

Regular Meeting
Eagle Township Board
December 14, 2010

1. Call to Order - The regular meeting of the Eagle Township Board was called to order at 6:30 p.m. by Supervisor Schafer at the Eagle Township Hall, 14318 Michigan Street, Eagle, MI.

Members present were: Supervisor Patti Schafer, Clerk Wendy Simmons, Treasurer Joe Smith, as well as Trustees Steve Colby and Mark Therrian. Also present were: Clinton County Commissioner Dave Pohl; Clinton County Road Commission Managing Director Joe Pulver; LGRFA Chair John Clark, Clinton County Deputy Sheriff Mark Vermillion; as well as twenty nine residents/interested persons.

2. Agenda Approval – Trustee Therrian made a motion to accept the agenda as presented. Treasurer Smith supported the motion. Motion Carried.

3. Citizen's Comment – Dennis Strahle asked if the Board receives health benefits from the Township. He also asked if there were any ordinances prohibiting late night snowmobiling (after 11:00 p.m.). Deputy Mark Vermillion stated that that activity would fall under a noise ordinance, but that would require repeat offenses and it was really paramount to a vehicle with loud exhaust traveling down the road. Supervisor Schafer reported that Eagle Township does not currently have a noise ordinance.

4. Approval of Minutes – Trustee Therrian made a motion to approve the minutes of November 8 and 9, 2010 as presented. Treasurer Smith supported the motion. Motion Carried.

5. Treasurer's Report – Trustee Therrian made a motion to accept the report as presented and place it on file. Trustee Colby supported the motion. Motion Carried.

6. LGRFA Report – Trustee Therrian reported that the ac hoc service sharing committee will be setting a meeting date. Clerk Simmons reported that the Department is running well and once again is projected to under budget for this year. Mr. Fred Dixon commented that he has received excellent services during the last seven years from LGRFA, Grand Ledge and Portland Fire Departments. Supervisor Schafer reported that Chief Fabiano has recently been elected as President of the Western Michigan Fire Chief's Association.

7. Commissioner's Report – Commissioner Pohl reported that the County is ending the fiscal year in the black, with a projected balanced budget for 2011 that is approximately \$1 million less in revenue. He discussed details of the County's Medical Marijuana Ordinance, stating that some of the Townships in the County may want to review the ordinance and adopt ordinances for their own jurisdictions. Cara Clore has resigned effective the end of January. Cara's position will be posted and filled. Lansing's Board of Water and Light ash cleanup will be accepted in Clinton County landfills, under strict guidelines. There are four proposed retirements of County staff, some positions will be filled and others will not.

8. Meetings Update Report – Treasurer Smith reported that he attended the Clinton County Officer's Association recently.

9. Correspondence – Clerk Simmons and Supervisor Schafer reported on correspondence received during the month.

10. Accounts Payable – Trustee Colby made a motion to pay the bills as amended in the amount of \$30,996.94 and all regular bills that occur during the month. Treasurer Smith supported the motion. Motion Carried.

11. Whispering Winds Road Projects – Gary Pingle, Hardenburg Tr. – Is life expectancy the same for lower traffic roads as for a higher traffic road? Are the life expectancies geared to lower traffic roads such as

Hardenburg? Joe Pulver reported that he treated all roads within the subdivision the same, and was more generous with the life expectancy for all applications. Mr. Pingle stated he would be comfortable with the 15 – 20 year option, hot mixed asphalt overlay – double course.

Robert Tvorik – Wants to give info and recap. He summarized his understanding of the meetings proceedings. He was particularly concerned with the comment that Eden Trail was not subject to the same standards because it is a through road. He feels confident that 80% of the traffic on that road would be local traffic. He feels that they should also be subject to participation in payment. He also wondered how the issue is being handled in other communities. He also wondered if doing nothing is an option. Supervisor Schafer offered a recap on information discussed at the last meeting regarding who has paid for resurfacing in the past. She also reported that the Board has amended the resolution that no general fund dollars would be used for this project and that the Board will now pay 25% towards this and other similar projects. Some neighboring communities have a road millage, and other townships vary in practice. Eden Trail will be the next group of residents to meet with. Those residents originally paid for the paving of the road and the Board will share a proportionate amount. Supervisor Schafer reviewed the county's road rating system and how it related to the necessity of doing something with these roads.

