

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
BOARD HELD OCTOBER 25, 2010, 7:30 p.m.

The meeting was called to order at 7:30 p.m. by Chairperson D. Dale Mohr.

Prayer for guidance by Jim Wierenga

Pledge of Allegiance to the Flag

Roll Call

Members present: D. Dale Mohr, Carol Scholma, Chad Tuttle, Richard VanderKlok, John Schwalm, Del South, Jim Wierenga

Also present: Daniel Carlton (Township Superintendent)

Absent: none

#101025-01 - Approval of agenda as presented for October 25, 2010

Moved by Richard VanderKlok, seconded by Carol Scholma, to approve the agenda as presented.

Moved by Richard VanderKlok, seconded by Chad Tuttle, to add a closed session to review the attorney's opinion.

MOTION CARRIED UNANIMOUSLY.

MOTION CARRIED UNANIMOUSLY.

#101025-02 - Communications, letters and reports: Received for information, to be filed:

- a. Minutes of the [October 7, 2010](#) Finance Committee meeting ([October 21, 2010](#) Finance Committee meeting cancelled)
- b. Minutes of the [October 6, 2010](#) and [October 20, 2010](#) Planning Commission meetings
- c. [Notice](#) for Ottawa County Public Hearing to study the combination of the County Clerk and Register of Deeds
- d. Code Enforcement Report for [September 2010](#)
- e. General ledger report for [September 2010](#)
- f. [Letter](#) from Stan Roth
- g. Ottawa County Road Commission [letter dated 9/28/2010](#) regarding yield signs on Bantam Dr.
- h. Library Report for [July 2010](#)
- i. Fire Department Report for [September 2010](#)
- j. [Quarterly Investment Report](#) dated October 8, 2010
- k. [Letter](#) from Jan Lukow dated October 9, 2010 regarding the library
- l. [Jenison Historical Society](#) October newsletter
- m. [Letter from Jenison Public Schools](#) dated October 7, 2010 regarding a request for a new crosswalk on 20th Ave. south of Birchwood Ave. (note that this request is scheduled to be on the Services Committee agenda for the November 1, 2010 meeting)
- n. Minutes of the [October 11, 2010](#) Election Commission meeting
- o. [Letter](#) dated October 14, 2010 from the Ottawa County Road Commission regarding intersection of Bauer Road and 28th Ave.
- p. [Letter](#) dated October 12, 2010 from Marian Payne regarding the library
- q. At the October 20, 2010 meeting, the Planning Commission tabled action on **Special Use Permit (SUP1006) Kingseed Kennels, Tim Doane**, 3810 Bauer Rd., requesting to have a

kennel, under Sec. 6.3(C), on a parcel of land described as P.P. # 70-14-08-300-023, located at 3810 Bauer Rd., in an (AG) Agriculture district, Georgetown Township, Ottawa County, Michigan. (no revised site plan; [request](#) to postpone action until the November 17, 2010 Planning Commission meeting)

#101025-03 - Public Comments

Chad Straub, Everkept, 2412 Port Sheldon, made public comments about leaf and Christmas tree drop off at Everkept.

#101025-04 - Consent agenda

Moved by Richard VanderKlok, seconded by John Schwalm, to grant the following:

- a. Approval of minutes of the regular board meeting held on [September 27, 2010](#)
- b. Approval of the regular monthly bills [for October 11, 2010](#), and [September utility bills](#), and the bills [for October 25, 2010](#)
- c. Approval of **Special Use Permit (SUP1005) 358 Baldwin LLC**, 169 Monroe Ave., to have a drive-in restaurant, under Sec. 15.3(A), on parcels of land described as P.P. # 70-14-13-401-004 and -005, located at 348 and 358 Baldwin St., in a (CS) Community Service Commercial district, Georgetown Township, Ottawa County, Michigan. ([survey](#), [layout](#), [grading](#), [utilities](#), [landscape plan](#), [elevations](#), [application](#)) (Note: Planning Commission recommended approval)
- d. Approval to change the agency relationship for the Township liability insurance to go directly with PAR. (Note: the Finance Committee recommended approval)

MOTION CARRIED UNANIMOUSLY.

#101025-05 - Special Use Permit (SUP1004) PBM Wireless LLC, 28602 CR 50, Nappanee, IN, is requesting to have a commercial wireless communication tower under Sec. 8.3(O) and Sec. 7.3(B), in a (RR) Rural Residential district, on a parcel of land described at P.P. # 70-14-05-200-021, located at 3334 Fillmore St., Georgetown Township, Ottawa County, Michigan. ([application](#), [site plan](#), [request](#) to postpone until October 6, 2010)

A court reporter was present. Judd Chaille, PBM Wireless, 28602 CR 0, Nappanee, IN, made public comments about the coverage area needed from the cell tower and he supplied graphics of coverage areas. Nile Thomson, 8985 Victor, property owner of 3334 Fillmore, made public comments about the variance granted for the construction an accessory building on his property prior to the construction of a house.

