

**Charter Township of Elmwood
Regular Board Meeting
June 8, 2009 at the Township Hall**

Call to Order:

Chairman Kelly called the meeting to order at 7:01pm.

Pledge of Allegiance:

Chairman Kelly led the Pledge of Allegiance.

Roll Call:

Present:

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

Excused:

Mary Barrows

Declaration of Conflict of Interest:

None stated.

Brief Public Comment:

Comments were offered by: Gary Rushton, Kevin Severt, Paul Meeuwenberg, and John Sanchez.

Consent Calendar:

Department Reports:

Treasurer
Zoning
Harbor Master's Report
Planning

Minutes:

May 11, 2009

Check Register:

May 14 thru June 5, 2009

Supervisor Kelly requested that the May 11, 2009 minutes be removed from the Consent Calendar.

Motion by Trustee Lautner, supported by Treasurer Street to approve the Consent Calendar as amended (delete Marina Committee Minutes, and remove May 11, 2009 minutes). **Motion passed 6-0** by a voice vote.

Motion by Trustee Lautner, supported by Treasurer Street to approve the minutes of May 11, 2009 as amended by Supervisor Kelly. **Motion passed 6-0** by a voice vote.

Agenda Approval:

Motion by Trustee Lautner, supported by Trustee Gallagher to approve the agenda as amended (add: Declaration of Surplus as 10m. and move 10i. to 10c. and renumber). **Motion passed 6-0** by a voice vote.

Reports:

Supervisor's Report:

Supervisor Kelly submitted his written report and verbally highlighted the following:

- A Red Cross Blood Drive will be held June 26th from noon to 6:00pm in the Township Hall.
- A Public Hearing on the proposed Zoning Ordinance will be held Monday, June 22nd at 6:00pm at Norris Elementary School.
- The ZBA will be meeting Wednesday, July 1st at 7:00pm in the Township Hall to consider variance requests regarding the Greilickville Harbor Park.
- The Elmwood Township Community Picnic will be held Saturday, July 18th from 11:00am to 3:00pm at the Cherry Bend Park with a rain date of July 25th. Those interested in helping should contact the township office.
- A reservation system for use of the township park pavilions will be discussed at the July Board meeting.

Trustee Remarks:

Trustee Gallagher commented that ball field #3 is a public field – it should not be locked. Building materials have been left out in the open and divots have been created that are trip hazards. He would like these issues to be addressed.

Other Officer Remarks:

Deputy:

Deputy Greg Hornkohl submitted the Elmwood Township crime statistics report for January through May. Deputy Hornkohl will be attending the Board meetings.

Communications from the Clerk:

Clerk Preston advised that copies of the Revenue Expenditure Report through April are in the Trustee boxes.

Harbor Park Task Force Update:

Clerk Preston reported that the Task Force met last month and reviewed the changes that were suggested at the prior meeting: widening the entrance, shifting the parking so we could avoid having to move any utilities and not be encroaching in the right of way. Klaus Heinert was present, and the Task Force gave the go ahead to present the requests to the Zoning Administrator for the necessary variances. The ZBA will meet July 1st to review these variance requests.

Unfinished Business:

None.

New Business:**LIAA Annual Budget/Joe VanderMeulen:**

Mr. VanderMeulen submitted a written Interim Report to Local Government Sponsors and a written copy of his verbal remarks. On July 1, 2008, LIAA took over the old TC TV 2 and renamed it UpNorth 2. The viewing area goes from Cheboygan to Manistee & Wexford counties. Their web site is: www.upnorthmedia.org. LIAA has built a TV studio, offers television production classes, and opened its doors to citizen producers. They plan to broadcast live coverage of the Cherry Royale Parade. TV 99 serves local governments by recording and cable casting local government meetings. Local Government Works is also produced by LIAA.

