

Approved Minutes of the Clyde Township Board Meeting – June 11, 2008

The regular monthly meeting of the Clyde Township Board was held at the Township Hall, Wednesday, June 11, 2008. The meeting was called to order at 7:30 p.m.

Audience: Don Chapman, Ralph McMahon, Tasha Smalley, Dean Kapenga, Tom Forshee, Laura Weingartner, Sarah Bushee, Troy Day, Larry and Jeanne Gregersen, Primo and Lupe Jimenez, Kelly Fleming, Jeff Farnsworth, Mary Jones, Ron Hale and Carolyn Churchill.

Roll Call: Members present – Tom Giles, Bob Larsen, Bernie McLeod and Bernie VanKampen. Chris McKellips was absent. Lynda Manthey was acting secretary due to the absence of Chris McKellips.

A motion made by McLeod, supported by VanKampen, to approve the minutes of the May Board meeting as written. Motion carried.

Correspondence: An invitation to attend a public workshop conducted by the Allegan County Parks Commission to receive public input on a proposed Park Master Plan for Littlejohn Lake County Park on June 25, 2008 from 2p.m. to 4 p.m. at the Allegan County Human Services Building Zimmerman Training Room 3255 122nd Avenue in Allegan. An invitation to attend a public workshop conducted by the Allegan County Parks Commission to receive public input on a proposed Park Master Plan for Silver Creek County Park on July 9, 2008 from 1 p.m. to 3 p.m. at the Allegan County Services Building Zimmerman Training Room 3255 122nd Avenue in Allegan.

The Treasurer's report was read. A motion made by VanKampen, supported by McLeod to approve the Treasurer's report as presented. Motion carried. The report is attached and is now part of the official minutes.

Bills were presented. A motion made by McLeod, supported by Larsen, that we pay the bills as presented. Roll Call Vote – all yeas. Motion carried.

Checks: 6826-6866 Total Disbursements: \$27,955.61

Allegan County Commissioner Dean Kapenga addressed the Board with information about Love, Inc., an organization in Allegan County that helps citizens who are in need of clothing, food or other necessities. At the present time five churches are representing the needs of the people in the area but it is hit and miss. An organizational meeting will be held on July 8th at 7:00 p.m. in Pullman. Mr. Kapenga requested that someone representing Clyde Township attend the meeting. The Allegan County Medical Care Facility is in the process of adding 28 units providing nursing care in a homelike setting. The Allegan Transportation is putting up a new building and hopes to extend service to the South Haven Area. The Probate Court will be back at the courthouse in Allegan. There has been a lack of leadership concerning the jail issue. The present facility is

overcrowded. The Commission picked the site at Dumont Lake for the new jail. The Commission made a list of 60 needs and will pick the top 10 needs to work on.

Bernie McLeod reported that with an 800 number to contact the overflow recycling problem at the Transfer Station should be improved.

Mary Jones, Recycling Coordinator, reported that new signs have been dropped off for the recycling site. She said that it might be worthwhile for Clyde Township to look at the county program to receive some funding help. She provided information about the 2007 Recycling Report, (4th Quarter) and Allegan County's Surcharge Program. In 1990, under P.A. 138 of 1989, Allegan County instituted a special recycling surcharge. This fee allows local officials to establish effective waste reduction programs without depleting their general funds. The surcharge, which can be billed at any amount up to \$25.00 per household per year, is a user fee and not a tax. The fee applies only to occupied households, not farmland, vacant lots or businesses. The recycling fee is collected only in those communities whose boards or councils have approved an agreement with the county to participate in the program which is negotiated on a five-year cycle. Each community pays \$3.75 per paid occupied household into Resource Recovery's planning and administration budget to cover costs for coordination and promotion. All remaining funds are deposited in the community's individual program account. Any interest generated by the fund remains with the program and is credited to each city or township's account. Revenues collected annually in each community, 85% is dedicated to recycling operations while no more than 15% is allocated to program planning, promotion and administration. The county supplements planning costs with an annual \$20,000 appropriation. Funds earmarked for that community can be used for any waste reduction program benefiting its residents such as curbside collection, drop-off recycling or composting programs and some of their revenue could be applied to capital improvements at recycling sites. At the present time Manlius Township is using the program. A suggestion was made to put information about the program in the annual newsletter to get feedback.

