

BLAIR TOWNSHIP BOARD OF TRUSTEES

Regular Meeting

April 10, 2007

Approved Minutes

CALL TO ORDER: The regular meeting of the Blair Township Board of Trustees was held at 6:00 pm on April 10, 2007 at the Township Hall and called to order by the Supervisor Marilyn Fleis.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

ROLL CALL: Members: Fleis, Zeits, Tharp, Clous, Lowe, Rademaker, and DeKuiper were present. There were 27 guests in attendance along with the Township Attorney Shawn Worden, Medical Director Daryl Case, Fire Chief Jim Carroll, Assessor Aaron Plowman, Zoning Administrator Sara Kopriva-Peters and Deputy Clerk Lori McGee.

LIMITED PUBLIC INPUT: Public Input was heard from the following:

Kathy Nowak 1811 County Rd 633 commented on the Park Committee Minutes, Roger Zeits as a licensed mechanic, and the actions being taken on yards with junk.

Walter Bogucki 565 South Creek Ct. spoke of his letter of resignation, also would like answers to questions on the computers, and gave the board a MTA comparison sheet that Blair has the highest salaries in the county.

APPROVAL OF AGENDA: Motion Tharp supported by Lowe to remove items B, and C under New Business from the agenda, and add under Presentations/Special Reports the County Drain Commission by Mr. Pete Bruski. All in favor, 7 yeas 0 nays, Motion Carried.

PRESENTATIONS/SPECIAL REPORTS:

County Commissioner Report: Commissioner Larry Fleis indicated that the reason Commissioner Dick Thomas was not at the meeting is because he is attending a meeting on the Dams. Commissioner Fleis has been involved with the Bureau of Indian Affairs regarding the 145 acres of property out in Acme. The 145 acres of Tribal Land could end up being tax-free. He also stated the Minutes of March 13, 2007 need to be corrected to 145 acres of land in his comments. He stated the county has authorized money for the Veterans Coalition.

Sheriff's Report: Officer Mike Opper for Blair Township reported that Blair Township had a total of 288 calls for the month of March 2007.

Fire Department Report: Chief Jim Carroll reported that Battalion Five responded to 20 calls for service for March 2007 compared to 11 in March 2006.

Storm Water Run Off by Bill Clous: Mr. Bill Clous gave a presentation to the board that the proposed County Storm Water Ordinance additions are not necessary and we already have in place a Storm Water Ordinance. He stated the township does not need to approve this new ordinance, which would add about 70 new pages to the current law. He states the proposed ordinance has no consideration for soil type. It does not allow basins to be filled ½ way with snow. He asked the board to just look around the township and write it down if there are any problems with storm water.

County Drain Commission: Mr. Pete Bruski the Deputy County Drain Commissioner from Grand Traverse County stated the county wants to revise the ordinance so the infiltration system in the storm water basins can be reduced in size. He says part 1 of the ordinance has no control for flood control. Drains will stay the same they won't change. The soil types are talked about in the revised edition. The 25 ft setbacks are needed to prevent sediments into the wetlands.

ANNOUNCEMENTS/CORRESPONDENCE: Brenda DeKuiper talked about the Kellogg Foundation Access to Recreation Grant. We were granted \$10,000 towards the equipment for the new playground and another \$10,000 to put towards the poured in place for a total of \$20,000.

CONSENT CALENDAR: Motion by Tharp supported by Zeits to accept the Consent Calendar except to pull the March 13, 2007 Minutes along with the Budget Workshop Minutes of March 21st and 28th, 2007. To approve the following: to pay the Township General Fund vouchers # 24030-24134, the Ambulance Fund vouchers # 9715-9791, the Fire Fund vouchers # 6028-6051, and the Trust & Agency vouchers # 1249 for a grand total of \$326,427.50. To approve the Sewer Fund working account vouchers # 1043-1046, the Sewer Fund Assessment account vouchers # 1004-1016, the Water Fund Assessment account vouchers # 1152-1153 and the Water Fund working account vouchers # 2255-2272, for a grand total of \$57,492.24. To accept the Assessing, EMS, Supervisor's, Zoning, Treasurer's, Water, Reports for the month of March 2007,

a the Sign in the Park and on the Township Building. To approve the Minutes of February 16, 2007 Special Meeting. Roll Call Vote: Zeits yea, Tharp yea, Clous yea, Lowe yea, Rademaker yea, DeKuiper yea, Fleis yea. 7 yeas, 0 nays, Motion carried.

