

**EUREKA CHARTER TOWNSHIP BOARD MINUTES**  
**MONDAY, AUGUST 12, 2013**  
**Approved**

Supervisor Rodney Roy, at the Eureka Township Hall, 9322 S. Greenville Road, Greenville, MI, called the Regular Meeting of the Eureka Charter Township Board to order on August 12, 2013, at 7:00 pm. After the Pledge of Allegiance, roll call found the following Board Members present: Supervisor Rodney Roy, Clerk Linda Ruwersma, Trustees Jeremy Austin, Brad Kelley, Marty Posekany, and Elaine Pendrick. Treasurer Cindy Hanson was absent, and Deputy Treasurer Deb Carnahan was present to sign checks and give the Treasurer report. These minutes will not be approved until the September 19, 2013 Regular Board Meeting.

Approximately twenty eight others were in attendance including Secretary Renee Fountain, Planning Commission Members Mark Wilkin and Linda Weger; County Commissioner Tom Lindeman, City Councilperson Fran Schuleit, City Mayor John Hoppough, Zoning Official Tom Faussett, *Daily News* reporter Kelli Ameling, and Deputy Doug Houser.

During the first public comment, Mr. Mark Wilkin reported to the Board that he submitted a FOIA request to the City of Greenville concerning the Mersen Annexation. He would like to work on procedures to change things in Lansing concerning how the State Boundary Commission handles annexation requests. Commissioner Lindeman gave an update concerning County issues. He stated that they are working on the budget with no pay raises to be given at the County level this year. Deputy Houser also gave a brief report about the recent larcenies in the Greenville area.

Trustee Kelley moved, with a second by Trustee Pendrick to approve the August 12, 2013 Agenda and Consent Agenda. Ayes: 6. Nays: 0. Motion carried.

Trustee Posekany gave a brief Planning Commission report stating that William and Jacquelyn Harris from 10786 S. Greenville Road were relieved of any responsibilities or a fee concerning any property violations as their property was never registered as a State mining operation with MDOT. He stated there are two mining meetings soon; one meeting tomorrow, August 13, and another on Monday, August 19, both at the Township Hall.

Approving the Consent Agenda included accepting the July 8, 2013 Board Minutes as written and the payment of the bills for July in the amount of \$86,260.54 covering e-bills #332-343 and checks numbering 13254-13300. It also approved the Treasurer's report submitted with an ending balance of \$767,082.58 as of July 31, 2013.

The consent agenda also included the zoning report from Mr. Tom Faussett showing 105 hours for July; the fire report showing 4 runs; and the Greenville Transit report showing 184 runs. There was no building report available.

Deputies Doug Houser and Charlie Mahar were assigned to Eureka Township for the month of July. The sheriff report showed a total of 5,013 patrol miles, with 251 traffic patrol hours, 82 traffic stops, 22 traffic citations, 140 property inspections, and 2 arrests.

Zoning Official Faussett gave a brief Pavilion report. He recommends having the ground prepared, adding the needed fill dirt for under the pavilion now, and then letting it settle over the winter, finishing the construction of the pavilion in the spring.

Supervisor Roy reported that the Free Electronics Recycling at the Township Hall Parking Lot from July 18 through the present has been a big success. The trailer has been filled and emptied three times.

Supervisor Roy also gave a brief update on the phone service. The Township Hall has switched to AT&T and it seems to be working out very well. It is recommended that we switch to a cell phone provider that works well in this area and also better in the Township Hall building than what the Zoning Official is using now, so he is better able to handle complaints.

Supervisor Roy is still working on getting estimates for a Township Hall sign. The biggest decisions are size, colors, and clarity. There are basic units through very deluxe models depending on what is desired. He is hoping to bring someone in from Big Rapids soon to give a demonstration so the Board can make a decision.

Roy also checked into recording equipment estimates. There are so many to choose from. He stated it would cost as much to purchase microphones for our group as it would cost for a digital recorder. We have talked to MTA and it is up to the Township if we want to tape our meetings. More information will be provided next month.

The Michigan Townships Association recommended to not adopting a special ordinance for the lesbian, gay, bisexual, and transgender (LGBT) citizens because if they want to have an ordinance in their behalf then they would not be equal. Several residents and audience members gave their opinions about not wanting the Board passing a special Non-Discrimination Ordinance. LGBT representative Sammy Jones-Darling was present and asked the Township to consider passing the ordinance.

Clerk Ruwersma moved, with a second by Trustee Kelley to not pass a Non-Discrimination Ordinance, but continue to follow the Principles of Governance designed by the Michigan Townships Association that Eureka Township has already pledged to follow. This is all under the recommendation of the Michigan Townships Association and the Eureka Township Attorney. Ayes: 6. Nays: 0. Motion carried. A Non- Discrimination Ordinance was not adopted.

Last month a resident at the meeting asked if an audience member could give an invocation rather than a Board Member and not be subject to challenge. Supervisor Roy checked with the MTA about whether an audience member could give an invocation as part of free speech and the same answer was given as if it were a Board Member which is that it has to be discontinued if challenged. People have already told Roy that they would challenge having prayer before the meeting whether by a Board Member or a resident so the Board has agreed to not even begin the practice of having any type of invocation before Board meetings.

