

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

Regular Board Meeting  
Monday November 10, 2008

**Call Meeting to Order:** Chairman Lile called the meeting to order at 6:31pm.

**Pledge of Allegiance:** was recited by all in attendance.

**Roll Call:** Board Members Present: Glen Lile, Sue Courtade, Tracey Bartlett, Butch Strait, and Beth Friend

**Absent and Excused:** Craig Goodrich and Dale McAllister

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

Twenty (20) members of the public were in attendance.

**Review for Conflict of Interest:** None

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

**Public Comment:** None at this time

**Consent Calendar:**

- A. Board Minutes: October 13, 2008 Regular Board Meeting Minutes were recommended for approval.
- B. General Fund: checks numbered 6206 - 6281 were paid in the amount of \$106,104.76 with no voided checks.
- C. Ambulance Fund: checks numbered 1889 - 1905 were paid in the amount of \$6,145.76.

D. Receiving Fund: Check numbers 1757-1761 in the amount of \$576,774.18 were paid with check #1759 voided.

E. Payroll Fund: For the payroll dated 9/28/08 through 10/11/08 checks numbered 10912-10951 and 1,2 and 10952, with checks numbered 10951, 1 and 2 voided and automatic check deposits numbered 1000003707-3709, 3717, 3719-20, 3722, 3725, 3728-3731, 3739, 3741, 3743, 3745 totaling \$17,027.60.

For the payroll dated 10/12/08 through 10/25/08 checks numbered 10953-10971 and automatic check deposits numbered 1000003754-3755, 3760-3761, 3763-3765, 3774, 3776, 3778, 3782 totaling \$11,853.95.

Payroll for the two periods totaled \$28,881.55.

F. Payroll Taxes EFT Funds

For the payroll of 9/28/08 through 10/11/08 the transfer was \$4,603.15; for the payroll dated 10/12/08 through 10/25/08 the transfer was \$5,322.27.

The total payroll amount for the two time periods combined was \$38,806.97.

Total amount paid: \$727,830.94.

G. F. Motion to accept the proposed Board Appointments.

H. G. Motion to accept the proposed Budget Adjustments.

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

H. *Personnel Manual Updates*

I. Motion to accept the proposed agreement Spider Lake Resort.

*Friend moved and Courtade supported to approve the consent calendar as presented and the motion carried unanimously by a roll call vote.*

**Reports:** Supervisor: Lile reported that the TC TALUS is going to reorganize under the Northwest Michigan Council of Governments. He also attended an MDOT meeting and there will be a left turn

signal installed at Four Mile Road and US 31. He also attended a DPW meeting regarding water and sewer funding, a waste meeting and a meeting with URS and Plante and Moran.

- Clerk: Courtade reported that elections drew record numbers; 6,365 people voted In East Bay Township. Courtade also reports that she and the other members of the Capital Improvements Plan committee are getting close to a five year plan.
- Treasurer: Bartlett stated that she was given an extension until May 1 on a red flag rule. She also stated that tax bills would go out on Dec. 1<sup>st</sup> and that a special Planning Commission meeting was held on Oct. 28 to look at the proposed East Towne Development.
- Trustees: Friend stated that it was her last meeting and thanked everyone for the last four years. Courtade spoke for the absent Goodrich and said that he was honored to serve while he could.
- Sheriff Department: Deputy Mike Shea reported that in October 2008 there were a total of 461 calls for service and told people to lock cars to prevent larcenies. Strait asked him to comment on the proposed noise ordinance. One member of the public asked about a speed limit on Arbutus Lake Road.
- Ambulance Department: Included in packets.
- Fire Department: Lieutenant Jeremy Metcalf from Grand Traverse Metro reported that there were a total of 53 calls for the month of October in East Bay Township. Eight candidates are currently receiving training.
- Engineer: Township Engineer Brian Sousa talked about a low pressure sewer system for an upcoming development and that fact that it could be owned by the homeowner or development association or by the township. The only problem with the system is that the township has no specifications in place for such a system. He also said that it was likely that the federal government would send monies to municipalities for the creation of jobs as early as next year.

County Commissioner: No report at this time.

Township Attorney: Township Attorney Young commented on the tax tribunal case mentioned in the consent calendar and that the township was incurring significant costs that, based on the distribution of tax dollars, primarily benefit other public entities. He recommended to ways to correct this situation: first, one could change the law to require equitable sharing of costs in these cases or, second, public bodies voluntarily could agree to share these costs based on a ratio of tax revenue distribution. He has seen this work in another community. There was a consensus that Young will draw up a letter for the township to send to other townships and the legislature regarding the cost sharing.

Road Commission: No report at this time.

