

Agenda for
April 13, 2017
Board of Trustees
Meeting

**MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
Thursday, April 13, 2017
7:30 p.m.**

Call to Order

Pledge of Allegiance

Members Present/Members Absent

Call to the Public

- 1.) **Approval of Agenda**
- 2.) **Consent Agenda**
 - a.) **Approval of March 23, 2017 Regular Meeting Minutes**
 - b.) **2017 Assessing Report**
 - c.) **Complaint Report**
 - d.) **DPW Report**
 - e.) **Zoning Report**
- 3.) **Highe Sewer Lead**
- 4.) **Mitchie Sewer Lead**
- 5.) **Txt. Amendment Z-01-17; Section 6.20 Private Roads for Single Family, Multiple-Family and Commercial Developments**
- 6.) **Txt Amendment Z-02-17; Section 6.07 Assessory Uses and Structures**
- 7.) **Txt Amendment Z-03-17; Section 23 Rezoning RR to PL**
- 8.) **Allocation Budget**
- 9.) **Assistant Assessor**
- 10.) **Roads**
- 11.) **Recycling**
- 12.) **Nuisance/Noise Ordinance**

Correspondence/Updates

Livingston County Update

Call to the Public

Adjournment

Packet for
April 13, 2017
Board of Trustees
Meeting

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 23, 2017

MEMBERS PRESENT: Tammy Beal, Les Andersen, Greg Durbin, Dan Lowe, Duane Stokes, and Bob Hanvey

MEMBERS ABSENT: Scott Lloyd

OTHERS PRESENT: Phil Westmoreland, Spicer Group

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

Peter Tombers from Tracilee Drive was present, along with neighbors, to ask for the board's assistance in dealing with the noise and disruption on the property north of Tracilee (Sunridge Phase 3.) He asked if the board members could assist in formulating a letter to the Livingston County Sheriff asking them to enforce the trespassing laws.

Virginia Bolzak, Tracilee Drive, said that "No Trespassing" signs have been posted, but are ignored. She did file a formal complaint with the township. There are reportedly Facebook posts advertising this location for dirt bikes, quads, etc.

Bill LeVeck, Tracilee Drive, said they've actually set up a motocross track.

Brian Gustin, Tracilee Drive, said that recently there were seven pick-up trucks with trailers and about 200 people out there.

Connie Moenart, Peavy Road, said the vehicles park behind her house and she is concerned.

Dan Lowe said he could hear it at his house on Norton Road.

The property is owned by S.R. Jacobsen, and Bob Hanvey will contact them on Friday, and he believes they will take action.

Mike Aarens, Alstott Drive, said it is out of control. He also mentioned that as the township's representative to CIRAB, they are working on a septage receiving station with the City of Howell. Dan Lowe said that he does not support that, and it will cost the township money.

Call to the Public closed at 7:53 pm.

APPROVAL OF AGENDA

Items #10—Love's Creek/Sesame Drive and #11—Restoration of April 13 board meeting were added to the agenda. Les Andersen motioned to approve the agenda as amended. Duane Stokes seconded. **Motion carried.**

CONSENT AGENDA

Tammy Beal provided the board members with minutes from the March 7 special meeting for review and then collected them when done. Les Andersen motioned to approve the consent agenda. Dan Lowe seconded. **Motion carried.**

LAWN MAINTENANCE BIDS

Four bids were received; one of the bidders was not present at the meeting.

Tammy Beal motioned to select B&L Services for 2017, 2018 and 2019 lawn maintenance. Les Andersen seconded. Roll call vote: Lowe, Beal, Hanvey, Durbin, Andersen, Stokes—all yes. **Motion carried 6-0.**

HOWELL FIRE DEPARTMENT BUDGET

Greg Durbin motioned to approve the Howell Area Fire Authority 2017-18 budget, as presented. Les Andersen seconded. Roll call vote: Durbin, Stokes, Hanvey, Beal, Andersen, Lowe—all yes. **Motion carried 6-0.**

CHESTNUT CREEK PRIVATE ROAD FINAL REVIEW PR #01-16

Bob Hanvey passed out a letter of agreement from David & Tracy Peterson, who live adjacent to this project.

Tim Zimmer from Livingston Engineering was present on behalf of the property owner. Tammy Beal said one of her concerns is the road going through unit 1. Mr. Zimmer said it shouldn't be a problem as there is a private road maintenance agreement. Les Andersen asked Phil Westmoreland about DEQ approval. Mr. Westmoreland said the applicant still needs DEQ approval, as well as approval from the LCRC and a soil erosion permit. Mr. Zimmer said the DEQ permit is required and is in process. The board members discussed soil borings; Mr. Westmoreland said that borings aren't great representations of groundwater levels. Dan Lowe said there should be more borings done, every 50 feet. He is concerned about water flowing over the road, and feels there should be some type of emergency overflow. There is concern about the blocks on the road being located on Mr. Peterson's property. Bob Hanvey asked if there would be an easement agreement filed; Mr. Zimmer said no. Mr. Lowe said the plan calls for 23A gravel, and the LCRC uses 22A. Mr. Zimmer said that can be changed.

Les Andersen motioned to approve the private road for Chestnut Creek with three conditions: the vertical curve needs to be adjusted, the gravel should be 22A, and some type of spillway needs to be in place, as agreed upon by the township's engineer. Greg Durbin seconded. **Motion carried.**

HIGHE SEWER LEAD (BURKHART ROAD)

The property owners, Edward & Chelsea Highe, were present for this agenda item. An email from Mr. Highe, along with a quote from TLS Construction, is included in the packet. The septic is pooling in the backyard. Due to the fact that the lead is three feet higher than the line coming from the house, the quote includes the cost of a grinder pump, and the total for the project is approximately \$14,000. Les Andersen said that sometimes fracturing the soil resolves the problem, but that could cost a few thousand dollars. Bob Hanvey said he can check with the attorney on creating an SAD. Dan Lowe suggested talking to the county's drain commissioner's office on the price of the grinder pump; they may get a quantity discount.

No action at this time.

Les Andersen motioned to extend this meeting beyond 9:30 pm. Duane Stokes seconded. **Motion carried.**

ODOR CONTROL STUDY

Phil Westmoreland presented the board members with the results of the Odor Control Study. The averages are below the target numbers. Dan Lowe will talk with Erv from the City of Howell about using the ozone station.

ROADS

A handout from the LCRC meeting was passed out with the projects identified for the 2017 primary pavement preservation funds. Marion Township projects selected are Norton Road from Amos to Burkhart, or Coon Lake Road from County Farm to east of Triangle Lake Road. The board members would like the Norton Road project if the county is going to contribute \$100,000. They would also like more information on Jewell Road including estimates on making it wider. Dan Lowe would like to see a focus on dead tree removal.

RECYCLING TOUR

The tour is scheduled for Monday, March 27 at 9 am. Those interested in carpooling should meet at the township hall at 8:15 am.

LOVE'S CREEK/SESAME DRIVE

Les Andersen motioned to approve the bid from Tom Rogers Asphalt, Inc. for \$3,800 to repair the failing culvert on Love's Creek. Dan Lowe seconded. Roll call vote: Hanvey, Lowe, Durbin, Beal, Stokes, Andersen—all yes. **Motion carried 6-0.** Bob Hanvey will contact Tom Rogers.

RESTORATION OF APRIL 13 BOARD MEETING

Tammy Beal motioned to reinstate the April 13, 2017 board meeting as it will not conflict with the MTA conference. Bob Hanvey seconded. **Motion carried.**

CORRESPONDENCE/UPDATES

The next board packet will be available on Thursday, April 6.

Representatives from SPARK will be the guest speakers at the April 12 Brown Bag lunch, hosted by the Livingston County Department of Planning, held at the Genoa Township Hall at noon.

The next meeting of the Livingston County MTA chapter is Wednesday, March 29, 7 pm at the Howell Chamber of Commerce.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Tammy Beal motioned to adjourn at 10:27 pm. Greg Durbin seconded. **Motion carried.**



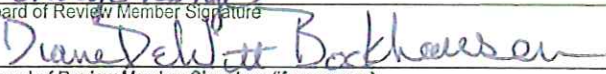
Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date

State Tax Commission Assessment Roll Certification (Board of Review)

This form is issued under the authority of the General Property Tax Act, P.A. 206 of 1893, MCL 211.30. Attach original copy to the assessment roll.

PART 1: ASSESSOR AND LOCAL UNIT INFORMATION			
Assessing Officer Name CHARLES DECATOR	Certification Number 8876	Certification Level (MCAO, MAAO, MMAO) MAAO - Michigan Advanced Assessing Officer	Tax Year 2017
Local Unit of Government Name MARION TOWNSHIP	City or Township MARION TOWNSHIP	County Name LIVINGSTON	
PART 2: POST-BOARD OF REVIEW ASSESSED VALUES, CAPPED VALUES AND TENTATIVE TAXABLE VALUES - Ad_Valorem			
Property Class	Assessed Values	Capped Values	Tentative Taxable Value
Real Agriculture	19,863,400	11,077,838	11,184,885
Real Commercial	7,390,800	5,847,845	5,796,279
Real Industrial	1,687,900	1,248,136	1,248,136
Real Residential	500,750,400	396,711,006	402,947,723
Real Timber Cutover	0	0	0
Real Developmental	0	0	0
TOTAL REAL PROPERTY	529,692,500	414,884,825	421,177,023
TOTAL PERSONAL PROPERTY	19,977,000	19,977,000	19,977,000
TOTAL REAL & PERSONAL PROPERTY	549,669,500	434,861,825	441,154,023
PART 3: BOARD OF REVIEW CERTIFICATION			
<i>We hereby certify that the information contained within this Board of Review Assessment Roll Certification is true and accurate to the best of my knowledge, information and belief that the Ad Valorem and Special Act assessed, capped and tentative taxable valuations contained within this Board of Review Certification compose the aggregate assessed valuations of taxable property for the above mentioned local unit of government following the conclusion of the Board of Review.</i>			
Chairperson of the Board of Review Signature 	Date 3-23-17		
Board of Review Member Signature 	Date 3-23-17		
Board of Review Member Signature 	Date 4-3-17		
Board of Review Member Signature (if necessary)	Date		
Board of Review Member Signature (if necessary)	Date		
Board of Review Member Signature (if necessary)	Date		

State Tax Commission Assessment Roll Certification (Board of Review)

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Assessing Officer Name CHARLES DECATOR	Certification Number 8876	Certification Level (MCAO, MAAO, MMAO) MAAO - Michigan Advanced Assessing Officer	Tax Year 2017
Local Unit of Government Name MARION TOWNSHIP	City or Township MARION TOWNSHIP	County Name LIVINGSTON	
PART 2: POST-BOARD OF REVIEW ASSESSED VALUES, CAPPED VALUES AND TENTATIVE TAXABLE VALUES - DNR			
Property Class	Assessed Values	Capped Values	Tentative Taxable Value
Real Agriculture	107,500	24,623	24,623
Real Commercial	0	0	0
Real Industrial	0	0	0
Real Residential	0	0	0
Real Timber Cutover	0	0	0
Real Developmental	0	0	0
TOTAL REAL PROPERTY	107,500	24,623	24,623
TOTAL PERSONAL PROPERTY	0	0	0
TOTAL REAL & PERSONAL PROPERTY	107,500	24,623	24,623
PART 3: BOARD OF REVIEW CERTIFICATION			
<i>We hereby certify that the information contained within this Board of Review Assessment Roll Certification is true and accurate to the best of my knowledge, information and belief that the Ad Valorem and Special Act assessed, capped and tentative taxable valuations contained within this Board of Review Certification compose the aggregate assessed valuations of taxable property for the above mentioned local unit of government following the conclusion of the Board of Review.</i>			
Chairperson of the Board of Review Signature 	Date 3-23-17		
Board of Review Member Signature 	Date 3-23-17		
Board of Review Member Signature 	Date 4-3-17		
Board of Review Member Signature (if necessary)	Date		
Board of Review Member Signature (if necessary)	Date		
Board of Review Member Signature (if necessary)	Date		

