

**CHARTER TOWNSHIP OF GARFIELD**  
**TOWN BOARD MEETING**  
**June 13, 2023**

Supervisor Chuck Korn called the Town Board Meeting to order at the Garfield Township Hall on June 13, 2023 at 6:02p.m.

**Pledge of Allegiance**

**Roll Call of Board Members**

Present: Molly Agostinelli, Steve Duell, Chuck Korn, Chloe Macomber and Denise Schmuckal

Absent and Excused: Chris Barsheff and Lanie McManus

Staff Present: Planning Director John Sych

**1. Public Comment (6:03)**

None

**2. Review and Approval of the Agenda - Conflict of Interest (6:03)**

*Duell moved and Schmuckal seconded to approve the agenda as presented.*

*Yeas: Duell, Schmuckal, Agostinelli, Macomber, Korn*

*Nays: None*

**3. Consent Calendar (6:02)**

**a. Minutes**

May 23, 2023 Regular Meeting  
(Recommend Approval)

**b. Bills**

(i) General Fund \$484,204.62  
(Recommend Approval)

(ii) Gourdie-Fraser  
Developer's Escrow Fund – Storm Water  
Reviews, Utility Plan Review, Oversight  
& Closeout \$ 53,298.84  
General Utilities 62,480.00  
Park Funds/DNR Trust Fund 2,480.00  
Total \$118,258.84  
(Recommend Approval)

**c. MTT Update (Receive and File)**

- d. Consideration of Proposed New Road Name of January Drive (Recommend Approval)**
- e. Consideration of Nominating Tim Hughes to serve another 3-year term on the Traverse City and Garfield Township Recreational Authority Board (Recommend Approval)**
- f. Consideration of Renewal of Public-Access and Government-Access Television Contract with LIAA (Recommend Approval)**
- g. Consideration of donating \$3,500 to Boom-Boom Club for Independence Day fireworks (Recommend Approval)**
- h. Motion to Introduce and set public hearing for July 11, 2023 for Oleson PUD Major Amendment (Recommend Approval)**
- i. Consideration of Contractor's Change Order No. 1 to Elmer's for Cedar Run Watermain Extension (Recommend Approval)**
- j. Consideration of Contractor's Application for Payment No. 2 to Elmer's for Cedar Run Watermain Extension (Recommend Approval)**
- k. Consideration of Contractor's Application for Payment No. 2 to Walton Contracting, Inc. for River East Recreation Area Improvements – Phase II (Recommend Approval)**
- l. Consideration of Resolution 2023-08-T(a), Second Amended and Restated Ordinance No. 18 (Payment in Lieu of Taxes) (Recommend Approval)**
- m. Consideration of Resolution 2023-09-T(a) regarding Tax exemption and Payment in Lieu of Taxes for the Flats of Carriage Commons (Recommend Approval)**
- n. Consideration of Resolution 2023-10-T(a) regarding Tax Exemption and Payment in Lieu of Taxes for Hammond Road Apartments (Recommend Approval)**

Board members removed consent item G to be dealt with under agenda item #4.

*Duell moved and Agostinelli seconded to adopt the Consent Calendar as amended.*

*Yeas: Duell, Agostinelli, Schmuckal, Macomber, Korn  
Nays: None*

4. **Items Removed from the Consent Calendar (6:09)**

a. **Consideration of donating \$3,500 to Boom-Boom Club for Independence Day fireworks**

In light of donating the same amount for several years and other municipalities not being able to donate, it was suggested that Garfield Township donate \$5,000 to the Boom-Boom club for fireworks.

*Schmuckal moved and Duell seconded to donate \$5,000 to the Boom-Boom Club for Independence Day fireworks.*

*Yeas: Schmuckal, Duell, Macomber, Agostinelli, Korn  
Nays: None*

5. **Correspondence (6:09)**

None

6. **Reports**

a. **County Commissioner's Report (6:09)**

County Commissioner Brad Jewett reported that the regional mental health facility is still being discussed and commissioners will have a study session to review the county facilities master plan. The airport fire service is going to be a private entity and the county is beginning to hand out ARPA funds. The county is still working with the DNR to reach an agreement on the roadkill issue and new contracts have been approved for county lawn care.

b. **Sheriff's Report (6:13)**

No report

c. **GT Metro Fire Report (6:13)**

Metro Fire Chief Pat Parker reported that there were 470 calls in the month of May. Grand Traverse Metro drafted the 2024 budget and staff received training in hazmat, marine rescues and elevator operations.

d. **Grand Traverse County Road Commission Report (6:19)**

Alan Leman, Road Commission Board member stated that traffic signals at Silver Lake and S. Airport are scheduled to be replaced this year. Joe Underwood added that there will be more public education in the future for major road projects.

e. **Planning Department Report for June 2023 (6:22)**

Planner John Sych submitted his report in writing and added that the Birmley Meadows site condo and Ridges Phases I-III and Phase IV would have a public hearing at the next meeting. Commissioners will also hear

an introduction for the Village at Garfield, a new 80-unit apartment complex at Hammond and Garfield.

