

YANKEE SPRINGS TOWNSHIP
Special Meeting
Board of Trustees with the Planning Commission
to
Review Chief Noonday Improvement Signage

Wednesday, January 9, 2013 at 4:30 p.m.
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333

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FINAL MINUTES
Approved Feb 14, 2013
As presented

MINUTES

Meeting called to order at 4:30 PM by Supervisor Mark Englerth.

Roll Call: Board of Trustees: Jerkatis, J. Lippert, Englerth, Campbell.
(Mary Cook absent with notice.)

Planning Commission: Strickland, Beukema, Fiala, Cunningham, Wells. (Greg Purcell absent with notice.)

R. Lippert- Zoning Administrator

Also Present: (Not including staff) Jim Panyrek, Patty Koval, Shane VandenBerg, Fran Faverman, Maxine Beukema. ZBA Chairman, Paul Heystek

PLEDGE OF ALLEGIANCE

Staff Present: S. Marcukaitis, Deb Mousseau (Recording Secretary).

PURPOSE OF MEETING: Mark Englerth, Supervisor

In October, the issue of the signage at the corner of Chief Noonday and Patterson Rd., came to Zoning. The corner is historically known as "Panyrek Corners" (both sides). M. Englerth commented that the township had started working with some of the problems that historically the township had with signage, trying to come up with a solution. The signs have been there forever, decades and decades. The ordinance was put in about 20 years ago with the intentions and the hopes that it would reduce the amount of signage and improve the quality in the township. After a lot of discussion and hard work from a lot of people, the township found out that it didn't fit in any little niche. M. Englerth went on to describe the downfall of the economy in recent years and its effect on small town America and small business owners. Englerth asked, "How can we achieve the goals of everything of taking and having a corridor that's bright and cheery and welcoming to the community, and still fulfill the needs of the small business? As a result, we came up with kind of a hybrid signage that was a welcoming sign to the community and had a governmental type of piece on it welcoming to Yankee Springs and welcoming to Barry County and incorporating the State of Michigan, which we are cursed or blessed by, but I look that we are so blessed. We have activities in our community that most of us take for granted... Over 1.5 million people visit the State Park alone annually... Also taking into consideration that a lot of small businesses will fail in their first 18

CALL TO ORDER

ROLL CALL

PLEDGE

PURPOSE OF MEETING: Mark Englerth

PURPOSE OF MEETING: Mark Englerth (cont'd)

months, so maybe somebody puts up a sign, they're not going to be there six months or a year from now. So how can we have a vehicle there that is continually maintained, looks good, does everything that we want and still allows everybody from the large business to the small business to have a piece. So this is the first rendering (referring to the sign drawing) or shot at the artwork on it. It's a concept drawing. It could change considerably...but we have had a lot of input from the community on it. The community wanted natural materials in it, so that is why the stone type look comes in...That is where the artwork kind of came from. We have done a lot of homework. ...And there's going to come a point in time that the township is going to have to commit to this project."

At this point, M. Englerth thanked Mr. Jim Panyrek for coming to the meeting and also thanked him for all of his time, energy and patience that he has had with the township. Englerth said that it was the commitment of Mr. Panyrek's father to the other business people in the community that the signs were allowed on the corner. Englerth commented that it is a hard community to do business in because basically you are making your income in 13 weeks out of the year. Englerth asked "What do we do as a community? Does the township want to take a stakeholder's role in it? That they would like to have more say than maybe government needs to? That the community would benefit by doing that?" Englerth has had twenty years experience in outdoor advertising. What he (Englerth) has suggested, with a lot of input from others, if the township was to lease that space for a certain amount of years, ten years or so, that they (twp.) could take and control exactly what it (the sign) would look like, and they would turn around and sublease it to someone who was managing the sign. As long as that individual managing the sign conformed to the lease agreement that the township would continue to do that if they did not whether on their own accord, they died, went bankrupt, moved out of state, or refused or failed to maintain it with the integrity that the community wanted, then the township could take and revoke the lease and lease it to somebody that would. We know that businesses will change hands over the years and the decades so the signage will have to change so that's kind of where we are at today and really just got to the point that 1.) Mr. Panyrek has been waiting patiently since October for government to move. We could wait another meeting or two to get this ball rolling....that is why I wanted to have everyone here."

