

EUREKA CHARTER TOWNSHIP BOARD MINUTES
MONDAY, JUNE 13, 2011
Approved

Supervisor Laura Shears, at the Eureka Township Hall, 9322 S. Greenville Road, Greenville, MI, called the Regular Meeting of the Eureka Charter Township Board to order on June 13, 2011, at 7:00 pm. After the Pledge of Allegiance, roll call found the following Board Members present: Supervisor Laura Shears, Clerk Linda Ruwersma, Treasurer Cindy Hanson, Trustees Rodney Roy, Marty Posekany, Brian Zayler, and Elaine Pendrick. These minutes will not be approved until the July 11, 2011 Regular Board Meeting. The meeting was audio taped.

Approximately 8 others were in attendance including Deputy Clerk Renee Fountain, Planning Commission Member Mark Wilkin, Deputy Kevin Germain, County Commissioner Tom Lindeman, Library Representative Ann Roberts, and Zoning Official Tom Faussett.

During the First Public Comment resident Harry German addressed the Board with many questions about the refunds for non-contested taxes concerning the right of way issue. Supervisor Shears repeatedly told him he must take his questions to the Board of Review in July. Commissioner Lindeman mentioned that Dick Reeves has retired and is no longer the equalization director of Montcalm County. Mr. Faussett reported that the permit costs for the installation of the dry hydrants have been reduced and they are only waiting for the DEQ permit to begin. Mr. Wilkins discussed his experience at the TGA meeting. He would like to put together a survey for the Township residents to get their input on current issues.

Mr. Posekany moved, with a second by Mr. Roy to approve the June 13 Consent Agenda. Ayes: 7. Nays: 0. Motion carried.

Approving the consent agenda included accepting the May 9, 2011 Board Minutes with the correction of the address of Misty Graham from **9077 River Road** to **10213 S. Berridge Road**. The consent agenda also accepted the Treasurer's report submitted with an ending balance of \$610,394.49 as of May 31, 2011; and the payment of the bills in the amount of \$67,453.02 covering e-bills #'s 126-131 and checks numbering 12076 through 12114.

Also in the consent agenda was the zoning report from Mr. Tom Faussett showing 80 hours for May. The Greenville Transit report showed 316 runs and the fire report showed 5 incident reports for the month. There was no Flat River Library report. There were 6 building permits issued by the County in April and also 6 in the month of May.

Deputies Kevin Germain and Michael Kotenko were assigned to Eureka Township for the month of May. The sheriff report showed a total of 2,345 patrol miles, with 181 patrol hours, 14 traffic stops, 3 traffic citations, 69 property inspections, and 3 arrests.

Mr. Posekany moved, with a second by Mr. Zayler to approve to have Treasurer Hanson send a letter concerning Delivery Services Inc. asking for \$17,000.00 to take care of the back taxes. This was not really what Supervisor Shears was asking for in the motion so that motion was rescinded.

Mr. Posekany then moved, with a second by Mr. Roy to approve to allow the Supervisor, Treasurer, Clerk and Zoning Administrator along with the Township attorney to communicate as necessary for a settlement with Delivery Service, Inc., and not keep coming back to the Board to get approval for the procedure. Ayes: 7. Nays: 0. Motion carried.

The May 14 Cleanup Day was a huge success. The dumpsters were filled to capacity earlier than the 3:00pm ending time and a few people were turned away. An additional dumpster may be added next spring.

Secretary Fountain sent a letter to Town & Country Animal Clinic asking them to relocate the PetFest to another place. A copy was given to each Board member.

Mr. Posekany moved, with a second by Mrs. Pendrick to approve the extension of the Dangerous Building Ordinance until September 1, 2011, for Misty Graham concerning the property located at 10213 S. Berridge Road. Motion carried. Zoning Administrator will report back to the Board at the September meeting with the progress. Mrs. Graham was present at the meeting and promised to have the property cleaned up by the September 1 deadline.

Mrs. Pendrick moved, with a second by Mrs. Hanson to contract with Harding Enterprise to pave and line stripe the Hall parking lot for \$1,295.00. Ayes: 4. Nays: 3, Roy, Ruwersma, and Shears. Motion carried. Three other bids were submitted as follows: Taylor Asphalt Paving for \$1,071.00; B & E Coating Services for \$1,383.00; and RB's Asphalt Seal Coating for \$1,816.04. The previously approved bid was taken away from Shook Asphalt because of a conflict.

