

**PENNFIELD CHARTER TOWNSHIP**

**REGULAR MEETING MINUTES**

**SEPTEMBER 14, 2010**

Supervisor Behnke called the meeting to order at 6:30 pm at the Pennfield Middle School Cafeteria. Present were Supervisor Behnke, Clerk Case, Treasurer Phillips, Trustees Bartlett and Bordine-Houseman. Trustees Beard and Ensign were excused. There were seven residents present. Supervisor Behnke led the Pledge of Allegiance.

**PRESENTATIONS/PROCLAMATIONS**

No one was in attendance from the Substance Abuse Council, but the following Proclamation was announced:

**PENNFIELDCHARTER TOWNSHIPPROCLAIMS**

**SEPTEMBER IS**

**2010 NATIONAL ALCOHOL & DRUG ADDICTION RECOVERY MONTH**

**WHEREAS**, recovery from substance use disorders *is* possible through a variety of treatment and recovery resources, along with the support of our community; and

**WHEREAS**, the entire community is vulnerable to the triggers of substance abuse and dependence that include: experimentation with drugs and alcohol in youth; physical, emotional or sexual abuse experienced in youth; unintentional misuse or over prescription of medications; undiagnosed or untreated mental conditions such as depression and anxiety; traumatic life events; and general financial, physical, or emotional stress; and

**WHEREAS**, recent federal surveys indicate 1 out of 10 Michigan residents, approximately 837,000 persons, ages 12 and older, are either dependent on or have abused alcohol or an illicit drug sometime during the past year with most unable to receive needed treatment services; and

**WHEREAS**, a study conducted by researchers for HBO's *Addiction* series discovered the following statistics regarding why those suffering from substance use disorders do not get help:

- 44.4% said cost/insurance barriers kept them from getting treatment
- 18.5% said they were afraid of the negative stigma of drug addiction treatment

**WHEREAS**, substance use disorders are a treatable, yet serious health care problem, and our community must take steps to address it; and

**WHEREAS**, the Substance Abuse Council will continue to support the recovering community and provide education about how substance use disorders affect all people, including public safety officials, the workforce, older adults, and families; therefore it is essential to combat misconceptions associated with addiction; and

**WHEREAS**, to help more people enter a path of recovery, and break the cycle of substance abuse within families and communities, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Substance Abuse Council invite all residents of Pennfield Charter Township to participate in national Alcohol and Drug Addiction Recovery Month; and

**THEREFORE, BE IT RESOLVED**, that Pennfield Charter Township proclaims September as "National Alcohol and Drug Addiction Recovery Month" in Pennfield Township.

#### **CITIZEN/PUBLIC COMMENTS**

None

#### **ADDITIONS/DELETIONS TO AGENDA**

Item 10C was deleted from the Agenda. It was moved by Treasurer Phillips and supported by Trustee Bartlett to accept the Agenda as presented with the deletion. **Motion carried.**

#### **CONSENT AGENDA**

It was moved by Treasurer Phillips and supported by Trustee Bartlett to approve the Consent Agenda. **Motion carried.** The Consent Agenda consists of the following items:

- 1) Meeting minutes of August 10, 2010
- 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)
- 6) Acceptance of Township Audit Report for FY 2009-10
- 7) Acceptance of Resignation in good standing of Zack Burgess, paid on call Firefighter

#### **DEPARTMENT REPORTS**

**POLICE:** Lt. Steve Eddy was present from the Calhoun County Sheriff's Department to give a report. The stats for the month are as follows: 228 traffic citations, 165 verbal warnings, 9 traffic crashes, 104 arrests, 89 self generated complaints, 302 dispatched complaints and 1,531 property inspections.

**FIRE:** Chief Smith was present from the Pennfield Fire Department and gave the following report: There were 81 calls as follows: -0- fire calls, 56 rescue & emergency, 4 hazardous conditions (no fire), 12 services calls, 7 good intent calls and 2 false alarms.

