

Board of Road Commissioners Meeting
Board Room
April 12, 2017

The Regular Meeting of the Oceana County Board of Road Commissioners was called to order by Chairman Myers in the Board Room at 10:00 AM on Wednesday, April 12, 2017.

The Pledge of Allegiance was recited by all.

Members present: Myers, Forbes, Carr, Blohm. Absent: Gowell.

Staff present: Timmer and Griffin

Visitors: John Hendrixon, Shelby Township Supervisor; Jay McGhan, Hart Township Supervisor; Bill Wagner, Grant Township Clerk; Ed McNeely, Road Commission attorney; Andrew Sebolt, Oceana County Commissioner; Bow Wagner, representing Walkerville Thrives; Gale Eitnearn, Newfield Township resident; Lori Green, Weare Township resident; and John Cavanagh, Herald-Journal reporter. TOTAL: 9

Visitors: The following were present for the Public Hearing on the 64th Avenue Road Abandonment.

Attorney J. Scott Timmer (representing Harold & Terry Clark)

Attorney Brian J. Monton (representing Maria R. Ingram Kirby & Jeanene Coleson)

Harold & Terry Clark; Maria Kirby; Tom & Vickie Stoneman; Brian, Kurt, Tonja, and Olga

Stembol; Ruth, Brian, and Dawn Musil; Christine Rickard; Carolyn Coleson; Mike

Dongvillo; Mark Beaudoin; Joellyn Rickard; and Martha Meyette. TOTAL: 29 visitors

Chairman Myers asked for a moment of silence in remembrance of Walter Wheeler, previous Elbridge Township Supervisor, Road Commission Board member, and current member of the Oceana County Planning Commission. Mr. Wheeler passed away unexpectedly on Monday, April 10, 2017.

CITIZEN'S PARTICIPATION

Bow Wagner, representing Walkerville Thrives, thanked the Board for the pothole patching done on Harrison Road, East of Walkerville.

Motion by Forbes and supported by Carr to approve the following Agenda items.

1. 10:15 AM – Public Hearing – Hart Township Road Abandonment (Harrison Road);
2. Award M-20 siding bid;
3. Mobilitie Permits
4. Colfax Township – Truck Ordinance No. 2017-001.

Roll call vote: Forbes – yes; Carr – yes; Blohm – yes; Myers – yes; Gowell – absent.

Motion carried.

Motion by Carr and supported by Blohm to approve the Minutes of the March 22, 2017 Regular Board Meeting as presented.

Roll call vote: Carr – yes; Blohm – yes; Forbes – yes; Myers – yes; Gowell – absent.
Motion carried.

The Revenues & Expenditures Report and the Cash Flow Statement were given to the Board Members for review.

Motion by Forbes and supported by Blohm to approve the following Vouchers as presented.

Voucher No. 71974 (Accounts Payable)	\$228,612.62
Voucher No. 71975 (Payroll)	<u>\$ 63,097.57</u>
	\$291,710.19

Roll call vote: Forbes – yes; Blohm – yes; Carr – yes; Myers – yes; Gowell – absent.
Motion carried.

The following bids to install steel siding on the M-20 Road Commission Garage were received by 10:00 AM on March 16, 2017, and were opened and read aloud in the Board. Room,

<u>BIDDER</u>	<u>AMOUNT</u>
Bauer Sheet Metal & Fabricating, Inc. (Muskegon)	\$16,800.00 (26 gage steel)
Ricketson Construction (Montague)	\$14,200.00 (29 gage steel)

RESOLUTION NO. 1 – AWARD M-20 STEEL SIDING BID

Motion by Forbes and supported by Carr to award the bid for installing steel siding on the M-20 Road Commission Garage to Bauer Sheet Metal & Fabricating, Inc. in the amount of \$16,800.00.

Roll call vote: Forbes – yes; Carr – yes; Blohm – yes; Myers – yes; Gowell – absent.
Motion carried.

