

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Joint Meeting Of</u> Board of Trustees, Planning Commission and Zoning Board of Appeals</p> <p style="text-align: center;">Wednesday, February 1, 2012 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>DRAFT MINUTES</p>
<p>Meeting called to order at 7:01 PM by Supervisor Al McCrumb.</p> <p>Roll Call:</p> <p>Board of Trustees: Jerkatis, J. Lippert, McCrumb, M. Cook, Schwennesen.</p> <p>Planning Commission: Strickland, Fiala, Wells, Cunningham, Schwennesen (Board of Trustees Rep.), Patrick Jansens. Absent: G. Purcell (with notice).</p> <p>Zoning Board of Appeals: Wells (PC Rep. to ZBA), Beukema, M. Cook (Board of Trustees Rep.), Havens, Middlebush (ZBA Secretary). Absent: P. Heystek, and Chuck Biggs, Alternate.</p> <p>Zoning Administrator: R. Lippert.</p> <p>Professional Planner: Greg Milliken</p> <p>Legal Counsel: John Lohrstorfer</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Staff Present: Fiala, A. Jansma, R. Lippert, J. Orr – Constable, S. Marcukaitis</p> <p>Visitors: (4) Fran Faverman (J-Ad Graphics), Bill Baughman, Shanon VandenBerg, Craig Stolsonburg.</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>APPROVAL OF 2011 MINUTES:</p> <p>It was noted that formal approval of the January 18, 2011 Joint Meeting of the Board of Trustees, ZBA and Planning Commission did not need to take place at this meeting. Formal approval occurred at a previous meeting.</p>	<p>APPROVAL OF 2011 MINUTES</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA</p> <p>Al McCrumb will be announcing and presenting motions for the acceptance of his appointments to the Planning Commission, and Zoning Board of Appeals.</p> <p>Oaths of Office will be administered by Yankee Springs Township Clerk, Janice Lippert.</p>	<p>ADDITIONS OR CORRECTIONS TO AGENDA</p> <p>Page 1 of 8 YST Joint Meeting 2-1-12</p>

APPOINTMENTS TO PLANNING COMMISSION AND ZBA: Al McCrumb

Motion by McCrumb to appoint Mary Cook to Representative to ZBA for a one year term. Support from J. Lippert. All ayes. MOTION CARRIED.

Motion by McCrumb to appoint Al Schwennesen to Representative to the Planning Commission for a one year term. Support from M. Cook. All ayes. MOTION CARRIED.

Motion by McCrumb to appoint Cathy Strickland to the a three year term to the Planning Commission. Support from M. Cook. All ayes. MOTION CARRIED.

Motion by McCrumb to appoint Richard Beukema to a three year term to the Planning Commission. Support from J. Lippert. All ayes. MOTION CARRIED.

Motion by McCrumb to appoint Patrick Jansens to a three year term to the ZBA. Support from M. Cook. All ayes. MOTION CARRIED.

Richard Beukema was formerly on the ZBA as Chairman, and he will be switching positions with Patrick Jansens, who formerly served on the Planning Commission.

Motion by McCrumb with support from J. Lippert to appoint Gordon Wells as the Planning Commission Representative to the ZBA for a one year term. All ayes. MOTION CARRIED.

ADMINISTRATION OF OATH OF OFFICE: Administered by Jan Lippert, Township Clerk.

The following took an Oath of Office:

- Mary Cook – Bd. of Trustees Representative to the ZBA. (2012)
- Al Schwennesen- Bd. of Trustees Rep. to the Plan. Comm. (2012)
- Cathy Strickland- Planning Commission – Three year term
- Richard Beukema- Planning Commission – Three year term
- Patrick Jansens- ZBA – Three year term
- Gordon Wells - PC Rep. to ZBA (2012)

ATTORNEY’S COMMENTS: JOHN LOHRSTORFER

J. Lohrstorfer commented that there wasn’t a lot of litigation this past year. In regard to medical marijuana, the main concern is dispensaries. Townships are being urged to handle it as a home operation/occupation. The legislation was really about trying to make it legalized.

Motions to approve appointments to Planning Commission and ZBA.

