

February 27 2007

The Regular meeting of the Otsego County Board of Commissioners was held at the Livingston Township Hall, 3218 Old 27 North, Gaylord. The meeting was called to order at 7:00 p.m. by Chairman Glasser. Invocation by Chairman Glasser, followed by the Pledge of Allegiance led by Commissioner Backenstose.

Roll call:

Present: Backenstose, Bates, Beachnau, Liss, Glasser, Johnson, Hyde, Bentz.

Excused: Olsen.

The Regular meeting minutes of February 15, 2007 with attachments were approved as presented.

Consent Agenda:

OCR-07-11 Resolution discharging mortgage for Dwight D. Miller

Roll Call Vote:

Ayes: Unanimous.

Nays: None.

Excused: Olsen.

Motion carried/Resolution adopted. (see attached)

The Jail/Contingency General Fund (101) 2007 Budget Amendment was approved via unanimous consent. (see attached)

Land Use Services, Otsego County Ordinance 07-02-Zoning Ordinance was approved via unanimous consent. (see attached)

Land Use Services, Otsego County Ordinance 07-03-Zoning Ordinance was approved via unanimous consent. (see attached)

OCR-07-12 Public Transportation Authorizing Resolution.

Roll Call Vote:

Ayes: Unanimous.

Nays: None.

Excused: Olsen

Motion carried/Resolution adopted. (see attached)

Administrator's report:

John Burt reported held the first 2 introductory jail meetings.

Chairman Glasser reported on the jail.

Commissioner Bentz reported on the Building and Grounds meeting, repairs at the Alpine Center.

Commissioner Hyde reported on the Airport Committee; Airport Ribbon cutting ceremony to be determined; 9-1-1 meeting.

Diann Axford reported on the forfeiture properties.

Rachel Frisch reported that the 2006 audit process is beginning.

Tom Wagar commented on the 9-1-1; reported a Hazardous household cleanup is scheduled for June; Street scape done in Waters.

Correspondence:

The Chairman received a packet from NACO.

New Business:

Motion by Commissioner Johnson, to approve Warrant B2007-08 in the amount of \$45,961.42 with prepaids in the amount of \$100,030.73 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Liss, to approve Warrant B2007-09 in the amount of \$422,314.57 with prepaids in the amount of \$12,295.44 as presented. Ayes: Unanimous. Motion carried.

Public Comment:

Brian Morgan commended the Board for holding night meetings.

Don Nordeen addressed the Board regarding the I-75 crossing.

Norman Brecheisen addressed the Board regarding the I-75 crossing.

Tom Wagar addressed the Board regarding the I-75 crossing.

Board Remarks:

Commissioner Backenstose: Cooperative planning meeting to be held at the Alpine Center.

Commissioner Hyde: Air Fair at the Airport to be held on June 22nd and 23rd.

Commissioner Johnson: Commented on the new Airport terminal building.
MMRMA meeting.

Commissioner Beachnau:

Welcomed everyone to the meeting.

Attended the State Association visiting Bureau meeting in
Lansing.

Attended Father/Daughter dance at Treetops.

Benefit dinner to honor Father Golas at the K of C Hall on
April 28th.

Meeting adjourned at 7:51 p.m. at the call of the Chair.

Kenneth R. Glasser, Chairman

Susan I. DeFeyer, County Clerk

RESOLUTION NO. OCR 07-11
AUTHORIZING RESOLUTION
OTSEGO COUNTY BOARD OF COMMISSIONERS
February 27, 2007

WHEREAS, the Otsego County Board of Commissioners is the owner of a property located at 7067 Dudd Rd., Vanderbilt, Michigan 49795 and has a mortgage recorded in Liber 490, Page 756 in the name Dwight D. Miller, a single man and

WHEREAS, said Mortgage has been paid in full; now, therefore, be it

RESOLVED, that Otsego County hereby issues a DISCHARGE OF MORTGAGE to Dwight D. Miller, a single man and be it further

RESOLVED, that the Otsego County Administrator, on behalf of the Otsego County Board of Commissioners, be authorized to sign said document.

