

EUREKA CHARTER TOWNSHIP BOARD MINUTES
MONDAY, AUGUST 8, 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 August 8, 2011, at 7:00 pm. After the Pledge of Allegiance, roll call found the following Board Members present: Supervisor Laura Shears, Clerk Linda Ruwersma, Trustees Rodney Roy, Marty Posekany, Brian Zayler, and Elaine Pendrick. Treasurer Cindy Hanson was absent and Deputy Harriet Lillie was present in her place. These minutes will not be approved until the September 12, 2011 Regular Board Meeting. The meeting was audio taped.

Approximately ten others were in attendance including Deputy Clerk Renee Fountain, Library Board Member Ann Roberts, Deputy Doug Houser, County Commissioner Tom Lindeman, Zoning Board of Appeals Member Linda Weger, and Planning Commission Member Mark Wilkin.

During the First Public Comment Secretary Renee Fountain informed the Board that on July 20, 2011, Governor Snyder signed HB 4746 into law, which amended the Michigan Zoning Enabling Act, therefore limiting the Township's ability to regulate natural resources extractions unless "very serious consequences" occur.

Mr. Roy moved, with a second by Mrs. Pendrick to approve to give the Planning Commission authority to revise Zoning Ordinance 79 to be in compliance with HB 4746. Motion carried.

Mr. Posekany moved, with a second by Mr. Roy to approve the August 8 Consent Agenda. Ayes: 6. Nays: 0. Motion carried.

Approving the consent agenda included accepting the July 11, 2011 Election Minutes and Board Minutes as written. It also approved the Treasurer's report submitted with an ending balance of \$622,263.92 as of July 31, 2011; and the payment of the bills in the amount of \$34,595.38 covering e-bills #'s 139-146 and checks numbering 12162 through 12206.

Also in the consent agenda was the zoning report from Mr. Tom Faussett showing 95 hours for July. The Greenville Transit report showed 124 runs and the fire report showed 2 incident reports for the month. The Flat River Library report showed \$29,599.00 in penal fines for the month of June. There were 2 building permits issued in June.

Deputies Kevin Germain and Doug Houser were assigned to Eureka Township for the month of July. The sheriff report showed a total of 4,133 patrol miles, with 215.5 patrol hours, 78 traffic stops, 45 traffic citations, 90 property inspections, and 5 arrests.

Kristina Kinde from Abraham & Gaffney was present to discuss the 2010 Eureka Township audit. She stated that the Township has a good unreserved undesignated balance on hand and the prior problems from previous years have been resolved.

The public hearing was opened at 7:18pm to discuss Ordinance #78-A Land Division & Lot Line Adjustment, Section 6.0 Approval of Land Divisions or Lot Line Adjustments, D, concerning the period of time that a Township approved and recorded parcel can be built under the zoning requirements at the time it was approved. After few comments the hearing was closed at 7:23pm.

Mr. Zayler moved, with a second by Mr. Roy to approve changing the period for newly-approved parcels for building purposes regardless of zoning changes in Ordinance 78, Section 6.0-D from **ten** years to **fifteen** years. Ayes: 6. Nays: 0. Motion carried.

Mr. Dave Gloden was present to give the Board an update on the dry-hydrants. He stated that all permits from the County and State have been received, all parts are on hand, the Miss Digs have been done, and work will begin the week of August 15, 2011.

The next Montcalm Townships Association Meeting/Dinner will be hosted by Eureka and Sidney Townships on Tuesday, August 16, 2011, at 7:00pm.

Mrs. Ruwersma moved, with a second by Mr. Roy to appoint Linda Weger to the Baldwin Lake Association Board. Motion carried.

Mr. Zayler moved, with a second by Mrs. Pendrick to approve the Planning Commission's recommendation to amend Zoning Ordinance #79, Section 2.11 Definitions-K, with the following new wording: **Kennel- Any lot or premises on which three or more dogs over the age of four months old of the same breed, are confined and kept for Commercial purposes such as breeding, hunting, sales, sporting and training purposes.** Ayes: 6. Nays: 0. Motion carried.

Mr. Zayler moved, with a second by Mrs. Pendrick to approve new wording in Zoning Ordinance #79, Chapter 3 General Provisions, Section 3.19 Keeping of Animals to read as follows: A. *The keeping of household pets, including dogs, cats and small mammals and exotic animals such as reptiles, snakes, araneae (spiders), generally regarded as household pets is permitted as an accessory use in any residential or agricultural district however, any lot or premises on which there are more dogs over the age of four months old of the same breed and are kept for Commercial purposes such as breeding, hunting, sales, sporting and training purposes is considered a Kennel. Kennels are only allowed on parcels of 2 acres or more with a Special Use permit.*

Ayes: 4. Nays: 2, Posekany and Roy. Motion carried.

Mr. Posekany moved, with a second by Mr. Zayler to approve new wording in Zoning Ordinance #79, Chapter 11 Special Land Uses, Section 11.4 Specific Standards for Special Land Uses, adding the following:

U. Kennels:

- 1. Kennels shall be permitted on lots of 2 acres or more.*
- 2. Kennels shall have a kennel permit issued from Montcalm County and be in good standing with the County Animal Control Department.*
- 3. Minimum set back standards for kennels shall be 100' from all property lines.*
- 4. If it is documented that animals are barking for more than 2 hours over the course of 5 separate days, the special use permit is subject to being revoked. Documented barking is where the County Sheriff's office has received a complaint.*

Ayes: 6. Nays: 0. Motion carried.

