

**BIG RAPIDS CHARTER TOWNSHIP BOARD
REGULAR MEETING WEDNESDAY, AUGUST 1, 2023
BIG RAPIDS TOWNSHIP HALL, 14230 NORTHLAND DR.
BIG RAPIDS, MI 49307
7:00 PM
APPROVED**

PLEDGE OF ALLEGIANCE.

CALL TO ORDER: 7:00 p.m. ROLL CALL: Stanek, Saez, Currie, Bean, Everett, Geib, Routley present.

PUBLIC COMMENT:

ADDITIONS TO AGENDA: BEAN - Pump inventory Northwest Kent about 4 months ago, also requested that Mr. Tubbs provide the training records for the firefighters

SPECIAL APPEARANCE: Eric Williams--New Ordinances

1 - Offenses Against Government Order - Ordinance 145- full ordinance posted on our website.

Eric- Often comes up in college communities when large gatherings associated with large parties, officers can order people to step back while they finish questioning/investigating etc. if they don't, they can be arrested for hindering. Other helpful clauses are included such as if law enforcement is given false identification.

Routley - seems like that is reiterating current law

Eric - it makes it a local law for hindering

Deputy Sheriff - some laws that mirror closely ordinances presented here, sometimes when it comes to the state, they are a little more restrictive. Laws are more specific to vehicles rather than false ID's. Obstruction charge on that, the prosecutor probably won't touch. A local ordinance gives us more authority when it comes to these parties. Really helps shut the parties down before property is damaged, people are hurt etc.

Bean - if someone is issued a citation under the ordinance - does that go in front of the same prosecutor?

Eric - this would go to whoever the twp. has do prosecution. The twp. will incur the expense of prosecuting these violations. the state code will be enforced by the county prosecutor.

Dep Sheriff - where the state code does apply, we would always apply the state law. These would be enforced more when the state law doesn't cover a specific action that the ordinances do. This stemmed from meeting with the property owners - a lot of frustration because of things we couldn't legally do anything about. Nothing addressing what we were seeing at these parties, so we needed more language. These ordinances help us curtail some of these activities so they don't get out of hand.

Currie - #7 loitering - people hosting events were not even tenants, the security was afraid to tell them to leave, this would not address that?

Eric - nothing in this ordinance that would address that.

2 - Nuisance Party Ordinance - Ordinance 140 - also posted on our website.

Eric - Different language summarized, selling alcohol illegally, underage drinking, public urination etc. which would define it as a nuisance party and those that can be ticketed. No state law that captures this type of behavior, that is why you see a local ordinance like so in a community that has this type of behavior. Destruction of property - no state law which constitutes it as a nuisance, this allows those that had the party to be ticketed, element to proving it's a nuisance party. other elements, unlawful traffic/parking obstruction of free flow of traffic; also, a qualifier for the officers to determine it's a nuisance party. Examples that allow the twp. to take action to declare property to be padlocked.

Currie - again, person hosting party wasn't even tenant

Eric - squatters - 1-2-week turnover period, homeless would move into the apartments. Similarly, this board would have the authority to push nuisance party ordinance against the landlord - if not attributable to tenants, don't need to go through the process. If there's good excuses that it's not the tenants or guests of tenants, but doesn't mean that you can't, just allows you to go through with it

Ed Muccio - live just outside of Indian village. We unfortunately have an air bnb that allows 13 people at any time. Parties quite wild, occasionally people trespassing. Have been told no ability for short term rental issues to be pulled against individuals, told I can only call the police. Called dispatch - no noise ordinance, can only send officers to drive by. Now in a residential area with the same scenario, but it becomes different, because individuals bringing to attention are the other residents. Would the noise ordinance impact calling dispatch and having police come?

Eric - yes

Dep Sheriff - yes

Everett - would this apply to park?

Eric - I think real property definition is any land, dwelling, structure or any part thereof, broad enough to include a public party at a park. I think the ordinance would apply and we could use it. The part of it I'm a little hesitant to urge the board to adopt, is the padlock part of it because the board handles it. Really would only use it if we have 3 offenses within 9 months. won't likely happen, but it's a very involved process to give private property owners notice that their property may be padlocked. need clear facts, notice given.

Eric - encouraged to share this with local landlords

Saez asked Bill if he had done that and he had not.