Both bids were received by the requested deadline. Another bid was received after the deadline and was not considered. Mark Timmer stated that the gage of steel was not specified in the bid documents.

In recent months, permits from Mobilitie, LLC were received to place “distributed antenna systems” in road right-of-way in two (2) locations in Grant Township (88th Avenue; West Garfield Road). Several counties in Michigan received similar permits, which prompted the County Road Association of Michigan to become involved and create a DRAFT policy for construction of these large towers (some as high as 120 feet with bases of 36” to 72”) in Road Commission rights-of-way and private property. The Board will review the paperwork prior to the April 26, 2017 Regular Board Meeting.

At the March 8, 2017 Regular Board Meeting, Mark Timmer presented the Board with a copy of a proposed “Township Truck Route Ordinance” that would allow Townships to designate certain roads that would be off limits to commercial vehicles. Mr. Timmer also discussed this option with the Townships at his regular monthly supervisor’s meeting held on April 5, 2017. Any Township choosing to adopt such an Ordinance would not be prohibiting home deliveries (propane, garbage service, UPS, etc.) to residents on these roads.

Colfax Township adopted an Ordinance (No. 2017:001) asking that commercial trucks be restricted from using 186th Avenue, between Jefferson Road and Madison Road.

RESOLUTION NO. 2 – COLFAX TOWNSHIP – TRUCK ORDINANCE 2017:001

Motion by Forbes and supported by Myers to adopt Truck Ordinance No. 2017:001 from Colfax Township that will prohibit commercial vehicles from using 186th Avenue, between Jefferson Road and Madison Road.

Discussion centered on “road ownership” if the Township requests that traffic be restricted from using it. Mr. Timmer stated that the Road Commission is not giving up jurisdiction of the road in any way.

The Roll Call Vote was tabled as the Public Hearing on the Hart Township Road Abandonment was to begin at 10:15 AM.

At 10:15 AM, Chairman Myers opened the Public Hearing on the abandonment of Harrison Road, from 64th Avenue to the US-31 expressway, in Hart Township. He instructed the participants and informed them they would be given five (5) minutes to speak.

Chairman Myers asked for oral statements from the Petitioners, Harold & Terry Clark. Scott Timmer, attorney for Mr. & Ms. Clark, stated that a Petition signed by fourteen (14) property owners was placed on file. He went on to state that Hart Township has no objection to the abandonment and provided a written statement to that effect, which is also on file.

Chairman Myers then asked for comments in favor of the road abandonment. Vickie & Tom Stoneman said they were in favor of the abandonment because when her parents, the Clark’s, purchased their house there was no evidence of a road. The Stoneman’s went on to say that Ms. Maria Kirby, landowner to the East of the Clark residence, asked to access her property and was told she could use the Clark’s driveway as access. Using the Clark property as an access route only happened once/twice a year, but now that traffic is heavier, Ms. Kirby has been asked to use the road that the Road Commission provided for her.

Chairman Myers asked for opposing comments on the road abandonment. Attorney Brian Monton, representing Jeanene Coleson and Maria R. Ingram Kirby, stated that abandoning Harrison Road, would deny access to his client’s property and devalue the land. He went on to say that Harrison Road is the most convenient access to the house and land. Others in the audience opposed closing the road as the alternative access to Ms. Kirby’s home off 64th Avenue is mostly impassable and would require a lot of time and money to upgrade. Several of Ms. Kirby’s relatives were present and opposed the abandonment citing property devaluation as one of their main objections. The Chairman ended opposing comments at 10:59 AM.

The Chairman asked the Petitioner for rebuttal. Attorney Timmer stated that the property is not landlocked as there is access off 64th Avenue, North of Harrison Road. He added that Ms. Kirby has created this issue by using the Clark's driveway and also driving on their lawn. The road has not been used since 1978, nor has it been regularly maintained by the Road Commission. He also said that upgrading the road for Ms. Kirby's use could create a nuisance issue.

The Public Hearing was closed at 11:01 AM.