Septage Treatment Facility Report/Ross Childs:

The Board of Public Works is the policy board comprised of the six user townships and covers solid waste and recycling. The Sewer & Water Committee is responsible for paying for the system. The Board of Public Works would like to set up educational sessions for township officials regarding the administration of the system: permitting, billing, the Master Sewer Ordinance, meeting packets, bonds & licensing of contractors, and complaints. This would also include seeing what the field staff does: preventative maintenance program, inspections, meter reading, construction inspections, cross connections, monitoring the special waste, and the grease program. Each of the five townships owns a percentage of the capacity rights in the Waste Water Treatment Plant. There is a small percentage of the capacity rights that the city does not need at this time. An opportunity for the townships to purchase those additional capacity rights will be available at the end of this year. The failure in the construction control of the Septage Plant has been corrected. There has been no tax payer money used to repair the plant. The cost has been born by Gourdie-Fraser and Christman and their insurance carriers. There have been revenues of \$3.5million since the plant was built. The Bay Harbor waste has been a big revenue and balances the budget. The water quality of the discharge from the waste water treatment plant is the best in the state of Michigan and possibly the country.

Clerk Preston asked if when the BPW voted to launch an investigation into Gourdie-Fraser and Mike Houlihan, did they consider the associated cost? What do they hope to gain from an investigation?

Mr. Childs answered, no. He also replied that he stated at the meeting that it was not proper that they take an item not on the agenda and put it on the agenda at the end of the meeting and pass a motion on it at that time. Four out of the five townships that would fund this were not made aware of the motion before it was put on the floor. There's been no determination of what the cost would be. It's an open matter. Any item that comes to the Board of Public Works with finance costs is to come through the Sewer & Water Committee. That did not come through the Sewer & Water. I'm sure it will be on the agenda this coming week, but there has been no allocation of funds, no cost estimate, and no time table.

Supervisor Kelly asked for a motion regarding the funding a possible investigation so that he will already know the wishes of the Board when he attends the next meeting.

Motion by Supervisor Kelly, supported by Treasurer Street stating that the Elmwood Township Board does not support conducting an investigation into the matter involving Gourdie-Fraser and Mike Houlihan. **Motion passed 6-0** by a roll call vote.

Hazard Mitigation Plan Resolution:

Tom Skowronsky, Director of 911 Services, Leelanau County was present and stated that passage of this resolution would provide grant opportunities for mitigation.

Motion by Clerk Preston, supported by Trustee Gallagher to adopt Resolution #9 of 2009, Natural Hazards Mitigation Plan Adoption Resolution for Elmwood Township. **Motion passed 6-0** by a roll call vote.

Zoning Ordinance Text Amendments:

Supervisor Kelly provided an overview of the process having taken place for these two text amendments. Since the Zoning Ordinance is law, Township Attorney Jim Young was consulted to review the proposed text language. Mr. Young responded today with a memo and changes to the text amendments.

Supervisor Kelly called a 10 minute recess at 8:36pm to give the Trustees opportunity to read Mr. Young's memo and suggested language changes.

Supervisor Kelly called the meeting back to order at 8:50pm.

Supervisor Kelly asked Mr. Brad Garmhausen of the Little League to address the need for a concession stand, scoreboard, and advertising signs. Mr. Garmhausen first responded to Trustee Gallagher's comments regarding the shingles, divots, and posts that are a trip hazard and said that he will see that these items are dealt with.

Motion by Clerk Preston, supported by Treasurer Street to adopt Ordinance No. 2009-2, an ordinance to amend the Township Zoning Ordinance by repealing the Section 5.1.3 Accessory Uses and adding an amended Section 5.13 Accessory Uses, in Article 5: Residential District (R-1). **Motion passed 5-1** by a roll call vote, with Supervisor Kelly voting NO.

Supervisor Kelly voted NO because of his concern regarding the commercial advertising signs and the precedent it might set for other users of other township facilities, such as the soccer league.

Motion by Clerk Preston, supported by Trustee Lautner to adopt Ordinance No. 2009-3, an ordinance to amend the Township Zoning Ordinance by repealing the Section 11.12.2 General Criteria, adding an amended Section 11.12.2 General Criteria, and adding a new Section 11.12 Table 2, Note F. in Article XI: Signs, with a change in the dates of the season to: May 15th – July 15th. **Motion passed 6-0** by a roll call vote.

