

**MINUTES OF THE GEORGETOWN TOWNSHIP FINANCE COMMITTEE MEETING
HELD WEDNESDAY, MAY 9, 2018**

The meeting was called to order at 8:15 a.m.

Present: Jim Wierenga, Richard VanderKlok, members; Daniel Carlton, Township
Superintendent
Absent: Carol Scholma

#180509-01 - Finance Committee Minutes of April 18, 2018

Moved by Richard VanderKlok, seconded by Jim Wierenga, to approve the Finance Committee minutes, as presented.

MOTION CARRIED UNANIMOUSLY.

#180509-02 – Review Perpetual Care Investments

The Assistant Superintendent provided an update on the perpetual care investment accounts ([investments](#), [update](#)).

#180509-03 – Additional Right-of-Way for 200 Baldwin

Moved by Richard VanderKlok, seconded by Jim Wierenga, to recommend to the Township Board to authorize the Superintendent to grant right-of-way to the Ottawa County Road Commission consisting of 50 feet from the centerline of Baldwin Street and Main Street.

MOTION CARRIED UNANIMOUSLY.

#180509-04 – Chicago Dr. Landscaping

Moved by Richard VanderKlok, seconded by Jim Wierenga, to recommend to the Township Board to authorize the Superintendent to contract with MC Smith and Associates to design a plan for the south side of Chicago Dr., from the eastern Township border to just west of Cottonwood Dr. to match the landscaping that was recently installed along Chicago Dr.

MOTION CARRIED UNANIMOUSLY.

#180509-05 – Introduction and First Reading of Ordinance No. 2018-14, Sidewalk Ordinance Revision

Moved by Richard VanderKlok, seconded by Jim Wierenga, to recommend to the Township Board to approve the introduction and first reading of Ordinance no. 2018-14, Sidewalk Ordinance Revision, as presented.

ORDINANCE No. 2018-14

AN ORDINANCE TO REPLACE ARTICLE X ENTITLED “SIDEWALKS” IN THE GEORGETOWN CHARTER TOWNSHIP CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING NEW SECTIONS 10-211 THROUGH 230 THEREOF.

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Section 1. Article X entitled “Sidewalks” of the Code of Ordinances for Georgetown Charter Township (including Sections 10-211 through 10-230, inclusive) is hereby rescinded, amended and replaced with the following:

~~**ARTICLE X. SIDEWALKS**~~

~~**Sec. 10-212. General construction requirements.**~~

~~No person shall construct, rebuild, or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the zoning administrator.
(Ord. No. 2000-01, § 2, 5-8-00)~~

~~**Sec. 10-213. Line and grade stakes.**~~

~~The landowner shall be responsible for making careful and accurate measurements in constructing the work to the lines furnished by the zoning administrator.~~

~~**Sec. 10-214. Sidewalk specifications.**~~

~~Sidewalks shall be constructed in accordance with specifications on file in the office of the zoning administrator, copies of which shall be available to the public.~~

~~**Sec. 10-215. Suspension or revocation of permit; stop work orders.**~~

~~The zoning administrator may suspend any permit issued under the terms of this article for failure to comply with the terms of this article or the rules, regulations, plans and specifications established under the provisions of this article for the construction, reconstruction or repair of any sidewalk. The zoning administrator may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk by issuing a stop order whenever in his judgment the provisions of this section are not complied with, and any such stop order shall be effective until the next regular meeting of the township board and if confirmed by the board at its next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.~~

~~**Sec. 10-216. Construction by land owner; sidewalk locations.**~~

~~The township board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paths, pursuant to township sidewalk and/or non-motorized path specifications, in any area of the township it deems reasonably necessary in order to protect the health, safety or welfare of the residents of the township.~~

~~Concrete sidewalks shall be installed, constructed, and maintained adjacent to paved streets in all new residential developments given final plat approval after June 1, 2000, and all developments given site plan or planned unit development approval after June 1, 2000.~~

~~Non-motorized paths eight feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in all new residential developments given final plat approval after January 1, 2006, and all developments given site plan or planned unit development approval~~

after January 1, 2006, in place of sidewalks along the following streets:-

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- (a) 48th Avenue.
- (b) 36th Avenue from Baldwin Street to Fillmore Street.
- (c) 40th Avenue from Bauer Road to Fillmore Street.
- (d) Bauer Road from 36th Avenue to 48th Avenue.
- (e) Fillmore Street from 36th Avenue to 48th Avenue.

