CHARTER TOWNSHIP OF GARFIELD TOWN BOARD MEETING September 13, 2022

The Town Board Meeting was called to order at the Garfield Township Hall on September 13, 2022 at 6:00p.m.

Pledge of Allegiance

Roll Call of Board Members

Present: Molly Agostinelli, Chris Barsheff, Steve Duell, Chuck Korn, Chloe Macomber, Lanie McManus and Denise Schmuckal

Staff Present: John Sych, Planning Director

1. Public Comment (6:00)

Tom Mair of 612 5th Street in Traverse City announced his candidacy for County Commissioner for Precinct #2.

Jess Brutzman of Silver Lake Road commented on the traffic on Silver Lake Road and asked the board not to raise taxes.

2. Review and Approval of the Agenda - Conflict of Interest (6:04)

Schmuckal moved and Agostinelli seconded to approve the agenda as presented.

Yeas: Schmuckal, Agostinelli, Duell, Barsheff, McManus, Macomber, Korn

Nays: None

3. Consent Calendar (6:05)

a. Minutes

August 23, 2022 Regular Board Meeting August 31, Special Budget Meeting (Recommend Approval)

b. Bills

General Fund (Recommend Approval)

\$142,775.21

- Consideration of Contractor's Applications for Payments No. 5 and 6 to Grand Traverse Construction for the township roof (Recommend Approval)
- d. Consideration of a request from Project Feed the Kids for a Charitable Gaming License, Resolution 2022-19-T (Recommend Approval)

e. Consideration of Resolution 2022-20-T to Amend the Budget (Recommend Approval)

Agostinelli moved and Barsheff seconded to approve the consent calendar as presented.

Yeas: Agostinelli, Barsheff, Schmuckal, Macomber, McManus, Duell, Korn

Nays: None

4. <u>Items Removed from the Consent Calendar</u> (6:07)

None

5. <u>Correspondence</u> (6:07)

a. Letter from Haggard's Plumbing & Heating regarding rezoning application from Outlook Development LLC

6. Reports

a. County Commissioner's Report (6:07)

County Commissioner Brad Jewett reported that the application period for county ARPA funds is open. The county is considering rewriting the agreement for mental health services with Community Mental Health.

b. Sheriff's Report (6:10)

Lt. Brinks reviewed statistics for the month of August 2022. He stated that the department was busy with active assailant classes, coffee with a cop, and other community outreach events.

c. Planning Department Report for September 2022 (6:13)

Planning Director John Sych handed out some guidelines for establishing PILOTS in the township and submitted his report in writing which outlined development activity in the township.

d. Parks & Rec Report (6:16)

Schmuckal reported that there is an updated Parks & Rec budget for 2023 which requests \$474,000. The Parks & Rec Commission met on the proposed Commons Area changes and will update the Parks and Recreation Master Plan.

e. Clerk's Report (6:18)

McManus stated that her report was submitted in writing and she is gearing up to send out absentee ballots.

f. Supervisor's Report (6:18)

Korn reported that the ARPA application process has begun at the county level and the township is optimistic about funding of its projects. He

received several calls about repairs needed on S. Rusch Road and since the Road Commission declared it a connector road, they will repair it.

7. <u>Unfinished Business</u>

a. Public Hearing - Consideration of Resolution 2022-14-T (c) to approve Tentative Special Assessment Roll for Blue Star Road Improvement Special Assessment District (6:21)

Korn opened the public hearing at 6:22pm and seeing no one wishing to speak, closed the public hearing.

Schmuckal moved and Duell seconded to adopt Resolution 2022-14-T (c) to approve Tentative Special Assessment Roll for Blue Star Road Improvement Special Assessment District.

Yeas: Schmuckal, Duell, McManus, Macomber, Barsheff, Agostinelli,

Korn

Nays: None

b. Consideration of sufficient funding for the BATA/TCHC Transit-Oriented Mixed-Use Planned Unit Development to commence construction in accordance with Report and Decision Order (recorded April 20, 2022) (6:24)

To ensure compliance with PUD eligibility, after the TCHC received funding for the housing portion of the project, BATA could begin construction on its portion of the PUD. State records show that the \$6 million was awarded to the TCHC from the state of Michigan. Board members discussed the project and both Senator Wayne Schmidt as well as TCHC Executive Director were present to confirm the funding award and discuss the project. Lentych stated that the \$6 million will build one housing building with 118 housing units.

