

**EDMORE VILLAGE COUNCIL / PUBLIC HEARING  
APPROVED JOURNAL OF MINUTES**

**March 09, 2020**

1. **CALL TO ORDER:** The regular session of the Village of Edmore Council was called to order on Monday, March 09, 2020 at 7:00 p.m. at the Curtis Community Building by **President Gloria Burr**.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Members Present –**Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr**. Also present were: **Justin Lakamper** – Village Manager, **Shirley Drain** – Village Treasurer, **Kerri Peterson** – Village Clerk, **Sgt Germain** – Montcalm County Sheriff's Dept.
4. **APPROVAL OF AGENDA:** **Ashbaugh** moved to approve the agenda as printed. Supported by **Rasmussen**. **VOICE VOTE: ALL YES – MOTION PASSED 7-0.**

**President Burr** closed the regular session and opened the public hearing at 7:02 p.m.

5. **PUBLIC HEARING: VARIANCE REQUEST 1398 INDUSTRIAL DRIVE**

- a. **PUBLIC COMMENTS:** **Aubrey Keeler** asked that the council follow the recommendation given to them to allow this variance request. There are currently three people living at the address in question, an elderly woman, and a single mom and her son. She went on that she feels we need to do everything we can to keep people in the village. Another woman also responded backing up **Aubrey** about the people who live there. They are good people and asked that they be allowed to remain here. A male sitting with the woman and **Aubrey**, stated that these people pay taxes here and to evict somebody and make them go somewhere else is just a wrong decision.
- b. **APPROVAL OF VARIANCE REQUEST:** **Lakamper** reported that the Planning Commission met earlier today and they voted 5-0 to recommend the approval of the variance. During that meeting they also discussed whether or not that building would be used otherwise if it weren't used in its current fashion. The zoning in that area is industrial. The building in question previously was an office which is allowed in that district. It was then purchased and turned into a residential unit without going through the variance process. The owner has now asked for a variance to R2 to be used as a residence. Following the guidelines for making a variance, this generally does not meet the guidelines due to the non-compliance of the owner and not by another body asking for the change. However, as discussed at the planning commission meeting there are other thoughts and concerns of the community as to why it would still be a good idea to do. **Burr** asked to make it clear, the variance is for the whole 5 acres not the just that little lot and building, correct? **Lakamper** agreed she is correct. **Burr** was very concerned that if this variance was passed there would be nothing stopping them from putting up more apartments on that 5 acres and was adamant that the property is in the industrial park and that it needs to remain an industrial park and not allow residential to mix. The village would be losing part of their industrial park to residential and would not be able to allow new industrial businesses due to no space left. **Colburn** agreed that this property is in the industrial park and was not used for residential