Motion by Tharp supported by Clous to table the March 21st and March 28th, 2007 Budget Workshop Minutes. All in favor, 7 yeas 0 nays, Motion Carried.

Motion by Tharp supported by Fleis to correct the Minutes of March 13, 2007 regular meeting to show **145** acres of land stated by Commissioner Fleis. All in favor, 7 yeas 0 nays, Motion Carried.

OLD BUSINESS:

Report on FOIA Litigation: Shawn Worden, Blair Township Attorney gave a report and explained what led to the Sue Pahl vs. Blair Township Freedom of Information Act (FOIA) Lawsuit litigation and what took place leading to the settlement. A letter accusing the former Township Supervisor Pat Pahl of wrong doing was sent out on township letterhead and by township email by the former Township Treasurer Kathy Nowak to the Prosecuting Attorney, Attorney Generals office, and local Politicians. A FOIA request was submitted by Sue Pahl requesting documentation of offenses. The FOIA Coordinator Betty Tharp, Clerk forwarded the request to the Treasurer's office because the information requested specifically came from the elected office of the former Treasurer Kathy Nowak. A response was given. On a later date, a 2nd FOIA request by Sue Pahl was submitted for copies of any replies received from the Attorney Generals office in regards to the letters / emails sent out by the former Township Treasurer Kathy Nowak. The Township FOIA Coordinator Betty Tharp forwarded the request again to the elected office of the former Treasurer Kathy Nowak. The former Treasurer Kathy Nowak responded in a letter claiming she did not have that letter and if she had one, it is no longer in her possession. The FOIA Coordinator Betty Tharp took it to the board to give her direction on how to handle this matter. After an appeal, and with no documentation given in an appeal from the former Treasurer, a lawsuit was filed by Sue Pahl. The Attorney stated his firm did an independent investigation and by his recommendation the Township Board agreed to settle the suit because the former Township Treasurer Kathy Nowak sent out the letter to authorities on Township letterhead and by Township email. FOIA Lawsuits are not covered under the Township's Insurance. The lawsuit was settled in the amount of \$1,905.63 before February 20, 2007. There was no claim filed for punitive damages.

Betty Tharp, Clerk asked the attorney if the Clerk was responsible as F.O.I.A. Coordinator for the Sue Pahl vs. Blair Township Lawsuit. The attorney stated as the Townships F.O.I.A. Coordinator the clerk followed the correct procedures and passed the information to the former Treasurer who was responsible for fulfilling the request.

Report on Seizure of former Treasurer Kathy Nowak's Computer and former Supervisor Pat Pahl's Computer: Shawn Worden, Attorney for Blair Township explained the forensic report, which is in his custody on the Investigation of the forensic exam done by Sentry Data Systems on the seizure of the former Treasurer and Supervisor. Prior to the election in November 2006, the Township Board in a public meeting in August 2006 voted to have local authorities seize the computers of the former Treasurer Kathy Nowak, and the former Supervisor Pat Pahl. The purpose of the seizure was to look for any Electioneering, Violation of Township Policy, or Violations of State Laws. It was stated that the board voted 6 yeas to seize the computers. The treasurer was absent from that meeting. When the forensic exam final report came in on late November early December to the attorney's office, the findings held no violation of any Policies, no violations of State Laws, and no violations of Electioneering. He stated the worst offense on one of the computers was a visit on a J.C. Penney website. On the other computer an email stated, "I'm really busy this month with the recall". The Attorney stated to avoid turmoil to the township he kept the final report in his possession and claimed the attorney client privilege. However, local authorities would have been notified had there been any discrepancies. The attorney stated that Sentry Data Systems who did the forensic exam on the computers gave a very detailed report and the township was billed a total of \$1,406.25 from Sentry Data Systems.

Mr. Pat Pahl, former Supervisor who was present at the meeting wanted the board to know he did not visit the J.C. Penney website.

Mr. Walter Bogucki, a resident, stated he would like the Attorney to do a final report to the Township for the record. Questions were raised on spending any more money for the attorney to draft a report.

