

REGULAR MEETING
March 12, 2019

PERE MARQUETTE CHARTER TOWNSHIP BOARD
held at 1699 S. Pere Marquette Highway, Ludington MI 49431

Board members present: Supervisor Paul Keson; Clerk Rachelle Enbody; Treasurer Jacalyn Sroka;
Trustees: Paul Piper, Andrew Kmetz, and Henry Rasmussen.
Board member absent: Trustee James Nordlund Sr.
Also present: Jerry Bleau, Larry Gaylord, County Commissioner Steve Hull and Fran Kalchik.
Present for a portion of the meeting: Sheriff Kim Cole.

The meeting was called to order at 6:30 p.m. by the Supervisor. Invocation was given by Keson; Pledge of Allegiance was recited by all. The minutes from the regular meeting on February 26, 2019 and the current agenda were approved by consent.

APPROVAL OF AGENDA: **Moved** by Keson, seconded by Enbody to add Item A. "Discussion and Consideration of an Amendment to Declaration of Restrictive Covenants" to the agenda and to approve the agenda as amended. Motion carried.

NEW BUSINESS: A. **Discussion and Consideration of an Amendment to Declaration of Restrictive Covenants** – Keson explained that during the title work for the sale of lots nine and ten in the First Street Business Park, it was discovered that the language in the restrictive covenants does not match the legal descriptions of the properties. After researching, it was determined that the legal descriptions document a 50 foot railway right-of-way for the properties while the covenants refer to a 100 foot right-of-way. The amendment would restate and amend Section V in its entirety to reflect the correction of the setback from 100 feet to 50 feet.

SECOND AMENDMENT TO
DECLARATION OF RESTRICTIVE COVENANTS
First Street Business Park
PERE MARQUETTE CHARTER TOWNSHIP
MASON COUNTY, MICHIGAN

THE UNDERSIGNED, PERE MARQUETTE CHARTER TOWNSHIP, a Michigan governmental charter township, of 1699 S. Pere Marquette Highway, Ludington, Michigan 49431 (herein sometimes "Pere Marquette Charter Township"), being the owner of lands comprising part of a business/industrial center sometimes known and described as the **First Street Business Park**, which is located in Pere Marquette Township, Mason County, Michigan, desires to amend the Declaration of Restrictive Covenants (the "Covenants") as recorded on August 29, 2006, in Series 2006R04558 of Mason County records, and as amended by the First Amendment on October 29, 2007, all as provided in Section XII. AMENDMENTS of the Covenants, and to restate and amend Section V in its entirety concerning building setbacks, upon land situation therein, described as follows, to-wit:

Those lands and premises described in Schedule "A" attached hereto and made a part hereof; herein sometimes the "land" in the First Street Business Park.

NOW, THEREFORE, in consideration of the mutual benefits to be derived, by Pere Marquette Charter Township and its successors and assigns, and all intended purchasers and future owners of the parcels, land and various lots comprising the **First Street Business Park**, PERE MARQUETTE CHARTER TOWNSHIP HEREBY DECLARES AS FOLLOWS:

Section V. BUILDING LINES AND SETBACKS in the instrument recorded in Series 2006R04558 shall be amended and restated in its entirety to provide as follows:

"V. BUILDING LINES AND SETBACKS

All buildings and/or structures shall allow for a 50 foot setback from the right of way line of the former CSX Transportation railroad property along the Northerly and Westerly side of the **First Street Business Park**. Property within the 50 foot setback may be utilized to provide a rail (spur) access to the main railroad track. A side yard setback shall not be less than the height of the outside wall of the building. All other zoning requirements for the Business, Technology and Industrial District of the Pere Marquette Charter Township Zoning Ordinance, as amended from time to time, shall apply."

All other terms of such Covenants recorded in Series 2006R04558, Pages 1 through 8, inclusive, and as amended by the First Amendment on October 29, 2007, shall remain in full force and effect and the terms of this Second Amendment are incorporated by reference into the Covenants.

Moved by Rasmussen, seconded by Kmetz that the foregoing Second Amendment to the Declaration of Restrictive Covenants for the First Street Business Park be adopted and to authorize the Supervisor and Clerk to sign the amendment to be recorded in the office of the Mason County Register of Deeds.

Motion carried unanimously.

COMMITTEE REPORTS: Planning Commission (Kmetz) – Reported the election of officers for 2019, heard a report from Bleau regarding ordinance amendments and the commission is continuing with the zoning ordinance re-write.

Zoning Board of Appeals (Piper) – Meeting cancelled, no report.

PUBLIC COMMENT: Sheriff Cole reported on thirty-four calls for service in February 2019.

EMPLOYEE REPORTS: Assessor (Hall) – Absent (excused).

Building/Zoning Administrator (Bleau) – Provided a report detailing permit activity for February 2019 and notified the board that he received his Master Citizen Planner certification.

DPW/Water/Sewer Superintendent (Larr) – Absent (excused).

Fire Department (Gaylord) – Reported on twenty-five responses in February of 2019, with year-to-date totals of forty-six compared to sixty in 2018. Gaylord reported speaking with Bleau to consider an amendment to the ordinance making rapid entry systems (a.k.a. Knox box) mandatory for commercial buildings. Gaylord asked if there would be any future ordinance amendments regarding fireworks restrictions.

Parks Manager / Code Enforcement (Smith) – Absent (excused).

OFFICERS REPORTS: Clerk (Enbody) – Enbody reported that the Election Commission will meet on April 9, 2019 to appoint inspectors for the May 7th election. The auditor is here this week and working towards completing the audit. Enbody provided a list of current invoices for approval.

Moved by Enbody, seconded by Piper to approve payment of invoices totaling \$478,257.89. Motion carried.

Treasurer (Sroka) – Provided a report detailing quarterly cash, bank and investment balances by fund and by bank account for the fourth quarter of 2018 and for the months of December 2018, January 2019, and February 2019. Reported completing the 2018 tax settlement with the County and is working on utility billing matters that have been neglected.

Supervisor (Keson) – Reported that the Board of Review is in session this week and heard twenty-one appeals on Monday. The majority of the appeals were due to an increase in the county multiplier and how the new cost manual affects replacement costs and adjustments. Hall has been a great help in communicating with the residents to help them to understand the new State cost manual adjustment vs. the new County tax multiplier. The property closing for lots nine and ten in the First Street Business Park is scheduled for Thursday.

EXTENDED PUBLIC COMMENT: County Commissioner Steve Hull reported on the most recent meeting of the Mason County Board of Commissioners.

ADJOURNMENT: The meeting was adjourned by the Supervisor at 7:00 p.m.