

BEDFORD TOWNSHIP BOARD MINUTES
8100 JACKMAN ROAD, TEMPERANCE, MI 48182

April 19, 2016

7:00 pm

PRESENT:

Greg Stewart, Supervisor
Trudy Hershberger, Clerk
Paul Francis, Treasurer

Larry O'Dell, Trustee
Paul Pirrone, Trustee
Rick Steiner, Trustee
Nancy Tienvieri, Trustee

ALSO PRESENT: Phil Goldsmith, Lennard, Graham & Goldsmith

The Regular Meeting of the Bedford Township Board was called to order by Stewart at 7:00 PM followed by the Pledge of Allegiance.

PUBLIC HEARING

REQUEST FOR APPROVAL OF A ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT FOR WILD HAVEN PARK SUBDIVISION

Motion was made by Hershberger, seconded by Steiner to open the public hearing for the approval of a road improvement Special Assessment District for Wild Haven Park Subdivision. Motion carried unanimously.

Linda Paradise, 7213 Wildhaven spoke, expressing her concerns and issues regarding the special assessment district.

Hershberger explained this public hearing would approve the district, and if approved, a second public hearing would be held to approve the costs. She then responded to the resident's concerns and asked Barry Buschmann, Township Engineer to answer drainage questions. There are 14 lots in the district, and 8 lot owners signed the petition, which is 58% of the total lots, and the cost of this project is estimated to be approximately \$4,200.00 per parcel.

Motion was made by Steiner, seconded by Pirrone to close the public hearing for the approval of a road improvement Special Assessment District for Wild Haven Park Subdivision. Motion carried unanimously.

Motion was made by Pirrone, seconded by Tienvieri to approve the Special Assessment District for Wild Haven Park subdivision, as presented. Motion carried on a roll call vote as follows:
Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None.
Excused: None

REQUEST FOR APPROVAL OF A ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT FOR CHAPEL CREEK SUBDIVISION

Motion was made by Pirrone, seconded by Steiner open the public hearing for the approval of a road improvement Special Assessment District for Chapel Creek Subdivision. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

Arlene Riter, 2560 Chapel Creek-commented negatively on the special assessment district.

Eric Christopher, 8164 Michelle - commented negatively on the special assessment district.

Dave Sauter, 8030 Michelle - commented negatively on the special assessment district.

Hershberger spoke, stating there are 98 parcels in the district and 51 lot owners signed the petition, which is 52% of the total lots. Property owners had 3 options for the project. She then asked Buschmann to explain the options and answer questions. Buschmann

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stated option 1 is isolated pavement repairs at an estimated cost of \$975.00 per lot, option 2 being a partial width cold milling with a full width hot mix overlay at an estimated cost of \$1,375 per lot, or option 3 which would be a full width cold milling and full width hot mix overlay at an estimated cost of \$1,500 per lot. He then responded to board members questions. Motion was made by Steiner, seconded by Pirrone to close the public hearing for the approval of a road improvement Special Assessment District for Chapel Creek Subdivision. Motion carried unanimously.

Motion was made by Pirrone, seconded by O'Dell to approve the Special Assessment District for Chapel Creek Subdivision, as presented. Motion carried on a roll call vote as follows: Aye: O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: Francis Excused: None

APPROVAL OF AGENDA – Motion was made by Francis, seconded by Steiner to approve the agenda with the addition of item 7-H, Request for Approval of the Sale of Obsolete Fire Equipment, and to move item 7-B, Request for Approval of the Lake Erie Transit Millage Proposal and Resolution up to immediately after the first Public Comment time. Motion carried unanimously.

CONSENT AGENDA

The Consent Agenda contained the following items for approval:

Approval of the April 5, 2016 Township Board minutes.

Accept and place on file the General, Savings, Pooled Bunds and CD reports from the Treasurer.

Approve and place on file the Revenue/Expense report and Balance Sheet for the period ending March 31, 2016.

Motion was made by Pirrone, seconded by Steiner to approve the consent agenda as published. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

PUBLIC COMMENT

Mark Jagodzinski, Gen. Manager of Lake Erie Transit spoke regarding the proposed millage, and approximately 32 residents and bus users spoke to the board in support of the proposed millage.

