

APPROVED MINUTES  
MANCHESTER VILLAGE COUNCIL  
March 19<sup>TH</sup>, 2018  
7:00 PM Village Room

President Vaillencourt called the regular meeting of the Manchester Village Council to order at 7:00pm with the Pledge of Allegiance to the Flag. Council members present: Vaillencourt, Dresch, Way, Chartrand, DuRussel and Woods. Council members absent: Andrews. Also present were Manager Wallace, Clerk Schaible, Dick Bailey and Pat Schremser (345 Baker), Kathy O'Mara (Klager Walk to School Program) and Ron Fielder.

The minutes of the March 5th, 2018 regular meeting were approved on a motion by Dresch, seconded by Chartrand.

**AGENDA** – The agenda was approved as amended: adding New Business Items C) Gazebo Concerts and D) Zoning Amendment; and deleting Reports: A) Sheriff; B); Parks; C) Planning Commission; D) Downtown Development Authority; E) Healthy Communities/Wellness Coalition; F) Joint Planning Commission, G) Building Committee; H) Personnel Committee; I) Finance Committee on a motion by Dresch, seconded by Way.

A motion was made by Dresch, seconded by Woods, that the Council adjourn and convene as the Zoning Board of Appeals. Roll call vote; ayes-all. Motion passed.

**ZONING BOARD OF APPEALS**

President Vaillencourt called the meeting to order. Dick Bailey, builder of 345 Baker Street, presented a drawing of the proposed deck and a photo of the area where it would be built. He explained that grade of the area is steep, treed and contains a water swale, making a patio at the back door impractical. He and the owner, Schremser, are instead proposing a wood deck with a 3-foot railing that imposes 10 feet into the 35-foot required back yard setback.

Vaillencourt opened the public hearing and asked for public comment. Hearing none Vaillencourt closed the public hearing. Vaillencourt also reported that no other correspondence had been received.

Vaillencourt noted that placement of the house on the lot considered the garage design and the required front yard setback. Dresch indicated the house 3 doors down that had a less steep grade. Bailey reported that the deck was not part of the original plan but had been added on. Vaillencourt reviewed with Council the Village ordinances regarding area variances. Council agreed that:

- the chapter restriction unreasonably prevents the owner from using the property for a permitted purpose. Way suggested that a deck is a permitted use;
- the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial justice. Chartrand noted that a 12-foot deck is reasonable.
- the plight of the landowner is due to the unique circumstances of the property. The depth of the backyard hill was noted;
- the alleged hardship has not been created by any person presently having an

interest in the property. Dresch expressed her opinion that this point is where the problem lies in that the home was designed and positioned by the present builder and owner. She pointed out that she realizes this is a hard line but granting for new construction sets precedent and opens the door for any builder, anywhere to not follow the setback requirements. Bailey suggested that the grade and trees make this a unique property. Woods clarified that the home was within 1 foot of the front yard setback.

A motion was made by Dresch, seconded by Way, that the request for variance at 345 Baker Street be denied. Chartrand reminded Council that a variance request for a home across the street had been approved a few years earlier but could not recall the specifics. Roll call vote: Dresch-yes; Way-yes; Chartrand-no; DuRussel-no; Woods-no; Vaillencourt-yes. Motion failed. The applicants agreed to revisit the issue at the next Council meeting.

A motion was made by Woods, seconded by Way, to adjourn the Zoning Board of Appeals meeting and reconvene the Council meeting. Roll call vote: ayes-all. Motion passed.

**PUBLIC PARTICIPATION**- Kathy O'Mara invited those present to attend the Walk to School events on May 2 and May 9, Aces Day and Bike to School Day.

### **OLD BUSINESS**

**VILLAGE HALL BATHROOMS**- Way presented the invoices for the countertops/sinks, electrical work and flooring for the Village Hall bathrooms. He noted that the budget previously approved for the project will be adequate. A motion was made by Dresch, seconded by Woods, that the Stein Electric, Diamond Tile and PRO Source invoices be approved in the amount of \$17,237. Roll call vote: ayes-all. Motion carried.

### **NEW BUSINESS**

**MANCHESTER AREA YOUTH SPORTS CONTRACT**-Laurie Luckhardt, representing MAYS, reported that opening day for the youth baseball/softball program would be April 28 this year. Practices would start in April with the season concluding by July 4<sup>th</sup>. She also noted that only the use of Kirk Park is needed this year. A motion was made by Dresch, seconded by DuRussel, that the Village enter into the contract with Manchester Area Youth Sports for the 2018 season with the modification removing Carr Park. Roll call vote: ayes-all. Motion passed.

**2018 FIREWORKS PERMIT**-Schaible presented the information packet provided by Wolverine Fireworks Display, Inc. for the 2018 Manchester Men's Club show. She reported that all paperwork seems in order and is the same as in previous years. A motion was made by Dresch, seconded by Woods, that the 2018 Permit for Fireworks be approved. Motion passed.

**GAZEBO CONCERTS**- Vaillencourt reviewed the request for 8 concert dates this summer at the gazebo. It was noted the request included a banner and a sign on the gazebo. A motion was made by Way, seconded by Dresch, to allow the dates and banners as described in the request dated 03/19/2018. Motion passed.

**ZONING AMENDMENT**-Wallace presented information from John Enos of Carlisle/Wortman, regarding a proposed change in the zoning ordinance to allow day care homes and centers in the C-2 district. A motion was made by Woods, seconded by Chartrand, to request review by the Planning Commission. Motion passed.

**CORRESPONDENCE**- Council acknowledged the following correspondence:

- A letter from Ron Fielder, of 211 W. Main, objecting to the banner advertising the School's walking program being placed on the gazebo in Wurster Park. Way commented that it is a Council legal prerogative to relax restrictive ordinances when appropriate and that only traffic signs belong in the right-of-way. He also noted that this complaint had been made and answered previously.
- Notice of grant award in the amount of \$5000 for the Manchester Shared Use Trail - Phase 2 from the Consumer's Energy Foundation.
- Notice of public hearing for the gas customers of Consumers Energy.
- County Sheriff report for February 2018.

**ACCOUNTS PAYABLE** – Council reviewed the payables lists. A motion was made by Dresch, seconded by DuRussel, to approve for payment the list dated 03/19/2018 totaling \$70,380.89. Roll call vote: ayes-all. Motion carried.

**TREASURER'S REPORT**-The February 2018 Treasurer's Report was acknowledged.

**REPORTS**

**DPW**- Council reviewed the report.

**MANAGER**– Wallace reviewed his report.

Vaillencourt reported that she had attended a Manchester Township Board meeting to discuss the township wide broadband project. She explained to the Township Board that under a traditional millage funded plan, Village taxpayers, who all already have internet options through Comcast, would have to fund very expensive and long-term infrastructure that they have no need of. The proposed millage would effectively double the amount of millage that Village taxpayers remit to the Township.

There being no further business, President Vaillencourt adjourned the meeting at 8:21pm.

Respectfully submitted,  
Julie Schaible, Village Clerk