

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

Regular Board Meeting  
Monday December 8, 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, Matt Courtade, Bryan Marrow, Tracey Bartlett and Dale McAllister

**Absent and Excused:** Butch Strait

Others Present: Anne Wendling, Recording Secretary; Kevin Elsenheimer, Township Attorney; Jay Kilpatrick, Township Planner

Twenty-four (24) members of the public were in attendance.

**Review for Conflict of Interest:** None

**Correspondence:** Provided in the Board Packets.

**Public Comment:** One member of the public had a comment regarding the salary increase. Another member spoke regarding the fire line suppression and how it relates to the water and sewer ordinances. Another resident commented on the proposed speed increase on Four Mile Road.

**Consent Calendar:**

- A. Board Minutes: November 10, 2008 Regular Board Meeting Minutes were recommended for approval.
- B. General Fund: checks numbered 6282 - 6357 were paid in the amount of \$50,930.89 with check number 6300 voided.
- C. Ambulance Fund: checks numbered 1906 - 1916 were paid in the amount of \$4,211.81.

- D. Receiving Fund: Check numbers 1762-1764 in the amount of \$48,022.73 were paid.
- E. Payroll Fund: For the payroll dated 10/26/08 through 11/08/08 checks numbered 10972-11033 and automatic check deposits numbered 1000003802-3804, 3809-3810, 3813, 3816-3820, 3855, 3859, 3861, 3863, 3865, totaling \$21,086.69.  
  
For the payroll dated 11/9/08 through 11/26/08 checks numbered 11034-11053 and automatic check deposits numbered 1000003870-3871, 3879, 3881-3882, 3885-3886, 3890-3891, 3893-3895, 3897, 3899, 3901, 3903 totaling \$13,635.56.  
  
Payroll for the two periods totaled \$34,722.25.

**Payroll Taxes EFT Funds**

For the payroll of 10/26/08 through 11/08/08 the transfer was \$4,175.53; for the payroll dated 11/09/08 through 11/26/08 the transfer was \$5,197.53.

The total payroll amount for the two time periods combined was \$44,095.31.

Total amount paid: \$147,260.74.

- F. Motion to accept the proposed Board Appointments.
- G. Motion to accept the proposed Budget Adjustments.
- H. Motion to accept the proposed Personnel Manual Updates

*Lile asked to remove the November 10, 2008 minutes from the consent calendar and place it under item #11 on the regular agenda. Bartlett moved and McAllister supported to approve the consent calendar as amended and the motion carried unanimously by a roll call vote.*

**Reports:** Supervisor: Lile reported that the county has put money together to see how solid waste can be handled better at no cost to the townships and reported that the solid waste surcharge was put back to \$7.50 per ton. Lile attended the

local MTA meeting and discovered that there will be an intergovernmental exchange program for the purpose of communications between townships on ordinances and other matters

Clerk: S. Courtade thanked the township for their support on the loss of her mother. She also reported that the election is over and preparations are already beginning for the next election to be held at the township in November of 2009. She contacted LIAA and was told that the township board meetings are shown at 4pm on Fridays on Channel 99.

Treasurer: Bartlett stated that tax bills went out Dec 1<sup>st</sup> and included an abbreviated newsletter regarding Proposal A. She reports that she is preparing for the upcoming audit. She also stated that at the last Planning Commission meeting, the plan for the TBA Credit Union was approved. The Commissioners also approved lot density changes and a new ordinance regarding the expiration of SPU extensions. The public hearing on the master plan is scheduled for January.

Trustees: Marrow stated that he is looking forward to attending the Annual MTA conference next month.

Sheriff Department: Deputy Mike Shea reported that in November 2008 there were a total of 506 calls for service and many of those could be attributed to poor weather and roads. He also told residents to lock their doors especially during this time of the year.

State Police: Sgt. Hilborn addressed the board on speed limits. He talked about the 85<sup>th</sup> percentile speed limit and how speed is figured on roads and stated that the speed study on Four Mile Road came back at 45mph. He brought a brochure on setting speeds for any township trustees and also audience members. Under the 85<sup>th</sup> percentile rule, 85% of people are breaking the law and going at a comfortable speed. There were a few audience members who commented on the speed situation on Four Mile Road.

