

The regular meeting of the Board of County Road Commissioners of Benzie County was called to order by Chairman Rosa at the Road Commission offices in Honor, Michigan on Thursday **May 27, 2021** at 9:30 a.m.

Present: Chairman Robert Rosa	Vice-Chairman James Bowers
Member Ted Mick	Manager Matt Skeels
Finance Manager/Clerk Joe Nedow	Superintendent Scott Fasel
North Foreman Troy Hinds	

Guests attending: Gary Sauer, County Commissioner, Sherry Taylor, Weldon Township Supervisor Ron Hitesman and Zoning Administrator Craig Meredith, Terrance McNeil, and Rob and Mindy Ritter. The public was also invited to attend via telephone conferencing due to COVID concerns.

Motion by Commissioner Bowers supported by Commissioner Mick to amend the agenda to include "Adopt Resolution 21-06 – approve contract with MDOT for federal aid reimbursement for preliminary engineering for installing/upgrading safety-related signage/devises on various county roads.

Discussion: none.

Ayes: Commissioners Rosa, Bowers and Mick. Nays: None. – Motion is hereby approved.

The agenda accepted as amended.

May 13, 2021 regular meeting minutes were approved.

Motion by Commissioner Bowers and supported by Commissioner Mick to pay bills #50526 to #50562 in the amount of \$102,708.77 and approve Payroll #11 for \$57,014.67.

Discussion: None.

Ayes: Commissioners Rosa, Bowers and Mick. Nays: None. - Motion is hereby adopted.

**Cash Summary:** Reviewed – Nedow reported he recently received this past winter's road millage receipts from the County Treasurer's office.

**Work Summary:**

-Reviewed written report summarizing the tasks and activities completed or in-progress for the Manager and for each department head. Skeels provided an oral report on efforts to fix/extend a culvert on Harris Road where water has been overflowing the existing drainage structure. Skeels is working on obtaining a grading easement to implement the design plans that are in-progress which should alleviate the problem with construction anticipated next year. Superintendent Fasel provided a report on paving projects and other maintenance activities.

**Standing guest: Gary Sauer, County Commissioner** – Presented an oral report for items/issues the Benzie County Board of Commissioners is dealing with as well as events impacting local government from around Benzie County.

**Appointments:**

-Robb and Mindy Ritter petitioned the Board to grant a variance to the Road Commission's policy that requires property owners having access to both a private road and a public road must utilize the private drive/road to access their property instead of directly onto a public road/street. The Ritters stated that when they purchased their parcel adjacent to CR-669 in Weldon Township, the realtors involved in the sale did not inform them that they would be required to construct their driveway on Autumn Mist Lane instead of on CR-669. They subsequently learned that while the northern segment of Autumn Mist Lane was accessible, the southern segment was merely a two-track road that was obstructed by brush and two large trees well before the unconstructed cul-de-sac on the south end where their parcel is located. As such, Robb Ritter stated he has a house scheduled to be delivered this fall and the present condition of the south portion of that road is too narrow and rough for the delivery truck to use. When the Ritters contacted the Road Commission, staff discovered an early survey of the subdivision that depicted a sixty-six feet wide easement connecting the southern cul-de-sac to CR-669 which parallels the Ritter's north boundary line. However, subsequent investigation concluded this survey was never recorded the deed provided to the Ritters did not include any reference to this east-west easement. Weldon Township Zoning Administrator Meredith stated the southern segment of Autumn Mist was never recorded and, in his opinion the southern segment of Autumn Mist Lane or the east-west easement depicted on the survey does not legally exist.

Further discussion ensued. Both Weldon Township Supervisor Hitesman and Administrator Meredith voiced their support of the Ritter's request and Meredith asked why the main entrance was moved to a different spot than what

Weldon Township had approved. Commissioner Bowers stated that he remembered the original location of the access drive was in an unsafe location and was moved farther south to improve the site distance given the proximity to a hill. He also acknowledged that given the unusual circumstances associated with this subdivision, he suggested allowing the Ritters to construct a residential driveway approach within the CR-669 right of way along the north-east corner of their parcel and once outside the road right of way, the driveway could then turn south to where the house is proposed to be located. No objections were offered by Commissioners Rosa or Mick.

Motion by Commissioner Bowers supported by Commissioner Mick to approve a request from Robb and Mindy Ritter, allowing them to construct a residential driveway accessing CR-669 instead of private drive Autumn Mist Lane as required by the Road Commission's Lot Splits/Private Road Access policy #118 due to the southern segment of Autumn Mist Lane not being completed/constructed. Said driveway approach is to be constructed along the north-east corner of the Ritter's parcel within the CR-669 right of way.

Discussion: None.

Ayes: Rosa, Bowers and Mick. Nays: None. – Motion is hereby adopted.

-Terrance McNeil petitioned the Board to grant a variance to the Road Commission's Residential Driveway Approaches standard whereby no portion of a residential driveway, including the radius cannot be located closer than 50 feet to the nearest right of way line on an intersecting road or street. Staff reported that the contractor had submitted a permit for the wrong parcel which confused the situation resulting in the driveway in question being paved without a permit. In addition, the new driveway is within fifty feet of the adjacent parcel's driveway. Staff is recommending the end section of the driveway be pulled out and combined with the adjacent driveway, thus creating one access point on the private drive. McNeil stated that while he owns both parcels, the contractor is to blame for the problem and it would be too expensive for him to comply with staff's instructions given that the grading has already been completed and base course of asphalt paved.