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In all instances of plats given final plat approval after June 1, 2000, or other developments where sidewalks are required, the sidewalks and/or non-motorized paths shall be constructed by the property owner on all property within the plat or development adjacent to all paved streets no later than seven (7) years from the date of final plat approval or other approval of the development by the township whether or not construction has taken place on such property. Where a developer or property owner does not desire to construct and install a sidewalk or sidewalks pursuant to the initial construction or installation of improvements within the plat or development involved and has obtained township approval, the township shall have the authority to require that financial security be filed with the township (in the form of a cash deposit, bond, or irrevocable letter of credit, and in a form, amount, and from a financial institution deemed acceptable to the township) in an amount estimated by the township to be sufficient to cover the costs of installation of sidewalks in all portions of the plat or development plus reasonable incidental additional costs and expenses.

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Existing commercial or industrial developments which receive substantial additions or improvements, defined as a construction cost of \$20,000.00 or more within a 12-month period, shall construct, install, and maintain township-approved concrete sidewalks. Non-motorized paths eight feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in place of sidewalks along the following streets:-

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- (a) 48th Avenue.
- (b) 36th Avenue from Baldwin Street to Fillmore Street.
- (c) 40th Avenue from Bauer Road to Fillmore Street.
- (d) Bauer Road from 36th Avenue to 48th Avenue.
- (e) Fillmore Street from 36th Avenue to 48th Avenue.

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Sidewalks and/or non-motorized paths shall be shown on the site plans submitted to the township for approval and shall be constructed prior to the issuance of the occupancy permit. All required sidewalk and non-motorized path construction herein shall be at the sole cost and responsibility of the owner of the property involved.

The following projects shall be exempt from such sidewalk requirements: all developments located in the AG and RR zoning districts except for those developments, projects, or uses within the AG or RR zoning districts which are of such a size or which will have such potential impacts that the township board deems it reasonably necessary that sidewalks shall be installed, constructed, and maintained in order to protect the health, safety, and welfare of the residents and property owners in the area; exterior cosmetic alterations which do not increase the usable area or exterior limits of the building; interior alteration work; and projects which do not require the submission to and approval of a site plan by the township.

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The township board shall have the authority to waive the sidewalk and/or non-motorized path

~~requirement (as well as sidewalk and/or non-motorized path construction standards) if, in the opinion of the township board, the requirement would result in significant unfairness or unreasonable hardship.~~

~~Sec. 10-217. Construction by township.~~

~~If the owner of any lot or premises shall fail to build any particular sidewalk within the time and in the manner required thereby, the zoning administrator is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided for single lot assessments.~~

~~Sec. 10-218. Reserved.~~

~~Sec. 10-219. Sidewalk repair.~~

~~Whenever the zoning administrator shall determine that a sidewalk is unsafe for use, notice may be given to the owner to the lot or premises adjacent to and abutting upon said sidewalk of such determination. Thereafter, it shall be the duty of the owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this section, the zoning administrator shall have the sidewalk repaired. If the zoning administrator determines that the condition of said sidewalk is such that immediate repair is necessary to protect the public, (s)he may dispense with said notice. The cost of repairs hereunder may be shared by the township as provided by the township board and shall be charged against the premises which said sidewalk adjoins and the lot owner of said premises, and shall be collected as provided for single lot assessments.~~

~~Sec. 10-220. Sidewalks to be cleared.~~

~~The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within 24 hours after such cessation. When a fall or snow or ice shall have ceased during the nighttime, it shall be cleared from sidewalks by 6:00 p.m. of the day following.~~

ARTICLE X. SIDEWALKS.

Sec. 10-211. Authority; purpose.

This Article is enacted pursuant to Public Act No. 359 of 1947 (MCL 42.1 et seq.), Public Act No. 288 of 1967 (MCL 560.101 et seq.) and Public Act No. 246 of 1931 (MCL 41.288a et seq.). The purpose of this Article is to provide for the installation, construction, maintenance, snowplowing and repair of sidewalks, paths and general snow removal for the safety of the public.

Sec. 10-212. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting or adjacent property means any lot or parcel of land adjoining, bordering, or touching a street as defined herein.

Adjacent sidewalk means that portion of the sidewalk located within the street right-of-way or easement, public utility easement, or sidewalk easement next to or adjoining an abutting or adjacent parcel, lot or property.

Lot means any platted lot, site condominium unit or parcel of land.

Paved pathway or path means an asphalt paved surface, separated from the improved roadway by at least three feet and designed for non-motorized vehicle and pedestrian travel. A pathway or path is a type of sidewalk.