2017 REPORT OF ASSESSMENT ROLL CHANGES AND CLASSIFICATION

Assessing officers are required to report the total assessed value for each class of property and the assessment roll changes for each class of property for County and State Equalization. This form is issued under authority of P.A. 206 of 1893. This report shall be signed by the assessing officer and filed with the State Tax Commission and the County Equalization Department immediately following adjournment of the Board of review - Administrative Rule 209.26(6b). **REPORT ONLY ASSESSED VALUES ON THIS FORM.**

COUNTY LIVINGSTON CITY OR TOWNSHIP MARION TOWNSHIP

REAL PROPERTY		2016 Board of Review	Loss	(+/-) Adjustment	New	2017 Board of Review	Does Not Cross Foot (*)
	Count						
101 Agricultural	124	15,235,800	810,100	3,151,600	2,286,100	19,863,400	
201 Commercial	49	7,382,400	10,000	-28,500	46,900	7,390,800	
301 Industrial	11	1,260,400	0	88,900	338,600	1,687,900	
401 Residential	4,538	468,077,800	3,282,900	24,114,400	11,841,100	500,750,400	
501 Timber - Cutover	0	0	0	0	0	0	
601 Developmental	0	0	0	0	0	0	
800 TOTAL REAL	4,722	491,956,400	4,103,000	27,326,400	14,512,700	529,692,500	
PERSONAL PROPERTY		2016 Board of Review	Loss	(+/-) Adjustment	New	2017 Board of Review	Does Not Cross Foot (*)
	Count						
151 Agricultural	0	0	0	0	0	0	
251 Commercial	111	1,347,800	153,400	0	166,900	1,361,300	
351 Industrial	0	0	0	0	0	0	
451 Residential	0	0	0	0	0	0	
551 Utility	6	17,722,600	125,000	0	1,018,100	18,615,700	
850 TOTAL PERSONAL	117	19,070,400	278,400	0	1,185,000	19,977,000	
TOTAL REAL & PERSONAL	4,839	511,026,800	4,381,400	27,326,400	15,697,700	549,669,500	
TOTAL TAX EXEMPT	120						

Signed Charles Deaton 03/27/2017 8876
 (Assessing Officer) (Date) (Certificate Number)

ORIGINAL - To be mailed by the Assessor, immediately upon adjournment of the Board of Review, at the address provided below, or emailed to ParrL@Michigan.gov.

STATE TAX COMMISSION.
P.O BOX 30471
LANSING MI 48909-7971

FIRST COPY - TO COUNTY EQUALIZATION DEPARTMENT. (To be reviewed and approved by the County Equalization Department. If report is found to be in error by the County Equalization Department, the errors should be corrected and a copy should be sent to the State Tax Commission).

SECOND COPY - RETAINED BY ASSESSING OFFICER.
Any assessing officer who, subsequent to filing the ORIGINAL and the FIRST COPY, discovers that said report is in error shall file a corrected report with the Equalization Department for their review and approval of the correction before transmitting same to the State Tax Commission.

* = Does not Crossfoot

NOT A REQUIRED STATE REPORT

03/27/2017 10:44 AM
Db: Marion Twp 2017

2017

L-4022-TAXABLE

This report will not crossfoot

COUNTY LIVINGSTON CITY OR TOWNSHIP MARION TOWNSHIP

REAL PROPERTY		2016 Board of Review	Losses	(+/-) Adjustment	Additions	2017 Board of Review
	Count					
101 Agricultural	124	10,172,122	0	612,166	300,600	11,184,885
201 Commercial	49	5,759,225	10,000	154	46,900	5,796,279
301 Industrial	11	901,427	0	8,109	338,600	1,248,136
401 Residential	4,538	384,524,707	193,205	11,661,611	9,180,367	402,947,723
501 Timber - Cutover	0	0	0	0	0	0
601 Developmental	0	0	0	0	0	0
800 TOTAL REAL	4,722	401,357,481	203,205	12,282,040	9,866,467	421,177,023
PERSONAL PROPERTY		2016 Board of Review	Losses	(+/-) Adjustment	Additions	2017 Board of Review
	Count					
151 Agricultural	0	0	0	0	0	0
251 Commercial	111	1,347,800	156,200	-120,900	290,600	1,361,300
351 Industrial	0	0	0	0	0	0
451 Residential	0	0	0	0	0	0
551 Utility	6	17,722,600	435,800	-468,900	1,797,800	18,615,700
850 TOTAL PERSONAL	117	19,070,400	592,000	-589,800	2,088,400	19,977,000
TOTAL REAL & PERSONAL	4,839	420,427,881	795,205	11,692,240	11,954,867	441,154,023
TOTAL TAX EXEMPT	120					

<<<< Top 10 Statistics >>>>

***** Top 10 S.E.V.s *****

4710-99-000-008	DTE ELECTRIC COMPANY	\$ 8,019,600
4710-99-000-250	INTERNATIONAL TRANSMISSION CO	\$ 5,674,800
4710-99-000-001	CONSUMERS ENERGY	\$ 3,428,300
4710-21-200-021	CFR HOLDINGS LLC	\$ 1,609,600
4710-99-000-010	PAN GAS STORAGE LLC	\$ 820,400
4710-05-100-022	JCC REALTY LLC & BCP REALTY LL	\$ 810,700
4710-04-400-025	SPRINGBORN RUSSELL	\$ 800,000
4710-02-100-007	983 HUGHES DR LLC	\$ 764,000
4710-12-300-004	VAN GILDER, RICHARD A	\$ 744,500
4710-29-400-037	SCAPPATICCI ANTONINO & CHERYL	\$ 609,100

***** Top 10 Taxable Values *****

4710-99-000-008	DTE ELECTRIC COMPANY	\$ 8,019,600
4710-99-000-250	INTERNATIONAL TRANSMISSION CO	\$ 5,674,800
4710-99-000-001	CONSUMERS ENERGY	\$ 3,428,300
4710-21-200-021	CFR HOLDINGS LLC	\$ 1,519,367
4710-99-000-010	PAN GAS STORAGE LLC	\$ 820,400
4710-02-100-007	983 HUGHES DR LLC	\$ 741,588
4710-04-400-025	SPRINGBORN RUSSELL	\$ 733,486
4710-12-300-004	VAN GILDER, RICHARD A	\$ 593,383
4710-29-400-037	SCAPPATICCI ANTONINO & CHERYL	\$ 581,411
4710-99-000-059	PAN GAS STORAGE LLC	\$ 569,800

***** Top 10 Owners by Taxable Value *****

DTE ELECTRIC COMPANY	has	8,122,400	Taxable Value in 2 Parcel(s)
INTERNATIONAL TRANSMISSION CO	has	5,937,310	Taxable Value in 9 Parcel(s)
CONSUMERS ENERGY	has	3,428,300	Taxable Value in 1 Parcel(s)
JCC REALTY LLC & BCP REALTY LL	has	1,988,648	Taxable Value in 11 Parcel(s)
CFR HOLDINGS LLC	has	1,519,367	Taxable Value in 1 Parcel(s)
PAN GAS STORAGE LLC	has	1,390,200	Taxable Value in 2 Parcel(s)
MITCH HARRIS BUILDING CO INC	has	1,208,478	Taxable Value in 4 Parcel(s)
5-LUCK LLC	has	833,018	Taxable Value in 10 Parcel(s)
983 HUGHES DR LLC	has	741,588	Taxable Value in 1 Parcel(s)
SPRINGBORN RUSSELL	has	733,486	Taxable Value in 1 Parcel(s)

***** Top 10 Owners by S.E.V. Value *****

DTE ELECTRIC COMPANY	has	8,122,400	S.E.V. Value in 2 Parcel(s)
INTERNATIONAL TRANSMISSION CO	has	6,244,800	S.E.V. Value in 9 Parcel(s)
CONSUMERS ENERGY	has	3,428,300	S.E.V. Value in 1 Parcel(s)
JCC REALTY LLC & BCP REALTY LL	has	2,732,100	S.E.V. Value in 11 Parcel(s)
CFR HOLDINGS LLC	has	1,609,600	S.E.V. Value in 1 Parcel(s)
MITCH HARRIS BUILDING CO INC	has	1,414,400	S.E.V. Value in 4 Parcel(s)
PAN GAS STORAGE LLC	has	1,390,200	S.E.V. Value in 2 Parcel(s)
MITCH HARRIS BUILDING	has	996,100	S.E.V. Value in 24 Parcel(s)
5-LUCK LLC	has	960,000	S.E.V. Value in 10 Parcel(s)
SPRINGBORN RUSSELL	has	800,000	S.E.V. Value in 1 Parcel(s)

***** Top 10 Owners by Acreage *****

JCC REALTY LLC & BCP REALTY LL	has	1,163.44	Total Acres in 11 Parcel(s)
CORNERSTONE LAND LLC	has	283.59	Total Acres in 8 Parcel(s)
STATE OF MICHIGAN	has	257.00	Total Acres in 1 Parcel(s)
HF INVESTMENTS CO LLC	has	237.24	Total Acres in 4 Parcel(s)
INTERNATIONAL TRANSMISSION CO	has	234.85	Total Acres in 9 Parcel(s)
VAN GILDER, RICHARD A	has	230.76	Total Acres in 1 Parcel(s)
PRESBYTERY OF DETROIT	has	230.02	Total Acres in 3 Parcel(s)
SCHAFFER STEPHEN L & KAREN R	has	203.00	Total Acres in 3 Parcel(s)
DFKROUB JOSEPH C JR	has	202.50	Total Acres in 1 Parcel(s)
RJ & DN FARMS LLC	has	196.40	Total Acres in 5 Parcel(s)

COMPLAINT LOG

41-17	Lee Posly		abandoned vehicles	need to check for plates			
3-13-17	539 Bonnie Circle	2147 Norton Rd 2150 Norton					
42-17	Ed Nickel	Mark Lesniak	accessory structure built	need site visit			
3-13-17	Foxfire	154 Foxfire	11/15 is causing water build up on Nickel property				
43-17	R. Paciocco	Elkow Homes	questioned rear yard set back		Sent Paciocco copy of site plan from 2000 & 2012 shows 25' setback on both		
3-14-17	268 Crystal Court						
44-17	Ted Cole	Casa Villa Enterprises	shed on property blew over	sent letter to Casa Villa to request clean up			
3-20-17		850 Peavy Rd 02-100-01	exposing multiple paint cans				
45-17	Dianna Stocker	Casa Villa Enterprises		sent letter to Vito			
3-24-17	307 Tullamore	850 Peavy Rd 02-100-014					
	02-102-089						
46-17	J. Mack & R. Larsen	K. Watson & S. Cote	playing loud music/cars	send letter saying???			
3-24-17	1370 Alstott-02-301-05	1394 Alstott-02-301-050	coming & going				
47-17	anonymous	4285 Westhill	building without a permit	checking into it			
3-30-17		4710-25-203-043					



905 Penniman | P.O. Box 6161 | Plymouth, MI 48170
T: 734-455-6700 | F: 734-455-6711
E: sales@duboiscooper.com
www.duboiscooper.com

April 6, 2017

Marion Township
2877 Coon Lake Rd.
Howell, MI 48843

Re: Environment One Upgrade Grinder Pump Equipment for use in
existing tank
Single Family Residence
Quote

Attn: Mr. Dan Lowe

Dear Dan:

We are pleased to provide this quote for an Environment One Upgrade grinder pump with a Sentry Simplex Alarm Panel and 32-foot power cord. The Environment One Upgrade grinder pump would be placed in your existing tank. The Upgrade pump has a stainless steel stand at the pump bottom to sit on the bottom of the your existing tank. The Upgrade pump also has a 6-foot flexible discharge hose and slide face coupling to connect to the existing station discharge fitting. The Environment One Upgrade grinder pump is able to handle heads up to 185 feet.

It is important that the tank bottom is flat.

Single phase, 240 volt (not 208 volt) power needs to be supplied to the Environment One Alarm Panel.