Board comments included the following. The Verizon tower to the east covers the same target area and is farther away. The goal of the Township is to have towers at least two miles away from each other and to encourage collocation. There is a concern that other carriers would want to be within the two mile range if this one is allowed to go in within the two mile radius. The proposed site has some issues that are nonconforming and are in violation of the Zoning Ordinance. No more zoning approvals should be granted until the site is brought into conformance with the variance approved in 1988 and with the Zoning Ordinance. It was clarified that the applicant does not have a site plan drawn up for the construction of a house on the site which would include setbacks for a well and septic system, and the tower could complicate the future possibility of the house being constructed

as required by the variance if it takes up area necessary for the septic system. The County makes decisions regarding the septic system, not the Township. The question was raised as to what the applicant has to present to the Board in order for the Board to be able to break the rules and approve a special use permit that does not meet the standards of the Zoning Ordinance. A special use permit could not be approved unless it met the standards of the ordinance. The Board could change the ordinance if the thought is that the two mile radius between towers is not needed. The graphic information provided to the Board by the applicant should be confirmed by an engineer hired by the Board. The applicant could apply for a variance for the two mile radius standard and make his argument to the ZBA, but there are still other issues that could affect approval of the special use permit. The special use standard is clearly not met and no one is contesting that the proposal does not meet the two mile radius standard.

Moved by Carol Scholma, seconded by Del South, to tentatively **deny** the Special Use Permit (SUP1004) PBM Wireless LLC, 28602 CR 0, Nappanee, IN to have a commercial wireless communication tower under Sec. 8.3(O) and Sec. 7.3(B), in a (RR) Rural Residential district, on a parcel of land described at P.P. # 70-14-05-200-021, located at 3334 Filmore St., Georgetown Township, Ottawa County, Michigan, based on the determination that some of the ordinance standards have not been met as per the review, and contingent upon Township staff and the Township Attorney drafting a denial resolution and the Township Board adopting that resolution at its next meeting.

Note: The Planning Commission recommended denial based on noncompliance with the standard in Sec. 20.4(AB)(6).

Further Board member comments included the following. This was an educational opportunity and there were other items brought up in the review besides the two mile radius standard that posed a concern, such as the fact that there were nonconforming elements related to the site and something more concrete as to what was happening with the parcel in the future should be provided. Further research needed to be conducted and graphics provided as to how the water tower fits into the mix.

MOTION CARRIED UNANIMOUSLY.

#101025-06 - Ordinance No. 2010-11 Zoning Ordinance Amendment to Sec. 22.7 TOWNSHIP BOARD ACTION.

Moved by Chad Tuttle, seconded by Carol Scholma, to approve a Zoning Ordinance amendment to Sec. 22.7 as follows:

**Georgetown Charter Township
Ottawa County, Michigan
Ordinance No. 2010-11**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2010, beginning at _____ p.m., Township Board Member _____ made

a motion to adopt this Ordinance, which motion was seconded by Township Board Member _____:

AN AMENDMENT TO THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE, AS AMENDED, FOR SUBSECTION 22.7 REGARDING THE GEORGETOWN CHARTER TOWNSHIP BOARD HOLDING A PUBLIC HEARING FOR A PLANNED UNIT DEVELOPMENT

THE CHARTER TOWNSHIP OF GEORGETOWN (the "Township") ORDAINS:

ARTICLE 1. Subsection 22.7 of the Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

Sec. 22.7 TOWNSHIP BOARD ACTION.

After receiving the recommendation of the Planning Commission, the Township Board shall **hold a public hearing and** review the application, including the preliminary development plan, the record of the Planning Commission proceedings and the recommendation.

Except as expressly modified by the above, the balance of Section 22 of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 2. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

ARTICLE 3. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 4. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of seven (7) days from the date of publication of this Ordinance or a summary of its provisions in accordance with the law.

The vote in favor of adopting this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2009

By _____

Delwin South
Georgetown Charter Township Clerk

Note: The Planning Commission recommended approval

There was discussion about adding time limits for the public hearing. It was noted that wording should be provided for the Board to consider for revisions.

Moved by Richard VanderKlok, seconded by Carol Scholma, to postpone action until the next Board meeting.

MOTION CARRIED UNANIMOUSLY.

#101025-07 - Initiate Zoning Ordinance Amendment to Sec. 28.9(B), Variance Time Extensions

Moved by Chad Tuttle, seconded by Richard VanderKlok, to approve initiating a Zoning Ordinance amendment to Sec. 28.9(B) as follows to provide for time limit extensions for variances, and to publish the notice for the public hearing along with another notice and to hold the public hearing at a Planning Commission meeting with another public hearing.

