estate.

*** Trustee Cooper moved to table this and give the Clerk one week to provide a list of deficiencies to the applicant so the applicant can come back with all the documentation. Trustee Hopper supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

4. 2007 Budget Schedule

The Board tentatively agreed to hold a Special Budget Meeting on Monday, August 28, 2006 at 7:00 p.m.

5. Fireworks Permit

Supervisor Walls noted that the applicant is getting married on his property and is requesting to have fireworks. He has an expert performing the fireworks and has assured the Township that everything would be done according to the law and ordinance and all safety issues would be adhered to.

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- ★ **Supervisor Walls moved to conditionally approve a fireworks permit conditioned that the Fire Chief and Supervisor insure that minimum standards for safety and the NFPA Code for Fireworks display be met. Treasurer Dubre supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

6. Gutters & Downspouts: Civic Center

- ★ **Trustee Vallad moved to authorize the gutter and downspout project as outlined in the Supervisor's memo of July 12th at a cost not to exceed \$5,300.00. Trustee Hopper supported the motion. Vote on the motion. Yes: Walls, Dubre, Strole, Vallad, Hopper, Lamont and Cooper; No: none. The motion carried by a 7 to 0 vote.**

7. Park Commission Vacancy

The Board agreed to hold interviews for the Park Commission vacancy the week of July 31st and make an appointment at the August 10th Regular Board Meeting.

Public Comment: None

Adjournment:

Hearing no other business, Supervisor Walls adjourned the meeting at 10:04 p.m.

Collin W. Walls, Township Supervisor

Nancy Strole, Township Clerk

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