**e. Parks and Rec Report (6:24)**

Schmuckal reported that the mountain bike group held a work bee at the Commons Area and stated that Garfield resident Dan Walters would like to donate a flagpole for Silver Lake Park. Schmuckal will gather more information regarding the lighting and the location of the flagpole.

**f. Clerk's Report (6:26)**

McManus submitted her report in writing.

**g. Supervisor's Report (6:29)**

Supervisor Korn stated that the township is moving closer to having an MPO. He talked about the new sidewalks in the Kensington neighborhood and some issues in the Carson Square neighborhood.

**7. Unfinished Business (6:47)**

None

**8. New Business**

**a. Public Hearing – Consideration of Hickory Properties P-R Rezoning, Resolution 2023-17-T (6:32)**

The Joint Recreation Authority is requesting rezoning the "Hickory Forest" parcel (#05-005-050-10) from A-Agricultural district to P-R Park and Recreation district via the Zoning Map Amendment process, without restriction. Upon review by Staff, it was suggested to include the three "Hickory Meadows" parcels to create consistent zoning of parkland in this area. These four parcels total 179.03 acres. Three of the subject parcels constitute the Hickory Meadows parkland, and one is the site of Hickory Forest, which is in the process of becoming parkland. All these parcels either are or will be managed by the City of Traverse City & Charter Township of Garfield Recreational Authority.

Korn opened the public hearing at 6:34pm and seeing no one wishing to speak, closed the public hearing.

*Duell moved and Schmuckal seconded THAT the Planning Commission's recommended Findings of Fact for application Z-2023-01 as provided in PD Report 2023-63 and forming part of this motion BE APPROVED.*

*Yeas: Duell, Schmuckal, Agostinelli, Macomber, Korn  
Nays: None*

*Duell moved and Schmuckal seconded THAT application Z-2023-01, submitted by City of Traverse City & Charter Township of Garfield Recreational Authority, to rezone Parcel 05-005-050-10 from its current*

*zoning of the A-Agricultural zoning district to the P-R Park and Recreation zoning district, and to rezone Parcels 05-004-003-60, 05-005-034-10, and 05-005-034-20 from their current zoning of the R-1 One-Family Residential zoning district to the P-R Park and Recreation zoning district and constituting Amendment No. 35 to Garfield Township Ordinance No. 68, BE APPROVED based on the adopted Findings of Fact and for the reasons set forth in PD Report 2023-63.*

*Yeas: Duell, Schmuckal, Agostinelli, Macomber, Korn  
Nays: None*

*Duell moved and Schmuckal seconded THAT Resolution 2023-17-T for adopting Amendment No. 35 to Garfield Township Ordinance No. 68, rezoning Parcel 05-005-050-10 from its current zoning of the A-Agricultural zoning district to the P-R Park and Recreation zoning district and rezoning Parcels 05-004-003-60, 05-005-034-10 and 05-005-034-20 from their current zoning of the R-1 One Family Residential zoning district to the P-R Park and Recreation zoning district, BE ADOPTED.*

*Yeas: Duell, Schmuckal, Agostinelli, Macomber, Korn  
Nays: None*

**b. Consideration of new rate structure for sewer and water (6:37)**

Dawn Lund of Utility Financial services gave a presentation on water and sewer rates in the township. She stated that currently, the township is operating at a loss for the water utility. She reviewed several figures that indicate healthy cash balances and proper planning and suggested that the township may want to move to a progressive rate system. Lund indicated that the sewer fund is doing well and operating in the black. Lund also suggested setting rates by ordinance for better efficiency when a rate increase is needed. Board of Public Works Director John DiVozzo also spoke about the systems and the rates.

**c. Consideration of revised agreement with the Traverse Area Pickleball Association (TAPA) for the pickleball courts at Boardman Valley Nature Preserve (BVNP) (7:26)**

The last agreement expired and a new agreement was brought forth. The Parks Commission adjusted reservation times. Board members discussed pickleball courts in the area.

*Schmuckal moved and Agostinelli seconded to approve the revised agreement with the Traverse Area Pickleball Association (TAPA) for the pickleball courts at Boardman Valley Nature Preserve.*

*Yeas: Schmuckal, Agostinelli, Macomber, Duell, Korn*

Nays: None

d. **Consideration of cost sharing driveway repair for YMCA/Pickleball/BVNP (7:33)**

The YMCA recently contracted with Elmer's to repair Racquet Club Drive for a total cost of \$12,252.00. The cost will be split by the YMCA, the BVNP and Garfield Township.