initially. He believes that the owner of the property knew what zone the property was in when it was turned into a residential unit likely knowing it wasn't properly zoned for that. He is concerned for the individuals who live there, but if we set a precedence that we're just going to allow things to go on even though people know they shouldn't be doing them, what do we have zoning for and what do we have these areas for? As far as the zoning itself, this is industrial park area and that's what it's for. **Drain** commented that there was some discussion about the office that was there and it not being industrial. When that office was built the owners came to the board and their intentions were to do more on the property and connect it with something to do with their Potato Services industry. Rather than do that they just moved the whole thing back to their original location. **Ashbaugh** asked if the variance is approved and it becomes residential, how will this impact the other businesses that are out there should they want to turn a building into a home? Does it open the door then that anybody could do this? **Lakamper** stated that they would have a compelling argument to also receive a variance, yes. **Burr** explained that right now we don't have anybody beating on the door to put an industrial business in there but that's what it was originally intended for and it's the only one we have other than Sunrise. She does not feel any residential should be in any industrial park. **Guild** asked a question on behalf of the owner that it states on the variance application that he was told by the previous village manager that no permits were needed. Is there any documentation to that? **Burr** replied, no. **Guild** asked if anyone on the previous board remembered the previous manager telling him that? **Burr** again replied, no. **Guild** asked if there was any way to find out. **Hadley** stated that he thinks it was a private conversation, not something public. **Guild** asked if **Hadley** thinks the previous manager did tell him that. **Hadley** responded that he says he did but I can't confirm nor deny it because it wasn't something that was done publicly it was done in a conversation between the two. **Hadley** also stated that he's going to believe that the owner was told that because he said he was. That doesn't mean he's right, that just means that's what he said. **Guild** stated another concern he has is noise. If the variance is granted, there could be a couple more houses built in there, there could be some condos built in there which could be great for the community, but what happens then when someone moves in where Campbells is at and starts making a bunch of noise? The gentleman across the street from there has already made several complaints in the past about noise and the mess going onto their property. What do we do in that case? **Rasmussen** stated that Potato Services also complained about things blowing through the yard and all the way through the property. **Lakamper** addressed **Guild's** question about the permits being needed stating there is no documentation of that ever being told or explained. **Ashbaugh** questioned why Gale's Gym is allowed on industrial drive. Several members stated that it's not zoned industrial, it's zoned commercial. Just the south side of the street is industrial, not the north side. **Guild** asked if they could table this variance and sit down and talk to Mr. Maxfield. Maybe we can come to some kind of an agreement. **Lakamper** agreed that the decision could be tabled and he could pursue that. **Colburn** stated that he believes any compromise that came of that wouldn't be on the variance because we will run into these situations discussed here regardless. The compromise would come on enforcement. He doesn't think they need to stop pursuing this variance decision, but with enforcement of it we can enter into conversation as to not put this lady out in the street tomorrow. Just because we deny it doesn't mean we have to act on it and move forward on it immediately. **Lakamper** and **Burr** both agreed that no, they wouldn't act immediately. **Colburn** went on to say to maintain the integrity of the industrial park and what its purpose is then he would not be in favor. **Burr** stated that we wouldn't have any room for anymore growth up there.

**Hadley** expressed that he hears what **Gloria** is saying but says it's only an industrial park because we made it that. Somebody in the past determined that that piece of property was to be an industrial park and that's what they called it. Sunrise didn't even exist at that point and now we have that, but Sunrise is full of acre lots. Now we have a 5-acre lot with a tiny building on the back that is not good for industrial, you're not going to put a factory in that building. The only thing you may put in there is maybe another office but the owner wasn't able to rent it or lease it as an office. He went on to state that he disagrees with **Justin** a little bit as far as meeting the requirements. He said the way he reads it is, "the extraordinary conditions of land, buildings or structure, or of the development of property immediately adjacent to the property in question." He thinks that the building on this property does create extraordinary conditions. It's not industrial. He doesn't see someone buying that property and building on the remaining acreage. There is property across the road that's residential, the property behind it is a farm and every property on Neff Rd besides the VFW, is residential. So, it wouldn't be unheard of to have a residential property on Neff Rd, it's just that the driveway to this property is on Industrial Park Drive. That's the only difference. If the drive came out to Neff Rd it could easily be a residential property. Somebody in the past said let's make this industrial. We have the right to change that. That's what we do. Some debate ensued among several members about properties that were residential but were in the township, not in the village. **Hadley** went on to say, it's not as if there are no other residences anywhere around there. Like anything, we have to be flexible. Things change. It would have been great for somebody to come in and build a factory that employed a hundred people on that spot but that's not what happened. **Rasmussen** asked if they could keep the lot with the building as residential and split the rest off for industrial or would it be split up too much. More discussion ensued among members on how many acres were there and the logistics of splitting it up. **Hadley** stated that the problem is Industrial Park Drive runs at an angle so the closer you get to Neff Rd, the narrower the property gets. **Drain** asked if there was vacant property between that 5 acres and Campbells. **Guild** replied, not anymore. **Drain** stated that it almost sounded like it at the planning commission meeting that there was a space in there. **Colburn** spoke to Aaron's point, if we were going to change something like that, we would need to rezone the area, not give it a variance. If we wanted to change the zoning in that area completely. But if we just give a variance, we're going to run into the problem of somebody else wants to do this or somebody else wants to do that, which is not a good precedence to set. He went on to say, again he thinks it's a separate issue. **Hadley** asked if the problem was Campbells maybe wanting to change their buildings into houses because they are already huge factories and he doesn't see that ever happening unless they tear it down and put in a development or something like that. **Drain** stated that they didn't foresee this problem either. **Hadley** responded that he understands that but there's a big difference between this building that's on this property that's in question, and Campbells. They're not the same thing. Even if this property had a large factory building on it and this little office building, he thinks they'd be having a different conversation, but this is a great big yard with a very small building that's usable for one thing. **Guild** asked how many acres Campbells has. **Lakamper** responded that it's 5.6 if you include the back lot. **Guild** stated that it's the same as the property in question. He then asked how many acres Lakeland Mills has. **Lakamper** answered, seven. **Guild** stated, they only have two more acres. The property is not that much smaller than Lakeland Mills. It's as big as Campbells. **Hadley** agreed but stated that Lakeland Mills didn't have an existing building on it when they purchased it. So the only option is if someone's going to tear it down and start over but if they're going to do that we've got lots out at