Further discussion ensued. Commissioner Rosa pointed out that both driveways had been there unpaved prior to the Road Commission implementing the standard in question. Staff also confirmed his question that the request to pave the driveway is the trigger why the entrances have to be upgraded to the current Road Commission standards. He further stated that McNeil did not try intentionally try to circumvent the Road Commission's standards and as such, he would be willing to grandfather both driveways in as they are now. He suggested granting the request and stated staff contact the contractor to pave the road shoulder between the two driveways to connect them at the contractor's expense since it was their error that caused this issue in the first place. Superintendent Fasel stated that due to liability concerns, he would not be willing to sign the permit if this is the Board's decision to which Rosa acknowledged as a valid concern but did not alter his opinion.

Motion by Commissioner Bowers supported by Commissioner Rosa to grant a variance to Terrance McNeil to the Road Commission's Residential Driveway Approaches standard, being that the Board concluded that both driveways had existed prior to the Road Commission implementing their driveway approach standards and was not done intentionally. Further, staff is instructed to contact the contractor (Team Elmers' who failed to obtain a permit for the correct parcel, to pave the road shoulder to connect the two driveways within the road right of way at their expense.

Discussion: None.

Ayes: Commissioners Rosa, Bowers and Mick. Nays: None. – Motion is hereby adopted.

**Public Input:** None.

#### **Items Before the Board:**

***Adopt Resolution 21-06 approving contract with MDOT for federal aid funding for preliminary engineering for flashing beacons, transverse rumble strips, reflective posts and signage upgrades on various county roads.***

Motion by Commissioner Bowers supported by Commissioner Rosa to adopt Resolution 21-06 which reads as follows:

**WHEREAS**, the "Project" covers the following improvements, in Benzie County, Michigan, described as follows:

*The performance of preliminary engineering activities for sign mounted flashing beacons, transverse rumble strips, reflective post sheeting and sign upgrades at Grace Road and Pond Road and at Cinder Road and Reynolds Road; and all together with necessary related work, and*

**WHEREAS**, the project, or portion of the project, are being programmed with the United States Department of Transportation, Federal Highway Administration for implementation under the Highway Safety Improvement Program,

identified as: Control Section HSIP-10000, Job Number 210314PE, Project Number 21A0061, CFDA Number 20.205 (Highway Research Planning & Construction), Contract No. 20-5475, and

**WHEREAS**, the Michigan Department of Transportation and the Board of County Road Commissioners of the County of Benzie, Michigan have reached an understanding with each other regarding the performance of the project work and have set forth this understanding in the form of a written contract,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of County Road Commissioners of Benzie County enters into an agreement with MDOT for the purpose of fixing the rights and obligations of the parties to undertake and complete the Project and that Chairman Robert Rosa and Manager Matthew Skeels be authorized to sign the contract.

Roll call vote: Mick – aye; Bowers – aye and Rosa – aye. Nays: None. Resolution is hereby adopted.

**Approve cost share agreement with Conservation Resource Alliance:**

Motion by Commissioner Bowers supported by Commissioner Mick to authorize Manager Skeels to sign a cost share agreement between the Benzie County Road Commission and the Conservation Resource Alliance for funding (\$125,000.00) to reimburse the Road Commission for construction and construction engineering for Saffron Road and Little Platte Lake Creek (PLT-P8) and Carmean Road and Kinney Creek (PLT-113) culvert projects.

Discussion: Skeels informed the Board that construction is likely to occur next summer.

Ayes: Commissioners Rosa, Bowers and Mick. Nays: None. – Motion is hereby adopted.

***Discuss seeking demolition bids for Platte River Elementary building:***

Skeels pointed out that given the remaining logistics and our efforts to ascertain if there are any deed restrictions recorded with the property that could potentially impact the property transfer. As such, Skeels expressed his opinion that it would be unlikely that any demolition would happen before the end of our fiscal year. He also mentioned that he scheduled an appointment with Kelly Stockfisch of the NMCAA at the May 10<sup>th</sup> Board meeting to determine if the Board would consider allowing the pre-school presently renting space in the Platte River Elementary building to continue to use that facility next school year. Commissioner Rosa suggested the Board may wish to consider hiring a structural engineer to determine if the gym could be left when the rest of the building is demolished as he would like to see that structure utilized by the community.

**Correspondence/Information/Discussion:** None.

**Board Round Table:**

Topics discussed: Status of applying brine; the possibility of allowing private citizens to brine/oil gravel roads that are in front of their residences; status of Esch Road FLAP grant project; update on the Hidden Hollow culvert; and announced that a tentative agreement with the union has been reached, pending approval by the membership.

Public Input: Comments were offered by Weldon Township Supervisor Ron Hitesman regarding the status of Haze Bridge abutments and if there are any plans in motion to either remove the abutments or replace the bridge. He also asked about the possibility of utilizing speed bumps on Pioneer Road to slow traffic down and on the status of the delayed safety project for King/Pioneer Road curve which has been delayed. Skeels informed Hitesman that there has been a lot of personnel changes at MDOT and he does not know for certainty what the next step will be. He also mentioned the approach to Wolf Road bridge has settled significantly and asked if warning signs could be erected there to warn motorists.

Chairman Rosa then adjourned the meeting at 11:30 a.m.

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Robert Rosa, Chairman

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Joel Nedow, Clerk