*Agostinelli moved and Duell seconded THAT a Township contribution in the amount of \$4,084.00 to the repairs of Racquet Club Drive BE APPROVED.*

Yeas: Agostinelli, Duell, Schmuckal, Macomber, Korn

Nays: None

9. **Public Comment: (7:37)**

10. **Other Business (7:38)**

11. **Adjournment**

*Korn adjourned the meeting at 7:38pm.*



Chuck Korn, Supervisor  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686



Lanie McManus, Clerk  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686



**CHARTER TOWNSHIP OF GARFIELD**

**RESOLUTION 2023-08-T(a)**

**SECOND AMENDED AND RESTATED ORDINANCE NO 18  
(PAYMENT IN LIEU OF TAXES)**

**A RESOLUTION TO AMEND AND RESTATE GARFIELD ORDINANCE NO 18 ("An Ordinance to provide for a service charge in lieu of taxes for housing projects for low-income persons and families financed with a federally-aided or Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq (the "Act")).")**

**WHEREAS**, the Charter Township of Garfield recognizes a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its limited-income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act; and,

**WHEREAS**, the Township is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any of all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act; and

**WHEREAS**, the Township acknowledges that the Township will be benefited and improved by such housing, and encourages the same by providing real estate tax exemption for such housing as a valid public purpose; and,

**WHEREAS**, the Township also acknowledges that the continuance of the provisions of this Second Amended and Restated Ordinance No 18 for tax exemption, the service charge in lieu of all ad valorem taxes and optional Municipal Service Agreement as stated in said Ordinance 18 are essential to the determination of economic feasibility of housing projects that are constructed or rehabilitated with financing extended in reliance of such tax exemption; and

**WHEREAS**, the Township further acknowledges that the reformatted and updated language of the Second Amended and Restated Ordinance No 18 was necessary to facilitate approvals of such projects through the Michigan State Housing Development Authority; and

**WHEREAS**, the Township adopted Ordinance No 18, "Payment In Lieu of Taxes".

**NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:**

**SECOND AMENDED AND RESTATED CHARTER TOWNSHIP OF GARFIELD  
ORDINANCE NO 18**

That the entire Ordinance No 18, as amended, be replaced with the language contained in the 2023

Second Amended and Restated Ordinance No 18.

Upon roll call vote, the following voted:

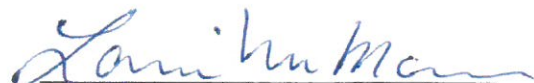
Yeas: Steve Duell, Molly Agostinelli, Chloe Macomber, Denise Schmuckal and Chuck Korn

Nays: None

Abstain: None

Absent and Excused: Chris Barsheff and Lanie McManus

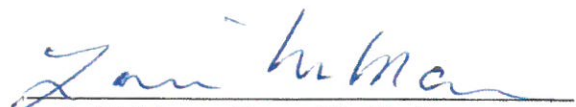
The Chairman declared the motion carried, and Resolution 2023-08-T(a) duly adopted.

  
Lanie McManus, Township Clerk

### **CERTIFICATE**

I, Lanie McManus, the duly appointed Township Clerk, hereby certify that the foregoing constitutes a true copy of a Resolution of the Township Board for the Charter Township of Garfield, adopted during a meeting of the Charter Township of Garfield Township Board, Grand Traverse County, Michigan, held on June 13, 2023, at which meeting (5) five members were present as indicated in said Minutes and voted as therein set forth and that all signatures affixed thereto are the genuine signatures of those so indicated, and that each signatory was duly authorized to affix his or her signature, that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, and that due and proper notice of the meeting as required by law was given to the members of the Township Board, and that the Minutes of said Meeting were kept and will be and have been available as required by said Act.

Date: 6/14/2023

  
Lanie McManus, Township Clerk



## CHARTER TOWNSHIP OF GARFIELD

### SECOND AMENDED AND RESTATED ORDINANCE NO. 18

#### (PAYMENT IN LIEU OF TAXES)

An Ordinance to provide for a service charge in lieu of taxes for housing projects for low-income persons and families financed with a federally-aided or Authority-aided Mortgage Loan or an advance or grant from the Authority pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq* (the "Act")).

#### THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

**Section 1.** This Ordinance shall be known and cited as the "Charter Township of Garfield Tax Exemption Ordinance."

**Section 2. Preamble.**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low-income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The Charter Township of Garfield is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the amount of taxes that would otherwise be paid in the absence of such exemption. It is further acknowledged that such housing for persons and families of low income is a public necessity, and as the Township will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* property taxes during the periods contemplated in this Ordinance are essential to the determination of economic feasibility of housing projects that are constructed or rehabilitated with financing extended in reliance on such tax exemption.

