

STATE OF MICHIGAN
 COUNTY OF EATON ROLL CALL AND VOTES IN BOARD OF COMMISSIONER'S
November 17 SESSION A.D. 2010

ROLL CALL

			ON MOTION TO		ON MOTION TO		ON MOTION TO	
			Joseph Meszaros Appt to Road Comm					
A.M.	P.M.	COMMISSIONERS	AYE	NAY	AYE	NAY	AYE	NAY
	✓	MICHAEL HOSEY		✓				
	✓	BLAKE MULDER		✓				
	✓	THERESA ABED		✓				
	✓	CAROL STRACHAN		✓				
	✓	JEANNE PEARL-WRIGHT	✓					
	✓	LEO A FARHAT JR		✓				
	✓	GLENN H. FREEMAN III	✓					
	✓	JOHN FORELL		✓				
	✓	LINDA KEEFE	✓					
	✓	ART LUNA		✓				
	✓	L. DARYL BAKER		✓				
	✓	DALE BARR		✓				
	✓	DENISE J. CLARKE	✓					
	✓	ROGER HARRIS		✓				
	✓	JOSEPH C. BREHLER	✓					
			5	10				

EATON COUNTY BOARD OF COMMISSIONERS

NOVEMBER 17, 2010

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, November 17, 2010.

Chairman Brehler called the meeting to order at 7:00 PM.

The Pledge of Allegiance to the Flag was given by all.

Commissioner Clarke gave the invocation.

Roll call. Commissioners present; Mike Hosey, Blake Mulder, Theresa Abed, Carol Strachan, Jeanne Pearl-Wright, Leo Farhat, Glenn Freeman, John Forell, Linda Keefe, Art Luna, Daryl Baker, Dale Barr, Denise Clarke, Roger Harris, Joseph Brehler. Commissioners absent; none.

Chairman Brehler asked for additions or corrections to the agenda. Commissioner Keefe removed items 4 and 5 from the Ways and Means Committee Report. Chairman Brehler added a presentation on Homeless Awareness in Eaton County after public comment.

Commissioner Barr moved the agenda be approved as amended. Seconded by Commissioner Farhat. Carried.

Commissioner Baker moved the minutes of October 20, 2010 be approved as presented. Seconded by Commissioner Luna. Carried.

There were no Communications.

Public Comment.

Charlene Wagner, 9415 Nixon Rd. Grand Ledge spoke about the Road Commission appointment and the EATRAN millage which was rejected at the last election.

Joe Meszaros spoke about his qualifications for appointment to the Road Commission.

Nancy Oliver, Director of SIREN/Eaton Shelter spoke about homelessness in Eaton County and thanked the Board for their continued support of the Shelter. Chairman Brehler conveyed the Boards thanks for all the Shelter does for county residents.

Commissioner Luna moved the approval of Resolution #10-11-129, To Adopt an Ordinance for Floodplain Management Enforcement, Affirm the County Department of Construction Codes as the enforcing agency and designate regulated flood hazard areas in the County. Seconded by Commissioner Baker. Carried.

Commissioner Luna moved the approval of Resolution #10-11-130, To Approve DCA 10-10-7, a request for a Comprehensive amendment to the Eaton County Land Development Code as follows: Amendments to Article 3 Administration and Enforcement, Article 5 Definitions and Interpretations, Article 6 General Provisions, Article 8 Zoning Referral and Site Plan Review, Article 9 Conditional use Permits and Article 14 Specific Provisions and Requirements. Seconded by Commissioner Forell. Carried.

Commissioner Luna moved the approval of the following appointments:

- Raymond Whitaker, Brian Ross and Michelle Stahl to the Planning Commission for 3 year terms of office expiring 12-31-13.

- Seth Phillips and Shane Powers to the Parks and Recreation Commission for 3 year terms of office expiring 12-31-13.
 - Bruce Porter and Marilyn Rutter to the Zoning Board of Appeals for 3 year terms of office expiring 12-31-13.
 - Victor Rose, Denise Dunn, Robert Worgul, Bob Brown and Mary Bowen to the Housing Advisory Committee for 2 year terms of office expiring 12-31-12.
 - Andrea Stay, Dave Roberts and Duane Ross to the Purchase of Development Rights Selection Committee for 2 year terms of office expiring 12-31-12.
 - Travis Brininstool and Dave Starr to the Brownfield Redevelopment Authority for 3 year terms of office expiring 12-31-13.
 - Michael Stahl and Ronald Johnson to the Construction Code Board of Appeals for 2 year terms of office expiring 12-31-12.
- Seconded by Commissioner Baker. Carried.

Commissioner Luna offered the following names for appointment to the Road Commission for a 6-year term of office expiring 12-31-16, Taylor Heins, Tim Lamoreaux and Joseph Meszaros.

