

Milton Township Regular Board Meeting December 20, 2010

The regular meeting of Milton Township Board was called to order on December 20, 2010 at 7: 00 p.m. in the township hall with Supervisor Robert Benjamin presiding.

ROLL CALL:

Present: Supervisor-Robert Benjamin; Treasurer-Linda DeBroka; Clerk-Michael Layher; Trustees-Don Kronewitter and Sharon Ward.

Invited Guests-Attorney John Lohrstorfer

PUBLIC COMMENTS:

None.

MINUTES:

Motion to approve the minutes of the November 15, 2010 regular meeting by Benjamin, and seconded by Layher. *Motion passed.*

Amend November 16, 2010 public hearing minutes as follows: add the word “to” after officer in 4th paragraph; change the word “has” to “have” in 8th bullet point in public comments. Motion to approve the minutes as amended of the November 16, 2010 public hearing by Ward, and seconded by DeBroka. *Motion passed.*

Motion to approve the special meeting minutes of the December 16, 2010 special board meeting by Layher, and seconded by DeBroka. *Motion passed.*

COMMUNITY REPORTS:

- Niles/Buchanan/Cass Area Transportation member Paul Boggs reported that there was no November meeting and discussed how road funding dollars come in and that due to low fuel usage in the state of Michigan, future funding is expected to be down.
- Zoning Administrator, Paul Sniadecki indicated working on various zoning ordinance proposal changes; 3 lot line adjustments; 1 site plan approval; obtained maps of fire districts and will update them on the website; zoning ordinances have also been updated to the website; found old civil ordinances with the clerk’s office assistance.
- Planning Commission Chairman-Kelly Sweeney reported that Cass County is holding a master plan review on Wednesday, January 5, 2011 at the Cass District Library and that he and Paul Sniadecki will be attending and he will pay the \$60 fee, therefore, anyone is else is invited and to let him know via email; provided a “draft” of the Milton Township master plan for board members.
- County Commissioner-Robert Ziliak reported he attended a conference by Merritt Network that is bringing broadband to the County, but not Milton Township at this time; Newton Park to begin discover winter nights starting in January 2011.
- Edwardsburg Ambulance reported that they had 41 calls in November, with 3 being in Milton Township.
- Cass County Road Commission engineer Joe Bellina reported that they will begin adding a 2nd shift of snow plow crews at 3:30 pm to work on select primary roads in the County.
- Niles Charter Township Fire Department calls in board packets.

OLD BUSINESS:

- Noise/Nuisance Abatement Ordinance-Motion by Benjamin seconded by Layher to adopt Ordinance No. 2010-13 to update the nuisance abatement ordinance as amended. DeBroka-yes; Kronewitter-yes; Layher-yes; Ward-yes; Benjamin-yes. (*Motion passed.*)
- Establishment of 5 person Citizen Action Board- motion by Benjamin seconded by Kronewitter to setup 5 person Citizen Action Board operating under the Open Meetings Act, appointed by supervisor, as volunteers to review the current civil ordinances and report back to the Township board no later than July 31, 2011 with recommendations for changes to Milton Township civil ordinances with the authority to hold up to two public meetings. (*Motion passed.*)
- Community Center Rental-Community Center rental tabled until further notice.
 - Discussed that the Center does have not hot water with supervisor getting quotes; one heater is out; need to replace stove; and other issues that prevent the Township from renting out the Center.

NEW BUSINESS:

- 2011 Board Meeting Dates-Motion by Benjamin seconded by Kronewitter to set the 2011 Board of Trustee's regular meetings as presented. (*Motion passed.*)
- Joint Meeting with Planning Commission in January-Motion by Benjamin seconded by Layher to call a special board meeting on January 3, 2011 at 6:30 pm with the only agenda item to have a workshop with the planning commission regarding the Master Plan. (*Motion passed.*)
- Adopt Poverty Exemption-motion to adopt Resolution 2010-16 for poverty exemption income guidelines and asset test by Layher and seconded by DeBroka. Kronewitter-yes; Layher-yes; Ward-yes; Benjamin-yes; DeBroka-yes. (*Motion passed.*)
 - It was discussed that this resolution does not need to be done annually as the resolution indicates that it will follow guidelines as defined and determined annually by the United States Office of Management and Budget. This was affirmed by the Township attorney.
- Secretary Salary-motion by Benjamin seconded by Layher to increase the secretary's salary from \$10/hour to \$10.25/hour beginning December 20th. Layher-yes; Ward-yes; Benjamin-yes; DeBroka-yes; Kronewitter-yes. (*Motion passed.*)
- Motion by DeBroka to amend secretary's salary from \$10.25 to \$11.00/hour failed for lack of second.
 - Treasurer DeBroka felt it should be higher, perhaps at \$11/hour. It was indicated that there would be a formal review for the secretary in the next budget year and this was just a 90-day review increase.
- Selection of NATS representative-Motion by Benjamin seconded by Layher to select Don Kronewitter for the Township NATS representative for the period January 1, 2011 through December 31, 2012. (*Motion passed.*)
- Selection of Board of Review members (3 members/1 alternate)-Motion by Benjamin seconded by Kronewitter to select Roger Kempton, Steve Santé, and Mary Waldrop as members and Virginia Kraft as alternate for the 2011-2012 board of review sessions. (*Motion passed.*)
- Selection of Edwardsburg Ambulance/Fire Boards Representative-Motion by Layher seconded by Benjamin to select Don Kronewitter as Edwardsburg Ambulance/Fire Board representative. (*Motion passed.*)
- Planning Commission request to correct zoning map for reserve-Motion by Benjamin seconded by Layher to have clerk draft letter to Kerry Collins at Cass County to correct the Milton Township Zoning Map to reflect the Reserve development as Single Family Residential per the PUD overlay that was approved in 1995. Ward-yes; Benjamin-yes; DeBroka-yes; Kronewitter-yes; Layher-yes. (*Motion passed.*)

