

**PENNFIELD CHARTER TOWNSHIP**  
**REGULAR MEETING MINUTES**  
**JANUARY 10, 2012**

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

**PRESENTATIONS/PROCLAMATIONS**

None

**CITIZEN/PUBLIC COMMENTS**

None

**ADDITIONS/DELETIONS TO AGENDA**

It was moved by Trustee Bartlett and supported by Trustee Bordine-Houseman to accept the Agenda as presented. Motion carried.

**CONSENT AGENDA**

It was moved by Trustee Bartlett and supported by Trustee Bordine-Houseman to accept the Consent Agenda as presented. Motion carried. The Consent Agenda consists of the following items:

1. Meeting Minutes of December 13, 2011 (Dangerous Bldg)
2. Meeting Minutes of December 13, 2011 (Twp. Board)
3. Utilities Division monthly report
4. Code Compliance monthly report
5. Permits Department monthly report
6. Assessor Department monthly report
7. Cemetery Department monthly report
8. Acceptance of resignation from Jay Weiss from the Pennfield Township Planning Commission  
(See Addendum A for all monthly reports)

**DEPARTMENT REPORTS**

**POLICE:** Lt. Steve Eddy was present from the Calhoun County Sheriff's Department to give the monthly report. The stats for the month are as follows: 128 traffic citations, 314 verbal warnings, 32 traffic crashes, 73 arrests, 87 self generated complaints, 322 dispatched complaints and 1,332 property inspections.

**FIRE:** Chief Smith was present to give the monthly report. There were 79 calls as follows:

3 fires, 58 rescue & medical emergencies, 6 hazardous conditions, 2 service calls, 8 good intent calls and 2 false alarms.

2

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Adoption 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

3  
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 Bartlett Supported by: Trustee Bordine-Houseman

Supervisor Behnke – Yes Trustee Bartlett – Yes

Clerk Case – Yes Trustee Beard – Yes

Treasurer Phillips – Yes Trustee Bordine-Houseman – Yes

Trustee Ensign – Excused

Vote shows 6 yes, and -0- no and 1 excused. Ordinance #91C-01-12 is adopted.

2. Approval authorizing the Township Treasurer to negotiate agreements.

It was moved by Trustee Bartlett and supported by Trustee Bordine-Houseman to authorize the Township Treasurer to negotiate agreements with the following entities for the Summer Tax Collection purposes: Pennfield Schools, Harper Creek Schools, Battle Creek Schools and the Calhoun County Intermediate School District. Motion carried.

3. Planning Commission Appointment

It was moved by Trustee Bartlett and supported by Trustee Bordine-Houseman to appoint Mrs. Mickey Harris to the Pennfield Charter Township Planning Commission with a term expiring 12/31/13. Motion carried.

4

#### TREASURER'S MONTHLY REPORT

December, 2011 report shows the following balances on hand:

General Fund \$875,811.45

DDA \$1,528.11

Metro Act-Maint. \$16,029.70

Parks \$13,017.72

Public Safety \$4,759.65

Sewer \$816,200.67

Water \$671,159.11

Trust & Agency \$6,786.11

Tax Collection \$1,383,534.18

TOTAL: \$3,788,826.70

It was moved by Trustee Bartlett and supported by Trustee Bordine-Houseman to approve the Treasurer's monthly report as presented. Motion carried.

#### PAYMENT OF MONTHLY BILLS

It was moved by Trustee Bartlett and supported by Trustee Bordine-Houseman to approve the Payment of the monthly bills in the amount of \$ 166,819.29. Motion carried.

#### EXTENDED PUBLIC COMMENTS

None

#### TOWNSHIP BOARD COMMENTS

Clerk Case announced that AV applications have been sent out to the people on the permanent list.

#### ANNOUNCEMENTS MADE BY THE CHAIRPERSON

The next regularly scheduled Township Board Meeting will be February 14, 2012. The next monthly recycling weekend will be January 29th and 29th.

A motion was made by Trustee Bartlett and supported by Trustee Bordine-Houseman to go into a Closed Session. Motion carried. The Township Board went into a Closed Session at 6:51 P.M.

A motion was made by Trustee Bartlett and supported by Trustee Bordine-Houseman to go back into Open Session. Motion carried. The Township Board went back into Open Session at 7:04 P.M.

5

A motion was made by Trustee Bartlett and supported by Trustee Bordine-Houseman to allow the Executive Committee to negotiate a settlement with Mr. John A. Kenefick, III through Attorney John McFarlane for the payment of property demolition of 935 Capital Avenue N.E., Battle Creek, Michigan. Motion carried.

It was moved by Trustee Bartlett and supported by Trustee Bordine-Houseman to adjourn the meeting at 7:05 P.M. Motion carried.

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Robert P. Behnke, Jr. Kathleen R. Case

Supervisor Clerk

6

#### ADDENDUM A – DEPARTMENT REPORTS

##### UTILITIES

The stats for the month of December, 2011 are as follows: 1,200 meter reads, 13 corrective work orders and 16 Miss Digs. The monthly bacterial samples came back negative.

##### ASSESSOR

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

1. All Homestead and Property Transfer Affidavits and Deeds are current. There were eight transfers of property processed for the month: Four were regular market sales and four were foreclosure related
2. Conducted miscellaneous phone & in person inquiries about assessment & descriptions
3. Conducted December Board of Review to process Homestead Exemptions
4. Review County Studies
5. Visiting Building permits

##### CODE ENFORCEMENT

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

1. Conducted property inspections for new complaints and follow up inspections of previous complaints

2. Received 11 new complaints for the month as follows:

7 – junk and trash

1 – front yard parking

1 – unsafe structure

2 – Township Ordinances

#### PERMITS

12 permits were issued for the month of December, 2011 as follows:

Electrical 1 permit (PE11-056) \$100.00

Mechanical 8 permits (PM11-066 thru PM11-073) \$896.00

Plumbing 2 permits (PP11-016 thru PP11-017) \$250.00

Zoning 1 permit (PZ11-008) \$70.00

TOTAL: \$1,316.00

#### CEMETERY

Full Burial 12/21/11 \$500.00

Full Burial 12/22/11 \$500.00

TOTAL: \$1,000.00

7