

CHARTER TOWNSHIP OF BEDFORD

APRIL 11, 2013

MINUTES

THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD CONVENED FOR THE REGULAR SCHEDULED BOARD MEETING, THURSDAY, APRIL 11, 2013, 7:30 P.M., 115 SOUTH ULDRIKS DRIVE, BATTLE CREEK, MICHIGAN, 49037.

1. CALL MEETING TO ORDER

SUPERVISOR SPRAU CALLED THE MEETING TO ORDER.

2. PLEDGE OF ALLEGIANCE

THE PLEDGE OF ALLEGIANCE TO THE FLAG WAS RECITED.

3. ROLL CALL

PRESENT: THOMAS J. SPRAU, SUPERVISOR; JOYCE FERACO, CLERK; CHRIS DEZOTELL, TREASURER; RICHARD HARVEY, TRUSTEE; ANDY JONES, TRUSTEE; SALLY SHAW, TRUSTEE – QUORUM WAS PRESENT.

EXCUSED: CONNIE GIBSON, TRUSTEE

4. APPROVAL OF THE MARCH 14, 2013 MINUTES

MOVED BY TRUSTEE HARVEY, SUPPORTED BY TRUSTEE SHAW, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO APPROVE THE MARCH 14, 2013 BOARD MEETING MINUTES, AS SUBMITTED.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY CORRECTIONS OR DELETIONS REFERENCING THE MINUTES. THERE WERE NOT ANY DELETIONS OR CORRECTIONS REFERENCING THE MINUTES.

ROLL CALL: HARVEY, YES; SPRAU, YES; SHAW, YES; JONES, YES; FERACO, YES; DEZOTELL, YES; GIBSON, EXCUSED – 6 YES, 1 EXCUSED, 0 NO. MOTION CARRIED.

5. SPECIAL ORDER OF BUSINESS

NO ACTION

6. COMMUNICATIONS

(1) MICHIGAN TOWNSHIPS ASSOCIATION FAXES

(2) REPRESENTATIVE KATE SEGAL – DISTRICT INFORMATION

(3) SPRING CLEAN-UP, SATURDAY, JUNE 1, 2013, 8:00 A.M. UNTIL 12:00 P.M. (NOON)

JOYCE FERACO, CLERK, NOTED THAT THE ELECTION IS MAY 7TH. SHE EXPLAINED THAT 139 BALLOTS HAVE GONE OUT AND 79 BALLOTS HAVE COME BACK. SUPERVISOR SPRAU NOTED THAT SPRING CLEAN-UP WOULD BE SATURDAY, JUNE 1ST, FIRE STATION 3 ON MORGAN ROAD. JOYCE FERACO, CLERK, NOTED THAT THERE WERE FLYERS OUTSIDE THE DOOR – THE FLYER NOTES WHAT WOULD BE ACCEPTED AND WHAT WOULD NOT BE ACCEPTED.

7. PUBLIC COMMENTS

SUPERVISOR SPRAU ASKED IF THERE WAS ANYONE THAT WANTED TO ADDRESS THE BOARD OR MAKE COMMENTS. THERE WERE NO REPLIES.

8. REPORTS

(A) FINANCE

RES. 4/11/13/11 MOVED BY TRUSTEE HARVEY, SUPPORTED BY TRUSTEE SHAW, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO APPROVE PAYMENT OF BILLS: \$51,854.21.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY QUESTIONS REFERENCING THE BILLS. THERE WERE NOT ANY QUESTIONS REFERENCING THE BILLS.

ROLL CALL: HARVEY, YES; SPRAU, YES; JONES, YES SHAW, YES; FERACO, YES; DEZOTELL, YES; GIBSON, EXCUSED – 6 YES, 1 EXCUSED, 0 NO. MOTION CARRIED.

(B) PUBLIC HEALTH AND SAFETY

OFFICER WALTERS, BATTLE CREEK POLICE DEPARTMENT, REPORTED ON THE ACTIVITIES IN BEDFORD TOWNSHIP. FIRE CHIEF COCHENSFARGER REPORTED ON BRUSH FIRES AND HOUSE FIRE IN BEDFORD.

(C) BUILDING AND GROUNDS

RES. 4/11/13/12 MOVED BY TRUSTEE SHAW, SUPPORTED BY TREASURER DEZOTELL, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO DESIGNATE MICHAEL A. FARMER TO DISCHARGE THE RESPONSIBILITY OF THE CHARTER TOWNSHIP OF BEDFORD LOCATED IN CALHOUN COUNTY IN RESPECT TO ITS BLIGHT PREVENTION ORDINANCE.

THE CHARTER TOWNSHIP OF BEDFORD, CALHOUN COUNTY, MICHIGAN, RESOLVES:

SECTION 1. AGENCY DESIGNATED. MICHAEL A. FARMER, IS HEREBY DESIGNATED AS THE AUTHORIZED OFFICIAL TO DISCHARGE THE RESPONSIBILITIES OF THE CHARTER TOWNSHIP OF BEDFORD IN RESPECT TO THE FOLLOWING ORDINANCES:

ORDINANCE #6-11-87-35 AND 8-09-07-39 BEING THE BLIGHT PREVENTION ORDINANCE FOR THE CHARTER TOWNSHIP OF BEDFORD.