Eric still advises us to do so before adopting.

Routley - if someone is wrongfully accused, the board has financial responsibility - are we susceptible to a reverse lawsuit?

Eric - no, not against government order, but we are if we go through a padlock process if it gets challenged or overturned. Subject to claim that it was unconstitutional and could have to pay back the property owner for expenses.

Everett - noise decibel? Eric - not reasonable

Saez - time restraints? Eric - doesn't typically help

Dep Sheriff - majority of these parties if it's just noise, usually don't write tickets. It's typically all the other things, drunk and disorderly, trash, dangerous etc. making it a nuisance party. May write ticket on a repeat offender; typically, not the noise or the time it's the other scenarios

Geib - who's going to enforce this for us? Eric - hopefully sheriffs dept

Dep Sheriff - if you ask us to. Would just need a request from you to do so.

Geib - prosecuting what is the cost? Eric - 250 an hour, prosecution work is expensive. If we have adopted ordinance, we will get slight refund returned, but never enough to cover prosecution

Dep Sheriff - do this a couple times, word gets out and it helps prevent future offenses.

Eric - tend to see cases in beginning of the term

Saez - oftentimes causes property owners to update contracts?

Eric - yes, updating leases to include fines if the tenant is convicted etc. gives them authority to include language in their rules. basis to evict etc.

Eric - have prosecuted cases in which tenants gave property to guests and they left and went home. still wrote tickets for non-tenants, have to find them, but the ordinance still covers it.

Discussion on approving ordinance 145, waiting on 140 to contact property owners. Could call a special meeting before campus move in to hopefully get 140 adopted.

Bean - I move that we adopt ordinance #145. Currie supports. Motion passes unanimously. Board agreed on Friday the 11th at 1pm meeting on nuisance ordinance. Eric - suggest for notice adoption of nuisance party ordinance. Bill will send copies.

Eric - **withdrawing from ren zone** - board directed me to ask entities involved if there would be an objection to rescinding the resolution on ren zone. Received very positive responses immediately. I heard first from Linda at MEDC saying thanks for checking and asking, but the MI strategic fund will be acting today to amend and revise the ren zone to be located solely in Green twp. I heard from the state saying don't have to do anything. I would wait a month, watch how this plays out and then if we'd like to rescind, we can do so. Let it rest to see what's happening, want to make sure that it's really happened.

Currie - file documentation that we receive along with resolution. Eric - can put documentation with it.

Paul Bullock—Gotion Work Secession- I was asked to talk to you about a potential opportunity. Possibility of convening a study group including a couple from your board, Green, city. Facilitate a meeting if interested to discuss the possibility of tapping into this for the project so as not to spend millions otherwise. Asking to use Twp sewer lines to the City rather than putting in their own to the Green lift station. Currie - unsure if our industrial park lift station could handle it?

Paul - 35,000 gallons a day into that line. My understanding is the city does 1.3 million gallons a day. Total capacity at city?

Routley - usually for commercial applications they use roughly 35 gallons a day per employee, and based off of their numbers those numbers don't add up

Paul - Just here to tell you what they're anticipating. Have been told the city can treat a lot more. If you negotiated a contract with them, they would pay a tap in fee, and pay for metered usage. Timeline that needs to be met 60-90 days from now, will need to know what possibility is. The difference is probably over 2 million in savings and money could be used for other improvements.

Currie - what are they doing about water?

Paul - good question. 700k gallons of water a day - pushed engineers on that - their response was, we have a plant like this in China and stated what they use. missing the fact that they have an open loop system. Evaporated in steam. We don't do those here. With a closed loop system, I cannot tell you what it will be. Understand how the number came into play, but do not believe it's correct.

Currie - maybe you can answer -Chuck stated at a Green meeting on record that they had 50 million for infrastructure improvements and that they are only using 30 million. He guaranteed the Green board that it would be the county's responsibility to maintain, but will guarantee they are only using 30. He personally guaranteed that we will give the other 20 million to the county and Green for other infrastructure improvements.

Paul - I was told by Randy Thelen that there was 23 million for those improvements. Not expecting a penny to come to Mecosta County. nothing to indicate that, wouldn't be appropriate. Green twp. will have to do infrastructure.

Currie - another question for Bill - if we consider this, our contribution into the wastewater plant would be much larger, which will make our portion to operate a much larger percent.