Schmuckal moved and Agostinelli seconded that there was sufficient funding in place to deem sufficient funding for the BATA/TCHC Transit-Oriented Mixed-Use Planned Unit Development to commence construction in accordance with Report and Decision Order dated April 20, 2022.

Yeas: Schmuckal, Agostinelli, Duell, Macomber, McManus, Barsheff,

Korn Nays: None

8. New Business

a. Public Hearing - Consideration of Hammond Road Apartments R-3 Rezoning, Resolution 2022-18-T (6:39)

This application requests the rezoning of land at the northwest of the intersection of Garfield and Hammond Roads, totaling 23.86 acres, from

its current zoning of A-Agricultural to the R-3 Multi-Family Residential zoning district via the zoning Map Amendment process, without restriction. The land is further described as the remainder of 05-023-042-01. The Future Land Use Map designation for the site is High Density Residential (6-10 units per acre) and the proposed R-3 Multi-Family Residential zoning district is considered the most compatible zoning district for this designation. Korn opened the public hearing at 6:41pm and seeing none, closed the public hearing.

Duell moved and Schmuckal seconded THAT the Planning Commission's recommended Findings of Fact for the application Z-2022-02 as provided in PD Report 2022-85 and forming part of this motion, BE APPROVED.

Yeas: Duell, Schmuckal, Macomber, Agostinelli, Barsheff, McManus, Korn Nays: None

Duell moved and Schmuckal seconded THAT application Z-2022-02, submitted by Outlook Development LLC, to rezone parcels 05-023-042-50 and 05-023-042-60 from its current zoning of the A-Agricultural zoning district to the R-3 Multiple Family Residential zoning district and constituting Amendment No. 34 to Garfield Township Ordinance No. 68, BE APPROVED based on the adopted Findings of Fact and for the reasons set forth in PD Report 2022-85.

Yeas: Duell, Schmuckal, Macomber, Agostinelli, Barsheff, McManus, Korn Nays: None

Duell moved and Schmuckal seconded that resolution 2022-18-T for adopting Amendment No. 34 to Garfield Township Ordinance No. 68, rezoning parcels 05-023-042-50 and 05-023-042-60 from its current zoning of the A-Agricultural zoning district to the R-3 Multiple Family Residential zoning district, BE ADOPTED.

Yeas: Duell, Schmuckal, Macomber, Agostinelli, Barsheff, McManus, Korn Nays: None

b. Public Hearing - Consideration of Zoning Ordinance Amendments Package, Resolution 2022-17-T (6:44)

The Planning Commission has reviewed several potential Zoning Ordinance updates which include sections of the ordinance dealing with signs, outdoor displays, accessory uses and structures, snow storage, wetlands and dumpster enclosures. Board members discussed the proposed zoning ordinance changes and asked questions. Supervisor Korn opened the public hearing at 6:48pm. Seeing no one wishing to speak, the public hearing was closed.

Agostinelli moved and Barsheff seconded THAT Resolution 2022-17-T adopting Amendment No. 33 to Ordinance No. 68, Garfield Township Zoning Ordinance, BE ADOPTED.

Yeas: Agostinelli, Barsheff, Schmuckal, McManus, Duell, Macomber, Korn Nays: None

c. Public Hearing – Consideration of the amount of property tax millage to levy for the 2023 General and Fire Fund accounts (6:50)

Supervisor Korn opened the public hearing at 6:50pm and seeing no one wishing to comment, the public hearing was closed. Board members discussed the proposed millage for emergency services. Any gap in funding will be covered by the township General Fund. An attorney opinion from Grand Traverse Metro will be forthcoming regarding the millage rate.

Agostinelli moved and Barsheff seconded to levy 2.0 mills for the Garfield Township General Fund for operating expenses and to levy 2.6 mills for Emergency Services.

Yeas: Agostinelli, Barsheff, Schmuckal, McManus, Macomber, Korn Nays: Duell

d. Consideration of Gourdie-Fraser's proposal for engineering services for EGLE-DWRF Project Plan – Capital Improvement Projects (7:08)

Township Engineer Jennifer Graham presented a proposal for Engineering services for the EGLE Drinking Water Revolving Fund grant. These funds compile an updated and current water reliability study that is compliant with EGLE requirements. The money will be used for a detailed study of the existing Garfield Township water distribution system and would outline \$30 million in funding projects. The cost of engineering services would cost \$112,500. Board members discussed the proposed engineering proposal.