Beth Johnson, 4165 Shelton, turned her comment time over to her husband.

Rob Johnson, 4165 Shelton, spoke regarding the Adler Estates issue, and proposed an alternative.

Cynthia Hensley, 4151 Shelton, spoke regarding the Adler Estates issue citing concerns about safety.

Virginia Robinson, 7610 Dartmouth, spoke regarding the Adler Estates issue citing concerns about safety.

Bob Poturalski, 7561 Dartmouth, spoke to the Adler Estates issue in detail.

Glen Marks, 7499 Canterbury, Ernest LeRoy, 7562 Canterbury, Boyd Wellman, 4149 Canterbury, each gave their 2 minutes to allow Mr. Poturalski to speak.

Pat Marks, 7499 Canterbury, spoke to safety issues regarding the Adler Estates issue.

Tom Fouts, 7581 Dartmouth, spoke against the Adler Estates issue.

OLD BUSINESS

REQUEST FOR APPROVAL OF ADLER ESTATES TENTATIVE PRELIMINARY PLAT

Brian Retar, consultant for the developer spoke to the access road issue, stating it was always planned to be just an emergency access, and gave the board information regarding their latest proposal to resolve the issue of a road or access road between Canterbury Forest and the proposed Adler Estates subdivisions. A lengthy discussion followed with comments/opinions from the township attorney, the township engineer, and the developers of the subdivision.

Motion was made by Pirrone, seconded by O'Dell to approve the tentative preliminary plat for Adler Estates identified by Parcel No. 5802-030-099-08, situated on Adler Road between Sterns Road and Clegg Road with the following conditions:

1. Approval of all Monroe County reviewing agencies, including, but not limited to the Monroe County Road Commission and Monroe County Drain Commission.

2. Approval by the Township Board (as part of this Motion) for a deviation from the six hundred foot street length limitation set forth in section 8.2(1)(i) of the Development Design Standards Ordinance, with the following findings: (A) There is no reasonable alternative means of development; (B) taking into consideration the number of people in the plat or other development, the volume of traffic to be generated, there would not appear to be an unreasonable traffic danger or emergency vehicle access problem created; and (C) all reasonable precautions and provisions are designed into the plat or other development to minimize present and future access limitation.

3. Approval by the Township Board (as part of this Motion) to vary section 8.2(1)(a) of the Development Design Standards Ordinance, wherein it is stated in pertinent part that "street layout shall provide for the continuation of existing major or collector streets and surrounding areas, or conform to a plan for neighborhood development approved by the Planning Commission". In support of said variance the Township Board finds that (1) there are special circumstances or conditions affecting the subdivision or project improvement such that a strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of the property; (2) the deviation is necessary for the preservation and enjoyment of the substantial property right of the applicant and is the minimum variation required; and (3) the granting of the variation will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. As part of this Motion it is further determined that the developer has requested a variation from the guidelines of the Development Design Standards Ordinance in writing by submission of a revised tentative preliminary plat which eliminates the public road from Casey Court to Dartmouth Drive situated in Canterbury Forest, in favor of an emergency access easement.

4. The tentative preliminary plat be approved with the alternate emergency access easement, which extends south from Casey Court to the common boundary between Adler Estates and Canterbury Forest, subject to the following conditions:

a. The private emergency access easement shall be shown on the tentative preliminary plat and all subsequent plats, including, but not limited to the final approved plat;

b. The developer shall prepare a written emergency access easement instrument to be recorded at the Monroe County Register of Deeds Office, which shall provide emergency access between Adler Estates and Canterbury Forest for all emergency vehicles, including, but not limited to the Bedford Township Fire Department, the Monroe County Sheriff's Department, the Michigan State Police, Monroe Community Ambulance and/or its successors, and the Monroe County Road Commission. The written easement instrument shall be reviewed and approved by Township legal counsel.

c. The emergency access easement area shall be restricted to emergency vehicles, pedestrian and bicycle traffic and its duration shall be perpetual for the public health, safety, and welfare. At no time may the emergency access easement be obstructed in such manner to prevent passage of emergency vehicles.

