

**CHARTER TOWNSHIP OF WILLIAMS  
BOARD OF TRUSTEES  
Regular Meeting – August 14, 2012**

The Board of Trustees of the Charter Township of Williams held a regular meeting on Tuesday August 14, 2012 at the Township Hall. The agenda is attached Exhibit A.

**I. Call to Order & Roll Call**

The meeting was called to order by Paul Wasek, Supervisor at 7:00 p.m. Present: Wasek (Supervisor), Hoverman (Treasurer), Charney (Clerk), Gower (Trustee), Plant (Trustee), and Putt (Trustee).

Excused: Paige (Trustee).

Others present are indicated on the sign in sheet, attached Exhibit B.

**II. Pledge of Allegiance**

The Pledge of Allegiance to the flag was said in unison.

**III. Open to the Public**

No one was present to address the Board.

**IV. Changes to Agenda**

There was one addition to the agenda.

**V. Consent Agenda**

1. Approve the July 10, 2012 Board of Trustee Minutes as presented.
2. Approve the payment of bills as submitted and to authorize payment of monthly health/dental insurance bill.
3. Receive the June 2012 Financial (cash) Report as presented.
4. Receive the June 2012 Revenue Expenditure Report as presented.
5. Receive the July 2012 Financial (cash) Report as presented.
6. Receive the July 2012 Revenue Expenditure Report as presented.
7. Receive the Supervisor's Update of Projects and Issues as presented.
8. Receive the List of Committee Reports, attached Exhibit E.
9. Approve the payment of expenses for appropriate township personnel to attend workshops within Michigan, listed in attached Exhibit F.
10. Receive the Miscellaneous Correspondence and Communication List, attached Exhibits G and H, respectively.

A motion was made by Plant and seconded by Hoverman to approve all items as listed on the Consent Agenda.

6 Ayes 0 Nays Excused: Paige. Motion carried.

**VI. Regular Agenda**

**1. Proposed Ordinance No. 181, Williams Twp Fireworks Ordinance**

In January 2012, the Michigan Fireworks Safety Act (PA 256 of 2011) was enacted. An ordinance may be adopted by a local unit of government regulating the ignition, discharge, and use of fireworks on days other than the day preceding a national holiday, actual national holidays, and the day after the designated national holiday. Thus, there are 30 days of the year that prohibit a local government from regulating the ignition of fireworks.

The Bay County Board of Commissioners has chosen not to address the problem at the county level. Currently, the city of Essexville, city of Midland, and Bangor Township, along with numerous other municipalities throughout the state have enacted their own ordinances to address complaints regarding noise and debris falling into neighboring parcels.

Bangor Township has agreed to allow other municipalities to use their ordinance as a template, changing the name of the governmental unit. This will allow for consistency throughout Bay County.

Significant provisions of the Ordinance include:

- prohibits the use of display fireworks within the township without a permit issued by the Township Board;
- provides a procedure for obtaining a fireworks display permit from the Township Board;
- prohibits the use of consumer fireworks within the township except on the day preceding, the day of, or the day after a national holiday;
- allows the use of low impact fireworks (i.e., ground and hand-held sparklers, etc.) and novelties (i.e. toy caps, etc.) within the township;
- provides a penalty of up to 90 days in jail and/or a \$500 fine for violation; and,
- authorizes any police officer with arrest powers within the township to enforce ordinance provisions.

The proposed ordinance was first discussed during the July meeting with questions as to whether or not an ordinance violation should result in a civil infraction with a ticket issued rather than a misdemeanor charge. Also, can fireworks be seized by a police officer if the penalty is a civil infraction?

Jim Hammond, Township Attorney was asked to attend this months meeting to answer questions regarding the proposed ordinance.

A lengthy discussion followed.

T. Putt is not sure a fireworks ordinance is necessary. P. Wasek stated that the township has received numerous phone calls and will continue to receive complaints until an ordinance is adopted.