Environment One has been manufacturing grinder pumps for 45 years. There are approximately 15,000 Environment One grinder pump stations currently in service in Michigan with nearly one million users world-wide. The Environment One grinder pump is designed and manufactured to provide long-term service life without maintenance and repairs. The average service life of the Environment One grinder pumps is 10 years before performing maintenance or repairs on the pump. No routine maintenance is needed.

Marion Township
April 6, 2017
Page 2

- One (1) Environment One Upgrade Grinder Pump with 6-foot flexible discharge hose.
- 32 feet of power cord (between the pump and the Alarm Panel). Power cord can be direct buried.
- One (1) simplex Sentry Alarm Panel with NEMA 4X enclosure (outdoor installation). Alarm panel is UL listed.

The Environment One Upgrade pump includes a semi-positive displacement pump, motor, grinder, controls, check valve, anti-siphon valve and wiring. Electric motor is one (1) horsepower, 1,725 RPM, single phase, 240 volt, and 60 Hz. All pump and level controls are contained in the pump core. The level controls are pressure switches, no floats are used.

The price for one (1) Environment One Upgrade Grinder Pump, 32-feet of power cable, and simplex Sentry Alarm Panel is \$3,160.00 including freight to the job-site and start-up. Price does not include sales tax.

See attached sheets for information on the Environment One Upgrade Pump and the Sentry Alarm Panel equipment.

Exclusions:

Installation
Main electrical disconnect
Sales tax

This price includes a two (2) year manufacturer's warranty on parts and labor. Start-up of the Environment One equipment by a manufacturer-trained representative is required for the warranty to be valid. Contact DuBois-Cooper Associates at 734.455.6700 to schedule start-up of this Environment One equipment when ready.

Standard delivery time for the Environment One equipment is 2 to 3 weeks from receipt of purchase order.

Please call me at 734.455.6700 with any questions. Thank you for this opportunity to provide the Environment One grinder pump station equipment.

Sincerely,

Carol Brockschmidt
DUBOIS-COOPER ASSOCIATES, INC.
District Representatives



905 Penniman | P.O. Box 6161 | Plymouth, MI 48170
T: 734-455-6700 | F: 734-455-6711
E: sales@duboiscooper.com
www.duboiscooper.com

April 6, 2017

Marion Township
2877 Coon Lake Rd.
Howell, MI 48843

Re: Environment One Grinder Pump Station Equipment
Single Family Residence
Quote

Attn: Mr. Dan Lowe

Dear Dan:

We are pleased to provide this quote for a simplex Environment One grinder pump station, Model DH071-93. The Environment One grinder pump station equipment includes the station tank with one (1) Extreme Series grinder pump, 32 feet of power cord (between the pump and Alarm Panel) and an Alarm Panel. The simplex grinder pump station (Model DH071-93) can handle flows up to 700 gallons per day (gpd). The Environment One Extreme Series grinder pump is able to handle heads up to 185 feet. The grinder pump discharges 8 to 14 gallons per minute depending on the head condition. See attached pump performance curve.

Environment One has been manufacturing grinder pumps for 46 years. There are approximately 15,000 Environment One grinder pump stations currently in service in Michigan with nearly one million users world-wide. The Environment One grinder pump is designed and manufactured to provide long-term service life without maintenance and repairs. No routine maintenance is needed.

Single phase, 240 volt (not 208 volt) electrical power will need to be provided to the Environment One Alarm Panel. Power supply would be 4-wire (L1, L2, neutral and ground). A 30 Amp main breaker (by others) will be needed on the power supply to the Environment One Alarm Panel so the panel can be fully de-energized for maintenance or repair purposes.

One (1) Environment One Simplex Grinder Pump Station, Model DH071-93 including a 70-gallon high density polyethylene (HDPE) tank with lockable cover, tank grommet for the 4-inch inlet pipe, one (1) Extreme pump core, 32 feet of power cord (between pump and alarm panel) with an electrical quick disconnect (at pump end) and a basic Sentry simplex alarm panel. The power cord can be direct buried. The alarm panel has a NEMA 4X enclosure (outdoor installation) and is UL listed. The 4-inch inlet invert will be 53 inches below grade. The 1-1/4" discharge will have 44 inches of cover.

The Environment One Extreme pump core includes a semi-positive displacement pump, motor, grinder, controls, check valve, anti-siphon valve and wiring. Electric motor is one (1) horsepower, 1,725 RPM, single phase, 240 volt, and 60 Hz. All pump and level controls are contained in the pump core. The level controls are pressure switches, no floats are used. The Environment One design allows for simple installation of the grinder pump station – no pump station assembly at the site. Only three connections need to be made in the field; inlet pipe, 1-1/4-inch discharge pipe and the electrical power cord.

The price for one (1) Environment One Simplex Grinder Pump Station, Model DH071-93 with a basic simplex Sentry Alarm Panel, and 32 feet of power cord is \$4,025.00 including freight and start-up. Price does not include sales tax.

See attached sheets for information on the Environment One Simplex Grinder Pump Station, Model DH071-93 and the basic Sentry Alarm Panel equipment.

Exclusions:

Installation
1-1/4-inch service lead
4-inch station inlet pipe
Main electrical disconnect
Concrete ballast
Sales tax

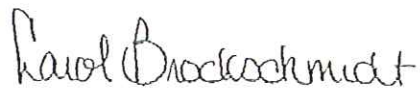
Marion Township
April 6, 2017
Page 3

These prices include a two (2) year manufacturer's warranty on parts and labor. Start-up of the Environment One equipment by a manufacturer-trained representative is required for the warranty to be valid. Contact DuBois-Cooper Associates at 734.455.6700 to schedule start-up of this Environment One equipment when ready.

Standard delivery time for the Environment One equipment is 2 weeks from receipt of order.

Please call me at 734.455.6700 with any questions. Thank you for this opportunity to provide the Environment One grinder pump station equipment.

Sincerely,



Carol Brockschmidt
DUBOIS-COOPER ASSOCIATES, INC.
District Representatives

Encl.



March 28, 2017

Mr. Robert Hanvey
Marion Township
2877 W Coon Lake Rd
Howell, MI 48843

RE: Recommendation of Contract Award
Burkhart Rd Sewer Lead

Mr. Hanvey:

Bids for the Burkhart Rd Sewer Lead contract were opened at 1:00 pm on March 28, 2017. The work under this contract includes the abandonment of an existing sewer lead on Burkhart Rd, the placement of a new lead, site restoration, and traffic control.

There was only one bid received for this project. It was submitted by TLS Construction, located at 5833 Annabette Lane, Howell, MI 48855, and was in the amount of \$14,384.00.

We feel that the bid price is within reason and that TLS Construction is qualified to complete the work required by the contract documents. Therefore, we recommend the award of this project to TLS Construction of Howell, MI for the amount of \$14,384.00.

If you have any questions or need additional information, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Westmoreland".

Philip Westmoreland, P.E.
Sr. Project Manager

SPICER GROUP, INC.
125 Helle Blvd, Suite 2
Dundee, MI 48131
Phone: (517) 375-9449
mailto: philaw@spicergroup.com

cc: SGI File No. 124242SG2016

**BID FORM
FOR CONSTRUCTION CONTRACTS**

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

Marion Township, 2877 W. Coon Lake Rd, Howell, MI 48843

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for fifteen (15) days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

<u>Addendum No.</u>	<u>Addendum, Date</u>
<i>NONE</i>	_____
_____	_____
_____	_____
_____	_____

If no addenda have been issued, insert “N/A”. Bidder shall submit signed copies of the Addendum Acknowledgment receipt form issued with each addendum with the complete bid form.

B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent

to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.
- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and

4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

- 5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price
1	HDD Sewer Lead, 6 inch, HDPE	LFT	62	232.00	14,384.00
Total of All Unit Price Bid Items					\$ 14,384.00

Bidder acknowledges that (1) each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item, and (2) estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before **May 17, 2017**.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security;
 - B. Affidavit of Compliance – Iran Economic Sanctions Act;

ARTICLE 8 – DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 - BID SUBMITTAL

BIDDER: [Indicate correct name of bidding entity]

TLS Construction

By:
[Signature]



[Printed name]

MATT Pevey

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:
[Signature]



[Printed name]

Steve Staley

Title:

Project Manager

Submittal Date:

3-28-17

Address for giving notices:

TLS Construction

5833 Annabette Ln

Howell MI 48855

Telephone Number:

517-404-5590

Fax Number:

Contact Name and e-mail address:

Steve Staley

Steve @ TLSoutdoor.com

Bidder's License No.:

(where applicable)

NOTE TO USER: Use in those states or other jurisdictions where applicable or required.

AFFIDAVIT OF COMPLIANCE-IRAN ECONOMIC SANCTIONS ACT
MICHIGAN PUBLIC ACT 517 OF 2012

The undersigned, as owner or authorized officer of the below named CONTRACTOR, pursuant to the compliance certification requirement by the State of Michigan, and as referenced by OWNER in the BIDDING DOCUMENTS, hereby certifies, represents and warrants that the CONTRACTOR (including its Officers, Directors and Employees) is not an "Iran linked business" as defined by the Iran Economic Sanctions Act, Michigan Public Act 517 of 2012 (THE ACT). And, that in the event CONTRACTOR is awarded a contract as a result of the aforementioned BIDDING DOCUMENTS, the Contractor will not become an "Iran linked business" at any time during the course of performing the work or any services under the contract.

The CONTRACTOR further acknowledges that any person who is found to have submitted a false certification is responsible for a civil penalty of not more than \$250,000.00 or 2 times the amount of the contract or proposed contract for which the false certification was made, whichever is greater. The cost of the OWNER'S investigation and reasonable attorney fees may also be added in addition to the fine. Moreover, any person who submitted a false certification shall be ineligible to bid on any other of the OWNER'S projects for three (3) years from the date that it is determined that the person has submitted the false certification.

CONTRACTOR:

TLG Construction
Name of Contractor
By: Matt Peerey
Its: owner
Date: 3-28-17

STATE OF Michigan }
COUNTY OF LIVINGSTON } ss.

This instrument was acknowledged before me on the 28 day of MARCH, 2017
by Steve Staley.

[Signature]
, Notary Public
LIVINGSTON County, State of Mich
My Commission expires: 5-29-2023
Acting in the County of: LIVINGSTON



Livingston County Department of Planning

March 16, 2017

Marion Township Board of Trustees
c/o Tammy Beal, Township Clerk
Marion Township Hall - 2877 West Coon Lake Road
Howell, MI 48843

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

Re: Z-01-17 to Z-03-17:
County Planning Commission Review of Zoning Ordinance
Amendments –

- Section 6.20: Private Roads Serving Single-Family, Multiple-Family and Commercial Developments
- Section 6.07: Accessory Uses and Structures
- Rezoning: Section 23, RR Rural Residential to PL Public Lands

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, March 15, 2017, and reviewed the proposed zoning ordinance amendments and rezoning referenced above. The County Planning Commissioners made the following recommendations:

Z-01-17 Approval With Conditions.

Regarding proposed language in Item A. Would recommend eliminating the sentence, "*Roads developed to these standards do not qualify for acceptance as a public road*", as it now conflicts with the immediately following sentence, "*Roads must meet the Livingston County Road Commission standards to be considered for public acceptance*", and because the Township is proposing to remove all references to the Marion Township Engineering Standards.

**Z-02-17 No Action - Encourage Further Review
(Due to Zero Setback Standards)**

Would recommend addressing this issue by establishing a setback that is a ratio of setback to the height of the structure. For instance, at the lot line the structure can be no more than a certain height, and as the structure is located further away from the lot line, the allowable height of the structure could be increased. This would improve sight lines for neighboring parcels and would help to eliminate the obtrusiveness of an accessory structure allowed to be located directly on a shared lot line, with zero setback.

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

(517) 546-7555
Fax (517) 552-2347

Web Site
www.livgov.com/plan

Z-03-17 Approval.

The Township is taking the necessary and appropriate corrective action with this rezoning petition. Rezoning the parcel from Rural Residential to Public Lands is reasonable and appropriate.