Mr. Wilkin gave a report on the signs that were installed on the property owned by the Township on the Flat River. He would like to see the area cleaned up and Treasurer Hanson said she would check with the boy scouts to see if they would like to do this as a project later in the summer. Mr. Wilkin also gave a report concerning burying cremated remains in Michigan Cemeteries.

The next Montcalm Townships Association Meeting/Dinner will be hosted by Cato and Belvidere Townships on Tuesday, June 21, 2011, at 7:00pm.

Mrs. Hanson moved, with a second by Mr. Posekany to approve the recommendation from the Planning Commission to amend Zoning Ordinance 79, Chapter 2 Definitions to add the definition "**Buildable lots**" to read as follows:

BUILDABLE LOT – No building permit shall be issued unless the parcel complies with all the following:

1. District health department has approved construction of an on-site water supply system under the same standards as required in section 105 (g) of the Land Division Act 288 of 1967 as amended.
2. District health department has approved construction of an on-site sewage disposal system under the health department standards as required in section 105 (g) of the Land Division Act 288 of 1967 as amended.
3. The minimum buildable area is not within a federal designated wetland or within flood Zones A or B, per FEMA FIRM map dated 11/15/1984. In addition, the minimum buildable area is not within an area identified by the Michigan Department of Environmental Quality (MDEQ) inventory map as a potential wetland location which is subject to regulation under Part 303 of the Natural Resources and Environmental Protection Act 1994 PA 451 as amended. Approval to construct within the potential area is subject to approval by the MDEQ, or its State of Michigan designated successor agency.
4. The parcel contains a minimum buildable area that does not exceed a maximum slope of 25%.
5. The parcel shall conform to the lot area and lot frontage width requirements of the Eureka Charter Township Zoning Ordinance for the zoning district it resides within. Existing non-conforming lots for lot area and lot road frontage shall meet at least 75% of the required lot area, lot width and side yard required by that district.
6. If a survey deed or other legal document is recorded with the Montcalm County Register of Deeds for each newly-approved parcel within 180 days of approval, then each parcel, so recorded, shall be considered in full compliance with width, depth, and area requirements of the Eureka Charter Township Zoning Ordinance for a period of ten (10) years from date of approval regardless of subsequent zoning changes.
7. Parcel was created in compliance with the State Land Division Act 288 of 1967 as amended (formerly known as the Subdivision Control Act)

Ayes: 4. Nays: 3, Roy, Zayler, and Shears. Motion carried.

Mr. Roy moved, with a second by Mr. Posekany to approve the Planning Commission's recommendation to allow **“New Retail Sales conducted entirely within an enclosed building and limited to new merchandise”** with a Special Use Permit in **OSC-1, OSC-2, and RC districts**. Ayes: 2, Posekany, and Roy. Nays: 5. Motion denied.

Mrs. Ruwersma moved, with a second by Mr. Zayler to send **“New Retail Sales conducted entirely within an enclosed building and limited to new merchandise”** with a Special Use Permit in **OSC-1, OSC-2, and RC districts** back to the Planning Commission asking them to make **“new retail sales”** permitted in the OSC-1, OSC-2, and RC districts without a special use permit. Ayes: 7. Nays: 0. Motion carried.

Mrs. Ruwersma moved, with a second by Mr. Roy to appoint Linda Weger to the Board of Review as an alternate to finish up the term of Shawn Decker who recently resigned. The two-year term runs through December 31, 2012. Ayes: 7. Nays: 0. Motion carried.

Mr. Posekany moved, with a second by Mrs. Pendrick to approve to allow the City of Greenville to complete the plan review and inspection service for the Mersen addition of the storm water retention pond located in Eureka Township. Ayes: 7. Nays: 0. Motion carried.

During the Second Public Comment and Board Comments there was some discussion about Harry German's complaints. Supervisor Shears mentioned that when Assessor Miller is done with reassessing properties with public right of ways, a list identifying these properties may be generated. It was also mentioned that the August MTA will be hosted by Eureka and Sidney Townships. An email from MTA concerning the requirements for public hearings was distributed to the Board and will be discussed again next month.

Supervisor Shears adjourned the meeting at approximately 9:12pm.

Linda J. Ruwersma, CMC
Eureka Charter Township Clerk
June 14, 2011