

**Charter Township of Elmwood
Regular Board Meeting
Monday, April 13, 2009 in the Township Hall**

Call to Order:

Supervisor Kelly called the meeting to order at 7:01p.m.

Pledge of Allegiance:

Supervisor Kelly led the Pledge of Allegiance.

Roll Call:

Present:

Jack Kelly, Connie Preston, Debbie Street, Terry Lautner, Don Gallagher, Dave Darga, and Mary Barrows.

Declaration of Conflict of Interest:

None stated.

Brief Public Comment:

Eric Currin, Nancy Doughty, Harvey Krantz, and Bill Send.

Consent Calendar:

Motion by Trustee Barrows, supported by Treasurer Street to approve the Consent Calendar with the deletion of the Planning Report. **Motion passed 7-0** by a voice vote.

Departmental Reports:	Minutes:	Check Register:
Treasurer	March 9, 2009	March 12 through April 6, 2009
Zoning	Agreement to Collect School Taxes	

Agenda Approval:

Motion by Treasurer Street, supported by Trustee Lautner to approve the agenda as amended (10g. add: and a request for \$650 reimbursement for work done last year. Move 10m. to become 10a1. 10j. add: and associated matters. 10f. add: of mooring & Bare Boat Charters). **Motion passed 7-0** by a voice vote.

Reports:

Supervisor Remarks:

Supervisor Kelly read highlights from his written report, copies of which were available to the public.

Trustee Remarks:

None offered.

Other Officer Remarks:

County Officials:

County Commissioner Jean Watkoski reported that the commissioners have met the new County Administrator and his family. The county audit is underway. There will be an all day meeting tomorrow.

Fire Chief:

Chief Haring reported that the old fire truck has been advertised for sale, and one township has shown interest in purchasing. The Fire Department is receiving as many as eight calls per day, and two new fire fighters are coming on board.

Supervisor Kelly added that a Community Blood Drive has been scheduled for June 26th at the Township Hall.

Supervisor Kelly is seeking Board approval of a Community Picnic in conjunction with the annual Brat Fest to benefit the Fire Department on July 18th, with a rain date of July 25th. Consensus was given by the Board for planning to go forward for a Community Picnic.

Communications from the Clerk:

Clerk Preston reported that the auditor will be here on April 29th and 30th. We will receive the results sometime in June.

Harbor Parks Task Force Update:

Supervisor Kelly reported that the next Task Force meeting is scheduled for tomorrow evening from 6:30pm – 8:30pm in the Township Hall. Supervisor Kelly has sent a letter to the DEQ to obtain their confirmation that \$130,000 can be used from our Marina Fund for work on the Harbor Park. The next steps are to finalize the park design and then let the work out for bids, with construction to hopefully begin this fall.

Unfinished Business:

None.

New Business:**Jim Young Memo Regarding Draft Zoning Ordinance:**

Supervisor Kelly announced that the Planning Commission, at their March 17th meeting, passed a motion to forward the proposed Zoning Ordinance to the Board after Planning Coordinator Grobbel makes certain changes to the ordinance. The Board will be holding a Public Hearing in early June at Norris Elementary School, and the proposed Zoning Ordinance will be the only agenda item. At Supervisor Kelly's request, Attorney Young forwarded a memo dated today regarding the procedural legality of the P.C. motion forwarding the proposed Zoning Ordinance to us, what it is that the Board can do in the way of making changes once the document is before us prior to it going back to the P.C., and what it is that the Planning Coordinator needs to provide us

under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act in order for us to receive it at our meeting next month. Supervisor Kelly then read Mr. Young's memo to the audience. A copy of this memo has been given to Planning Coordinator Grobbel and mailed to each Planning Commissioner. A copy of the transcription provided to Mr. Young will be given to each Board member.

Speed Limit Concerns/Grandview and Cherry Bend Roads:

Clerk Preston has spoken in the past with Jim Johnson at the Road Commission who indicated that the Board, along with the county, could petition the State Police to look into these matters. The State Police would do a speed study, and they will set the speed limit at the speed that 85% of the cars are currently traveling. It does not take into account pedestrians. It only takes into account the safe movement of cars. It was the consensus of the Board to make this a matter for next month's agenda and report back to Mr. Send (speed limit on Cherry Bend Rd.) on the response from Supervisor Kelly's letter to Herb Cradduck, Superintendent Leelanau County Road Commission regarding the speed limit on Grandview Rd.

Introduce Planning Commission Ordinance:

Motion by Clerk Preston, supported by Treasurer Street to introduce the Elmwood Charter Township Planning Commission Ordinance of 2009, to authorize the township Clerk to publish a notice of this ordinance in the Leelanau Enterprise, to have this available to anyone, and to vote upon this ordinance at the May 11th meeting.