Sunrise that are a little more suited to building on because it's not that great big steep hill with a tiny building already existing on it. **Colburn** stated that they also have a lot of restrictions out there. **Guild** asked how many 5 acre lots were left out at Sunrise. **Gloria** responded, none. **Colburn** then stated there is the whole ground issue out there, also. He went on to say that if something is going to be done with this we can do something with the enforcement of it and if somebody wants to propose later on down the road changing the whole zoning of the area then that's a whole different discussion for another day, but on this issue right now I wouldn't be in favor of bringing a variance. **Hadley** asked, why don't we table it indefinite if we're not going to enforce it anyway. **Colburn** responded that he's not saying we're not going to enforce it. We want to give the person time to get out so we can have a discussion as to how much time they have and things like that before we move forward on it. We're not saying we're not going to enforce it ever. That's the appropriate discussion to have. **Colburn** moves to deny the request for the variance. **Guild** asked, completely or at this time? **Colburn** replied, completely. They can always ask again if they want to but for right now it's completely. **Moore** asked if **Colburn** was going to put a stipulation in there on how long the tenants have to get out. **Colburn** asked if they could do that or can they have that discussion separately. **Lakamper** answered that you don't need to put that into the motion. **Moore** said, before we enforce it. **Lakamper** agreed. **Hadley** asked who's going to enforce it? We have an elderly woman and a single mom with a young child, which one of you are going to go knock on their door and tell them they need to find someplace else to live? Is that **Justin's** responsibility? **Drain** and others responded that's the owner's responsibility. Maxfield representatives stated they have a contract with those people and even if they wanted to, they could not evict them. **Guild** asked how long the contract was for. Maxfield representative replied that its automatically renewed for however long they want. **Lakamper** reminded everyone of the ordinance stating that this would be a violation of the zoning ordinance and a violation of a zoning ordinance is a misdemeanor citation which is enforceable with a \$500 fine for each day that it continues. **Colburn** explained that's not against the occupant, that's against the owners. The steps of enforcing the ordinance were explained. **Colburn** stated he could see the human element of it but we have rule, we have ordinances, for a purpose. If we're not going to enforce them or we're going to make all these exceptions all the time, what's the sense in having them? **Nicole Hadley** asked if we were enforcing downtown. Her understanding is downtown is not mixed use yet. Are we going to kick everyone out of the apartments above the businesses? **Colburn** stated that situation is a discussion that we're having. Not that we're going to kick people out, just we're discussion that issue. **Drain** explained that the downtown apartments were up there when the zoning was adopted. They've been there. **Lakamper** explained that as long as the downtown apartments had been used as an apartment all along, they are fine. Discussion ensued about multiple properties that are zoned business but are being used residential. **Colburn** stated that it is certainly a legitimate point that we can't just ignore everything else around town and we're not. We're having that discussion. This is the industrial park and this is the only place in that particular area that's having this issue. It's not like we're picking and choosing. You've got to start somewhere. Maxfield representative asked to speak. **Hadley** asked to repeat the motion. **Peterson** responded that the motion by **Colburn** is to deny the request for the variance. Supported by **Moore**. Maxfield representative asked about **Guilds** question as to why we couldn't sit down with Mr. Maxfield and try to work out a compromise on this instead of just throwing that right off the table. **Colburn** responded that the discussion that we would have with him would be on enforcement and not on the zoning at all.