## **New Business:**

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

Township Attorney Young noted that this was really an introduction of the proposed ordinance as well as an informal public hearing. He said there would be a second, formal public hearing in which minor changes could be made without having to go back to the Planning Commission. Planner Jay Kilpatrick gave an overview of the proposed amendment to the zoning ordinance. Its intent is to protect surface water quality in the Forest Lakes area of the township. The proposed ordinance is meant for large projects consisting of two or more residential building sites. It has also been reviewed by County Planners who recommended one minor change in subparagraph 231,5. Lile opened the public hearing at 7:12pm. One member of the audience commented about the good work that has been done thus far on this proposed district. Friend commented that everyone has come together to create this proposed ordinance change and commented on the elaborate process that it took to bring this overlay district together and stated that she thought Planner Jay Kilpatrick did a great job in offering guidance. Lile closed the public hearing at 7:20pm.

### **2. Metro Resolution 2008-28**

Chuck Judson and Greg Kish came before the board asking for passage of

resolution for the newly formed Grand Traverse Metro Emergency Services Authority. Judson said specifically that paragraph four of the resolution is a transition paragraph for all parties involved since there was a concern regarding Special Assessment Districts already in place. This assures that any funding going into the authority should still go into the authority.

*Strait moved to approve Resolution 2008-28 Transferring Fire Protection Authority to Grand Traverse Metro Emergency Services Authority. Courtade supported. The motion passed upon a roll call vote.*

**3. Water Ordinance Rates Adjustment – Introduction**

Accountant Kym Judge spoke regarding the proposed ordinance amendments and rate changes. She looked at many items and looked at the rate history and recommended both water and sewer rate increases. The totals in rate changes will equal \$120.00 per year in rate hikes per homeowner. She added that this rate increase puts a plan in place to make both the sewer and water financially sound to go forward in the future. ~~Friend wanted to assure taxpayers that this issue has been looked at and studied completely.~~ This rate hike will be discussed at a public hearing next month.

**4. Sewer Ordinance Rates Adjustment - Introduction**

Accountant Kym Judge talked about the sewer fund and stated that the township had a negative operating cash flow and there was not enough revenue coming in. She recommended a \$4.00 per month increase. Strait wanted an explanation of why the sewer fund is not operating in the black and Judge explained that prior set asides take up much of the money in the fund and leaves a negative balance. This issue will also be heard at a public hearing next month.

**5. Metropolitan Extension Telecommunication Right of Way**

Courtade explained that this was an application for access to public ways by telecommunications providers under the Metro Extension Telecommunications Rights-Of-Way Oversight Act.

*Courtade made a motion to approve the application and Bartlett seconded the motion. The motion carried unanimously.*

**6. Public Comment Updated Rules and Procedures**

Lile explained that the first bullet in the public comment rules shall now read: “Any person wishing to address the Board “will be asked” to stand up to the microphone and state his or her name and address.”

*Friend made a motion to accept the proposed change and Strait seconded the motion. The motion carried unanimously.*

**7. Noise Ordinance Introduction**

The Ordinance was introduced and explained. Township Attorney Young addressed the Board regarding a proposed noise ordinance. He explained that if this ordinance was adopted, the township would only be prohibiting the noise problems outlined in section three. Board members, Attorney Young and Officer Shea discussed whether to make any violation a misdemeanor or just a civil infraction. Shea wanted to have something in place if the offender did not comply with the officer's request to take care of the problem. Attorney Young said that he would discuss this item with police officers and make any changes necessary since this is simply in the discussion phase and not up for adoption this evening.

**8. Speed Limit Adjustment Request for Three and Four Mile Roads**

The Grand Traverse County Road Commission and the Michigan State Police have begun to review traffic control orders on Three and Four Mile Roads in East Bay Township. Their recommendations are that Three Mile Road would be a 55 mph zone and Four Mile Road would be a 45, then 55 mph zone. Only the Road Commission, the Township and MDOT have any say in this matter. The Board discussed what the limit should be and their consensus was disagreement with the proposed speed limit changes, especially on Three Mile Road. Lile noted that he would tell the Road Commission that the Four Mile Road change was fine, but that he would like some discussion regarding Three Mile Road with the GTCRC. Negative comments were heard from members of the public as well as Officer Shea and the Ambulance Department. This matter was tabled until next month.

**9. Minkoff Settlement**

Township Attorney Young explained that Louis Minkoff constructed a garage in violation of the zoning ordinance and a consent judgment was now in place. The judgment allows relocation of the garage in a revised location. If the consent judgment is violated, Minkoff will be in civil contempt and all monetary awards go to the township. Young recommends that the township board approve the consent judgment and a draft of the proposed consent judgment was presented to the Board.

*Bartlett moves to accept the consent judgment dated November 10, 2008 as drawn up by attorneys. Courtade seconded the motion and the motion carried unanimously.*

**10. Planner Position**

Lile asked Board members if they had any additions or comments on the planner

