

REGULAR MEETING
August 13, 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, James Nordlund Sr., and Henry Rasmussen.
Also present: Devon Hall, Jerry Bleau, Andy Larr, Larry Gaylord, Kelly Smith, and five guests.
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 Smith; Pledge of Allegiance was recited by all. The minutes from the regular meeting on July 9, 2019 were approved by consent.

PUBLIC COMMENT: Sheriff Cole reported on fifty-five calls for service in June 2019 and sixty-nine called for service in July 2019.

Terri Langerak asked that the board leave the statement in the zoning ordinance that requires residential dwellings to be compatible with other dwellings in the neighborhood.

APPROVAL OF AGENDA: **Moved** by Enbody, seconded by Piper to add Item H. "Letter of Resignation" and Item I. "Approve Notice for Accepting Letters of Interest for the Office of Township Supervisor" to the agenda and to approve the agenda as amended. Motion carried.

COMMUNICATIONS: There will be a presentation at Peterson Auditorium at 7:00 p.m. on September 23rd entitled "Civilian Response to Active Shooters". The presentation is free and open to the public.

NEW BUSINESS: A. **Consumers Energy Conveyance Resolution** – Eric Gustad, Community Affairs Manager for Consumers Energy, explained that the resolution is a necessary step in the re-licensing process for the Pumped Storage Facility. The facility applied for its original license with the Federal Energy Regulatory Commission (FERC) in 1969 but the fish barrier net was not installed until 1990. As part of the current re-licensing, FERC is requiring that the local governing body approve a conveyance resolution with the understanding that the barrier net is to be deployed each spring and removed each fall.

CONVEYANCE RESOLUTION

Moved by Trustee Nordlund, seconded by Trustee Rasmussen to adopt the following resolution:

WHEREAS, Consumers Energy Company, a Michigan corporation, which is the co-owner and operator of the Ludington Pumped Storage Plant ("Plant"), is filing an application for a conveyance of an interest in the Great Lakes Bottomlands in connection with the Plant barrier net operations located at 3525 South Lakeshore Drive, Ludington, Michigan 49431.

IT IS HEREBY RESOLVED, that Pere Marquette Charter Township does hereby approve the application for conveyance of an interest in the Great Lakes Bottomlands to Consumers Energy Company by the State of Michigan. The Great Lakes Bottomlands subject to such conveyance are fully described as follows:

An area of land described as all of the submerged patented lands and unpatented lake bottom lands belonging to or held in trust by the State of Michigan lying Westerly of Government Lots 1, 2, 3 and 4 of Section 3, Township 17 North, Range 18 West, Pere Marquette Township, and Government Lots 1 and 2 of Section 10, Township 17 North, Range 18 West, Summit Township, Mason County, Michigan, and lying within the area described as follows:

Commencing at the East 1/4 Corner of said Section 3; thence North 88°43'29" West, along the East-West 1/4 line of said Section, 1240.25 feet to a 3/4" iron pipe on the Westerly right-of-way line of Lakeshore Drive, as monumented; thence South 00°55'27" West, along said right-of-way line, 268.67 feet to the South line of the North 268.67 feet; thence North 88°43'29" West, along said South line, 961.24 feet; thence North 01°16'31" East, perpendicular to said South line, 93.15 feet to the **Point of Beginning**; thence North 47°13'06" West 658.29 feet; thence North 42°20'44" West 1523.23 feet; thence South 86°56'43" West 1450.63 feet; thence South 49°53'54" West 560.44 feet; thence South 03°04'28" East 5023.89 feet; thence South 58°55'54" East 567.68 feet; thence North 81°08'31" East 691.74 feet; thence North 89°58'46" East 781.33 feet; thence North 70°23'54" East 494.02 feet; thence North 55°16'30" East 1021.25 feet to a point that is South 02°23'38" East 3323.62 feet from the Point of Beginning and to the Ordinary High Water Mark (OHWM) of Lake Michigan; thence Northerly along the OHWM to the south line of the Tailrace Lease Area, recorded in Liber 75, Page 377; thence along the boundary of said Lease Area the following seven (7) courses; South 86°47'34"

West 480.31 feet; thence South 03°11'07" East 260.00 feet; thence South 86°48'53" West 1550.00 feet; thence North 03°11'07" West 2400.00 feet; thence North 86°48'53" East 1550.00 feet; thence South 03°11'07" East 125.00 feet; thence North 86°48'53" East 470.89 feet to the OHWM; thence along the OHHM to the **Point of Beginning**. Said area of land containing 262.0 acres more or less.

Ayes: 7
Nays: 0

Resolution declared adopted.