Bill - based on percentage.

Paul - how much dumping in per day?

Routley - can appreciate saving money, thought is we own south side of 18 mile, would like to see engineers' thoughts as to what individual properties will limit us to and 60 days isn't even remotely close to decide and find out information that we need to make decision

Bill - would like to work with Green twp. - unsure ready to use sewer line. Definitely not ready to talk about water.

Bean - have asked Chapman on several occasions to come, but has done nothing but tear integrity of our board members apart, so the message from him doesn't hold much weight

Saez - recall meeting discussion over condition of current sewer lines

Currie - we did ask for the condition of sewer lines from the saw grant and we were told they were online

Routley - based on questions asked numerous times, how long does it take to put something like that on the ballot?

All - not allowed/encouraged

Currie - weren't prepared for this but we need time to discuss, think and consider

Paul - expected a no

Routley - don't personally have the time, but wouldn't be a bad idea to at least hear what's being asked of

Paul - if you sent 2 people and we had others who understand the grant, to explore possibilities, it would get us started in a direction

Currie - not ready to appoint anyone tonight

Paul - if you decide you'd like to explore I will ramp up needs quickly to gather people with questions

Currie - can add to agenda for the 11th

CORRESPONDENCE: City Master Plan:

CONSENT AGENDA

1. **July 5, 2023, Meeting Minutes:**

2. **July 18, 2023, Special Meeting Minutes:**

3. **July Financial Report:**

4. **April Treasurer Report:**

5. **May Treasurer Report:**

6. **June Treasurer Report:**

7. **Building Department Report:**

5. **Cemetery and Grounds Report: UPDATE ON ARCH FOR CEMETERY** holdup on another company but new quote from Olsson concrete.

Saez moves to approve the quote from Olsson for Cemetery Arch support. Bean supports. Motion passed unanimously.

6. **Fire Department Report:**

7. **Sewer Department Report:**

8. **Water Department Report:**

9. **Board of Review Minutes:**

10. **Election Commission Minutes:**

11. **Supervisor's Report: A motion was made by Saez to approve of the 15-mile sidewalk repair by Olsson concrete. Geib supports. Motion passed unanimously.**

Saez moved to approve the consent agenda as printed. Currie supports. Motion passed.

UNFINISHED BUSINESS:

1. **Discussion on withdrawing from the Renaissance Zone: Eric addressed above.**

2. **Other: Currie - update from Utilities Committee** - Currie - had asked the utilities committee to do number crunching for the water plant, any updates? Stanek - have not met. Currie - when can we expect that because I believe we will be asked for water as well. Stanek to plan a meeting/ gather figures.

Geib - any update on the water plant operator? Stanek - will work on that for next month

Geib - as a member of the utility committee, maybe you could reach out to the city to find out what they would charge to operate the water plant on a short-term basis.

3. **Pump inventory** - Stanek called and asked for it and they said they have it but haven't sent it yet so need to check on it again. Should be getting that, do need it so we know if we can withstand emergency

Capital reserve amount for the Fire Department \$26,000 needs to be transferred. Stanek did apply for a grant for FD safety

4. **Fire Training requirements from Tubbs** - Tubbs emailed to Carman just now to show upgrades. Jared Jones new lieutenant - not taking as long to get requirements. Also found out we are all set with reports and able to be back in the funded classes.

Routley - is there a designated training officer? We're actually covering more than supposed to. The current training officer is Jim Chapman.

Stanek - session coming up with MTA on fire departments for board members and would be interesting for those able to go. In September.

NEW BUSINESS:

1. **Other:**

Financial

1. **Payroll: Currie moved to approve payroll for \$38,497.46 bean supports. motion passed unanimously.**

2. **Accounts Payable: Bean moved that we pay AP for June at \$151,114.99 and for July at \$84,407.33. Saez supports.**

Motion passed unanimously.

PUBLIC COMMENT:

ADJOURNMENT: 9:03 pm

Big Rapids Charter Township will provide necessary and reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed material, if individuals with disabilities, upon five business days' notice to the township. Individuals requiring auxiliary aids or services should contact Hannah Saez, Big Rapids Charter Township Clerk, 14212 Northland Drive, Big Rapids, Mi 49307- call 231 796 3603 or fax request to 231 796 2533.