Sidewalk means that portion of the street right-of-way or abutting easement improved with concrete or asphalt and designed for pedestrian travel. A paved pathway is one type of sidewalk. Unless otherwise expressly provided in this Article, all requirements for sidewalks shall also apply to pathways.

Street means a dedicated or other public right-of-way or easement that is a state, county or municipal roadway, or a private road easement, adjoining or affording the principal means of access to abutting or adjoining property. A street also includes the land between or within the street right-of-way or easement lines, whether improved or unimproved. A private road includes the land within the required private road easement.

Sec. 10-213. Required sidewalk installation and construction.

- (a) Sidewalks shall be required in all new developments and projects (and shall be installed or paid for by the developer or land owner) as follows:
- (1) All new plats and subdivisions.
 - (2) All new site condominium and other condominium projects or developments.
 - (3) Any new commercial, industrial, business or office use or development and for which a zoning site plan approval is required.
 - (4) Any expansion of or addition to the development or project specified in subsection (1), (2) or (3) above.
- (b) The Township Board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paved pathways to the specifications required by this Ordinance in any area of the Township (including in long existing neighborhoods, subdivisions and developments) where the Township Board deems it reasonably necessary in order to protect the health, safety and/or welfare of the residents, property owners and motorists of the Township. The owner of a lot or parcel adjoining or abutting the sidewalk shall be responsible for the costs of

installing, constructing, maintaining, snowplowing and repairing the sidewalk adjacent to or abutting that owner's lot or parcel.

For new sidewalks, the Township may either:

- (i) Require the owner of the lot or parcel adjoining or abutting the sidewalk area to construct and install the sidewalk along the lot or parcel; or
- (ii) The Township may construct and install the sidewalk and assess the costs to the adjoining or abutting lot or parcel.
- (c) Where sidewalks are required pursuant to this Article, the sidewalks shall be conventional sidewalks with concrete construction, unless a specific provision of this Article or the Township Board requires the installation of a paved pathway instead (in which situation, a pathway complying with this Article shall be installed).
- (d) Non-motorized paths eight (8) feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in all new residential developments given final plat approval after January 1, 2006, and all developments given site plan or planned unit development approval after January 1, 2006, in place of concrete sidewalks along the following streets:
 - (1) 48th Avenue.
 - (2) 36th Avenue from Baldwin Street to Fillmore Street.
 - (3) 40th Avenue from Bauer Road to Fillmore Street.
 - (4) Bauer Road from 36th Avenue to 48th Avenue.
 - (5) Fillmore Street from 36th Avenue to 48th Avenue.
- (e) Where a developer or property owner does not desire to construct and install a sidewalk or sidewalks pursuant to the initial construction or installation of improvements within the plat or development involved, the Township shall have the authority to extend sidewalk completion time limits and may require that financial security be filed with the Township (in the form of a cash deposit, bond, or irrevocable letter of credit, and in a form, amount, and from a financial institution deemed acceptable to the Township) in an amount estimated by the Township to be sufficient to cover the costs of installation of sidewalks in all portions of the plat or development plus reasonable incidental additional costs and expenses. The Township may also impose additional reasonable conditions on any time extension.
- (f) Where a site plan is required for any zoning approval, sidewalks shall be shown on the site plan where required and shall be installed by the developer or land owner consistent with the approved site plan.

Sec. 10-214. Relation to planned unit developments.

Modifications from the requirements of this Article are allowed in planned unit developments if such modifications are expressly approved by the Township in the PUD approval process.

Sec. 10-215. Timing of sidewalk construction.

Sidewalks shall be fully installed and completed by the earliest date of the following:

- (a) For a new residential development (including, but not limited to, a plat, subdivision or site condominium development), prior to final zoning compliance approval being granted for a dwelling on the abutting or adjoining lot or parcel.

- (b) For a new commercial, industrial, office or business use, before zoning compliance approval occurs for any of the buildings involved.
- (c) For all other developments and situations, the Township Board may set deadlines for the installation and completion of the sidewalks.
- (d) For all residential plats, subdivisions or site condominiums, sidewalks shall be installed and completed adjacent to every lot, parcel and condominium unit (including vacant properties) within the plat, subdivision or site condominium involved within four years of that plat, subdivision or site condominium receiving final development approval.
- (e) Where no deadline is specified, sidewalks shall be installed within one (1) year of the completion of the building or improvements on the abutting lot or parcel involved.

Sec. 10-216. Construction standards; Ottawa County Approval.