Englerth continued, "The reason that this meeting was called with the Planning Commission too is that we had a current issue with the violation of the Open Meetings Act and we will address that at the next meeting." Englerth encouraged everyone to attend the meetings. Englerth then opened up the meeting for further discussion.

Frank Fiala, Planning Commission Chairman, presented the signage drawing. Fiala also added that the DNR might help because a DNR emblem might be on the sign.

Phil Heystek, ZBA added that he has been working with the MDOT/Corridor/Heritage Trail Project. The other two townships (Wayland Twp. and Rutland Twp.) involved in the Heritage Trail would like to see this project take off as well. A committee must meet once a year or more. At least one township representative is to be on the committee and then other interested people as well. Minutes need to be taken to show that it is an active committee. Heystek also commented that the master plan could be used as a basis. In addition, federal government is going to come up with federal mandates, if the township waits on this issue, it may run into other issues.

Jan Lippert, Clerk inquired about the other entrance to the township. Englerth commented that he would like the meeting today just to be focused on Panyrek corner.

Frank Fiala commented, regarding Heritage Routes, that there are five categorized as "Scenic". Five are in the Historic Heritage category and there are six in the Recreational category (of which Yankee Springs is classified). Fiala also remarked that if the township doesn't do something, it might lose the designation.

Mark Englerth remarked that there might be funding available with a walkable area.

Jim Panyrek asked, "Where does the ownership fall?" Englerth commented that things could be left as they are. The township has an interest here (Panyrek Corners) and it would like it a certain way and to be maintained forever. It would like a welcoming sign to Yankee Springs Township, into the community so it would have to bring money to the table. "Because there could be no promise, you (Panyrek) could sell the property tomorrow. Somebody else could buy it. They could go into foreclosure. There could be some signs stuck up. There could be more ZBAs and special uses and more arguments. We're trying to solve a problem for a long period of time. I don't think any of us want to come back a year and half from now and have this same discussion....So under this it wouldn't be any different than a lease on a billboard or if you lease the whole intersection and you get X number of dollars a year as you are now and you are getting it in little pieces and some of it you are donating and some of it you are not and that's not the township's concern of how you are financially gaining from it. But if you are willing to do that, whether you own or sell the property, the lease will go with the property. Whether somebody manages it, runs it and keeps up its appearance, the key issue on this is that you have a governmental/private sector side and if we're going to be involved, we want fair play for all the businesses," commented Englerth.

Jim Panyrek also inquired as to how things would work if it were privately owned. Englerth used the new sign in the Village of Middleville as an example. "Let's say this is a \$25,000 structure. And we're going to come up between the commitments of a couple of businesses right off the bat, and with the township we can come up with a majority of the original construction costs on it. Then they will pay so much

a year and so much an advertiser. The other piece is that the township doesn't have to take any interest at all," added Englerth.

Richard Beukema, PC suggested that the township do a long term, ten to twenty year lease, and the township would secure the funding to put up the sign. Mr. Panyrek would get his money for the lease.

Fiala feels that there are intermediaries in the outdoor sign business that are willing to lease from Mr. Panyrek and to work out something satisfactory to him, and with us (Twp.) being a catalyst to do whatever we need to do to make that occur. Fiala hopes the township doesn't get involved in maintenance or involved every time a new business comes in, etc.

Englerth remarked that Jim Panyrek had shared with him that he (Jim) has a party interested in doing that (managing). He is very comfortable and competent that this person is capable of doing that. The township will ultimately lease it back to them with these certain rules, this certain look, this certain design. And that makes that corner perpetual. That means we don't deal with it two years from now, three years from now, five years from now, ten years from now. It's done; and it sets a precedence to do other things.

Jim Panyrek said "That goes right down to sign number two, to make them look alike it would be in that same corporation...If the township would lease it from me and sublet to them." Englerth responded that if there is another sign in the township, this party would like a commitment from the township on the second sign. But this deals with another piece of real estate.