**Section 3. Definitions.**

- A. Authority means the Michigan State Housing Development Authority.
- B. Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of Utilities.
- C. Contract Rents means the total Contract Rents (as defined by the US Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the US Housing Act of 1937, as amended) received in connection with the operation of a housing project during an agreed annual period, exclusive of Utilities.

## CHARTER TOWNSHIP OF GARFIELD

### SECOND AMENDED AND RESTATED ORDINANCE NO. 18

#### (PAYMENT IN LIEU OF TAXES)

- D. Low Income Persons and Families means persons and families eligible to move into a housing project.
- E. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority, for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the housing project.
- F. Sponsor means any persons or entities that receive or assume a Mortgage Loan.
- G. Utilities means charges for gas, electric, water, sanitary sewer or other utilities furnished to the occupants that are paid by a housing project.

#### **Section 4. Class of Housing Projects.**

It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for Low Income Persons and Families that are financed with a Mortgage Loan.

#### **Section 5. Property Tax Exemption.**

Housing projects which qualify under Section 4 above may be granted the tax exemption provided in Subsection (1) of Section 15(a) of the Act (Section 125.1415(a)), provided the Sponsor of a housing project has complied with the Act, is current with all taxes and assessments on the subject property, and submits an audited financial statement for each previous calendar year to the Township Assessor by August 1st, annually.

#### **Section 6. Establishment of Annual Service Charge.**

Housing projects within the eligible Class set forth in Section 4 above and the property on which they are or will be located shall be exempt from all *ad valorem* property taxes from and after the commencement of construction or rehabilitation. The Township acknowledges that the Sponsor and the Authority, in the case of a Sponsor receiving an Authority-financed Mortgage Loan, or the Sponsor and the mortgage lender, in the case of a Sponsor receiving a Federally-aided Mortgage Loan, have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing projects for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, the Township will accept payment of an annual service charge for the public services in lieu of all *ad valorem* property taxes. The annual service charge shall be equal to a percentage of the Annual Shelter Rents actually collected by the housing project during each operating year, as established by a Resolution adopted by the Township Board.

## CHARTER TOWNSHIP OF GARFIELD

### SECOND AMENDED AND RESTATED ORDINANCE NO. 18

#### (PAYMENT IN LIEU OF TAXES)

The service charge in lieu of property taxes shall be paid by the Sponsor as follows:

- (1) Housing projects approved for tax exemption under this Ordinance shall pay a service charge in the amount equal to ten (10) percent of Annual Shelter rent (defined in Section 3, above), except as provided in Subsections 2 or 3, below.
- (2) Housing projects approved for tax exemption under this Ordinance may request a lower service charge, which the Township may set as part of its Resolution of Approval provided for in Section 6. Projects previously approved under this Ordinance may also request a requalification of the service charge. The granting of requalification requests shall require the approval of the Township Board and would be effective on December 31<sup>st</sup> of the year in which the approval was granted for the subsequent tax year. The provisions of subsection 2(a) and (b) below only apply to projects requesting a lower service charge than that provided under Section 6(1) above.
  - (a) Housing projects requesting a lower service charge may be required to enter into a Municipal Services Agreement (hereinafter referred to as "MSA") with the Township. The MSA is intended to cover the additional costs for Police and Fire Protection due to the development of the housing project and the additional occupants now requiring such protection. The suggested MSA calculation follows:
    - (1) The initial market value of the property will be established between the Sponsor and the Township. The market value shall be used to determine the initial Assessed and Taxable Values (at 50% of the agreed upon market value) and shall become the basis of the MSA calculation. This is an agreed upon value for purposes of the MSA. It is not the official SEV. For each subsequent year, the previous year Taxable Value shall be increased by the lesser of 5%, or the CPI, as determined annually by the State Tax Commission in accordance with Proposal A of 1994, as amended; and
    - (2) An annual millage rate of 5 applied to the Taxable Value, as calculated above, shall be the MSA Payment, for the duration of the exemption; and
    - (3) The MSA payment shall be made by April 1st each year.
  - (b) Once the MSA is signed by the Sponsor and the Township, the Sponsor understands this removes their right to appeal any subsequent year value, as established by Subsection 2(a)(1) above, to the Michigan Tax Tribunal for the term of the MSA.

## CHARTER TOWNSHIP OF GARFIELD

### SECOND AMENDED AND RESTATED ORDINANCE NO. 18

#### (PAYMENT IN LIEU OF TAXES)

- (c) Notwithstanding the foregoing, the sum of the service charge and the MSA payments together shall not exceed 10% of the Annual Shelter rents.
- (3) Housing projects provided with rental assistance under Section 8 of the US Housing Act of 1937, as amended, shall pay a service charge in the amount equal to four (4) percent of the shelter rents collected in the preceding calendar year, exclusive of any charges for gas, electricity, heat, or other utilities furnished to the occupants.

