

CHARTER TOWNSHIP OF GARFIELD TOWN BOARD SPECIAL MEETING

Tuesday, January 26, 2016 at 6:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

AGENDA

ORDER OF BUSINESS

Call meeting to order

Pledge of Allegiance

Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

Any person shall be permitted to address a meeting of The Township Board, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Board Rules and Procedures: a.) any person wishing to address the Board is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Township Board Member's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes. 1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time.

2. Review and approval of the Agenda - Conflict of Interest

3. Consent Calendar

The purpose of the Consent calendar is to expedite business by grouping non-controversial items together to be dealt with in one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the Consent Calendar be removed there from and placed elsewhere on the Agenda for full discussion. Such requests will be automatically respected. If any item is not removed from the Consent Calendar, the action noted in parentheses on the Agenda is approved by a single Board action adopting the Consent Calendar.

- a. Minutes – January 12, 2016 (Recommend Approval)
- b. Acceptance of Close-out Documents for Carson Square water and sewer project and turn over to County DPW for operation and maintenance (Recommend Approval)
- c. PD Report 2016-08 - Report from Planning Commission regarding Vacation Home Rentals in Silver Lake District (Recommend Approval)

4. **Items removed from the Consent Calendar**
5. **Correspondence**
6. **Reports**
 - a. Sheriff's Report
 - b. County Commissioner's Report
 - c. Planning Commissioner's Report
 - d. Treasurer's Report
 - e. Clerk's Report
 - f. Supervisor's Report
7. **Unfinished Business**
8. **New Business**
9. **Public Comment**
10. **Other Business**
11. **Adjournment**

Lanie McManus, Clerk

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

CHARTER TOWNSHIP OF GARFIELD
TOWN BOARD MEETING
January 12, 2016

Chuck Korn called the Town Board Meeting to order on January 12, 2016 at 6:00 p.m. at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan.

Pledge of Allegiance

Roll call of Board Members

Present: Molly Agostinelli, Denise Schmuckal, Lanie McManus, Chuck Korn, Jeane Blood Law and Kit Wilson

Absent and Excused: Bob Featherstone

Staff Present: Rob Larrea

1. Public Comment (6:01)

Mike Kazmierski commented on the weekly vacation rentals and the proposed distillery.

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

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

Yeas: Agostinelli, Schmuckal, Wilson, Blood Law, McManus, Korn

Nays: None

3. Consent Calendar (6:03)

a. Minutes

December 8, 2015 Regular Meeting (Recommend Approval)

b. Bills

General Fund	\$877,788.59
(Recommend Approval)	

Gourdie-Fraser

Developer's Escrow Fund	\$ 800.00
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Utility Receiving Fund	<u>230.00</u>
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Total	\$ 1,030.00
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(Recommend Approval)

c. Building Department 2016 Statement of Operations and Annual Report (Receive and File)

- d. **MTT Update (Receive and File)**
- e. **PD 2016-01 – Zoning Ordinance Amendment No. 1 to Ordinance No. 68 – Consideration of Resolution #2016-01-T – Introduce and schedule for public hearing on February 9, 2016. (Recommend Approval)**
- f. **2015 Zoning Department Activities (Receive and File)**
- g. **Consideration of Resolution #2016-05-T, a resolution in support of a small distiller license (Recommend Approval)**

Blood Law moved and Wilson seconded to adopt the consent calendar as presented.

Yeas: Blood Law, Wilson, Agostinelli, Schmuckal, McManus, Korn

Nays: None

4. Items Removed from the Consent Calendar

5. Correspondence

6. Reports

a. Construction Report (6:07)

Jennifer Hodges submitted a written report.

b. Sheriff's Report (6:07)

Deputy Chris Barsheff reported that in December 2015, there were 1,479 calls for service in the township. Accomplishments in 2015 include active shooter training at businesses, drug take backs, crime prevention programs, a presence on trails and building relationships with neighborhoods and businesses. For 2016, he wants to keep up what he implemented, but with a greater frequency. Barsheff said he is also looking at how his officers are scheduled so people are used to the best of their abilities. Arrests were made in a car break in case and in the December 23rd incident involving a man who wanted to blow up the mall. Detective Shea also helped to apprehend a suspect and stolen goods. Barsheff added that the new theater opened and there have been no issues.

c. G.T. Metro Fire Department Report (6:20)

Terry Flynn said that the Fire Department was up about 100 calls from last year. In 2015, the department gave 25 mutual aid calls and received only three. A Fire Board decision ended free mutual aid.

d. County Commissioner's Report (6:27)

County Commissioner Alisa Kroupa said that the Board of Commissioners passed a budget last month. The board got rid of two million dollars in the budget by making some changes to health insurance and an additional one million by making departmental changes. Commissioners will begin to look at the

2017 budget this spring. The county has offered the position of Deputy Administrator to someone and John Sych will present staffing changes in Building Codes and Soil Erosion to the Board tomorrow night. Commissioners asked questions about the 2016 budget and the cuts in the budget.

e. Personnel Committee Report (6:23)

Schmuckal welcomed Dorothy Petroskey to the staff.

f. Treasurer's Report (6:23)

Blood Law informed the Board that revenue sharing was up 16% from last year. She has worked to rid the excess township items on Craigslist and gained \$3,300. Blood Law is researching other websites to get rid of the remaining surplus items and will keep the Board informed of the results.

g. Clerk's Report (6:37)

McManus said her report was submitted in writing. Her office has been preparing for the audit. She added that 2,300 absentee ballot applications have been sent out and they are gearing up for the March election.

h. Supervisor's Report (6:38)

Korn reported that he attended a FEMA emergency management training seminar and that the township closed on the Keystone property and is moving forward with plans for a new park. He said that the Road Commission has approached the township about the speed on Randolph Street and that many residents would like the speed reduced from 55 mph to 25 mph. He added that the city has offered to take over the maintenance of the road from the township. Board members concurred with that option and authorized Chuck to proceed with discussions with the City. Since a mistake was made in regards to the township meeting calendar, Board members decided to reinstate the Board meeting on January 26th.