It's a whole different issue. He continued that he is sure the village would be more than willing to have a discussion with Mr. Maxfield about that. **Guild** asked if there would be a possibility of putting a barrier between Campbells and this piece of property, we're talking about so it can be isolated from it and deter later complaints? **Colburn** again stated that the way to handle that would be in a zoning change. **Guild** agrees but doesn't want to see the whole industrial park change zoning. **Colburn** explained that you can change the area of the zoning to zone that piece out of there. **Hadley** asked Lakamper to explain the mechanism for changing zoning of a property without a variance. To change property from industrial to residential. **Lakamper** responded that it's not too dissimilar to what we're doing here. **Drain** asked if you could change it from industrial to commercial? This is a duplex and it's also a rental. That's a business. If you made it commercial it would be a wrap around the industrial park. But you wouldn't be spot zoning because it is a wrap around. It also is really a commercial property. The owner is not living there. **Lakamper** explained that even though it is a business, it's still residential. He then went back to **Guild's** question about conditions for landscaping. He explained the variance procedure and that you can attach conditions if you were to grant it. **Hadley** stated he thinks zoning in this town is one of those things that's sort of a mystery. We don't have good records of how a lot of this zoning came to be. Luckily, we have **Shirley** who explains where and what things were in the year's past. More discussion ensued on what was commercial and what was industrial and when Industrial Park Road was built through to Neff Road. **Hadley** stated that you have to adapt to the situation. If the owner could have leased that building as offices to a business, he would have done that. **Colburn** replied that you can't just take it upon yourself to ignore the rule and do what you want. **Hadley** stated that as a business person you do what works. **Colburn** again replied that you need to come to the village before you make any changes. **Hadley** responded that according to the owner he did and was told he didn't need to. **Colburn** stated that the owner knows quite well what the rules are. It's not someone who just came into town. He's been here for a long time. He's bought and sold property all over town for decades. **Hadley** then stated, if he did come to the village manager and asked what he needed to do and the manager didn't say fill out a variance request and we'll take it to council, then he acted in good faith that he didn't need to. We have no proof that it did or did not happen. **Guild** suggested calling the prior manager. **Lakamper** asked if it were pertinent information to know. **Hadley** stated that it is, if it's being said that he just took it upon himself to just do that knowing that it was against the rules. But if he did approach the village manager and say is this a use and the village manager said yeah, no problem, go ahead. **Guild** asked if a village manager would really tell him that. **Drain** replied that she asked the village manager why he allowed that to happen in industrial park in the first place and he replied, "What am I supposed to do?" **Guild** asked about the motion on the floor. If it's passed or defeated, do they have the right to come back and ask us to rezone it as commercial? **Lakamper** explained you can ask to rezone; you can ask to appeal the decision. In our case the appeal would come back to the same board. There would be means of recourse. If appealed it would come back here and we could have the same discussion again. Or you can ask to rezone. **Colburn** stated again, we can have that discussion but this is a separate discussion. This is on a variance. We can deny the variance and they can still come back and ask for a rezoning. That's a separate matter. Right now, it's on the variance and thinks is a very bad precedence to set. **Hadley** responded to **Colburn's** statement to be clear is that he is saying the problem with the variance versus rezoning is the idea that anyone else with industrial property could ask to have a variance and the precedent would be set. **Colburn** stated that's part of it is he doesn't like the idea of people just

going in and doing whatever they want whether there is a rule or there isn't. Then when they get pushed on it, they get a variance. That's not the way things should be done and we need to start setting that example. This has to change and this is the first step of that. **Hadley** again asked to reread the motion. **Peterson** replied the motion is to deny the request for the variance. ROLL CALL VOTE: YES: **Ashbaugh, Colburn, Guild, Moore, Rasmussen, Burr**. NO: **Hadley**. MOTION PASSED 6-1.