J. Gower stated he would not support a fireworks ordinance if the penalty is anything other than a civil infraction.

J. Hammond stated fireworks can still be confiscated by a police officer if the penalty is a civil infraction. He attempted to convince the Board that a misdemeanor offense punishable by up to 90 days in jail, or a fine of up to \$500.00, or both such jail and fine makes more sense than a civil infraction. He also responded, when asked, that the Bangor Township Ordinance included a misdemeanor offense penalty.

A. Charney stated that our township deputies will warn a resident numerous times prior to arresting or confiscating the fireworks. The penalty may never need to be used. Normally a warning with a copy of the Ordinance will take care of the complaint.

**08-12-046-F/O** A motion was made by Gower and seconded by Putt to authorize  
===== the township attorney to revise Section 7 of proposed Ordinance No. 181, an ordinance to regulate the use of certain fireworks within Williams Township. The penalty shall be a civil infraction punishable by a graduated fine; \$200 for a first offense, \$500.00 for a second, or subsequent offense.

Ayes: Plant, Hoverman, Putt and Gower.  
Nays: Wasek and Charney.  
Excused: Paige. Motion carried.

The proposed ordinance will again be discussed and possibly introduced on September 11, 2012.

**2. Proposed Ordinance No. 180**

The proposed ordinance amends Williams Township Ordinance No. 33, as amended, the Township Zoning Ordinance. The township planning commission conducted a public hearing on July 2, 2012 and a recommendation was made that the Township Board proceeds to adopt the proposed ordinance.

Significant provisions of the Ordinance include:

- Amends Section 4.02 by revising the zoning map to rezone to AG all currently RE-zoned land, intending to eliminate the RE zoned district as a zoning district in Williams Township;
- Deletes Section 5.02 which pertains to the RE zoned district;
- Revises Table 2 to eliminate the RE zoned district and RE permitted and allowed uses from the table identifying AG and R zoned districts permitted and allowed uses;

- Revises Table 3 to delete any reference to the RE district in the table setting dimensional regulations for single family homes and by changing footnotes 4 and 5 to avoid turning former RE zoned lots into non-conforming uses; and,
- Revises Table 6 to delete any reference to the RE zoned district in the table setting dimensional regulations for nonresidential uses in the AG and R zoned districts.

The proposed ordinance was first discussed by the Board of Trustees on July 10, 2012.

Several members of the board were concerned that subdivision parcels along Midland Road with the current land use designation of RE will be adversely affected by the parcel becoming AG zoned, as opposed to R-1, Low Density Single Family District, after adoption of the ordinance. By unanimous consent, it was agreed to postpone a decision on the ordinance amendment until T. Paige or J. Hammond can answer questions regarding more populated areas of the township.

Township Attorney, J. Hammond was present to answer questions and provide information on the proposed amendments to the township zoning ordinance. He stated that the rezoning was initiated by the Planning Commission as the RE, Rural Estate, zoned district is currently inconsistent with the township General Development Plan. By eliminating the RE zoned district, the General Development Plan will be consistent with the township zoning map.

Any lot that currently meets the RE, Rural Estate, zoned specifications will continue to be a lawful sized lot with the AG, Agricultural district zoning. If the parcel is a lawful sized lot at the time of Ordinance adoption, then it will remain a lawful use as an AG zoned parcel.

**08-12-047-O/P/Z** A motion was made by Plant and seconded by Putt to accept the  
===== recommendation of the township planning commission to waive reading, introduce, and authorize publication of proposed Ordinance No. 180, an ordinance to amend Williams Township Ordinance No. 33, as amended, the Township Zoning Ordinance.

Ayes: Hoverman, Charney, Putt, Gower, Wasek, and Plant.  
Nays: None.  
Excused: Paige.

### **3. Water Rate Increase**

The city of Bay City makes water rate adjustments to the “out city” customers each year, based on consumption, costs, etc. During 2011, the township was charged a wholesale water rate of \$2.38 per 100 cubic feet by Bay City. Our customers pay \$3.13 per 100 cubic feet.