7. Unfinished Business

8. New Business

a. Consideration of Resolution 2016-02-T 2016, Grand Traverse County Natural Hazard Mitigation Plan adoption resolution (6:45)

Korn said that this is a plan which describes conditions in the county and who will be in command in an emergency. Board members brought up the fact that the document needs to be updated before adoption. The resolution also provides a section describing responsible parties to many projects and needs further documentation. Korn will take the concerns to Gregg Byrd and bring the resolution back to the Board.

b. Consideration of Resolution 2016-03-T 2016, a resolution amending and restating the Township Governmental Non- Erisa Retirement Plan (6:52)

Agostinelli moved and Schmuckal seconded to adopt Resolution 2016-03-T, a resolution amending and restating the Township Governmental Non- Erisa Retirement Plan.

Yeas: Agostinelli, Schmuckal, Wilson, Blood Law, McManus, Korn

Nays: None

c. PD 2016-04-T – Application for public use deed – Grand Traverse Commons “State 40” – Consideration of Resolution 2016-04-T (6:54)

Schmuckal moved and Wilson supported THAT Resolution 2016-04-T, authorizing an application to the DNR for conveyance of the “State 40” to Garfield Township for public purposes, be approved, with the application fee of \$300.00 to be taken out of the park fund.

Yeas: Schmuckal, Wilson, Blood Law, Agostinelli, McManus, Korn

Nays: None

d. Request from Tim Hinkley of the TC Boom Boom Club for Garfield Township to contribute \$3,500 for the 2016 Fourth of July fireworks performance. (6:58)

Korn noted that this expenditure was already in the 2016 budget.

Schmuckal moved and Blood Law supported to approve a \$3,500 contribution to the TC Boom Boom Club for the 2016 Fourth of July fireworks performance.

Yeas: Schmuckal, Blood Law, Wilson, Agostinelli, McManus, Korn

Nays: None

e. Consideration of Sewer Benefits Deferral Agreement between Kenneth T. Hennrick and Garfield Township (6:58)

Hennrick wants to join the sewer system since his septic system is failing but cannot afford the entire amount up front. Korn said that the \$6,700 fee could be billed through the DPW at a 2.555% interest rate. The agreement has been reviewed by our attorney who suggested a minor change which Korn read. Board members discussed the agreement and the ramifications.

Agostinelli moved to direct Korn to sign the agreement on behalf of the township with the recommended changes as directed by the attorney and Blood Law seconded the motion.

Yeas: Agostinelli, Blood Law, Schmuckal, Wilson, McManus, Korn

Nays: None

9. Public Comment: (7:03)

Alisa Kroupa commented that Chuck Lerchen will be bringing forward a proposal for a county wide veteran's millage and that the county is under investigation from the state for the soil erosion department.

10. Other Business (7:11)

Schmuckal commented that the sidewalks along the newly finished LaFranier Road were not being plowed and were getting dangerous for those walking along the roadway. Korn said that he will discuss the problem with the Road Commission.

Wilson said that the Silver Lake Vacation Rental subject was still being discussed by the Planning Commission and no decision had been reached yet. She will bring back a recommendation to the Board when the Planning Commission has made a decision.

Blood Law commented on the mitigation plan and noted that last year's emergency events are not included.

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

January 20, 2016

Charter Township of Garfield
Attn: Chuck Korn
2848 Veterans Drive
Traverse City, MI 49684

PH 231.946.5874
FAX 231.946.3703
WWW.gourdiefraser.com

RE: Carson Square: Close-out Documents
GFA #15012

Dear Chuck:

The project for Carson Square has been completed. Enclosed please find the following items submitted by the contractor in compliance with the contract documents.

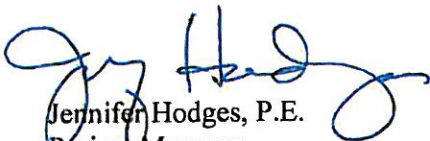
- 1) One-Year Maintenance Bond
- 2) Letter of Guarantee
- 3) Recorded Easement
- 4) Information for Bill of Sale
- 5) Affidavit of Completion/Consent of Surety

The Record Drawings are completed and both paper and CD copies will be delivered to the Grand Traverse County Department of Public Works.

Gourdie-Fraser, Inc. has provided oversight construction observation for this project and hereby verifies that to the best of our knowledge, the contractor has installed the facilities according to the plans and specifications. Based on this information, we recommend that the Township accept the facilities.

If you have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,
Gourdie-Fraser, Inc.


Jennifer Hodges, P.E.
Project Manager

Enclosures

cc: John Divozzo, Grand Traverse County DPW

MAINTENANCE BOND

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

CONTRACTOR:

Rohde Construction Company, Inc.
4087 Brockton SE
Kentwood, MI 49512

SURETY:

Hartford Casualty Insurance Company
501 Pennsylvania Ave
Indianapolis, IN 46280

OWNER:

Carson Square LDHA LP
2279 S. Airport Rd
Traverse City, MI 49684

CONTRACT

Date: July 8, 2015

Amount: \$3,893,885 Total Construction Contract, \$114,647 for underground infrastructure

Project Description: Carson Square Apartments (sewer and water infrastructure) Carson Street between Linden and Woodward

BOND

Date (1 year from date of Acceptance by the Municipality):

Amount: \$57,325

Bond Number: #81BCSAB0436

Surety and Contractor, intending to be legally bound hereby, subject to the following terms, to each cause this Maintenance Bond to be duly executed on its behalf by its authorized officer, agent or representative.

KNOW ALL MEN BY THESE PRESENTS,
That we, Rohde Construction Company, Inc.
as Principal, (hereinafter called **Principal**), and
Hartford Casualty Insurance Company as
Surety (hereinafter called **Surety**), are held and
firmly bound into Carson Square LDHA LP
as Obligee (hereinafter called **Obligee**), in the
penal sum of Fifty-Seven Thousand Three
Hundred Twenty-Five and 00/100-----
Dollars \$57,325.00 for the
payment whereof Principal and Surety bind
themselves, their heirs, executors,

administrators, successors, and assigns, jointly
and severally, firmly by these presents

WHEREAS, said Principal has by written
Agreement, dated July 8, 2015
entered into a Contract with said Obligee for
Carson Square Apartments (sewer and water
infrastructure) Carson Street between
Linden and Woodward
in accordance with the General Conditions, the
Drawings and Specifications, which Contract is
by reference incorporated herein, and made a
part hereof, and is referred to as the Contract.