Copies of the staff review and draft Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,



Kathleen J. Kline-Hudson
Director

Enclosures

c: Larry Grunn, Chair, Marion Township Planning Commission
Annette McNamara, Zoning Administrator, Marion Township

Additional meeting minutes and agendas are available at:
<http://www.livgov.com/plan/Pages/agendas.asp>

**LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES**

DRAFT – March 15, 2017

6:30 p.m.

304 E. Grand River Ave., Howell, Michigan

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	BRIAN PROKUDA JEANNE CLUM	SYLVIA KENNEDY-CARRASCO BILL ANDERSON
COMMISSIONERS ABSENT:	MIKE HUBERT JAMES SPARKS	REID KRINOCK
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB	
OTHERS PRESENT:		

1. **CALL TO ORDER:** Meeting was called to order by Commissioner Prokuda at 6:30 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS:** No introductions at this time.
4. **APPROVAL OF AGENDA**

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE AGENDA DATED MARCH 15, 2017, SECONDED BY COMMISSIONER CLUM.

All in favor, motion passed.

5. **APPROVAL OF MINUTES**

Commissioner Action: IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING DATED DECEMBER 21, 2016, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed.

6. **CALL TO THE PUBLIC:** None.

7. ZONING REVIEWS:

A. Z-01-17: MARION TOWNSHIP, ZONING ORDINANCE AMENDMENTS -

Article VI: General Provisions, Section 6.20 Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

The Marion Township Planning Commission proposes to revise Article VI: General Provisions, Section 6.20: Private Roads Serving Single-Family, Multiple-Family and Commercial Developments, with regards to eliminating redundancies and outdated requirements in the language for private road development within the township.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their February 28, 2017 meeting. There were no public comments.

Staff Recommendation: Approval. Staff believes the proposed changes are reasonable and appropriate

Commission Discussion: Commissioner Clum inquired about Item K. and whether there could be duplication of street names. She asked for clarification about who is responsible for street naming. Commissioner Kennedy-Carrasco stated her concern with Item B., regarding suitable storm water outlets. Planning Commissioners discussed this item and determined that it was a good requirement for new roads. Commissioner Prokuda inquired about Item A. He asked if the third sentence is contrary to the proposed deletion of Marion Township Engineering Standards. He would recommend eliminating the sentence, “Roads developed to these standards do not qualify for acceptance as a public road”, as it now conflicts with the immediately following sentence, “Roads must meet the Livingston County Road Commission standards to be considered for public acceptance”, and because the Township is proposing to remove all references to the Marion Township Engineering Standards.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO RECOMMEND APPROVAL WITH CONDITIONS (REMOVING CONFLICTING SENTENCE), SECONDED BY COMMISSIONER ANDERSON.

Motion passed. 4-0

B. Z-02-17: MARION TOWNSHIP, ZONING ORDINANCE AMENDMENTS -

Article VI: General Provisions, Section 6.07: Accessory Uses and Structures

The Marion Township Planning Commission proposes to revise Article VI: General Provisions, Section 6.07: Accessory Uses and Structures, with regards to eliminating the setback requirement for accessory structures under two-hundred (200) square feet.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their February 28, 2017 meeting. There were no public comments.

Staff Recommendation: Approval With Conditions. The proposed text amendments are reasonable and appropriate. Staff would highly recommend that the Township consider Staff comments related to including additional language (as suggested by Staff) to better clarify the intended nature of the proposed amendment and eliminate any ambiguity in the zoning requirement, prior to formal approval of the amendments by the Township Board.

Commission Discussion: Commissioner Prokuda commented that he and Principal Planner Barb attended a meeting in Putnam Township recently and they were discussing this very same issue. At this meeting, they discussed scenarios where smaller accessory structures (less than 200 sq. ft.) are combined with the ability to have a zero setback standard, and they proposed addressing this issue by establishing a setback that is a ratio of setback to the height of the structure. For instance, at the lot line the structure can be no more than a certain height, and as the structure is located further away from the lot line, the allowable height of the structure could be increased. This would improve sight lines for neighboring parcels and would help to eliminate the obtrusiveness of an accessory structure allowed to be located directly on a shared lot line, with zero setback.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO RECOMMEND NO ACTION-ENCOURAGE FURTHER REVIEW (DUE TO ZERO SETBACK STANDARDS), SECONDED BY COMMISSIONER KENNEDY-CARRASCO.

Motion passed. 4-0

C. Z-03-17: MARION TOWNSHIP – REZONING -

Current Zoning: RR Rural Residential District
Proposed Zoning: PL Public Lands District
Proponents: Sections 23: Marion Township

Township Master Plan: The Future Land Use plan and map of Marion Township designates the site as Low Density Residential (LDR). The Township Master Plan describes this area in the following manner (p. 77):

The intent of the Low Density Residential future land use category is to preserve land area suitable for large-lot residential and agricultural land use, and to protect the rural character of the Township. Much of this land area is currently farmed or it contains single family residences on large lots that are served by septic sewage disposal and gravel roadway. This land use designation also includes large expanses of privately owned recreational resources. LDR designated lands are the least capable of supporting development and community water and sewer services, due to soil conditions, high water table and other environmental issues that impact development and infrastructure.

The 15,186 acres of land in the Low Density Residential category comprises most of the southern 2/3 of the Township. The Low Density Residential land use designation is the largest future land use category in the Township. Development densities within the Low Density Residential category should not exceed 1 dwelling unit per 2 acres in order to insure safe septic disposal and to minimize developmental impacts on existing open space, recreational and agricultural lands as well as adjoining conservation lands. This future land use designation corresponds to the RR Rural Residential District of the Marion Township Zoning Ordinance.

County Comprehensive Plan: The Livingston County Comprehensive Plan designates the site Transitional Residential. According to the County Comprehensive Plan (page 63-64):

Transitional Residential applies to areas that have already experienced new suburban housing growth, but which retain some of their agricultural characteristics. These areas act as a buffer between more strictly agricultural lands and Residential areas. Most of the Transitional Residential area will be on the front lines of residential development pressure over the next two decades. Therefore, it is important to have effective open space and cluster ordinances in place, in order to keep residential development surrounded by plenty of open space or agricultural land at low to moderate overall densities. Public sewer and water

are already present in some Transitional Residential areas, but should not be extended further into them, in order to focus higher density development in more appropriate Residential, City/Village, Settlement, and Primary Growth areas. This will help keep the remaining farmland viable while still allowing some residential growth.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended APPROVAL of this rezoning at its February 28, 2017 Public Hearing. There were no public comments noted in the meeting minutes regarding this proposed rezoning request.

Staff Recommendation: Approval. The Township is taking the necessary and appropriate corrective action with this rezoning petition. Rezoning the parcel from Rural Residential to Public Lands is reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER ANDERSON.

Motion passed. 4-0

D. OLD BUSINESS: None.

E. NEW BUSINESS:

- a. 2017 Work Program – A summary distributed
- b. Discussion regarding County Master Plan chapters 1-2
- c. Visits to local Planning Commission meetings planned by the County Planning Commission and Planning Staff

F. REPORTS

- a. SEMCOG Report - None
- b. County Planning Staff Report -
 - i. County Planning Connection Newsletter
 - ii. Land and Water Conservation Fund Grant – Fillmore Park
 - iii. Placemaking Award – Courthouse Grounds Renovation
 - iv. Livingston County Hazard Mitigation Plan
 - v. Livingston County Promotional Video
 - vi. Planning Department Letter of Support to LETS for MDOT Grant
 - vii. Status of County Capital Improvement Plan
 - viii. All Planning Commission agenda items now available on County Planning website for reference

G. COMMISSIONERS HEARD AND CALL TO THE PUBLIC: None.

H. ADJOURNMENT

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO ADJOURN THE MEETING AT 7:48 P.M., SECONDED BY COMMISSIONER CLUM.

All in favor, motion passed.



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

TO: Livingston County Planning Commissioners and the Marion Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: March 6, 2017

SUBJECT: Z-01-17 Amendments to Zoning Ordinance Article - Article VI: *General Provisions*

Section 6.20: *Private Roads Serving Single-Family, Multiple-Family and Commercial Developments*

The Marion Township Planning Commission proposes to revise **Article VI: General Provisions, Section 6.20: Private Roads Serving Single-Family, Multiple-Family and Commercial Developments**, with regards to eliminating redundancies and outdated requirements in the language for private road development within the township.

County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in **underlined bold font** while deletions to existing text are noted in ~~strikethrough font~~. Planning Staff comments are noted in **bold italic underline** fashion.

Marion Township proposes the following text change to its Township zoning ordinance:

ARTICLE VI: GENERAL PROVISIONS

Section 6.20 Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

- A. **Purpose and Intent:** Unobstructed, safe and continuous vehicular access to parcels is necessary to promote the health, safety and welfare citizens of Marion Township by ensuring that police, fire, and emergency services can safely and quickly enter and exit private property at all times. It is the intent of this Ordinance to allow for

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

(517) 546-7555
Fax (517) 552-2347

access
Web Site of the
co.livingston.mi.us



development of private roadways if those roads meet the minimum design requirements and have a road maintenance agreement in place that comply with the procedures, standards, and specifications hereinafter set forth.

Roads developed to these standards do not qualify for acceptance as a public road. Roads must meet the Livingston County Road Commission standards to be considered for public acceptance.

B. Definitions

~~**Land:** All land areas occupied by real property, and the surface area known as real estate.~~

~~**New Road:** A public or private right-of-way or easement, which has not yet been constructed to provide vehicular access to two or more principal buildings and shall be defined by the definition for Road.~~

~~**Permanent Structure:** An object, which exists above ground that is not considered to change in status or location.~~

~~**Road or Roadway:** A public or private right-of-way, which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and any other thoroughfare, except an alley or driveway, to a building. A road also includes the land between the roadway edges, whether improved or unimproved.~~

STAFF COMMENTS: These definitions are redundant so they are being removed.

B. C. Permit Application

1. **Requirements.** The application and plans for a private road shall include the following information:
 - a. Survey that provides the legal description(s) of all the parcel(s) and any and all easements that exist on the subject property. If applicable, the names and addresses of all the lot or parcel owners served or to be served by the private road shall also be provided.
 - b. A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2,000'), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale, and a north arrow.



- c. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.
- d. Proposed improvements (including but not limited to, roads, sewers, and ditches) shown in plan and profile indicating all materials, grades, dimensions, and bearings. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.
- e. Soil borings within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
- f. Location of existing buildings on the lots or parcels being served or intended to be served by the private road, as well as any existing buildings or structures in or adjacent to any proposed road easement.
- g. Plans shall show the existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
- h. Document from Marion Township assessor verifying two or more land divisions are available.
- i. A complete copy of the road maintenance agreement(s) and road easement agreement(s) regarding the maintenance and improvements of the right-of-way and roadway. The road maintenance agreement shall, at a minimum, provide for:
 - i. A method of initiating and financing of such road in order to keep the road up to Township specifications as set forth in this amendment.
 - ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - iii. A notice that if repairs and maintenance are not made, the Marion Township Board may bring the road up to established Township standards as set forth in this amendment and assess owners of parcels on the private road for the improvements, plus an administrative fee.



- iv. A notice that no public funds of the Township of Marion are to be used to build, repair, or maintain the private road.

Furthermore, said road maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this section, including, but not limited to, the responsibility of removing snow from said private roads. The recorded road easement and maintenance agreement, which shall run with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Livingston County Road Commission.

- j. A complete statement of all the terms and conditions of the proposed road easement and road maintenance agreement, which shall also provide for:
 - i. Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary.
 - ii. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties and having a need to use the road.
- k. Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads.
- l. Upon approval of the road easement and road maintenance agreement, it shall be recorded at the Livingston County Register of Deeds and a copy of the recorded agreement shall be filed with the Township Clerk. The Township shall not issue a land use permit for any dwelling unit until it has received a copy of the recorded, approved agreement.