Brian Logan – Stated that it was his understanding that the property owners were to meet prior to this meeting and come up with a mutual agreement.

Jim Harsant – Mr. Harsant restated that the roads were public roads. Mr. Pulver clarified that this project is construction, not maintenance. Mr. Harsant stated that the Township has not put aside money yearly for the maintenance of the roads; however, it is the Township's responsibility to pay for the roads. Mr. Pulver stated that all Townships expend money yearly on the roads. He wonders if it is really the resident's responsibility. Supervisor Schafer reported that maintenance of the roads is the County's responsibility. Townships work with the County for maintenance of the roads. The Township has never paid any repairs for the roads.

Brent Eberhart asked if the County will be paying 50% of the cost of maintenance. Wondered if the not wanting to pay for the roads a principle thing, a new standing or the fact that there isn't money to pay for it? Supervisor Schafer reflected that it is really a financial issue. Clerk Simmons reported that in her mind, it is a principle and that the Board is the steward of the funds and has to do what is best for the greatest portion of Township residents. He stated that it is a big deal to him which project is chosen and that this decision doesn't sit well with him. Whatever option is chosen, he is doubled up as he owns two parcels.

Mr. Pingle - If in two years the road is junk, the County is liable. Is it possible that at some point the County will be required to fix it and impose a fee on the residents? Joe Pulver reported that as the road deteriorates, it will more than likely be reverted to gravel.

Jim Harsant – Agrees with everything Clerk Simmons said. He holds that Supervisor Schafer has stated that the Township doesn't hold responsibility for the roads, and he feels that when the Township accepted the dedicated roads, they accepted responsibility. Joe Pulver stated the County has 100% liabilities for the roads, and that the Township has always worked well with the County.

Dave Pohl – Townships stated that have no legal responsibility for roads. Many of them participate with the Road Commission for road projects within the townships.

Tom Johnson – Asked if the residents don't agree on a project if the road will be converted to dirt. Joe Pulver confirmed that the roads won't get any better. Mr. Johnson asked for confirmation that the 25% contribution

from the Township is all that was going to be available. Supervisor Schafer confirmed that was what was on the table tonight.

Chris Hazen – Ask Mr. Pulver about the repavement of Grand River and the work on Hinman Road and wondered why those roads were done without cost to him. Why is this costing the residents of Whispering Winds? He feels this is through negligence of either the Township or the County.

Robert Tvorik – Ask for clarification about payment of roads. Mr. Pulver reported that these projects were paid for with different funds, and weren't comparable projects.

Supervisor Schafer reported that the Hinman Road project was done as a result of a drainage problem, as was Niles Road.

Dick Schaibly – Ask clarification that at the meeting in November the Board agreed to pay 25% of the project.

Jan Seeger – Asked Joe Pulver if the community decided to proceed with the road project what plan would be in place regarding maintenance. He responded that the streets would be included in the annual crack fill program. She is concerns about the maintenance of the road to extend the useful life.

Robert Tvorik – Would be much more supportive if any cost were allocated among residences rather than parcels.

12. Whispering Winds Street Lights – Supervisor Schafer reported that the assessment will not be sufficient to cover the expenses of the street lights for the coming year. She also reported that she is still waiting for information from Consumers Energy regarding the state-sponsored street light replacement program.