NOW, THEREFORE, the condition of this obligation is such that, if said Principal shall maintain and remedy any defects due to faulty materials or workmanship, and pay for any damage to other Work resulting therefrom, and additional expense which shall appear within a period of one (1) year from the date of acceptance by the municipality of the Work

provided for in the Contract, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that said Obligee shall give Principal and Surety notice of observed defects with reasonable promptness.

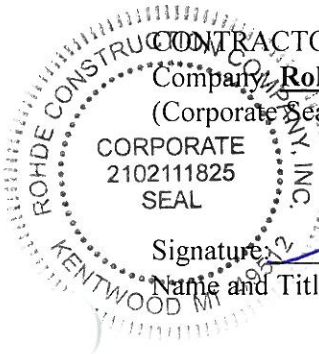
Signed and sealed this 5th day of January, 2016

CONTRACTOR AS PRINCIPAL

SURETY

Company: Rohde Construction Company, Inc.
(Corporate Seal)

Company: Hartford Casualty Insurance Company
(Corporate Seal)



Signature: [Handwritten Signature]
Name and Title: Geoff Eldred
Project manager

Signature: [Handwritten Signature]
Name and Title: James Hayward (Attorney-in-Fact)
(Attach Power of Attorney)

(Space is provided below for signatures of additional parties, if required).

CONTRACTOR AS PRINCIPAL
Company: (Corp. Seal)

SURETY
Company: (Corp. Seal)

Signature: _____ Signature: _____
Name and Title: _____ Name and Title: _____

NOTE: Date of Bond must not be prior to date of Substantial Completion. If Contractor is a Partnership, all partners should execute Bond.

IMPORTANT: Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the Project is located.

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
Bond T-4
One Hartford Plaza
Hartford, Connecticut 06155
call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 81-151866

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited** :

Valerie L. Giuliano, James Hayward, Dennis E. Scully, Carl Vandebosch
of GRAND RAPIDS, Michigan

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on August 1, 2009, the Companies have caused these presents to be signed by its Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Wesley W. Cowling

Wesley W. Cowling, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Vice President

STATE OF CONNECTICUT }
 } ss. Hartford
COUNTY OF HARTFORD }

On this 12th day of July, 2012, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard

Kathleen T. Maynard
Notary Public
My Commission Expires July 31, 2016

I, the undersigned, Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of January 5, 2016
Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Vice President

LETTER OF GUARANTEE

DATE: 1-6-16

PROJECT NO.

OWNER: Carson Square LDHA LP
2279 S. Airport Rd
Traverse City, MI 49684

PROJECT: Carson Square Apartments Underground
Infrastructure

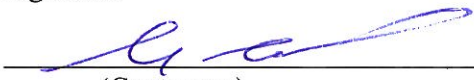
Gentlemen:

As the Contractor for this Project, I hereby guarantee all materials and equipment furnished and all Work performed on this Project including any restoration Work necessary to be repaired or replaced.

With respect to this Project, to our personal knowledge, all payments have been made and there are no Liens on said system

This guarantee will remain in effect for a period of one (1) year from the date of acceptance by the Municipality.

Signature:



(Contractor)

Title: Geoff Eldred – Project Manager
(Please Print or Type)

Company Name:
Rohde Construction Company, Inc.
(Please Print or Type)

Address:
4087 Brockton SE
Kentwood, MI 49512



2016R-00967
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED 1:39:21 PM
01/14/2016 PAGE 1 OF 4
PEGGY HAINES REGISTER OF DEEDS

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: that Carson Square LDHA, LP (Grantor), whose address is 2279 South Airport Road West, Traverse City, MI 49684 for and in consideration of One Dollar and 00/100 cents (\$1.00) grants and conveys to The Charter Township of Garfield, a Michigan municipal corporation, (Grantee), whose address is 3848 Veterans Drive, Traverse City, MI 49684, and the successors and assigns of Grantee, a non-exclusive easement for the purposes of laying construction, maintaining, operating, repairing, substituting, removing, enlarging, inspecting and replacing public and/or private utilities, through, along and across the following described property:

Situated in the Township of Garfield, County of Grand Traverse, State of Michigan, to wit:

TWO 20' WIDE PUBLIC UTILITY EASEMENTS

Twenty (20) foot wide easement for the installation and maintenance of PUBLIC SEWER and appurtenances in part of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan, said Easement encumbering Tax Parcel #05-335-013-00, which is more fully described as;

EXHIBIT A (attached)

Twenty (20) foot wide easement for the installation and maintenance of PUBLIC WATER and appurtenances in part of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan, said Easement encumbering Tax Parcel #05-335-013-00, which is more fully described as;

EXHIBIT B (attached)

Subject to other easements or restrictions, if any.

Together with the right of ingress and egress to, from and over said lands, and subject to other easements or restrictions, if any.

The Grantee shall replace and restore the property to the extent practicable whenever any construction or maintenance occurs within the easement area. Grantee shall not be responsible for replacing any trees or vegetation in the easement area that are disturbed as a result of construction or maintenance. Grantor agrees that no buildings, fences or

other structures of any kind will be placed within the boundaries of said easement, and Grantor shall not plant any trees or vegetation in the easement that interfere with Grantees rights under this easement. Grantee shall have the right to remove any buildings, fences, structures, trees or vegetation placed within the easement and Grantor shall be responsible for the cost of such removal.

This easement and associated rights and restriction are granted in perpetuity.

Grantor and Grantee, as used herein, shall be deemed to be plural, when required to be so, and shall include the heirs, successors and assigns of the parties hereto.

The Word "easement", as used herein, shall be deemed to plural when required to be so.

The rights, obligations and restrictions under this Grand of Easement shall run with the land of Grantors and shall be binding on the successors and assigns of Grantors.