C. D. **Road Design Requirements:** Private roads shall meet or exceed the following standards and the design requirements set forth in the then current **Livingston County Road Commission Plat & Street Development Specifications** ~~Marion Township Engineering Standards.~~



1. ~~Roadway length shall be dependent on and limited to the following:~~
- a. ~~Gravel: Serving no more than thirty (30) single family dwelling units for any number of points of intersection provided between a private road and public road.~~
 - b. ~~Paved: Serving no more than thirty (30) single family dwelling units if only one point of intersection is provided between a private road and public road.~~

NOTE: Any dwelling unit whose only means of ingress or egress is via the private road shall be considered in the number of dwelling units allowed.

- 1. 2.** Dead end roads shall terminate with a cul-de-sac that meets or exceeds standards in the then current **Livingston County Road Commission Plat & Street Development Specifications** Marion Township Engineering Standards and the following:

- a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot or parcel that fronts upon the cul-de-sac.
- b. Frontage measurements along a cul-de-sac shall be measured along the tangent of the front setback line between the side lot lines. See diagram 3-8.
- c. Not more than four (4) principal buildings shall have frontage on a cul-de-sac.
- d. Any lot located on a cul-de-sac shall have its side lot lines designated to be radial to the front property line or right-of-way line on either public or private roads, except where such lot lines would create unusual, inconvenient, or irregular lot shapes.

D. E. **Dedication of Rights-of-Way or Easements:** While not required to be dedicated to the public, no structure or land use activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description.

E. F. **Connection to County Roads:** Construction authorization from the Livingston County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. At the discretion of the Township Board, a proposed private road that otherwise meets the requirements of this



Ordinance may be disapproved unless it connects to another private road or a County road when necessary to provide safe traffic flow and emergency vehicle access. No lots or units shall be permitted driveway access from a road that is not an interior road of the plat, condominium, or development.

F. G. Application Procedure: Application for road construction shall not be made without evidence of an approved land division. The applicant shall prepare and provide twelve (12) sets of a plot plan, site plan, or construction plan, pursuant to the application and design requirements of this Ordinance. All of the required information shall also be submitted twenty-one (21) days prior to the meeting date to which the applicant requests consideration by the Marion Township Zoning Administrator. The Zoning Administrator shall submit the private road site plan to the Livingston County Road Commission and Township Engineer for review and comment as necessary. The proposed road maintenance agreement and road easement agreement shall be sent to the Zoning Administrator who shall then forward to the Township Attorney and Township Engineer for review and comment.

STAFF COMMENTS: According to the Township Zoning Administrator, the township never asks their engineer to review private road maintenance agreements, so this portion of the language is being eliminated.

G. H. Application Review and Approval or Rejection

1. The reports of the Livingston County Road Commission, as necessary, Township Attorney, and Township Engineer shall be forwarded to the Township Board who shall be responsible for granting final approval for the private road. Prior to granting final approval such reports, **the** application and all supporting data shall be **forwarded to and** reviewed by the Planning Commission which shall make a recommendation to the Township Board **who shall be responsible**. The recommendations shall contain reasons that support the recommendation of the Planning Commission. By resolution of the Township Board, the Township Board may delegate responsibility for granting final approval **for the private road**, to the Planning Commission. In that case, the reports of the Livingston County Road Commission, Township Attorney, and Township Engineer shall be forwarded to the Planning Commission.

STAFF COMMENTS: According to the Township Zoning Administrator, the township felt this language was too confusing – materials are not forwarded to the Board of Trustees first. The township is just trying to streamline and clarify the process.

2. If the private road application is approved, construction authorization will be issued by the Zoning Administrator. Following approval of a private road application no new private road construction permit(s) will be issued without



an approved amendment to the site plan or the private road application, as the case may be, in compliance with the zoning ordinance in effect at the time the land use permit is requested. If the private road application is rejected, the reasons for the rejection as well as any requirements that must be met in order to obtain approval shall be given in writing to the applicant.

3. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of, and upon completion of the private road. The costs of inspection, including the compensation of the Marion Township Engineer or designated official shall be paid by the applicant prior to the issuance of the certificate of completion.

H.I. Variances: The Zoning Board of Appeals shall not grant a variance from road design requirements found in the then current Livingston County Road Commission Plat & Street Development Specifications ~~Marion Township Engineering Standards~~ until the Planning Commission has provided a recommendation on the variance being requested based upon the nine (9) criteria listed below. The Planning Commission and Zoning Board of Appeals shall consider the following criteria prior to making their recommendation and decision, respectively.

1. Anticipated traffic flows will not overburden the proposed roadway design.
2. Unusual topographic conditions constrain roadway design.
3. Roadway design will preserve natural features on the site.
4. Stub road connections do not exist nor are such connections feasible.
5. The Planning Commission shall make reference to the specific criteria met in their recommendation to the Zoning Board of Appeals.
6. That a variance or exemption is required in order to comply with conflicting County or State laws, rules, or regulations.
7. That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable. This may include topographic, vegetative, or drainage conditions.
8. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
9. That such variance or exemption will not be contrary to the intent and purpose of this Ordinance, the Master Plan, or the Zoning Ordinance.



- I. J. Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Livingston County Road Commission or the Township in their standards and specifications for road construction and development.
- J. K. Issuance of Land Use Permit for Structures on Private Roads:** No land use permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board. Should the applicant desire to obtain a land use permit prior to final completion and Board approval of the approved private road, as a condition to the granting of any permit under this Ordinance, the Township Board may require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the application of a final course of asphalt and payment of any required fees. Upon completion of all road improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant. Regardless of the amount of money deposited with the Township, the actual cost to complete all of the road improvements remains the responsibility of the proprietor or its surety agent.
- K. L. Posting of Private Roads:** All private roads shall be designated as such and shall be clearly posted with a clearly readable name that can be easily seen in an emergency.

Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private roads intersect public streets. All other signs with the private road shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private road name signs shall contrast in terms of color with public street name signs, and shall clearly indicate the private road is private.

The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. ~~The Zoning Administrator shall check with the Livingston County Road Commission to avoid a duplicate of names and give approval of same.~~

STAFF COMMENTS: According to the Township Zoning Administrator, some of Marion Township's private roads do not have stop signs or any sign indicating the road name. The



Z-01-17: Marion Township
Amendment to Article VI, Private Roads Serving Single-Family, Multiple-Family
and Commercial Developments
March 6, 2017
Page 9

Planning Commission felt this was redundant as the State of Michigan already requires stop signs at the ends of all roads.

L. M. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

"This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)"

M. N. Fees: The Marion Township Board shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant.

STAFF COMMENTS:

The existing zoning ordinance language in this article refers to "Marion Township Engineering Standards". However, according to the Marion Township Zoning Administrator, Marion Township doesn't have a set of engineering standards. So the township is proposing to revise this article in order to inform applicants that they have to meet Livingston County Road Commission Standards.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their February 28, 2017 meeting. There were no public comments.

Staff Recommendation: Approval. The proposed text amendments are reasonable and appropriate.

LIVINGSTON COUNTY PLANNING DEPARTMENT – CONDITIONAL REZONING REVIEW

CASE NUMBER: Z-03-17	LOCATION: Marion Township SECTION NUMBER: Section 23 TOTAL ACREAGE: 3.4 acres	APPLICANT/OWNER: Marion Township
-----------------------------	--	--

CURRENT ZONING: RR– Rural Residential District
PERMITTED / SPECIAL USES (Not all inclusive):

Permitted: Including but not limited to: Single-family dwellings, agricultural buildings and agricultural operations involving no more than two hundred (200) animal units at a density not to exceed 1.4 animal units per acre, landscape nursery operations, including retail sales of nursery stock grown on the premises, public or private conservation areas, parks, game refuges, and similar uses, family child care homes, adult foster care family homes, accessory buildings.

Special: Including but not limited to: Public facilities, campgrounds, cemeteries, child care centers, commercial kennels.

MINIMUM LOT AREA: 2 acres

REQUESTED ZONING: PL – Public Lands District
PERMITTED / SPECIAL USES (Not all inclusive):

Permitted Including but not limited to: Public conservation areas, parks, game refuges, and similar uses, public schools, administrative offices and maintenance buildings of municipal corporations or the State of Michigan, municipal water supply and treatment facilities, municipal fire and police facilities, municipal sewage disposal and treatment facilities, municipally owned and maintained cemeteries and/or mausoleums.

Special: Including but not limited to: Public excavation operations, public communication towers on land owned by Marion Township

MINIMUM LOT AREA: 11,000 square feet (0.25 ac.)

ZONING:



LAND USE:



TOWNSHIP PLANNING COMMISSION RECOMMENDATION AND PUBLIC COMMENTS:

The Marion Township Planning Commission recommended **APPROVAL** of this rezoning at its February 28, 2017 Public Hearing. There were no public comments noted in the meeting minutes regarding this proposed rezoning request.

ESSENTIAL FACILITIES:

SANITARY SEWER: Would be serviced by private septic.

WATER SUPPLY: Would be serviced by private well

ACCESS ROAD(S): The site is accessed from Pinckney Road.

EXISTING CONDITIONS:

The site proposed for the conditional rezoning request is located in Section 23 of Marion Township.

Natural Areas: According to the map "Livingston County's High Quality Natural Areas", there are no High Quality Natural Areas located on the subject parcel.

Land Use: The subject parcel is currently vacant.

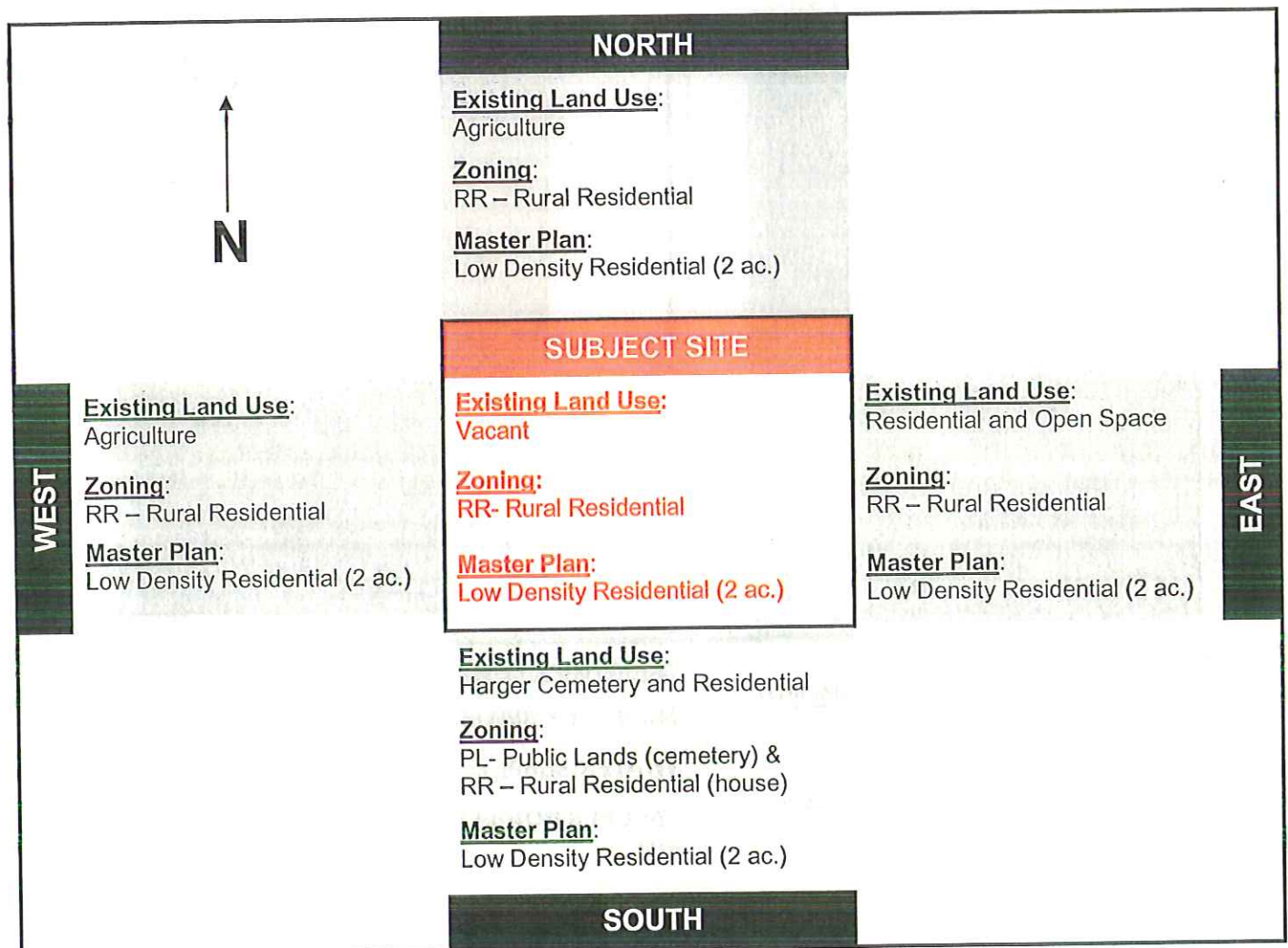
Soils: Soils on the site consist of Fox Sandy loams, 2-6 percent slopes, on the western half of the subject site. The eastern half of the subject site consists of Fox-Boyer complex soils, 12-18 percent slopes.

