

## OVID TOWNSHIP BOARD

April 13, 2009

### Regular Meeting

The Ovid Township Board met at the Township Hall on Monday, April 13, 2009. The following members were present: Sue Miller, Supervisor; Larry Omo, Trustee; Nancy Price, Treasurer; Judy Sabaitis, Clerk; and Ron Sampsel, Trustee. Also in attendance were 5 guests.

The regular meeting was called to order by Sue Miller.

The Board led the guests in the Pledge of Allegiance.

Motion by Ron Sampsel seconded by Larry Omo, that the agenda be approved as presented. MOTION CARRIED.

Motion by Sue Miller seconded by Nancy Price, that the March 9, 2009 Public Hearing Board minutes be approved as presented. MOTION CARRIED.

Motion by Larry Omo seconded by Ron Sampsel, that the March 9, 2009 Regular Board minutes be approved as presented. MOTION CARRIED.

The Treasurer's report was presented including payment of bills. The Board approved the reports and placed them on file. Motion by Larry Omo seconded by Nancy Price, that the McKenna invoice for \$159.25 be approved for payment. MOTION CARRIED.

The Board again reviewed the rezone request from Rural Residential to Water Front Residential on the Mollenkopf property (approximately 3.3 acres) on Pearl Beach Drive. The Planning Commission resubmitted their recommendation for approval of the rezone request without restrictions. Attorney John Hutchinson representing the Mollenkopf family reviewed the request and answered questions. Mr. Hudak, Pearl Beach property owner, expressed concern with increased traffic and access to the road. Motion by Larry Omo seconded by Ron Sampsel, that 3.3 acres of the Mollenkopf property is rezoned from Rural Residential to Water Front Residential as submitted and recommended by the Planning Commission. Aye: Larry Omo, Ron Sampsel and Judy Sabaitis. Nay: Sue Miller and Nancy Price. MOTION CARRIED.

Resolution by Sue Miller seconded by Ron Sampsel, that the Branch County Road Commission's 2009 Construction Contract Resolution for Buck Road is adopted as presented. The project includes chip and seal Buck Road from Hatmaker to Rose Road, a distance of .7 mile with one course of 5/8" stone and emulsion followed by a second course of 31A and emulsions. The total cost is \$35,000.

Upon a roll call vote, the result was as follows:

AYE: Miller, Omo, Price, Sabaitis, Sampsel

NAY: None

MOTION CARRIED.

Resolution by Larry Omo seconded by Ron Sampsel, that the Branch County Road Commission's 2009 Sealcoating Construction Resolution is adopted as presented. The project

includes sealcoating 2 miles- .5 mile on Lester Road (Quimby to Legg) and 1.5 miles on Quimby Road (Central to Dubendorf). The cost is \$4,000 per mile for a total of \$8,000.

Upon a roll call vote, the result was as follows:

AYE: Miller, Omo, Price, Sabaitis, Sampsel

NAY: None

MOTION CARRIED.

The Board reviewed the proposed amendments to the Zoning Ordinance including the following:

- Section 13.06.A.4 – Amended section on permitted expansions of nonconforming structures to provide exception for existing structures located on certain roads with increased front yard setbacks.
- Section 14.06.C – Amends section on exempt properties for accessory structure standards to indicate that they still require a zoning permit.
- Section 14.13.F – Amends section on living fences to exempt this type of landscaping from permitting requirements.
- Section 14.13.H – Amends section regarding barbed-wire and electric fences by removing from current section to become own paragraph and expand to allow in Rural Residential district on parcels greater than 5 acres in area.
- Section 14.22.B – Deletes current Section 14.22.B because standard is provided for in previous section.
- Section 20.03.C – Amends section regarding public hearing to clarify that this section applies to all procedures requiring public hearings.
- Section 20.03.C.3.a.(2) – Amends requirements for noticing public hearings to bring it into compliance with amendments to Michigan Zoning Enabling Act.
- Section 20.03.C.4 – Amends section regarding timing of public notice to indicate when notice shall be considered delivered.
- Sections 22.02.C, 22.03.A, 22.03.B, 22.03.C, and 22.03.D.5 – Amends references to Township Planning Act to reference Michigan Planning Enabling Act.
- Section 22.04 – Amends sections on Zoning Board of Appeals decisions, notices, and membership to bring them into compliance with the amendments to the Michigan Zoning Enabling Act.
- Section 24.02 – Amends sections regarding amendment of the Zoning Ordinance regarding noticing, public hearing, and effective date to bring them into compliance with the amendments to the Michigan Zoning Enabling Act.

Motion by Larry Omo seconded by Ron Sampsel, to accept the proposed amendments for the Zoning Ordinance as presented and listed above. MOTION CARRIED.

Motion by Larry Omo seconded by Ron Sampsel, to approve the contract presented by SM Assessing for April 1, 2009 through March 31, 2012. The contract's compensation is payable in equal monthly installments of \$2,407.50 for the term of the contract.

MOTION CARRIED.

Wayne and Kim Haylett requested planting two dwarf flowering crab trees at the end of their cemetery lots (Lots 147 A,B,C and Lot 148 A,B,C) in the Lockwood Cemetery. The trees are expected to be 15 to 20 feet tall with a spread of 15 to 20 feet. Since the sexton is not available, the Board tabled action until the May meeting.

Sue Miller presented an amendment petition for Tompkin's Drive Special Assessment District. As required to amend a Special Assessment District, the petition was

signed by 100% of the property owners. A public hearing is scheduled on May 11, 2009 at 7 P.M.

Judy Sabaitis reviewed the Pontem Cemetery software used by the Township and the current setup of the cemetery data. George Baker, sexton, recently discovered that the current software updates available are not compatible with the format of our data entered in the system and the data cannot be migrated to the new software. He was advised by the Pontem technical department that the updated software be installed and configured to maximize the system. Then the cemetery data must be reentered. Motion by Larry Omo seconded by Sue Miller, that the updated Pontem software be installed and configured for the Township and to authorize the sexton contractual pay for the hours required to enter the cemetery data. MOTION CARRIED.

Motion by Ron Sampsel seconded by Sue Miller, to approve the permit for Coldwater Lake's fireworks display issued to Melrose Pyrotechnics Inc. MOTION CARRIED. The display is scheduled for July 3<sup>rd</sup> with a rain date of July 5<sup>th</sup>.

Sue Miller reviewed the following correspondence:  
Charter Communications - Chapter 11 filing  
FEMA – proposed base flood elevations for Ovid Township  
Branch District Library funding their Capital Improvement Fund

Reports:

Zoning – Jim Mikolajczyk reported no permits were issued during March. There is a tentative ZBA meeting for 671 Lake Drive at the end of April.

Assessing – Sue Miller reported that the March Board of Review received a total of 54 petitions.

BPW – No report.

County Commissioner – Don Vrablic reported on various items including Camp Branch, Homeland Security Grant, Road Commission Report and the County Building Inspection Department.

Cemetery – No report.

Correspondence reviewed.

Motion made by Larry Omo seconded by Ron Sampsel, to adjourn the meeting at 9:30 P.M. MOTION CARRIED.

Respectfully submitted,

Judy Sabaitis  
Ovid Township Clerk