

**PENNFIELD CHARTER TOWNSHIP
REGULAR MEETING MINUTES
DECEMBER 13, 2011**

Supervisor Behnke called the meeting to order at 6:35 P.M. at the Pennfield Middle School Cafeteria. Present were Supervisor Behnke, Clerk Case, Treasurer Phillips and Trustees Bartlett, Beard, Bordine-Houseman and Ensign. Supervisor Behnke led the Pledge of Allegiance. There were seven residents present.

PRESENTATIONS/PROCLAMATIONS

None

CITIZEN/PUBLIC COMMENTS

1) Resident at 503 Alvena Avenue complained about the blight and dumpster in her next door neighbors yard. 2) Steve Frisbie, Calhoun County Commissioner reported on the following: The bills were passed to eliminate some county road commissions. Doug Wilk is the candidate for Road Commssioner. Funding for recycling was discussed.

ADDITIONS/DELETIONS TO AGENDA

It was moved by Trustee Ensign and supported by Trustee Beard to accept the Agenda as presented. **Motion carried.**

CONSENT AGENDA

It was moved by Trustee Ensign and supported by Trustee Beard to accept the Consent Agenda as presented. **Motion carried.** The Consent Agenda consists of the following items:

1. Meeting Minutes of November 9, 2011 (Dangerous Bldgs)
2. Meeting Minutes of November 9, 2011 (Twp. Board)
3. Utilities Division monthly report – see Addendum A
4. Code Compliance monthly report – see Addendum A
5. Permits Department monthly report – see Addendum A
6. Assessor Department monthly report – see Addendum A
7. Cemetery Department monthly report – see Addendum A

DEPARTMENT REPORTS

POLICE: Lt. Steven Eddy was present from the Calhoun County Sheriff's Department to give the monthly report. The stats for the month are as follows: 260 traffic citations, 337 verbal warnings, 31 traffic crashes, 106 arrests, 91 self generated complaints, 359 dispatched complaints and 1,432 property inspections.

FIRE: Chief Smith was not present to give the monthly report. There were 111 calls as follows: 2 fires, 3 rescue & emergencies, 4 hazardous condition (no fire), 5 service calls, 6 good intent calls, 7 false alarms, 8 severe weather calls and 9 special incident type calls.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Introduction of Pennfield Charter Township Ordinance 91C-01-12

ORDINANCE NO. 91C-01-12 OF 2012

AN ORDINANCE TO AMEND THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES WITH RESPECT TO WEEDS AND NOXIOUS VEGETATION. THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:

SECTION 1. The definition of “nuisance vegetation” contained within Sec. 22-25 of the Pennfield Charter Township Code is hereby amended to read as follows:

Nuisance vegetation means any grass exceeding an average height of 6 inches, weeds and noxious vegetation.

SECTION 2. Section 22-27 of the Pennfield Charter Township Code is hereby amended to read as follows:

Sec. 22-27. Abatement of nuisance vegetation; responsibility of owners and occupants. The owner, occupant or person in control of every lot or parcel of land upon which the nuisance vegetation is found shall abate the same. Such abatement may require cutting, removal or destruction. Such abatement shall occur by May 1 of each year, and thereafter as often as is necessary to comply with this article between May 1 and October 31 of each year. Growing grass shall be abated before exceeding 6 inches in height and the regrowth of weeds and noxious vegetation shall be prevented.

SECTION 3. Section 22-30 of the Pennfield Charter Township Code is hereby amended to read as follows:

Sec. 22-30. Costs. The Township shall keep an accurate account of all costs incurred for the preparation, cutting and other abatement procedures undertaken, with respect to each lot or parcel of land, in carrying out the provisions of this article. Such costs shall constitute a lien upon the lot or land. A copy of the account of all costs incurred under Sec. 22-29 shall be transmitted to the Township treasurer for collection. The treasurer shall add to all such accounts fifteen percent of the amount of all such expenditures, to cover notice requirements, overhead and other administrative costs. If the account is not paid in full within sixty days after the date the treasurer mails the same to the owner by first-class mail, a finance charge of one and one-half percent shall be added on the remaining unpaid balance. The lien provided for in this section shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being MCL 211.1 to 211.157. (Ord. No. 91B-05-03, § 3, 5-13-2003)

SECTION 4. Section 22-33 of the Pennfield Charter Township Code is hereby amended to read as follows:

Sec. 22-33. Exceptions. This article shall not apply to any permanent pasture or meadow, nor to weeds and fields devoted to growing any small grain crops, such as wheat, oats, barley or rye. Likewise, this article shall not apply to any lot or parcel zoned agricultural, except subdivided agricultural land in subdivisions in which buildings have been erected on sixty percent of the lots, or to lots along an improved street in common usage, where the owner has

failed, after ten days notice as provided in this article, to destroy the vegetation, for a depth of ten rods or the depth of the lot, whichever is less.