**ADMINISTRATION OF OATH OF OFFICE
By Township Clerk, Jan Lippert**

ATTORNEY’S COMMENTS: JOHN LOHRSTORFER

ATTORNEY'S COMMENTS: JOHN LOHRSTORFER continued

Concerning wind turbines, there is still a big concern as wind farms are going up everywhere. Lohrstorfer sees it as taking the direction of cell towers. He added that wind turbine people say the higher the better when it comes to installing the turbines. As far as small, private wind turbines, they are not panning out. A small turbine at the cost of \$150,000 is not guaranteed to provide all of the electric power needed for a household. Solar panels are another issue coming up.

Gravel mines in Michigan are all down (business-wise). None of them have much business at all especially on the west side of the state. J. Lippert mentioned legislation that has been passed that supersedes the control of local government in regards to gravel mines. Lohrstorfer felt it was important for local control to be in place especially in regards to the type of area the local government is made up of such as tourism.

Trustee M. Cook mentioned the FEMA situation in which the flood plain mapping has cost some township residents \$500 each. M. Cook inquired to what ramifications can the township expect or what can the township do to help these people. This situation is based on faulty information. Lohrstorfer commented that FEMA is hard to fight. Lohrstorfer mentioned that they were currently dealing with FEMA with the wetlands. He is finding that on a state level there their staffs are dwindling, so it is hard to get things done. It took his firm six weeks just to get a meeting. Lohrstorfer advised to keep plugging away. He suggested to try working with the senate office and congressmen. It was then mentioned that Bob Lippert and Paul Heystek have already met with Rep. Mike Callton, who is interested in the township's efforts.

Jerkatis asked if there was any way that homeowners can go to the same agency after they've been exempted to get some reimbursement? J. Lohrstorfer commented that he doubts there will be a lot of avenues for recouping of costs from FEMA.

Al McCrumb mentioned that approximately 70% of loaning institution funds goes to the government and residents will probably not be getting their money back.

M. Cook commented that there was almost a 60% margin of error so far because of FEMA's use of faulty information. J. Lohrstorfer commented that FEMA would say that they used the best available data. M. Cook asked that with this margin of error, why couldn't FEMA take a look at it so that the rest of the district doesn't have to go through this.

R. Lippert mentioned that this is what they are working on.

Al McCrumb noted that the last we (YS Twp.) knew, FEMA is considering using satellite topical maps.

Jerkatis, Treasurer, mentioned that this (FEMA situation) is a perfect example of government involvement (getting involved where it is not needed). Jerkatis commented that he hoped that everyone could maintain the perspective of serving the people of Yankee Springs.

ATTORNEY'S COMMENTS: JOHN LOHRSTORFER cont'd

FEMA Discussion

PLANNER'S COMMENTS: GREG MILLIKEN

G. Milliken wanted to applaud the township board(s) for continuing to support sound ordinances. The ZBA did not have a lot of meetings due to the work of the Planning Commission. Milliken highlighted the PC's work on gravel mining, the portable business ordinance which didn't have charitable use, and the sign ordinance (Article XII) with the priority to maintain a business-friendly environment.

Milliken also mentioned that state law says that the sale of fireworks cannot be prohibited. McCrumb asked if the township had to find a zone for fireworks to be sold from. Milliken said that the sale of fireworks has to be in compliance with the portable business ordinance. J. Lohrstorfer added that the best thing to do would be to piggy back off the portable business ordinance. The age limit was narrowed down to be either 18 or 21 years old on purchasing fireworks. G. Milliken said that there are three classifications of fireworks. The aerial type fireworks will now be available for sale. Jerkatis inquired if firearms legislation may handle some of the firework issues.

ANNUAL REPORTS:

REPORT OF THE CONSTABLE/LIQUOR INSPECTOR

Jim Orr submitted a report detailing the following:

From August 2011 thru December: Mr. Orr was appointed August 11, 2011

Jim Orr has attended:

- Four (4) Township Board meetings
- Four (4) Planning Commission meetings
- Four (4) ZBA meetings

Completed 30 Liquor Inspections. All Liquor Establishments in the township were very clean. No violations were found.

J. Lippert thanked J. Orr for his report.

PLANNING COMMISSION ANNUAL REPORT, 2011: by Chairman, Frank Fiala

The following is a brief summary of the Planning Commission Report.

****This report, in its entirety, is attached to the minutes.****

Attendance of Commission members was detailed. F. Fiala commented that attendance to PC meetings, seminars, and workshops by PC members was very good.

