

**MILTON TOWNSHIP
2576 E. Bertrand Road
Niles, MI 49120**

**Richard Gerbeth, Supervisor * Linda DeBroka, Treasurer * Jacqueline
Boggs, Clerk * Sharon Ward, Trustee * Robert Harvey, Trustee
Phone [269] 684-7262 FAX [269] 684-1742**

RESOLUTION 2008-2

**A Resolution Regarding Zoning Application Fees and Establishing an
Escrow Fund Requirement for Certain Zoning Applications and
Developments**

**WHEREAS, the Milton Township Board has established certain fixed
application fees for zoning reviews and approvals pursuant to the Milton
Township Zoning Ordinance ("Zoning Ordinance") and state law; and**

**WHEREAS, there are certain developments, zoning applications, and
projects which require the community to incur additional and at times
extraordinary out-of-pocket costs and expenses above and beyond what is
associated with typical or average zoning reviews for minor projects; and**

**WHEREAS, the Milton Township believes that it is reasonable and
appropriate to place the cost of processing zoning applications and
decisions for medium and large scale developments (or applications
involving unusual costs to the community on the applicants involved
rather than on the taxpayers of the community; and**

**WHEREAS, the community intends that the zoning review and escrow
fees be reasonably related and proportionate to the costs incurred by the
community for the particular application or zoning process involved, and
that such fees and reimbursements be used to defray the costs of
administering and enforcing the Zoning Ordinance and the Zoning Act,
as amended; and**

**WHEREAS, the Milton Township intends to establish this Escrow Policy
to accomplish the above goals.**

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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- 1. The fixed basic zoning application fees (as met by the Milton Township by resolution from time-to-time) shall hereafter cover costs associated with the following:**
 - A. Applicants appearance at regular Planning Commission, Zoning Board of Appeals, and/or Milton Township Meetings.**
 - B. Mailing and legal notice requirements for public hearings.**
 - C. Involvement by Milton Township members and employees (excluding outside contractors or professionals such as engineering, planning, legal counsel, and other services).**

- 2. In addition to the fixed zoning fees, all other expenses and costs incurred by the community which are directly associated with reviewing and processing a zoning application for uses specified in Section 3 hereof shall be paid (or reimbursed to the community) from the funds in an Escrow Account established by the applicant as provided herein. The community may draw funds from an applicant's Escrow Account to reimburse the community for out-of-pocket expenses incurred by the community relating to the application. Reimbursable expenses include, but are not limited to, expenses related to:**
 - A. Mailing, legal notices and commission member compensation for special Planning Commission meetings and Planning Commission subcommittee meetings.**
 - B. Mailing, legal notices, and Milton Township member compensation for special meetings and subcommittee meetings.**
 - C. Mailing, legal notices, and Zoning Board of Appeals member compensation for special Zoning Board of Appeals meetings.**
 - D. Services of the community Attorney directly related to the application.**
 - E. Services of the Engineer directly related to the application.**
 - F. Services of the Zoning Administrator or Planner directly related to the application.**

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- G. Services of other professionals working for the community which are directly related to the application.**
 - H. Any additional public hearings, required mailings and legal notice requirements necessitated by the application.**
- 3. Applications involving the following shall be subject to this Escrow Fund requirements.**
 - A. Site Plan reviews.**
 - B. Planned Unit Developments (PUD)**
 - C. Special Use permits**
 - D. Any rezoning**
 - E. Plat approvals**
 - F. Site condominiums**
 - G. Private road approvals/permits**
 - H. Variance or interpretation proceedings before the Zoning Board of Appeals where community officials determine that the scope of the project or application will probably require the assistance of the community professionals or involve the additional costs referred to in Section 2 hereof.**
 - I. Land division approvals if the Milton Township or Zoning Board of Appeals is involved.**
- 4. The escrow fees for each application for uses specified in Section 3 hereof are established at \$500.00 increments commencing with an initial \$1,000.00 deposit by the applicant with the Treasurer. The initial \$1,000.00 escrow fee shall be provided by the applicant to the Treasurer at the time of application. No application shall be processed prior to the required escrow fee having been deposited with the Treasurer. Any excess funds remaining in the Escrow Account after the application has been fully processed, reviewed and the final decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. At no time prior to the final decision on the application shall the balance in the Escrow Account fall below \$500.00.**

