

PARK TOWNSHIP
REGULAR BOARD MEETING
January 14, 2009

ART 1. CALL TO ORDER

Supervisor Amanda Price called to order the regular meeting of the Park Township Board held on January 14, 2010 at 6:30 p.m. at the Park Township Office.

Present were Supervisor Amanda Price, Clerk Skip Keeter, Trustees Doug Dreyer, Bob Ellis, Jerry Hunsburger, Mike Toscano, Attorney Dan Martin, and Manager Jerry Felix.

Absent was Treasurer Jan Steggerda

ART 2. INVOCATION – Jerry Hunsburger

ART 3. PLEDGE OF ALLEGIANCE –Justin & Tylar Brading, Linus Gugino, Nicholas Lamberts, Sam Duckworth and Rhys Prichard all from Lakeshore Elementary School.

ART 4. APPROVAL OF AGENDA (Additions to or Deletions from Agenda)

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Ellis and supported by Keeter to approve the agenda. (6-0)

ART 5. APPROVAL OF CONSENT AGENDA

- a) Approve minutes of December 10, 2009 Board Meeting
- b) Treasurer's Report
- c) Zoning Administrator's Report
- d) Payment of Bills

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Hunsburger and supported by Keeter to approve the consent agenda. (6-0)

ART 6. PUBLIC SAFETY REPORT

- a) Chief Gamby gave an update of the status of the fire department.

ART 7. PUBLIC COMMENT PERIOD (2 MINUTES PER PERSON)

Price opened the public comment period.

15 people spoke at the public comment period.

Price closed the public comment period.

ART 8. PUBLIC PRESENTATION: Recreation Department: Community Garden

Barb Burmeister-Park Township Recreation Director discussed the Community Garden. This will be a Township sponsored organic garden that residents can purchase a plot and cultivate vegetables.

The Recreation Department will also hold a free fishing derby at the Riley Trails pond.

Burmeister stated the township will offer a children's triathlon, snowshoe trail hike and an opportunity to use the climbing wall all activities will be held at Camp Geneva.

ART 9. PUBLIC HEARINGS

a) 2006 International Fire Code

Price opened the public hearing.

Price asked Felix and Chief Gamby to speak to this issue. The township currently uses the 2006 BOCA code.

Chief Gamby and Felix both heartily endorse the adoption of the code.

Hunsburger asked what the impact would have on the residents.

Gamby stated the maintenance portion of the code would have the most impact. As an example, the Chief stated, if a business or residence remodels over 50% of their building structure the owner would have to adhere to the new code. Other structures would be "grandfathered" in.

No public comments were given at the public hearing.

Price closed the public hearing.

Keeter stated no letters were given in objection.

Felix stated approximately 50 letters were submitted in favor of adopting the code.

The board discussed any unintentional consequences to residential home owners.

Gamby stated there are no consequences to already developed residential buildings.

Toscano asked what impact this has on the Planning Commission.

Felix stated the consequences.

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Ellis and supported by Hunsburger to adopt the 2006 International Fire Code as amended to present day. (6-0)

ART 10. PUD AMENDMENTS

a) Tiara Yachts

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Keeter and supported by Dreyer to move the item off the table. (6-0)

Ellis reviewed the activities of the sub-committee. He presented two proposals, one from the neighborhood, and one from Tiara Yachts.

Toscano asked to read into the record, the Planning Commission's motion on this subject.

Price agreed.

Toscano read the motion "A motion was made by de Vries and supported by Cole to recommend to the Park Township Board denial of the PUD amendment for DRS, LLC,

because of inadequate parking and because the proposed use would be less compatible than what is presently allowed in this residential neighborhood.” Toscano stated the motion passed 5-1 at the Planning Commission meeting. He stated a third option would be the Planning Commission’s recommendation to reject the entire proposal.

Price reviewed the process of this PUD. She asked Martin to review his legal opinion regarding this property.

Martin explained the rights of Tiara Yachts as property owners. In his opinion, the Township does not control ownership, they control use. He also gave his legal opinion regarding the alcohol use and rental. The rental does not change the use if it is used as a corporate meeting center.

Martin stated the lot is non-conforming however the use is conforming at this time, due to amendments in our zoning regulations.

Hunsburger thanked Ellis for chairing the committee and the neighbors for attending the meetings.

Martin stated the board can agree on a proposal and if the applicant does not agree it will stay as it is currently.

MOTION MADE; MOTION SUPPORTED; MOTION DENIED: A motion was made by Hunsburger and supported by Toscano to accept the proposal by the neighbors to rent the docks seasonally and allow alcohol on the property. (2-4, Dreyer, Ellis, Keeter, Price)

Anderson stated the applicant is not able to accept the proposal at this time and asked the board to reconsider their request.

Ellis asked the board to craft another proposal and see if there is consensus.