Commissioner Clarke moved Joseph Meszaros be appointed to the Road Commission for a 6-year term of office expiring 12-31-16. Seconded by Commissioner Pearl-Wright. Roll call vote. Ayes; Pearl-Wright, Freeman, Keefe, Clarke, Brehler. Nays; Hosey, Mulder, Abed, Strachan, Farhat, Forell, Luna, Baker, Barr, Harris. Motion failed.

Commissioner Baker moved Tim Lamoreaux be appointed to the Road Commission for a 6-year term of office expiring 12-31-16. Seconded by Commissioner Hosey. Carried. 1 nay-Commissioner Clarke.

Tim Vandermark, Equalization Director explained there was one millage rate change to the apportionment report due to an ambulance proposal that passed in Vermontville Township.

Commissioner Keefe moved to approve Resolution #10-11-131 to Adopt the 2010 Apportionment Report. Seconded by Commissioner Forell. Carried.

Commissioner Keefe moved the approval of Resolution #10-11-132, To Increase Animal Control Petty Cash from \$25 to \$100. Seconded by Commissioner Baker. Carried.

Commissioner Keefe moved the approval of the following appointments;

- Larry Ballard and Randal Tooker to the Eaton County Historical Commission for 3 year terms of office expiring 12-31-13.
- Bill Conarton, Jr. to the Building Authority for a 3 year term of office expiring 12-31-13.

Seconded by Commissioner Luna. Carried.

Commissioner Keefe moved the approval of claims as audited by the Ways and Means Committee in the amount of \$412,355.96 and to accept the report of previously authorized payments. Seconded by Commissioner Hosey. Carried.

There were no Public Comments.

Commissioner Comment. Commissioner Barr reported the Olivet Eagles are playing in the football semi-finals this week.

There was no Unfinished Business, Old Business or New Business.

Chairman Brehler adjourned the meeting to Wednesday, December 15, 2010 at 7:00 PM.
and wished everyone a Happy Thanksgiving.

Joseph C. Brehler
Chairman of the Board of Commissioners

M. Frances Fuller
Clerk of the Board of Commissioners

EATON COUNTY, MICHIGAN

Ordinance No. _____

An ordinance affirming the Eaton County, Department of Construction Codes as the enforcing agency that will discharge the responsibilities of, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, PA230 of 1972 as amended being the Stille-Derossett-Hale Single State Construction Code Act in the Cities of Olivet and Potterville, the Villages of Bellevue, Dimondale, Mulliken, Sunfield and Vermontville and the Townships of Benton, Brookfield, Carmel, Chester, Eaton, Eaton Rapids, Hamlin, Kalamo, Roxand, Sunfield, Vermontville, Walton and Windsor, located within Eaton County; To adopt a savings clause; and to provide an effective date.

EATON COUNTY ORDAINS:

SECTION 1. AGENCY DESIGNATED.

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(5) of PA230 of 1972 as amended, the Director of the Department of Construction Codes for Eaton County is hereby designated as the Enforcing Officer to discharge the responsibilities of the Floodplain Management Provisions of the Michigan Building Code. Eaton County assumes responsibility for the administration and enforcement of said Act in the Cities of Olivet and Potterville, the Villages of Bellevue, Dimondale, Mulliken, Sunfield and Vermontville and the Townships of Benton, Brookfield, Carmel, Chester, Eaton, Eaton Rapids, Hamlin, Kalamo, Roxand, Sunfield, Vermontville, Walton and Windsor, located within Eaton County, by adopting this ordinance.

SECTION 2. CODE APPENDIX ENFORCED.

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(5) of PA230 of 1972 as amended, Appendix G of the Michigan Building Code shall be enforced by the Department of Construction Codes for Eaton County in the Cities of Olivet and Potterville, the Villages of Bellevue, Dimondale, Mulliken, Sunfield and Vermontville and the Townships of Benton, Brookfield, Carmel, Chester, Eaton, Eaton Rapids, Hamlin, Kalamo, Roxand, Sunfield, Vermontville, Walton and Windsor, located within Eaton County.

SECTION 3. DEFINITIONS.