Dated this 14th day of January, 2016

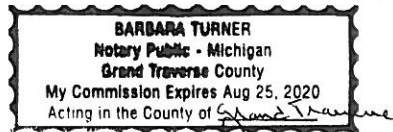
Cecil R. McNally Grantor for Carson Square LDHA, LP
Cecil R. McNally - CEO - General Partner
STATE OF MICHIGAN
COUNTY OF Grand Traverse

Acknowledged before me in on the 14th day of January, 2016

Cecil R. McNally - CEO - General Partner
By, Carson Square LDHA, LP, Grantors

Barbara Turner
Notary Public:

Traverse City, Michigan



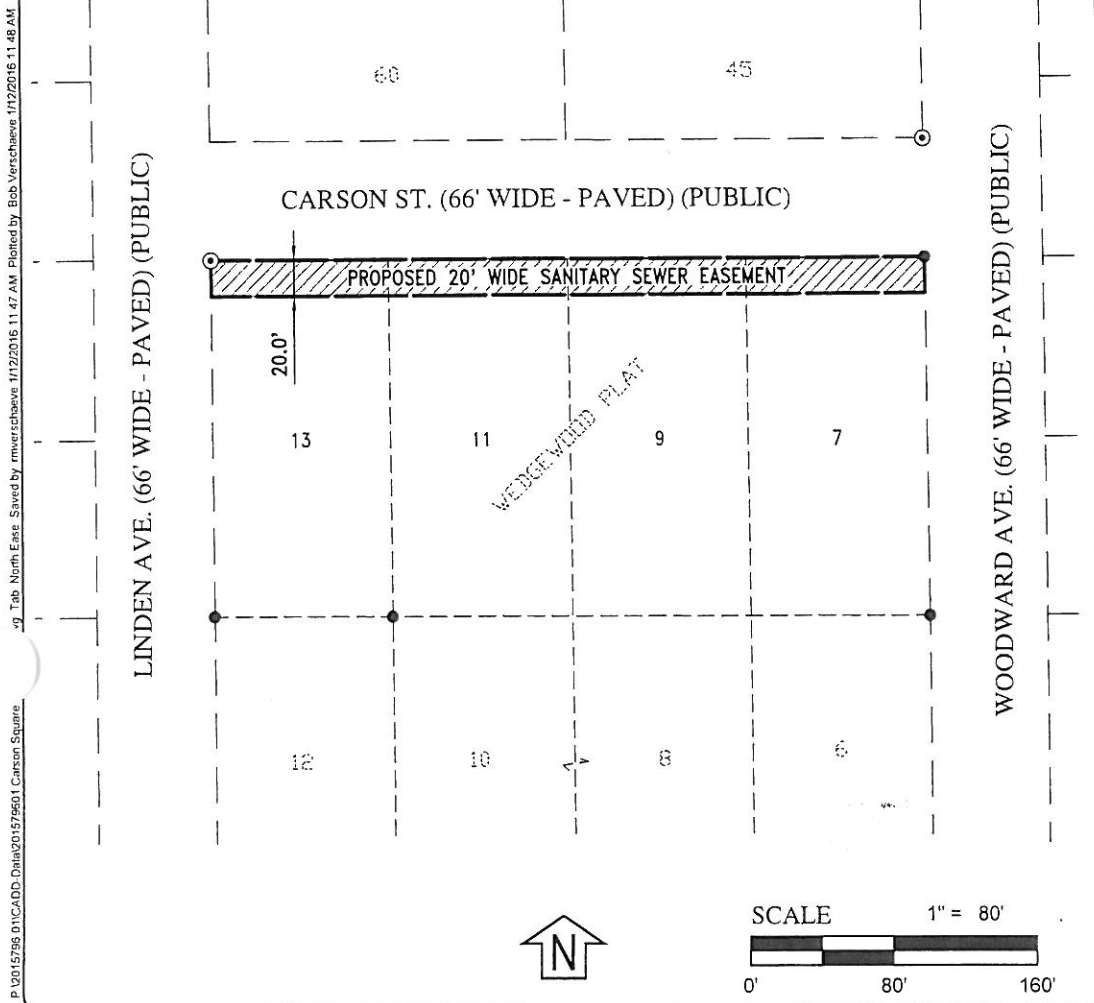
My Commission Expires: August, 2020

* Prepared by &: Gosling Czubak Engineering Sciences Inc., Attn: Robert Verschaeve
Return to: 1280 Business Park Drive, Traverse City, MI 49686

EXHIBIT "A"

SANITARY SEWER EASEMENT DESCRIPTION:

A 20.00' WIDE EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES UNDER AND ACROSS THE NORTH 20 FEET OF LOTS 7, 9, 11 & 13 OF THE PLAT WEDGEWOOD, RECORDED IN LIBER 5, PAGE 45 OF PLATS, SECTION 14, T27N, R11W, GRAND TRAVERSE COUNTY, MICHIGAN, RECORD OF DEEDS. CONTAINING 8002.64 SQUARE FEET.



P:\2015796 01\CADD\Data\201579601 Carson Square.dwg, Tab: North Easement, Saved by: mwerschbaev, 11/22/2016 11:47:AM, Plotted by: Bob Varschave, 1/12/2016 11:48 AM

Client Sheet 1 of 1

GOODWILL INN
GOODWILL INDUSTRIES
 LOTS 7, 9, 11 & 13 OF THE PLAT WEDGEWOOD,
 SECTION 14, TOWN 27 NORTH, RANGE 11 WEST,
 GRAND TRAVERSE COUNTY, MICHIGAN

Job # 2015796 01
 Date 12/15/2015
 Scale 1" = 80'
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 Chk'd CJP
 Rev.

