

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

Regular Board Meeting
Monday September 8, 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, Sue Courtade, Craig Goodrich, Tracey Bartlett, and Beth Friend

Absent and Excused: Butch Strait and Dale McAllister

Others Present: Anne Wendling, Recording Secretary; James G. Young, Township Attorney;

Eighteen (18) members of the public were in attendance.

Review for Conflict of Interest: None

Correspondence: Provided in the Board Packets.

Consent Calendar:

- A. Board Minutes: August 11, 2008 Regular Board Meeting Minutes were recommended for approval.
- B. General Fund: checks numbered 6044-6111 were paid in the amount of \$30,968.96.
- C. Ambulance Fund: checks numbered 1859 - 1872 were paid in the amount of \$3,790.26.

- D. Receiving Fund: Check numbers 1752 – 1754 in the amount of \$90,735.51 were paid.
- E. Payroll Fund: For the payroll dated 7/20/08 through 8/2/08 checks numbered 10732-10799, and automatic check deposits numbered 1000003436-3438, 3445, 3448, 3450-3452, 3487, 3490, 3496, 3498, and 3500 totaling \$17,123.73.
For the payroll dated 8/3/08 through 8/16/08 checks numbered 10801-10852 and automatic check deposits numbered 1000003504-3506, 3514, 3516-3517, 3520, 3523, 3525-3529, 3560, 3563, 3569, and 3571 – 3572 totaling \$21,115.16. Lost check #10768 was replaced with check #10800.

Payroll for the two periods totaled \$38,238.89.

- F. Payroll Taxes EFT Funds
For the payroll of 7/20/08 through 8/2/08 the transfer was \$4,412.79; for the payroll dated 8/3/08 through 8/16/08 the transfer was \$5,797.92.

The total payroll amount for the two time periods combined was \$48,449.60.

Total amount paid: \$173,944.33.

- G. Motion to accept the proposed Board Appointments
- H. Motion to accept the proposed Petty Cash Policy
- I. Motion to accept the proposed Amended Refund Policy

Friend requested moving board minutes (A) and petty cash policy (H) to regular agenda items 13 and 14 respectively. Friend moved and Goodrich supported to approve the consent calendar as presented with the above changes and the motion carried unanimously.

Public Comment: None at this time

Reports: Supervisor: Report included in packets. Lile added that Thursday, Sept 25th was the date for hazardous waste collection.

Appointments can be made online at recyclesmart.info or by calling 941-5555. He also stated that he will attend a meeting on September 24th with all township supervisors regarding curbside recycling.

Clerk: Courtade reported that she added her report to board member's desks and has been busy getting new voters registered. She has also been visiting local high schools to register students age 17 ½ and older. More voting booths may be added per Secretary of States recommendations.

Treasurer: Bartlett stated that she is busy collecting taxes, going to school and that she also attended a road commission meeting. She reported that the Road Commission sold the 4 million dollar bond and is busy spending the money fixing county roads.

Trustees: Friend stated that on September 17th, LIAA is having an open house and the public is invited. In August, the Planning Commission approved a PUD for the Cherry Tree Inn, discussed the proposed Eastwood PUD, and had a discussion regarding Ordinance 109.

Sheriff Department: Deputy Davidson reported that in August 2008 there were a total of 577 complaints. He also reported that bicycles have been taken in the area between 3 Mile and Bunker Hill. Friend inquired about the Bear statue on the Bear Company store and Davidson said that the owner would repaint the bear.

Ambulance Department: Included in packets.

Fire Department: Jeremy Metcalf reported that there were a total of 16 Fire Calls and 49 EMS assists in August. Station ~~One~~ *Eleven* had an open house and Metcalf reported that there was a steady stream of people coming in. Metro also recruited twelve new fire/EMS personnel.

Engineer: Brian Sousa reported that he met with the city's consultant regarding the water system that a final report will be issued at anytime.

County Commissioner: Margaret Underwood reported that bonds were

sold for county road work. On September 23rd, the Boardman river dams committee will meet and by the end of the year, final engineering reports for the dams will be complete. She stated that the County Commission will be working on budgets for 2009.

Township Attorney: Township Attorney Young had no comments at this time.

Road Commission: No report at this time. Bartlett said she talked to Mary Gillis regarding road classification and that she also wanted the county to change Holiday Road to a primary classification, but Gillis said it does not meet the criteria set forth for a primary road.