SECTION 5. 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 6. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 7. 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 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication, or publication of a summary, which publication shall occur in a newspaper of general circulation in the Township within thirty (30) days after adoption.

Moved by: Trustee Esign

Supported by: Trustee Beard

Supervisor Behnke – Yes

Trustee Bartlett – Yes

Clerk Case – Yes

Trustee Beard – Yes

Treasurer Phillips – Yes

Trustee Bordine-Houseman – Yes

Trustee Ensign – Yes

Vote shows 7 yes and -0- no. **Ordinance 91C-01-12 is introduced.**

2. Adoption of Pennfield Charter Township Resolution 11-47

PENNFIELD CHARTER TOWNSHIP RESOLUTION 11-47 (a Resolution setting the Holiday schedule, Township Board meeting dates and time, Planning Commission meeting dates and time and the DDA meeting dates and time for 2012)

BE IT RESOLVED, that the Pennfield Township Board hereby sets the following schedule for 2012:

PENNFIELD CHARTER TOWNSHIP MEETING DATES AND HOLIDAY SCHEDULE FOR 2012

TOWNSHIP OFFICE WILL BE CLOSED ON THE FOLLOWING DATES

January 2, 2012	Monday	New Years Day
February 20, 2012	Monday	Presidents Day
April 6, 2012	Friday	Good Friday
May 28, 2012	Monday	Memorial Day
July 4, 2012	Wednesday	Independence Day
September 3, 2012	Monday	Labor Day
October 8, 2012	Monday	Columbus Day

November 12, 2012	Monday	Veterans Day
November 22 & 23, 2012	Thursday/Friday	Thanksgiving
December 21/24/25, 2012	Fri/Mon/Tues	Christmas

BOARD MEETING DATES

Township Board meetings are held on the second Tuesday of each month at 6:30 PM at the Pennfield Middle School cafeteria located at 8587 Pennfield Road, Battle Creek, Michigan on the following dates:

January 10, 2012	May 15, 2012	September 11, 2012
February 14, 2012	June 12, 2012	October 9, 2012
March 13, 2012	July 10, 2012	November 13, 2012
April 10, 2012	August 14, 2012	December 11, 2012

PLANNING COMMISSION MEETING DATES

Township Planning Commission meetings are held on the first Monday of each month at 6:30 PM at the Pennfield Middle School cafeteria located at 8587 Pennfield Road, Battle Creek, Michigan on the following dates:

January 9, 2012	May 7, 2012	September 10, 2012
February 6, 2012	June 4, 2012	October 1, 2012
March 5, 2012	July 2, 2012	November 5, 2012
April 2, 2012	August 6, 2012	December 3, 2012

DDA (DOWNTOWN DEVELOPMENT AUTHORITY) MEETING DATES

Township DDA Meetings are held on the 3rd Monday of each month at 6:00PM at the Pennfield Charter Township Annex located at 20260 Capital Avenue NE, Battle Creek, Michigan on the following dates:

January 16, 2012	May 21, 2012	September 17, 2012
February 27, 2012	June 18, 2012	October 15, 2012
March 19, 2012	July 16, 2012	November 19, 2012
April 16, 2012	August 20, 2012	December 17, 2012

Moved by: Trustee Ensign
 Supervisor Behnke – Yes
 Clerk Case – Yes
 Treasurer Phillips – Yes

Supported by: Trustee Beard
 Trustee Bartlett – Yes
 Trustee Beard – Yes
 Trustee Bordine-Houseman – Yes
 Trustee Ensign – Yes

Vote shows 7 yes, -0- no. **Resolution 11-47 is adopted.**

3. Adoption of Pennfield Charter Township Resolution 11-48

**PENNFIELD CHARTER TOWNSHIP RESOLUTION 11-48
 (a Resolution amending the Pennfield Charter Township 457 Deferred Compensation Plan as required by the IRS)**

BE IT RESOLVED, that the PPA/HEART/WRERA Amendment to the Pennfield Charter Township 457 Deferred Compensation Plan is hereby approved and adopted, and

FURTHER BE IT RESOLVED, that the Township Supervisor is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

Moved by: Trustee Ensign
Supervisor Behnke – Yes
Clerk Case – Yes
Treasurer Phillips – Yes