Schmuckal moved to Barsheff seconded to approve Gourdie-Fraser's proposal for engineering services for EGLE-DWRF Project Plan – Capital Improvement Projects in the amount of \$112,500.

Yeas: Schmuckal, Barsheff, Duell, Macomber, Agostinelli, McManus, Korn Nays: None

- 9. <u>Public Comment:</u> (7:20)
- Other Business (7:20)
 A budget meeting was scheduled for Wednesday, September 21st at 5pm.

11. Adjournment

Korn adjourned the meeting at 7:21pm.

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 GRAND TRAVERSE COUNTY, MICHIGAN

RESOLUTION #2022-14-T(c)

TENTATIVE SPECIAL ASSESSMENT ROLL FOR BLUE STAR ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

WHEREAS, the Township Board of the Charter Township of Garfield, Grand Traverse County, Michigan, on September 13, 2022, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the township for the purpose of defraying a portion of the costs of *Road Improvement* proposed to be completed within the *Blue Star Road Improvement* Special Assessment District as shown on the plans and specifications for such project; and

WHEREAS, such public hearing was preceded by proper notice in the <u>Record Eagle</u>, a newspaper of general circulation in the township, and by first-class mail notice to each property owner of record within said district and upon said assessment roll; and

WHEREAS, (no) written objections were received to said roll and levy; and

WHEREAS, the oral comments received indicated the reasonableness of the following amendments to said assessment roll; and

WHEREAS, a record of those present to protest, and of written protests, submitted at or before the public hearing was made a part of the minutes of the hearing; and

WHEREAS, it is the opinion of the Township Board that no further time should be granted for consideration of the matter because of the time constraints in *completing the* road improvements before the end of the 2022 construction season; and

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as amended, to be correct, just and reasonable;

NOW THEREFORE, BE IT HEREBY RESOLVED as follows:

- The tentative assessment roll submitted by the supervisor and assessing officer
 of the township (as amended in the within resolution) shall hereafter be
 designated as <u>Blue Star Road Improvement Special Assessment District</u> and
 shall be hereby confirmed as the tentative assessment roll for said Special
 Assessment District
- 2. The assessments in said <u>Blue Star Road Improvement Special Assessment District</u> shall be in seven (7) annual installments with the first installment to be due on or before <u>September</u> 1st, <u>2023</u>. All unpaid installments prior to transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at the rate of <u>4.04%*</u> percent per annum commencing on the first installment due date hereinbefore set forth. Any payments made before such first installment due date shall not

bear any such interest. *The interest rate will be based on the rate of the 10 year Treasury Bill (3.04% as of August 1, 2022), at the time the project is complete. plus 1.00% in accordance with Garfield Township's Special Assessment Rate and Term Policy.

- 3. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver said special assessment roll to said treasurer with his/her warrant attached, commanding the treasurer to collect such assessments in accordance with the direction of the Township Board and said PA 188.
- 4. All resolutions and parts of resolutions insofar as they conflict with the provision of the within resolutions be and the same are hereby rescinded.

Upon roll call vote, the following voted -

Ayes: Schmuckal, Duell, Macomber, Agostinelli, Barsheff, McManus and Korn

Nays: None

Absent and Excused: None

RESOLUTION 2022-14-T(c) DECLARED ADOPTED.

Lanie McManus, Clerk

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 a Resolution which was adopted by the Township Board of the Charter Township of Garfield on the 13th day of September, 2022.

Dated: 9-14-2022

CHARTER TOWNSHIP OF GARFIELD GRAND TRAVERSE COUNTY, MICHIGAN

ORDINANCE NO. 68 (Zoning Ordinance): AMENDMENT NO. 33

RESOLUTION #2022-17-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 the Garfield Township Board of Trustees, following the September 13, 2022 public hearing, finds that an amendment to the Charter Township of Garfield Zoning Ordinance is necessary to incorporate the following changes:

• Section 516 - Dumpster Enclosures

o Prohibit chain link fencing from being used for any portion of the enclosure or gate

Section 534 – Wetlands

- Clarify applicability of this section to any wetlands other than those for which an applicant has obtained a valid permit from the State of Michigan to fill or modify such wetland
- o Require delineations of all wetlands and State verification of such delineations
- Apply wetland setback of 25 feet to snow storage areas

• Section 551.E(6) - Snow Storage

 Require snow storage areas to be at least 25 feet away from the wetlands and to be outside of any required riparian vegetative buffer