- c. **COUNCIL COMMENTS:** **Guild** stated that he would like to see **Lakamper** invite Mr. Maxfield in to talk about it. **Rasmussen** agreed. **Ashbaugh** stated that she thinks it would be very beneficial for Mr. Maxfield to know all of his options. **Lakamper** agreed to have a meeting with Mr. Maxfield.
- d. **ADJOURNMENT OF PUBLIC HEARING:** **President Burr** closed the public hearing at 7:44 p.m. and reopened the regular meeting.

6. **PUBLIC COMMENTS: AGENDA ITEMS:** None.

7. **DEPARTMENTAL REPORTS:**

- a. **POLICE REPORT:** Presented by **Sgt Germain**. Highlights included one incident of an attempted fraud investigation on February 19<sup>th</sup> in the 500 block of West Gilson Street. Interviews were conducted and there was no evidence to indicate a suspect. Victim did not sustain a loss. Report on file.
- b. **FINANCE REPORT:** **Burr** reported Tracy is doing regularly scheduled work. Nothing new. Drain made note that the contract on the water tower dropped. We're done with the big payment. It will be easier on the water fund. Report on file.
- c. **DDA REPORT:** Report on file.
- d. **DPW REPORT:** **Burr** reported the DPW cleaned and painted the skate ramps at the park, plowed two times and continued to work on equipment maintenance. Took down Christmas lights from gazebo. Painted the floor, piping and well in well house #6. Patched pot holes throughout the village and performed cross connection inspections. Report on file.
- e. **MANAGER REPORT:** **Justin Lakamper** reported that there has been eaves trothing installed on the front of the bag factory above the deck area to help preserve the bricks below there. The upstairs bathroom is being installed according to the original plans. Also waiting to hear back from Griffith Builders about an idea on repairing old cracked caulk around windows of the building. He also reported on Casair phone lines being installed and the Census 2020 cards arriving soon and encouraged residents to fill them out. EGLE has given the okay to replace the chlorinator pump with any appropriate new style pump since ours is discontinued. We are still waiting on price. We received payment of \$7,737 from the driver's insurance company from the crash on M-46 that resulted in the lamp post and 2 trees being destroyed. This payment will cover the entire cost of replacement including M&M Tree Service removing the existing root ball and installing two new 4" mature trees. Looking at new equipment for the park to add to the existing equipment. Plan on applying for a grant from the Curtis Foundation for the equipment. State representative for water was here and is pleased with our operations and Andy's management of the water system. Lakamper then touched on the lead and copper rule. **Guild** asked if they replace it does that mean anytime somebody has a problem with the water line from the main to their house, we're responsible for it? **Lakamper** replied, no. EGLE is saying it's a one-time thing as of right now. The interpretations have changed regularly. Discussion ensued on what needs to be

changed and how to determine that and the timeline that needs to be followed. Lakamper went on that we have received 2 special use permit applications for marihuana businesses. The planning commission heard them and approved them today. There have been special use permits issued for 202 E. Main and the old Phenix building. That sets up the owners to apply for a marihuana license for a retail business in either of those establishments. Lakamper went to a road conference and learned some other strategies to be used to preserve our roads along with chip sealing. There is a sign at the bag factory by Signature Associates. The bag factory is currently up for lease trying to rent out portions of the building. An update on our website, in the coming months we will be switching from Edmore.org to Edmore.com to make everything unified. **Ashbaugh** appreciates the update emails from **Justin Burr** agrees. Report on file.

**f. PRESIDENT REPORT: Gloria Burr: None.**

**8. TREASURERS REPORT: Shirley Drain**

- a. TREASURERS REPORT & COMMENTS: Drain** reported the books for February are balanced and closed. All loan payments are current and up to date. The general fund is down but the water fund is up. The general fund is healthy and doing okay and the water fund is coming back. Ended up the year pretty good.
- b. APPROVAL OF PAYMENT OF BILLS:** Motion by **Rasmussen** to pay the bills. Supported by **Guild**. ROLL CALL VOTE: YES: **Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr**. MOTION PASSED 7-0

**9. COMMITTEE REPORTS:**

- a. PERSONNEL COMMITTEE: Moore** reported on the employee handbook changes. Updating the employee manual. We did put a cap on positions and not individuals. Doesn't mean it's cut in stone; it can be revisited later.
- b. ORDINANCE COMMITTEE: Colburn** reported they continue to review the ordinances.