B. Second Reading and Consideration of Adoption of Proposed Ordinance No. 143 – Board members conducted the second reading of proposed Ordinance No. 143, an amendment to the Code of Ordinances. The proposed ordinance was published in the Clerk's office and on the township's website and a notice to that effect was published in the Ludington Daily News on July 15, 2019. The amendment removes the Planning Commission section from the Zoning Chapter and creates a new, separate chapter for the Planning Commission. As a stand-alone chapter it would be easier to amend at any time in the future because it would not require the extensive notification steps that are required for an amendment to a zoning ordinance. The establishment of a Planning Commission is not a zoning action and should be separate from zoning.

Moved by Kmetz, seconded by Sroka to accept the second reading without change and adopt Ordinance No. 143, an ordinance to re-affirm and re-establish the Planning Commission for Pere Marquette Charter Township by adding Chapter 108, Planning Commission, to the Pere Marquette Charter Township Code of Ordinances in accordance with the requirements of the Michigan Planning Enabling Act, being Act 33 of 2008, as amended and to provide for its effective date.

Roll call vote: Yes: Kmetz, Rasmussen, Sroka, Keson, Enbody, Piper, and Nordlund.
No: None.
Absent: None.

Motion carried.

C. Second Reading and Consideration of Adoption of Proposed Ordinance No. 144 – Kmetz reported that, at their most recent meeting, the Planning Commission reviewed *Section 3.34 Requirements for all Single-Family Dwellings* as requested by the Township Board. The Planning Commission reviewed the section and is recommending that Section 3.34, Item j. should be removed in its entirety. Bleau then addressed the board to explain that the township attorney reviewed Article 19: High-Risk Erosion Overlay District and Article 20: Critical Dune Overlay District sections of the ordinance and recommended some minor changes that include the removal of verbiage that is more restrictive than statute.

Moved by Kmetz, seconded by Sroka to accept the second reading; removing Section 3.34 Item J. in its entirety as recommended by the Planning Commission and the changes to Article 19 High Risk Erosion Overlay District and Article 20 Critical Dune Overlay District as recommended by the Township Attorney; and adopt Ordinance No. 144, an ordinance to repeal Chapter 109, Zoning, of the Pere Marquette Charter Township Code of Ordinances, as amended and to adopt the restated Chapter 109, Zoning, prepared in accordance with the requirements of the Michigan Zoning Enabling Act, being Act 110 of 2006 as amended, and to provide for its effective date.

Motion carried unanimously.

D. Certify the 2019 Millage Rates for Township Operation and Public Transportation – A public hearing was held on December 11, 2018 to propose the 2019 levies and to adopt the 2019 budgets. The millage rates were a subject of the hearing. The rates of 2.85 mills for the General Fund and .20 mills for the Transportation Fund were used to determine the 2019 budgets.

Moved by Enbody seconded by Piper to certify the taxes to be levied in 2019 at 2.85 mills for township operation and 0.20 mills for public transportation.

Motion carried.

E. Resolution to Appoint Officer Delegate to the 2019 MERS Annual Meeting – The following resolution was offered by Nordlund, seconded by Kmetz:

RESOLUTION TO APPOINT AN OFFICER DELEGATE TO THE 2019 MERS ANNUAL MEETING

WHEREAS, the Municipal Employees' Retirement System (MERS) Annual Meeting will be held on October 3 and 4, 2019; and

WHEREAS, the governing body of each member municipality must appoint an officer delegate of the governing body for the purpose of selecting nominees to the Retirement Board and the transaction of such other business as the Retirement Board deems necessary; and

WHEREAS, MERS requires that the Officer Delegate shall be an officer member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative and /or executive branch of local government;

NOW, THEREFORE, BE IT RESOLVED, that the Pere Marquette Charter Township Board appoints Rachelle Enbody, Township Clerk / Benefit Plan Administrator, as Officer Delegate for the 2019 MERS Annual Meeting.

Resolution declared adopted.

F. **Establish Compensation Schedule for Regular, Part-time Employees** – Piper reported that the personnel committee met to review and establish the compensation schedule for regular, part-time employees and appointed deputies. The schedule creates a graduated approach based upon qualifications.

Moved by Keson seconded by Sroka to approve the following compensation schedule for regular, part-time employees and appointed deputies:

Level 1 Minimum wage to \$12.00 per hour
 Level 2 \$12.00 to \$15.00 per hour
 Level 3 \$15.00 to \$17.00 per hour

Motion carried.