Wetlands: According to the National Wetlands Inventory (NWI), the central portion of an approximate 2.5 acre, finger-shaped scrub-shrub (palustrine, emergent) wetland bisects the eastern portion of the subject site, running in a general north-south direction. The portion that is located on the subject site occupies approximately 0.5 acres.

Topography: The topography of the subject parcel is generally flat. The site slopes gently from west to east.

Vegetation: The southern border of the subject site is a heavily-wooded. The entire remaining portion of the site consists of flat, grassy open areas.

CURRENT LAND USE, ZONING, AND MASTER PLANNING MATRIX: The graphic below provides a general overview of the existing uses, zoning and future land use designations of the subject site and the immediately adjacent parcels.



TOWNSHIP MASTER PLAN:

The Future Land Use plan and map of Marion Township designates the site as **Low Density Residential (LDR)**. The Township Master Plan describes this area in the following manner (p. 77):

The intent of the Low Density Residential future land use category is to preserve land area suitable for large-lot residential and agricultural land use, and to protect the rural character of the Township. Much of this land area is currently farmed or it contains single family residences on large lots that are served by septic sewage disposal and gravel roadway. This land use designation also includes large expanses of privately owned recreational resources. LDR designated lands are the least capable of supporting development and community water and sewer services, due to soil conditions, high water table and other environmental issues that impact development and infrastructure.

The 15,186 acres of land in the Low Density Residential category comprises most of the southern 2/3 of the Township. The Low Density Residential land use designation is the largest future land use category in the Township. Development densities within the Low Density Residential category should not exceed 1 dwelling unit per 2 acres in order to insure safe septic disposal and to minimize developmental impacts on existing open space, recreational and agricultural lands as well as adjoining conservation lands. This future land use designation corresponds to the RR Rural Residential District of the Marion Township Zoning Ordinance.

COUNTY COMPREHENSIVE PLAN:

The Livingston County Comprehensive Plan designates the site **Transitional Residential**. According to the County Comprehensive Plan (page 63-64):

Transitional Residential applies to areas that have already experienced new suburban housing growth, but which retain some of their agricultural characteristics. These areas act as a buffer between more strictly agricultural lands and Residential areas. Most of the Transitional Residential area will be on the front lines of residential development pressure over the next two decades. Therefore, it is important to have effective open space and cluster ordinances in place, in order to keep residential development surrounded by plenty of open space or agricultural land at low to moderate overall densities. Public sewer and water are already present in some Transitional Residential areas, but should not be extended further into them, in order to focus higher density development in more appropriate Residential, City/Village, Settlement, and Primary Growth areas. This will help keep the remaining farmland viable while still allowing some residential growth.

COUNTY PLANNING STAFF COMMENTS:

The Township, as applicant, is seeking to rezone the northern 2 acres of an approximate 3.4 acre parcel from Rural Residential (RR) to Public Lands (PL). According to the Township Zoning Administrator, Marion Township purchased the 2-acre parcel, which is located contiguous to the existing Harger Cemetery, in September of 2009, and intended to rezone the parcel to PL-zoning at that time, to be used as an addition to the existing cemetery. However, at the time, the Township held off setting a date for the public hearing until the public hearing could be combined with another public hearing. Completing the process was simply missed, as the public hearing for this parcel never took place. The Township is simply correcting this past oversight with this rezoning petition.

STAFF RECOMMENDATION:

Approval. The Township is taking the necessary and appropriate corrective action with this rezoning petition. Rezoning the parcel from Rural Residential to Public Lands is reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

TO: Livingston County Planning Commissioners and the Marion Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: March 6, 2017

SUBJECT: Z-02-17 Amendments to Zoning Ordinance Article -
Article VI: *General Provisions*
Section 6.07: *Accessory Uses and Structures*

The Marion Township Planning Commission proposes to revise **Article VI: General Provisions, Section 6.07: Accessory Uses and Structures**, with regards to eliminating the setback requirement for accessory structures under two-hundred (200) square feet.

County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in **underlined bold font** while deletions to existing text are noted in ~~strike through font~~. Planning Staff comments are noted in **bold italic underline** fashion.

Marion Township proposes the following text change to its Township zoning ordinance:

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

(517) 546-7555
Fax (517) 552-2347

Web Site
co.livingston.mi.us

ARTICLE VI: GENERAL PROVISIONS

Section 6.07 Accessory Uses and Structures

9. Accessory structures under two-hundred (200) square feet do not require a land use permit or building permit ~~and must meet zoning-district setbacks and maximum square footage requirements.~~

STAFF COMMENTS: The Township is proposing to eliminate the setback requirements for structures under 200 s.f. According to the Township Zoning Administrator, there are some lots in Marion Township that are so small, that if the township required a 25' rear yard setback, the accessory structure would be located in the middle of the yard.



Staff understands the intent of the proposed amendment, however, it appears that the proposed amendment alone does not completely satisfy the intended purpose.

For example, the other portion of this article that speaks to setbacks for accessory uses and structures is Item #6, which reads:

6. Accessory structures shall meet the minimum setbacks for the district in which it is located.

Item #6 above seems to contradict the intended nature of the proposed amendment. In addition, the two items taken together (Item #6 and Item #9, even with the proposed amendment), still do not adequately address the intended nature of the proposal, as there is still some ambiguity i.e., is the setback required or not?)

Therefore, Staff would recommend that the Township add a simple phrase to Item #9, which specifically states that, in the case of accessory structures under two-hundred (200) square feet, do not need to meet district setback requirements. For example, Staff would suggest language similar to the following:

9. Accessory structures under two-hundred (200) square feet do not require a land use permit or building permit, **and are not required to meet zoning district setback requirements**, and ~~must meet zoning district setbacks and maximum square footage requirements.~~

Staff believes that the above example may address the intended nature of the amendment a bit more clearly and satisfactorily to the lay reader of the ordinance, and eliminates the ambiguity associated with the amendment as proposed.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their February 28, 2017 meeting. There were no public comments.

Staff Recommendation: Approval With Conditions. The proposed text amendments are reasonable and appropriate. Staff would highly recommend that the Township consider Staff comments related to including additional language (as suggested by Staff) to better clarify the intended nature of the proposed amendment and eliminate any ambiguity in the zoning requirement, prior to formal approval of the amendments by the Township Board.

Budget Summary

Marion Township

July 1, 2017 - June 30, 2018

Revenues

Classification		Amounts		
Account Number	Account Description	Actual Prior Year 2015-2016	Current YTD 2016-2017	Anticipated Revenue 2017-2018
402-449	Taxes	333,879	342,284	354,924
450-500	Federal Grants			
528	Federal Revenue Sharing			
529-539	Other Federal Grants			
540-573	State Grants			
574-579	State Revenue Sharing	777,741	676,899	780,000
581-592	Grants from Local Units		4,650	
600-651	Charges for Services	129,340	129,199	110,000
655-663	Fines & Forfeits			
664-667	Interest & Dividends	3,250	543	500
668-671	Rents & Royalties	201,699	143,614	140,000
673	Sale of Fixed Assets			
674-678	Contributions		200	
676	Appropriations from other funds			
677-686	Reimbursements	14,609	9,368	
678-693	Refunds			
694-699	Other Revenue	3,331	1,950	
Balance on hand at beginning of year		2,603,750	2,397,953	2,611,750
TOTAL REVENUES		4,067,599	3,706,660	3,997,174

Signature and title of the person who compiled this proposed budget

Current State Equalized Valuation:

Robert W. Hanvey SUPERVISOR
Signature Title

549,777,000

We hereby certify that the above is correct to the best of our knowledge:

TO: THE TAX ALLOCATION BOARD

The following amount will be required from local taxation

0.80449 mills

Supervisor: Robert W. Hanvey

Clerk: Jammy R. Breal

Treasurer: June McHale

TAXES VOTED BY ELECTORS:

- 1. For Blds. & Site _____ mills
- 2. For Debt Retirement _____ mills
- 3. For Operation _____ mills
- 4. For Roads _____ mills

Budget Summary

Marion Township

July 1, 2017 - June 30, 2018

Expenditures

Classification		Amounts		
Account Number	Account Description	Actual Prior Year 2015-2016	Current YTD 2016-2017	Proposed Budget 2017-2018
101	Township Board	40,227	25,871	43,000
171	Supervisor's Office	37,510	29,229	40,000
191	Elections	19,928	27,611	25,000
209	Assessor	95,460	64,601	100,000
210	Attorney and Legal Fees	7,101	8,515	12,500
211	Professional Fees	40,445	16,085	42,000
215	Clerk's Office	69,737	56,518	72,000
247	Board of Review	2,953	1,452	5,000
253	Treasurer's Office	89,015	63,069	95,000
265	Building & Grounds	25,048	24,187	35,000
276	Cemetery	6,000	4,500	9,500
299	Unallocated	92,602	56,076	120,000
301	Police			
336	Fire			
371	Inspections & Buildings			
440	Public Works	14,223	5,639	15,000
445	Drains	7,745	10,328	15,000
446	Highways	677,159	344,189	800,000
450	Street Lighting			
526	Sanitary Landfill			
691	Library			
738	Recreation	106,388	79,344	130,000
801	Planning & Zoning	48,694	35,703	68,000
851	Payroll & Benefits expense	226,152	163,790	230,000
941	Contingencies			
945	Debt Service			
954	Insurance & Bonds	63,258	78,202	82,000
Total Expenditures		1,669,646	1,094,910	1,939,000
Appropriations to other funds				
Other Uses				
Amounts needed for Contingencies				
Balance on hand at end of year		2,397,953	2,611,750	2,058,174
TOTAL EXPENDITURES AND OTHER USES		1,669,646	1,094,910	1,939,000

MEMO

To: Marion Township Board
From: Bob Hanvey
Subject: Recycling agreement with Western Washtenaw
Date: April 13, 2017

For the past several years Marion Township has been using the services of Western Washtenaw Recycling Authority (WWRA) for township residents. The service consists of single stream, self-service drop-off at the township hall. There are always two bins available, 24 hours per day, 7 days per week. Based on comments received from residents this has been one of the most popular services we have ever offered.

WWRA considered the service to be a pilot program offered to municipalities that are not members of the authority. The Township has been paying about \$500 per month for the service that covered a minimum of two pick-ups per week, sometimes there are as many as four pick-ups in one week.

Operating funding for the authority members is via an assessment imposed by Washtenaw County Water Resources (Drain Commission) of a flat rate of \$26 per household per year. There is also an assessment for capital debt for the authority members. Some members of the authority consider that the pilot project units are not contributing their fair share of the cost of supporting the authority and want the pilot project units to phase into the same level of support as the member units.

The WWRA board proposal is for the pilot units to begin (January 2017) contributing \$13 / household / year. There would be annual increases of \$3 / household / year until the pilot units were at the same contribution rate as member units.