New Business:

1. PUBLIC HEARING – Public Act 57 of 1988 Articles of Incorporation

Chief Pat Parker addressed the board regarding the Articles of Incorporation to establish Act 57 for the Metro Fire Department. He explained that this type of incorporation is controlled by many townships, all attorneys involved have already looked at the document. Acme Township has already approved the document and he expects Garfield Township to approve it this week. Lile opened the public hearing at 7:07pm. Seeing no comments, Lile closed the public hearing at 7:07pm. Bartlett thanked everyone who worked on this and Chief Parker also thanked Lile and Friend for all their hard work on the articles as well.

Friend moved to adopt the Articles of Incorporation for the purposes of creating, establishing and incorporating an authority under the provisions of Act 57, Public Acts of Michigan, 1988, as amended. Courtade seconded and upon a roll call vote, the motion passed unanimously. Brad Schnaidt then addressed the board regarding inspection fees and explained that the fee structure was handled through the county construction codes office and was based on a formula. As of January 2009, the county will no longer handle fees, so that resulted in last month's fee schedule being brought before the board for approval.

2. PUBLIC HEARING – Lights Special Assessment Warrant for Collection of Assessment Roll No. 01-1L *2008-20 – Phase III Lots 1-12 Peninsula Business Park III and Units 1-12 Peninsula Business Park Site Condominiums

***2008-21 Lots 1-108, Swigart's Sunset Terrace Subdivision**

***2008-22 Lots 1-17 Phase I, Peninsula Business Park I**

***2008-23 Lots 18-23, Phase II, Peninsula Business Park II**

Bartlett stated that Phase III needed to be renewed and she also discovered that a reevaluation needed to be done every ~~three~~ years on the other phases. She is asking the board to renew Phase III and then reevaluate the other three.

Lile opened the public hearing for Phase III at 7:13pm and seeing no comments, closed it at 7:13pm. *Friend moved to approve Resolution #2008-20 which allows the collection of a special assessment for Phase III Lots 1-12 Peninsula Business Park III and Units 1-12 Peninsula Business Park Site Condominiums. Goodrich supported the motion and the motion carried unanimously.*

Lile opened the public comment on the Resolution 2008-21 Confirming the Special Assessment Roll at 7:17pm. One gentleman addressed the board regarding the special assessment rate. Lile closed the public comment at 7:19pm. *Friend made a motion to approve Resolution 2008-21 confirming the special assessment roll for Lots 1-108 of Swigart's Sunset Terrace Subdivision. Courtade seconded and the motion carried unanimously.*

Lile opened public comment on resolution 2008-22 at 7:20pm. There being no public comment, he closed the public comment at 7:20pm. *Friend made a motion to approve Resolution 2008-22 confirming the special assessment roll for Phase I of Peninsula Business Park. Courtade seconded the motion and the motion carried unanimously.*

Bartlett explained that this particular phase was the only one in which the special assessment increased. Lile opened public comment at 7:22pm and seeing no comments, closed it at 7:22pm. *Friend moved to approve Resolution 2008-23 confirming the special assessment roll for Phase II of Peninsula Business Park. Goodrich seconded the motion and the motion carried unanimously.*

3. Zoning Ordinance Amendment; Section 415,2,m

Township Attorney Young said that he was satisfied with the information given to board members and that the board could now take action. *Bartlett moved to approve the text amendment within the Zoning Ordinance Section 415,2,m. Courtade supported the motion and the motion carried unanimously.*

4. DPW Budget 2009

Chris Buday handed out a spreadsheet on this year's and past year's budgets. He stated that this was a joint budget with all other townships. He spoke to the

board and went through the budget and explained that the biggest expense was for sewer disposal. He answered questions asked by the board regarding the budget. Questions included one about employees and Buday said that there were currently 17 employees, but the county would reassess the personnel when the economy picks up again. Goodrich asked about the number of vehicles owned and Buday did not know the exact number but stated that all vehicles were in good condition. Friend questioned the water financial summary and Buday told her that the DPW does not carry a fund balance and the township is only billed for what DPW spends. Friend asked about YTD 2008 totals. Buday said he was looking to discuss the budget and then approval could be left for next time.

5. Metro Act Right of Way Permit Extension (AT & T Agreement)

Courtade reported that AT&T is requesting a road right of way extension for a term ending December 31, 2010. Jim said that township's ability to oppose the action is limited by the Metro Act. AT & T is simply requesting a two year extension of a permit granted originally in 2006. *Bartlett moved to approve the Metro Act Right of Way Permit Extension for a term ending December 31, 2010. Friend seconded the motion and the motion carried unanimously.*

6. 2008 Proposed Grand Traverse County Sewer/Water Specifications Review

Township Engineer Brian Sousa stated that there nothing technically incorrect that needed to be addressed with the county within the specification review. *Friend moved to accept the 2008 Proposed Grand Traverse County Water and Sewer Specifications Review. Goodrich seconded and the motion carried unanimously.*

