

CHARTER TOWNSHIP OF BEDFORD  
THURSDAY, OCTOBER 11, 2012  
MINUTES

THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD  
CONVENED FOR THE REGULAR SCHEDULED BOARD MEETING, THURSDAY, OCTOBER  
11, 2012, 7:30 P.M., BEDFORD MEETING ROOM, 115 SOUTH ULDRIKS DRIVE, BATTLE  
CREEK, MICHIGAN, 49037.

1. CALL TO ORDER

SUPERVISOR SPRAU CALLED THE MEETING TO ORDER.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

THE AUDIENCE AND BOARD MEMBERS RECITED THE PLEDGE OF ALLEGIANCE.

3. ROLL CALL

PRESENT: THOMAS J. SPRAU, SUPERVISOR; ALBERTA DUCK, CLERK; CHRISANDRA  
DEZOTELL, TREASURER; RICHARD HARVEY, TRUSTEE; RANDE JOHNSON, TRUSTEE;  
SALLY SHAW, TRUSTEE; LEE WATERSON, TRUSTEE

CLERK DUCK NOTED THAT A QUORUM WAS PRESENT.

4. APPROVAL OF THE SEPTEMBER 13, 2012 MINUTES

MOVED BY TRUSTEE WATERSON, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY  
THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO APPROVE  
THE SEPTEMBER 13, 2012 MINUTES, AS SUBMITTED.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY COMMENTS, DELETIONS OR  
CORRECTIONS. THERE WERE NOT ANY COMMENTS, DELETIONS OR CORRECTIONS.

ROLL CALL: HARVEY, YES; SPRAU, YES; DUCK, YES; DEZOTELL, YES; JOHNSON, YES;  
SHAW, YES; WATERSON, YES - 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

5. SPECIAL ORDER OF BUSINESS

NO ACTION

6. CITIZEN'S TIME

BILL WOODWARD INTRODUCED HIMSELF AND EXPRESSED HE WAS RUNNING  
FOR TRUSTEE. JOYCE FERACO INTRODUCED HERSELF AND EXPRESSED THAT SHE  
WAS RUNNING FOR CLERK.

7. COMMUNICATIONS

(1) MICHIGAN TOWNSHIPS ASSOCIATION FAXES

- (2) MICHIGAN REPRESENTATIVE JASE BOLGER, 63<sup>RD</sup> DISTRICT, LEGISLATIVE UPDATE  
(3) MICHIGAN REPRESENTATIVE KATE SEGAL, 62<sup>ND</sup> DISTRICT, LEGISLATIVE UPDATES

CLERK DUCK REPORTED ON ALL COMMUNIQUEES.

8. REPORTS

(A) FINANCE

RES. 10/11/12/39 MOVED BY TRUSTEE HARVEY, SUPPORTED BY TRUSTEE SHAW, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO AUTHORIZE PAYMENT OF BILLS LISTED IN THE AMOUNT: \$37,337.75.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY COMMENTS ON THE BILLS. THERE WERE NOT ANY COMMENTS ON THE BILLS.

ROLL CALL: WATERSON, YES; HARVEY, YES; SPRAU, YES; DUCK, YES; DEZOTELL, YES; JOHNSON, YES; SHAW, YES - 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

RES. 10/11/12/40 MOVED BY TRUSTEE HARVEY, SUPPORTED BY TRUSTEE WATERSON, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO AMEND THE 2012 BUDGET; AND THEREFORE THE TOWNSHIP BOARD ADOPTED A BUDGET FOR THE TOWNSHIP IN ACCORDANCE WITH THE PROVISION OF THE CHARTER TOWNSHIP ACT PERTINENT THERETO COVERING THE CALENDAR YEAR; AS A RESULT OF CHANGES IN THE ANTICIPATED REVENUES AND UNANTICIPATED EXPENDITURES, IT APPEARS IN THE BEST INTEREST OF THE GOVERNMENT OF THE TOWNSHIP TO MODIFY THE AFORESAID BUDGET TO CONSIDER THE ALLOCATIONS AND REALLOCATION OF DEPARTMENT FUNDS OF THE UNENCUMBERED SURPLUS FUNDS WHILE STILL MAINTAINING A BALANCED BUDGET BETWEEN TOTAL REVENUE AND ANTICIPATED EXPENDITURES, AND IN ACCORDANCE WITH SECTION 28 OF THE CHARTER TOWNSHIP ACT, IT IS HEREBY RESOLVED THAT THE PREVIOUSLY MENTIONED BUDGET BE HEREBY MODIFIED AS FOLLOWS:

2012 DEPARTMENT BUDGET EXPENDITURE

INCREASE REVENUE AND EXPENSE FROM COMMUNITY LEASING  
(FIRE EQUIPMENT)      REVENUE \$116,553.00      EXPENSE \$116,553.00

INCREASE BUDGET LINE ITEMS

BUILDING	\$15,000.00
ELECTRICAL	8,000.00
TOTAL	<u>\$23,000.00</u>

SUPERVISOR SPRAU NOTED THAT HE HAD CHECKED WITH SIEGFRIED AND CRANDALL AUDITORS, AND THEY SUGGESTED TO AMEND THE 2012 BUDGET. THERE ARE INCREASES IN THE BUILDING, ELECTRICAL DUE TO THE SILVER STAR PROJECT FOR THE VA, AND THERE WILL BE INCREASES IN THE PLUMBING AND MECHANICAL. THERE IS A LITTLE MORE INCOME THIS YEAR AND A LITTLE MORE EXPENSE. YOU CAN ONLY USE THE REVENUE TO OFF SET THE BUILDING. IS THERE ANY COMMENTS. THERE WERE NOT ANY COMMENTS.