For Marion Township the contribution for 2017 would be based on 3,737 households. At \$13 that results in a contribution of \$48,581 for the first year of the phase-in. There would be no limit on the number of pick-ups and they would supply as many bins as we want.

Details on billing and opt-out are still to be determined.

Article III: Definitions

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, connected to the required utilities, and built prior to the enactment of the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).

Mobile Home Park: A parcel or tract of land under the control of an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Modular (Pre-Manufactured) Dwelling: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term motel shall include buildings designated as auto courts, tourist courts, motor courts, hotel, or similar operations that are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-family dwelling.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Municipal Sewage Treatment Facility: A sewage treatment system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Municipal Water Supply: A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Nonconforming Building (Nonconforming Structure): A building, or portion thereof, lawfully existing at the time of adoption of this Ordinance, or affecting amendment, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming Lot of Record (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or of a parcel of land, lawfully existing at the time of adoption of this Ordinance, or affecting amendment, that does not conform to the regulations of the zoning district in which it is situated.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

(9) This section does not prohibit the lawful killing or use of an animal for scientific research pursuant to any of the following or a rule promulgated pursuant to any of the following:

(a) Act No. 224 of the Public Acts of 1969, being sections 287.381 to 287.395 of the Michigan Compiled Laws.

(b) Sections 2226, 2671, 2676, 7109, and 7333 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.2226, 333.2671, 333.2676, 333.7109, and 333.7333 of the Michigan Compiled Laws.

- A subject could be charged with animal cruelty when he threw firecrackers into a barn that subsequently caught on fire and 19 horses were killed. Animal cruelty is a general intent crime. *People v Fennell*, 260 Mich. App. 261 (2004).

POLICE ANIMAL - MCL 750.50c

(1) As used in this section:

(a) "Dog handler" means a peace officer who has successfully completed training in the handling of a police dog pursuant to a policy of the law enforcement agency that employs that peace officer.

(b) "Physical harm" means any injury to a dog's or horse's physical condition.

(c) "Police dog" means a dog used by a law enforcement agency of this state or of a local unit of government of this state that is trained for law enforcement work and subject to the control of a dog handler.

(d) "Police horse" means a horse used by a law enforcement agency of this state or of a local unit of government of this state for law enforcement work.

(e) "Serious physical harm" means any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb.

(2) A person shall not intentionally kill or cause serious physical harm to a police dog or police horse.

(3) A person shall not intentionally cause physical harm to a police dog or police horse.

(4) A person shall not intentionally harass or interfere with a police dog or police horse lawfully performing its duties.

(5) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00, or both.

(6) Except as provided in subsection (7), a person who violates subsection (3) or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(7) A person who violates subsection (3) or (4) while committing a crime is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(8) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this section.

DISORDERLY PERSON

DISORDERLY PERSON - MCL 750.167 (90 day misdemeanor)

Includes any of the following:

- A person with sufficient ability who refuses or neglects to support his or her family.
- A common prostitute.
- A window peeper.
- At night the defendant left the sidewalk, proceeded to a lighted residence and stood six feet away. He then looked into the window where the shade was raised. City of Grand Rapids v Williams, 112 Mich. 247. (1897).
- A person involved in illegal occupation or business.
- A person intoxicated in a public place, and either
 - Endangers directly the safety of another person or of property, or
 - Acts in a manner that causes a public disturbance.

- ❑ The public disturbance provision of the disorderly statute requires a finding that an accused, while intoxicated, directly endangered the safety of another person or another person's property. People v Gagnon, 129 Mich. App. 678. (1983).
- ❑ Because the noise came from defendant's hotel room, he was not in a public place when he created the disturbance. Thus, his conduct did not fall within the definition of disorderly person. People v Favreau, 252 Mich. App. 32 (2003).
- A person engaged in indecent or obscene conduct in a public place.
 - Three convictions of this section require sex offender registration.
- A vagrant.
 - ❑ Someone who is idle and is unwilling to work although he is able to. The constitutionality of this portion is questionable because the statute punishes a status and not an action. Papachristou v City of Jacksonville, 92 S. Ct. 839. Even early Michigan case law recognized that an arrest without a warrant for this violation should be rare since the offense generally will not involve a danger to public or private security where an immediate arrest is needed. In re May, 41 Mich. 299. (1879).
- A person begging in a public place.
- Loitering in house of ill fame or prostitution.
 - ❑ To establish this charge, it must be proven that the house was kept as a place for prostitution and that the person found loitering had no lawful purpose to be there. People v Cox, 107 Mich. 435. (1895).
- Loitering in a place where an illegal occupation or business is being conducted.
- Soliciting legal services or services of sureties at police station, hospital or court building.
- Jostling or roughly crowding people in a public place.
 - ❑ This provision was aimed at pickpockets and those assisting them in a crowded area. People v O'Keefe, 218 Mich. 1. (1922).

DISTURBING THE PEACE

DISTURBING THE PEACE - MCL 750.170 (90 day misdemeanor)

Any person who shall make or excite any disturbance or contention in any tavern, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled, shall be guilty of a misdemeanor.

Suspect did make or excite a disturbance at one of the following:

- A business.
- An election place.
- A street, lane, alley, highway, public grounds or park.
- A public building.
- A public meeting where citizens were peaceably and lawfully assembled.
 - ❑ In order to justify a conviction under this section, there must be a disturbance or contention. Two individuals merely jostling others at a bus stop did not fall under this section. Disturbance means an interruption of peace and quiet, a violation of public order, or an interference with a person's lawful pursuit of his or her occupation or rights. Contention is actual or threatened violence. People v Weinberg, 6 Mich. App. 345. (1967).

ARTICLE I. - IN GENERAL

Sec. 9.1. - Nuisance defined and prohibited.

Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency, interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this chapter. No person shall commit, create or maintain any nuisance.

Cross reference— Definitions and rules of construction, § 1.7.

Sec. 9.2. - Abatement.

Any action taken by the city to abate any nuisance shall not affect the right of the city to institute proceedings against the person committing, creating or maintaining any nuisance for violation of this Code, nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the city to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation, restrained and enjoined.

Sec. 9.3. - Nuisances per se.

The following acts, services, apparatus and structures are hereby declared to be public nuisances:

- (1) The maintenance of any pond, pool of water or vessel holding stagnant water so as to provide a breeding place for mosquitos or otherwise to endanger the public health or safety;
- (2) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private place or premises where such throwing, placing, depositing or leaving is in the opinion of the health officer dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin, by any person, firm or corporation of any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass or other rubbish, dirt, excrement, filth, rot, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal or any other offensive article or substance whatever;
- (3) The pollution of any stream, lake or body of water by, or the depositing into or upon any highway, street, lane, alley, public street or square, or into any adjacent lot or grounds of, or depositing or permitting to be deposited any refuse, foul or nauseous liquid or water, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain any steam, vapor or gas;
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities;
- (5) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person;
- (6) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of this Code, or statutes of the state;
- (7) All buildings, walls and other structures which have been damaged by fire, decay or otherwise and all excavations remaining unfilled or uncovered for a period of thirty (30) days or longer, and which are so situated so as to endanger the safety of the public;
- (8) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract the public;

- (9) The owning, driving or moving upon the public streets and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of its load or contents to blow, fall, or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires or other parts onto the street, alley, sidewalk or other public or private place dirt, grease, sticky substances or foreign matter of any kind. Provided, however, that under circumstances determined by the city administrator to be in the public interest, he may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition at least once daily and execution of an agreement by such person to reimburse the city for any extraordinary maintenance expenses incurred by the city in connection with such violation;

(Ord. No. 1138, § 2, 4-23-84; Ord. No. 1458, § 2, 11-13-00)

Cross reference— Burying garbage likely to attract rats or other animals, prohibited, § 2.9; discharge of polluted waters prohibited, § 2.103; safety requirements for street excavations, § 4.31 et seq.; soil removal and landfill excavations regulated, § 5.261; interference with surface water drainage during soil stripping operations prohibited, § 5.262; restoring proper drainage to landfill sites required, § 5.263; peddlers generally, § 7.51 et seq.; transient merchants generally, § 7.71 et seq.; regulation of controlled substances, § 9.391 et seq.

Secs. 9.4—9.9. - Reserved.

ARTICLE II. - NOISE CONTROL^[2]

Footnotes:

--- (2) ---

Cross reference— Peddlers creating noise to attract attention prohibited, § 7.59; auctioneers not to create excessive noise, § 7.184; permitting noise or music to emit from dance halls prohibited, § 7.228; harboring noisy dogs, § 9.69.

Sec. 9.10. - Excessive noise declared nuisance.

All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

Sec. 9.11. - Specific offenses.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person;
- (2) *Construction noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 7:00 a.m. and 6:00 p.m., unless a permit be first obtained from the city department of building and safety engineering;

- (3) *Sound amplifiers.* Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except one which is noncommercial in character and when so used shall be subject to the following restrictions:
- (a) The only sounds permitted are music or human speech;
 - (b) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.;
 - (c) Sound-amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such truck is stopped or impeded by traffic;
 - (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches;
 - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound-amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility;
 - (f) No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification;
 - (g) The restrictions hereinabove contained in subparagraphs (a) to (f) inclusive shall not apply to the use of church bells and school bells;
- (4) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom;
- (5) *Handling merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- (6) *Blowers.* The discharge into the open air of air from any noise-creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise;
- (7) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner;
- (8) *Horns and signal devices.* The sounding of any horns or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;
- (9) *Radio and musical instruments.* The playing of any radio, television set, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;
- (10) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any school, place of worship or office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;
- (11) *Whistle or siren.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

- (12) *Motor vehicles—Sound systems.* The operating or permitting the operation of a radio, tape player, disc player or other sound system, machine or device in or on a moving or parked motor vehicle so as to produce sound that is louder than is necessary for hearing by the person or persons who are in the motor vehicle or which offends the peace and quiet of persons of ordinary sensibilities in the vicinity thereof.

(Ord. No. 933, § 1, 4-11-77; Ord. No. 1308, § 1, 8-27-90)

Sec. 9.12. - Exceptions.

None of the terms or prohibitions of section 9.11 shall apply to or be enforced against:

- (1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Highway maintenance and construction.* Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.352 Molesting and disturbing persons in pursuit of occupation, vocation or avocation.

Sec. 352.

Any person or persons who shall, by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any person, in the quiet and peaceable pursuit of his lawful occupation, vocation or avocation, or on the way to and from such occupation, vocation or avocation, or who shall aid or abet in any such unlawful acts, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 297, Eff. Oct. 11, 1947 ;-- CL 1948, 750.352

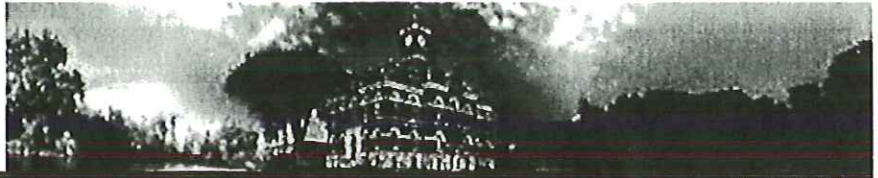
Former Law: See section 1 of Act 163 of 1867, being CL 1871, § 7690; How., § 9273; CL 1897, § 11343; CL 1915, § 15010; and CL 1929, § 8612.

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Liv.Co **UPDATE**

Monthly News from the
Livingston County Commissioners



April 2017

Livingston County Board of Commissioners

District 1 - Kate Lawrence
(Board Chairwoman)

District 2 - William Green

District 3 - David J. Domas

District 4 - Douglas G.
Helzerman

District 5 - Donald S. Parker

District 6 - Robert J. Bezotte

District 7 - Carol S. Griffith
(Board Vice-Chairwoman)

District 8 - Dennis L. Dolan

District 9 - Gary Childs

"The mission of Livingston County is to be an effective and efficient steward in delivering quality services within the constraints of sound fiscal policy. Our priority is to provide mandated services which may be enhanced and supplemented to improve the quality of life for all who work, reside, and recreate in Livingston County."