Tom Forshee, representing Verizon Wireless, spoke in favor of the Zoning Ordinance Amendment to expand the use of Wireless Communication Facilities to the R-1 Zoning District because it would allow Verizon to better serve the community. Mr. Forshee indicated that the Township Planning Commission and the Allegan County Planning Commission approved the proposed ordinance after being reviewed by the township attorney.

Tasha Smalley commented that she began receiving phone calls in November 2006 about putting up communication towers in the township which are only allowed in C1 and C2, which Clyde does not have. Therefore an ordinance amendment was needed to add communication towers to the ordinance. They cannot be prohibited from being in the township. Tasha explained the proposed ordinance text and the concern of the Planning Commission Chairman that the tower would not be on township property. Tasha referred to Georgetown Township text which states that "in residential districts, such towers shall not exceed one hundred (100) feet in height, unless located on publicly owned land." Tasha indicated that Clyde Township owns only two feasible parcels in the township.

She pointed out that there is a difference in the physical nature of each township. Georgetown Township is primarily commercial while Clyde Township is primarily rural. Tasha noted that if all other properties but township owned or leased property was restricted, then everyone else would have to get a variance.

Tom Giles pointed out that according to the communication from the attorneys the legality is questioned favoring a governmental unit by adopting a zoning provision that would allow the erection of communication towers on privately owned land only if township owned or leased land was not available in the area to be served by the proposed tower.

Ron Hale, Chairman of the Clyde Township Planning Commission, explained that in Georgetown the township was taken to court three times in regard to this issue and each time the township won. He would like to see the rent money benefit the township or the school if possible.

Laura Weingartner, representing Verizon Wireless, explained that expert engineers studied the search ring in the area. The zoning ordinance language could limit the provider so it would not be able to locate in the best possible area to serve the people. She indicated that if the ordinance would be restricted to 100 feet then more towers would be needed which would not be desirable. She pointed out that the proposed ordinance does have an incentive by making it a permitted use rather than a special use in all zoning classifications when located on property owned, leased or otherwise controlled by the township with approval by the Township Board.

Bob Larsen pointed out that because locating on township owned property is a permitted use, others could co-locate on township property less than two miles. Bernie McLeod noted that another provider could rent off of your tower making fewer towers which would be more desirable.

Ron Hale questioned why Verizon Wireless did not bring this request to the Planning Commission first rather than going to an individual.

Bob Larsen questioned who initially went out and did this. Tom Forshee replied that specialists go out in the community to find out the best spot and he was not sure who that person was but even though mistakes were made he indicated that they were not made in bad faith.

Tom Giles told Ron Hale he appreciated his passion, but two legal opinions in reference to communication provided from attorney's Ken Sparks and Roxanne Seeber recommended not limiting the location of towers to township owned or leased land first. The main concern should be to provide good cell service.

When Ron asked about the school property, Tom Forshee recommended the ordinance not be so limiting that others would not want to come to locate in the township. He indicated that the school would not be an optimal location. Mr. Hale replied that he would

like to see what the coverage would be on the township property, school property and the property owned by the individual being considered before adopting the ordinance.

Bob Larsen moved to adopt Ordinance 49 to amend the Clyde Township Zoning Ordinance Section 5.03, Section 11.04, Section 11A.03 and Section 13.06 to provide for communications towers as a special land use in certain zoning district classifications as presented. Bernice McLeod supported the motion. There was no discussion. Motion carried unanimously. The ordinance is attached and is now part of the official minutes.

Primo and Lupe Jimenez addressed the Board with a concern about the condition of the property and dumping of trash in the area of 2246 54th Street. They commented about Birds Eye dumping water behind them and Mr. Giles told them to complain to Birds Eye.

Jeff Farnsworth, Republican candidate for State Representative from Allegan County introduced himself to the Board and audience. He ran in 2002 but did not win. He has been treasurer for the Allegan County Republican Party for the last 4 years.

Don Chapman brought information from the Fennville Area Fire Department requested at the last Board meeting. He presented a concern that the person who represents Clyde on the Fire Board does not live north of 120th. Bernie McLeod pointed out that the Clyde representative represents Clyde and not Fennville. Mr. Chapman reported that the squirt truck could last another 5 years and possibly 15 years if used less often. Troy Day pointed out that 20 years is the limit for the life of a squirt truck and this one is already 38 years old making it more money than it is worth.

Bernie VanKampen moved to adjourn. Bernice McLeod seconded the motion. Motion carried. Adjournment was at 9:10 p.m.

Signed _____

Lynda Manthey

Acting Secretary for Chris McKellips