ROLL CALL: SHAW, YES; WATERSON, YES; HARVEY, YES; SPRAU, YES; DUCK, YES; DEZOTELL, YES; JOHNSON, YES 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

(B) BUILDING AND GROUNDS

NO ACTION

(C) INTERGOVERNMENTAL RELATIONS

NO ACTION

(D) POLICE/PUBLIC SAFETY

OFFICER WALTERS, BATTLE CREEK POLICE, REPORTED ON ACTIVITIES IN THE BOUNDARIES OF BEDFORD. FIRE CHIEF COCHENSARGER REPORTED ON THE ACTIVITIES OF THE FIRE DEPARTMENT. MRS. MARY HARVEY COMMENTED ABOUT THE FIRE PREVENTION PROGRAM AT BAILEY PARK, AND EXPRESSED HOW NICE IT WAS VERSES CORWELL'S (TURKEYVILLE).

RES. 10/11/12/41 MOVED BY TRUSTEE JOHNSON, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO APPROVE THE RECOMMENDATION OF FIRE CHIEF COCHENSARGER TO INCREASE THE FIRE FIGHTERS PAY: EFFECTIVE JANUARY 1, 2013.

PAY INCREASES FOR FIRE FIGHTERS

FIREFIGHTERS	\$14.00
LIEUTENANT	\$15.00
CAPTAIN	\$16.00
ASSISTANT CHIEF	\$18.00
CHIEF	\$19.00

ROLL CALL: JOHNSON, YES; SHAW, YES; WATERSON, ABSTAIN; HARVEY, YES; DUCK, YES; DEZOTELL, YES; SPRAU, YES -- 6 YES, 1 ABSTAIN, 0 EXCUSED. MOTION CARRIED.

SUPERVISOR SPRAU NOTED THAT LEE WATERSON IS ALSO A FIREFIGHTER AND THAT IS WHY SHE ABSTAINED.

RES. 10/11/12/42 MOVED BY TRUSTEE SHAW, SUPPORTED BY TRUSTEE WATERSON, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO RESCIND ORDINANCE 4/14/88/22 AND ALL AMENDMENTS, KNOWN AS THE "BURNING ORDINANCE FOR THE CHARTER TOWNSHIP OF BEDFORD. CURRENT BURNING ORDINANCE WAS ADOPTED AUGUST 9, 2012 AND BECAME EFFECTIVE OCTOBER 8, 2012.

SUPERVISOR SPRAU NOTED THAT THE BOARD ADOPTED THE NEW BURNING ORDINANCE, SO THE OLD ONE NEEDED TO BE RESCINDED.

ROLL CALL: SPRAU, YES; JOHNSON, YES; SHAW, YES; WATERSON, YES; HARVEY, YES; DUCK, YES; DEZOTELL, YES -- 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

RES. 10/11/12/43 MOVED BY TRUSTEE SHAW, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO ADOPT AN ORDINANCE REFERENCING SECTIONS 625(1)(c) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL257.625 – SUPER DRUNK DRIVING.

**SECTION 1. SUPER DRUNK DRIVING:**

**SECTION 2. PENALTY.**

A VIOLATION OF THIS ORDINANCE IS A MISDEMEANOR PUNISHABLE BY ONE OR MORE OF THE FOLLOWING:

- A) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS;
- B) IMPRISONMENT FOR NOT MORE THAN 180 DAYS;
- C) A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.

**SECTION 3. SEVERABILITY OF INVALID PROVISIONS.** IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, ITS INVALIDITY SHALL NOT EFFECT ANY OTHER PROVISIONS OF THIS ORDINANCE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION, AND FOR THIS PURPOSE THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED TO BE SEVERABLE.

**SECTION 4. REPEAL.** ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED ONLY TO THE EXTENT NECESSARY TO GIVE THIS ORDINANCE FULL FORCE AND EFFECT.

**SECTION 5. SAVINGS CLAUSE.** A PROSECUTION WHICH IS PENDING ON THE EFFECTIVE DATE OF THIS ORDINANCE AND WHICH AROSE FROM A VIOLATION OF AN ORDINANCE REPEALED BY THIS ORDINANCE, OR A PROSECUTION WHICH IS STARTED WITHIN ONE (1) YEAR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE ARISING FROM VIOLATION OF AN ORDINANCE REPEALED BY THIS AND WHICH WAS COMMITTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE, SHALL BE TRIED AND DETERMINED EXACTLY AS IF THE ORDINANCE HAD NOT BEEN REPEALED.