• Section 611 - Accessory Uses and Structures

- Lower the required separation between an accessory structure and any other structure on the lot from 10 feet to 3 feet
- Clarify that separation between structures is measured from the furthest projection of the building (e.g., roof / eaves), not the walls

• Section 613.A(1)(c) – Outdoor Display

- Allow the Zoning Administrator to review areas for outdoor display on administrative site plan reviews instead of the Planning Commission
- Require that outdoor display areas not be in a no-build buffer zone or required landscaping area, and be located to avoid interference with parking lots, vehicular maneuvering lanes, sidewalks, and pathways
- Allow the Zoning Administrator the discretion to forward the review of an outdoor display area to the Planning Commission as needed

• Section 630 - Signs

- o Adopt luminance standards for sign lighting for changeable copy signs
- Allow changeable copy signs in the I-G and I-L zoning districts

NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

AMENDMENT NO. 33 TO GARFIELD TOWNSHIP ORDINANCE NO. 68 (Zoning Ordinance):

A. THAT Section 516 Dumpster Enclosures, subsection B. BE AMENDED to read in its entirety as follows:

- B. The enclosure shall be four-sided and constructed with an opaque gate constructed of wood or similar material. Chain link fencing shall not be used for any portion of the enclosure or gate.
- B. THAT **Section 534 Wetlands** BE REPEALED AND REPLACED in its entirety with the following language:

SECTION 534 WETLANDS

A. Applicability

This section applies to any wetland which is regulated under Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, except for the following:

(1) Any wetland or portion of wetland for which an applicant has obtained a permit from the State of Michigan to fill or modify such wetland, where such permit has not expired or otherwise been revoked, and where such permit has been submitted to the Township as part of a site plan or land use permit application in accordance with the provisions of this Zoning Ordinance.

B. Delineation

As part of a site plan or land use permit application submitted in accordance with the provisions of this Zoning Ordinance, such application shall be accompanied by a delineation of all wetlands on the site. This delineation shall be conducted by a professional engineer with relevant expertise. This delineation shall be verified by the State of Michigan. Documentation of such verification shall be submitted to the Township.

C. Wetland Setbacks

No structure, parking lot area, or snow storage area shall be located within twenty-five (25) feet of such wetland. However, recognized wetlands may be incorporated into a stormwater management strategy provided that the wetland values will not be impaired and provided further that incorporation of the wetland will provide a net ecological benefit to groundwater and surface water.

- C. THAT Section 551.E(6) Snow Storage BE AMENDED to add subsection (d) and subsection (e) with the language to read as follows:
 - (d) Not be located within twenty-five (25) feet of a wetland regulated under Section 534 of this Zoning Ordinance, per Section 534.C.
 - (e) Not be located within any required riparian vegetative buffer, per Section 535.C.
- D. THAT Section 611 Accessory Uses and Structure, subsection (a) BE AMENDED in its entirety to read as follows:
 - (a) The structure is located a minimum of three (3) feet from any other separate structure on the same lot as measured from the outermost edge of any horizontal projecting element;
- E. THAT Section 613 Outdoor Storage, subsection A. Regulations and Conditions, subsection A. (1) Commercial Districts or Uses, subsection A.(1)(c) BE AMENDED in its entirety to read as follows:
 - (c) The Zoning Administrator in the case of a site diagram or administrative site plan, or the approval authority in all other cases, may approve designated areas of product display for large inventory items (boats, campers, trailers, snowmobiles, RV's, swing sets, or similar items) or sales of natural vegetation in the front yard or side yard area for commercial uses, if permitted in the district, provided that such display area shall not be in a no-build buffer zone or required landscaping area, and shall be located to avoid interference with parking lots, vehicular maneuvering lanes, sidewalks, and pathways. The Zoning Administrator shall retain the right to forward the review of any such proposed display area to the Planning Commission for their review and approval.
- F. THAT Section 630.E. Signs Permitted in C-L, C-G, and C-H Commercial Districts, subsection (2) (b) BE AMENDED in its entirety to read as follows:
 - (2) (b) Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure. Sign luminance shall not be greater than 4,200 candelas per meter squared beginning one hour after sunrise and continuing until one hour before sunset. Sign luminance shall not be greater than 200 candelas per meter squared at all other times. Sign lighting shall meet the requirements of this Ordinance.

G. THAT Section 630.H. Signs Permitted in I-G and I-L Mixed-Use Industrial Business Districts BE REPEALED AND REPLACED in its entirety with the following language:

H. Signs Permitted in I-G and I-L Mixed-Use Industrial Business Districts

In the I-G and I-L Districts the following signs shall be permitted:

(1) All signs as permitted by Section 630.E.