Planning Commission Summary by Frank Fiala, Chairperson. (cont'd)

PLANNER'S COMMENTS: GREG MILLIKEN

ANNUAL REPORTS

REPORT OF THE CONSTABLE/LIQUOR INSPECTOR

SYNOPSIS OF ACCOMPLISHMENTS

- Completed Charitable Portable business request
- Updated the Outbuilding Ordinance for vacant lots
- Completed the comprehensive gravel mining Ordinance
- Opted to not recommend the creation of a Yankee Springs Farmer’s Market
- Completed the Capital Improvement Plan for 2011-2016
- Created a Boat House definition
- Conducted site Plan approval for Pennock’s Physician Offices
- Discussed PC members concerns with the sign ordinance
- Started the update process for the sign ordinance
- Start the review process for Article XII
- Master Citizen Planners—Frank Fiala, Cathy Strickland, Bob Lippert, Greg Purcell.

**Planning Commission
Summary by Frank Fiala,
Chairperson.**

Fiala commented that the PC members agreed that it would be nice to have a YS Farmer’s Market, but they believe it would need a sponsor to “champion” it. The infrastructure has been laid for it, but the PC is waiting for someone to take it up.

Those on the Capital Improvement Plan (CIP) Committee are: Alice Jansma, Cathy Strickland, Greg Purcell, and Frank Fiala.

The Physician Offices is the first major attraction of interest to the new corridor.

About a half dozen PC members attended the MSU seminar regarding sign ordinances.

2011:

RESIDENTIAL SITE PLAN REVIEWS: 52

COMMERCIAL SITE PLAN REVIEWS: 4

REZONING REQUESTS: 1

SPECIAL EXCEPTION REQUESTS: 1

SUBDIVISIONS, LAND DEVELOPMENT, SPLITS: 2

TEMPORARY CHARITABLE PERMITS: 1

SIGN PERMITS: 5

Also detailed in the PC Annual Report were: population changes, McKenna & Associates billing for services, Bauckham, Sparks, Lohrstorfer, Thall & Seeber, P.C. billing for services, and educational class participation of the PC members.

PLANNING COMMISSION MAJOR 2012 OBJECTIVES:

- Update the sign Ordinance – (Highest priority)
- Create wind power Ordinance
- Strongly encourage all PC Members to successfully complete at least one MSU Citizen Planning event every year and to participate in other Planning and Land Use seminars
- Consider a fireworks ordinance
- Update Article XII of the Zoning Ordinance (contains metrics and specifics relating to our ordinances)
- Update Master Plan (every year we need to update the Master Plan)
- Update Zoning Map

Fiala commented that the Planning Commission tries to evaluate whether they are doing the right things. Are they serving the township residents appropriately or are they leaning too hard on them?

McCrumb added a correction to the Educational Class Participation report. Patrick Jansens did attend a seminar at GVSU in Allendale regarding Hot Topics.

J. Lippert asked about the follow up process on Special Exception permits. J. Lippert mentioned getting calls at the township hall about noise. McCrumb commented that the township doesn't have equipment to measure noise levels.

At this point in the Joint Meeting, the Chairman and Secretary of the Planning Commission signed the PC 2011 Annual Report including the addition of the Educational Class information for Patrick Jansens.

2011 YANKEE SPRINGS ZBA REPORT: Richard Beukema, Chairman

There were seven meetings and 1 Joint Meeting with the Planning Commission and Board in attendance. Also in this report, the meeting attendance of ZBA members was documented.

ACCOMPLISHMENTS:

- Joint meeting with the Various Boards
- Completed ZBA duties with minimal expense to township
- No court actions/contestations regarding ZBA decisions

The report also included a synopsis of variance requests, denials (0), and educational class participation.

ZBA MAJOR 2011 OBJECTIVES:

1. Encourage ZBA members to complete MSU Citizen Planner events and attend other pertinent seminars.
2. Find ways to make Zoning Ordinances that generate numerous variance requests more compatible with needs of citizens.

PLANNING COMMISSION ANNUAL REPORT, 2011:

by Chairman, Frank Fiala cont'd

2011 YANKEE SPRINGS ZBA REPORT: Richard Beukema, Chairman

2011 YANKEE SPRINGS ZBA REPORT: Richard Beukema, Chairman
continued

Richard Beukema commented that the ZBA deals particularly with small lots with cottages going to year-around homes. He mentioned that the ZBA wanted to make the township more valuable encouraging people to build better quality homes.

McCrumbs suggested that it might be good to write what was requested for a variance and then what the actual result was. Patrick Jansen added that in approximately 9 out of 10 variance requests, the results are different from what was requested.

