



Solon Township Hall
15185 Algoma Avenue NE
Cedar Springs MI 49319
616-696-1718

**Minutes of the Regular Meeting of the Solon Township Board of Trustees
March 13, 2018 @ 7:30p.m.**

Meeting called to Order by Supervisor Ellick at 7:30pm.

Members Present: Robert Ellick, Arthur Gerhardt, Mark Hoskins, Mary Lou Poulsen, Fred Gunnell

Members Absent: none

Pledge of Allegiance & Invocation

Public Comment on Agenda Items

- John Bitely – see attached “letter of Authorization” from Gary Lee Johnson
- Steve & Jan Grimm – also ask to keep zoning to current minimum acreages
- John Bitely – see attached “Proposed Rezoning of Ashton Meadows”
- Merle Barrett – believes we have standing orders to keep escape route for logging clear – namely Simmons Road and others. Has been told that State Funds for road repair have all been allocated. Pot holes and bad roads slice tires. Situation not being addressed by Sheriff and others.
- John Bitely – Speaking for Pointe North LLC, requests northeast corner of Algoma and 17 Mile also stay in 1 acre zoning.

Approve Agenda

A motion was made by Hoskins to approve agenda, seconded by Poulsen. The motion carried 5-0.

Approve Consent Agenda

A motion was made by Poulsen to approve consent agenda, seconded by Hoskins.

The motion carried 5-0.

- a. Approve minutes from February 13, 2018 Regular Board Meeting
- b. Approve minutes from staff meetings – February 7 and March 7, 2018
- c. Approve Bill List
- d. Clerk’s Rev/Exp Report & Balance Sheets
- e. Treasurer’s Report
- f. Building Inspector’s Report
- g. Fire Chief’s Statistics Report

Committee Reports

- * Cedar Springs Public Library – Donna Clark
- * Cedar Springs Area Parks and Rec. - none
- * Solon Park Planning Committee – Tony Owen written report
- * Fire Committee – none

Old Business

- Radar Speed Sign – Motion by Ellick to table until April Board Meeting for more time to go over quotes, second by Hoskins, motion carried 5 – 0.

New Business

- **Master Plan Resolution**

A motion was made by Gunnell to adopt Master Plan as drafted by Planning Commission, seconded by Ellick. Discussion included concern about the future use map causing confusion for residents and the township assessor and zoning administrator. A PC member commented cloud gave flexibility. 2nd PC member stated he understood the planner was going to redraw the map along lot lines and he was surprised it wasn't included that way.

On a Roll Call Vote: Ellick-Y; Gunnell-Y; Hoskins-Y, Poulsen-Y; Gerhardt-Y. Motion carried 5-0.

- **AR-1, AR-2 Ordinance Amendment**

A motion was made by Gunnell to approve ordinance amendment, second by Ellick.

Public comments: Mr. Grim stated that the hardline map was just recently produced and residents should have input if their land is affected. Mr. Barrett spoke of a court order and out of compliance situation on Wiersma. Hal Babcock stated the map showed specific section by section detail to follow the intent of the amendment. Mr. Bitely commented on page 4 descriptions – that he had requested a copy of the new map and came into the township office today to get it but it wasn't available – what is wrong with getting information to the public prior to adoption? Mr. Matulis commented that the Planning Commission meetings are open meetings and asked if the maps were discussed and available at those meetings. Mr. Bitely asked it be noted that map information was difficult to obtain.

Motion was withdrawn by Gunnell.

A motion was made by Ellick to table to the April 10th Board meeting, second by Hoskins. Motion carried 5-0.

A motion was made by Ellick to extend Temporary Moratorium on applications for building permits, land divisions and certain zoning reviews with respect to certain uses in the AR- Agricultural Residential district within the township to April 12, 2018 to coincide with Ordinance Amendment, second by Hoskins. Motion carried 5 – 0.

- **Ordinance Amendment - Agritourism**

A motion was made by Ellick to table to April 10, 2018 board meeting because of references to AR-1 and AR-2 districts, second by Poulsen. Motion carried 5-0.

- **Procedure to update Zoning Ordinance and General Ordinance Books by Attorney**

A motion was made by Ellick to hire Attorney to update Zoning and General Ordinance Books as amendments are made, second by Hoskins. Motion carried 5-0.

- **Request for Lot lighting at Fire Dept - \$1,610**

A motion was made by Gunnell to approve quote for lighting, second by Gerhardt. Motion carried 5-0.

- **Request for cordless lighting for Fire Dept apparatus - \$3,199.90**

A motion was made by Gunnell to approve quote for 4 lights, second by Hoskins. Motion carried 5-0.

- **Park Millage request**

A motion was made by Poulsen to approve request by Park Committee to place proposal for 1 mill/10 year for Park Construction on November 2018 ballot, second by Gerhardt. Discussion by board members: no interest, taxpayers bill adds up after awhile with each small request, no problem with township chipping in funds or with the public donating but don't think a millage is the way to go. Suggested asking for donations in the newsletter. Motion failed 1-4.

- **Appoint Park Committee members**

A motion was made by Poulsen to appoint Shelly Hilbert, Shelly Aardema, Hal Babcock, Annette Ellick, Tony Owen, Dan Davis, Mary Lou Poulsen to Park Committee, second by Ellick. Motion carried 5-0

Public Hearing on Township Budget 2018-2019

Supervisor opened public hearing at 8:51.