Motion by Trustee Lautner, supported by Treasurer Street to amend the previous to strike #2 under 102 and re-number. **Motion passed 5-2** by a voice vote with Clerk Preston and Trustee Darga voting NO.

Motion, including amendment, passed 7-0 by a voice vote.

Appointments:

Planning Commission:

Supervisor Kelly appointed Trustee Mary Barrows as the Board Representative to the Planning Commission for her term of office as a trustee.

Motion by Treasurer Street, supported by Trustee Gallagher to approve Supervisor Kelly's appointment of Mary Barrows to the Planning Commission through the balance of her term as Trustee. **Motion passed 7-0** by a voice vote.

Supervisor Kelly appointed Kyle Trevas to a three year term on the Planning Commission ending May of 2012.

Motion by Treasurer Street, supported by Trustee Darga to approve Supervisor Kelly's appointment of Kyle Trevas to the Planning Commission for a three year term ending May of 2012. **Motion passed 4-3** by a roll call vote, with Trustees Lautner, Gallagher, and Barrows voting NO.

Supervisor Kelly appointed Lee Nowak to a three year term on the Planning Commission ending May of 2012.

Motion by Trustee Lautner, supported by Trustee Barrows to approve Supervisor Kelly's appointment of Lee Nowak to the Planning Commission for a three year term ending May of 2012. **Motion passed 7-0** by a roll call vote.

Supervisor Kelly appointed Diana Trottier to a two year term on the Planning Commission ending in May of 2011.

Motion by Trustee Darga, supported by Supervisor Kelly to approve Supervisor Kelly's appointment of Diana Trottier to the Planning Commission for a two year term ending in May of 2011. **Motion failed 5-2** by a roll call vote, with Trustees Barrows, Gallagher, Lautner, Clerk Preston, and Treasurer Street voting NO.

Supervisor Kelly appointed John Richards to a two year term on the Planning commission ending in May of 2011.

Motion by Treasurer Street, supported by Trustee Barrows to approve Supervisor Kelly's appointment of John Richards to the Planning Commission for a two year term ending in May of 2011. **Motion passed 6-1** with Trustee Darga voting NO.

Public Safety Committee:

Supervisor Kelly appointed Clerk Preston as the Board Representative to the Public Safety Committee for her term of office as township Clerk.

Motion by Trustee Barrows, supported by Trustee Darga to approve Supervisor Kelly's appointment of Clerk Preston to the Public Safety Committee for her term of office as township Clerk. **Motion passed 7-0** by a voice vote.

Supervisor Kelly appointed Jim O'Rourke to the Public Safety Committee for a three year term ending in 2012.

Motion by Treasurer Street, supported by Clerk Preston to approve Supervisor Kelly's appointment of Jim O'Rourke to the Public Safety Committee for a three year term ending in 2012. **Motion passed 5-2** by a roll call vote, with Trustees Darga and Gallagher voting NO.

Supervisor Kelly appointed Lawrence Lassaline to the Public Safety Committee for a three term ending in 2012.

Motion by Treasurer Street, supported by Trustee Darga to approve Supervisor Kelly's appointment of Lawrence Lassaline to the Public Safety Committee for a three year term ending in 2012. **Motion passed 6-1** by a voice vote, with Trustee Gallagher voting NO.

Greilickville Harbor Task Force:

Supervisor Kelly appointed Clerk Preston as the Board representative to the Greilickville Harbor Task Force for its duration.

Motion by Treasurer Street, supported by Trustee Darga to approve Supervisor Kelly's appointment of Clerk Preston as the Board representative to the Greilickville Harbor Task Force for its duration. **Motion passed 7-0** by a voice vote.

Marina Committee:

Supervisor Kelly appointed Harbor Master Mark Benedict (and in his absence, Deputy Harbor Master, Pete Moon) to the Marina Committee.

Motion by Treasurer Street, supported by Trustee Darga to approve Supervisor Kelly's appointment of Harbor Master Mark Benedict (and in his absence, Deputy Harbor Master, Pete Moon) to the Marina Committee. **Motion passed 7-0** by a voice vote.

Rex Balentine Easement:

Motion by Supervisor Kelly, supported by Treasurer Street to deny Mr. Balentine's request for an easement and to direct him to file in Circuit Court, if he pleases.

Motion passed 4-3 by a roll call vote, with Trustees Barrows, Gallagher, and Lautner voting NO.

Supervisor Kelly called a five minutes recess at 9:20pm

Supervisor Kelly called the meeting back to order at 9:27p.m.

