

**PENNFIELD CHARTER TOWNSHIP  
REGULAR MEETING MINUTES  
APRIL 9, 2013**

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 and Trustees Beard, Damerow, Harris and Skelding. Supervisor Behnke led the Pledge of Allegiance. There were ten people present.

**PRESENTATIONS/PROCLAMATIONS**

Dawn Smith from the Substance Abuse Council was present to accept the following Proclamation from Supervisor Behnke for “Alcohol Awareness Month”

**CERTIFICATE OF PROCLAMATION  
APRIL IS ALCOHOL AWARENESS MONTH**

**WHEREAS**, research continues to demonstrate alcohol use by young people poses dangers associated with acute impairment, threats to long-term brain development and overall safety and well-being, and

**WHEREAS**, it is illegal to give or allow youth under the age of 21 to drink alcohol in your home, even with their parents’ permission; and

**WHEREAS**, anyone found guilty of providing alcohol to underage youth can face up to a \$1,000 fine and sixty days in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense; each year approximately 5,000 young people under the age of 21 die as a result of underage drinking; and

**WHEREAS**, alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students and is a major factor in unprotected sex among youth, increasing their risk for unplanned pregnancy and sexually transmitted infections; and

**WHEREAS**, youth that consume alcohol before the age of 15 are 40 percent more likely to develop alcohol dependence as adults. However, if consumption of alcohol can be delayed until the legal age of 21, serious alcohol-related problems can be reduced by 70 percent;

**NOW, THEREFORE**, I, Robert P. Behnke, do hereby proclaim the month of April, 2013, as “*ALCOHOL AWARENESS MONTH*” in the Greater Battle Creek Area and encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling their local law enforcement. We call upon

all citizens, parents, youth, governmental agencies, public and private institutions, businesses, hospitals and schools to support efforts that will reduce and prevent underage drinking in our community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the Charter Township of Pennfield, to be affixed this 9<sup>th</sup> day of April, 2013.

### **CITIZEN/PUBLIC COMMENTS**

A resident stated that a Grant was obtained from the Battle Creek Community Foundation to form a Neighborhood Watch Group in the Verona Park neighborhood.

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

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

### **CONSENT AGENDA**

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

1. Meeting minutes of March 12, 2013 and March 26, 2013
2. Utilities Division monthly report – see addendum
3. Code Compliance monthly report – see addendum
4. Permits Department monthly report – see addendum
5. Assessor Department monthly report – see addendum
6. Cemetery Department monthly report – see addendum

### **DEPARTMENT REPORTS**

**POLICE:** Lt. Aaron Weirsma from the Calhoun County Sheriff's Department was present to give the monthly report. The stats for the month are as follows: 123 traffic citations, 206 verbal warnings, 14 traffic crashes, 102 arrests, 73 self generated complaints, 232 dispatched complaints and 1,722 property inspections.

**FIRE:** Chief Smith was present to give the monthly report. The stats are as follows: 5 fires, 60 rescue & medical emergencies, 2 hazardous conditions, 1 service call and 3 good intent calls.

### **UNFINISHED BUSINESS**

None

## **NEW BUSINESS**

### **1. Final Adoption of Pennfield Charter Township Ordinance 121A-04-2013**

#### **ORDINANCE NO. 121A-04-13 OF 2013**

#### **AN ORDINANCE TO AMEND THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES WITH RESPECT TO CEMETERIES.**

#### **THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:**

**SECTION 1.** Chapter 39.2 of the Pennfield Charter Township Code is hereby amended to read as follows:

- a) A “cemetery plot” shall consist of an area in a Township cemetery sufficient to accommodate one burial space for one deceased person. It shall consist of a land area at least forty-five (45) inches wide and ninety-six (96) inches in length. Exceptions may be made with Township permission to accommodate infant burial or the burial of cremains.*
- b) A “monument saddle” means a display of real or artificial flowers that are secured to the top of a gravestone.*
- c) “Township” means Pennfield Charter Township*
- d) “Township cemetery” or “cemetery” means any cemetery owned, operated and/or controlled by the Township.*

**SECTION 2.** Chapter 39.3.c of the Pennfield Charter Township Code is hereby amended to read as follows:

- c) At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. If the owner of a cemetery plot desires to effectuate a name change regarding the assigned cemetery plot, that person must notify the Township in writing of the change. If an owner wishes to transfer his/her deed to someone else, a new deed will be required at a cost which shall be set from time to time by resolution of the Township Board.*