Moved: Molly Agostinelli

Supported: Chris Barsheff

Ayes: Agostinelli, Barsheff, Duell, Macomber, McManus, Schmuckal and Korn

Nays: None

Absent and Excused: None

Bv:

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 2022-17-T which was adopted by the Township Board of the Charter Township of Garfield on the 13th day of September, 2022. Amendment No. 33 to Garfield Township Ordinance No. 68 (Zoning Ordinance) shall take effect upon the expiration of seven (7) days following publication.

Dated: 9-14-2022

Lanie McManus, Clerk

Charter Township of Garfield

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Introduced: August 23, 2022

Adopted:

September 13, 2022

Published:

September 18, 2022

Effective:

September 25, 2022

CHARTER TOWNSHIP OF GARFIELD GRAND TRAVERSE COUNTY, MICHIGAN

ORDINANCE NO. 68 (Zoning Ordinance): AMENDMENT NO. 34

RESOLUTION #2022-18-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-2022-02 has been received to rezone approximately 23.86 acres of land ("subject property") at Parcels 05-023-042-50 and 05-023-042-60; 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 July 13, 2022 and adopting Findings of Fact on August 10, 2022, recommended the approval of the application to the Township Board; and

WHEREAS the Township Board, following a public hearing on September 13, 2022, 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. 34 TO GARFIELD TOWNSHIP ORDINANCE NO. 68 (Zoning Ordinance):

At the request of the owners and their representatives of Parcels 05-023-042-50 and 05-023-042-60, situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been rezoned by way of a map amendment from its current zoning of the A-Agricultural zoning district to the R-3 Multiple Family Residential zoning district.

Moved: Steve Duell Supported: Denise Schmuckal

Ayes: Duell, Schmuckal, Barsheff, Agostinelli, Macomber, McManus and Korn

Nays: None

Absent and Excused: None

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 2022-18-T which was adopted by the Township Board of the Charter Township of Garfield on the 13th day of September 2022. Amendment No. 34 to Garfield Township Ordinance No. 68 (Zoning Ordinance) shall take effect upon the expiration of seven (7) days following publication.

Dated: 9-14-2022

Lanie McManus, Clerk

Charter Township of Garfield

Introduced:

August 23, 2022

Adopted:

September 13, 2022

Published:

September 18, 2022

Effective:

September 25, 2022





State of Michigan
Michigan Gaming Control Board
Millionaire Party Licensing
3062 W. Grand Blvd, Suite L-700
Detroit, MI 48202-6062
Phone: (313) 456-4940
Fax: (313) 456-3405
Email: Millionaireparty@michigan.gov
www.michigan.gov/mgcb

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(k)(ii))

At a FEGULA	Regular	meeting of the	Charter 7	Township of Garfield Board
called to order by	Supervisor	Korn	on	September 13, 2022
at a.m./p.m. the following resolution was offered:				
Moved by	Molly Agostinelli	and suppor	ted by	Chis Barsheff
that the request from	Project NAME OF	Feed the Kids ORGANIZATION		of Traverse City
county of	Grand Traverse		asking that	they be recognized as a nonprofit
organization operating	in the community, for th	e purpose of obta	nining charital	nle gaming licenses, he
considered for APPRO			g onantal	ore garring licerises, be
APPROVAL: Yeas:	7	DISAPE	PROVAL:	Yeas:
Nays	. 0			Nays:
Abser	nt:0			Absent:
I boroby a serie, the state	,			
nereby certify that the	e foregoing is a true and	complete copy o	f a resolution	offered and adopted
TOWNS!	Charter Township of Gal HIP, CITY, OR VILLAGE COL	rfield INCIL/BOARD	_ at a	Regular REGULAR OR SPECIAL
meeting held on Se				
SIGNED:	AMA	mr Man IP, CITY, OR VILLAG	E CLERK	
Lanie McManus, Charter Township of Garfield Clerk				
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		NTED NAME AND TIT Drive, Traverse (ADDRESS		4
_	3848 Veterans	Drive, Traverse (ADDRESS	City, MI 4968	4
Organization Information	3848 Veterans	Drive, Traverse (ADDRESS ort Rd., Traverse	City, MI 4968	4
Organization Information	3848 Veterans	Drive, Traverse (ADDRESS ort Rd., Traverse (ING ADDRESS, STR	City, MI 4968	(231) 941-8844