****The actual 2011 ZBA Report, in its entirety, is attached to the minutes.****

The ZBA report was signed and submitted at this meeting.

TOWNSHIP BOARD OBJECTIVES AND GUIDANCE

Trustee, Al Schwennesen said that he was concerned about wind turbines. A. Schwennesen said that there are several in the area, not necessarily in Barry County. He feels that they (wind turbines) are coming. J. Lohrstorfer added that the main concern would be the wind turbine "farms". G. Milliken commented that a lot of the marketing on wind turbines has slowed down.

Trustee, Mary Cook commented that the Board has been discussing roads and will be having meetings in March for work on subdivision roads. Also, the Board has been moving forward with parking lot and facility improvements.

Treasurer, John Jerkatis sees the casino as being the keystone of additional development in the area. This will also increase traffic in Yankee Springs. Jerkatis is glad that the casino funds are included in the budget to be kept track of and these funds may be needed in the future. Another concern regards the development of property. Yankee Springs residents are dealing with surface water and heavy rainfall coming to homes and garages. Possibly this should be incorporated in the site plan reviews as a grading plan for properties. J. Jerkatis also thanked the Planning Commission and ZBA for their service and sincerity.

Clerk, Jan Lippert thanked the Planning Commission and ZBA as well. J. Lippert is concerned about recycling. This has been something that has been brought up in minutes dating back to last year. J. Lippert commented that local communities are using casino funds for curbside recycling. J. Lippert also thanked the casino for its resolutions and for the funds received thus far (approximately \$13,000). These funds have not been used.

Discussed occurred regarding the casino funds. The casino has added two trained police officers to this area as well as a trained tracking dog, with its funds. A percentage of the casino funds are allocated to schools and local municipalities. The leftover portion is divided up and given to other recipients (such as YS Twp.) There is no "end date" for these funds. The distribution of the casino's funds is part of their compact.

2011 YANKEE SPRINGS
ZBA REPORT: Richard
Beukema, Chairman
continued

TOWNSHIP BOARD
OBJECTIVES AND
GUIDANCE

TOWNSHIP BOARD OBJECTIVES AND GUIDANCE cont'd

Supervisor, Al McCrumb welcomes suggestions on what should be done with the casino funds. He is also looking into the cost of a street light for the intersection of Bowens Mill and Patterson Rds. McCrumb has also been working on recycling (at the Twp. Hall and curbside) as well as the possibility of a leaf yard fill. McCrumb would like to continue work with the park, township hall restoration, parking lot improvements and inner-governmental co-operation with TTES. YS might have to think about placing an ambulance and personnel at the fire station this summer.

OPEN DISCUSSION

Mike Cunningham commented that casino funds could be spent on recycling. A third weekly pickup would alleviate a lot of problems for YS residents.

J. Lippert inquired as to the zoning of the corner of M-179 and Patterson. It was noted that it was zoned as C-3 – a step down from industrial. Discussion occurred about the rating and mixed use in the Master Plan.

Sandy Marcukaitis would still like the Board to write a letter of intent to buy the property next to the Township Park. McCrumb commented that he is working with the owner regarding the value of the property.

Shane Vandenberg mentioned the Section 19 Landfill and untested wells. Vandenberg said that he believes it is an underground flow heading southeast toward Gun Lake. McCrumb checked on this ten years ago. He was told “No”. Personnel was not available to check on this at the time. Jerkatis asked how close the water tower was to the landfill and doing the testing ourselves. R. Beukema mentioned testing for contaminants in a pond right behind a new development located near M-179.

J. Lippert commented that water testing kits are available at the township hall for approximately \$7.00 each. Water for testing must be taken from an outside spigot. J. Lippert may set up a display for the kits at the township hall.

Further discussion took place on how to get testing for contaminants in the above mentioned area. Jim Orr suggested that letters could be written to government officials. Brief discussion occurred about the landfill, and what could possibly be buried there and whether or not there is written history of it.

ADJOURNMENT: At 9:06 p.m., J. Lippert motioned to adjourn with support from M. Cook. Approved by all.

Respectfully submitted
D. Mousseau
Recording Secretary
2-6-12

Approved Date: February 10, 2012

Janice C. Lippert, Clerk: jcl

TOWNSHIP BOARD OBJECTIVES AND GUIDANCE cont'd

OPEN DISCUSSION

ADJOURNMENT

Page 8 of 8
YST Joint Meeting
2-1-12