Bruce Cook, Board Trustee, added that the proposed sign(s) would ensure consistency.

R. Lippert, Zoning Administrator felt it would be better if a private enterprise is willing to take a hold of this and do it on an income producing basis. He feels it would be better than to have the township more or less underwrite this. Also R. Lippert was concerned from a legal aspect that the ordinances would allow for this. These steps have to be taken first to legitimize it. M. Englerth agreed because it is his understanding that right now there is nothing in the ordinance to allow for this. Englerth feels that it can be accomplished, but it will take several steps.

Englerth feels that it will take another \$300 or \$400 to do some graphics and ultimately approximately \$13,000 commitment for the township's contribution for that piece over a ten year period. Englerth feels that the township has drawn some pretty strong lines in the sand, historically, and they want this intersection to be the focal point of the community and they wanted a welcoming sign. "They (Twp.) want certain things and they need to come to the table for that. And if you (Twp.) don't, then that's fine just saw off that thing off the top and put a bunch of signs on the bottom, and forget about welcoming people to the community and forget about making an image for the inland "Great Lakes"..." commented Englerth.

Jerkatis, Treasurer, commented that we are having conversations right now that township businesses and local chamber of commerces should be having, not township government. Township government should be conservatively focused on the priorities and principles and quality life of the taxpayers and residents of Yankee Springs Township. Jerkatis feels that successful businesses have been successful because they have delivered a quality service or product to the community. "We as a township want to entice businesses into the township, we want to enable them....Successful businesses will come, as they have come before. You know the ones I'm talking about, Bill Weick,..Sam's Joint....Good businesses didn't have to be told to fill in potholes in their driveway, they didn't have to be told to plant flowers around their signs; they did it and that is because they are good businesses...The township's place is to enable, and entice businesses but not subsidize. We are getting involved and the talk we are having right now is about subsidizing private business, and we can all think of many examples where this has caused business failure and caused government failure...I don't think township government should be at the helm at this point forward," commented Jerkatis.

Englerth said that the township zoning is trying to find a perfect balance of what's good for the community, what looks good and is attractive and aesthetic. "...But not the 1.5 million people that come and visit the community all go to somebody's house. They go to the State Park, the Horsemen's Campground, and Deep Lake bicycling. Every community has a way sign. Where do we go with this? We have had an ordinance for twenty years that was supposed to solve this problem. And for twenty years we have sat back and achieved nothing. I think we need to take a leadership role," remarked Englerth.

Frank Fiala spoke of the Master Plan ten years ago, and two items that were in it were 1) A walking path and 2) To do something substantial at the Panyrek corner. He feels that the township has to take the next step to get things going. There has been seven or eight meetings on this. Fiala commented that it is Jim Panyrek's call. He has been extremely reasonable and bending over backwards for local businesses and has been very patient with the township. Jim told F. Fiala that he has a couple of people interested in his property for the same reason, and another person who wants to go above and beyond with this type of project. Fiala would like to see the Township help get things started.

J. Jerkatis, Treasurer feels that what the township has right now should be taken to the business association. It should be up to private business to administrate this.

M. Cunningham, PC agrees with what John Jerkatis has said about using taxpayer money with what might benefit business. A successful business should be successful on its own, without assistance, with its product and service. "Now having said that, we have a particular issue with the signs on that corner," commented Cunningham. He feels that the township could offer leadership, and perhaps go a little further citing the example of the extra marine patrol being paid for by the GLPA, but handling the funds through the township and forwarding to

the Sheriff's Department. Possibly this can be done with the signage by leasing and subleasing and getting the taxpayer's money back so that eventually business will be paying for the whole thing. The Township's name is on the sign and it seems appropriate that maybe the township could pay for that and that could be the justification for the township paying some money. But it would also be nice if over a period of time the township could get that money back. Cunningham thinks it might help that the businesses eventually are paying for the whole thing. Cunningham asked that if business can't fund itself (with the sign) on Day One, how do you know it can fund itself on Day Two. Cunningham also is concerned about the maintenance/upkeep costs of the sign.