- (a) Sidewalks shall be installed and constructed to meet or exceed the specifications required by the Ottawa County Road Commission for sidewalks. Paved pathways shall be paved with asphalt 8 feet wide.
- (b) No person shall install, construct, or repair any sidewalk or pathway except in full compliance with this Article.
- (c) The Township Board may approve alternative construction standards and/or locations for sidewalks or pathways. The Planning Commission may transmit a recommendation to the Township Board regarding the request for alternative construction standards and/or locations. If the Township Board approves sidewalks or pathways outside of the public street right-of-way or easement, a recorded easement shall be required for the sidewalk. Any alternative construction standards for sidewalks must also be approved in writing by the Ottawa County Road Commission.
- (d) No sidewalk or pathway shall be installed, replaced, rebuilt or substantially repaired unless and until a permit has been issued by both the Township and the Ottawa County Road Commission (or its successor). All new sidewalks and pathways shall be inspected and approved by the Ottawa County Road Commission (or its successor) or the Township, whichever is applicable.
- (e) The Township may suspend any Township permit issued under this Article for failure to comply with the terms of this Article or any rules, regulations, plans or specifications established under the provisions of this Article for sidewalks or pathways. The Township may cause work to be stopped under any Township permit granted for the construction, reconstruction or repair of any sidewalk or pathway by issuing a written stop work order for such sidewalk construction.

Sec. 10-217. Removal of obstructions and repair of sidewalks.

- (a) It shall be the responsibility of the owner of every lot to maintain and keep the sidewalks adjacent to or abutting the owner's lot at all times in good repair and condition and to promptly remove all obstructions from such sidewalk. In addition,

it shall be the responsibility of the owner of every lot to keep the sidewalks adjacent to or abutting the owner's lot cleared of snow and ice at all times. Furthermore, property owners, tenants, and other persons having authority and control over the removal of snow and ice from driveways and parking areas on their premises shall not permit the deposit of snow or ice on sidewalks, pathways, driveways, or parking areas to block or impede the use of sidewalks by pedestrians in any manner. Snow and ice must be removed within 24 hours of the end of any accumulation of 2 inches or more of snowfall.

- (b) In addition, the owner of a lot or parcel abutting or adjoining a sidewalk shall not store or keep any item within the sidewalk that shall in any way impede, interfere with or slow down pedestrian use of the sidewalk, and shall remove, cut or trim any landscaping plants, trees, bushes or other foliage that may grow over the sidewalk or impede pedestrian use of the sidewalk.
- (c) Sidewalks shall be promptly repaired or replaced by the owner of the lot abutting or adjoining the sidewalk when the sidewalk's condition is detrimental to the safety of the public. Conditions requiring repair or replacement include, but are not limited to, the following:
- (1) A vertical displacement of more than one inch between any two sections of sidewalk.
 - (2) More than two cracks of one-quarter inch in width or more in any two linear feet of section.
 - (3) Any section of sidewalk that is tilted in excess of one inch per foot from inside/outside edge to outside/inside edge.
 - (4) Any five-foot linear section of sidewalk, where more than 25 percent of the surface has scaled off to a depth of one-quarter inch or greater.
 - (5) Any condition that arises regarding a sidewalk that would render it unsafe for use or otherwise unfit for public pedestrian travel.
- (d) Upon receipt of a written notice from the Township, the owner of the lot involved shall make the sidewalk repairs or replacement necessary to conform to this Article within 60 days of receipt of said notice. The Township may extend said 60-day time period if weather conditions or road repairs prevent such repair and/or replacement.

Sec. 10-218. Use of snow removal equipment.

No person shall use any mechanically driven vehicle or apparatus for the removal of snow or ice from sidewalks or other public pedestrian easements in the Township which, by virtue of its use for such purpose, will cause damage to the areas from which snow/ice is being removed. If any such vehicle or apparatus is used and it damages the sidewalk, the owner of the lot adjoining or abutting the sidewalk shall be responsible for repairing or replacing such damaged sidewalk area at the lot owner's expense pursuant to Section 10-

217 of this Article.

Sec. 10-219. Construction or repair by the Township.

- (a) If the owner or occupant of any lot adjoining or abutting a sidewalk fails to comply with section 10-217, the Township may remove or cause to be removed such snow, ice or other obstruction or repair or replace such sidewalk and shall assess the cost thereof against the abutting or adjoining lot.
- (b) Whenever the Township shall determine that a sidewalk is unsafe for use or in need of repair, notice may be given by the Township to the owner of the lot or premises adjacent to or abutting upon said sidewalk of such determination. Thereafter, it shall be the duty of the lot owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than twenty-one days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the time limit therefore, or in a manner otherwise than in accordance with this section, the Township shall have the sidewalk repaired and shall assess the costs to the lot involved. If the Township determines that the condition of said sidewalk is such that immediate repair is necessary to protect the public, the Township may dispense with said notice. The cost of repairs hereunder shall be charged against the lot which said sidewalk adjoins or abuts and to the lot owner of said premises, and shall be collected as a single lot assessment or as otherwise allowed by law.
- (c) If the owner of any lot or premises abutting or adjoining a sidewalk shall fail to install any particular sidewalk within the time and in the manner required, the Township is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided for single lot assessments or as otherwise allowed by law.