For clarity, this Ordinance confirms that for each Qualified Project receiving a tax exemption under this Section, the Sponsor and the Township may, but shall not be required to, enter into an MSA (as defined in subsection 2(a) above) unless said project is requesting a lower service charge than that provided under Section 6(1) above.

#### **Section 7. Resolution; Contractual Effect.**

A Resolution of the Township Board granting tax exempt status and establishing the annual service charge, as provided in this Ordinance, shall be adopted for each housing project qualified under the terms and provisions of this Ordinance. Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the Township and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, will be effectuated upon adoption of such a Resolution by the Township Board.

#### **Section 8. Limitation on the Payment of Annual Service Charge.**

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of a housing project that is tax-exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

#### **Section 9. Payment of Service Charge.**

The annual service charge in lieu of taxes as determined under this Ordinance or the Resolution shall be payable in the same manner as general property taxes are payable to the Township and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before April 1<sup>st</sup> of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq*).

#### **Section 10. Application Fee.**

Applicant shall pay an application fee at the time of the initial request for a Payment In Lieu of Taxes, as approved annually by the Township Board in their Schedule of

**CHARTER TOWNSHIP OF GARFIELD**

**SECOND AMENDED AND RESTATED ORDINANCE NO. 18**

**(PAYMENT IN LIEU OF TAXES)**

Fees. At its discretion, the Township Board may consider deferring or waiving the application fee.

**Section 11. Duration.**

The tax-exempt status of a housing project approved for such status by Resolution of the Township Board shall remain in effect and shall not terminate for:

- A. so long as a Mortgage Loan for such housing project remains outstanding and unpaid; or
- B. such period of time as the housing project remains in the extended use period pursuant to the Low-Income Housing Tax Credit program;

but not to exceed fifty (50) years.

Notwithstanding anything in this Section 11 to the contrary, in no event shall the Term of the exemption be less than sixteen (16) years following the date that the last Building in a Qualified Project is placed in service (i.e., issuance of the last certificate of occupancy for the Qualified Project).

**Section 12. Severability.**

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision declared to be unconstitutional or invalid.

**Section 13. Inconsistent Ordinances.**

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**Section 14. Effective Date.**

This Ordinance shall become effective after publication.

**CHARTER TOWNSHIP OF GARFIELD**

**SECOND AMENDED AND RESTATED ORDINANCE NO. 18**

**(PAYMENT IN LIEU OF TAXES)**

The following voted:

Yeas: Steve Duell, Molly Agostinelli, Chloe Macomber, Denise Schmuckal and Chuck Korn

Nays: None

Abstain: None

Absent: Chris Barsheff and Lanie McManus

**CERTIFICATION**

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 13th day of June, 2023 and that five (5) members of the Township Board were present and voted for the adoption of the Ordinance.



Lanie McManus, Township Clerk  
Charter Township of Garfield

Introduced: March 14, 2023  
Adopted: June 13, 2023  
Published: June 18, 2023  
Effective: June 18, 2023



## **CHARTER TOWNSHIP OF GARFIELD**

### **RESOLUTION 2023-09-T(a) REGARDING TAX EXEMPTION AND PAYMENT TO BE MADE IN LIEU OF TAXES**

Board member, Steve Duell, supported by Board member, Molly Agostinelli, made a motion to adopt the following amended Resolution:

**RESOLUTION DESIGNATING THE MSHDA SUPPORTED HOUSING COMPONENT OF A(N) PROPOSED APPROXIMATELY 210 UNIT MULTI-FAMILY HOUSING DEVELOPMENT TO BE KNOWN AS THE FLATS AT CARRIAGE COMMONS, AN AFFORDABLE HOUSING COMMUNITY, LOCATED NEAR THE INTERSECTION OF W HAMMOND AND LAFRANIER ROADS ON PARCEL #28-05-023-042-40, TRAVERSE CITY, MI 49686, GARFIELD TOWNSHIP, MICHIGAN, (legally described as:**