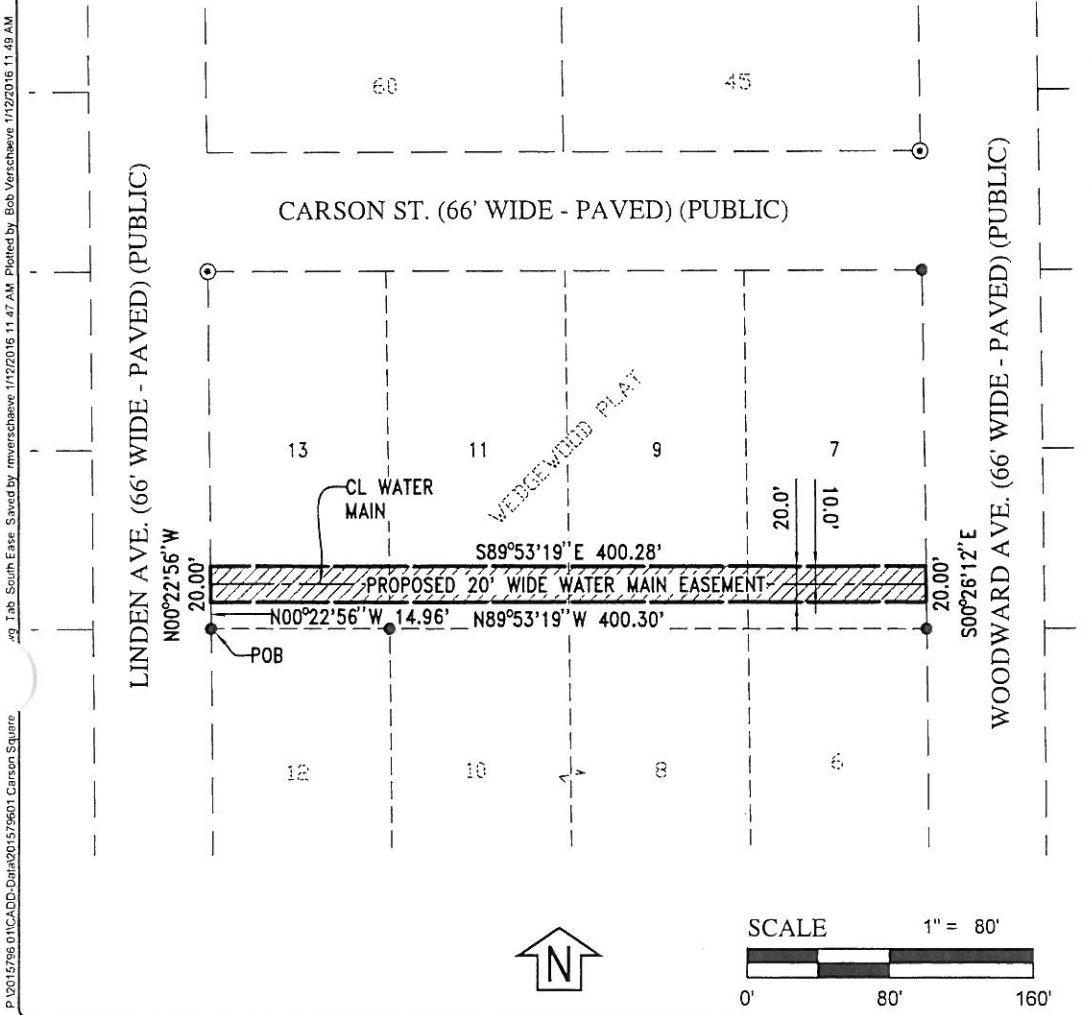
GoslingCzubak
 engineering sciences, inc.
 1280 Business Park Drive
 Traverse City, MI 49686-8607
 231-946-9191 800-968-1062
 Fax 231-941-4603

- Engineers
- Surveyors
- Environmental Services
- Landscape Architecture

EXHIBIT "B"

WATER MAIN EASEMENT DESCRIPTION:

A 20.00' WIDE EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES OVER, UNDER AND ACROSS PART OF LOTS 7, 9, 11 & 13 OF THE PLAT WEDGEWOOD, RECORDED IN LIBER 5, PAGE 45 OF PLATS, SECTION 14, T27N, R11W, GRAND TRAVERSE COUNTY, MICHIGAN, RECORD OF DEEDS MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 13; THENCE N00°22'56"W 14.96 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LINDEN AVENUE TO THE POINT OF BEGINNING; THENCE CONTINUING N00°22'56"W 20.00 FEET; THENCE S89°53'19"E 400.28 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE; THENCE S00°26'12"E 20.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE; THENCE N89°53'19"W 400.30 FEET TO THE POINT OF BEGINNING. CONTAINING 8005.87 SQUARE FEET.




P:\2015796.01\CADD-Data\201579601 Carson Square.dwg, Tab: South Easement, Saved by: rmverschaeve, 11/22/2016 11:47 AM, Plotted by: Bob Verschaeve, 11/22/2016 11:49 AM

Client: **GOODWILL INN**
GOODWILL INDUSTRIES
 LOTS 7, 9, 11 & 13 OF THE PLAT WEDGEWOOD,
 SECTION 14, TOWN 27 NORTH, RANGE 11 WEST,
 GRAND TRAVERSE COUNTY, MICHIGAN

Sheet 1 of 1

Job #: 2015796.01
 Date: 12/15/2015
 Scale: 1" = 80'
 Drawn: PCC
 Chk'd: CJP
 Rev:



Gosling Czubak
 engineering sciences, inc.
 1280 Business Park Drive
 Traverse City, MI 49686-8607
 231-946-9191 800-955-1062
 Fax 231-941-4603

- Engineers
- Surveyors
- Environmental Services
- Landscape Architecture

**INFORMATION FOR BILL OF SALE
FOR WATERMAIN AND SEWER MAIN DEDICATION
CARSON SQUARE APARTMENTS
GOODWILL INDUSTRIES OF NORTHERN MICHIGAN
GARFIELD TOWNSHIP**

DESCRIPTION OF WATER MAIN

Approximately 210 linear feet of 8" ductile water main along with hydrants, valves and appurtenances the location of which is as follows:

Approximately 10 linear feet of 8" water main commencing southeast from a 45 degree bend at gate valve #1342 to a 45 degree bend and then approximately 24 linear feet of 8" water main commencing south to a 8"x8"x4" tee for a fire protection service. Thence commencing south approximately 121 linear feet of 8" water main to a 8"x8"x4" tee for a fire protection service. Thence commencing south approximately 30 linear feet of 8" water main to gate valve #1343 and a 8"x8"x8" tee. Thence commencing south approximately 20 linear feet of 8" water main to a 8"x8"x6" tee to hydrant #1003. Thence commencing south approximately 5 linear feet of 8" water main to a plug. All located within the Linden Avenue Right of Way.

