

**PENNFIELD CHARTER TOWNSHIP
REGULAR MEETING MINUTES
JANUARY 13, 2015**

Supervisor Behnke called the meeting to order at 6:00 PM at the Pennfield Middle School Cafeteria. Present were Supervisor Behnke, Clerk Case, Treasurer Phillips, Trustees, Beard, Harris and Skelding. Trustee Damerow was excused. Supervisor Behnke led the Pledge of Allegiance. There were seven residents present.

CITIZEN/PUBLIC COMMENT

None

PRESENTATIONS/PROCLAMATIONS

None

ADDITIONS/DELETIONS TO THE AGENDA

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

CONSENT AGENDA

It was moved by Treasurer Phillips 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 December 9, 2014
2. Utilities Division monthly report – see addendum
3. Code Compliance monthly report – see addendum
4. Permits Department monthly report – see addendum
5. Assessors Department monthly report – see addendum
6. Cemetery Department monthly report – see addendum
7. Zoning/Township monthly report
8. SAW Grant monthly report
9. Life Care Ambulance monthly report
10. Termination of Justin Rose as a paid on call Firefighter

DEPARTMENT REPORTS

POLICE: Lt. Weirsma was present from the Calhoun County Sheriff’s Department to give the monthly report. The monthly stats are as follows: 140 traffic citations, 174 verbal warnings, 19 traffic crashes, 79 arrests, 49 self generated complaints, 205 dispatched complaints and 1,550 property inspections.

FIRE: Chief Smith was present from the Fire Department to give the monthly report. The monthly stats are as follows: five fires, 64 rescue & medical emergencies, three hazardous conditions, one service call, one good intent call and one false alarm.

UNFINISHED BUSINESS

1. Proposed Truck Route Ordinance
2. Proposed updates to Water/Sewer Ordinances
3. Proposed Rental, Vacant Property, Property maintenance Ordinances
4. Zoning Administrator/Website Administrator position

NEW BUSINESS

1. ADOPTION OF PENNFIELD CHARTER TOWNSHIP RESOLUTION 15-01

PENNFIELD CHARTER TOWNSHIP RESOLUTION 15-01

(a Resolution adopting the “Fourth Amendment” to the Battle Creek Area Metropolitan Service Agency Agreement recognizing the addition of Convis Township as a voting member of the AMSA council)

BE IT RESOLVED, that the Pennfield Township Board hereby adopts the “*Fourth Amendment*” to the original Interlocal Agreement, as approved on July 2, 1973 by its members, and as approved by the Governor of the State of Michigan on September 25, 1973, which modifies the Agreement to recognize the addition of Convis Township as a member jurisdiction of the Area Metropolitan Service Agency (AMSA) Board.

Moved by: Treasurer Phillips

Supported by: Trustee Skelding

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Excused

Treasurer Phillips – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 6 yes, -0- no and 1 excused. **Resolution 15-01 is adopted.**

2. ADOPTION OF PENNFIELD CHARTER TOWNSHIP RESOLUTION 15-02

**PENNFIELD CHARTER TOWNSHIP RESOLUTION 15-02
(a Resolution approving the following appointments to the AMSA Construction Board of Appeals)**

BE IT RESOLVED, that the Pennfield Township Board hereby approves the following appointments to the AMSA Construction Board of Appeals:

<u>NAME</u>	<u>ADDRESS</u>	<u>TERM EXPIRATION</u>
Tom Beuchler	15144 S. M-66 Hwy	7/12/2017
Jim Lawrence	109 Elm Street	7/12/2016
Jeff Hodgson	165 Grove	7/12/2015
Darrell Swanson	317 E. Columbia	7/12/2020
Todd Johnson	149 Richmond	7/12/2020
Darrel Burke	750 Capital Ave. NE	7/12/2020
David Farmer	10 N. Division Street	7/12/2020
Randy Case	36 E. Michigan Ave	7/12/2019
Larry Rizer	49 South Cass St	7/12/2019

Moved by: Treasurer Phillips

Supported by: Trustee Skelding

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Excused

Treasurer Phillips – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 6 yes, -0- no and 1 excused. **Resolution 15-02 is adopted.**

3. ADOPTION OF PENNFIELD CHARTER TOWNSHIP ORDINANCE 96B-01-15

PENNFIELD CHARTER TOWNSHIP ORDINANCE 96B-01-15 OF 2015

AN ORDINANCE TO AMEND THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES CONCERNING COST RECOVERY FOR EMERGENCY SERVICES SO AS TO INCLUDE EMERGENCY AMBULANCE AND INHALATOR SERVICES WITHIN THE DEFINITION OF “EMERGENCY RESPONSE” AND TO AUTHORIZE THE COLLECTION OF FEES FOR AMBULANCE SERVICES INCLUDING DISPATCH COSTS PURSUANT TO 1990 PA 179 AND 1990 PA 102.

THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:

SECTION 1. The definition of “Emergency response” within Section 18-1(b) of the Pennfield Charter Township Code of Ordinances is hereby amended to read as follows:

Emergency Response means:

- 1) *The providing, sending and/or utilizing of police, firefighting, emergency medical and rescue services by the township, or a private or public individual or corporation operating by contract or at the request or direction of the township, to an incident resulting in an accident involving a motor vehicle or one or more drivers where operating a motor vehicle while intoxicated or while impaired due to the consumption of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and a controlled substance;*
- 2) *An incident resulting in a traffic stop and arrest by a police officer when a driver was operating a motor vehicle while intoxicated or while impaired due to the consumption of an alcoholic beverage and/or controlled substances; or*
- 3) *The taking of any actions necessary to protect the public health, safety or welfare or the environment including but not limited to the providing, sending and/or utilizing of police, firefighting or rescue services, including resuscitator service, to the scene of a fire; accident involving a motor vehicle; scene of a release of a dangerous or hazardous substance; scene of an emergency involving a damaged utility line, cable, pipe or conduit; or scene of other emergency situation.*
- 4) *The providing of emergency ambulance and/or inhalator services, including the cost of dispatch, to the scene of a medical first response or advanced life support call within the Township.*

SECTION 2. The expense of emergency response within Section 18-1(b) of the Pennfield Charter Township Code of Ordinances is hereby amended to read as follows:

Expense of Emergency Response means the costs associated with the occurrence of emergency response as set forth in this Article. The expenses of making an emergency response, as set forth in this subsection, shall include the costs connected with the administration, abatement, and mitigation efforts, together with analysis of chemical tests,

if applicable. In addition, and as to emergency ambulance and/or inhalator services, the expense of emergency response shall include dispatch costs, provided, however, that resident of the Township shall not be charged for the expense of ambulance and/or inhalator services, nor shall they be charged for dispatch costs in connection with said services. Dispatch costs shall be those amounts as billed to the Township by the Calhoun County Consolidated Dispatch Authority or its successor for the cost of emergency ambulance dispatch. Other expenses as set forth in this subsection shall be set by Board resolution.

SECTION 3. Section 18-1(c)(3) of the Pennfield Charter Code of Ordinances is hereby amended to read as follows:

Any person who is the object of an emergency response by the Township or by an ambulance service with whom the Township contracts shall be liable for the cost of the emergency response; provided, however, that residents of the Township shall not be charged for the expense of ambulance services, nor shall they be charged for dispatch costs in connection with said services.

SECTION 4. 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 5. 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 6. 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 7. EFFECTIVE DATE. This Ordinance shall take effect 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 Pennfield Charter Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this 13th day of January, 2015.

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

Supported by: Trustee Skelding
Trustee Beard – Yes
Trustee Damerow – Excused
Trustee Harris – Yes
Trustee Skelding – Yes

Vote shows 6 yes, -0- no and 1 excused. **Ordinance 96B-01-15 of 2015 is adopted.**

4. INTRODUCTION OF PENNFIELD CHARTER TOWNSHIP ORDINANCE 107C-02-15

PENNFIELD CHARTER TOWNSHIP ORDINANCE 107C-02-15 OF 2015

AN ORDINANCE TO AMEND THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES SO AS TO ALLOW OUTDOOR, FREESTANDING, SOLID FUEL-BURNING APPLIANCES TO BE USED WITHIN COMMUNITY COMMERCIAL (C-2) AND CAPITAL BUSINESS (CBD) DISTRICTS

THE CHARTER TOWNSHIP OF PENNFIELD ORDAINS:

SECTION 1. Section 22-1(a)(6) of the Pennfield Charter Township Code of Ordinances is hereby amended to read as follows:

(6) *The installation and operation of an outdoor, freestanding, solid fuel-burning appliance that burns wood, coal, corncobs, wood chips, paper pallets, agricultural products, or other solid fuel in any zoning district within the Township, except within the following zoning districts according to the following restrictions:*

(a) Unplatted R-1 Low Density Residential, AGP Agricultural Preservation, and AG Agricultural Districts.

(b) C-2 Community Commercial and CBD Capital Business Districts on properties having a minimum lot size of five (5) acres provided that such solid fuel burning appliances are located no nearer than one hundred (100) feet to the closest property line.

