

BLAIR TOWNSHIP BOARD OF TRUSTEES
Regular Meeting
May 10, 2005

CALL TO ORDER: The regular meeting of the Blair Township Board of Trustees was held at 7:00 P.M. on May 10, 2005 at the Township Hall and was called to order by Supervisor Pahl.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

ROLL CALL: Members: Pahl, Tharp, Lowe, Clous, Nowak, Rademaker and Fleis were present. There were 42 guests in attendance along with the Township Assessor- Aaron Plowman, Zoning Administrator- Marvin Radtke, Medical Director-Daryl Case, Water Department-Martin Hisem, and Attorney-Dave Bieganowski.

LIMITED PUBLIC INPUT: Comments were heard.

APPROVAL OF AGENDA: Motion by Tharp supported by Rademaker to add under New Business under (A) a resolution for the County Bond Project to the agenda as presented. 7 yeas, Motion carried.

PRESENTATIONS/SPECIAL REPORT

County Commissioner's Report: Virginia Olds was present. The construction on the new Courthouse has started. Looking into renting a flat in the parking deck for vehicles during the construction time.

Sheriff's Report: Deputy Brinks reported that Blair Township is 3rd highest in the county with 189 complaints for the month of April.

Sewer Report: Supervisor Pahl announced that the Commercial District on the sewer project is moving along with the last public hearing on the Special Assessment Roll to be held tonight. Blair Township is being accepted into the County DPW.

ANNOUNCEMENTS/CORRESPONDENCES: None

CONSENT CALENDAR: Motion by Tharp supported by Clous to accept the Consent Calendar as presented, to approve the following: to pay the Township General Fund vouchers #21937-21997, the Fire/Police vouchers #5388-5430, and the Ambulance vouchers #7753-7843, the Trust & Agency vouchers # 1149, for a grand total of \$109,042.42. The water vouchers #1121-1123 and #1918-1926 for a grand total of \$166,382.99. To accept the Assessing, Zoning, Supervisor, EMS and Fire reports for the month of April. To accept the Treasurer's report for April. To approve the Minutes for the Blair Township Board of Trustees Regular Meeting of April 12, 2005, to approve the Minutes of the Special Meetings of April 6, 21, 27, 2005 and the Budget Workshop Meetings of April 7, &, 14, 2005. Roll Call Vote: Lowe, Clous, Fleis, Nowak, Rademaker, Pahl and Tharp. 7 yeas, Motion carried.

OLD BUSINESS: Motion by Fleis supported by Rademaker to table the proposed road naming of Malachi Way to Lovel Place. 7 yeas, Motion carried.

NEW BUSINESS: Public Hearing on the proposed Special Assessment District for Commercial Sewer. The Supervisor informed the Public on the rules for speaking at a Public Hearing; the Clerk informed the Public that proper notice of the hearing was published in the Traverse City Record Eagle on April 26 and May 3, 2005. Notices were mailed out on April 22, 2005 by 1st Class mail to the owners within the proposed Special Assessment District. A letter was received in favor of the project from Berden Industries, LLC 1305 Stepke Court, Traverse City, MI. Letters from (1) Chum's Corner Antique Mall LTD 4200 US 31 South, Traverse City, MI, (2) T.M. Properties LLC, 2465 South M-139 Benton Harbor, MI, (3) V&R Properties 156 Eight Street, Manistee, MI, (4) Menards, INC, 4777 Menard Drive, Eau Claire, WI (5) Schmuckal Oil Company 1516 Barlow, Traverse City, MI were received questioning the REU calculations for their businesses. The Supervisor Opened the Public Hearing at 7:20 p.m. Tom O'Neil representing Menards Inc, is objecting to how the REU is being calculated, he knows that the sewer system will be good for the Township. Theodore Hayes, of Northern Lites, 273 US 31 S, Traverse City, MI is also happy about the Sewer System, but is objecting to the REU's. Marvin Radtke made verbal correction on the Schmuckal Oil property with REU's, he over calculated by .25 REU's. Supervisor closed the Public Hearing at 7:26 p.m.

Motion by Tharp supported by Nowak to pass a Resolution confirming a Special Assessment Roll for the Sewer System Improvement Special Assessment District created by the Township known as the Sewer System Improvement Special Assessment District. RCV: Fleis, Rademaker, Tharp, Lowe, Clous, Pahl, Nowak, 7 yeas, Motion carried.