Approximately 249 linear feet of 8" ductile water main along with hydrants, valves and appurtenances the location of which is as follows:

Approximately 70 linear feet of 8" water main commencing south from a tee south of valve #1099 to a 8"x8"x4" tee for a fire protection service. Thence commencing south approximately 124 linear feet of 8" water main to a 8"x8"x4" tee for a fire protection service. Thence commencing south approximately 30 linear feet of 8" water main to gate valve #1346 and a 8"x8"x8" tee. Thence commencing south approximately 20 linear feet of 8" water main to a 8"x8"x6" tee to hydrant #1002. Thence commencing south approximately 5 linear feet of 8" water main to a plug. All located within the Woodward Avenue Right of Way.

Approximately 425 linear feet of 8" ductile water main along with hydrants, valves and appurtenances the location of which is as follows:

Approximately 425 linear feet of 8" water main commencing east from valve #1344 to valve #1345. All located within an easement.

DESCRIPTION OF SEWER MAIN

Approximately 366 linear feet of 8" sanitary sewer with manholes to service said sewer the location of which is as follows:

Approximately 159 linear feet of 8" sanitary sewer beginning at manhole #1286 commencing east to manhole #1572 then commencing east 207 linear feet to manhole #1573, within an easement along the south side of Carson Street.

AFFIDAVIT OF COMPLETION/CONSENT OF SURETY

Rohde Construction Company, Inc.

Name of Contractor

4087 Brockton, SE Kentwood, MI 49512

Address of Contractor

being duly sworn, deposes and says that they entered into a Contract with **Carson Square LDHA LP**
on **July 8, 2015** (date), for the **Carson Square Apartments** Project.

Contractor further says that the said Contract has been completed with regard to underground infrastructure and all indebtedness incurred by him to Subcontractors, Suppliers, and laborers in their employ has been paid in full for work related to construction of underground infrastructure with the exception of final retainage. Contractor further says that there are no outstanding or pending Claims, Liens or actions in Law involving this Contract.

WITNESSES:

Jeane Sas
Jeane Sas

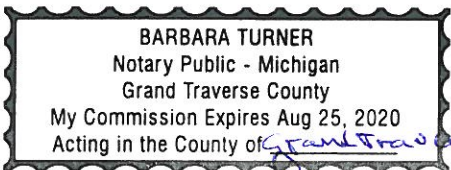
Print

SIGNED:

Geoff Eldred
Geoff Eldred - Project Manager

Print

Subscribed and sworn to before me this 18th day of January, 2016.



SEAL

Barbara Turner
Print Name

Barbara Turner
Notary Public Sign

My commission expires: August 2020

CONSENT OF SURETY

We, as Surety on the above-described Contract, hereby give our consent to the payment to the Contractor as indicated.

NAME OF SURETY COMPANY: **Hartford Casualty Insurance Company**

PERFORMANCE AND PAYMENT BOND NO.: **81BCSAB0436**

Date: **January 5, 2016**

Signed: James Hayward

Name: **James Hayward, Attorney-in-Fact**

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
 Bond T-4
 One Hartford Plaza
 Hartford, Connecticut 06155
 call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 81-151866

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited** :

Valerie L. Giuliano, James Hayward, Dennis E. Scully, Carl Vandebosch
 of GRAND RAPIDS, Michigan

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on August 1, 2009, the Companies have caused these presents to be signed by its Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Wesley W. Cowling

Wesley W. Cowling, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Vice President

STATE OF CONNECTICUT }
 COUNTY OF HARTFORD } ss. Hartford

On this 12th day of July, 2012, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard


Kathleen T. Maynard
 Notary Public
 My Commission Expires July 31, 2016

I, the undersigned, Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of January 5, 2016
 Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Vice President

		Charter Township of Garfield	
		Planning Department Report No. 2016-08	
Prepared:	January 19, 2016	Pages:	Page 1 of 5
Meeting:	January 26, 2016 Township Board	Attachments:	<input type="checkbox"/>
Subject:	Vacation Home Rentals in Silver Lake District		

STAFF COMMENT:

As requested by the Township Board, the Planning Commission has evaluated and recommended on a possible zoning ordinance amendment to allow vacation home rentals in the residential areas surrounding Silver Lake. This report is intended summarize that process and outcome.

During the course of this review, the Planning Commission has considered a number of individual factors which were then weighed as part of a broader evaluation.

Public Comment:

At a meeting on December 9, 2015, and again on January 13, 2016, the Planning Commission took public comment and discussed the topic of vacation home rentals (being anything less than 30 consecutive days), which are not currently permitted in Garfield Township's residential zoning districts. Many persons spoke both for and against vacation home rentals.

Survey Results:

The rental opinion survey which was distributed in late October was closed, compiled, and reviewed. As a reminder, the survey was sent to the property owners surrounding the lake and within Sections 30 & 31 to determine the initial reaction of a change in the district. As with public comment, the survey results indicated a rough split between vacation home rental supporters and detractors, including a lot of common sentiments which were written in.

Ordinance Review:

Staff and the Planning Commission reviewed what neighboring communities allow.

To the best of our knowledge, none of our neighboring municipalities describe vacation home rentals or similar commercial uses of single-family residential homes as an allowable use in a residential or lake zoning district (not including Bed & Breakfast type facilities). The fact that a zoning administrator does not enforce (or even say that they allow this to occur) does not change the zoning ordinance. A zoning ordinance is exclusionary in nature, meaning that if a use is not listed, then it is not allowed. Previous court cases have upheld this stance.