Motion by Fleis supported by Tharp to not have the Attorney submit a letter of final report on the seizure of the 2 computers. All in favor, 7 yeas 0 nays, Motion Carried.

NEW BUSINESS: **Motion by Tharp supported by Rademaker** to adopt Zoning Ordinance Amendment 104-05-06-10, Section 23.05 Nonconforming Uses of Land and Structures as recommended by County Planning and Blair Township Planning Commission. Roll Call Vote:

Tharp yea, Clous yea, Lowe yea, Rademaker yea, DeKuiper yea, Fleis yea, Zeits yea; 7 yeas 0 nays, Motion Carried.

e. When a nonconforming use of a structure, or land and structure in combination, is discontinued or ceases to exist for twelve (12) consecutive months, or for a total of eighteen (18) months during any three (3) year period, the structure, or land and structure in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempt from this provision.

The owner's intent to no longer continue use of the nonconforming uses shall be established by a preponderance of the following points of evidence:

- a. Utilities have been disconnected
- b. If there were signs, the signs have been removed or have fallen into disrepair
- c. Fixtures within and outside have been removed
- d. The property has fallen into disrepair or is considered "blighted"
- e. U.S. Mail delivery has been terminated or mail is forwarded to another address
- f. The classification of the property for tax purposes has been changed to reflect another use
- g. Other similar changes to the nonconforming building or use.

Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

- a. Property held in Probate
- b. Insurance settlement in dispute
- c. Criminal investigation

Motion by DeKuiper supported by Tharp to adopt Zoning Ordinance Amendment 104-05-06-11, Section 20.06 Signs in Commercial Manufacturing Districts which would limit the number of pole signs allowed to one as recommended by County Planning and Blair Township Planning Commission. Roll Call Vote: Clous yea, Lowe yea, Rademaker yea, DeKuiper yea, Fleis yea, Zeits yea, Tharp yea; 7 yeas 0 nays, Motion Carried.

1. Signs shall be limited to one (1) pole sign and wall signs not to exceed total allowable area on the premises of a business establishment or composite of businesses under single ownership subject to the following conditions:
 - A canopy sign may be substituted for a wall sign
 - A monument sign may be substituted for the permitted pole sign.
 - Signs permitted in the Commercial Manufacturing Districts shall require a sign permit
 - Signs shall be limited to the following:

Motion by Rademaker supported by Fleis to adopt Zoning Ordinance Amendment 104-05-06-13, Section 20.06 (c) Signs in Commercial Manufacturing Districts to not allow enclosing the area between two poles on an existing sign as recommended by County Planning and Blair Township Planning Commission. Roll Call Vote: Lowe yea, Rademaker yea, DeKuiper yea, Fleis yea, Zeits yea, Tharp yea, Clous yea; 7 yeas 0 nays, Motion Carried.

c. Pole Signs

- 4) If more than one support pole is present, the area between the poles shall not be enclosed.

Motion by Clous supported by Tharp to adopt Zoning Ordinance Amendment 104-05-06-16, Section 20.02 (5) General Provisions that all signs shall be permanently secured in accordance with building codes, unless otherwise noted as recommended by County Planning and Blair Township Planning Commission. Roll Call Vote: Rademaker yea, DeKuiper yea, Fleis yea, Zeits yea, Tharp yea, Clous yea, Lowe yea; 7 yeas 0 nays, Motion Carried.

5. All signs shall be permanently secured in accordance with building codes, unless otherwise noted.

Motion by DeKuiper supported by Zeits to adopt Zoning Ordinance Amendment 104-05-06-17, Section 20.03 (4) Signs Permitted in All Districts limiting the amount of time that a political sign may remain displayed after the election as recommended by County Planning and Blair Township Planning Commission. Roll Call Vote: DeKuiper yea, Fleis yes, Zeits yea, Tharp yea, Clous yea, Lowe yea, Rademaker yea; 7 yeas 0 nays, Motion Carried.

4. Temporary Political Signs

- b. Political signs shall be removed within five (5) days of the election to which they pertain.