Supported by: Trustee Beard
Trustee Bartlett – Yes
Trustee Beard – Yes
Trustee Bordine-Houseman – Yes
Trustee Ensign – Yes

Vote shows 7 yes, -0- no. **Resolution 11-48 is adopted.**

4. Approval of appointments to the Pennfield Charter Township Planning Commission

It was moved by Trustee Ensign and supported by Trustee Beard to approve appointments to Curtis Whitaker, Elaine Walter and Trustee Jon Bartlett to the Pennfield Charter Township Planning Commission. **Motion carried.**

5. Approval of appointments to the Pennfield Charter Township Zoning Board of Appeals

It was moved by Trustee Ensign and supported by Trustee Beard to approve appointments to Terri Fowler and Trustee Perry Beard to the Pennfield Charter Township Zoning Board of Appeals. **Motion carried.**

6. Approval of appointments to the Pennfield Charter Township DDA Board

It was moved by Trustee Ensign and supported by Trustee Beard to approve appointments to Jane Leonard and Rex Paschal to the Pennfield Charter Township Downtown Development Authority Board. **Motion carried.**

TREASURER’S MONTHLY REPORT

November, 2011 reports shows the following balances on hand:

General Fund	\$682,376.83
DDA	\$1,528.11
Metro Act-Maint.	\$16,029.70
Parks	\$13,016.95
Public Safety	\$6,319.74
Sewer	\$853,082.22
Water	\$674,253.81
Trust & Agency	\$6,614.24
Tax Collection	\$43,684.87
TOTAL:	\$2,296,906.47

It was moved by Trustee Ensign and supported by Trustee Beard to approve the Treasurer’s monthly report as presented. **Motion carried.**

PAYMENT OF MONTHLY BILLS

It was moved by Trustee Ensign and supported by Trustee Beard to approve the payment of the monthly bills in the amount of \$190,347.92. **Motion carried.**

EXTENDED PUBLIC COMMENTS

None

TOWNSHIP BOARD COMMENTS

Trustee Ensign asked to be excused for the January, 2012 Board Meeting. Trustee Bartlett wished everyone a Merry Christmas. Clerk Case asked Board Members if they would be interested in serving as an Election Commissioner for upcoming 2012 Elections. A discussion took place and a motion was made by Trustee Ensign and supported by Trustee Bordine-Houseman for Trustee Beard and Trustee Bordine-Houseman to serve on the Election Commission for 2012 Elections. **Motion carried.** Treasurer Phillips gave a cemetery update with the BS&A Software. Trustees Bordine-Houseman and Beard wished everyone a Merry Christmas.

ANNOUNCEMENT MADE BY THE CHAIRPERSON

Supervisor Behnke made the following announcements: The next regularly scheduled Township Board Meeting will be January 10, 2012 and the Planning Commission will meet on January 9, 2012. The next monthly recycling weekend will be December 17th and 18th. The date was moved up due to the Christmas Holiday. The Township office will be closed on December 23rd and 26th for the Christmas Holiday.

It was moved by Trustee Ensign and supported by Trustee Beard to adjourn the meeting at 7:20 P.M. **Motion carried.**

Robert P. Behnke, Jr.
Supervisor

Kathleen R. Case
Clerk

ADDENDUM A – DEPARTMENT REPORTS

UTILITIES

The stats for the month of November, 2011 are as follows: 1,200 meter reads, 6 corrective work orders and 12 Miss Digs. The monthly bacterial samples came back negative.

ASSESSOR

The following was accomplished for the month of November, 2011:

1. All Homestead and Property Transfer Affidavit and Deeds are current. There were six transfers of property processed for the month: all six were regular market sales
2. Conducted miscellaneous phone and in person inquiries about assessment & descriptions
3. Continued photo project
4. Review County Studies
5. Visited building permits

CODE ENFORCEMENT

The following was accomplished for the month of November, 2011:

1. Conducted property inspection for new complaints and follow up inspections of previous complaints.
2. Received 7 new complaints for the month as follows:
 - 3 – junk and trash
 - 3 – inoperable vehicles
 - 1 – unsafe structure

PERMITS

9 permits were issued for the month of November, 2011 as follows:

Building	3 permits (PB11-050 thru PB11-052)	\$574.60
Electrical	2 permits (PE11-054 thru PE11-055)	\$312.00
Mechanical	3 permits (PM11-063 thru PM11-065)	\$308.00
Zoning	1 permit (PZ11-007)	\$70.00
TOTALS:		\$1,264.60

CEMETERY

Burial (ashes)	11/21/11	\$300.00
Burial (ashes)	11/22/11	\$300.00
TOTALS:		\$600.00