Bay City recently approved the 2012/2013 Out-City wholesale water rate at \$2.20 per 100 cubic feet, a decrease of \$.18/CCF from the current water rate.

Correspondence was received from Tom Paige, Bay County DWS Director, recommending that the Township Board make no adjustments to the current customer rate, as any additional funds will be available to offset costs associated with the construction and operation of the new proposed membrane water treatment plant.

**08-12-048-F/W**      A motion was made by Putt and seconded by Gower to accept the  
=====      recommendation of Bay County DWS to not adjust the current  
Williams Township customer water rate of \$3.13/CCF.  
6 Ayes 0 Nays    Excused: Paige.    Motion carried.

**4.      Carter Road Water Line Extension/Loop**

A twelve inch water line currently exists on portions of Carter Road between N. Union Road and Wilder Road.

A survey was mailed during June 2012 to property owners where houses are located. Of the five property owners that responded, three were interested and would connect to the water, if available. A survey was also mailed to property owners where houses are located between Wilder Road and Wheeler Road. There are six homes in this mile. Four responded they are interested and will connect.

An eight inch line is proposed as “over-sizing” of the line can cause possible stagnation due to lower amounts of usage in the area. Original cost estimates were completed by Civil Engineering Consultants during 2007.

Preliminary project cost from Wilder Road to Wheeler Road	\$173,000
Preliminary project cost from N. Union Road to Wilder Road, approximately 3,200 L.F.	\$110,000

A brief discussion followed. Cost estimates will need to be reviewed prior to a decision of whether to proceed during 2013. All agreed that completing the section between N. Union Road and Wilder Road to loop the system should again be discussed during 2013 if township water line funding is available.

**5.      2012 Property Tax Resolution**

A township millage rate of 4.40 mills was levied in 2011. It is the same millage rate that has been levied for numerous years.

A brief discussion followed. Members of the board agreed that with Michigan’s tough economic conditions, the millage rate should remain at 4.40 mills for the December 2012 tax billing.

**08-12-049-B/M/P/T** A motion was made by Hoverman and seconded by Plant to adopt  
===== the resolution to levy a 2012 township property tax rate of 4.40  
mills, attached Exhibit C.

Ayes: Charney, Putt, Gower, Wasek, Plant, and Hoverman.

Nays: None.

Excused: Paige. Motion carried.

## **6. Township Park Playground Equipment**

Earlier this year eight new grills and two steel trash receptacles were purchased for the township park. Rusted picnic table frames have been replaced, a new sand box constructed, and worn out, or unsafe equipment was removed.

The top brackets on remaining swings are becoming rusty, some bouncy toys are frozen in place and cannot be repaired, and swing seats need replacing. Two enclosed infant swing seats were removed due to age and condition.

The 2012 township budget included \$8000.00 for construction that will not be used but could be potentially used to purchase new playground equipment, such as a climbing wall, and small spring type rocking animals for the smaller children. The swing hardware should also be upgraded and one or two infant swings should be purchased. No specific equipment has been chosen at this time. Two different playground salespersons have visited with the Supervisor, Clerk, and Treasurer, and one more has been contacted.

A brief discussion followed. P. Wasek had books from several companies and C. Hoverman provided a picture of a climbing wall recently added to the Spaulding Township Park. Previous and potential capital outlay purchases were discussed. All agreed that our township park equipment needs to be updated and added to.

**08-12-050-E/P/P** A motion was made by Putt and seconded by Charney to spend  
===== up to \$20,000.00 on playground equipment improvements to the township park. The Supervisor, Clerk, and Treasurer shall make a determination of what shall be purchased during 2012.