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If the funds in the Escrow Account drop below \$500.00, an additional deposit of \$500.00 by the applicant into the Escrow Account shall occur before the application review process will be continued. Additional amounts above \$1,000.00 may be required to be placed in the Escrow Account by the applicant at the discretion of the community. (Notwithstanding the preceding, the escrow fee deposit for private roads involving only one or two parcels shall be established at an initial five Hundred Dollar (\$500.00) deposit with the funds in the Escrow Account being replenished back up to five Hundred Dollars (\$500.00) when the funds in the account for such private roads serving one or two parcels drop below One Hundred Dollars (\$100.00).

- 5. No building permit or final approval or permit shall be granted for an application until all outstanding out-of-pocket costs and expenses incurred by the community as specified above have been reimbursed to the community from the Escrow Account.**
- 6. The Treasurer shall maintain records regarding the Escrow Account and shall authorize the disbursement of escrow funds in writing. Such escrow funds (from one or more applicants) shall be kept in a separate community bank account.**
- 7. If an applicant objects to the amount of escrow funds they must deposit with the community or how the escrow funds have been applied, they can appeal the community's determination regarding these matters to the Milton Township Board. All such appeals shall be in writing and shall be made not later than thirty (30) days after final action regarding the application.**

MOTION BY: Supervisor Gerbeth

SUPPORT BY: Trustee Harvey

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ROLL CALL VOTE:

Clerk Boggs:	Yes
Trustee Ward:	Yes
Trustee Harvey:	Yes
Supervisor Gerbeth:	Yes
Treasurer DeBroka:	Absent

Certification

I hereby certify that the foregoing is a true and accurate copy of a resolution agreement adopted by Milton Township at a meeting held on January 21, 2008 at the Milton Township Hall and that notice of said meeting was made and given in accordance with the provisions of the Michigan Open Meetings Act.



Jacqueline Boggs, Milton Township Clerk

January 21, 2008

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Supervisor Benjamin brought forth the subject of the Escrow Policy Changes requiring Zoning Administrator, Planning Commission and Zoning Board of Appeals have the authority to initiate Escrow Policy instead of being automatic. Trustee Ward amended Resolution 2008-2 to be Resolution 2009-12, Trustee Brazo seconded.

**TOWNSHIP OF MILTON
COUNTY OF CASS, MICHIGAN**

**RESOLUTION 2009-12
AMENDMENT OF ESCROW FUND REQUIREMENT RESOLUTION 2008-02**

WHEREAS, the Milton Township Board Requires The Zoning Administrator, The Planning Commission or The Zoning Board of Appeals to Give Notice of The Requirement For The Escrow Fund Instead of The Escrow Fund Being Automatic.

Certification

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Milton Township Board held at the Township Hall on May 18, 2009, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

May 18, 2009

Jacqueline Boggs, Milton Township Clerk

Roll Call Vote: Supervisor Benjamin, Yes; Trustee Brazo, Yes; Treasurer DeBroka, Yes; Trustee Ward, Yes; Clerk Boggs, Yes. Motion carried 5-0.

Deputy Clerk Boggs reported on the 3rd D. Layman Contract for Smith Chapel in the amount of \$20,520.00 and a quote for electrical work for the amount of \$399.00 from J. Lewis Electric.

Trustee Brazo inquired if there had been any donations received for the Smith Chapel. Ann Brown reported that due to the 501C3 paperwork taking up to 6 months, there have been no donations as of yet. The Smith Chapel Committee needs to get a fee schedule for weddings and funerals to present to the Township Board. Trustee Ward recommended that we accept the contract for \$20,520.00 for Dale Layman and the proposal of \$399.00 for J. Lewis Electric to move the conduit, seconded by Clerk Boggs. Roll Call Vote: Supervisor Benjamin, Yes; Trustee Brazo, No; Treasurer DeBroka Yes; Trustee Ward, Yes; Clerk Boggs, Yes. Motion carried 4-1.

Clerk Boggs motioned to purchase Pontem Accounting System for \$9592.00 and licensed for two users. Motion dies due to lack of support.

Clerk Boggs will contact the Milton Township Auditor for a recommendation for someone that can assist in updating the current QuickBook accounting system.