Sec. 10-220. Obstruction of vision.

A lot owner or occupant who clears a driveway or sidewalk of snow shall not permit such snow to be deposited on the traveled portion of a street or sidewalk, or to be piled to a height of three feet or higher so as to obstruct vision between any driveway and street or between any street and another street. Snow removed by a lot owner or occupant (or by their agent or contractor) must be returned to the lot from which it was removed unless permission to deposit the snow on another's lot has been received by the owner of that lot.

Sec. 10-221. Violation a municipal civil infraction.

Any person who violates this Article is responsible for a municipal civil infraction, punishable as provided in Sec. 1-11 of this Code of Ordinances. Any property or sidewalk in violation of this Article is both a common law nuisance and a nuisance *per se*.

Sec. 10-222. Liability and responsibilities of the lot owner.

(a) In addition to the penalties provided in this Article, any lot owner who shall refuse or neglect to comply with the provisions of this Article or any notice to install or repair under this Article shall be liable for and compelled to pay to the Township all damages to persons or property for which the Township may be liable or sued by reason of injury or damages resulting therefrom, which sum may be recovered by the Township in proceedings brought for such purpose in any court of competent jurisdiction.

(b) A lot or parcel owner is responsible under this Article for the acts, inaction, activities, negligence and/or actions of the lot owner's family, lessee, agent and contractor.

Sec. 10-223. Rules and regulations.

The Township Board shall have the authority to adopt rules, regulations and/or additional requirements regarding sidewalks and paths to further implement the purpose and requirements of this Article. A violation of any such rule, regulation or requirement is also a violation of this Article.

Sec. 10-224. Appeals and waivers.

The Township Board may waive some or all of the requirements of this Article regarding sidewalks for a specific lot or parcel if the Township Board finds that either of the following standards is applicable:

- (a) The presence of a sidewalk is not reasonably necessary for public health, safety and welfare.
- (b) A particular requirement of this Article is unreasonable with regard to the lot or parcel involved, and there is an alternative available which reasonably meets all of the purposes and intent of this Article.

In waiving or lessening any sidewalk requirement, the Township Board may impose additional reasonable conditions.

Section 2. The balance of the Code of Ordinances for Georgetown Charter Township remains unchanged and in full force and effect.

Except as expressly amended by this Ordinance, the rest of the Code of Ordinances for Georgetown Charter Township shall remain unchanged and in full force and effect.

Section 3. Severability.

Should any portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance, which shall remain in full force and effect.

Section 4. Effective Date.

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance (or a summary thereof) appears in the newspaper as provided by law.

MOTION CARRIED UNANIMOUSLY.

#180509-06 – Metro Act Permit Request

Moved by Richard VanderKlok, seconded by Jim Wierenga, to recommend to the Township Board to approve the Metro Act Permit [request](#) from Everstream GLC Holding Company LLC, as presented.

MOTION CARRIED UNANIMOUSLY.

#180509-07 – Public Comments.

Public comments were made.

#180509-08 – Roof Repair at Ice Center

Moved by Richard VanderKlok, seconded by Jim Wierenga, to recommend to the Township Board to authorize the Superintendent to proceed with repair work needed for the roof at the ice center due to wind damage that is covered by insurance.

MOTION CARRIED UNANIMOUSLY.

#180509-09 – Tax Bill Insert

The Superintendent requested ideas for the upcoming tax bill insert.

#180509-10 – Employee Benefit Request

The Superintendent presented a request from a current employee regarding employee benefits. The committee decided to do further review at the next meeting.

#180509-11 – Pay for Training

The committee discussed training pay for Boards and Commissions. The consensus was to further discuss at the next meeting.

#180509-12 – 200 Baldwin

The committee reviewed an offer of \$900,000 for the purchase of the excess property at 200 Baldwin Street. The consensus was to advance the offer to the Board for further consideration ([concept](#), [elevation](#)).

#180509-13 – Other Business

The Superintendent updated the committee on the status of privatization of the ice center.

#180509-14 – Adjournment

The meeting was adjourned at 9:09 a.m.