**SECTION 3.** Chapter 39.3.d of the Pennfield Charter Township Code is hereby amended to read as follows:

- d) Cemetery plots may be sold back to the Township (for resale by the Township) for an amount which shall be set from time to time by resolution of the Township Board.*

**SECTION 4.** Chapter 39.6.a of the Pennfield Charter Township Code is hereby amended to read as follows:

- a) *All markers and memorials must be comprised of granite or bronze with a dignified design and shall face the same direction as the markers and memorials around them. Homemade markers and markers made of other materials such as marble, wood, plastic, cement or steel are prohibited.*

SECTION 5. Chapter 39.6.b of the Pennfield Charter Township Code is hereby amended to read as follows:

- e) *Except for monuments that existed in a Township cemetery before the effective date of this Article, no monument will be allowed or erected in a cemetery. For purposes of this Article, "monument" shall be defined as any marker, memorial, statue or similar item which exceeds thirty (30) inches in height above normal ground level or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker) with an overall height or no more than thirty (30) inches above ground level, including the foundation. Only one (1) marker or memorial shall be permitted per cemetery plot or one marker or memorial in total where two adjoining plots share that one marker or memorial. One additional cremation marker may be added if cremains are buried with one full burial. Markers shall be no more than thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12) inches by twenty-four (24) inches in size.*

SECTION 6. Chapter 39.7.a of the Pennfield Charter Township Code is hereby amended to read as follows:

- a) *The following burial combinations are allowed per burial site: a) one full burial; b) one cremation burial; c) one full burial and one cremation burial; d) two cremation burials; e) two (2) children buried at the same time; and f) a parent with infant child. Special burial requirement, such as burial of cremated remains and infant burial, will be considered by the Township Clerk or designated township employee at the time of need.*

SECTION 7. Chapter 39.9.c of the Pennfield Charter Township Code is hereby amended to read as follows:

- f) *No winter burials shall occur without the prior consent of the Township Clerk or designated township employee.*

SECTION 8. Chapter 39.11.a of the Pennfield Charter Township Code is hereby amended to read as follows:

- a) *One flower pot or urn per plot may be placed May 1<sup>st</sup> of each year and is to be removed by November 1<sup>st</sup> of that year. One shepherd's hook, not to exceed four (4) foot above ground, holding one flower pot per plot is permitted, provided,*

*when it is not in use it must be promptly removed. These items are to be placed left or right at the ends of markers only. If no marker, place in line with other markers. One non-glass object approved by the Township Clerk or designated township employee will be permitted to sit on the marker or foundation, but may not be placed on the ground. Winter evergreens, (wreaths and blankets) may be placed on the graves from November 1<sup>st</sup> until March 1<sup>st</sup> of each year. Items not removed by the lot owners will be removed and disposed of. Additional flowers will be permitted for the following holidays: Easter, Mother's Day, Memorial Day, Father's Day, Independence Day, Halloween, Veteran's Day, Thanksgiving and Christmas; but only for one (1) week prior and one (1) week following the holiday. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines. Monument Saddles will be allowed to remain on the monument year round. However, when the saddle shows signs of deterioration, it will be removed so it will not detract from the appearance of the Cemetery.*

**SECTION 9.** Chapter 39.17 of the Pennfield Charter Township Code is hereby amended to read as follows:

***39-17. Cemetery Hours***

*Unless otherwise specified by the Township Board by resolution, all Township cemeteries shall be closed from dusk to dawn the next morning. During those hours, no person shall be present in a Township cemetery. Such prohibition on being present in a Township cemetery during the time when a Township cemetery is closed shall not apply to the Township Sexton, any Township official, a person accompanied by the Township Sexton or other Township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.*

**SECTION 10.** Chapter 39.18.cc of the Pennfield Charter Township Code is hereby amended to delete the following:

*cc) No person shall possess or consume any alcoholic beverage.*

**SECTION 11.** Severability of Invalid Provisions. If any provision of this Article shall be held invalid, its invalidity shall not affect any other provisions of this Article that can be given effect without the invalid provision, and for this purpose the provisions of this Article are hereby declared to be severable.

**SECTION 12.** Effective Date. This Article 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.

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 this 9th day of April, 2013.

Moved by: Trustee Beard

Supported by: Trustee Skelding

Supervisor Behnke – Yes  
Clerk Case – Yes  
Treasurer Phillips – Yes

Trustee Beard – Yes  
Trustee Damerow – Yes  
Trustee Harris – Yes  
Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Ordinance #121A-04-2013 is adopted.**

**2. Final adoption of Pennfield Charter Township Ordinance #66A-04-2013**

**ORDINANCE NO. 66A-04-13 OF 2013**

**THE CHARTER TOWNSHIP OF PENNFIELD FRANCHISE GRANTED TO:  
SEMCO ENERGY GAS COMPANY**

An Ordinance, granting to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and serves on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to conduct a local gas business in the Township of Pennfield, located in Calhoun County, Michigan, for a period of thirty years.

**THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:**

Article II of Appendix A of the Pennfield Charter Township Code of Ordinances is hereby amended to read as follows:

***ARTICLE II: Gas Franchise***

***Section 1. GRANT OF FRANCHISE.*** Pennfield Charter Township, located in Calhoun County, Michigan (the “Township”), hereby grants to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, (The “Grantee”) the right, power and authority to construct, operate, maintain and replace in the public streets, highways, alleys and other public places in Pennfield Charter Township, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to Pennfield Charter Township, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

**Section 2. CONSIDERATION.** *In consideration of the rights, power and authority hereby granted, Grantee shall faithfully perform all things required by the terms hereof.*

**Section 3. CONDITIONS.** *No highway, street, alley, bridge or other public place used by Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the as good order and condition as when Grantee commenced the work. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes. If the Township determines that a construction project or change to the Township's right-of-way requires Grantee to relocate its pipes and/or mains, the Township shall provide notice to the Grantee a reasonable time prior to the date on which the Township wants such pipes and/or mains relocated. If the Township in its sole discretion determines that the pipes and/or mains must be relocated, Grantee shall relocate such pipes and/or mains at Grantee's expense at the time designated by the Township. In the event either party identifies a viable alternative to relocating Grantee's pipes and/or mains, the parties shall work cooperatively to develop an appropriate course of action to accomplish the Township's goals.*

**Section 4. HOLD HARMLESS.** *Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the Grantee's negligent construction and negligent maintenance of the structures and equipment hereby authorized. If any action is commenced against the Township resulting from Grantee's negligent construction and maintenance, Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.*

**Section 5. FRANCHISE NOT EXCLUSIVE.** *The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.*

**Section 6. RATES.** *Grantee shall charge for gas furnished the rates, charges and special taxes as approved from time to time by the Michigan Public Service Commission, or its successors having authority and jurisdiction to fix and regulate gas rates and charges, or as otherwise permitted or required by applicable law or tariff, for the term of this franchise. Such rates shall be subject to Commission review and change at any time upon petition therefore being made by either said Township, acting by its Township Board, or by said Grantee.*

**Section 7. REVOCATION.** *The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.*

**Section 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION.** *Grantee shall, as to all other conditions and elements or service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said township and shall*

*provide service in accordance with the terms and conditions set forth in its applicable tariff as approved from time to time by the Michigan Public Service Commission or its successors.*

**Section 9. SUCCESSORS AND ASSIGNS.** *The words “SEMCO Energy Gas Company” and “SEMCO Energy, Inc.,” wherever used herein, are intended and shall be held and construed to mean and include SEMCO Energy Gas Company and its parent, subsidiaries, successors, affiliates, and assigns, whether so expressed or not. The word “Grantee,” wherever used herein, is intended and shall be held and construed to mean and include SEMCO Energy Gas Company, SEMCO Energy, Inc., and the successors and assigns of each, whether so expressed or not. Grantee may assign the rights and obligations under this agreement as long as the Grantee provides prior written notice to the Township of any such assignment.*

**Section 10. EFFECTIVE DATE.** *Upon adoption, the Township Clerk shall deliver to Grantee a certified copy of this ordinance. Additionally, the Township shall publish this ordinance within thirty (30) days of its adoption and this ordinance shall take effect upon the day after the date of publication thereof, continuing for a term of thirty (30) years from that date; provided, however, it shall cease and be of no effect after sixty (60) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.*

Moved by: Trustee Beard

Supported by: Trustee Skelding

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Phillips – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Ordinance #66A-04-2013 is adopted.**

### **3. Final adoption of Pennfield Charter Township Ordinance #1040-04-2013**

#### **ORDINANCE NUMBER 1040-04-13 OF 2013**

**AN ORDINANCE TO AMEND APPENDIX B (ZONING) OF THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES SO AS TO PROHIBIT DONATION BOXES IN ALL ZONING DISTRICTS UNLESS ACCESSORY TO THE PRINCIPAL USE OF THE PREMISES.**

**THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:**

SECTION 1. Section 2.05 of Appendix B of the Pennfield Charter Township Code is hereby amended to add the following definition:



*DONATION BOXES: A freestanding accessory structure, container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term excludes any unattended donation boxes located within a building.*