Part of the South half of the Southeast quarter Section 23, Town 27 North, Range 11 West; commencing at the South quarter corner Section 23; thence North 00 degrees 57 minutes 30 seconds East, 1241.84 feet to the place of beginning; thence South 88 degrees 18 minutes 28 seconds East, 1318.74 feet; thence South 88 degrees 17 minutes 12 seconds East, 1314.98 feet; thence South 01 degrees 03 minutes 09 seconds West, 325.23 feet; thence South 82 degrees 34 minutes 42 seconds West, 409.62 feet; thence South 57 degrees 30 minutes 46 seconds West, 512.86 feet; thence North 89 degrees 12 minutes 14 seconds West, 680.1 feet; thence South 00 degrees 07 minutes 20 seconds West, 228.03 feet; thence North 54 degrees 56 minutes 50 seconds West, 238.68 feet; thence North 42 degrees 07 minutes 21 seconds West, 90.69 feet; thence South 85 degrees 33 minutes 20 seconds West, 44.88 feet; thence North 76 degrees 54 minutes 36 seconds West, 513.94 feet; thence North 00 degrees 57 minutes 42 seconds East, 547.8 feet; thence North 88 degrees 17 minutes 53 seconds West 67.82 feet; thence South 01 degrees 21 minutes 07 seconds West, 53.77 feet; thence South 48 degrees 58 minutes 54 seconds West, 40.66 feet thence North 41 degrees 01 minutes 06 seconds West 25 feet; thence South 49 degrees 00 minutes 49 seconds West 62.36 feet; thence North 89 degrees 03 minute 38 seconds West, 23.84 feet; thence North 00 degrees 57 minutes 31 seconds East, 105.61 feet; thence North 88 degrees 17 minutes 53 seconds West, 130.98 feet; thence North 00 degrees 57 minutes 30 seconds East 76.01 feet to the point of beginning. Subject to road rights-of-way. Containing approximately 33.43 acres, more or less.

**AS A "QUALIFIED PROJECT" UNDER THE CHARTER TOWNSHIP OF GARFIELD'S SECOND AMENDED AND RESTATED ORDINANCE NO. 18.**

**WHEREAS**, the Township Board, pursuant to MCL 125.1401 *et seq.*, has received a request from Smith & Henzy Advisory Group, Inc and the Traverse City Housing Commission (the "Developers"), to recognize the affordable housing project known as The Flats at Carriage Commons (the "Development"), as a "Qualified Project" exempt from payment of *ad valorem* property taxes; and

**WHEREAS**, the Developers plan to construct new housing, improve the quality of life for the tenants, add community services and outreach, and preserve affordable housing in the Township, in return for the Township's agreement that a service charge to be paid to the Charter Township of Garfield in lieu of *ad valorem* property taxes in accordance with MCL 125.1415a through the term as specified in Section 11 of the Second Amended and Restated Ordinance No. 18; and

**WHEREAS**, the Township Board has determined that each Development is a "Qualified Project", as defined by Charter Township of Garfield's Second Amended and Restated Ordinance No. 18, and as such, the housing project is eligible for payment of a service charge in lieu of *ad valorem* property taxes in accordance with such Ordinance, and as otherwise provided by MCL 125.1415 *et seq.*;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

Each Development is determined to be a "Qualified Project" as defined by Charter Township of Garfield Second Amended and Restated Ordinance No. 18, and shall pay to the Charter Township of Garfield a service charge in lieu of *ad valorem* property taxes in an amount equal to four percent (4%) of Annual Shelter Rents, along with a Municipal Services Assessment (MSA) as provided in said Second Amended and Restated Ordinance No. 18 for the term as defined in the Ordinance. Payment of both the service charge in lieu and MSA commence the calendar year in which the PILOT Agreement/Ordinance is effective and continuing annually on or before April 1 of each year for the term of the exemption.

**BE IT FURTHER RESOLVED THAT:**

By virtue of the adoption of this Resolution, subject to the conditions and limitations imposed under Second Amended and Restated Ordinance No. 18, a contract is deemed to exist between the Charter Township of Garfield and the Developers, with the Authority as third-party beneficiary under such agreement, for The Flats at Carriage Commons, a 210-unit affordable housing project. It shall be deemed a default under the Second Amended and Restated Ordinance 18, if the Development fails to meet the terms of a "Qualified Project" under said Ordinance, because the Development was not completed according to the agreement, is no longer subject to a Mortgage Loan, fails to remain eligible under MCL 125.1415a, or fails to comply with Second Amended and Restated Ordinance 18, for any other reason prior to the expiration of the exemption.

Upon roll call vote, the following voted:

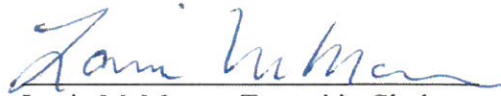
Yeas: Duell, Agostinelli, Macomber, Schmuckal and Korn

Nays: None

Abstain: None

Absent and Excused: Barsheff and McManus

The Chairman declared the motion carried, and Resolution 2023-09-T(a) duly adopted.