Ellis stated occasional use should be not more than half the time in the manner it is used by the applicant, no weekends during June, July & August from Friday after 5pm, and music and alcohol service ends at 9pm (included in the proposal a lift on the ban on alcohol). Included in the proposal would be rental to outside groups for no more than 180 days during the year.

Dreyer added he would like to have the entire event during the week end at 9pm.

Toscano and Price would like use less than 180 days.

Toscano proposed no more than 20% of available time.

The board offered:

- 1) No weekend use
- 2) Seasonal rental of boat slips (which gives the location 25 usable parking spaces during rental season for building rental purposes)
- 3) Prohibition on alcohol lifted
- 4) Eliminate 14-day restriction of sleeping on boats
- 5) 110 days of rental during the year
- 6) No weekend rental during the summer
- 7) Weekday events end at 9pm.
- 8) Only rent to Corporate (public or private institutions), education (public or private), community (non-profits), or civic events

Code enforcement would be left to the Township attorney and code enforcement officials.

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Toscano and supported by Keeter to table this item and move onto the next board item while the applicant confers with counsel and family. (6-0)

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Dreyer and supported by Ellis to take the item off the table for discussion. (6-0)

Anderson restated the revisions.

- 1) Add political events
- 2) Limitation to 100 days per year is okay.
- 3) No weekend use during June, July and August beginning at 5pm. Would like to end events at 7pm not 5pm. Able to use the facility during June, July & August one weekend during each of these three months. One of the weekend days will include Friday.
- 4) End events at 10pm during the week. Clean up will occur after 10. Alcohol service in building and on slips.
- 5) Slips offer is agreeable
- 6) Parking offer is agreeable.
- 7) On-site manager is still at discretion of applicant.

Hunsburger is opposed to weekend use and would like events to end by 9pm.

Ellis stated he would like to see some sort of on-site manager at every event.

Mr. Marquis stated the reaction of the neighbors is the 100 days of rental is not acceptable. His clients are proposing only uses other than social. He would like to leave the 14-day restriction on the boats in the PUD. The neighbors are favorable to the events ending at 9:00pm. Political use is okay as long as it is not social.

Martin stated the board should request a report regarding the proposal.

Price restated the proposal point by point.

The board's final proposal included:

- 1) No weekend use.
- 2) Events will end at 5pm on Friday and the cleanup will end at 7pm.
- 3) Seasonal rental of the boat slips with the understanding of the parking limitations this presents.
- 4) Prohibition on alcohol on the property removed
- 5) Rental of the facility will include no social events, only business type events would be allowed.
- 6) On-site manager available for each event.
- 7) Weekday events last no longer than 9pm.
- 8) 75 days maximum rental use per year
- 9) Add back in the 14 days occupancy on the boat in the slips.
- 10) Only rent to Corporate (public or private institutions), education (public or private), community (non-profits), or civic events

Anderson stated the applicants' counter offer.

Marquis stated the neighbors would like to see no summer rentals.

The board received consensus on the previously stated proposal.

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Hunsburger and supported by Keeter to table the matter and direct staff and attorney to prepare a resolution and report to amend the Planned Unit Development as noted in discussion, which report will be subject to the Board's review, modification, rejection or approval at March Board of Trustees meeting, and further to direct the staff and attorney to share a draft of the report with opposing counsel (Anderson and Marquis). (6-0)

ART 11. STAFF REPORTS

- a) Update of Employee Handbook

The board agreed to accept the item as of this date.

ART 12. PROPOSED ORDINANCES/RESOLUTIONS

- a) CMAQ Grants for Non-Motorized Pathway Application

Toscano clarified that we are only applying for a grant and committing no money.

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Toscano and supported by Ellis to approve the manager's recommendation to apply for the grant. (6-0)

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Dreyer and supported by Ellis to move the next item to after the Tiara Yachts PUD is completed. (6-0)

ART 13. PUBLIC COMMENT (2 MINUTES PER PERSON)

Price opened the public comment period

4 people spoke at the public comment period

Price closed the public comment period.

ART 14. CONSIDER ENTERING INTO CLOSED SESSION FOR THE PURPOSE OF PURCHASING REAL ESTATE

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Keeter and supported by Dreyer to go into closed session for the purpose of discussing the purchase real estate. (6-0)

Roll Call: Yeas – 6
Neas – 0

The board reconvened following closed session.

ART 15. MANAGER'S REPORT

Felix gave a report of the status of the manager's office including audit, Master Plan process, budget and staff.

ART 16. BOARD COMMENTS

Board members gave an update of the meetings they attended.

Hunsburger stated the township should have a policy that states Supervisor Price speaks to the press regarding board topics.

Toscano asked the board to hold a tree summit to gather with utilities and discuss future tree removal so we can better notify our residents.

ART 17. ADJOURN

MOTION MADE; MOTION SUPPORTED; MOTION CARRIED: A motion was made by Keeter and supported by Dreyer to adjourn at 10:54pm. (6-0)

Daniele Dykens, Recording Secretary
January 14, 2010

DRAFT