NEW BUSINESS (concluded):

- Zoning Change-Add Archery Range as Conditional Use-Motion by Layher seconded by DeBroka to add to the zoning ordinances as conditional use: Archery Range located on 5 acres or more in the Zoning Districts of Rural Residential, Section 3.03L, and Agricultural Production, Section 2.03 k-14. Benjamin-yes; DeBroka-yes; Kronewitter-yes; Layher-yes; Ward-yes (*Motion passed.*)
 - Discussions on why this needs to be done was discussed by Ron Jureziz, indicated that a recent Supreme Court case indicated that Townships can no longer grant general conditional uses they must get specific and this issue was currently not listed as of the Township's permitted uses. Zoning administrator read off some of the conditional uses currently listed. Other public comments indicated that they don't want government officials to start governing everything they do on their own property. It was thought that this is actually protecting the property owner to continue to do what they want, when they were in violation under previous conditions.
- Zoning Change-Add Archery Definition-Motion by Layher seconded by DeBroka to add to the zoning ordinances a definition of an archery range: Archer Range-property containing more than five fixed targets used for recreation archery practice. DeBroka-yes; Kronewitter-yes; Layher-yes; Ward-yes; Benjamin-yes. (*Motion passed.*)
 - Discussions were held regarding if this would lead to possible commercial activities and that increasing the number of allowed fixed targets as proposed by the planning commission should be done.
- Zoning Change-Add Landscaping Services as Conditional Use-Motion by Layher seconded by DeBroka to add to the zoning ordinances as conditional use: Landscaping Services located on 5 acres or more in the Zoning Districts of Rural Residential, Section 3.03M, and Agricultural Production, Section 2.03 k-15. Kronewitter-yes; Layher-yes; Ward-yes; Benjamin-no; DeBroka-yes (*Motion passed.*)
 - Ron Jureziz indicated that a complaint was brought against a homeowner who was operating a landscaping service on 20 acres and no permit could be issued for them to continue and this was the best remedy. A public comment on what is landscaping services should be defined, but attorney indicated it would use what are common standards. Supervisor indicated he doesn't like these services being allowed in residential areas.
- Zoning Change-Replace Article XVI, Sections 16.05/16.06-Violations/Penalties-Motion by Layher seconded by DeBroka to replace Article XVI, Sections 16.05 and 16.06 of the zoning ordinances with that recommended by the planning commission. Layher-yes; Ward-yes; Benjamin-yes; DeBroka-yes; Kronewitter-yes. (*Motion passed.*)
 - Zoning administrator indicated that this change was needed to allow zoning violations to be treated as civil enforcements rather than criminal to ensure compliance. This allows the Township a lower standard to prove their case against the homeowner and is least costly in the long run. He indicated that most Townships are going this way to enforce zoning violations and Township attorney said courts also like this form of justice.
- Motion by Layher seconded by DeBroka to adopt Ordinance 2010-14 for the four zoning ordinance changes as previously passed. Ward-yes; DeBroka-yes; Kronewitter-yes; Layher-yes; Benjamin-yes. (*Motion passed.*)
- Ambulance Assessment Details-Supervisor handed out a detail specification list on how ambulance fees are assessed by the assessor. Asked that board members review and bring any changes or recommendations to the next board meeting.

FINANCIAL REPORTS:

- Review of Budget-Resolution 2010-17 motioned by Benjamin and seconded by Layher to move budget dollars from the following accounts:
 - \$ 3,600 increase in interest income-other
 - \$ 1,500 increase in 101-101-726
 - \$ 600 increase in 101-101-815
 - \$ 1,000 increase in 101-101-731
 - \$ 500 increase in 101-410.075.2

Layher-yes; Benjamin-yes; DeBroka-yes; Kronewitter-yes; Ward-yes (*Motion passed.*)

- Financial reports-Treasurer presented general fund account balances.
- Approval of checks-Motion by Layher seconded by DeBroka to approve checks #6773 through #6823; void check #6822; replace check #6817 for \$250 with corrected invoice from vendor; and all ACH debits. Ward-yes; Benjamin-yes; DeBroka-yes; Kronewitter-yes; Ward-yes. (*Motion passed.*)

Motion to adjourn by Kronewitter seconded by DeBroka. Meeting adjourned at 9:05 p.m.

Next regular board meeting will be held Tuesday January 18, 2011 at 7:00 p.m.

Respectfully submitted

Michael W. Layher
Township Clerk