

CHARTER TOWNSHIP OF PENNFIELD

REGULAR MEETING MINUTES

MAY 12, 2009

Supervisor Behnke called the meeting to order at 7:00 PM at the Pennfield Middle School cafeteria. Present were Supervisor Behnke, Clerk Case, Treasurer Phillips and Trustees

Bartlett, Beard, Bordine-Houseman and Ensign. There were eight residents present. A moment of silence was observed and Supervisor Behnke led the Pledge of Allegiance.

PRESENTATIONS/PROCLAMATIONS

None

CITIZEN/PUBLIC COMMENT

Two residents spoke; one spoke about wanting an update from the Calhoun County Road Commission on fixing the railroad tracks on McAllister Road. The second resident spoke

about how to clean up the property on Pine Lake Road.

ADDITIONS/DELETIONS

There were no additions or deletions to the agenda. It was moved by Treasurer Phillips and supported by Trustee Ensign to accept the agenda as presented. **Motion carried.**

CONSENT ADGENDA

It was moved by Treasurer Phillips and supported by Trustee Ensign to approve the Consent Agenda consisting of the following items:

- 1) Meeting minutes of April 14, 2009
- 2) Utilities Division monthly report (see Addendum A)
- 3) Code Compliance monthly report (see Addendum A)

4) Permits Department monthly report (see Addendum A)

5) Assessors Department monthly report (see Addendum A)

DEPARTMENT REPORTS

POLICE: Lt. Eddy from the Calhoun County Sheriff's Department was asked to be excused from the Board Meeting due to a training session, therefore, no report was given.

FIRE: Chief Smith gave the fire report. The stats for the month of April, 2009 are as follows:

There were 82 calls for the month broken down as follows: 4 fire, 44 rescue & emergency medical service incidents, 18 hazardous condition (no fire), 7 service calls, 7 good intent calls and 2 false alarms. There were two department drills.

Page Two

Meeting Minutes 5/12/09

UNFINISHED BUSINESS

None

NEW BUSINESS

1) It was moved by Treasurer Phillips and supported by Trustee Ensign to approve the one year Wal-Mart extension request for Site Plans and Special use permits. **Motion carried.**

2) Adoption of Pennfield Charter Township Resolution #09-25

PENNFIELD CHARTER TOWNSHIP RESOLUTION 09-25

(a Resolution authorizing the purchase of a valve turner for the Pennfield Township Utilities Division)

BE IT RESOLVED, that the Pennfield Township Board hereby authorizes the purchase of a new valve turner, through Wheeler-Rex, for use by the Pennfield Township Utilities Division at a cost not to exceed \$6,000.00 (shipping costs excluded).

Moved by: Treasurer Phillips Supported by: Trustee Ensign

Supervisor Behnke – yes Trustee Ensign – yes

Clerk Case – yes Trustee Bordine-Houseman – yes

Treasurer Phillips – yes Trustee Beard – yes

Trustee Bartlett – yes

Vote shows 7 yes, -0- no and -0- excused. **Resolution #09-25 stands adopted.**

3) Adoption of Pennfield Charter Township Resolution #09-26

PENNFIELD CHARTER TOWNSHIP RESOLUTION 09-26

(a Resolution authorizing a Police Services Agreement between Pennfield Charter Township and the Calhoun County Sheriff's Department)

WHEREAS, Pennfield Charter Township desires to enter into a five (5) year agreement with the Calhoun County Sheriff's Department to provide police services to the Township; and

WHEREAS, the terms of the contract shall be from July 1, 2009 to June 30, 2014, and Pennfield Charter Township does agree to compensate the Calhoun County Sheriff's Department for its police services as outlined in the attached agreement, so

Page Three

Meeting Minutes 5/12/09

Resolution #09-26 cont.

NOW, THEREFORE BE IT RESOLVED, that the Pennfield Charter Township Board of Trustees hereby authorizes the Township Supervisor to enter into a five (5) year agreement for police services with the Calhoun County Sheriff's Department and the Calhoun County Board.

Moved by: Treasurer Phillips Supported by: Trustee Ensign

Supervisor Behnke – yes Trustee Bordine – Houseman – yes

Clerk Case – yes Trustee Beard – yes

Treasurer Phillips – yes Trustee Bartlett – yes

Trustee Ensign – yes

Vote shows 7 yes, -0- no and -0- excused. **Resolution #09-26 stands adopted.**

4) Adoption of Pennfield Charter Township Ordinance #120-05-09 of 2009

ORDINANCE NUMBER #120-04-09 OF 2009

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF PENNFIELD CHARTER TOWNSHIP SO AS TO ADD A CHAPTER 15 ESTABLISHING A DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO 1975 PA 197 AND DESIGNATING THE BOUNDARIES OF A DOWNTOWN DISTRICT WITHIN WHICH THE AUTHORITY SHALL EXERCISE ITS POWERS.

THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:

SECTION 1. Chapter 15 of the Pennfield Charter Township Code of Ordinances is hereby created to read as follows:

Article I. Downtown Development Authority.

15-1. Definitions. *The terms used in this article shall have the same meaning as given them in 1975 PA 197 or as hereinafter in this section provided, unless the context clearly indicates to the contrary. As used in this article:*

"Act 197" means Public Act Number 197 of 1975 (MCL 125.1651 et seq.).

"Authority" means the Downtown Development Authority of the Township created by this article.

"Board" and "Board of Directors" means the Board of the Directors of the Authority.

Ordinance #120-04-09 of 2009 cont.