Little League License Agreement/Concession Stand Issue:

Motion by Trustee Darga, supported by Trustee Barrows to approve the License Agreement between Elmwood Township and the Traverse City Little League with the insertion of item #3, A & B from Attorney Young's handwritten notes and insert 10 years as the duration. **Motion passed 7-0** by a roll call vote.

After considerable discussion, the Little League was instructed to go to the Planning Commission to request text amendments to the Zoning Ordinance that would allow approval of the concession stand and the sponsor signs on the ball field fences. Supervisor Kelly asked Mr. Garmhausen to contact him tomorrow to get the process started.

Motion by Trustee Darga, supported by Treasurer Street to add to the License Agreement wording from the Township Attorney to charge a license fee of \$7,000 to the Little League payable over the first three years of the license term and thereafter to charge a license fee of \$1.00 per year. No further invoices (a cap of \$23,000 on invoices) are to be paid by the township until the Little League has signed the License Agreement. The Supervisor is authorized to sign the amended License Agreement. **Motion passed 7-0** by a roll call vote.

Buoy Waiting List Application/Cost of Mooring & Bare Boat Charters:

Motion by Trustee Darga, supported by Trustee Gallagher to approve the Application for Buoy Waiting List and to delete the \$50 service charge. **Motion passed 7-0** by a voice vote.

Cost of Mooring & Bare Boat Charters:

Motion by Trustee Darga, supported by Trustee Barrows to set a fee of \$650 for moorings east of the township park. **Motion passed 7-0** by a voice vote.

Mr. Mallory has a slip in our marina and occasionally leases his boat to Bay Breeze Charters as a Bare Boat Charter (no captain). Our current slip permit says no commercial activity. Because of what slip holder Mallory had been allowed to do in the past by the former Supervisor and the Harbor Master, it was the consensus of the Board that he be allowed to continue to use his slip this year as he has the past two years. Mr. Mallory understands that there is no guarantee regarding 2010 unless the language is changed. Supervisor Kelly stated that the Marina Committee will be discussing permitting language for Bare Boat Chartering and/or Commercial Fishing in our slip permits. The state forbids commercial activity on Dock C without prior written authorization since state money was used to construct it.

East Timberwoods Dr. Maintenance Agreement Proposed Amendments/\$650 Request for Work Done Last Year:

Motion by Trustee Barrows, supported by Supervisor Kelly to table the East Timberwoods Dr. Maintenance Agreement Proposed Amendments to the May meeting. **Motion passed 7-0** by a voice vote.

Motion by Trustee Lautner, supported by Trustee Gallagher to authorize payment of \$650, as approved by the E. Timberwoods Dr. Association, as reimbursement to Doug Cole for work done last year. **Motion passed 7-0** by a voice vote.

Schedule Public Hearing for E. Timberwoods and S. Blue Ridge and Old Orchard Maintenance Agreement 2009 Special Assessment Rolls:

Motion by Clerk Preston, supported by Trustee Barrows to set a Public Hearing on May 11, 2009 at 7:00p.m. in the Township Hall for both Special Assessment Maintenance Districts. **Motion passed 7-0** by a voice vote.

Marina Door Locks:

Motion by Clerk Preston, supported by Trustee Darga to authorize up to \$4,500 for Marina slip holder bathroom door locks. **Motion passed 7-0** by a voice vote.

Gosling Czubak Contract Change Orders for Greilickville Harbor Park & Associated Matters:

Motion by Trustee Darga, supported by Trustee Barrows to authorize Change Order #1 of 4-5-09 in the amount of \$12,900 from the Marina Fund. **Motion passed 6-1** by a roll call vote, with Trustee Gallagher voting NO.

Supervisor Kelly has sent a letter to the DEQ to verify that money from the Marina Fund can be used for improvements at the Harbor Park and that therefore \$130,000 won't need to come out of the General Fund reserves.

Tower Lease (at old Fire Station) Amendment:

Motion by Trustee Lautner, supported by Treasurer Street to approve the tower lease amendment. **Motion passed 7-0** by a voice vote.

Senior Center Funding:

Motion by Trustee Barrows, supported by Trustee Darga to approve funding of \$4,560.00 to the Traverse City Senior Center. **Motion passed 7-0** by a voice vote.

Payment of Invoices:

Motion by Trustee Barrows, supported by Treasurer Street to pay invoices in the amount of \$147,016.91. **Motion passed 7-0** by a voice vote.

Extended Public Comment:

Gary Rushton and Stan Kouchnerkavich.

Residents will need to call the non-emergency number **941-1647** at the Fire Station to obtain a Burn Permit.

Adjournment:

Supervisor Kelly adjourned the meeting at 11:46pm.