

**PENNFIELD CHARTER TOWNSHIP  
REGULAR MEETING MINUTES  
OCTOBER 11, 2016**

Supervisor Behnke called the meeting to order at 6:00 PM at the Pennfield Middle School Cafeteria. Present were Supervisor Behnke, Clerk Case, Trustees Beard, Damerow and Harris. Trustee Skelding was excused. There were 15 residents present.

**CITIZEN/PUBLIC COMMENT**

- Residents were present to tell about cockroach infestation in homes on Sharon Avenue
- A resident thanked the Code Compliance Dept. for having inoperable vehicles removed
- Resident had a complaint on Chippewa Trail

**ADDITIONS/DELETIONS TO THE AGENDA**

It was moved by Trustee Beard and supported by Treasurer Jackson to approve the Consent Agenda with one addition: 9B – New Business: add Kate Damerow to the list of new hires by the Fire Department. **Motion carried.** The Consent Agenda consists of the following items:

1. Meeting minutes of September 13, 2016
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
7. Zoning/Township monthly report
8. SAW Grant monthly report
9. Life Care Ambulance monthly report

**PUBLIC SAFETY REPORTS**

**POLICE:** Lt. Wiersma was present from the Calhoun County Sheriff’s Department to give the monthly report. The monthly stats are as follows: 211 traffic citations, 241 verbal warnings, 15 traffic crashes, 76 arrests, 67 self generated complaints, 184 dispatched complaints and 1,237 property inspections.

**FIRE:** Chief Smith was present from the Fire Department to give the monthly report. The stats are as follows: 4 fires, 77 rescue & medical emergencies, 6 hazardous conditions, 5 service calls, 8 good intent calls and 2 false alarms.

## **UNFINISHED BUSINESS**

1. Pennfield Charter Township Resolution 16-48.

## **NEW BUSINESS**

### **1. Introduction of Pennfield Charter Township Ordinance #103C-11-16**

#### **PENNFIELD CHARTER TOWNSHIP ORDINANCE NO. 103C-11-16 of 2016**

**AN ORDINANCE TO AMEND CHAPTER 30 OF THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES WITH RESPECT TO WELLHEAD PROTECTION AND TO OTHERWISE PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.**

THE CHARTER TOWNSHIP OF PENNFIELD, Calhoun County, Michigan, ordains:

**SECTION 1.** Sub-paragraph 4 of Section 30-58, Article III, Chapter 30 of the Pennfield Charter Township Code of Ordinances is hereby created to read as follows:

*(4) It is the joint and several obligation of the property owner, person in charge of the property, if other than the owner, and person who was responsible for the release, if different from the property owner and other person in charge, to ensure that the regulated substance release form is filed with the supervisor as required in this subsection. Only one form need to be filed, if all of the information is accurate and complete. However, if a responsible person knows that the form filed is inaccurate, incomplete, or the circumstances have changed so that the information should be corrected or updated, another form must be filed by the person(s) who have the knowledge.*

**SECTION 2.** Sub-paragraphs 4 and 5 of Section 30-59, Article III, Chapter 30 of the Pennfield Charter Township Code of Ordinances are hereby created to read as follows:

- 4. Notwithstanding the foregoing, if the regulated substance is, in the determination of the supervisor, a significant threat to the health, safety, and/or welfare of the general public, whether based on the characteristics of the regulated substance itself, or the manner of containment, or the potential for unauthorized release, or a combination of any one or more, the supervisor may require the removal of the regulated substance in a lesser time, up to and including immediately.*
- 5. The owner or other person in charge of the facility or activity may appeal the time required to remove a regulated substance in accordance with Section 30-73.*

SECTION 3. Section 30-72 of Article III, Chapter 30 of the Pennfield Charter Township Code of Ordinances is hereby created to read as follows:

**Sec. 30-72. Regulation variance.**

*If an owner or lessee of property within the WHPA believes one or more regulations set forth in this article impose an unreasonable burden on a property or activity, the owner or lessee may seek a regulation variance from the supervisor as follows:*

1. *Such a request must be in writing on a form provided by the supervisor. The form shall require at least the following:*
  - a. *Name, address, and telephone number of the applicant;*
  - b. *Proof of authority to make application, i.e., proof of property ownership, or right to occupy;*
  - c. *The regulation being appealed; and*
  - d. *The reason the regulation is being appealed and the proposed variance with enough detail to allow the supervisor to understand the situation and how the proposed regulation variance would provide substantially the same protection as the current regulation.*
2. *If the supervisor determines that additional information is needed, the request for additional information shall be made to the applicant within thirty (30) days from the date the request for the variance was received by the supervisor.*
3. *Within thirty (30) days of receipt of such additional information by the supervisor or, if no request for additional information is made by the supervisor, within thirty days of the date the request for regulation variance was received by the supervisor, the supervisor shall issue a written determination to the owner.*
4. *The determination shall grant, deny, or partially grant the regulation variance request. A grant, whether partial or complete, may relieve the property owner from strict compliance with one or more regulations in this article, if the proposed variance provides substantially the same protection as the regulation from which relief is sought. Reasonable conditions may be imposed as part of such a grant. The supervisor shall be guided by the facts and circumstances of a particular case with the primary goal of protecting the Township's well fields without creating undue hardship on the property owner or lessee affected. A person may appeal a partial grant or a denial in accordance with Section 30-73.*