Ambulance Department: There were 20 calls for service in a quiet month.

Fire Department: There were a total of 38 calls for the month of November

in East Bay Township according to a report included in packets.

Engineer: Township Engineer Brian Sousa reported that he would reserve comment until agenda item #10.

County Commissioner: Margaret Underwood thanked the citizens of East Bay Township for letting her serve them for 20 years. Lile thanked her for her representation.

Township Attorney: Township Attorney Elsenheimer had no report at this time.

Road Commission: No report at this time.

## **New Business:**

### **1. PUBLIC HEARING –Lakes Overlay District**

Township Planner Kilpatrick stated that the topic has been covered previously and is now ready for public hearing. Lile opened the public hearing and 7:25pm and seeing none, closed the public hearing at 7:26pm. Board members had no comments or questions on the proposed Lakes Overlay District.

*Bartlett made a motion to adopt the proposed Lakes Overlay District with a verbage change outlined in Kilpatrick's memo dated Oct. 30, 2008 which addresses the Grand Traverse County Planning Commission's comments. M.Courtade supported the motion and upon a roll call vote, the motion carried without opposition.*

### **2. PUBLIC HEARING – Noise Ordinance 2008-28**

Township Attorney Elsenheimer commented that this ordinance was the product of a township team and Attorney Jim Young gave his stamp of approval to the board for doing so. He pointed out that in Section 6, the misdemeanor provision for violation of sections 3A (3) and (4) was a bit different than normal. Lile opened the public hearing at 7:33pm. One member of the public commented that industrial snow removal equipment was very disturbing in the middle of the night. Another member of the audience questioned the publication date and public notice and questioned the subjectivity of the ordinance. Lile closed the public hearing at 7:35pm. Some board members commented and had concerns about the proposed ordinance. McAllister stated that he would like to see verbage in a noise ordinance regarding noise in the middle of the night. Marrow

questioned whether there was a barking dog or a loud party ordinance. Elsenheimer stated that the attorneys could tweak the ordinance and make adjustments to it at the board's pleasure. Lile asked Officer Shea about the back-up beepers on large equipment. Shea stated that the beepers were legal and the plow company was contacted in another instant and the plow company did comply. Beepers may be an OSHA requirement. Shea also felt that the beeper issue may be able to be handled on a personal level.

*Bartlett made motion to approve the proposed Noise Ordinance 2008-28 as presented. McAllister seconded the motion and with Marrow, S. Courtade, and M. Courtade dissenting, the motion was defeated upon a tie.*

### **2.5. Ready to Serve Fire Line Rate**

Joel Mylar stated that he has worked with the township on many occasions in the past but is unhappy with the ready to serve fire line rate increase. He said he feels it is unfair considering that fire suppression is mandated by the building department anyways. This extra fee places an unfair burden on businesses which already have sprinkler systems and it does not relate to the actual usage of water. Mylar would like to see some discussion and possible repeal of the fee for businesses and the fee should be spread out among all water users. Another business owner, Brad Hanson agreed with Mylar and reported that of all the properties he owns in other areas of Michigan, East Bay is the only municipality that charges this fee. East Bay Resident and Business owner Kevin Endres also responded that the tax is unfair since it affects small businesses who cannot afford the extra fees. Endres stated that the township needed to be more pro-business. Lile gave a short history of the fire suppression system. Township Attorney Elsenheimer explained that repealing an ordinance is the same as adopting an ordinance with public hearings and such required. Chief Pat Parker stated that the fire department also pays for the tax. He commended owners with sprinkler systems. Parker stated that personally, he would rather not see this charge since safety is first and foremost and owners may forego sprinkler systems if they also had to pay for ready to serve lines. Township Engineer Brian Sousa commented that the biggest use for this charge is to cover the cost of water in case of a fire.

*Bartlett made a motion to look further into the Ready to Serve Fire Line Ordinance. M. Courtade supported the motion and the motion carried without opposition.*

### **3. PUBLIC HEARING – Water Ordinance Rates Adjustment**

Lile opened the public hearing at 8:21pm and seeing none, closed the public hearing at 8:21pm. Bartlett explained the financial data on the water ordinance

rate adjustment. She stated that there would be a shortfall in the budget for DPW and there would be little funding to make any emergency repairs. This new rate would allow for future growth and infrastructure planning for the township.