**10. APPROVAL OF COUNCIL MEETING MINUTES: Ashbaugh** moves to accept the minutes as presented. Supported by **Rasmussen**. VOICE VOTE: ALL YES - MOTION PASSED 7-0.

**11. NEW BUSINESS:**

- a. APPROVAL OF EMPLOYEE MANUAL UPDATES:** Motion by **Guild** to approve the updates to the employee manual with change to page 33 of, "with approval of the council." Supported by **Moore**. ROLL CALL VOTE: YES - **Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr**. MOTION PASSED 7-0.
- b. APPOINT ALYX HALSEY TO THE DDA BOARD:** Motion by **Hadley** to appoint Alyx Halsey to the DDA board. Discussion was heard and all agreed that she will be great. Supported by **Ashbaugh**. VOICE VOTE: ALL YES - MOTION PASSED 7-0.
- c. DISCUSS WASTE MANAGEMENT REASSIGNMENT TO ARROWASTE: Lakamper** explained that Waste Management sold our contract to Arrowaste, a company out of Jenison, Michigan. The agreement we have with Waste Management allows for either party to assign their obligations to another party with our signature. Our agreement with Waste Management also outlines the process for breach of contract with either party. He went on to explain a couple options that can happen. He has asked the lawyer, Tony Costanzo to confirm that we could indeed

walk away from the contract if we do not agree to the reassignment. We are currently waiting on confirmation from him. Without knowing if another hauler could pick up our contract within the next week, Lakamper cannot suggest that we not reassign the contract to Arrowwaste. Discussion was heard. **Moore** and **Colburn** agree it would be a good time to look for another company and get pricing. **Guild** suggested giving Arrowwaste six months or a year on the contract. If we give them a year that would give us plenty of time to get some bids on other contracts. **Lakamper** stated that Waste Management is willing to discuss the contract and feels it would be possible to reassign it with stipulations. He went on to say that outright denying it without something in place is potential for disaster. Discussion ensued about contract details and the physical trash cans. **Colburn** agreed with **Ashbaugh** that we need to hear from the lawyer if we can walk away from contract or can we renegotiate. More discussion ensued on finding a new company and more on the current contract and entering into negotiations on the contract with stipulations. The board agreed to have **Lakamper** talk to the attorney and they would hold a special meeting on the garbage removal for the village.

**12. PUBLIC COMMENTS:** **Nicole Hadley** stated she is frustrated and disappointed with the council for not approving the variance. She believes there are a lot of inconsistencies from previous variances. It gives the appearance of being personal, especially if Mr. Maxfield is the only one requested to put in for a variance at this time and not the other locations. By doing this one person at a time she believes it shows a personal attack. **Joelle Betts** questioned about the planning commission approving special use permits for the marihuana business to open next to Christa's day care. **Burr** answered that yes, that property has received a special use permit and also the old Phenix building. Distance between the day care and a proposed marihuana business was discussed between **Betts** and **Burr**. **Burr** stated that it is only going to be a retail store and everything is legal with the location. Their next step is to present their state license to the village and we have to okay their license for their business. Today's hearing was for the special use permits.

**13. COUNCIL COMMENTS:** **Moore** would like to see the two flags outside be replaced. They're getting pretty shredded. The one at the Fence Rider Museum and the one outside the Curtis Building. **Drain** reminded everyone not to forget to vote. **Burr** reminded everyone to please do your census, also. **Guild** asked if they could fly the POW flag also. It's not a law that we have to but it's a show of support. **Lakamper** replied that technically it would be a decision for the Nita Curtis Foundation but we could certainly bring it up at their next meeting on the 17<sup>th</sup> of March.

**14. ADJOURNMENT:** Motion by **Guild** to adjourn. Seconded by **Rasmussen**. **President Burr** adjourned the meeting at 8:37 p.m.



Kerri Peterson  
Village Clerk

Clara Buss  
Village President  
Approved for Publication

**NEXT MEETING:**