G. **Request from Fire Department to Sell Surplus Township Equipment** – Board members reviewed a memo from Gaylord requesting to sell sixteen of the old SCBA airpaks for \$100.00 each. The Fire Department purchased sixteen new airpaks earlier this year.

Moved by Rasmussen, seconded by Piper to authorize the sale of the old SCBA airpaks with the revenue from the sale to be deposited into the General Fund, disposition/sale of asset line item.

Motion carried.

H. **Letter of Resignation (added)** – Keson read his letter of resignation from the position of township supervisor.

Moved by Nordlund, seconded by Piper to accept the letter of resignation from the office of township supervisor from Paul A. Keson, with regret, effective September 27, 2019.

Motion carried.

I. **Consider Notice for Accepting Letters of Interest for the Office of Township Supervisor (added)** – Board members reviewed the following notice:

NOTICE TO RESIDENTS OF
 PERE MARQUETTE CHARTER TOWNSHIP

The Pere Marquette Charter Township Board is seeking letters of interest and resumes from persons interested in appointment to the Township Board for the Office of Township Supervisor.

Candidates must be a qualified elector of the township and registered to vote. To be a qualified elector, a person must be 18 years of age, a U.S. citizen, and have lived in the township at least 30 days prior to the appointment. Statutory duties include, but are not limited to: Manage and supervise all public improvements, works, and undertakings of the township; See that all laws and township ordinances are enforced; Moderate board meetings; Act as the legal agent for the township; Prepare and administer the township budget; Act as purchasing agent; Act as personnel director; Perform such other duties as required by state statute, township ordinance or direction of the township board.

The salary of the Office of Township Supervisor is \$61,115.00 plus longevity and benefits. Benefits include health insurance, pension, and life insurance. For additional information about the duties and responsibilities of Township Supervisor, please contact Rachelle D. Enbody, Township Clerk.

A letter of interest and resume should be submitted to Rachelle D. Enbody, Township Clerk at 1699 S. Pere Marquette Highway, Ludington, MI 49431 by September 6, 2019. Email: rachelle@pmtwp.org.

Moved by Enbody, seconded by Piper to approve the foregoing notice for persons interested in being considered for appointment to the office of township supervisor.

Motion carried.

COMMITTEE REPORTS: Planning Commission (Kmetz) – Reported conducting a site plan review for North Woods Signs that was approved.

Personnel Committee – Keson reported the committee met to review compensation for regular, part-time employees.

DEPARTMENT REPORTS: Assessor (Hall) – Reported on the July Board of Review meeting in which nine petitions were considered. Six petitions were Primary Residency Exemption requests and three petitions were personal property accounts that were retired from the roll.

Building/Zoning Administrator (Bleau) – Provided a report detailing permit activity for July 2019 which shows a year-to-date estimated construction value of almost 17.7 million dollars.

DPW/Water/Sewer Superintendent (Larr) – Reported the new employee has started and is working out well. The department has been busy with routine maintenance and checking lift stations. The well system pumped over ten million gallons during July 2019.

Fire Department (Gaylord) – Reported on fifty-three calls for service in July 2019 and year to date runs are six behind the number of runs last year. Gaylord believes that the department will have over four hundred runs by year end.

Parks Manager / Code Enforcement (Smith) – Reported on the community town hall events for the Pere Marquette Conservation Park. The events are being facilitated by the National Park Service in order to help gather information input for what residents and visitors would like to see in the park. The appraisers are scheduled to visit the property on Thursday to begin the grant required appraisal process for the acquisition. Reported continuing to work on code enforcement.

OFFICERS REPORTS: Clerk (Enbody) – Enbody provided a list of current invoices for approval.

Moved by Enbody, seconded by Rasmussen to approve payment of invoices totaling \$327,909.35. Motion carried.

Treasurer (Sroka) – Provided a report detailing monthly cash, bank and investment balances by fund and by bank account for July 2019. Reported the office is busy with water, sewer and tax payments coming in. An applicant accepted the position of deputy treasurer but that person has recently declined the position. Sroka will be offering the position to someone else tomorrow.

Supervisor (Keson) – Reported that the department heads have turned in their department request budgets. Keson is now working on the Supervisor proposed budget(s). Keson is working with Hall to gauge property tax revenue. Reported attending the Mason County Road Commission meeting and would like the roads committee to meet to determine the 2020 road projects. Reported a DOW property acquisition meeting with the township attorney and the DOW attorneys. The township attorney had some concerns that were addressed at the meeting and Keson reported that everything looks positive for the acquisition of parcels 1-4 closing this fall. Progress is continuing on parcel 5, which is possibly a year away.

ADJOURNMENT: The meeting was adjourned by the Supervisor at 7:31 p.m.