

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

Regular Board Meeting
Monday October 13, 2008

Call Meeting to Order: Chairman Lile called the meeting to order at 6:30pm.

Pledge of Allegiance: was recited by all in attendance.

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

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

Twenty-two (22) members of the public were in attendance.

Review for Conflict of Interest: None

Correspondence: Provided in the Board Packets.

Consent Calendar:

- A. Board Minutes: September 8, 2008 Regular Board Meeting Minutes were recommended for approval.
- B. General Fund: checks numbered 6112 - 6205 were paid in the amount of \$85,290.29 with voided checks 6135 and 6154.
- C. Ambulance Fund: checks numbered 1873 - 1888 were paid in the amount of \$229,423.63.

- D. Receiving Fund: Check numbers 1755 - 1756 in the amount of \$34,291.63 were paid.

- E. Payroll Fund: For the payroll dated 8/17/08 through 8/30/08 checks numbered 10853 - 10882, and automatic check deposits numbered 1000003594-3596, 3603-3606, 3608-3609, 3611-3613, 3615, 3617, 3619, and 3623 totaling \$14,973.48.

For the payroll dated 8/31/08 through 9/13/08 checks numbered 10883 - 10901 and automatic check deposits numbered 1000003627-3628, 3633, 3636, 3638-3639, 3642, 3645, 3647-3650, 3652, 3654, 3656, and 3660 totaling \$14,357.29.

For the payroll dated 9/14/08 through 9/27/08 checks numbered 10902-10911 and automatic check deposits numbered 1000003666-3667, 3671, 3676-3679, 3681, 3683, and 3685-3686 totaling \$11,724.57.

Payroll for the three periods totaled \$41,055.34.

- F. Payroll Taxes EFT Funds
For the payroll of 8/17/08 through 8/30/08 the transfer was \$4,211.48; for the payroll dated 8/31/08 through 9/13/08 the transfer was \$5,361.33. For the payroll of 9/14/08 through 9/27/08 the transfer was \$3,472.94.

The total payroll amount for the two time periods combined was \$54,101.09.

Total amount paid: \$403,106.64.

- G. Motion to accept the proposed Board Appointments

- H. Motion to accept the proposed Budget Adjustments.

- I. Motion to accept the proposed Approved Financial Institutions.

Strait asked to move item G to New Business #14. Friend moved and McAllister supported to approve the consent calendar as amended and the motion carried unanimously.

Public Comment: One person commented regarding the election, the school house property, and the school tax bill. Another person commented on the move of item G and the school house property and the school tax bill.

Reports: Supervisor: Lile gave highlights of meeting he attended over the past Month including Resource Recovery, and the Sewer and Water Committee. He also noted that on November 8th, there would be an electronic recycling drop off and that the Grand Vision kickoff was on October 7th. He also said that on September 11th, the Metro Articles of Incorporation were approved. Friend asked about the pending DPW budget and commented that she would like to move public comment before the consent calendar on the agenda.

Clerk: Courtade reported that there are 22 days remaining until the election. Twenty percent of absentee ballots given out have been returned. East Bay Township has increased the number of registered voters in the township. Election workers will be trained this week here at the township. Since being appointed to the LIAA council, Courtade has helped with the LIAA bylaws. Friend asked about the School House project and Lile stated that the owners have been contacted.

Treasurer: Bartlett stated that she has attended Road Commission meetings and has asked for a cost projection for bringing the township roads up to standards. Mary Gillis said she is trying to finish the cost projection. Bartlett also added that a light pole may need to be replaced to make the Swigert's special assessment accurate. She has also added more financial institutions to spread out township monies in light of the banking situation. Bartlett introduced Kym Judge, a contracted accountant. Friend said it would be a great idea if Judge could be present for next year's audit. Bartlett explained that the school tax issue was a bank error, and that the tax bill was not late as some had previously thought and will bring proof in the form of letter to the next meeting.

Trustees: Friend stated that at the last meeting, the Planning Commission approved the Lakes Overlay District zoning amendment and voted to forward it to the Board for final approval. The Master Plan supplement and a proposed change to Ordinance 109 were also discussed. She said that

the Planning Commission approved a site plan for Pirates Cove to add a zip line and ropes course.

Sheriff Department: Deputy Mike Shea reported that in September 2008 there were a total of 513 calls for service and another neighborhood watch will be up and running soon.