**Georgetown Charter Township
Ottawa County, Michigan
(Ordinance No. _____)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2010, beginning at _____ p.m., Township Board Member _____ made a motion to adopt this Ordinance, which motion was seconded by Township Board Member _____:

AN AMENDMENT TO THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE, AS AMENDED, FOR SUBSECTION 28.9(B) REGARDING THE EXPIRATION OF VARIANCES GRANTED BY THE GEORGETOWN CHARTER TOWNSHIP BOARD OF APPEALS AND THE ABILITY TO EXTEND TERMINATION DATES REGARDING VARIANCES

THE CHARTER TOWNSHIP OF GEORGETOWN (the "Township") ORDAINS:

ARTICLE 5. Subsection 28.9(B) of the Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

Sec. 28.9 DECISIONS.

~~(B) Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance has been commenced within one (1) year after the granting of the variance and is being carried progressively to completion or the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the variance was granted.~~

Sec. 28.9 DECISIONS.

(B) Unless the Board of Appeals specifies a different time limit for a variance to expire as a condition of the Board of Appeals' decision in a particular variance case, each variance granted under the provisions of this Ordinance shall become null and void unless the use or activity authorized by the variance has been fully commenced and is ongoing or unless the construction authorized by such variance has been commenced and substantial construction has occurred within one (1) year after the granting of the variance and is being carried on progressively to completion. As a condition of approval of a variance, the Board of Appeals can specify a shorter or longer variance expiration time period. If the Board of Appeals has not specified a particular expiration time period as a condition of approval for a particular variance, the Zoning Administrator shall have the discretion and authority to extend the ordinary one-year time period contained in this subsection for good cause shown for up to one additional year as long as the request for the extension is made in writing prior to the expiration.

Except as expressly modified by the above, the balance of Section 28.9 of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 6. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

ARTICLE 7. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 8. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of seven (7) days from the date of publication of this Ordinance or a summary of its provisions in accordance with the law.

The vote in favor of adopting this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2009

By _____
Delwin South
Georgetown Charter Township Clerk

Note: The Finance Committee recommended approval

Yeas: D. Dale Mohr, Carol Scholma, Del South, Richard VanderKlok, Chad Tuttle, Jim Wierenga, John Schwalm

Nays: none

MOTION CARRIED UNANIMOUSLY.

#101025-08 - Complete Sidewalk on 12th Ave.

Moved by Chad Tuttle, seconded by Richard VanderKlok, to approve the low bid in the amount of \$5900.00 from Honderd Concrete to install 350 feet of 5 foot wide sidewalk, along with the incidental work, at 12th Ave. and Rosewood.

Attachments: [Honderd Concrete bid](#)
[Nobel Concrete bid](#)
[Lee's Trenching bid](#)

Note: The Finance Committee recommended approval

MOTION CARRIED UNANIMOUSLY.

#101025-09 - Review Ordinances

The following ordinance was discussed and the determination was made that proposed changes would be drafted for presentation to the Services Committee for further review.

- a. Chapter 34 - [Fire Ordinance](#)

Note: The Finance Committee recommended the review

#101025-10 - Public Comment (maximum 3 minutes per person)

Chad Straub, 3644 Port Sheldon made public comments.

#101025-11 - Discussion and General information

John Schwalm said that the Grandville locker room at the ice arena would be open on Thursday evening.

Chad Tuttle said that he had attended a Regional MTA meeting where possible approaches to deal with the medical marijuana issue were discussed.

Carol Scholma said that there would be a Quadrant meeting Thursday from 2:00 to 4:00 p.m. at Jamestown Township.

#101025-12 – Closed Session

Moved by Richard VanderKlok, seconded by Chad Tuttle, to go to closed session to review the Township Attorney's opinion.

Yeas: D. Dale Mohr, Carol Scholma, Chad Tuttle, Del South, Jim Wierenga, John Schwalm,
Richard VanderKlok

Nays: none

MOTION CARRIED UNANIMOUSLY.

#101025-13 – Open Session

Moved by Chad Tuttle, seconded by Carol Scholma, to go to open session.

Yeas: D. Dale Mohr, Carol Scholma, Chad Tuttle, Del South, Jim Wierenga, John Schwalm,
Richard VanderKlok

Nays: none

MOTION CARRIED UNANIMOUSLY.

#101025-14 – Authorization for Settlement

Moved by Jim Wierenga, seconded by Carol Scholma, to follow the attorney's recommendation to authorize the Township Superintendent to formally advise the attorney (Thomas Magher of Foster Swift) of his settlement authority.

Yeas: D. Dale Mohr, Carol Scholma, Chad Tuttle, Del South, Jim Wierenga, John Schwalm,
Richard VanderKlok

Nays: none

MOTION CARRIED UNANIMOUSLY.

#101025-15 - Meeting Adjourned

Moved by Richard VanderKlok, seconded by Chad Tuttle, to adjourn the meeting at 9:45 p.m.

MOTION CARRIED UNANIMOUSLY.

D. Dale Mohr, Supervisor

Del South, Clerk