"Downtown District" means the downtown district designated in this article or as hereafter amended.

15-2. Creation of Authority. *There is hereby created pursuant to Act 197, as amended, a Downtown Development Authority for the Charter Township of Pennfield. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Downtown Development Authority of Pennfield Charter Township."*

15.3 Powers of the Authority. *The Authority shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all powers provided by Act 197. The Authority may adopt a seal, sue and be sued in any court of this state. Enumeration of a power in this section or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.*

15.4. Description of Downtown District. *The geographical area in which the Pennfield Charter Township Downtown Development Authority shall exercise its authority shall consist of a district located within the boundaries of Pennfield Charter Township and described as follows:*

15.5. Establishment of Governing Board. *The Authority shall be under the supervision and control of a board consisting of the Township Supervisor and eight (8) members. The members of the board shall be appointed by the Supervisor subject to approval by the Township Board. Eligibility for membership on the board and terms of office shall be as provided in Act 197. A member shall hold office until the member's successor is appointed. At least a majority of the members of the Downtown Development Board shall be persons having an interest in property located in the Downtown District. Of the members first appointed to the Downtown Development Board, an equal number of the members, as near as is practicable, shall be appointed for one (1) year, two (2) years, three (3) years, and four (4) years. Subsequent appointments shall be for a term of four (4) years. Appointments to fill vacancies shall be made by the Township Supervisor for the duration of each un-expired term only. The chairperson of the board shall be elected by the board.*

15.6. Termination. *Upon completion of its purposes, the Authority may be dissolved by an ordinance duly adopted by the Township Board. The property and assets of the Authority after dissolution and satisfaction of its obligations, shall revert to the Township.*

Meeting Minutes-5/12/09

Ordinance #120-04-09 cont.

SECTION 2. SEVERABILITY OF INVALID PROVISIONS. If any provision of this Ordinance shall be held invalid, its invalidity shall not effect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication, which publication shall take place within thirty days from the date of adoption and shall be in a local newspaper of general circulation.

This Ordinance is hereby declared to have been passed and adopted by the Pennfield Charter Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on May 12, 2009.

Moved by: Treasurer Phillips Supported by: Trustee Ensign

Supervisor Behnke – yes Trustee Beard – yes

Clerk Case – yes Trustee Bartlett – yes

Treasurer Phillips – yes Trustee Ensign – yes

Trustee Bordine-Houseman – yes

Vote shows 7 yes, -0- no and -0- excused. **Ordinance #120-04-09 of 2009 stands adopted.**

TREASURERS' REPORT

April, 2009 Treasurers' report shows the following balances on hand:

General Fund \$1,438,832.98

Metro Act-Maint 1,402.15

Parks 12,975.12

Public Safety 0.00

Sewer 854,754.75

Water 489,567.68

Trust & Agency 8,421.61

Tax Collection 46.90

Paving Assessment 0.00

TOTAL: \$2,803,001.19

It was moved by Trustee Bordine-Houseman and supported by Trustee Ensign to receive and place on file the Treasurers' report. **Motion carried.**

Page Six

Meeting Minutes 5/12/09

PAYMENT OF BILLS

It was moved by Treasurer Phillips and supported by Trustee Ensign to approve the payment of the monthly bills in the amount of \$272,467.39 (see addendum). **Motion carried.**

CITIZEN/PUBLIC COMMENTS

Two citizens spoke. One spoke about an update with the burning permit situation. The second citizen that spoke is a representative from Atwell-Hicks, the civil engineer firm which represents Wal-Mart. He gave an update on the plans for Wal-Mart.

TOWNSHIP BOARD COMMENTS

Clerk Case announced that there will be an August election. Trustees Bartlett and Ensign both

expressed appreciation for the work on the Sheriff's contract and applauds the communication from Supervisor Behnke to the Trustees.

ANNOUNCEMENTS BY CHAIRPERSON

Supervisor Behnke made the following announcements: The Utilities Department will be conducting the municipal water main flushing the week of May 25th from 7:00 am to 4:00 pm each day. The next recycling weekend is May 23 and 24th. The Township office will be closed Monday, May 25th in observance of Memorial Day. It was moved by Treasurer Phillips and supported by Trustee Ensign to adjourn the meeting at 7:30 pm. **Motion carried.**

Robert P. Behnke, Jr. Kathleen R. Case

Township Supervisor Township Clerk

Meeting Minutes 5/12/09

Addendum A – Department Reports

UTILITIES REPORT

There were 1,200 meter reads for the month of April, 2009. The stats for the month of April were as follows: 12 corrective work orders (repair/install meters, radio read boxes, repair wires), 37 Miss Digs. The monthly bacterial samples came back negative for the month.

ASSESSOR/ZONING

All homestead & property transfer affidavits are current. 29 transfers of property were processed for the months of March and April. 12 were market sales, 17 were foreclosure related.

CODE ENFORCEMENT

Property inspections for blight and zoning violations were conducted. There were 12 complaints/violations for the month as follows:

07 – junk, trash & rubbish

04 – inoperable vehicles

00 – tall grass & weeds

01 - front yard parking

00 - parking/storage of recreational type vehicles

00 - unsafe structure

00 - township ordinance

00 - zoning ordinance

PERMITS

The following permits were issued for the month of April 2009:

Building 4 permits (PB09-007 thru PB09-10)

Electrical 3 permits (PE09-006 thru PE 09-008)

Mechanical 4 permits (PM09-017 thru PM 09-020)

Plumbing 1 permit (PP09-006)