February 22, 2007

MEMORANDUM

TO: Ken Glasser, Chairman Otsego County Board of Commissioners

FROM: Richard Edmonds, Director of Land Use Services

SUBJ: Zoning Ordinance Text Amendment

The purpose of this memo is to provide the County Board of Commissioners with the Recommendation of the County Planning Commission regarding the following Zoning Ordinance Text Amendment.

GENERAL INFORMATION

In 2006 following application for a Special Use Permit by Meijer's Inc. the Planning Commission began a review of the zoning regulations regarding signage and in particular the need for regulations for "group signs" that would be used in major developments such as the Meijer Commercial Development.

Following meetings with the citizens of the community and officials from Meijer's Inc. and Alpine Crossings the Planning Commission determined that the Zoning Ordinance needed regulations for "group signs". The Planning Commission reviewed the zoning ordinance with the goal of preserving the up north character of the community while still allowing businesses to advertise.

The Planning Commission held a public hearing to obtain comments on the proposed ordinance amendment. At the public hearing there was no citizen comment. The Planning Commission has recommended that the following be adopted by the County Commissioners for regulations of commercial signs.

OTSEGO COUNTY
ORDINANCE NUMBER: 07-02

AN ORDINANCE TO AMEND THE TEXT OF THE OTSEGO COUNTY ZONING ORDINANCE ARTICLE 2 "DEFINITIONS" SECTION 2.2 BY ADDING A DEFINITION FOR "SIGN FACE" AND ARTICLE 18 "SPECIFIC REQUIREMENTS FOR CERTAIN USES" SECTION 18.38 "SIGNS AND BILLBOARDS"; SUB-SECTION 18.38.1.3 BY AMENDING THE REGULATIONS FOR SINGLE BUSINESS SIGNS BY LIMITING THE HEIGHT OF PYLON SIGNS AND BY ADDING REGULATIONS FOR GROUP SIGNS USED BY COMMERCIAL DEVELOPMENTS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE COUNTY.

OTSEGO COUNTY, STATE OF MICHIGAN ORDAINS:

Section 1. The text of the Otsego County Zoning Ordinance Article 2 "Definitions" Section 2.2 is amended by adding "Sign Face" to read as follows:

SIGN FACE: The part of a sign structure which is used to graphically communicate a message or announcement including a border space of not less than three (3) inches outside of any lettering or other graphic symbols or depictions.

Section 2. The text of the Otsego County Zoning Ordinance Article 18 "Specific Requirements for Certain Uses" Section 18.38 "Signs and Billboards", sub-section 18.38.1.3 "Accessory Signs in B and I Districts" is hereby amended to read as follows:

18.38.1.3 Accessory Signs in B and I Districts

A. Signs For Single Business.

A single business on one lot or combination of lots in the B1, B2, B3 and/or I Districts may install accessory signs in accordance with the following regulations.

1. Accessory Signs may be permitted at the rate of two (2) per use, except that at least one sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding or pylon sign.

2. Signs mounted on and parallel with the wall of the main building shall not exceed a total area in Square Feet of 2.5 feet times the length in feet of the mounting wall.

3. Freestanding signs shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign face. The structure supporting the sign shall not exceed a height of fifteen (15) feet measured from the average grade at the base of the structure. No freestanding sign face shall exceed an area of thirty-two (32) square feet, and no such sign shall be longer than three times its width.

B. Signs for Shopping Centers, Commercial Developments or Two (2) or more stores, offices, research or manufacturing facilities, or retail developments with multiple stores or Commercial PUDs or retail stores with an area over 100,000sf or other Commercial Developments requiring Special Use Approval which have common off street Parking and/or entrance, may install accessory signs in accordance with the following regulations:

1. Signs which direct traffic movement within a property, and which do not exceed four (4) square feet in area for each sign are permitted.