A. Mrs. Pendrick moved, with a second by Mr. Zayler to approve the new wording in Zoning Ordinance #79, Chapter 3 General Provisions, Section 3.19 Keeping of Animals to read as follows:

C. *Keeping of Chickens on lots under 3 acres.*

Any person who keeps chickens in the township of Eureka on lots under 3 acres shall meet the following requirements:

Chickens kept on any lot/parcel smaller than 10,000 sq. ft. or that has a lot width of less than 80' in the backyard may keep no more than 30 chickens. For each additional 10,000 sq. ft. the resident may add 15 more chickens.

- Keep no more than the birds allowed in 3.19C of this section.*
- The principal use of the property is for single-family or two family dwellings.*
- No rooster shall be kept on the premises at any a time on lots under 3 acres.*
- Slaughter of chickens on lots under 3 acres is prohibited.*
- Chickens shall be provided with a fully enclosed coop for evening containment with a fully covered and surrounding fence for day purposes. All chickens shall be contained at all times. Coops must be neatly constructed to not be an eye sore, (not constructed of old weathered, scrap material)*
- If the Coop is constructed over 200 sq. ft. a zoning and building permit is required, unless it is a bonified farming operation.*
- No containment, coop or fence shall be closer than 10' to a property line or closer than 50' to any adjoining dwelling. If on a waterfront parcel, they shall be a minimum of 50' from the height water line.*
- Coops cannot be located in the required front yard.*
- The containment, coop, or fence area must be maintained to prevent any rodents or other animals from harboring within or under such containment areas.*
- All feed and other items associated with keeping chickens that are likely to attract or to become infested with or infected by rodents or any other animal, shall be kept in fully enclosed containers, ie. Galvanized or plastic garbage cans, to ensure protection from other animals coming in contact with the feed items.*

- *Provisions must be made for the storage or removal of the manure. No more than 3 cubic feet of manure may be kept in storage and it must be confined in such a manner as to not allow the manure or its odors to spread onto abutting properties. All other manure not used for fertilizer must be removed daily.*

Ayes: 2, Roy and Shears. Nays: 4. Motion denied.

Mrs. Ruwersma moved, with a second by Mrs. Pendrick to approve the new wording in Zoning Ordinance #79, Chapter 3 General Provisions, Section 3.19 Keeping of Animals adding the following:

C. Keeping of Chickens on lots under 3 acres.

Any person who keeps chickens in the township of Eureka on lots under 3 acres shall meet the following requirements:

Chickens kept on any lot/parcel smaller than 10,000 sq. ft. or that has a lot width of less than 80' in the backyard may keep no more than 30 chickens. For each additional 10,000 sq. ft. the resident may add 30 more chickens with a cap of 60 chickens. The chickens are to be used for homeowners use only.

- *Keep no more than the birds allowed in 3.19C of this section.*
- *The principal use of the property is for single-family or two family dwellings.*
- *No rooster shall be kept on the premises at any a time on lots under 3 acres.*
- *Slaughter of chickens on lots under 3 acres is prohibited.*
- *Chickens shall be provided with a fully enclosed coop for evening containment with a fully covered and surrounding fence for day purposes. All chickens shall be contained at all times. Coops must be neatly constructed to not be an eye sore, (not constructed of old weathered, scrap material)*
- *If the Coop is constructed over 200 sq. ft. a zoning and building permit is required, unless it is a bonified farming operation.*
- *No containment, coop or fence shall be closer than 10' to a property line or closer than 50' to any adjoining dwelling. If on a waterfront parcel, they shall be a minimum of 50' from the height water line.*
- *Coops cannot be located in the required front yard.*
- *The containment, coop, or fence area must be maintained to prevent any rodents or other animals from harboring within or under such containment areas.*
- *All feed and other items associated with keeping chickens that are likely to attract or to become infested with or infected by rodents or any other animal, shall be kept in fully enclosed containers, ie. Galvanized or plastic garbage cans, to ensure protection from other animals coming in contact with the feed items.*
- *Provisions must be made for the storage or removal of the manure. No more than 3 cubic feet of manure may be kept in storage and it must be confined in such a manner as to not allow the manure or its odors to*

spread onto abutting properties. All other manure not used for fertilizer must be removed daily.

Ayes: 5. Nays: 1, Posekany. Motion carried.

An Anti-fraud, Anti-theft and Anti-corruption Policy for Eureka Township was distributed for the Board to look over and bring back next month.

Last month Zoning Officer Faussett informed the Board of the complaint issued concerning the commercial property at 6600 S. Greenville Road. A notice of condemnation was issued from the Montcalm County Building Department giving the owner thirty days to obtain either a building permit or a demolition permit to bring the property up to building code standards. The structure has been considered a "Dangerous and Unsafe" structure and is "Condemned".

Mr. Zayler moved, with a second by Mr. Posekany to approve to send a letter to Timberline U.N. LTD, concerning the property at 6600 S. Greenville Road. The Township will then begin the process of implementing the Dangerous Building Ordinance for cleanup of the property Motion carried.

Supervisor Shears explained that Mr. Larry Painter requested a variance to Zoning Ordinance 79, Chapters 7 and 15, concerning his property on Riverside Drive and paid the fee of \$225.00 for a hearing. Zoning Official Tom Faussett did some research for Mr. Painter and was able to resolve the issue without the ZBA Hearing. Mr. Painter will be refunded the \$225.00 as was shown on the bill listing earlier in the meeting.

During the Second Public Comment and Board Comments, County Commissioner Tom Lindeman was present to update the Board on County issues. Also Secretary Renee Fountain explained the progress she is making with the Eureka Township Cemetery program.

Supervisor Shears adjourned the meeting at approximately 9:22pm.

Linda J. Ruwersma, CMC
Eureka Charter Township Clerk
August 11, 2011