SECTION 4. Section 30-73 of the Pennfield Charter Township Code of Ordinances is hereby created to read as follows:

***Sec. 30-73. Appeals***

*A person receiving a notice of violation or a partial or full denial of a request for regulation variance may appeal as follows:*

*1. Appeal of Notice of Violation.*

*a. The person who receives the notice of violation may appeal the notice of violation by filing the appeal in writing with the supervisor on a form provided by the Township Clerk within seven (7) days of the date of the notice of violation. The appeal must state specifically the basis of the appeal and supply any relevant material.*

*b. The supervisor shall issue a written determination of the appeal within thirty (30) days of the date the completed appeal form is filed with the supervisor. The supervisor may affirm the notice of violation or may modify the notice of violation in whole or in part. The determination shall set forth the reasons for the determination. The supervisor's determination is final.*

*c. Except for cases in which the violation is an imminent threat to the health, safety, and/or welfare of the public, the filing of an appeal under this section tolls the running of the period given under the notice of violation to take corrective action.*

*d. Failure to comply with the determination of the supervisor will result in one or more of the enforcement actions available under this chapter or otherwise under law being pursued by the supervisor.*

*2. Appeal of Determination of Request for Regulation Variance. A person whose request for regulation variance was denied in whole or in part may appeal the denial to the Calhoun County Circuit Court.*

*3. Appeal of Determination of Time-of-Travel Zone Application to Property. An owner or lessee of property who is aggrieved by a determination of which time-of-travel zone applies may appeal the determination to the Calhoun County Circuit Court.*

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. SEVERABILITY. 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 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 (30) 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.

Moved by: Trustee Beard

Supported by: Treasurer Jackson

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – Excused

Vote shows 6 yes, -0- no and 1 excused. **Ordinance 103C-11-16 of 2016 is introduced.**

## **2. Hiring of paid on call Firefighters**

It was moved by Trustee Beard and supported by Treasurer Jackson to allow Fire Chief Smith to hire the following individuals as paid on call Firefighters pending necessary physicals, background checks and driving record checks: Coty Phillips, Allison Burke, Joshua Bluthardt, Michelle Phillips, Denny Segar and Cody Shepard. **Motion carried.**

### **TREASURER’S MONTHLY REPORT**

September, 2016 monthly report shows the following balances:

General Fund	\$680,674.44
Road Bond	\$2,815,021.85
Metro Act – Maint.	\$4,090.89
Parks	\$5,361.74
Public Safety	\$743.40
Sewer	\$919,186.22
Sewer – SAW Grant	(14,766.59)
Water	\$1,137,380.44
Trust & Agency	\$1,700.34
Tax Collection	\$108,872.63
<b>TOTAL:</b>	<b>\$5,658,265.36</b>

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

## **PAYMENT OF MONTHLY BILLS**

It was moved by Trustee Beard and supported by Treasurer Jackson to approve the payment of the monthly bills in the amount of \$256,871.50. **Motion carried.**

## **EXTENDED PUBLIC COMMENTS**

- Resident had questions on the Rental Ordinance registration
- Resident had road paving questions for Sharon Ave.

## **TOWNSHIP BOARD MEMBER COMMENTS**

Trustee Damerow – None

Trustee Harris - House is sold and will be moving to Holland soon

Clerk Case – Election update

Treasurer Jackson – None

Trustee Beard – reminder to get the concrete sealed for the sidewalk entrance at the office

## **ANNOUNCEMENTS BY CHAIRPERSON**

The General Election will be November 8, 2016, polls will be open at 7:00 AM.

The next regularly scheduled Township Board Meeting will be on Tuesday, November 15, 2016. The next monthly recycling weekend will be October 22<sup>nd</sup> and 23<sup>rd</sup>.

A motion was made by Trustee Beard and supported by Treasurer Jackson to adjourn the meeting at 6:33 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 September, 2016 are as follows: 1,200 meter reads, 15 corrective work orders and 10 Miss Digs. Service line leak at 27 Bradley. Conducted fall flushing.

### CODE ENFORCEMENT

The following was completed for the month of September, 2016:

1. Conducted property inspections for new complaints and follow up inspections of previous complaints.
2. Received 28 new complaints: 12 grass, 6 inoperable vehicles, 10 junk/trash.

### ASSESSOR

1. All Homestead, Property Transfer Affidavits & Deeds are current. There were 16 transfers of property for the month: 13 were regular sales and 3 were tax sales.
2. Miscellaneous phone & in person inquiries about assessments and descriptions.
3. Visited properties to update photos and information.

### CEMETERY

Burials – 2	\$950.00
Foundation – 1	\$200.00
<b>TOTAL:</b>	<b>\$1,150.00</b>

### PERMITS

Building – 7	\$2,105.68
Electrical – 9	\$1,587.75
Mechanical – 6	\$2,492.00
Plumbing – 4	\$879.00
Rental – 30	\$4,950.00
Vacant Building – 1	\$160.00
Zoning – 3	\$380.00
<b>TOTAL:</b>	<b>\$12,554.43</b>