Motion by Clous supported by Lowe to adopt Zoning Ordinance Amendment 104-05-06-18, Section 20.09 (4) Required Information and Fees for Sign Permits not requiring sign permits for

certain signs as recommended by County Planning and Blair Township Planning Commission. Roll Call Vote: Fleis yea, Zeits yea, Tharp yea, Clous yea, Lowe yea, Rademaker yea, DeKuiper yea; 7 yeas 0 nays, Motion Carried.

4. The following sign shall not require permits:
 - a) 20.03(1) Real Estate Signs
 - b) 23.03(4) Temporary Political Signs
 - c) 20.03(5) Temporary Signs Advertising Charitable Events
 - d) 20.03(6) Directional signs conforming to Michigan Manual of Uniform Traffic Control Devices
 - e) 20.03(7) Highway signs erected by MDOT or Grand Traverse County
 - f) 20.03(8) Governmental signs
 - g) 20.03(9) Historical Commission signs
 - h) 20.03(10) Hunting or Trespassing signs
 - i) 20.03(11) Signs denoting utility lines, railroad, hazards and precautions
 - j) 20.03(12) Memorial signs
 - k) 20.03(13) Menu boards and drive through signs
 - l) 20.04(1) Agriculture signs
 - m) 20.05(1) Home occupation and yard sale signs

Motion by Tharp supported by Clous to approve David Youker's PA 116 application for Open Space Farmland Preservation, on 40 acres, Parcel #28-02-032-017-01 as farmland near the corner of M 37 and Hamlin Road for 30 years as recommended by County Planning and Blair Township Planning Commission. Roll Call Vote: Zeits yea, Tharp yea, Clous yea, Lowe yea, Rademaker yea, DeKuiper yea, Fleis yea; 7 yeas 0 nays, Motion Carried.

Motion by Lowe supported by Clous to approve the request for donation to the Grand Traverse Area Veterans Coalition for Independence Day Fireworks in the amount of \$1,917.50. Roll Call Vote: Lowe yea, Rademaker yea, DeKuiper yea, Fleis yea, Zeits yea, Tharp yea, Clous yea; 7 yeas 0 nays, Motion Carried.

Motion by Tharp supported by Zeits to reinstate a Fire Committee to go over the contract so all the criteria is addressed and proceed to have it looked over by the Township Attorney before finalizing the contract with Harris & Associates International, Inc. All in favor; 6 yeas 1 nay, Motion Carried.

Motion by Fleis supported by Tharp to have Mike Rademaker, Jim Carroll, Daryl Case, Pat Pahl, and Duane Sanford be on the Fire Committee. All in favor; 7 yeas 0 nays, Motion Carried.

Motion by Rademaker supported by Fleis to approve Resolution #2007-02 Authorizing Electronic Transactions for ACH "Automated Clearing House" and EFTS "Electronic Fund Transfer" transactions for only Federal and State level mandated transactions. Roll Call Vote: DeKuiper yea, Fleis yea, Zeits yea, Tharp yea, Clous yea, Lowe yea, Rademaker yea; 7 yeas 0 nays, Motion Carried.

Motion by Lowe supported by Fleis to approve Township Policy #2007-01 for Automated Clearing House (ACH) Arrangements and Electronic Transactions of Funds. Roll Call Vote: DeKuiper yea, Fleis yea, Zeits yea, Tharp yea, Clous yea, Lowe yea, Rademaker yea; 7 yeas 0 nays, Motion Carried.

LIMITED PUBLIC INPUT: Limited Public Input was heard from the following:

Roseannah Keith 1711 County Rd 633 has concerns about signs next door to the Post Office that say "No Parking" and if it is legal. (The Zoning Administrator Sara Kopriva-Peters stated that she checked into the property owner's signs and it is legal to post signs on private property however, parking on the side of the street in front of the signs is not illegal therefore anyone could park there. The owner of the property does not have the right to have any vehicles towed from there.)

Brenda DeKuiper has concerns over comments made earlier by Mr. Bogucki regarding Township Employees and Officials salaries. She commented that everyone should consider that fact that not all townships have a Water Department, Sewer Department, full-time EMS and Fire Departments and the full-time office staff with the population and growth in the area and do all that we do in house. When comparing you should compare apples to apples, not apples to oranges.

ADJOURNMENT: Motion by Tharp supported by Zeits to adjourn at 8:59 p.m. All in favor 7 Yeas, 0 Nays, Motion carried.