6 Ayes 0 Nays Excused: Paige. Motion carried.

## **7. DPW Roof**

The DPW building was constructed in the mid-1990's and later enlarged in May 2001. The roof, other than various repairs has not been replaced. During wind storms in 2011 and 2012, more and more of the shingles have torn away due to age and brittleness. Each time there is a storm, more shingles are blown off the roof. The roof does not leak at this time.

P. Wasek asked for price quotations for a traditional asphalt shingled roof and a steel/metal roof from five area roofing companies. Four responded.

Prices received from the companies follow. Two companies did not provide quotes for asphalt shingles.

	<u>Asphalt Shingles</u>	<u>Steel Roof</u>
McNally Homes, LLC	\$9,160.00	\$11,040.00
MAG Insulation	\$12,500.00	\$10,500.00
with/ 50 year warranty	\$12,950.00	
Herbert Roofing & Insulation	no quote	\$15,115.80
Saginaw Valley Metal Works	no quote	\$29,120.00

Board members agreed they would prefer a steel/metal roof as opposed to a shingled roof. T. Putt prefers that all shingles be removed prior to installation of the roof. The only price quotation that included removal of the existing roof was Saginaw Valley Metal Works.

After a brief discussion, P. Wasek agreed to contact all bidders, other than Saginaw Valley Metal Works, and ask for a revised price to remove all existing shingles from the DPW building prior to the installation of a steel/metal roof.

**8. Water Treatment Plant Resolution**

Williams Township, along with other Bay County townships, cities, and water districts, adopted a resolution during 2011 supporting construction of a new membrane Water Filtration Plant utilizing Saginaw Midland Municipal Water Supply Corporation (SMMWSC) raw water.

The Bay County Road Commission through its Department of Water and Sewer submitted a 2012 Drinking Water Revolving Fund (DWRF) Application to include a Bay Area Water Treatment Plant Project Plan to the MI Dept of Environmental Quality for fiscal year 2013 funding, with additional funding segments in future years. The Bay Area WTP Project Plan has ranked high and is likely to receive DWRF funding since the MDEQ has ranked and included this project on the draft Project Priority List to receive a commitment of \$12 million in fiscal year 2013 with additional funding segments in fiscal years 2014 and 2015 likely.

The MDEQ can provide up to \$6 million in principal forgiveness for green project components on any one project and has indicated the Bay Area WTP Project could qualify for the \$6 million amount.

However, the Bay Area water users must have a water authority established or signed intergovernmental agreement by December 31, 2012 and a signed purchase agreement with the SMMWSC by January 31, 2013, along with meeting many other milestone dates to receive DWRF funding during 2013.

Many governance structures have been considered during the Governance Workshops, including a Water Authority, and Intergovernmental Agreements.

The proposed Resolution supports concentrating all efforts on developing a governance structure through an Intergovernmental Agreement or Agreements for a Bay Area Water Treatment Plant operated and maintained by the Bay County Road Commission though the Bay County Department of Water and Sewer.

**08-12-051-B/B/W** A motion was made by Putt and seconded by Hoverman to adopt  
===== the Resolution Supporting Intergovernmental Contract for a New Bay Area Water Treatment Plant, attached Exhibit D.

Ayes: Putt, Gower, Wasek, Plant, Hoverman, and Charney.  
Nays: None.  
Excused: Paige. Motion carried.

**VII. Unfinished Business**

There was no unfinished business.

**VIII. New Business**

There was no new business.

**IX. Other Committee Reports**

T. Putt provided information on the most recent Fire District Board Meeting. The fire department is accepting applications for firefighters. There are a huge number of medical runs, many times to the same address. Our fire department is the last non paid department in Bay County.

J. Plant will attend a meeting on August 17<sup>th</sup> to discuss a proposed pathway location adjacent to the railroad tracks in Monitor Township.

**X. Adjournment**

A motion was made by Hoverman and seconded by Charney to adjourn the meeting at 9:05 p.m.

6 Ayes 0 Nays Excused: Paige. Motion carried.

**Williams Charter Township**

Amy Charney, Clerk

Paul Wasek, Supervisor