Livingston County's Hazard Mitigation Plan

The Livingston County Emergency Management Department in conjunction with the Livingston County Planning Department has compiled and developed a Hazard Mitigation Plan unique to Livingston County. The completion of this plan helps Livingston County competently participate in preparedness planning in regards to known hazards and events that can affect the county's population and/or commerce. All 20 local jurisdictions have been included in the mitigation strategies in a manner that allows them to also adopt the plan on their local level. The Michigan State Police Emergency Management and Homeland Security Division have reviewed and approved the plan, and a FEMA subject matter expert has reviewed and accepted the plan. This plan will be valid for the next five years.

Upcoming Meetings

4/3/2017 - Gen. Government at
7:30 PM

4/5/17 - Finance Committee at
7:30 AM followed by Parks &
Open Spaces at 8:30 AM

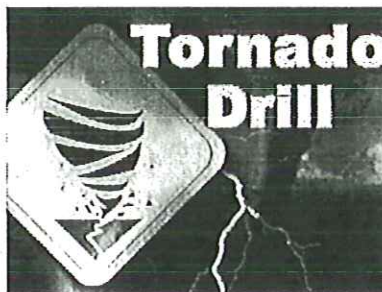
4/11/2017 - Full Board Meeting
at 7:30 PM

4/19/2017 - Personnel
Committee at 8:00 AM

4/24/2017 - Infrastructure &
Development & Public
Safety at 7:30 PM

4/26/2017 - Finance
Committee at 7:30 AM
followed by Full Board
Meeting

Tornado Drill Day April 19th & Everbridge Alert System



The Board of Commissioners has proclaimed that Wednesday, April 19th is Tornado Drill Day and encourages participation in a drill that will take place at 1:30 pm. Livingston County Emergency Management recommends taking

time on the 19th to review disaster preparedness plans not only for severe weather, but for all emergencies. One way to stay informed of emergencies is to register for Livingston County's free mass alert system, Everbridge. The county uses this alert system to send out calls, text messages, and emails in the event of local emergencies. You can sign up for the free Everbridge alerts system at <https://member.smartmsg.com/index/453003085615617#/logi>.

Resolutions Passed by the Board of Commissioners & Appointments

- Bill Anderson and Laura Abramson have been appointed to representative seats on the Livingston County Planning Commission with terms expiring October 31, 2019.
- Chad Chewing has been promoted to 911 Director.
- Jere Michaels has been appointed as Livingston County's Member-At-Large to represent the general public on the 2017 Tax Allocation Board.
- The IT/GIS Division has created a simplified fee schedule for GIS maps and data extracts.
- A Master Service Agreement for technical services with GovConnection, Inc. has been authorized.
- The 2017 Plan of Organization for the Health Department has been approved.
- A ground lease agreement with Hawk Hollow Farm L.L.C. for a 20 year term of airport property has been authorized.
- A supplemental appropriation has been approved for the construction of a water main project at the airport. The Purchasing Department will begin to solicit bids for the project.
- Motor Pool has been authorized to purchase a replacement vehicle for the Building Department. A budget amendment for the purchase has also been approved.
- An agreement with VendTek/Satellite Vending Company for vending services has been approved for a 3 year term.
- A tentative 3 year agreement between the Sheriff Department, Board of Commissioners, and the Michigan Association of Police has been approved.
- The current Elections Coordinator/Deputy Clerk has tendered a letter of retirement, so the filling of this position has been authorized.
- The purchase and implementation of a new security badge system at the Judicial Center, Law Center, and East Complex has been authorized. The project will be completed by Telecom Technicians, Inc.
- The 2016 Annual Report of the Livingston County Clerk has been accepted.
- The 2017 Michigan Medical Marihuana Operation and Oversight Grant for the Sheriff's Department has been approved.
- An agreement with Cruisers, Inc. for emergency vehicle lighting and equipment, service, and maintenance has been approved for a 3 year term.
- An agreement with EQ Detroit, Inc. for household hazardous waste collection and disposal services has been approved for a 3 year term.
- Emergency Management's request to participate in the 2016 Homeland Security Grant Program was approved.
- Specialty Court Programs' request for the Safe Havens Team Directors to attend the Supervised Visitation Network 2017 Annual Conference and for members of the Adult Drug Court Team to attend the 23rd National Association of Drug Court Professionals Annual Training Conference has been approved.
- The Board of Commissioners will join with the United States Congress to declare the week of April 9th through April 15th as National Public Safety Telecommunicators Week.

Pending Resolutions

- The Board of Commissioners will review the submission of the Estimated 2018 General Fund Budget for Livingston County for submission to the Tax Allocation Board.
- A Safe Diver policy to ensure that municipal employees driving municipal vehicles are safe and properly licensed operators will be reviewed for adoption.

Please Note: The Liv.Co Update highlights a portion of resolutions and work completed by the Livingston County Board of Commissioners. Please refer to the Board's meeting minutes for more information regarding specific resolutions. To be redirected to the Board's Meeting Minutes, please click [here](#) or visit www.livgov.com.



MDOT *Training Wheels*

On-Road Bicycle Facility Design Training

Tuesday, May 9, 2017 - 8:30 am to 4:30 pm

Howell, Michigan

Training Wheels is an educational course on the planning and design of on-road bicycle facilities. It consists of two hours of classroom instruction on the AASHTO Guide for the Development of Bicycle Facilities, followed by an on-road bicycling segment. During this part, we will casually ride through the community and analyze the types of on-road facilities presently available or needed. There will be many stops to point out potential facility types along the way. The ride will be followed by lunch, a group exercise and discussion, questions from participants and a brief wrap-up.

Target Audience: This course is for city, county, and MDOT managers, engineers, planners, elected officials, DDA staff, economic development staff, township officials, the Chamber of Commerce and other stakeholders that can help communities educate others and provide on-road bicycle facilities.

Education Credits: Professional Engineers are eligible for up to six and one half (6.5) continuing education hours (CEH). Certified Planners may self-report up to six and one half (6.5) Certification Maintenance (CM) hours.

Please Note: Class is intended to accommodate all levels of users. If special accommodations are required, please notify host community 2 weeks in advance. Please dress appropriately as we will bike, **rain or shine**.

Instructors: Tim Gustafson, AICP and Paul Wojciechowski, AICP, PE, of Alta Planning & Design

Required Items: Bicycle and Helmet. Please let us know if you need assistance.

Registration: **FREE!** Course provided by Michigan Department of Transportation. **Please RSVP by April 17, 2017** - Training Wheels class location will be provided to confirmed attendees. Class size is limited to 25 participants.

Lunch and refreshments sponsored by City of Howell

To register, send your name, address, organization and contact information to:

**Timothy Schmitt at tschmitt@cityofhowell.org or
517-546-3861**

Minutes of
April 13, 2017
Board of Trustees
Meeting

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 13, 2017

MEMBERS PRESENT: Tammy Beal, Les Andersen, Greg Durbin, Dan Lowe, Duane Stokes, Scott Lloyd, and Bob Hanvey

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Spicer Group

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

Peter Tombers from Tracilee Drive was present to follow-up with the board on the noise and trespassing issues on the S.R. Jacobson property. Neighbors have said that even though there are "no trespassing" signs, they are ignored, and the sheriff's department won't respond because they don't have a POA from the owner. He would like to see some type of permanent barrier, because the trespassers just move the log that was put up.

Karen & Scott Bethke, 1215 Tracilee Drive, agreed with Mr. Tombers. They asked that a letter from the owner be available on our website so they can provide it to the sheriff department. Mr. Tombers also suggested some type of field camera that would record the activity.

Bob Hanvey said he has talked with the owner, who indicated that the sheriff's department said they didn't need a letter, but will follow-up again. Greg Durbin said the two issues are trespassing and the nuisance, and this situation should be addressed based on the definition of nuisance in the zoning ordinance.

APPROVAL OF AGENDA

Items #13—MTA Training and #14—Draining Water in Sanitary Sewer added to the agenda. Les Andersen motioned to approve the agenda as amended. Tammy Beal seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Tammy Beal seconded. **Motion carried.**

HIGHE SEWER LEAD

Dan Lowe said he talked with the owner, but hasn't heard back from him. Les Andersen said he would like some kind of policy in place regarding grinder pumps and the limits of the township's responsibility.

Tammy Beal motioned to postpone action on this item. Greg Durbin seconded. **Motion carried.**

MITCHIE SEWER LEAD

Phil Westmoreland said that one bid was received from TLS. Les Andersen motioned to award the contract to TLS for \$14,384. Greg Durbin seconded. Roll call vote: Lowe, Lloyd, Beal, Hanvey, Durbin, Andersen, Stokes—all yes. **Motion carried 7-0.**

Dan Lowe said the township needs to document what is there. Les Andersen motioned to authorize Spicer to be present for this project as necessary and update the lead sheet. Roll call vote: Durbin, Stokes, Hanvey, Lloyd, Beal, Andersen, Lowe—all yes. **Motion carried 7-0.**

TEXT AMENDMENT Z-01-07: SECTION 6.20 PRIVATE ROADS FOR SINGLE-FAMILY, MULTIPLE-FAMILY AND COMMERCIAL DEVELOPMENTS

Bob Hanvey said the Livingston County Planning Department didn't like some of the wording. Dan Lowe said he would like more time to review these amendments. Tammy Beal motioned to postpone action on TXT Z-01-17, TXT Z-02-17, and TXT Z-03-17. Les Andersen seconded. **Motion carried.**

TEXT AMENDMENT Z-02-17: SECTION 6.07 ACCESSORY USES AND STRUCTURES

See above.

TEXT AMENDMENT Z-03-17: SECTION 23 REZONING RR TO PL

See above.

ALLOCATION BUDGET

Bob Hanvey provided the board members with the allocation budget for information.

ASSISTANT ASSESSOR

Bob Hanvey said they are working on the job description, and it will be posted in the Assessing and MTA magazines. No action required at this time.

ROADS

Les Andersen motioned to accept the estimate from the Livingston County Road Commission for \$350,000 to repair Jewell Road from the bridge approach to County Farm Road, approximately 1.1 miles. Tammy Beal seconded. Roll call vote: Beal, Andersen, Stokes, Durbin, Lowe, Hanvey, Lloyd—all yes. **Motion carried 7-0.**

RECYCLING

Scott Lloyd and Dan Lowe said they are against paying for recycling. Bob Hanvey will talk to the Drain Commission regarding the process for creating a special assessment for recycling. Greg Durbin suggested putting a questionnaire in the summer tax bill.

NUISANCE/NOISE ORDINANCE

Greg Durbin said the township needs an ordinance in place for nuisance situations. He provided the board members with some information he had gathered that could be used to create a nuisance ordinance.

Bob Hanvey passed out the verbiage from the existing state law, which seems to cover these types of situations.

Dan Lowe said the township also needs to have something prohibiting engine braking. Les Andersen motioned to have the Planning Commission reviews these items. Duane Stokes seconded. **Motion carried.**

MTA TRAINING

Les Andersen compiled a folder on the sessions that will be available in the clerk's office for review. He highlighted several items: salary surveys, trustee stipends for meetings, roads, zoning decisions regarding PUDs, the land division act, dealing with the public, an award in excellence, etc.

Bob Hanvey said there will also be a link on the township's website for more information.

DRAINING WATER IN SANITARY SEWER

Dan Lowe said there is a problem with plumbers draining basements into the sanitary sewer and there should be a fine. Bob Hanvey said he will look at the ordinance. Dan Lowe will contact the builder.

CORRESPONDENCE/UPDATES

The monthly Livingston County update is in the packet.

MDOT training is Tuesday, May 9, 8:30 am-4:30 pm.

Heritage Days meeting is Monday, April 17 at 7 pm.

CALL TO THE PUBLIC

Bruce Powelson, PC member, thanked the board for allowing him to attend the MTA training conference. He also said the main office door should be locked at all times.

ADJOURNMENT

Greg Durbin motioned to adjourn at 9:10 pm. Tammy Beal seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date