

Opti Temp; Tax Abatement update-

Motion by: _____ Second by: _____ to

Accept

Table

Deny

The amended changes to Resolution 2008-15

Revises the resolution to show that the request is for a
speculative building

Roll call vote:

Yes: _____

No: _____

Absent: _____

Abstain: _____

Motion:

Passed

Failed

Sue Courtade

From: Sarah Racine [sarah@tcchamber.org]
Sent: Wednesday, April 22, 2009 3:14 PM
To: Glen Lile; Sue Courtade
Subject: Opti Temp

Hi Sue and Glen,

At long last I have a plan of action regarding Opti Temp. As you recall, there was an error on the abatement application. I accidentally checked the "new" box instead of the "speculative" box on the front page of the application. This was brought to our attention in January by the assessor. From that time, I've been working with the State to figure out what happened and what we need to do to rectify the situation. The conclusion is that we need to file an amended application. This WILL NOT affect the abatement in place.

Here is what we need to do:

- Submit an amended 1st page of the application. There are no signatures on this page, so I can take care of this.
- Submit an amended/new resolution from the township with "APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE **FOR A SPECULATIVE BUILDING**, SUBMITTED BY OPTI TEMP" at the top. How this change is up to you. If you can make the change to the top of the resolution without board action, great. If not, let me know when you would like to address it and I'll be there to explain the situation.
- Submit a letter from the builder stating the building was built as a speculative building. I will take care of this.
- Submit a letter from the assessor stating that the building was not occupied prior to Opti Temp. I will contact Laurie and get that letter from her.

Please let me know how and when you would like to handle the resolution and I'll take care of everything else.

I look forward to hearing from you soon.

Sincerely,

Sarah

Sarah Racine
Project Support Coordinator
Traverse Bay Economic Development Corporation
Traverse City Area Chamber of Commerce
202 East Grandview Parkway - Traverse City, MI 49684
Phone: (231) 995-7116
Fax: (231) 946-2565
Sarah@tcchamber.org
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CHARTER TOWNSHIP OF EAST BAY
RESOLUTION 2008-15
APPLICATION FOR INDUSTRIAL FACILITIES
TAX EXEMPTION CERTIFICATE FOR A SPECULATIVE BUILDING
SUBMITTED BY OPTI-TEMP
As amended on May 11, 2009

WHEREAS, on or about September 2005, Peninsula Business Park submitted an Application for Establishment of an Industrial Development District on property owned by it located at Peninsula Business Park – East, Traverse City, MI 49686, which is legally described as follows:

Part of the Northwest ¼ of Southeast ¼ of Section 17, Township 27 North, Range 10 West, East Bay Township, Grand Traverse County, Michigan; and

WHEREAS, at its regular public meeting held on September 12, 2005, the East Bay Charter Township Board adopted the following motion:

Motion by Friend/Goodrich to approve establishing an industrial development district for Peninsula Business Park; and

WHEREAS, on or about July 1, 2008 Opti-Temp submitted an Application for Industrial Facilities Tax Exemption Certificate for a facility located at 1500 International Drive, Traverse City, Michigan 49686, more fully described as follows:

Unit 7, Peninsula Business Park at Fawn Creek, East Bay Township, Grand Traverse County, Michigan; and

WHEREAS, at its July 14, 2008, meeting the Charter Township of East Bay made the following findings regarding the Application for Industrial Facilities Tax Exemption Certificate submitted by Opti-Temp:

1. The granting of the industrial facilities exemption certificate will not have the effect of substantially impeding the operation of the Charter Township of East Bay or impairing the financial soundness of the Charter Township of East Bay.
2. The proposed facility is located within an industrial development district that was duly established in the Charter Township of East Bay and that was established upon a request filed before the commencement of the purchase of personal property improvements for the facility.
3. The commencement of the purchase of personal property improvements for the facility occurred not earlier than six (6) months before the filing of the application for the industrial facilities exemption certificate.
4. The application relates to a construction, restoration, or replacement program that when completed constitutes a new or replacement facility within the meaning of this act that shall be

situated within an industrial development district duly established in the Charter Township of East Bay.