d. Construction materials, compaction and actual construction processes for the emergency access easement road shall be inspected and approved by the Bedford Township engineer, such that said emergency access easement road will support the weight of emergency vehicles that may from time to time travel upon same; and

e. The emergency access easement road and infrastructure situated thereon, including the sidewalk shown on the tentative preliminary plat, shall be constructed by the developer of Adler Estates, as approved by the Bedford Township engineer, and shall be maintained in perpetuity by the owners of Lots 17 and 18 of Adler Estates, as currently shown on the tentative preliminary plat. Bedford Township shall have no responsibility for initial construction and/or subsequent maintenance of the emergency access easement, including, but not limited to all infrastructure incorporated into said emergency access easement roadway or sidewalk. The emergency access easement shall encumber Lots 17 and 18 of Adler Estates in perpetuity for the benefit of the public health, safety and welfare, and in accordance therewith, the deeds for Lots 17 and 18 shall bear restrictions identifying the emergency access easement and the responsibility of the Lot owners to maintain said easement. No structures shall be erected within the easement area.

5. Approval of the tentative preliminary plat for Adler Estates is supported by the fact that the emergency access easement provides for a measure of connectivity between Adler Estates and Canterbury Forest for emergency vehicle access, as well as pedestrian and bicycle access for the residents of both Adler Estates and Canterbury Forest. Further, the emergency access easement provides for emergency vehicle access from Adler Road and Sterns Road for the residents of both subdivisions.

Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

NEW BUSINESS

REQUEST FOR APPROVAL OF OUTSTANDING INVOICES- Motion was made by Hershberger, seconded by Francis to approve the following vouchers for payment: General Fund-\$67,539.32, Fire District-\$43,179.93, Police Fund-\$9,458.73, Park Fund-\$1,039.40, Library Operating Fund-\$2,377.93, Water Revenue Fund-\$467.50, Downtown Development Authority-\$43,41, Sewer Operation & Main. Fund-\$396,264.37, Trust & Agency Fund-\$450.00

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for a total of \$520,820.59. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

REQUEST FOR APPROVAL OF THE LOCAL PUBLIC TRANSPORTATION SERVICE RENEWAL MILLAGE PROPOSAL AND TO BE PLACED ON THE AUGUST 2, 2016 PRIMARY ELECTION BALLOT

Mark Jagodzinski, General Manager of Lake Erie Transit spoke, explaining the millage resolution and ballot wording was written by the township's attorneys, it will be a 3 year renewal millage starting in 2016 in the amount of .2462 mills. Discussion followed, with board members asking questions and commenting on the issue. Stewart spoke, stating he has contacted TARTA as an alternative to Lake Erie Transit and was told they would need a minimum 2.5 mill millage to provide service to Bedford because their state funding would be less than LET receives because they are not located in Michigan. The board continued discussing the issue and asking questions of Mr. Jagodzinski. Motion was made by Francis, seconded by Steiner to approve the Local Public Transportation Service Renewal Proposal and Resolution which will be .2462 mills for three years beginning in 2016, to be placed on the August 2, 2016 Primary Election Ballot, as presented. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

REQUEST FOR APPROVAL OF A MCRC ROAD IMPROVEMENT CONTRACT FOR SECTION ROAD BETWEEN WHITEFORD CENTER AND SECOR ROADS.

Francis spoke stating this contract is for a base stabilization and 2 " HMA at a total cost of \$272,900 to be paid entirely by the township. Motion was made by Francis, seconded by Steiner to approve the MCRC road improvement contract for Section Road between Whiteford Center and Secor Roads at a cost of \$272,900. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

REQUEST FOR APPROVAL OF A MCRC ROAD IMPROVEMENT CONTRACT FOR JACKMAN ROAD BETWEEN TEMPERANCE AND ERIE ROADS

Francis spoke stating this contract is for a single chip and fog seal at a cost of \$32,205.00 to be paid entirely by the township. Motion was made by Francis, seconded by Odell to approve the MCRC road improvement contract for Jackman Road between Temperance and Erie Roads at a cost of \$32,205. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

REQUEST FOR APPROVAL OF A MCRC ROAD IMPROVEMENT CONTRACT FOR SUBSTATION ROAD FROM MINX TO THE END OF THE ROAD

Francis spoke stating this contract is for a base stabilization and double seal at a total cost of \$285,527.00, with Bedford's portion of the cost to be \$214,146.00. Motion was made by Francis, seconded by Steiner to approve the MCRC road improvement contract for Substation Road Minx to the end of the road at a cost to the township of \$214,146. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