T. Owen requests C.S. Area Parks & Rec budgeted support be redirected to Solon Park.

Mr. Bitely asked if Board has considered how rezoning of AR-1 & AR-2 would greatly reduce raw value of properties and how that would affect tax income.

S. Skelonc stated developments are in the middle of the township but should have been where water and sewer is available. Also, County nor State would reduce raw value of farm land because of "potential use".

R. Ellick stated there is a potential that values may be affected but wouldn't affect budget for coming year that we are discussing. Also stated the township's portion of taxes collected is so little, it would not affect revenue much in coming years.

Supervisor closed public hearing at 9:05.

Motion by Ellick to schedule special meeting for budget on Tuesday, March 27 at 7:30pm, second by Gunnell. Motion carried 5-0.

Correspondence

Trustee Gunnell: none

Trustee Hoskins: Recognition to Fire Department for ISO rating improvement that may affect residents' insurance premiums.

Treasurer: Another tax season over

Clerk: none

Supervisor: Nothing settled yet between Road Commission and Community Development for road improvements.

Additional public comments:

Mr. Bitely – thank you for hearing him tonight. Would like a copy of Master Plan. He was given the draft copy that is currently available.

Mr. Matulis – Commented that Master Plan is a guideline for ordinances. Ordinances may not necessarily follow Master Plan exactly. Ordinance is law, Master Plan is guideline to that law.

A motion was made by Gunnell to adjourn, support by Hoskins, motion carried 5-0.

Meeting adjourned @ 9:12 pm.

NEXT MEETING: April 10, 2018

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Letter of Authorization

Gary Lee Johnson
Property Owner
1401 19 Mile Road
Cedar Springs, MI 49319
March 13th, 2018

Solon Township Board
2305 19 Mile Road NE
Cedar Springs, MI 49319

Dear Solon Township Board,

This letter is to authorize John Bitely to stand on my behalf at the monthly Solon Township Board Meeting to discuss the current zoning expansion discussion.

Sincerely,

Gary Lee Johnson
Property Owner
1401 19 Mile Road
Cedar Springs, MI 49319
Phone: 616.540.1632

March 13th, 2018

Solon Township Board:

In regards to the polling that was conducted this previous autumn, the zoning restructure survey resulted in a 68% vote to maintain current zoning regulations. With this recent sampling of the general population, the evidence is clear that the public wishes no change to occur to current ordinances. I echo the sentiment of the survey results while providing the following wisdom from my time on the board 20 years previous as the zoning board chairman. In that time we conducted public

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hearings on the conversation of expansion and found no community interest, nor benefit to the township, in increasing the minimum from one to two acres. Should you proceed forward against the judgement of the public, then as a previous township governing member, I suggest that the property taxes be lowered as a concession to the property owners on the two acre lots.

I urge you to listen to the constituents that were polled to maintain the current zoning definition of a one acre minimum.

Sincerely,

Gary Lee Johnson
Property Owner
1401 19 Mile Road
Cedar Springs, MI 49319
Phone: 616.540.1632

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Solon Township
15185 Algoma Avenue NE
Cedar Springs, MI 49319

RE: Proposed Rezoning of Ashton Meadows

Dear Solon Township:

Sable is the owner of certain land located off 19 Mile Road in Solon Township ("the Township"), currently zoned Agricultural/Residential. Under S5.04 of the existing Solon Township Zoning Ordinance, developments on property zoned Agricultural/Residential must have minimum lot sizes of 1 acre. Sable submitted to the Township a proposed site condominium development consisting of 109 units, entitled "Ashton Meadows." The Township approved the site condominium development on August 9, 2005 as an Open Space Preservation Development pursuant to Chapter 13A of the Solon Township Zoning Ordinance.

Sable recently learned that the Township has issued a moratorium on building permits and plans to selectively rezone portions of the Agricultural/Residential district. The Township's proposed Master Plan would modify a portion of the Agricultural/Residential—including the site of Ashton Meadows.

Sable objects to the proposed rezoning of Ashton Meadows. The Township's proposed Master Plan frustrates Sable's legitimate, investment-backed expectations created when the Township approved the Ashton Meadows site condominium development. The proposed Master Plan exempts from rezoning the land to north, east, and south of Ashton Meadows, but increases the Ashton Meadows minimum lot size. The anticipated rezoning was drawn to - frustrate and impair the Ashton Meadows development. This selective and discriminatory rezoning is not cloaked with the presumption of constitutionality that generally protects zoning designations. See *Kropf v City of Sterling Heights*, 391 Mich 139, 170-171; 215 NW2d 179 (1974). Any individualized rezoning targeting a particular landowner is illegal. See *Anderson v Highland Twp*, 21 Mich App 64, 75; 174 NW2d 909 (1969).

The August 9, 2005 approved Open Space Preservation Development cannot be modified in any respect without Sable's consent. Pursuant to S 13A.06 of the Solon Township Zoning Ordinance: "An approved clustered site plan and any conditions imposed upon its approval shall not be changed except under the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change." Here, the Township's proposed selective rezoning is a major change to which Sable does not consent.

Sable respectfully requests that the Township exempt the Ashton Meadows development from any proposed rezoning, or that the Township revise its proposed Master Plan to exclude Ashton Meadows from the area to be rezoned for 2-acre-minimum lots.

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Sincerely,
John Bitely3--/3-/8
President
Sable Developing, Inc.
11575 Edgerton
Rockford, Mi 49341 616-863-6437 xl
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A handwritten signature in black ink, appearing to read "John Bitely", written in a cursive style.