5. Completion of the facility is calculated to, and will at the time of issuance of the certificate have the reasonable likelihood to create employment, retain employment, or prevent a loss of employment in the community in which the facility is situated.
6. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity but rather is primarily for the purpose and will primarily have the effect of restoration, replacement, or updating the technology of obsolete industrial property.

NOW, THEREFORE, the Charter Township of East Bay does hereby ratify and approve the Application for Industrial Facilities Tax Exemption Certificate filed by Opti-Temp, and authorizes the requested tax abatement for a period of six (6) years for real property.

Motion by Friend supported by Goodrich, to adopt Resolution 2008-15 to approve the Application for Industrial Facilities Tax Exemption Certificate filed by Opti-Temp.

Upon roll call vote for the motion:

Yes: Friend, Goodrich, McAllister, Bartlett, Strait, Courtade, Lile

No: None

Absent: None

The Chairman declared the motion carried and the Resolution duly adopted this 14th day of July, 2008.

GLEN LILE, Supervisor

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CERTIFICATE

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its regular meeting held on July 14, 2008, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: _____

Susanne M. Courtade, Clerk

Motion by _____ supported by _____, to amend Resolution 2008-15 to approve the Application for Industrial Facilities Tax Exemption Certificate filed by Opti-Temp.

Upon roll call vote for the motion:

Yes:

No:

Absent:

The Chairman declared the motion ____ and the amended Resolution duly _____ this 11th day of May, 2009

GLEN LILE, Supervisor

CERTIFICATE

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its regular meeting held on May 11, 2009, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: _____

Susanne M. Courtade, Clerk

The approved minutes of the July14, 2008 meeting are included to show that the resolution abatement was adopted by the board. It is item number 4 in the minutes.

East Bay Charter Township
1965 Three Mile Road North
Traverse City, MI 49686

Regular Board Meeting
Monday July 14, 2008

Call Meeting to Order: Chairman Lile called the meeting to order at 6:33 pm.

Pledge of Allegiance: was recited by all in attendance.

Roll Call: Board Members Present: Glen Lile, Beth Friend, Sue Courtade, Craig Goodrich, Tracey Bartlett, Dale McAllister and Butch Strait

Others Present: Anne Wendling, Recording Secretary; Peter Wendling, Township Attorney; Plante and Moran Auditors Katie Thornton and Sam Niemi

Twenty-five (25) members of the public were in attendance.

Review for Conflict of Interest: None

Correspondence: Provided in the Board Packets.

Consent Calendar:

- A. Board Minutes: June 9, 2008 Regular Board Meeting Minutes were recommended for approval.
- B. General Fund: checks numbered 5873-5974 were paid in the amount of \$63,110.41.
- C. Ambulance Fund: checks numbered 1838 - 1849 were paid in the amount of \$228,674.10. Check number 1838 was voided.

D. Receiving Fund: Checks numbered 1743-1750 in the amount of \$96,307.01 were paid. Check number 1743 was voided.

E. Payroll Fund: For the payroll dated 5/25/08 through 6/7/08 checks numbered 10640-10665, and automatic check deposits numbered 1000003279-3281, 3286, 3289-3293, 3295, 3297, 3299, and 3301 totaling \$14,522.20.

For the payroll dated 6/8/08 through 6/21/08 checks numbered 10666-10678 and automatic check deposits numbered 1000003305-3306, 3310-3311, 3314, 3317, 3319, 3321-3323, 3325, 3327, and 3329-3330, totaling \$13,283.99.

Payroll for the two periods totaled \$27,806.19.

F. Payroll Taxes EFT Funds

For the payroll of 5/25/08 through 6/7/08 the transfer was \$4,083.41; for the payroll dated 6/8/08 through 6/21/08 the transfer was \$5,066.83.