1. Flood or Flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - i. The overflow of inland or tidal waters,
 - ii. The unusual and rapid accumulation or runoff of surface waters from any source,

iii. Mudflows, and

- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an un-anticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similar unusual and un-foreseeable event which results in flooding, as defined in the above paragraph.
2. Flood Hazard Boundary Map (FHBM) means an official map of the community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
 3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
 4. Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.
 5. Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinances), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
 6. Structure means a walled and roofed building or structure that is above ground, partially above ground or underground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

SECTION 4. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) for Eaton County, Michigan and dated November 26, 2010 and the Flood Insurance Rate Maps (FIRMS) panel numbers for City of Olivet 0408 & 0425, City of Pottersville 0200, 0213, 0325 & 0326, the Village of Bellevue 0385 & 0395, the Village of Dimondale 0217, 0218 & 0219, Village of Mulliken 0050, the Village of Sunfield 0025 & 0050, The Village of Vermontville 0150 & 0275, the Township of Benton 0200, 0213, 0215, 0325 & 0326, the Township of Brookfield 0325, 0340, 0450 & 0475, the Township of Carmel 0300, 0303, 0304, 0311, 0312 & 0325, the Township of Chester 0175, 0200, 0300 & 0325, the Township of Eaton 0304, 0312, 0325, 0326, 0328 & 0340, the Township of Eaton Rapids 0326, 0327, 0328, 0329, 0335, 0340, 0341, 0342, 0343, 0344, 0351, 0353, 0361 & 0363, the Township of Hamlin 0340, 0343, 0344, 0363, 0456, 0457, 0475, 0480 & *0490, the Township of Kalamo 0275 & 0300, the Township of Roxand 0050, 0065, 0175 & 0200, the Township of Sunfield 0025, 0050, 0150 & 0175, the Township of Vermontville 0150, 0175, 0275 & 0300, the Township of Walton 0300, 0325, 0408, 0410, 0425 & 0450, the Township of Windsor 0213, 0215, 0216, 0217, 0218, 0219, 0236, 0238, 0326, 0327, 0335 & 0351, with all panels (maps) dated November 26, 2010 are adopted by reference for the purposes of administering the Michigan

Construction Code, and declared to be part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

SECTION 5. ASSURANCE.

Assurance is given to the Federal Insurance Administrator that Eaton County intends to review, on an ongoing basis, all amended and revised FHBM's and Flood Insurance Rate Maps (FIRMS) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, criteria for Land Management and Use, and to make such revisions in its Floodplain Management Regulations as may be necessary to assure compliant participation in the program.

SECTION 6. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 7. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 8. SAVINGS CLAUSE.

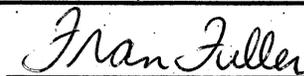
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Carried.

SECTION 9. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Fran Fuller, Eaton County Clerk, certify that this ordinance was adopted on the 17th day of November, 2010, at a regular meeting of the Eaton County Board of Commissioners and published on _____, 20____.



Fran Fuller, Eaton County Clerk

Commissioner Luna moved the approval of the following resolution.
Seconded by Commissioner Forell.

EATON COUNTY BOARD OF COMMISSIONERS

November 17, 2010

RESOLUTION TO APPROVE DCA-10-10-7

Introduced by the Public Works and Planning Committee

PREAMBLE: The Eaton County Land Development Code, an Ordinance adopted by the Commissioners of the County of Eaton pursuant to Public Act 183 of 1943, and administered pursuant to Public Act 110 of 2006, may be amended from time to time by following procedures outlined in Article 13 of the Development Code.

WHEREAS, Eaton County Planning Commission initiated a petition for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 3, Administration and Enforcement (Sections 3.9 1 A., 3.9.1 B 2. & 3.9.1 C. 2.), Article 5, Definitions and Interpretations (Sections 5.3.6 F & 5.3.13 M), Article 6 General Provisions (Section 6.2.10 C), Article 8, Zoning Referral and Site Plan Review (Section 8.5.1), Article 9 Conditional Use Permits (Section 9.3.6 B) and Article 14, Specific Provisions and Requirements (Section 14.1.2 B).; and

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **November 9, 2010**; and

WHEREAS, the Eaton County Planning Commission found the requested amendment to be consistent with the required findings of fact (Items A-G) contained in Section 13.6 of the Eaton County Land Development Code; and

WHEREAS, the Eaton County Planning Commission has taken action on **November 9, 2010** to recommend the approval of the request for a comprehensive amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 3, Administration and Enforcement (Sections 3.9 1 A., 3.9.1 B 2. & 3.9.1 C. 2.), Article 5, Definitions and Interpretations (Sections 5.3.6 F & 5.3.13 M), Article 6 General Provisions (Section 6.2.10 C), Article 8, Zoning Referral and Site Plan Review (Section 8.5.1), Article 9 Conditional Use Permits (Section 9.3.6 B) and Article 14, Specific Provisions and Requirements (Section 14.1.2 B).

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the County of Eaton, Michigan having considered the findings of facts and recommendations hereby:

APPROVES the request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 3, Administration and Enforcement (Sections 3.9 1 A., 3.9.1 B 2. & 3.9.1 C. 2.), Article 5, Definitions and Interpretations (Sections 5.3.6 F & 5.3.13 M), Article 6 General Provisions (Section 6.2.10 C), Article 8, Zoning Referral and Site Plan Review (Section 8.5.1), Article 9 Conditional Use Permits (Section 9.3.6 B) and Article 14, Specific Provisions and Requirements (Section 14.1.2 B).