*Bartlett moved to adopt Amendment No. 3 to Ordinance 85-1-WR and Ordinance 85-100-2 effective April 1, 2009. Marrow seconded the motion and the motion carried without opposition.*

**4. PUBLIC HEARING -Sewer Ordinance Rates Adjustment**

Lile opened the public hearing at 8:27pm and seeing no comment, closed the public hearing at 8:27pm. She said that the DPW had nothing in their fund balance for emergency repairs. Bartlett stated that this rate adjustment was to plan for future infrastructure in the township.

*Bartlett moved to approve amendment No. 15 to Ordinance 107 - Sewer Ordinance Rate Adjustment amendment and McAllister supported the motion. The motion carried without oppositon.*

**5. Wage Resolutions Elected Officials all 3% increases**

**a. Supervisor 2008-29**

*Bartlett moved to accept Resolution 2008-29. M. Courtade supported the motion and upon a roll call vote the motion carried without opposition.*

**b. Clerk 2008-30**

*Lile moved to adopt Resolution 2008-20 and Bartlett supported the motion and upon a roll call vote the motion carried without opposition.*

**c. Treasurer 2008-31**

*Lile made a motion to adopt Resolution 2008-31. Marrow supported and upon a roll call vote, the resolution was adopted 4-2 with McAllister and M. Courtade dissenting.*

**d. Trustee 2008-32**

*S. Courtade made a motion to adopt Resolution 2008-32. Bartlett seconded the motion and with Marrow and McAllister dissenting, the motion carried 4-2*

**6. Public Hearing General Appropriations Act Resolution 2008-32**

S.Courtade stated that due to problems in the public notice; this issue can only be discussed, not passed this evening. One member of the audience commented on wages and the proposed 2009 budget.

**7. Nomination and Appointment to ZBA**

Lile explained that a board member needs to serve on the township Zoning Board of Appeals for a term expiring at the time of election. Lile stated that McAllister is willing to serve another term on the ZBA.

*M. Courtade moved to appoint McAllister to the Zoning Board of Appeals to a term which ends coinciding with the township election. S. Courtade supported the motion and the motion passed without opposition.*

**8. Planner Job Description**

Lile asked board members if there were any suggestions for additions to the job descriptions for the Planner position. Board members agreed that it was complete and that it needed to move forward to an interview phase.

*S. Courtade moved to accept the job description for the township planner's position dated October 2008. M. Courtade supported the motion and the motion carried unanimously.*

**9. Infrastructure Upgrade**

Township Engineer Brian Sousa said that president elect Obama will likely sign a bill for infrastructure improvements in the first few weeks of taking office and the township needed to be ready and prepared and to have grant applications ready for submittal. He noted four items on the list for preliminary engineering,

- 1.) Elevated Water Storage
- 2.) Increasing Water Treatment Plant Capacity
- 3.) Hammond Road/Five Mile Water Main Loop
- 4.) Pump Station #4 Upgrades.

Sousa recommended looking at a minimum of two items on the list. Bartlett asked about a staff grant writer from Wade Trim and Sousa said that Wade Trim does have writers. Sousa commented regarding the grant process. Board members then noted which infrastructure projects they would like to pursue. Questions about money in the budget for the investigation and actual writing of the grant were asked. Lile stated that there must be a plan on the shelf to submit quickly.

*Lile made a motion to direct the township engineer to move forward with plans for items 1 and 3. McAllister supported the motion and the motion carried without opposition.*

**10. November 10, 2008 Regular Meeting Minutes**

*In Item #3 Lile moved to strike the sentence "Friend wanted to assure taxpayers that this issue has been looked at and studied completely." Marrow supported. The motion carried. In Item #10, S. Courtade made a motion to change the second sentence to read, "Friend and Planning Commissioner Robert Tubbs had a couple changes to add to this document." McAllister supported the motion the motion carried without opposition.*

**Public Comment:** None at this time

**Adjournment:** Chairman Lile adjourned the meeting at 9:12pm.

Submitted by

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Anne E. Wendling, Recording Secretary

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Date

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Susanne M. Courtade, Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Glen Lile, Supervisor

\_\_\_\_\_  
Date