#### **UNFINISHED BUSINESS**

None

#### **NEW BUSINESS**

1. Final adoption of Pennfield Charter Township Ordinance #621-09-10

### **PENNFIELD CHARTER TOWNSHIP**

### **ORDINANCE NUMBER 621-09-10 OF 2010**

**AN ORDINANCE AMENDING THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES TO IMPOSE A MORATORIUM ON THE ESTABLISHMENT OF BUSINESSES AND THE ISSUANCE OF PERMITS OR LICENSES FOR LAND USES RELATED TO THE SALE OR DISPENSATION OF MEDICAL MARIJUANA.**

**THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:**

SECTION 1. Article III of Chapter 2, Section 3-1 of the Pennfield Charter Township Code is hereby created to read as follows:

*Article III. Moratoriums*

*Section 3-1 Moratorium on Sale or Dispensation of Medical Marijuana*

*A. A moratorium is established on the issuance of all permits, licenses, and approvals, including building permits, and certificates of occupancy, in regard to land uses associated with the sale or dispensation of medical marijuana from the effective date hereof, until March 10, 2011 or the effective date of the adoption of proper text amendments to the Zoning Ordinance and any necessary licensing requirements, whichever occurs first.*

*B. Notwithstanding paragraph (A), during the terms of the moratorium a caregiver, as defined by the Michigan Medical Marijuana Act, P.A. 2008, Initiated Law, MCL 333.26421 et. seq., is not precluded from growing and providing medical marijuana to up to five patients with whom he or she is linked through the State of Michigan registry. Such caregiver will not, however, have a claim to legal nonconforming status based upon this land use during the term of the moratorium.*

*C. All Township boards and commissions are asked and authorized to give their analysis and recommendation regarding a zoning ordinance or licensing regulation concerning the sale and dispensation of medical marijuana top priority.*

SECTION 2. SAVINGS CLAUSE. A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 3. SEVERABILITY OF INVALID PROVISIONS. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect 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 4. EFFECTIVE DATE. This Ordinance is effective on the date of publication pursuant to MCL 42.22, which publication shall take place within thirty days from the date of adoption and shall be in a local newspaper of general circulation. Publication of a summary of this Ordinance, as part of the published proceedings of the Township Board, shall constitute publication of the Ordinance.

This Ordinance is hereby declared to have been passed and adopted by the Board of Trustees of Pennfield Charter Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereby duly called and held on September 14, 2010.

Moved by: Treasurer Phillips Supported by: Trustee Bartlett

Supervisor Behnke – Yes Trustee Bartlett – Yes

Clerk Case – Yes Trustee Ensign – Excused

Treasurer Phillips – Yes Trustee Bordine – Houseman – Yes

Trustee Beard – Excused

Vote shows 5 yes, -0- no and 2 excused. **ORDINANCE #621-09-10 is adopted.**

2. Adoption of Pennfield Charter Township Resolution #10-38.

**PENNFIELDCHARTER TOWNSHIPRESOLUTION #10-38**

**(a Resolution adopting a Deficit Elimination Plan for the**

**Downtown Development Authority)**

**BE IT RESOLVED,** that the Pennfield Township Board hereby adopts the attached **"APPENDIX A"** known as the Charter Township of Pennfield Deficit Elimination Plan for the Downtown Development Authority.

**APPENDIX A**

**CHARTERTOWNSHIPOF PENNFIELD**

**DEFICIT ELIMINATION PLAN**

**APRIL 1, 2010 THROUGH MARCH 31, 2013**

**SUBMITTED FOR APPROVAL: SEPTEMBER 14, 2010**

Fiscal year: 3-31-11 3-31-12 3-31-13

**Revenues**

Property tax captures \$ -- \$ -- \$12,250

**Expenditures**

Administration 1,285 1,500 1,500

Legal 500 500 500

Professional 500 500 500

Total expenditures 2,285 2,500 2,500

**Fund balance (deficit):**

Beginning (4,956) (7,241) (9,741)