The total payroll amount for the two time periods combined was \$36,956.43.

Total amount paid: \$425,047.95

G. Motion to accept the proposed Blanket Purchase Order

H. Motion to accept the proposed Updates to the Personnel Manual

Goodrich made a motion and Friend seconded to approve the consent calendar for July 14, 2008 as presented with the amended Minutes of June 9th as forwarded to the board. The motion carried unanimously.

Public Comment: Comments were received regarding the fund balance and the lack of a Zoning Administrator.

Reports: Supervisor: Report included in packets. Lile added that on July 26 from 11-3 there will be an open house at the new fire department.

Clerk: Courtade reported that she continues to prepare for the August elections and 900 absentee ballots have been given out to date. Training will be held this week at East Bays' office for election inspectors in the region.

Treasurer: Report included in packets. Bartlett added that a she would welcome more feedback on the personality profiles which were handed out to board members.

Trustees: Goodrich said that the deadline for a member of the public to apply to sit on the benefits committee is July 31. So far, Goodrich stated that there were two interested people. Friend reported that Planning Commission minutes were in packets and she talked about some Planning Commission items that would be on the agenda for the August meeting.

Sheriff Department: Deputy Mike Shea reported that for June 2008 they handled 529 calls.

Fire Department: Jeremy Metcalf reported 57 calls in East Bay and handed out a written report to board members.

Engineer: Brian Sousa reported that he has completed reviewing the multi family project on S. Airport Road and that he will be talking to the County Road Commission regarding the Three Mile project and a water main in that area. Sousa also reported that there was an issue with a valve at the water filtration plant and since this has happened prematurely, he is working with the manufacturer to see what is happening. He is also working on a water well ordinance.

County Commissioner: Margaret Underwood reported that the Grand Traverse County Road Commission requested bids for road repairs/improvements and the winning bid was one million dollars less than projected. They are working on adjusting the targeted road areas and will be asking for an update of costs to improve these. She also stated that the rainfall is causing a problem with the dams and the county is making arrangements to open more spillways.

Township Attorney: Township Attorney Peter Wendling stated he is still working on the possible transfer station property acquisition

and that the application requires approval through Lansing. He will also have noise ordinance and site plan extension language ready for the next meeting.

Road Commission: No report at this time.

New Business:

1. 2007 Audit Report to the Board

Katie Thornton from Plante Moran addressed the Board about the 2007 Audit. She stated that it was an Unqualified Audit which is the best level that a government entity can have. She went through reports included in the packets and discussed highlights of the audit as it related to the general fund. Sam Niemi discussed required communication of internal controls and changes that could be made in the following areas: 1. Bank Reconciliations 2. Cash processing 3. Fund Classification of Bonds 4. Wire Transfer Access 5. Special Assessments. Board members responded and asked questions regarding the audit and commented on the audit. Friend commented that now that revenues were built up to where they need to be, the township needs to make a conscious effort on how to spend the money to benefit the township residents.


2. Gaming Raffle License Request – Centre Ice

Terry Marchand from Centre Ice stated that they received a handmade quilt signed by many NFL greats and ICE would like to raffle it off as a fundraiser. Centre Ice is requesting the township's approval for a raffle license. Friend made motion to approve Resolution 2008-15 approving a gaming raffle license request on behalf of Involved Citizens Enterprises and Strait supported. The motion passed unanimously.

3. LIAA/ Up-North 2 Agreement Cherry Capital Cable Council Distribution Allocation

Lile reported that the City is holding the township's portion of the distribution allocation and will give directly to LIAA for distribution upon request of the board. Courtade moved to have the city write a check to LIAA and turn distribution funds over to LIAA. Goodrich seconded. The motion carried unanimously. Courtade made a motion to accept the contract between East Bay Charter

Township and Land Information Access Association as written. Bartlett seconded and the motion carried unanimously.