**SECTION 6. EFFECTIVE DATE.** THIS ORDINANCE SHALL TAKE EFFECT ON THE DATE OF PUBLICATION PURSUANT TO MCL 42.22, WHICH PUBLICATIONS SHALL TAKE PLACE WITHIN THIRTY DAYS FROM THE DATE OF ADOPTION AND SHALL BE IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION. PURSUANT TO MCL 42.22, PUBLICATION OF A SUMMARY OR A TRUE COPY OF THIS ORDINANCE AFTER FINAL PASSAGE, AS A PART OF THE PUBLISHED PROCEEDINGS OF THE TOWNSHIP BOARD, SHALL CONSTITUTE PUBLICATION OF THE ORDINANCE.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY COMMENTS, AND HE NOTED THAT THE ORDINANCE IS THE RECOMMENDATION OF THE TOWNSHIP ATTORNEY FOR PROSECUTION UNDER THE DRUNK DRIVING LAW.

ROLL CALL: DEZOTELL, YES; SPRAU, YES; JOHNSON, YES; SHAW, YES; WATERSON, YES; HARVEY, YES; DUCK, YES – 7 YES, 0 NO, 0 EXCUSED. MOTION CARRIED.

SUPERVISOR SPRAU NOTED THAT FIRE CHIEF COCHENSARGER WANTED THE BOARD TO HAVE DISCUSSION REFERENCING THE FIRE DEPARTMENT'S END-OF-THE-

YEAR BALANCE ROLLED BACK INTO THE FIRE DEPARTMENT FUND. SUPERVISOR SPRAU COMMENTED HE DID NOT PUT THIS ISSUE ON AS A RESOLUTION BECAUSE HE THOUGHT THE BOARD SHOULD COME UP WITH A SET AMOUNT TO PUT IN THE FUND BALANCE BEFORE THEY CONSIDER DOING A MOTION. SUPERVISOR SPRAU, TRUSTEE SHAW AND TRUSTEE WATERSON DISCUSSED THE DIFFERENCE BETWEEN THE FIRE DEPARTMENT FUND AND THE GENERAL FUND. THE FIRE FUND CAN ONLY BE USED FOR THE FIRE DEPARTMENT AND THE GENERAL FUND CAN BE USED FOR NEEDS OF THE TOWNSHIP. THERE WAS DISCUSSION FROM THE BOARD ABOUT THE REMAINING BALANCE FROM THE END-OF-THE-YEAR FIRE FUND. TRUSTEE JOHNSON EXPRESSED THAT IF THERE IS A BALANCE LEFT FROM THE FIRE DEPARTMENT'S PRIOR BUDGET, LET THEM ROLL IT OVER TO THE NEW BUDGET; RATHER IT IS EARMARKED OR A CONTINGENCY. TRUSTEE HARVEY THOUGHT IT WAS A GREAT IDEA, BUT DID NOT KNOW IF IT WAS LEGAL. THE BOARD AGREED THAT THE AUDITOR WOULD HAVE TO REVIEW THE ISSUE AND REPLY TO THEM WHAT THEY CAN DO AND WHAT THEY CANNOT DO.

9. CITIZEN'S TIME

MARILYN BANASZAK THANKED THE BOARD FOR THE AGENDA, BUT FELT IT SHOULD BE MORE DETAILED -- SO THE AUDIENCE CAN FOLLOW IT.

10. PETITIONS AND NEW BUSINESS

NO ACTION

11. TRUSTEES PERSONAL PRIVILEGE

TRUSTEE HARVEY NOTED THAT THE PLANNING COMMISSION WOULD BE WORKING ON THE ZONING IN 2013. HE NOTED THAT THERE WOULD BE PUBLIC HEARINGS FOR THE RESIDENTS. TRUSTEE WATERSON THANKED THE PEOPLE WHO CAME OUT AND HELPED RAISE FUNDS FOR THE AMERICAN LEGION - POST 298. TRUSTEE JOHNSON EXPRESSED THAT HE IS A 2<sup>ND</sup> AMENDMENT DEMOCRAT AND PRAISED HIS NEIGHBORS, WHO ARE IN THEIR EIGHTIES, FOR PROTECTING THEIR SELVES. HE NOTED THAT IS WHY, THERE IS THE CASTLE DOCTRINE.

12. UNFINISHED BUSINESS

NO ACTION

13. ANNOUNCEMENTS BY THE CHAIR, CHAIRPERSON OR ELECTED OFFICIALS


SUPERVISOR SPRAU NOTED THAT THE GENERAL ELECTION IS TUESDAY, NOVEMBER 6, 2012.

14. ADJOURNMENT

MOVED TRUSTEE HARVEY AND SUPPORTED BY TRUSTEE WATERSON TO ADJOURN THE REGULAR SCHEDULED BOARD MEETING. UNANIMOUS VOICE VOTE. MOTION CARRIED.

October 11, 2012 Minutes

  
Thomas J. Sprau, Supervisor

  
Alberta Duck, Clerk