2. One (1) free-standing identification sign for each street that the development faces.
 - a. The free standing sign shall state only the name of the Shopping Center or multiple use development and Tenants located therein.
 - b. No freestanding sign face shall exceed an area of one hundred (100) square feet.
 - c. Freestanding signs shall not exceed a height of twenty Five (25) feet measured from the average grade at the base of the sign to the top of the sign face. The structure supporting the sign shall not exceed a height of Thirty (30) feet measured from the average grade at the base of the structure. The height of the structure shall not exceed three (3) times the width.
 - d. Tenants of the shopping center or owners of outlots included within the development plan or PUD shall not be permitted individual free standing signs, except gas stations as noted below.

3. Businesses within the development or PUD shall be permitted exterior wall signs, the total area of the exterior wall signs shall not exceed 20% of the area of the largest wall.

4. All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area.

5. An automobile service station located on an outlot or on an individual lot within the development or PUD may have one (1) free standing sign in addition to the free standing sign utilized for the development. The free standing sign shall be for the purpose of advertising gasoline prices and other services provided on the premises. The service station sign shall comply with the regulations for a single business on its own lot as noted in section 18.38.1.3(A) above.

Section 3. The text of the Otsego County Zoning Ordinance Article 18 "Specific Requirements for Certain Uses" Section 18.38 "Signs and Billboards", sub-section 18.38.6 "Sign Variances", paragraph 18.38.6.5 is hereby amended to read as follows:

18.38.6.5 Exceed the maximum height in those instances where a taller sign is necessary to overcome natural conditions (topography, vegetation, etc.).

Section 4. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 5. Effective Date.

This Ordinance shall become effective eight (8) days after its first publication.

OTSEGO COUNTY

By: _____
Kenneth R. Glasser, County Board Chairman

By: _____
Susan DeFeyter, County Clerk

February 23, 2007

MEMORANDUM

TO: Ken Glasser, Chairman Otsego County Board of Commissioners
FROM: Richard Edmonds, Director of Land Use Services
SUBJ: Zoning Ordinance Text Amendment

The purpose of this memo is to provide the County Board of Commissioners with the Recommendation of the County Planning Commission regarding the following Zoning Ordinance Text Amendment.

GENERAL INFORMATION

In 2006 the County civil attorney, Bryan Graham, advised the Planning Commission that Zoning Ordinance Section 18.8 violated State Law as provided in the Condominium Act.

Section 18.8 provided specific regulations for Condominium Developments, the State Condominium Act prohibits municipalities from enacting any ordinance that places regulations on Condominiums that are not placed on other forms of developments such as Subdivision Plats.

The Planning Commission began a review of the zoning regulations regarding "Developments". The Planning Commission drafted a proposed definition that defined "Developments", however at a public hearing to obtain comments on the proposed ordinance amendment citizen comment was received stating that the definition was too broad and included restrictions on land divisions that are regulated under the Land Division Act. The Planning Commission tabled further action on the amendment so that there could be continued discussion. The Planning Commission reviewed the proposed amendment for another three months and after additional citizen comment and review the Commission has recommended that the following be adopted by the County Commissioners as the definition for "Developments" and for the regulation of developments within the County.

OTSEGO COUNTY
ORDINANCE NUMBER: 07-03

AN ORDINANCE TO AMEND THE TEXT OF THE OTSEGO COUNTY ZONING ORDINANCE ARTICLE 18 "SPECIFIC REQUIREMENTS FOR CERTAIN USES" SECTION 18.8 "CONDOMINIUM SUBDIVISION" BY CHANGING THE TITLE OF THE SECTION SO THAT ALL DEVELOPMENTS ARE REGULATED AND TO PROVIDE A SPECIFIC DEFINITION FOR DEVELOPMENTS AND REGULATIONS FOR ALL TYPES OF DEVELOPMENT TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE COUNTY.