Ending \$ (7,241) \$ (9,741) \$ 9

Moved by : Treasurer Phillips Supported by: Trustee Bartlett

Supervisor Behnke – Yes Trustee Bartlett – Yes

Clerk Case – Yes Trustee Ensign – Excused

Treasurer Phillips – Yes Trustee Bordine-Houseman – Yes

Trustee Beard – Excused

Vote shows 5 yes, -0- no and 2 excused. **Resolution #10-38 stands adopted.**

3. It was moved by Treasurer Phillips and supported by Trustee Bartlett to authorize the hiring of up to five new paid on call Firefighters by Fire Dept. Chief, Tim Smith. **Motion carried.**

### **TREASURER'S MONTHLY REPORT**

August, 2010 report shows the following balances on hand:

General Fund \$1,122,289.19

DDA \$44.37

Metro Act – Maint. \$13,469.49

Parks \$12,998.07

Public Safety \$2,903.63

Sewer \$857,790.63

Water \$581,303.80

Trust & Agency \$6,460.98

Tax collection \$770,728.75

**TOTALS: \$3,367,988.91**

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

### **PAYMENT OF BILLS**

It was moved by Treasurer Phillips and supported by Trustee Bartlett to approve the payment of the monthly bills in the amount of \$173,456.80. **Motion carried.**

### **EXTENDED CITIZENS COMMENTS**

Three residents spoke. The first resident inquired on repairs to Gorsline Road. The second asked about the status of the houses scheduled for demolition. The third spoke about Calhoun County Road Commission hosting a household hazardous waste collection and the fall tire & appliance collection.

### **TOWNSHIP BOARD COMMENTS**

Trustee Bordine-Houseman thanked Firefighter Zachary Burgess for his service to the Fire Department.

### **ANNOUNCEMENT BY THE CHAIRPERSON**

Supervisor Behnke announced that our next monthly Board Meeting is scheduled for October 12, 2010. The next recycling weekend is September 25<sup>th</sup> and 26<sup>th</sup>. The Township has collected \$125.00 in donations towards of the continuation of the monthly recycling program. The Township will be closed on Monday, October 11<sup>th</sup> for Columbus Day.

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Robert P. Behnke, Jr. Kathleen R. Case

Township Supervisor Township Clerk

### **ADDENDUM A – DEPARTMENT REPORTS**

#### **UTILITIES**

The stats for the month of August are as follows: 1,200 meter reads, 16 corrective orders

(repair/install meters, radio read boxes repair wires) and 29 Miss Digs. The monthly bacterial sample came back negative.

#### **ASSESSOR/ZONING**

The following was accomplished for the month of August, 2010:

1) All Homestead & Property Transfer affidavits are current. There were 11 transfers of property processed for the month as follows: 4 Sheriff foreclosures, 2 foreclosure re-sales and 5 regular market sales. 2) Conducted miscellaneous phone & in person inquiries about assessments & descriptions. 3) Continued photo project of residential properties 4) Attended a free Apex sketching training class at Lansing MAA conference.



## **CODE ENFORCEMENT**

The following was accomplished for the month of August, 2010:

1) Conducted property inspections for new complaints and follow up inspections of previous complaints. 2) Sent contractor to mow, trim and remove grass clippings from nine properties. 4) Received 33 complaints for the month as follows:

18 grass

8 junk, trash & rubbish

2 inoperable vehicles

2 front yard parking & storage of recreational vehicles

2 keeping animals – zoning violation

1 complaint of travel trailer used as a dwelling

## **PERMITS**

29 permits were issued for the month of August, 2010 as follows:

Building 4 permits (PB10-044 thru PB10-048) \$515.00

Electrical 7 permits (PE10-038 thru PE10-044) \$735.00

Mechanical 14 permits (PM10-047 thru PM10-060) \$1,510.00

Plumbing 2 permits (PP10-022 thru PP10-023) \$330.00

Zoning 2 permits (PZ10-14 thru PZ10-01) \$100.00

**TOTALS: \$3,190.00**