Motion by Tharp supported by Nowak to pass a Resolution instructing the County to Bond the Special Assessment District for Commercial Sewer Project under Act No. 185. RCV: Lowe, Rademaker, Nowak, Clous, Fleis, Pahl, Tharp, 7 yeas, Motion carried.

Public Hearing on Special Use Case # SU/SPR 05-04-01. Supervisor informed the Public on the rules for speaking at a Public Hearing. The Clerk informed the Public that proper notice of the hearing was published in the Traverse City Record Eagle on May 3, 2005. The Clerk has not received any phone calls or letter for or against as of this meeting. Public Hearing opened at 7:30 p.m. Mr. Campeau, owner of Floodfighters is requesting a Special Use for a Contractor' Yard in the AG District, property located at 10 Rusch Rd S. Don Bonner (Spelling unknown), employee of Floodfighters spoke in favor of keeping the business located at that address, they are not going to add on or get any bigger than what they currently are. Public Hearing closed at 7:44 p.m. Discussion and explanation on how this case came to the board.

Motion by Fleis supported by Nowak to send the Special Use request for Floodfighters back to the Planning Commission Board to look at it again. RCV:

Rademaker, yea, needs to be reviewed again by the Planning Commission.

Lowe, yea, need more discussion on it. There must be a way to make it work.

Nowak, yea, need to be review for any new information.

Fleis, yea, reason stated by Mr. Lowe

Pahl, nay, doesn't meet the standards in Section 22.04 A through F

Clous, yea, questions made after the fact.

Tharp, nay, I believe we should act on it, because it will be coming back to this board and it does not meet the standards of approval in our zoning ordinance. 5 yeas, 2 nays, Motion carried.

Motion by Lowe supported by Tharp to contract with Tobin & Co. to perform the Township Audit for 2004-2005, Striking out binding arbitration. RCV: Tharp, Clous, Lowe, Pahl, Nowak, Fleis, Rademaker, 7 yeas, Motion carried.

Motion by Fleis supported by Tharp to hire Mitch Fromholz and Dayton Pfof as part-time pool EMT/fighters as recommended by the hiring committee. 7 yeas, Motion carried.

Motion by Tharp supported by Clous to hire Dustin Spencer as a part-time pool paramedic. 7 yeas, Motion carried.

Public Hearing on Special Use Case # SU/SPR 05-04-02. Supervisor informed the Public on the rules for speaking at a Public Hearing. The Clerk informed the public that proper notice of the hearing was published in the Traverse City Record on May 3, 2005. There were no letters or phone calls received for or against this Special Use Case. Public Hearing opened at 8:03 p.m. Mr. Kinney, is requesting a Special Use to establish an Auto Repair & Sales Facility located at US 31 S, part of approximately (3) three acres. There were no Public Comments. Public Hearing closed at 8:07 p.m. **Motion by Nowak supported by Lowe** to grant the Special Use request to Mr. Kinney for Case # SU/SPR 05-04-02, to transfer the Special Use from 5488 US 31 to the new property located at US 31 South and to surrender the Special Use Permit that was at the property at 5488 US 31 when he moves.

Pahl, yea, it meets the standard for approval in Section 22.04

Fleis, yea, for the same reasons.

Tharp, yea, for the same reasons.

Lowe, yea, for the same reasons.

Clous, yea, for the same reasons.

Nowak, yea, for the same reasons.

Rademaker, yea, for the same reasons.

Motion carried.