M. Englerth feels there is interest in the community and that rent-ability (of the sign) is definitely there. He basically feels that the township is standing in the way of business. Possibly the way sign could be done without the township and township wouldn't have to pay for it.

R. Beukema mentioned that if Kent County had waited for all the airlines to show up first, they may not have ever had an airport.

Cathy Strickland, PC feels that the township could improve business not supported by local residents but with "foreign" dollars that come in from our visitors. These local businesses have 15 weeks of summer for business. If visitors don't know where these businesses are, they will not spend their money there. We will lose those businesses which lowers our quality of life. Strickland believes it is an appropriate thing to invest some township money in economic development. She feels that the township's contribution toward the sign would be chunk change to this township. Strickland feels that funds will come back to the township through more businesses, increased revenues, and taxes. "It comes back with a return and we don't want it to leave," commented Strickland.

Paul Heystek would like the committee that is in charge of the corridor (which hasn't been established) to get up and running and have them meet, bring our proposals, and have Frank (Fiala) come and say what they'd (Planning Commission) like to have done at this corner and have them take hold of this thing. P. Heystek said he was talking about the businessmen in the community and a YS Township Board Representative.

Patty Koval, Business Associate, Bd. Of Review, commented that she has tried to listen to everyone and she kind of has several aspects. She commented that she is a business person, a private citizen of Yankee Springs Township, a member of the Gun Lake Area Chamber of Commerce and she also sits on the Board for the Wayland Chamber. She remarked that she sees the township saying that it has had this problem for a very long time. P. Koval also sees that the township does what a welcoming sign and she sees potential for other signs as well. She advised that the township has to solve the ordinance problem. Koval also sees enough interest in the business community to help pay for the initial start up. Since the people of the

community wanted to see a welcoming sign, then yes, taxpayer dollars do have to help to start that project and yes, government has to take a role in it. It is not only Yankee Springs Township, but you have the other townships as well, and you've got MDOT once this is in place, that they're going to have some dollars, and the DNR, not every other township has what we have. We have a gold mine sitting here, as Gun Lake, with all the other townships.... With the potential of more than one sign, we want to have the ability of keeping it consistent, you want to have the potential of having it continue for years to come so you don't have the hassles. And I think you have got some of that in place. I only see it going upward. I think you have to get started getting your key committee together," remarked P. Koval.

M. Englerth commented that time is of the essence. He doesn't think Jim Panyrek should put his life on hold. Englerth said there has to be some commitment from the township. "Without the township's commitment there is no reason to go any further than we are right now."

Jerkatis commented that the township, as far as he knows, isn't committed to anything. Jerkatis asked what would happen if the township doesn't do anything. M. Englerth replied that if the township does nothing, it will continue to fight, we will continue the arguments, and to have the potential of litigation. "We can live, relive, Ground Hog Day forever," commented Englerth. Englerth mentioned that Sandy's Restaurant can't advertise because our sign ordinance won't allow her to.

J. Lippert, Clerk, commented that she agreed with Patty Koval and asked where this situation was at in the Planning Commission. R. Lippert responded that it was first priority.

R. Lippert, Zoning Administrator, commented that until the ordinance can accommodate this (sign project), we're no where. Addressing the ordinance is the first step. R. Lippert continued to comment, "That there is a difference in a commitment between wanting to get the job done and improve things which I think everybody is in agreement on, and there's a difference in a monetary commitment."

M. Cunningham thinks it would be a solid step to take out a lease (10 year) as soon as possible and then take action or word lease if action isn't taken to possibly abandon it.

Discussion occurred regarding SEU's, a two month time period to change ordinance, needing the ordinance changed no matter what, and also working on the ordinance so that Mr. Panyrek can know what he can do. It was also confirmed that if the property sells, the lease would go with the property.

Shane Vandenberg, mentioned the sign at Elmwood Beach, and that you stop the car to look at the sign. S. Vandenberg thinks the proposed sign is small to read as well. Vandenberg feels if the sign ordinance becomes more lenient the township's problems will go away.

At this point, Supervisor Englerth asked for a show of hands for commitment to

come together with the community to support the project and follow it through. All hands went up except for one. Englerth asked Jim Panyrek how he would like to proceed.

