

Waverly Township
42114 M-43 Hwy.
Paw Paw, Mi 49079

December 2, 2010

At 7:02 p.m. Supervisor Tomlinson opened the meeting and invited the board and 5 members of the audience to join in the Pledge of Allegiance. The board members introduced themselves, Sandra Oakleaf, Clerk; Tony Millek, Trustee; Paul Tomlinson, Supervisor; Marcy Dorr, Treasurer; Larry Chase, Trustee; Harold Schuitmaker, Attorney.

Sherriff's Department Report:

Deputy Robert Deloof introduced himself and reported the following 11-01-2010 to 11-24-2010 Criminal Sexual Cond. 1, Assault 3, Larceny 2, Stolen Vehicles 1, O.U.I.L. 1, Health & Safety 1, Invasion Of Privacy 1, Conservation 1, Accident 13, Alarm Activation 4, Civil/property 1, Suspicious Situation 2, General Assistance 6, Be On The Lookout 7, Fire Dispatch 1. Total Dispatched 45.

Agenda:

Addition to Agenda Supervisors Convention under Supervisor comments. Motion by Millek to approve the December 2, 2010 Agenda with the addition. Second by Oakleaf. Voice vote. All yes. Motion passed.

Minutes:

Motion by Dorr to approve the November 4, 2010, minutes. Second by Oakleaf. Voice vote. All yes. Motion passed.

Presentation of Bills:

Motion by Oakleaf to approve the payments of bills.

\$ 8,045.26	GF vendor checks	10620 to 10648
4,263.84	GF payroll checks	12186 to 12198
965.23	GF FICA & WH	
163.35	GF State WH	
13,274.33	Total General Fund	
	And	
\$ 738.52	Sewer vendor check	564
42.52	Sewer Payroll check	1060 to 1061
7.77	Sewer FICA & WH	
1.72	Sewer State WH	
\$ 790.53	Total Sewer Fund	

\$14,064.86 Grand Total

Second by Dorr. Roll call vote. Chase yes, Dorr yes, Tomlinson yes, Millek yes, Oakleaf yes. Motion carried.

Comments Report Supervisor Tomlinson:

Supervisor Tomlinson went to Traverse City to a Supervisor Convention. The information he received he will report to the Planning and Zoning Commission.

Motion by Tomlinson to appoint Mark Smith, Mitchell Huff and Jenna Bowers to the Board of Review for 2011 and 2012. Second by Oakleaf. Yes vote. All yes. Motion passed.

Raising Income for Hardship 12,000.00 dollars. Attorney Harold Schuitmaker will draw up a Resolution for the January 6, 2011, board meeting.

Battered Women and Abused Children: Motion by Millek to send a letter to the Domestic and Sexual assault Services that we have the Domestic Violence Coalition in Paw Paw and transfer our portion of funding back to them rather than asking .25 cents per resident from our citizens. Second by Chase. Voice vote. All yes. Motion passed.

Comments Report Clerk Oakleaf:

Lights in the voting booth. Paul DeYoung will check into lights for us.

Comments Report Treasurer Dorr:

Tax bills went out December 1st.

Comments Report Trustee Chase:

None

Comments Report Trustees Millek:

He will be gone next month.

Planning Commission:

Nothing to report

Unfinished Business Attorney Schuitmaker:

Pillar/Cornelius, Brookside Blueberries and Leduc need building permits. See Memorandum Attachment #1

Adjourn:

Supervisor Tomlinson adjourn the meeting at 8:55 p.m.

ATTACHMENT #1

M E M O R A N D U M

To: Waverly Township Board
From: Harold Schuitmaker
Date: December 2, 2010
RE: Pillar Property/Building Permit Requirement

Parcel No. 80-18-009-015-00 is zoned "Agricultural." The Planning Commission approved a special use to allow an "Agribusiness." This structure is used for retail purposes (products are sold out of the structure).

Michigan has a Right to Farm Act, PA 1981 #93 (MCL 286.471, et. seq.) effective 7/11/81). Each year, the Generally Accepted Agricultural and Management Practices for Farm Markets are updated (GAAMP). Both the 2010 GAAMP and the draft 2010 GAAMP describe a farm market building as follows:

Buildings

If the farm market is housed in a physical structure such as a building or structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure or structures must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972). The placement of the structure must comply with local zoning ordinances, including set-backs from property lines and road right-of-ways areas.

The Stille-Derossett-Hale Single State Construction Code Act specifically exempts certain agricultural buildings from the requirement that an owner apply for and obtain a building permit. This exception is provided in MCL 125.1510(8):

...a building permit is not required for a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade.

The 2010 GAAMP defines Farm Market as:

A "farm market" is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over a five year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. The farm market may operate seasonally or year-round, and may include marketing activities to attract customers and facilitate retail trade business transactions.

The 2011 draft GAAMP defines Farm Market as:

A "farm market" is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the

products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five year timeframe) must be produced on or by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct custom sales in accordance with Michigan laws, and then sold at a the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonally or year-round. Farm Markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions when allowed by applicable local, state and federal regulations.

Under these definitions and with what is being sold at the building, it is clear that the building is used for retail trade. As such a building permit and a certificate of occupancy are required.