13. Capital Crossings – Supervisor Schafer introduced Mr. Kumar Vemulapalli, who is in the process of purchasing Capital Crossings. He presented a petition to the Board from the residents of Capital Crossings supporting Davies Enterprize bringing in additional homes to further develop the community. (Hand written on the top of the petition was “No single wide home allowed. Any home more than 10 years old has to be approved by Capital Crossings Building Board”.) Supervisor Schafer referred the petition to Dave Pohl as the judgment is with the County rather than the Township. Mr. Kumar stated that his intention is to bring in more homes, and work with the residents to better the community. He is asking the community to assist with the plan.

Heidi Wagner asked what services were planned to be offered. Kumar stated he would be eventually be bringing in television, better snowplowing, and reopening of the club house.

Supervisor Schafer reviewed some of the history with the park, regarding service concerns and trailer coach specific tax payments.

Carrie Nativita – Has concerns about the number of additional homes being brought to the park. Kumar reported that he will abide by the County guidelines regarding the number of homes placed in the community. He also stated that DEQ has recently visited the community and checked the water and sewer system.

Bonnie Giles – Asked Kuma for a copy of the water report.

Al Moon – He disagrees with Kuma. He feels that more money can be made through a nice club house and park, with a top rated community. Doesn't want his property devalued by other types of homes being brought in to the community.

Gordon Giles – When he moved to Capital Crossings five years ago, he moved here for the amenities. He has no objections to Kuma bringing homes in as long as those homes have to follow the same standards that he had to when he moved in his home.

Bonnie Giles – Restated that they aren't against additional homes being brought in, they are just interested in protecting their investment.

Ken Ridge – He reported that he has found Kumar to be a man of integrity and that conditions in the community have improved significantly since Kumar has begun operation of the park.

Carrie Nativita – Asked if the homes proposed to be brought in would be owner occupied.

Fred Dixon – Mr. Dixon reviewed his communications background and asked that the Board take what he says with more than a grain of salt. He said that changes are necessary for the park to survive. He would like to have the County go through the procedure of making changes in writing and to get everyone back into a good community. He would like to serve as a resident representative for the community to work with the Township and County Boards. He further stated that the meeting of the residents should not be held in conjunction with the community Christmas party.

Chris Hazen – Wondered if Kumar bought the property to the north of McCrumb Road? Kumar doesn't think so.

14. Niles Cemetery Improvements – Mark Schafer, who is the sexton for the cemetery, will be attending the January meeting, as well as the members of the Niles Cemetery Board. He will be sending quotes to the Board prior to the meeting.

15. LGRFA 2011 Budget – Clerk Simmons made a motion to approve the 2011 LGRFA budget as drafted on November 23, 2010 in the amount of \$505,930.00. Trustee Colby supported the motion. Motion Carried.

16. Frimodt Request for Variance (ZC-16-10 VR) – Trustee Colby made a motion to recommend the approval of the requested variance for Mr. and Mrs. Frimodt. Trustee Therrian supported the motion. Motion Carried.

17. 2011 Meeting Schedule – Supervisor Schafer made a motion to reinstate the annual meeting. Treasurer Smith supported the motion. Aye: Colby, Smith, Therrian, Schafer. Nay: Simmons. Motion Carried.

Trustee Therrian made a motion to approve the 2011 meeting schedule as amended, including a budget meeting on Thursday, March 10 and an Annual Meeting on Saturday, March 26. Supervisor Schafer supported the motion. Motion Carried.

18. Cody Hall Rent Fees – Treasurer Smith offered a summary of transactions regarding Mrs. Cody's town hall rental payments. Supervisor Schafer will follow up with Mrs. Cody.

19. LGRFA Board Appointment – Clerk Simmons informed the Board that she is resigning from the LGRFA effective in January 1, 2011.

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Supervisor Schafer made a motion to appoint Treasurer Smith to the LGRFA Board effective in January 1, 2011. Trustee Therrian supported the motion. Motion Carried.

20. Adjournment – Clerk Simmons made a motion to adjourn the meeting at 11:01 p.m. Trustee Therrian supported the motion. Motion Carried.

Approved

Wendy K. Simmons, Clerk