Ambulance Department: Included in packets.

Fire Department: No report at this time.

Engineer: No report at this time.

County Commissioner: Margaret Underwood reported on the Grand Vision project and urged citizens to complete the survey. She also said that the Boardman River Dam meeting will be held on October 28th and that the final engineer's report may be ready at that time. She added that the Health Department is giving flu shots as an emergency practice run on October 14th. The next Board of Commissioner's meeting will be on Oct 29, 2008 at Green Lake Township and the county budget for next year will be finalized at that meeting.

Township Attorney: Township Attorney Young updated the board on the noise ordinance. He hopes to have the issue on the agenda for next month.

Road Commission: No report at this time.

New Business:

1. PUBLIC HEARING – Cherry Tree Inn Condo PUD Request

Paul Fitzsimons presented the Cherry Tree Inn Condo PUD to the board and explained what the PUD included. The proposal includes a Spa/Salon and an outdoor pool. Parking was an issue, but it was solved by contracting with nearby business owners so that employees could park off-site. Signage will be the same size as the existing signage and will comply with zoning requirements. Lile opened the public hearing at 7:26pm. One comment was heard regarding the safety and parking. Lile closed the public hearing at 7:27pm. Goodrich

asked about engineering report and the project. Fitzsimons stated that they have met all requirements in this respect and that engineers have not looked at the pool in terms of engineering. Courtade stated that she is concerned about parking when or if the businesses providing extra parking are not viable anymore and inquired about the Gens Park project and whether it had been completed. Planner Kilpatrick said that this action does not give a land use permit and all engineering and parking issues need to be taken care of before this project can move forward.

Strait moved that the proposed PUD #SPR 5-08 be approved and that the Planning Commission Findings of Fact dated 8/12/2008, Jay Kilpatrick's report of 7/31/2008 and Jay Kilpatrick's report of 8/18/2008 are adopted as the township board's findings of fact subject to the same conditions contained in the Planning Commission's decision and Findings of Fact of 8/12/2008 except that a) Condition 2 shall require that the parking agreement not only be approved by the township attorney, but also require that the parking agreement remain in effect for as long as there is a need for the off-site parking as determined by the township planner; and b) the applicant shall provide shuttle service to and from all off-site parking. Bartlett seconded the motion and with Courtade dissenting, the motion carried.

2. Zoning Ordinance: Text Amendment Pertaining to Camps and Campgrounds

Kilpatrick reviewed the proposed Zoning Ordinance Amendments. He explained that this amendment will approve the proposed text amendments and the rezoning request. This amendment will allow camps and campgrounds in the zoned natural area, but only as a special land use which still had to be approved by the Planning Commission. He stated that the proposed changes were consistent with the Master Plan and were endorsed by county planners as well. *Courtade made a motion to adopt Ordinance 3-08. Goodrich seconded and the motion passed unanimously.*

3. Zoning Ordinance: Rezoning Request (RZ 1-08)

Courtade moved to approve Zoning Ordinance Amendment ZA 3-08 and that the memo written by Planner Jay Kilpatrick on July 21, 2008 be adopted as the basis for this decision. McAllister seconded the motion and the motion carried unanimously.

4. Franchise Request Traverse City Light and Power

Jim Cooper requested the addition of certain sections on their map for an electric service franchise for Traverse City Light and Power. New poles may be required. Lile inquired if expansion could be underground if possible or if existing

poles could be shared with other electric companies to reduce the number of poles lining the roads in East Bay Township. Other board members agreed. Bartlett asked about this plan and the proposed expansion of Three Mile Road. Young commented on co - location and underground utilities. Township Attorney Young recommended if the township wanted to consider making sharing of poles and underground utilities a condition of franchising, he suggested tabling the matter and taking look at all other franchises within the township so that all are treated equally. The board members agreed to consider the concept that all lines be located underground unless they are being located in an area where there are already above ground and to co-locate unless unsafe. Township Attorney Young will collect all utility franchises from Courtade and he will review them and propose these changes. Strait inquired about the difference in cost between underground power and above ground lines. Lile asked if Cherryland Electric and TCLP had discussed poles and co-location. Board members agreed to work on holding a public hearing on proposed franchise changes for the November meeting.

Lile called a five minute recess at 8:17pm and reconvened the meeting at 8:30pm.