  
Lanie McManus, Township Clerk

### **CERTIFICATE**

I, Lanie McManus, the duly appointed Township Clerk, hereby certify that the foregoing constitutes a true copy of a Resolution of the Township Board for the Charter Township of Garfield, adopted during a meeting of the Charter Township of Garfield Township Board, Grand Traverse County, Michigan, held on June 13, 2023, at which meeting (5) five members were present as indicated in said Minutes and voted as therein set forth and that all signatures affixed thereto are the genuine signatures of those so indicated, and that each signatory was duly authorized to affix his or her signature, that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, and that due and proper notice of the meeting as required by law was given to the members of the Township Board, and that the Minutes of said Meeting were kept and will be and have been available as required by said Act.

Date: 6/14/2023

  
Lanie McManus, Township Clerk

## **CHARTER TOWNSHIP OF GARFIELD**

### **RESOLUTION 2023-10-T(a) REGARDING TAX EXEMPTION AND PAYMENT TO BE MADE IN LIEU OF TAXES**

Board member, Steve Duell, supported by Board member, Molly Agostinelli, made a motion to adopt the following amended Resolution:

**RESOLUTION DESIGNATING THE MSHDA SUPPORTED HOUSING COMPONENT OF PROPOSED APPROXIMATELY 80 UNIT AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENT TENTATIVELY TO BE KNOWN AS THE HAMMOND ROAD APARTMENTS, LOCATED NEAR THE INTERSECTION OF W HAMMOND AND GARFIELD RDS ON PARCEL #28-05-023-042-60, TRAVERSE CITY, MI 49686, GARFIELD TOWNSHIP, MICHIGAN,** (legally described as: Part of the South half of the Southeast Quarter, Section 23, Town 27 North, Range 11 West, more fully described as commencing at the Southeast corner of said section 23; thence North 88 degrees 13 minutes 41 seconds West, along the South line of said section and the centerline of Hammond Road, 495.0 feet to the point of beginning; thence continuing along said South line, North 88 degrees 13 minutes 41 seconds West, 342.22 feet; thence North 00 degrees 52 minutes 52 seconds West, 113.71 feet; thence North 09 degrees 37 minutes 17 seconds West, 536.64 feet; thence South 89 degrees 12 minutes 14 seconds East, 104.27; thence North 57 degrees 30 minutes 46 seconds East, 512.86 feet; thence North 82 degrees 34 minutes 42 seconds East, 409.62 feet, to the centerline of Garfield Road; thence South 01 degrees 03 minutes 09 seconds West, 762.76 feet, along said centerline; thence North 88 degrees 13 minutes 41 seconds West, 495.0 feet; thence South 01 degrees 03 minutes 09 seconds West, 233.0 feet to the place of beginning) **AS A “QUALIFIED PROJECT” UNDER THE CHARTER TOWNSHIP OF GARFIELD’S SECOND AMENDED & RESTATED ORDINANCE NO. 18.**

**WHEREAS,** the Township Board, pursuant to MCL 125.1401 *et seq.*, has received a request from Hammond LDHALP (the “Developers”), to recognize the affordable housing project known as The Hammond Road Apartments (the “Development”), as a “Qualified Project” exempt from payment of *ad valorem* property taxes; and

**WHEREAS,** the Developers plan to construct new housing, improve the quality of life for the tenants, add community services and outreach, and preserve affordable housing in the Township, in return for the Township’s agreement that a service charge be paid to the Charter Township of Garfield in lieu of *ad valorem* property taxes in accordance with MCL 125.1415a through the term as specified in Section 11 of the Second Amended and Restated Ordinance No 18; and

**WHEREAS,** the Township Board has determined that each Development is a “Qualified Project”, as defined by Charter Township of Garfield’s Second Amended and Restated Ordinance No. 18, and as such, the housing project is eligible for payment of a service charge in lieu of *ad valorem* property taxes in accordance with such Second Amended and Restated



Ordinance No. 18, and as otherwise provided by MCL 125.1415 *et seq.*;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

Each Development is determined to be a "Qualified Project" as defined by Charter Township of Garfield Second Amended and Restated Ordinance No. 18, and shall pay to the Charter Township of Garfield a service charge in lieu of *ad valorem* property taxes in an amount equal to four percent (4%) of Annual Shelter Rents, along with a Municipal Services Assessment (MSA) as provided in said Second Amended and Restated Ordinance No. 18 for the term as defined in the Ordinance. Payment of both the service charge in lieu and MSA commence the calendar year in which the PILOT Agreement/Ordinance is effective and continuing annually on or before April 1 of each year for the term of the exemption.