Jim Panyrek commented that he is willing to work towards the goal. He commented that it sounded like a lot of people were in consensus to get the sign ordinance in place. "Then it becomes the business venture," remarked Panyrek. He felt the township wouldn't really need to sublet anything.

R. Beukema commented on having the Planning Commission work on the ordinance and then present it to Jim. "If Jim can run with it, let him run with it," remarked Beukema.

M. Englerth commented that the township needs to decide if they are part of it or not. Englerth said that he'd be really disappointed if we get into month number nine and the board says, "Oh, but me too."

M. Cunningham asked if the sign is not involved with the township, how do you get consistency later on with the other entrance sign to the township. Discussion occurred whether a business would take it over and do the same thing at the other entrance, or if Orangeville Township would step in.

Also discussed was the compatibility of the drawing to the long term plans of J. Panyrek. J. Panyrek commented that he thought it was compatible. P. Koval mentioned the size as an important factor. She suggested not getting too confined when doing the ordinance.

J. Lippert asked how many names would be involved in the sign. R. Lippert responded that this was a concept drawing and not specific.

Tailoring the ordinance was another topic discussed. Some felt that the simpler the better. Other ideas mentioned were tailoring the ordinance to the needs of Yankee Springs, and not tailoring it for just one person.

M. Cunningham asked if the work on the ordinance would be a total revamp or a patch from the PC to let this move forward.

R. Beukema recommended making an overlay for Heritage Trail/Hwy and the entrance.

R. Lippert commented "The suggestion would be to take this issue, which is the main reason we are here, and address that. There are a lot of other deficiencies in the sign ordinance...but it's easier piece by piece."

Fiala commented that when working on the sign ordinance, the PC needs to make it simple and brief which meets their goals and the second item is the specific issue of this sign at the corner and the PC needs to give some thought to that.

Jim Panyrek wanted to know if a date should be set. Englerth commented that the

Board will be giving thought to that at the following night's meeting. Panyrek was more interested in the legality of the sign as for the township's role in funding at this point. Englerth asked Fiala if the PC could have the ordinance in place by April 1st so that he (Panyrek) could be ready to dig a foundation. Fiala said that he wanted to accommodate something similar to that (deadline), and that the PC would go like heck to get it done. Fiala also noted that there are procedures (public hearings and public notices, etc.) that the PC has to go through so he'd rather not pin down an exact date. Fiala commented that he hasn't heard any negative comments towards the sign project.

M. Cunningham inquired if there was a certain footprint of ground that is allocated to this to work an ordinance around. Englerth said they are basically looking at the area where the signs are located now.

Shane VandenBerg commented that during this process at the Planning and Zoning level, he had heard the term "simplify". He asked if that meant making the ordinances less restrictive for the signage on businesses?

Jerkatis commented that he brought up "simple". Jerkatis commented that a good business will have its premise looking good. It doesn't need to be in the ordinance that there will be flowers planted around the sign and kept in good repair. "That makes the sign ordinance more complicated," commented Jerkatis.

S. VandenBerg also asked if this was a whole entire ordinance issue, or just for this project. M. Englerth asked Fiala if the whole entire ordinance would be addressed or just this project. Fiala said "yes" to both.

M. Cunningham inquired if there was a limit to how much the PC could ease an ordinance. Fiala said that basically all zoning stops here (PC).

R. Beukema felt the goal was to look at the ordinance in regards to signage on the corner of M-179 immediately, and the long range goal would be to clean up the ordinance.

S. VandenBerg commented that the reason he brought this up was that he knew of a small business that was having a hard time and it would help to be a little less restrictive with the sign ordinance.

ADJOURNMENT: Motion by Jerkatis with support from J. Lippert to adjourn meeting at 6:10 p.m. All ayes. MOTION CARRIED.

Respectfully submitted:

D. Mousseau

Recording Secretary 1-9-13

Approved Date: 1-15-13 / draft jel
Janice C. Lippert, Township Clerk

Final Approval of Minutes: Feb 14, 2013

ADJOURNMENT

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