There are various communities outside of Grand Traverse County that have permitted vacation home rentals on lakes within their jurisdiction, however we did not find any within our county. The municipalities, located within Leelanau and Antrim Counties,

allow this type of use within their residential districts by way of a permit. If violations occur, they send letters, issue citations and threaten to suspend or revoke a permit if a certain number of violations arise within a certain timeframe. These ordinances may or may not be effective in trying to control the non-residential use, however they appear to be seeing an increase in rentals and a shift away from neighborhoods.

Court Decisions:

A number of cases support the Township's prohibition on vacation home rentals. The first is *Garfield Township v Robert Schafer*. In this case, Mr. Schafer owned a residence located at 1250 N. West Silver Lake Road and was ticketed for conducting vacation home rentals. Mr. Schafer appealed the ticket to the 86th District Court. At issue was whether weekly rentals of the residence were consistent with the concept of "single-family dwelling" as that phrase is used in the Zoning Ordinance.

In reviewing *Schafer*, the District Court relied on previous Circuit Courts decisions as well as a case that is generally relied on for the definition of "residential:" *O'Connor v Resort Custom Builders, Inc, 469 Mich 335 (Michigan Supreme Court 1999)*. In *O'Connor*, the Supreme Court found that timeshare rental units on a weekly basis did not constitute a residential purpose as required by the subdivision restrictions for the subdivision at issue in that case. Although that case was different in nature, the Supreme Court did determine the legal meaning of the term "residential," and further determined that the term "residential" does not include weekly rentals of the type at issue in *Schafer*.

Upon review of the case law, and the intent of the Garfield Township R1-B Zoning District as a low-density residential area, the District Court found that a weekly rental would be inconsistent with the property's use as a single-family dwelling, and upheld the violation. The Court concluding that a weekly rental constituted a commercial use within a residential zoning district.

Uses allowed in Residential Districts:

In the course of the Planning Commission's review, some members of the public expressed that other commercial uses are already allowed in the residential zoning districts, in particular child care. However, the Michigan Zoning Enabling Act of 2006 is very clear on this, stating:

(excerpt) "a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones."

For a township, a family child care home (from 1 to 6 children) is a permitted use in all residential zones and is not subject to any procedure different than would be a neighboring, single-family home. Furthermore, a group child care home (up to 12 children) shall be issued a permit if the group care home meets a number of standards such as adequate distance from another facility, has safe fencing, operates for limited hours, etc.

Finally, the last "step" of childcare is a Child Care Center, where the number of children under care is unrestricted. These types of facilities are permitted only in the high-density residential and commercial zoning districts, and even then, a Special Use Permit is required.

The Criteria for Zoning Amendment:

Finally, the Planning Commission evaluated the Board's request as if it had received an application for a zoning map or zoning text amendment. The standards for review, as well as the Planning Commission's finding for each are as follows:

- **Section 421.E (1) / Section 421.F (1) - Master Plan Consistency**

"Rezoning should be consistent with the intent and purpose of the adopted master plan."

 - Although this is not a formal application, Staff and members of the Planning Commission have stated their concerns regarding the absence of discussion regarding non-residential uses within a single family residential district. Therefore, the request for a possible zoning map or text amendment would not be supported by the Master Plan.
- **Section 421.E (2) - Adverse Impacts on Neighboring Lands**

"The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control."

 - The adverse impacts of allowing non-residential uses within residential neighborhoods are well documented. Increased traffic, noise, parking and septic overuse are some of the concerns mentioned thus far in public meetings. The discussion alone has divided neighborhoods and caused -social separation.
- **Section 421.E (3) - Suitability as Presently Zoned**

"The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance."

- The property has historically been zoned and used for single family residential. The lakefront properties in question may continue to be used as such without restriction. The neighborhoods have remained intact without change in zoning since 1974. Although there is a desire by some to change the zoning there is not a public need to allow non-residential uses in the R-1 Single Family residential district.
- **Section 421.E (4) / Section 421.F (2) - Changed Conditions**

"The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment."

 - Conditions within the R-1 district have remained the same in order to protect those who purchased within a residential neighborhood, and potentially relied on the Zoning Ordinance and Master Plan when making a decision to purchase property. No significant adjustments were recommended by the Planning Commission or any other when current and past residential zoning districts were evaluated and readopted.
- **Section 421.E (5) / Section 421.F (3) - Health, Safety, and Welfare**

"The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists."

 - The Ordinance as written protects the public health, safety and welfare by only allowing non-residential uses within the R-1 Single Family Residential district.
- **Section 421.E (6) / Section 421.F (4) - Public Policy**

"Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans."

 - Providing opportunity for transient housing has been referred to as a public need to support and encourage tourism. Historically, the Master Plan and Zoning Ordinance have accommodated this sort of use (i.e. Bed and Breakfast, Boarding House, Hotel, Motel, etc) in the higher-density residential or commercial areas of the Township.

CONCLUSION:

Ultimately, the Planning Commission was hesitant to consider opening up the residential zoning districts to vacation home rentals prior to this topic being discussed, and potentially incorporated into a Master Plan and Zoning Ordinance. The simple fact of the

matter is that a vacation home rental is not a residential use of property, and neither the Master Plan nor the Zoning Ordinance currently describe or allow for this use.

In the event that the Planning Commission, Township Board, and/or general public are in fact supportive of commercial vacation home rentals in residential zones, then perhaps these documents should be changed. Until that should occur, however, the Planning Commission did not find it appropriate to recommend that the Board consider changing this standard at this time.

PLANNING COMMISSION RECOMMENDATION:

After evaluating a possible zoning ordinance amendment to allow vacation home rentals in the residential area surrounding Silver Lake in Sections 30 and 31, the Planning Commission recommends to the Township Board that no action be taken to amend to zoning ordinance at this time, for the reasons described in PD Report 2016-08 and for the additional reasons as follows:

1. As defined by the Garfield Township Zoning Ordinance and confirmed by the 86th District Court, vacation home rentals are considered to be a commercial use of residential property.
2. The commercial use of residential property is not supported by the Master Plan or Zoning Ordinance.
3. Until such time as vacation home rentals are discussed and supported in the Master Plan, it is premature to discuss this issue further.