(c) Unplatted R-2 Medium Density Residential Districts subject to the following limitations:

(i) The lot upon which the burner is located and operated shall have at least 200' of road frontage and be at least two acres in size;

(ii) The burner shall be designed and used only for the purpose of heating in ground swimming pools;

(iii) Operation of the burners is limited to May 1 to October 1 of the year; and

(iv) Chimney height shall extend at least 24 inches above the roof of the housing unit.

(d) In R-1 Low Density Residential, AGP Agricultural Preservation and AG Agricultural Districts, the chimney height and set-back restrictions shall be in compliance with the manufacturer's guidelines or, if there are none, the chimney height shall be at least two feet above the roof line of the highest structure within two hundred feet. In C-2 commercial and CBD capital business districts, the chimney height shall be in compliance with the manufacturer's guidelines or, if there are none, the chimney height shall be at least two feet above the roof line of the highest structure within three hundred feet not served by the furnace. Chimney stacks for all solid fuel burning appliances shall have a spark arrester installed at the top of the chimney. Proper permit(s) shall be obtained from the Township prior to the installation of any outdoor, freestanding, solid fuel-burning appliance, including any outdoor furnace, outdoor boiler or outdoor stove. This subsection shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of a freestanding, solid fuel-burning appliance.

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. 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. This Ordinance shall take effect 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.

Moved by: Treasurer Phillips

Supported by: Trustee Skelding

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Excused

Treasurer Phillips – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 6 yes, -0- no and 1 excused. **Ordinance 107C-02-15 of 2015 is adopted.**

TREASURER’S MONTHLY REPORT

December, 2014 monthly report shows the following balances on hand:

General Fund	\$520,729.27
Metro Act – Maint.	\$19,330.33
Parks	\$13,037.08
Public Safety	\$3,082.06
Sewer	\$895,273.55
Sewer – SAW Grant	(9,625.00)
Water	\$985,578.96
Trust & Agency	\$6,200.00
Tax Collection	\$1,516,177.31
TOTAL:	\$3,949,783.56

It was moved by Trustee Beard and supported by Trustee Skelding to approve the Treasurer’s report. **Motion carried.**

PAYMENT OF MONTHLY BILLS

It was moved by Treasurer Phillips and supported by Trustee Skelding to approve the payment of the monthly bills in the amount of \$225,449.21. **Motion carried.**

EXTENDED PUBLIC COMMENTS

A resident had questions about the Vacant Property Ordinance. Prosecuting Attorney David Gilbert gave an update.

TOWNSHIP BOARD MEMBER COMMENTS

Trustee Skelding: commented on Cutie Pie Café

Trustee Harris: announced that JONAH will be having a MLK Prayer Breakfast on Saturday, January 17, 2015 at First Congregational Church

Treasurer Phillips: shared that she and Deputy Supervisor, Barb Darlington attended a water/sewer rate study class in December

ANNOUNCEMENTS MADE BY CHAIRPERSON

The next regularly scheduled Township Board Meeting will be Tuesday, February 10, 2015. The next monthly recycling weekend will be January 24th and 25th. It was moved by Treasurer Phillips and supported by Trustee Skelding to adjourn the meeting at 7:36 PM. **Motion carried.**

Robert P. Behnke, Jr. – Supervisor

Kathleen R. Case – Clerk

ADDENDUM A – DEPARTMENT REPORTS

UTILITIES

The stats for the month of December, 2014 are as follows: 1,200 meter reads, 8 corrective work orders and 10 Miss Digs.

CODE ENFORCEMENT

The following was completed for the month of December, 2014:

1. Conducted property inspections for new complaints and follow up inspections of previous complaints
2. Received 6 new complaints: all for junk & trash

ASSESSOR

The following was completed for the month of December, 2014:

1. All Homestead, Property Transfer Affidavits & Deeds are current. There were 10 transfers of property for the month: all were regular sales
2. Conducted December Board of Review for corrections & homesteads
3. Inspection of properties with current building permits
4. Miscellaneous phone & in person inquiries about assessments and descriptions

CEMETERY

Burial of Ashes	12/12/14	\$300.00
Burial	12/22/14	\$500.00
Burial	12/31/14	\$500.00
TOTAL:		\$1,300.00

PERMITS

6 Building permits	\$1,961.18
6 Electrical permits	\$1,776.80
14 Mechanical permits	\$1,588.00
2 Plumbing permits	\$200.00
2 Zoning permits	\$140.00
TOTAL:	\$5,665.98