Managing Director, Mark Timmer, introduced himself to the audience and explained that he is not related to Scott Timmer, the attorney for Harold & Terry Clerk. He went on to say that he has never met Scott Timmer before, but has spoken to him briefly on the telephone relating to the abandonment.

A handout from Mark Timmer explaining the abandonment was available for the audience and was read aloud. The handout merely explained the abandonment request, the cost to bring the road up to Road Commission standards, and positive proof that the property on Harrison Road is not landlocked.

Road Commission attorney Ed McNeely addressed attorney Brian Monton to confirm that all requirements pertaining to the abandonment (time frame for the Public Hearing, posting of public notices, notification of required parties, etc.) were met to his satisfaction. Mr. Monton agreed that the posting and notification requirements had been met, and he would drop his previous objection.

Chairman Myers asked for comments from the Board members on the abandonment request. Commissioner Carr agreed that we would not be taking anything from Ms. Kirby and thusly was in favor of the abandonment. Commissioner Blohm said that because the address for the property is Harrison Road, that he was not in favor of the abandonment. Commissioner Forbes said she had no questions and is clear on the issue. Chairman Myers stated he was not in favor of closing off access, but there are other ways to get to the house on the property and that the Board has to do what is right for the Road Commission.

RESOLUTION NO. 3 – HART TOWNSHIP ROAD ABANDONMENT – HARRISON ROAD

Motion by Forbes and supported by Carr to abandon Harrison Road, from 64th Avenue to the US-31 expressway, in Sections 6/7 of Hart Township.

Roll call vote: Forbes – yes; Carr – yes; Blohm – no; Myers – yes; Gowell – absent.

Motion carried.

Chairman Myers thanked everyone for their comments and their time.

The Chairman asked to return to the Colfax Township Truck Ordinance that was being discussed prior to the road abandonment hearing. A Motion was made by Commissioner Forbes and seconded by Chairman Myers to adopt Truck Ordinance 2017:001 from Colfax Township that would prohibit commercial vehicles from using 186th Avenue, from Jefferson Road to Madison Road at School Section Lake.

Roll call vote: Forbes – yes; Blohm – no; Carr – I don't know; Myers – yes; Gowell – absent.

Chairman Myers declared that the Motion died for lack of support!!

STAFF REPORTS

Mark Timmer informed the Board that pothole patching, repairing washouts, taking down seasonal weight restriction signs county-wide, blading gravel roads when possible, berming, and sign repairs have been the order of the day. Three (3) culverts were replaced on 192nd in Newfield/Leavitt Townships, along with extensive brush/tree removal. Three (3) more culverts were replaced in Leavitt Township on Deer Road/176th Avenue/184th Avenue.

The Hart Rest Area and the Park on M-20 were opened on Monday, April 3, 2017. The MDOT night patrol ended on Friday, March 24, 2017. Seasonal weight restrictions were lifted on Monday, April 2, 2017.

Mark has met with WMSRDC, Pentwater Township, the DNR, and others to discuss the proposed Hart/Pentwater bike trail. Mark and Commissioner Gowell attended the County Road Association Annual Meeting in Lansing on March 14-16; Commissioners Blohm and Carr attended the Wednesday session in Lansing.

Mark also attended the Michigan Traffic Safety Summit on March 20-23, 2017 at the Kellogg Center in East Lansing. North County Foreman Randy Smith attended the Michigan Public Service Institute Conference in Bay City on April 2-7, 2017. The Spring Safety Training Day for all employees was held at the M-20 garage on Friday, April 7, 2017. All employees will be MISSDIG certified.

Three (3) new half-ton 2017 Chevrolet Silverado 1500 pickups were delivered on Monday, April 10, 2017.

Chairman Myers asked if there was any further business to come before the Board. There being none, the Meeting was adjourned at 11:21 AM.

Respectfully submitted,

SANDRA K. GRIFFIN
Clerk

WILLIAM MYERS
Chairman

APRIL 26, 2017

DATE