4. Tax Abatement Request – Opti-Temp

Tino Breithaupt from the Chamber discussed a new request for approval. Dan Dorn from Opti-Temp Corporation has requested a tax abatement. Opti-Temp is expanding their industrial facility in Peninsula Park and 6 new employees are projected. Property improvements are expected to total \$1,049,712 and Opti-Temp would be exempt for 6 years on real property. Friend moved to adopt Resolution 2008-15 approving the application for tax abatement for Opti-Temp. Goodrich seconded and the motion carried unanimously.

5. Healthy Beaches Watershed

Andy Knott was present to discuss the E-coli situation in Grand Traverse Bay and the Action Plan for healthy Beaches. The plan includes a waterfowl feeding ordinance, a border collie program, pet waste ordinances, doggie bag dispensers and public education and additional storm water controls. The board asked questions and discussed public education. Knott stated that East Bay is on the state list of impaired waters.

6. Resolution 2008-12 Support Road Repair

Lile stated that Resolution 2008-12 was to support the exploration of solutions for road repair funding for Holiday Road. Lile said he has asked for information on the Holiday Road traffic flow but did not get a response yet. Township Attorney Wendling said road maintenance is supposed to be taken care of by the county road commission and told board members to ask the road commission for matching funds. Board members discussed the logistics of a special assessment district. Township Attorney Wendling suggested passing a millage for local roads. Bartlett moved to submit Resolution 2008-12 to support exploration of solutions to road repair funding. Friend supported the motion and wanted it made clear that no money was being expended at this time. Upon a roll call vote with Courtade, Goodrich, and Strait voting against the resolution, the motion carried 4-3.

7. Resolution 2008-13 Act 57 Metro

Chief Pat Parker told the board that the Act 57 agreement, which reorganizes emergency services under Act 57, was ready to be approved by the township. All three townships would control the operations of the emergency service operations involved. Parker stated that he would like to be operating in January under the new authority. Friend made a motion and McAllister seconded the motion giving Lile and Courtade the authority to sign documents pertaining to the Articles of Incorporation of the Grand Traverse Metro Emergency Services Authority.

8. *Cleaning Bids*

Three bids were accepted for the cleaning of the Township Hall. Strait moved and Goodrich seconded to accept the bid from Sterling Commercial Cleaning for \$72.50 per week. With Courtade voting no, the motion carried 6-1.

9. *Abandoned Water Well Holiday Hills Discussion*

Lile reported that the Sherwood Water Well has been abandoned by the township and a neighboring property owner wants the township's easement removed. The water pipe is shut off yet the pump house is still heated in the winter. The easement in question extends into the center of the property. Sousa will look into the issue and bring more information for the next meeting regarding a possible property swap.

10. *Seasonal Dock Request – Tamarack Development Associates*

Tamarack Development Associates are requesting a 300 foot seasonal dock and four seasonal small craft mooring balls to be used by guests of the hotel. Since questions remain regarding the number of slips and the number of boats, Friend moved to table the matter until further information could be gathered. McAllister seconded the motion and the motion carried unanimously.

11. *Resolution 2008-09 Approving Process to Acquire New Sewage Treatment Capacity*

Chris Buday requested the approval of Resolution 2008-09 which approves the process for acquiring a new sewage treatment capacity. He stated that the document is a general preliminary document to move forward and that no money will be expended at this time. Discussion followed and Buday said this study lays out the planning process for the next twenty years. Strait moved and Goodrich supported to adopt Resolution 2008-09 approving the process to acquire a new sewage treatment capacity. The motion carried unanimously.

Public Comment: Comments were received regarding the fund balance, Holiday Road, and a new personnel policy.

Adjournment: Chairman Lile adjourned the meeting at 9:28 pm.

Submitted by:

Anne E. Wendling, Recording Secretary DATE

Susanne M. Courtade, Clerk DATE

Glen Lile, Supervisor DATE