On Thursday, August 8, 2013, Supervisor Rod Roy, Clerk Linda Ruwersma, Eureka Township Attorney Cliff Bloom, City Manager George Bosanic, City Attorney Ken Lane, and Hon. Suzanne Hoseth Kreeger met at the Stanton Court House to discuss the FOIA Settlement for the FOIA lawsuit between Eureka Township and the City of Greenville. The judge is very much in favor of settling out of court as is both attorneys. A new Settlement Agreement was drafted only changing one item from the previous agreement drafted in May which was item #5 which read as follows: *The Township shall reimburse the City for \$300.00 in partial payment for the City's costs and expense. No other costs are awarded.*

Trustee Posekany moved, with a second by Trustee Pendrick to agree to the proposed FOIA Settlement Agreement drafted by Attorney Cliff Bloom to be signed by Supervisor Roy and sent on to the City for their approval. Ayes: 6. Nays: 0. Motion carried.

Clerk Ruwersma presented a draft policy for filling vacancies of appointed positions. Trustee Austin moved, with a second by Trustee Kelley to agree to the following policy: *When a vacancy occurs on the Eureka Township Board or Township committees, the vacancy will be posted at Eureka Township Hall, on the County website, and also in the newspaper. If the same position has been advertised in the newspaper in the past six months, and if three resumes are on hand from the past, the notice does not need to go in the newspaper, but will be posted on the door and website. All resumes must be submitted in written form. These resumes will be kept on file, confidentially, at the Township Hall for twelve months after filling the position.* Ayes: 6. Nays: 0. Motion carried.

The next Montcalm Townships Association Meeting/Dinner hosted by Reynolds and Winfield Townships will be Tuesday, August 20, 2013, at 7:00pm.

The MTA District meeting will be Monday, October 3, 2013, in Grand Rapids. This is for all Board and Planning Commission Members. Anyone planning to attend should notify the Township office by Thursday, September 5, 2013.

The Township was recently approached by the Montcalm County Road Commission regarding revenue generated as a result of Act 48 of 2002 MCL484.3101 Metropolitan Extension Telecommunications Right-of-Way Oversight Act wondering what the monies are used for. Zoning Official Faussett explained that the money collected by the Township from the METRO Act does not need to be shared with the County and cannot be just given to the RCMC, but the Township may designate it for certain road projects.

Clerk Ruwersma moved, with a second by Trustee Posekany to approve the AT&T METRO Act Right of Way Permit Extension with the five-year term ending December 31, 2018. Ayes: 6. Nays: 0. Motion carried.

Zoning Official Faussett suggested the need for a Cost Recovery Ordinance in Eureka Township. If the Township has an Ordinance in place, insurance money may possibly be collected if equipment is damaged during a fire or illegal burn. Recently, during a fire on Johnson Road, two fire hoses were damaged. If the Township does not have a Cost Recovery Ordinance then the insurance company would not cover the cost of damaged equipment. Faussett will put together something for next month for the Board and Planning Commission to review. He also suggested the City of Greenville adopt a Cost Recovery Ordinance to allow reimbursement for the fire run costs for illegally set fires as allowed in the Fire Contract between the City and Eureka Township.

A copy of the completed 2012 Eureka Township Audit was distributed to the Board. Abraham & Gaffney, PC reported that the Clerk and Treasurer did a good job on the audit, but there was a question about a statement on the internal control letter. Clerk Ruwersma explained that she thought it was a routine statement put in each year because they completed the F-65 report for the Township. The Clerk will check with the auditor about the statement concerning employees having training that would allow them to attain the qualifications required to understand the GAAP preparation process.

Trustee Kelley moved, with a second by Trustee Posekany to amend Zoning Ordinance #79, Chapter 2, and Section 2.2 Definitions-B Buildable Lot to read as follows:

***A buildable lot is a lot that meets all requirements as identified in Chapter 3 GENERAL PROVISIONS.***

This moves the present language of Buildable Lot to Chapter 3 amending Section 3 Required Frontage and Access, B. Buildable Lot (1-7) to read as in Chapter 2 changing 5 and 6 to the read as follows:

***5. A parcel or lot is buildable only if it either meets the current area, frontage, size and other dimensional requirements of the Eureka Charter Township Zoning Ordinance, or alternately, it constitutes a lawful non-conforming lot or parcel.***

***6. A lawful non-conforming lot or parcel may be built upon, used or developed so long as each building or use meets all setback, maximum lot coverage and similar requirements.***

Also in this motion is to amend Section 2.12 Definitions-L LOT to read as follows:

***LOT – A parcel of vacant or occupied land or land intended to be occupied by a building and accessory buildings or utilized for principal accessory uses together with setbacks, yards and open spaces as required by this Ordinance. A lot shall also mean a portion of a condominium project, as regulated by Public Act 215 under the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership as use. The definition of “Lot” shall also include any platted lot, metes and bounds parcel or site condominium unit. Land separated by a public or private road or street shall be considered separate lots for the purposed of this Ordinance.***

Also amending Chapter 15 Nonconforming Lots, Uses, Buildings and Structures, Section 15.2 Nonconforming Lots of Record, A. to read as follows:

***Where a lawful lot of record exists at the time of the adoption or amendment of this Ordinance does not meet the current minimum requirements for lot width, lot area or other lot dimensional requirements due to adoption of this Ordinance or a new ordinance amendment, such lot of record may be used for any use permitted by the zoning district in which the lot is located provided that it meets all applicable building and structures setback, lot coverage, yard and similar requirements.***

Ayes: 6. Nays: 0. Motion carried.

During the Second Public Comment and Board Comments, Supervisor Roy stated that Eureka Township has received a Certificate of Compliance from the Department of Licensing and Regulatory Affairs for being in compliance with enforcing the provisions of the Liquor Control Code.

Supervisor Roy adjourned the meeting at approximately 8:34pm.

Linda J. Ruwersma, CMC  
Eureka Charter Township Clerk  
August 14, 2013