**BE IT FURTHER RESOLVED THAT:**

By virtue of the adoption of this Resolution, subject to the conditions and limitations imposed under Second Amended and Restated Ordinance No. 18, a contract is deemed to exist between the Charter Township of Garfield and the Developers, with the Authority as a third-party beneficiary under such contract, for the Hammond Road Apartments, an 80-unit affordable housing project. It shall be deemed a default under the Second Amended and Restated Ordinance 18, if the Development fails to meet the terms of a "Qualified Project" under said Ordinance, because the Development was not completed according to the agreement, is no longer subject to a Mortgage Loan, fails to remain eligible under MCL 125-1415a, or fails to comply with said Second Amended and Restated Ordinance 18, for any other reason prior to the expiration of the exemption.

Upon roll call vote, the following voted:


Yeas: Duell, Agostinelli, Macomber, Schmuckal and Korn

Nays: None

Abstain: None

Absent and Excused: Barsheff and McManus

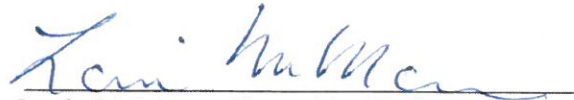
The Chairman declared the motion carried, and Resolution 2023-10-T(a) duly adopted.

  
Lanie McManus, Township Clerk

## CERTIFICATE

I, Lanie McManus, the duly appointed Township Clerk, hereby certify that the foregoing constitutes a true copy of a Resolution of the Township Board for the Charter Township of Garfield, adopted during a meeting of the Charter Township of Garfield Township Board, Grand Traverse County, Michigan, held on June 13, 2023, at which meeting (5) five members were present as indicated in said Minutes and voted as therein set forth and that all signatures affixed thereto are the genuine signatures of those so indicated, and that each signatory was duly authorized to affix his or her signature, that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, and that due and proper notice of the meeting as required by law was given to the members of the Township Board, and that the Minutes of said Meeting were kept and will be and have been available as required by said Act.

Date: 6/14/2023

  
Lanie McManus, Township Clerk



**CHARTER TOWNSHIP OF GARFIELD  
GRAND TRAVERSE COUNTY, MICHIGAN**

**ORDINANCE NO. 68 (Zoning Ordinance): AMENDMENT NO. 35**

**RESOLUTION #2023-17-T**

**A RESOLUTION TO AMEND GARFIELD TOWNSHIP ORDINANCE NO. 68 (Zoning Ordinance):**

**WHEREAS** the Charter Township of Garfield regulates the use and development of land pursuant to the authority of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended; and

**WHEREAS** application Z-2023-01 has been received to rezone approximately 179.03 acres of land ("subject properties") at Parcels 05-005-050-10, 05-004-003-60, 05-005-034-10, and 05-005-034-20; and

**WHEREAS** the request has been found to be justified based on criteria in the Garfield Township Zoning Ordinance listed in Section 421.E: Approval Criteria of Zoning Map Amendment; and

**WHEREAS** the Garfield Township Planning Commission, after conducting a public hearing on April 12, 2023 and adopting Findings of Fact on May 10, 2023, recommended approval of the application to the Township Board; and

**WHEREAS** the Township Board, following a public hearing on June 13, 2023, and having adopted Findings of Fact in support of approval of the application to rezone the subject property.

**NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:**

**AMENDMENT NO. 35 TO GARFIELD TOWNSHIP ORDINANCE NO. 68 (Zoning Ordinance):**

At the request of the owners and their representatives of Parcels 05-005-050-10, 05-004-003-60, 05-005-034-10, and 05-005-034-20, situated in the Charter Township of Garfield, Grand Traverse County, Michigan, Parcel 05-005-050-10 has been rezoned by way of a map amendment from its current zoning of the A-Agricultural zoning district to the P-R Park and Recreation zoning district, and Parcels 05-004-003-60, 05-005-034-10, and 05-005-034-20 have been rezoned by way of a map amendment from their current zoning of the R-1 One-Family Residential zoning district to the P-R Park and Recreation zoning district.

Moved: Steve Duell


Supported: Denise Schmuckal

Ayes: Duell, Schmuckal, Macomber, Agostinelli and Korn

Nays: None

Absent and Excused: Barsheff and McManus

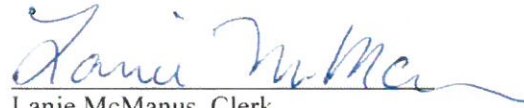
By:

  
\_\_\_\_\_  
Chuck Korn, Supervisor  
Charter Township of Garfield

**CERTIFICATE**

I, Lanie McManus, Clerk of the Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Resolution 2023-17-T which was adopted by the Township Board of the Charter Township of Garfield on the 13th day of June 2023. Amendment No. 35 to Garfield Township Ordinance No. 68 (Zoning Ordinance) shall take effect upon the expiration of seven (7) days following publication.

Dated: 6/14/2023

  
Lanie McManus, Clerk  
Charter Township of Garfield

Introduced: May 23, 2023  
Adopted: June 13, 2023  
Published: June 18, 2023  
Effective: June 25, 2023