Public Hearing on Special Use Case # SU/SPR 05-04-03. Supervisor informed the Public on the rules for speaking at a Public Hearing. The Clerk informed the public that proper notice of the hearing was published in the Traverse City Record Eagle on May 3, 2005. The Clerk did not receive any phone calls for or against. Letters, and packets of information were received from the following and were made a part of the Public Hearing: Environment, Safety & Health Inc, P.O. Box 968, Kalkaska, MI., William F. Clous 5523, N. Hannah Rd. Kingsley, MI., Michael and Libby Robold 3512 Red School Road, Kinglsey, MI, Sue Fall, 5441 Schneider Rd, Kingsley, MI, Carl Bauer, and Barb & Al Schmuckal. Public Hearing opened at 8:10 p.m. Mr. Peter Doren, representing Rick & Jodi Zenner is requesting to amend the original Special Use Permit #98-02-01; The requested changes are as follows: (1) ten additional race days, (2) extended race times, (3) a change from a maximum of ten riders to allow an average of ten riders and (4) an additional camping day. Mr. Doren presented the board with (3) letters, (1) Alex Manga-President of AMA District 14, (2) Mary Ockert-President of St. Mary's Altar Society, (3) Bill, Josh, Kaitlyn Vezina. Those speaking in favor: Scott Mosher has been involved with Bay racing since that started, it would be very beneficial to open up the number of days to bring more business to the area. Bay racing is a great source of recreation teaches fun and discipline to children. Gaynell Zenner, Bay Racing keeps the kids out of the mall and from getting into trouble. The noise is not bad. Lorraine Miner works the concession stand to earn money for the church. Very impressed on the number of families that come and how much fun they have and how well the organization is run. Those speaking against: Bill Clous asked the board if they had any questions about the packet that he presented. Will it be harmonious with and in accordance with the general objectives of the future land use plans. Will it be disturbing to the existing or future neighboring uses. Does it improve the property. The increase number of race days and hours will create an impact. Jim Schmuckal, owner of property on three sides of Bay Racing, is concerned about the growth of the business and the impact that it will create. Public Hearing closed at 9:00 p.m. The Township attorney instructed the board when voting to refer to Section 22:04 Standards for Approval A through G in the zoning ordinance. The attorney also instructed the board to vote on one issue at a time. The board discussed how the proposed changes would affect the surrounding area. Discussion was also held on where else in the township could this activity be located.

Motion by Pahl supported by Fleis to maintain the same number of 10 race days per year. RCV:

Fleis, yea, it doesn't meet Section 22.04 Standards for approval in the zoning ordinance.

Nowak, nay, it would be an improvement to the area, fits the future neighboring uses.

Rademaker, yea, It doesn't meet Section 22:04 in the zoning ordinance.

Pahl, yea, It doesn't meet Section 22:04 Standard for approval A-G.

Tharp, yea, the same reasons as Fleis, Pahl, and Rademaker

Lowe, nay, it does meet the requirements

Clous, yea, It doesn't meet item C and G in the Standards for Approval in Section 22:04

5 yeas, 2 nays, Motion carried.

Motion by Fleis supported by Lowe to accept the Planning Commission recommendation to extend the racing hours to 9:00 am to 8:00 pm on Saturday and 10:00 am to 7:00 p.m. on Sunday. RCV: Lowe, yea, Rademaker, yea, Nowak, yea, Pahl, nay, Fleis, yea, Clous, yea, Tharp, nay 5 yeas, 2 nays Motion carried.

Motion by Fleis supported by Rademaker to allow the number of riders on the track during practice to a maximum of 20 riders instead of an average of 10. RCV: Nowak, yea, Rademaker, yea, Pahl, yea, Lowe, yea, Clous, yea, Fleis, yea, Tharp, yea, 7 yeas, Motion carried.

Motion by Fleis supported by Clous to allow camping commencing at 4:00 p.m. on the day prior to a race day. RCV:

Tharp, yea, Fleis, yea, Clous, yea, Lowe, yea, Pahl, yea, Rademaker, yea, Nowak, yea, 7 yeas, Motion carried.

The supervisor asked the board if they wanted to add the Sexually Oriented Business for discussion.

Motion by Pahl, supported by Tharp to consider discussing the Sexually Oriented Business Ordinance.

RCV: Clous, yea, Fleis, yea, Lowe, nay, Pahl, yea, Nowak, yea, Tharp, yea, Rademaker, yea, 6 yeas, 1 nay, Motion carried.

Prior to the meeting, the board was presented with information from the Township's Attorney, Dave Bieganowski, the Zoning Administrator, Marvin Radtke, and a letter from Attorney, Eric Williams. Information was received from the Attorney General's Commission on Pornography (suggestions for Citizen and Community Action and Corporate Responsibility), and from the National Law Center for Children and Families studies by Municipal and State governments on Harmful Secondary Effects of Sexually Oriented Businesses. The board discussed the modifications to the Sexually Oriented Business Ordinance. **Motion by Nowak supported by Fleis** that the Township Board under its Police Powers and findings set forth in Section (1), Subsection (2) of the proposed Sexually Oriented Business Ordinance #115-05, hereby adopts the amended Sexually Oriented Business Ordinance as presented. RCV: Rademaker, yea, Lowe, nay, Clous, yea, Fleis, yea, Tharp, yea, Pahl, yea, Nowak, yea, 6 yeas, 1 nay, Motion carried.

PUBLIC INPUT: Comments were heard.

ADJOURNMENT: Motion by Tharp supported by Rademaker to adjourn at 11:04 p.m. 7 yeas, Motion carried.

Betty A Tharp
Clerk

Patrick Pahl
Supervisor