



Milton Township

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**Minutes for Milton Township Board of Trustees
Regular Board Meeting
Milton Township Hall - 32097 Bertrand St., Niles, MI
Tuesday, May 19, 2015, 7:00 P.M.**

The meeting was called to order at 7:00pm and the pledge was recited.

Board Members Present: Supervisor Benjamin, Treasurer Susan Flowers, Clerk Steve Sante, Trustee Eric Renken, Trustee Kelly Sweeney

Community Reports:

Planning Commission Ex Officio Member:

Renken reported that Paul Sniadecki was present at the last Planning Commission (PC) meeting. Changes recommended by the Township Attorney were discussed, as well as changes the PC would like to make.

Robert Ziliak-Cass County Commissioner-District 5:

Not Present

Other Committees:

Benjamin reported that a land split application was included in the Board Packet, per Township Policy. This is for information purposes and no action is required.

Public Comment:

Virginia Kraft questioned the board on why Kile Harris, whom is with the County Equalization Department, was recently at her property. Benjamin indicated that office may be doing a spot audit of the township assessment roll.

Bob Landgraff spoke on the Weaver conditional use clarification and indicated he would like to comment during that portion of the meeting.

Mike Bell also spoke on the Weaver conditional use clarification. Mr. Bell spoke at length regarding this issue. The main points were that the conditions imposed on the Weaver property are unfavorable to the Weaver's Rupchucks, and The Township. Mr. Bell suggested that semi-deliveries fits within the definition of commercial activities and asked the township to impose restrictions on or limit this activity.

Board Member Comments:

Benjamin indicated the contractor has completed several outstanding issues regarding the building. Mr. Benjamin has asked the Builder to consider the township's proposed striping plan. Also, Richard Hebard has hired an engineer to develop a plan to rectify the acoustic issues in the great room.

Flowers announced that the Council on Aging is having another potluck lunch and bingo on June 1st from 11:30am to 1pm.

Benjamin reported that the Michigan Township Association is interested in using the great hall for training sessions.

Approval of Agenda:

Addition of item #2: "Grounds Keeping" to New Business (with attendees)

Addition of item #4 "Agape Farms" to new business

Addition of item #5 "Employee Supervision" to new business

Changes were approved by the board

Approval of Previous Minutes

Motion: Sweeney made a motion to approve the 4/21/15 minutes as corrected

Second: Renken

Discussion: None

Motion Carried

Motion: Sweeney made a motion to approve the 5/6/15 minutes as presented

Second: Renken

Discussion: None

Motion Carried

New Business:

Law Enforcement Coverage for Milton Township-Item Tabled

Grounds Keeping-

A lengthy discussion occurred regarding this issue. The following issues were noted by the board needing improvement:

Need weekly mowing in the irrigated areas around the township hall

Need weeding in the landscape areas around to township hall and playground.

Old Business:

Code Library: Benjamin reported the county is still working on opening a building code library in Cassopolis. No additional details have been released but will keep the board informed on the situation.

Township Security Committee:

No Updates at This Time

Smith's Chapel Historic Commission:

Flowers reported an insurance claim has been submitted to a past renter's insurance company for damage done to the building. The township is requesting payment of \$125.00 and the claim is in process

New Business:**Weaver Conditional Use Clarification:**

Benjamin told the Board that Zoning Administrator Eileen Glick has asked for clarification from the Township Board on the scope of the Weaver Conditional Use Permit. Ms. Glick is asking the board to clarify if "mowing operations", which is identified in the conditional use permit, includes deliveries from outside vendors.

The Township Board had discussion on the Zoning Administrator's request, as follows: Benjamin indicated the property is in rural residential zoning district and is located across from single family residential. In his opinion, operations occurring at the Weaver property need to be considerate of that use across the street.

Renken indicated there was a limit to mowing operations for his Mr. Weaver's vehicles. Renken felt that it has never been clear what the term "mowing operations" has meant.

Glick indicated that she felt that mowing operations was the incorrect term to use and was too vague in the conditional use permit. Glick said that Weaver's trucks do leave and return to the site. She also noted that there was a farm down the road that conducts most of the same activities.