At the regular meeting of the Eaton County Board of Commissioners on **November 17, 2010**
the Resolution regarding the approval of said request was adopted.

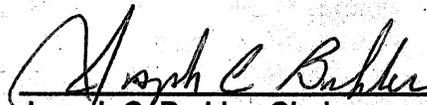
Those voting Aye: Commissioners; Hosey, Mulder, Abed, Strachan, Pearl-Wright, Farhat,
Freeman, Forell, Keefe, Luna, Baker, Barr, Clarke, Harris and Brehler.

Those voting Nay: None

Abstention: None

Absent: None

Motion carried.


Joseph C. Brehler, Chairman
Eaton County Board of Commissioners

I hereby certify that the above Ordinance amending the Eaton County Land Development Code,
which was approved, is a true and correct copy of that recorded in the official minutes of
November 17, 2010 of the Eaton County Board of Commissioners.


M. Frances Fuller, Clerk
Eaton County Board of Commissioners

EATON COUNTY LAND DEVELOPMENT CODE

ZONING ORDINANCE AMENDMENT DCA-10-10-7

District Change Amendment DCA-10-10-7 to amend the Land Development Code (Zoning Ordinance) of Eaton County, as enacted in 1981 pursuant to the provisions of Public Act 110 of 2006, as amended.

An application for a District Change Amendment for a Comprehensive Amendment to the Eaton County Land Development Code (zoning ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 3, Administration and Enforcement (Sections 3.9 1 A., 3.9.1 B 2. & 3.9.1 C. 2.), Article 5, Definitions and Interpretations (Sections 5.3.6 F & 5.3.13 M), Article 6 General Provisions (Section 6.2.10 C), Article 8, Zoning Referral and Site Plan Review (Section 8.5.1), Article 9 Conditional Use Permits (Section 9.3.6 B) and Article 14, Specific Provisions and Requirements (Section 14.1.2 B).

WHEREAS, the Eaton County Planning Commission held a duly advertised and noticed public hearing on **November 9, 2010**; and

WHEREAS, the Eaton County Planning Commission has taken action on **November 9, 2010** to recommend approval of the text amendment:

WHEREAS, after careful consideration of the amendment, the Eaton County Board of Commissioners approved the aforementioned text amendment as follows:

Yeas	<u>15</u>
Nays	<u>0</u>
Abstaining	<u>0</u>
Absent	<u>0</u>

I, M. Frances Fuller, Clerk for the County of Eaton, do hereby certify that the above and foregoing is a true copy of the amendment to the Eaton County Land Development Code (Zoning Ordinance), as amended and passed by the Eaton County Board of Commissioners on **November 17, 2010**, and now on record in the office of the Clerk of said County.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said County at the City of Charlotte, Michigan, the

17th day of November, 2010

M. Frances Fuller
M. Frances Fuller, Clerk
Eaton County Board of Commissioners

Joseph C. Brehler
Joseph C. Brehler, Chairman
Eaton County Board of Commissioners

Eaton County Board of Commissioners

November 17, 2010

Resolution to adopt the 2010
Apportionment Report

Introduced by the Ways & Means Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Forell.

WHEREAS, The Michigan Compiled Laws, Section 211.37, as amended, requires the Eaton County Board of Commissioners to approve the Apportionment Report at their annual session in November; and

WHEREAS, The Apportionment Report contains the 2010 Certified Millage Rates authorizing monies to be raised for the county, townships, cities, villages, schools, and authorities; and

WHEREAS, all copies of statements and certificates have been filed regarding monies to be raised, which are authorized by law.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of millage rates, are presented for adoption as the levies to be apportioned to the various taxing units in Eaton County for 2010.

Carried.



M. Frances Fuller

Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

NOVEMBER 17, 2010

**RESOLUTION TO INCREASE
ANIMAL CONTROL PETTY CASH FUND**

Introduced by the Ways and Means Committee

Commissioner Keefe moved the approval of the following resolution.
Seconded by Commissioner Baker.

WHEREAS, the Animal Control Department has requested an increase in the petty cash fund; and

WHEREAS, the request is made in order to make change; and

WHEREAS, the Ways and Means Committee has reviewed the request and recommended approval.

NOW, THEREFORE, BE IT RESOLVED, that the Eaton County Board of Commissioners approves the increase to the petty cash fund from \$25 to \$100 for the Animal Control Department; and

BE IT FURTHER RESOLVED, that the Animal Control follow the Eaton County Petty Cash policy dated June 2, 1996 and any violation of this policy may result in the Petty Cash fund being returned to the County. Carried.