REQUEST FOR APPROVAL OF A MCRC ROAD IMPROVEMENT CONTRACT FOR SECOR ROAD BETWEEN SAMARIA AND RAUCH ROADS

Francis spoke stating this contract is for a scrub seal and fog seal at a total cost of \$42,772.00, with Bedford's portion of the cost to be \$32,080.00. Motion was made by Francis, seconded by Odell to approve the MCRC road improvement contract for Secor Road between Samaria and Rauch Roads at a cost of \$32,080. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

REQUEST FOR APPROVAL OF A MCRC ROAD IMPROVEMENT CONTRACT FOR DOUGLAS ROAD BETWEEN STERNS AND TEMPERANCE ROADS

Francis spoke stating this contract is for a single chip seal and fog seal at a total cost of \$66,790.00, with Bedford's portion of the cost to be \$50,092.00. Motion was made by Francis, seconded by Odell to approve the MCRC road improvement contract for Douglas Road between Sterns and Temperance Roads at a cost to the township of \$50,092. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None

REQUEST FOR APPROVAL OF THE SALE OF OBSOLETE FIRE DEPARTMENT EQUIPMENT

Stewart spoke, stating the Fire Department had received two offers to purchase the old obsolete breathing apparatus, one from a company in Colorado which offered \$1,500.00 if the fire department paid for the shipping. The other offer is from a local company, offering \$3,000.00. He also mentioned this old equipment had been replaced by new equipment purchased with grant monies received by the Fire Department. Motion was made by Hershberger, seconded by Pirrone to approve the sale of the obsolete fire department equipment to Ken Kilman, of New Image Process Solutions, for \$3,000. Motion carried on a roll call vote as follows: Aye: Francis, O'Dell, Pirrone, Steiner, Tienvieri, Hershberger & Stewart. Nays: None. Excused: None
At 10:00 pm, a motion was made by Francis, seconded by Steiner to extend the April 19, 2016 Township Board meeting by one hour. Motion carried unanimously.

PUBLIC COMMENT

Gail Keane, 1056 W. Temperance – spoke to board members regarding comments made about TAC and Farmer's Market issues.

Lamar Frederick, commented on the Lake Erie Transit issue and announced he is running for County Commissioner in District 9.

Ken Gonyea, 8311 Lambert, suggested an alternate access route for Adler Estates.

BOARD MEMBERS COMMENTS

Tienvieri – stated she had written a mission statement for the township and would like it placed on the agenda for the May 10, 2016 board meeting. She would also like the Metro Funds be on the agenda for that meeting. She requested an informal meeting between the township board, planning and BZA to discuss special use permits, and requested future budget meetings held in the board room be set up at board members desks instead of a table in front because residents complained it was difficult to hear what was being said.

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Steiner – mentioned he was at the Indian Creek Zoo last weekend and it was a great experience. He also mentioned April 30, 2016 has been designated Bedford Day at the Zoo, and invited all residents to attend.

Hershberger – reminded residents they could still receive absentee ballots for the May 3rd election, just contact her office. She also said she had held a 2 day mock election at Bedford High School, with 319 Senior students participating. The students enjoyed and appreciated the opportunity to learn about the voting process and she hopes to continue. In addition, she wished her parents a happy 68th wedding anniversary.

Stewart – Stated there would be a Special Meeting on Thursday, May 5, 2016 at 7:00 pm to meet with the Communication Committee and he will be scheduling a Committee of the Whole joint meeting with BZA and planning to go over ordinance issues. Lastly, he welcomed new sponsors to Bedford's Adopt A Road Program, Bridgepoint Youth Ministry, Cub Scout troop 720, Miss Tully's 6th grade science class, and Mannik & Smith Group. There are now over 200 businesses/groups/individuals involved in this program.

Attorney Phil Goldsmith - wished his mother, Violet Howard a happy 100th birthday.

ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Trudy L. Hershberger
Bedford Township Clerk

Garnet Francis
Deputy Clerk/Recording Secretary