ACTION REQUESTED:

If the Township Board wishes to accept the Planning Commission's recommendation, the following motion is offered for consideration:

(Motion) TO ACCEPT AND CONCUR with the Planning Commission's recommendation to continue to prohibit vacation home rentals in Sections 30 and 31, as described by and for the reasons set forth in PD Report No. 2016-08.

Garfield Township Treasurers Report

Month Ending December 31, 2015

6. c.



Acct. Unrestricted Funds	General Fund	09/30/15	12/31/15	Difference	Maturity Date	Rate
7118	General Fund	1,528,394	1,050,692	(477,702)	N/A	
5605	General Chase High Yield	168,416	168,429	13	N/A	
4670	General Fund Managed	1,267,346	1,262,920	(4,426)	N/A	
220	Bank of Northern Michigan	253,765	253,765	-	2/4/16	0.75%
740	Huntington	80,332	80,332	-	10/17/17	0.61%
740	Huntington (Cashed in put into General 5/7/15)	-	-	-		* Cashed in purchased new CD from Honor
604	Mbank CD -	95,000	95,000	-		* See Below
605	Mbank CD -	95,000	95,000	-		* See Below
606	Mbank CD -	60,000	60,000	-		* See Below
5101	4-Front Credit Union	204,785	205,393	609	7/8/17	0.65%
725	Chemical (cashed in put into General 8/12/15 purchased (3) Mbank CDS Total \$250K)	-	-	-	8/11/15	*
25	Chemical	188,315	188,315	-	6/4/17	0.50%
300	NW Consumers CU	164,259	164,587	-	2/23/17	0.80%
332	NW Consumers CU	58,656	58,773	-	9/27/15	0.60%
662	Traverse City State Bank	262,120	262,707	587	6/12/18	0.89%
55	1st Community Bank	209,369	209,369	-	8/2/16	0.75%
72	Citizens Bank	250,000	250,000	-	2/21/16	1.05%
5	First National Bank of America	251,726	252,599	872	4/14/18	1.39%
1	Team 1 Credit Union	250,000	250,000	-	3/2/18	1.35%
982	Credit Union One	252,197	253,141	944	2/25/18	1.50%
119	Honor Bank (Purchased from General 5/5/15)	251,247	251,247	-	11/28/19	2.02%
Total Unrestricted Funds - Available for Spending		4,885,757	4,405,283	(479,102)		

Restricted Funds	Current Month	Current Month	Difference	Date	
7118	Park Fund	705,898	844,988	139,090	N/A
7118	Roads	686,483	686,484	1	N/A
8728	Fire Fund	129,671	143,406	13,735	N/A
4654	Fire Fund Managed	769,998	767,105	(2,893)	N/A
7134	Receiving Fund	5,223,499	5,848,266	624,767	N/A
4662	Receiving Fund Managed	5,118,646	5,113,106	(5,540)	N/A
7940	DPW Fund Managed	105,962	105,498	(464)	N/A
7126	Tax Fund	539,876	1,881,147	1,341,271	N/A
4750	General Employee Flex	1,726	2,089	363	N/A
3734	Retirement Rec Fund	101,864	102,794	930	N/A
2343	Insurance Funding	389,858	386,935	(2,923)	N/A
923	Prescription Reimbnt	-	-	-	N/A
8681	Trust & Agency	57,018	177,122	120,104	N/A
1111	Special Lights	6,277	9,254	2,977	N/A
3801	Special Mill/Water/Sewer/Roads	28,688	31,847	3,159	N/A
Total Restricted Funds - Restricted Use		13,865,464	16,100,043	2,234,579	

TOTAL	\$ 18,751,221	\$ 20,505,325	\$ 1,755,477	*
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* Park Fund - Land Purchase - Boardman River \$67k
 * General - Canopy Project, Law Enforcement Contact, Large Tax Tribunal Refunds
 * Trust and Agency TC Partners Performance grantee \$120k for trail
 * Receiving - No checks written for Dec Billing Cycle - cking with Lanie maybe we were not billed yet

Respectfully Submitted:

Jeane Blood Law 1/26/16
 Jeane Blood Law, Treasurer



**TRAVERSE BAY AREA INTERMEDIATE SCHOOL DISTRICT
And
GARFIELD TOWNSHIP**

Agreement for Collection of Summer School Property Taxes

AGREEMENT made this 12th day of January, 2016 by and between the Traverse Bay Area Intermediate School District, with offices located at 1101 Red Drive , Traverse City, MI, 49684 (hereinafter called "School District") and Garfield Township with offices 3848 Veterans Dr, Traverse City, MI, 49684, (hereinafter called "Township"), pursuant to 1976 PA 451, as amended, for the providing for the collection by Township of summer levy on all (100%) of School District taxes for the year 2016.

THE PARTIES AGREE AS FOLLOWS:

- The Township agrees to assess and collect all (100%) of the total school property taxes as certified by the School District for levy on or about July 1, 2016 on property located within the Township.
- The fee for collecting the School District Summer Tax Levy is included in the per parcel payment as negotiated by the Traverse City Area Public School.
- No later than the third Thursday of June, the School District shall certify to the Township Clerk the school millage to be levied on property for summer collection.
- The Township Treasurer shall account for and remit to the School District summer school tax collections on the same schedule as agreed upon with the Traverse City Area Public School. In return for the timely payment, the School District waves any claim to interest earned during the time the money is in Township accounts.
- General conditions of this agreement negotiated by Township Treasurer and Traverse City Area Public Schools, subject to approval of both Boards.
- This Agreement shall renew annually for the year 2016, as negotiated by the Traverse City Area Public School.

Traverse Bay Area Intermediate School District and Garfield Township Agreement for
Collection of Summer School Property Taxes

Page: 2

TOWNSHIP:

SCHOOL DISTRICT:



(Treasurer)

(Michael J. Hill Superintendent)

SIGNATURE AUTHORIZED BY BOARD OF
TRUSTEE RESOLUTION OF

SIGNATURE AUTHORIZED BY
BOARD OF EDUCATION
RESOLUTION OF

_____, 2016

June 16, 2015.