SECTION 2. Section 3.26 of Appendix B of the Pennfield Charter Township Code is hereby created to read as follows:

*Section 3.26 Donation Boxes. Donation boxes are prohibited in all zoning districts, unless the donation box is accessory to the principal use of the premises. To qualify as an approved accessory use, the donation box must be owned, maintained, and operated by the owner of the principal use.*

SECTION 3. 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 4. 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 5. EFFECTIVE DATE. Pursuant to Sec. 411 of the Michigan Zoning Enabling Act (MCL 125.3401), this Ordinance shall take effect seven (7) days after publication of this Ordinance or a summary of the regulatory effect thereof which publication shall occur in a newspaper of general circulation in the Township within fifteen (15) days after adoption.

Moved by: Trustee Beard

Supported by: Trustee Skelding

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Phillips – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Ordinance #1040-04-2013 is adopted.**

#### **4. Discussion -- 421 Alvena Avenue, Battle Creek, MI 49017**

A discussion took place regarding 421 Alvena Avenue. Present were Stephanie Kamykowski, Attorney from Trott & Trott, residents of 503 Alvena and 507 Alvena. After much discussion a motion was made by Trustee Beard and supported by Trustee Skelding to give Member First Mortgage until June 11, 2013 to bring 421 Alvena Avenue to code or to demolish.

## TREASURER'S MONTHLY REPORT

March, 2013 report shows the following balances on hand:

General Fund	\$1,139,271.74
DDA	\$1,528.11
Metro Act-Maint.	\$8,699.76
Parks	\$13,028.69
Public Safety	\$3,055.06
Sewer	\$865,910.10
Water	\$832,441.94
Trust & Agency	\$9,281.50
Tax Collection	\$1.00
<b>TOTAL:</b>	<b>\$2,873,217.90</b>

It was moved by Trustee Beard and supported by Trustee Skelding to approve the Monthly Treasurer's report as presented. **Motion carried.**

### PAYMENT OF MONTHLY BILLS

It was moved by Trustee Beard and supported by Trustee Skelding to approve the payment of the monthly bills in the amount of \$510,712.48. **Motion carried.**

### EXTENDED PUBLIC COMMENTS

A resident asked when the roads are going to be fixed.

### TOWNSHIP BOARD MEMBER COMMENTS

Trustee Skelding met with the Calhoun County Road Department and shared his education with the Board. Trustee Harris asked if the Township will publicize the Donation Bin Ordinance.

### ANNOUNCEMENTS BY CHAIRPERSON

The next regularly scheduled Township Board meeting will be on May 14, 2013. A Special Election will be held on Tuesday, May 7, 2013. The next monthly recycling weekend will be on April 27<sup>th</sup> and April 28<sup>th</sup>.

It was moved by Trustee Beard and supported by Trustee Skelding to adjourn the meeting at 7:50 PM. **Motion carried.**

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Robert P. Behnke, Jr., Supervisor

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Kathleen R. Case, Clerk

## ADDENDUM A – DEPARTMENT REPORTS

### UTILITIES

The stats for the month of March, 2013 are as follows: 1,200 meter reads, 12 corrective work orders and 13 Miss Digs.

### ASSESSOR

The following was completed in the month of March, 2013:

1. All Homestead & Property Transfer Affidavits are current. There were 10 transfers of property processed for the month. 5 were regular sales and 5 were foreclosure related.
2. Board of Review Meeting Appeals: 20 in person, 4 write-in and 2 late personal property adjustments made to the value on 7 properties.
3. Prepared & mailed appeal results to property owners
4. Prepared report to the County & State for 2013 assessments

### CODE ENFORCEMENT

The following was completed in the month of March, 2013:

1. Conducted property inspections for new complaints and follow up inspection of previous complaints.
2. Received 15 new complaints for the month as follows: 8 junk & trash, 2 inoperable vehicles, 2 Twp. Ordinance, 3 parking & storage of vehicles

### CEMETERY

Burial	3/01/13	\$500.00
Grave purchase	3/06/13	\$450.00
Burial	3/03/13	\$300.00
Burial	3/11/13	\$550.00
Burial	3/13/13	\$500.00
<b>TOTAL:</b>		<b>\$2,300.00</b>

### PERMITS

Building	3 permits (PB13-004 thru PB13-006)	\$1,102.44
Electrical	3 permits (PE13-010 thru PE13-012)	\$332.00
Mechanical	4 permits (PM13-006 thru PM13009)	\$458.00
<b>TOTAL:</b>		<b>\$1,892.44</b>