Marina WiFi Hardware Bids:

Three bids were submitted, and the Board accepted the bid of CA World WiFi Inc. because of the expandability of the system and security options. Payment will be made from the Marina Fund.

Motion by Trustee Darga, supported by Trustee Lautner to accept the bid of CA World WiFi Inc. for WiFi service and installation at the township Marina for an amount not to exceed \$3,000. **Motion passed 6-0** by a roll call vote.

Marina Picnic Area Proposal:

It was the consensus of the Board to table this item to the July meeting in order to obtain a professional drawing, as well as a more detailed proposal.

Road Commission Road Repair Proposals:

Jim Johnson, County Road Commission Engineer provided an overview of possible road repair projects to some of the worst roads in Elmwood Township. These projects would be financed through shared matching monies with the Road Commission. Projects are done on a first come, first serve basis. The larger a project, the more cost effective it is – bidding becomes more aggressive. Treasurer Street confirmed that the township has \$17,099 from the Metro Fund available to use for matching funds for roads at this time. The figures presented to the Board by Mr. Johnson are total project cost estimates. Once the Board has committed to getting bids on a road project, the bids are secured by the Road Commission and brought back to the Board for approval. Four proposals were brought before the Board this evening, all involving Avondale Lane. Supervisor Kelly lives on Avondale Lane and will abstain from voting on any proposal. In order to do a significantly larger project, the residents would have to petition the township to set up a Special Assessment District. Trustee Darga would like the opportunity to look at the proposed project roads before voting. There is somewhat of a time constraint, as the paving companies bid more aggressively before August. Costs can go up 20% to 30% after August.

Motion by Trustee Lautner, supported by Treasurer Street to fund Option 1, pave Avondale Lane 0.2 miles from Cherry Bend Rd. to 200’ west of Paradise Dr. **Motion passed 4-1** by a roll call vote, with Trustee Darga voting NO and Supervisor Kelly abstaining.

Proposed Amendments to E. Timberwoods Dr. Maintenance Agreement:

Motion by Trustee Lautner, supported by Treasurer Street to approve the amendments to the E. Timberwoods Dr. Maintenance Agreement and striking Section E. **Motion passed 5-1** by a voice vote, with Trustee Darga voting NO.

STF Resolution:

Motion by Trustee Lautner, supported by Treasurer Street to approve Resolution #10 of 2009, Transferring Septage Treatment Plant Interests and Obligations to Grand Traverse County. **Motion passed 6-0** by a roll call vote.

Michigan Public Safety Communications System Member Subscriber Agreement:

It was the consensus of the Board to table this item until the July meeting when Chief Haring will explain the fees associated with this agreement.

Kurt Bowden/DDA Payment Request:

Motion by Trustee Lautner, supported by Treasurer Street to approve the Kurt Bowden request for payment of \$128 and to accept the balance of \$97 on behalf of the DDA. **Motion passed 6-0** by a voice vote.

Marina Tractor Replacement Bids:

Motion by Trustee Lautner, supported by Trustee Darga to accept the bid of Ginop Sales, Inc. and authorize the Harbor Master to spend up to \$10,050 for a replacement Kubota mower for the marina and to obtain a weight package for the front of the mower. **Motion passed 6-0** by a roll call vote.

Declaration of Surplus:

Motion by Trustee Lautner, supported by Trustee Gallagher to declare the Toro tractor as surplus and scrap the push mower. **Motion passed 6-0** by a voice vote.

Payment of Invoices:

Motion by Treasurer Street, supported by Trustee Lautner to pay the bills in the amount of \$63,765.43. **Motion passed 6-0** by a voice vote.

Extended Public Comment:

Those offering comment were: Tony Ansorge and Kevin Severt.

Adjournment:

Supervisor Kelly adjourned the meeting at 10:48pm.