7. LIAA; Request to Appoint a Committee Representative

Lile said that LIAA is looking for one East Bay Township board member to sit on The government access oversight committee. Courtade asked about the level of commitment and Friend answered that it would not be too time consuming. Courtade expressed an interest in being appointed to the committee. *Bartlett made a motion to appoint Courtade to the LIAA Government Access Oversight Committee. Goodrich seconded and the motion carried unanimously.*

8. Proposal to Purchase Property Three Mile/Hammond Corner

Lile said that the property located at the corner of Three Mile and Hammond also known as the Black school is up for sale and the owners offered to sell the

property to the township if there was any interest. The property has been offered to the township as a price of \$711,060. Courtade said that she looked into grants to purchase the property and that was possible. She said that she also spoke to Mark from Grand Traverse equalization and after moving the residence off of the property, the true cash value of the property would be \$554,000. Courtade spoke to the parks commission, but Grace MacDonald did not know where money would come from. Uses for the building were discussed and it was noted that the property was zoned commercially right now. Friend inquired about cost of moving the school and what the history of the building was. Courtade said that Black School was one of the last one room school houses to be used in the area. Friend also inquired about the property and its compliance with the recreation plan and master plan. *Goodrich recommended the possible property purchase to the Capital Improvements Committee for financial research. Bartlett supported and after discussion, the motion carried unanimously.*

9. RFP Township Planner

After looking at this matter, Lile stated that adding a part time planning/zoning administrator two days per week may be a good idea. Friend said that there may be some interest in sharing a planner with another township. Lile is looking for direction from the board on this matter. Board members were concerned that in upcoming years, a full time planner may be warranted. Township Attorney Young told the board that there were three viable options: 1) hire an outside consultant part time who would hold office hours at the township offices with hours in house; 2) hire a planner jointly with another township; or 3) hire a full time planner for the township right now. Young explained that the first option would give immediate expertise to the township, but as demand went up, the cost of this planner would rise significantly. The advantage to option two is that there is a better chance of getting someone qualified but as time goes on, one township will be left out. Young said that option three was the most expensive in short run, but later as more business comes in, the person would be qualified. Young also suggested that the township place the RFP now and he or Wendling would help the township later. *Bartlett moved to perform an employee search for a full time certified planner using the proposed RFP as a job description and then supplying the board and Planning Commission with the final job description. Courtade suggested using MTA. Goodrich seconded the motion and the motion carried unanimously.*

10. Township Improvement Revolving Fund Resolution 2008-19 (TIRF)

Bartlett stated that this resolution was in response to a proposed revolving fund to use for upfront costs on special assessments. Bartlett proposed taking money from the Hakala Hills special assessment district and moving it to this TIRF fund. This fund is meant as start up costs before any SAD would take over. Friend

inquired about the intent of the funds and Bartlett said the funds could not be used for specific roads. *Friend moved to approve Resolution 2008-19 (TIRF) establishing a township revolving fund and depositing the Hakala Hills special assessment funds. Goodrich supported and the motion carried unanimously.*

11. *BATA Agreement*

Bartlett said BATA is proposing a July property tax collection to stabilize their cash flow and BATA wants to know what the township would charge them to collect summer taxes. Lile wanted to know for which fiscal year the taxes were being collected since he did not want the township to be paying too far in advance. Lile also wanted to know whether the township had a say in the matter or whether BATA would simply put it into place. It was decided that more information was needed in this matter.

12. *Amendment Hazardous Materials Response Services Agreement*

Once Act 57 is fully approved by all participants, this agreement will not be needed, but Lile needs board approval to sign the agreement until that time. Bartlett moved to direct the supervisor to sign the agreement for Hazardous Response Services. Goodrich supported the motion and the motion carried unanimously.

13. *Minutes of August 11, 2008*

Friend noted that for the payroll dated 7/6 through 7/19, the check numbers were not correct. Check numbers should have been 10709-10731. She also addressed board members and stated that it was her expectation that when she supplied changes to the minutes, the board would evaluate those suggestions. She clarified that in July on item number one, the level of fund balance was discussed. Friend moved to approve the minutes of August 11, 2008 with the corrections to check numbers. Bartlett seconded and the motion carried unanimously.

14. *Petty Cash Policy*

Bartlett stated that all petty cash is now shown on the balance sheet. Friend moved to approve the Petty Cash Policy. Goodrich seconded and the motion carried unanimously.

Public Comment: One gentleman commented on road conditions. Township Attorney Young told board members that the county's brownfield process was now better due to in part because of the dealings with East Bay Township, and wanted to thank Lile and Friend for helping with Act 57.