OTSEGO COUNTY, STATE OF MICHIGAN ORDAINS:

Section 1. The text of the Otsego County Zoning Ordinance Article 18 "Specific Requirements for Certain Uses" Section 18.8 "Condominium Subdivision" is hereby amended to read as follows:

SECTION 18.8 DEVELOPMENT REGULATIONS

18.8.1 Definition

For purposes of this section and as used in the Otsego County Zoning Ordinance a Development shall be defined as Platted Subdivisions, Condominium Developments or any division of land that creates more lots or parcels on a parent parcel than is permitted under the Land Division Act.

18.8.2 Regulations

A development shall be reviewed pursuant to the Special Land Use regulations of Article 16 and shall conform to the following provisions in addition to all other applicable district provisions, except that the Planning Commission may waive the requirements of this Section for developments with fewer than ten (10) lots, parcels or units provided the Planning Commission makes a finding that doing so will not cause any significant public harm or harm to adjacent properties.

18.8.3 A development, shall comply with the applicable site development standards contained in Article 14 "Schedule of Dimensions, Unless developed as a Planned Unit Development (PUD) subject to all regulations of Article 21.

18.8.4 Developments shall comply with all federal, state and county regulations regarding the provision of a potable water supply and waste disposal facilities.

18.8.5 Developments shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including Conveyance of sewage, potable water and Storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

18.8.6 In addition to the materials required by Article 16 and Article 20 or Article 21 for PUDs if applicable, an application for a development shall include a development plan containing the following information:

18.8.6.1 Proposed use and occupancy restrictions as will be contained in the Deed Restrictions or the Master Deed.

18.8.6.2 All proposed deed restrictions which are conditions of the special use permit.

18.8.7 All provisions of the approved development plan shall be incorporated in the Deed Restrictions or in the Master Deed for the development, unless exceptions are permitted by the Planning Commission. Any proposed changes to the approved development plan shall be subject to review and approval by the County Planning Commission as a major amendment to a permit, subject to the procedures of Article 16 and Article 20 or article 21 for PUDs if applicable.

18.8.8 All lots, parcels or units within a development project shall be marked with monuments as provided by State and County regulations.

18.8.8.1 The County Board of Commissioners may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the County Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$500.00 in total, except that lot corner markers shall be at the rate of not less than \$50.00 per marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 22.6 upon receipt of a certificate by a licensed professional surveyor that the monuments and markers have been placed as required within the time specified.

Section 3. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 4. Effective Date.

This Ordinance shall become effective eight (8) days after its first publication.

OTSEGO COUNTY

By: _____
Kenneth R. Glasser, County Board Chairman

By: _____
Susan I. DeFeyter, County Clerk

RESOLUTION NO. OCR 07-12
AUTHORIZING RESOLUTION
OTSEGO COUNTY BOARD OF COMMISSIONERS

February 27, 2007

INTENT TO APPLY FOR FINANCIAL ASSISTANCE FOR FISCAL YEAR 2008
UNDER ACT 51 OF THE PUBLIC ACTS OF 1951, AS AMENDED.

WHEREAS, Pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for **OTSEGO COUNTY BUS SYSTEM (OTSEGO COUNTY)**, (hereby known as **THE APPLICANT**) established under Act 51, to provide a local transportation program for the state fiscal year of 2008 and, therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for **THE APPLICANT** to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and (State Operating Assistance Program only)

WHEREAS, the performance indicators for this agency have been reviewed and approved by **THE APPLICANT**; and (State Operating Assistance Program only)

WHEREAS, **THE APPLICANT**, has reviewed and approved the proposed balanced (surplus) budget, and funding sources of estimated federal funds \$211,822, estimated state funds \$545,372.00, estimated local funds \$638,772.00, estimated farebox \$112,000, estimated other funds \$ 0, with total estimated expenses of \$1,412,150.00 ; now, therefore, be it

RESOLVED, that **THE APPLICANT** hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51, and be it further

RESOLVED, that the Otsego County Board of Commissioners hereby appoints Theron D. Higgins as the Transportation Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation commission or department for its administration of Act 51 for 2008.