5. *Grand Traverse Conservation District – Steve Largent*

Largent gave a presentation and updated the board on ongoing projects of the Boardman Watershed and the Grand Traverse Conservation District. He brought maps, gave a slide show and gave facts on the Boardman Watershed. Projects being worked on include Boardman Dams, 14 Ponds, and lowering Brown Bridge Pond. He also stated that the Boardman River Nature Center is open to the public now.

6. *Request of Approval Boy Scouts of America Camp Greilick Grant Proposal*

Courtade apprised the board of an opportunity for the Boy Scouts to receive a grant from the Grand Traverse Band of Ottawa and Chippewa Indians. The scouts need the support of the township to apply for the grant.

Strait moved and McAllister supported to direct the clerk to write a resolution and letter of support on behalf of the township. The motion carried unanimously.

7. *Waterline – Pat Noland*

Sousa spoke to the board regarding lowering the waterline that was constructed from 5 Mile Road to the Holiday Village Cul-de-sac. A letter dated February 10, 2003 states that the board will pay the cost of ~~watering~~ lowering the waterline.

Goodrich

stated that a definitive cost needed to be assessed for the project so that the township would know what it was paying for. Friend asked about a cost sharing agreement and inquired about the cost obligation of the township. Township Attorney Young suggested obtaining a “not to exceed” figure. Goodrich suggested asking Noland about the cost of the project and inquiring about his future plans and intentions.

8. Resolution 2008-18 International Fire Code Amendment 2005-5

Bartlett moved and Strait seconded to adopt Ordinance 2008-18, the International Fire Code Amendment. The motion carried unanimously.

9. Resolution 2008-25 Dates/Times 2009

Courtade spoke with Chair Macdonald of the Parks Commission regarding the start time for their meetings. With Macdonald’s approval, Courtade asked the board to change the Parks Commission meeting times to 6:30pm to be consistent with the starting times of other meetings.

Strait moved and McAllister seconded to approve Resolution 2008-25 which sets the meeting times and dates for all 2009 meetings. The motion carried unanimously.

10. Resolution 2008-24 Solid Waste Authority

Lile stated that this is a resolution which supports centralized recycling opportunities and that other townships are also in support of this resolution.

Bartlett moved to approve Resolution 2008-24 supporting continued centralized recycling. Goodrich supported the motion and the motion carried unanimously.

11. Appointment Fire Authority

Township Attorney Young said that a temporary board member needs to be appointed to the Emergency Services Authority to meet approval of the state. Strait and Lile will be on the board until January at which time the appointments will be revisited.

Friend made a motion to accept appointments of Lile and Strait to the Fire Authority Board. Courtade supported the motion and the motion carried unanimously.

12. Planner

Lile said that a proposed job description for a township planner was given to everyone this evening and he asked for any comments from board members. He would like feedback at the next meeting.

13. East Bay Branch Library Roof Repair

Lile stated that the flat portion of the roof is leaking at the township library and he obtained bids from several contractors. The bids vary in price quite a bit and some contractors proposed membranes instead of shingles. Lile stated that his personal preference would be shingles.

Courtade moved to accept the bid from Mariage Roofing Co, Inc. at \$9,872.00 with an extra \$600 for insulation. Goodrich supported the motion and the motion carried unanimously.

14. Board Appointment

Lile recommended the appointment of Tracey Bartlett to the Planning Commission to replace Beth Friend in a memo dated October 1, 2008. Strait mentioned that a new trustee should be on the Planning Commission and Goodrich agreed citing that it was a good learning experience. Goodrich also said that the election is pending and the appointment should wait until after the election. Friend stated that serving on the planning commission was a great experience, but she noted that it does require an interest in Planning and Zoning. Lile spoke with Nickels and Nickels agreed with Friend. Goodrich stated that he wants to see consistent representation and not an elected official.

Friend made a motion to approve the appointment of Bartlett to serve on the Planning Commission. Lile supported the motion. With Courtade, Goodrich and Strait dissenting, the motion carried 4-3.

Public Comment: Largent spoke regarding a plant rescue program. Another resident spoke regarding the power company donation status and inquired about the roofing bids. There was also a comment regarding employees being paid for time at meetings; renovation plans for offices and published minutes.

Adjournment: Chairman Lile adjourned the meeting at 9:30pm.

APPROVED

Submitted by:

Anne E. Wendling, Recording Secretary Date

Susanne M. Courtade, Clerk Date

Glen Lile, Supervisor Date