Sweeney indicated that when the Planning Commission originally reviewed and recommended on Mr. Weaver's conditional use request, "mowing operations" was meant to allow the coming and going of Weaver trucks. Sweeney said that the Planning Commission went to the site and viewed the Weaver trucks entering/exiting the site. The Planning Commission felt that the trucks were relatively quiet and did not cause a problem. . At that time the PC deemed the Weaver trucks entering/exiting the site was not something that was happening on a regular basis, so the Planning Commission felt this type of activity was appropriate to include in the conditional use approval.

The township attorney indicated that the conditional use permit could only be clarified by the board at this time, as the Planning Commission is only the recommending body for a conditional use approval, with the Board having final approval. At this point, the attorney advised that the Board was being asked to clarify the conditions the Board had previously placed on the conditional use approval. The attorney said that the actual conditions placed on the conditional use approval could not be changed, per the Michigan Zoning Enabling Act, unless both parties agreed to those changes.

Zoning Administrator Glick asked the Board to determine if the term "mowing operations" as included in the Weaver conditional use approval included trucks from outside vendors entering/exiting the Weaver site.

Sweeney said that the Planning Commission did discuss the delivery of salt to the Weaver site as part of the Planning Commission's recommended approval of the conditional use request and that the Planning Commission felt this was not a regularly occurring activity and would be okay to allow as part of the conditional use permit.

Zoning Administrator Glick called the Board's attention to a letter written by previous Township Zoning Administrator Sniadecki (2012) to the Planning Commission in which Mr. Sniadecki indicated that he did not feel that a truck parked on Bachelor Road 1 - 2 times a year, for loading/unloading, was a problem or was a violation of the conditional use permit. Zoning Administrator Glick said that Mr. Sniadecki's letter said that, in his opinion as zoning administrator, loading/unloading 1 -2 times per year was a de minimis activity and was not a violation of the conditional use permit.

The Board did not allow comments or questions from the public on this issue at this time.

Motion: Benjamin made a motion that "mowing operations" as used in the Weaver conditional use permit does not include deliveries from outside vendors.

Second: Sweeney

Discussion: None

Motion Passed Unanimously.

Fire Millage Renewal:

The board had a lengthy discussion on this issue. The board would like to place a fire millage proposal on the ballot in the March of 2016 election. If passed, it was discussed that the fire departments should be paid as the money is collected. No board action was taken on this issue. Sante, Renken, and the Township Attorney agreed to move this issue forward.

Discuss Township Policies:

The board will be reviewing all township policies in the coming months. It was agreed that the FOIA policy will be discussed at the June meeting.

Agape Farms:

Benjamin indicated that Agape Farms, which is a residential area, may want to pursue legal action against the township. As a resident of this area, Benjamin does to plan to join the lawsuit, but feels it is a conflict to be involved with defending the township in this matter.

Motion: Flowers made a motion to appoint Sweeney as legal agent for the Township Board.

Second: Renken

Discussion: None

Motion Carried

Employee Supervision:

Benjamin requested that a different board member take the responsibility to supervise administrative assistant, grounds keeper, and Building Inspector (Relating to Building Maintenance Only)

Motion: Sweeney made a motion appointing Flowers as the employee supervisor for the above three positions.

Second: Renken

Discussion: None

Motion Carried

Financial Report:

Review of Township Budget

Sante noted that there are several expenses in the budget which don't appear to be categorized properly and agreed to correct those issues.

Financial Reports:

Flowers reports the following

Total in checking, savings, cash boxes, & CD's \$593,787.63

Total in Fire Fund \$31,612.75

Approval of Checks

Motion: Sante made a motion to approve the checks as written

Second: Sweeney

Discussion: Benjamin questioned Flowers when checks are available for review prior to a board meeting.

Motion Carried

Motion: Renken made a motion to take a ten minute recess at 8:35pm

Second: Sweeney

Discussion: None

Motion Carried

Meeting was called back to order at 8:45pm.

Motion: Renken made a motion to approve resolution 2015-12R, as submitted to the board, authorizing the Supervisor to submit a proposal application and accompanying documents for the Michigan Township Participating Plan's Risk Reduction Grant Program

Second: Sweeney

Discussion: None

Roll Call: Renken Y, Flowers Y, Sweeney Y, Sante Y, Benjamin Y

Motion Carried

Adjournment:

Motion: Flowers made a motion to adjourn at 9:50PM

Second: Sweeney

Discussion: None

Motion Carried