MICHAEL A. FARMER, IS FURTHER DESIGNATED BY THE CHARTER TOWNSHIP OF BEDFORD AS THE AUTHORIZED OFFICIAL TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES IN RELATION TO THE ABOVE-LISTED ORDINANCE PURSUANT TO SECTION 9 OF ORDINANCE NUMBER 8-09-07-39 OF 2007 COMMONLY KNOWN AS THE CHARTER TOWNSHIP OF BEDFORD, MUNICIPAL CIVIL INFRACTION ORDINANCE.

SECTION 2. THE SUPERVISOR OF THE TOWNSHIP IS HEREBY AUTHORIZED TO ENTER INTO THE ATTACHED AGREEMENT WITH MICHAEL A. FARMER, FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ABOVE-LISTED ORDINANCE. THIS RESOLUTION IS NOT TO BE CONSTRUED TO IMPLY THAT MICHAEL A. FARMER IS AN EMPLOYEE OF THE CHARTER TOWNSHIP OF BEDFORD.

MICHAEL A. FARMER WOULD HOLD A LIABILITY POLICY WITH PROOF OF LIABILITY INSURANCE.

SUPERVISOR SPRAU ASKED IF THERE WERE ANY COMMENTS BY THE BOARD MEMBERS. THERE WERE NOT ANY COMMENTS.

ROLL CALL: DEZOTELL, YES, HARVEY, YES; SPRAU, YES; SHAW, YES; JONES, YES; FERACO, YES; GIBSON, EXCUSED – 6 YES, 1 EXCUSED, 0 NO. MOTION CARRIED.

RES. 4/11/13/13 MOVED BY SUPERVISOR SPRAU, SUPPORTED BY TRUSTEE HARVEY, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO EXPRESSED THE IMMEDIATE NEED TO FUND TO REPAIR THE ROADS OF MICHIGAN AND A ROBUST AND COMPREHENSIVE 21ST CENTURY TRANSPORTATION SYSTEM;

WHEREAS, LET IT BE KNOWN THAT THE STATE OF MICHIGAN IS LOSING \$3 MILLION DOLLARS PER DAY AND MORE THAN \$1 BILLION DOLLARS PER YEAR DUE TO MAINTENANCE COSTS AND INCREASED WEAR AND TEAR ON OUR ROADS AND BRIDGES, AND

WHEREAS, THE ROADS IN THE STATE OF MICHIGAN ARE CONSISTENTLY RANKED AMONG THE NATION'S WORST, AND

WHEREAS, ONE-THIRD OF ALL FATAL AND SERIOUS TRAFFIC CRASHED IN MICHIGAN CAN BE LINKED, IN PART, TO POOR ROAD CONDITIONS, AND

WHEREAS, THE STATE OF MICHIGAN GAS TAX-THE USER FEE THAT IS THE PRIMARY SOURCE OF TRANSPORTATION FUNDING WHICH HAS NOT INCREASED SINCE 1997, AND

WHEREAS, THE GAS REVENUE COLLECTED TODAY, ADJUSTED FOR INFLATION IS EQUAL TO THAT WHICH WAS COLLECTED IN 1974, AND

WHEREAS, WE RISK A FUTURE FISCAL CRISIS IF WE DO NOT INCREASE OUR INVESTMENT IN TRANSPORTATION, AND

WHEREAS, CURRENTLY 32% OF THE ROADS IN MICHIGAN ARE RANKED AS BEING IN POOR CONDITION AND BY 2018 THIS NUMBER IS EXPECTED TO JUMP TO MORE THAN 65%, AND

WHEREAS, BRINGING A ROAD FROM POOR TO GOOD PAVEMENT CONDITION COSTS 6 TIMES MORE THAN IT DOES TO BRING A ROAD FROM FAIR TO GOOD CONDITION, AND

WHEREAS, INVESTING \$10 BILLION OVER THE NEXT 10 YEARS TO FIX ROADS AND BRIDGES IN MICHIGAN WHICH WOULD CREATE 12,000 JOBS AND PREVENT 100 CRASH-RELATED DEATHS PER YEAR.

NOW, THEREFORE BE IT RESOLVED, THAT HE CHARTER TOWNSHIP OF BEDFORD HEREBY URGES GOVERNOR SNYDER AND LEGISLATORS OF MICHIGAN TO SAVE TAXPAYER DOLLARS, SAVE LIVES AND IMPROVE OUR ECONOMY BY MAKING THE NECESSARY INVESTMENTS TO REPAIR OUR ROADS, BRIDGES AND MOTORIZED AND NON-MOTORIZED TRANSPORTATION NETWORKS SO THAT OUR TRANSPORTATION SYSTEM FUNCTIONS AT PEAK PERFORMANCE SO THAT WE CAN ATTRACT AND RETAIN THE BUSINESSES AND THE PEOPLE NECESSARY TO CREATE A ROBUST STATE ECONOMY.

SUPERVISOR SPRAU EXPLAINED THAT PENNFIELD HAS ALREADY DONE THIS, AND SOME OF THE OTHER TOWNSHIPS ARE GOING TO DO THIS. THE RESOLUTION IS GOING TO BE SENT TO GOVERNOR SNYDER, REPRESENTATIVE SEGAL, REPRESENTATIVE BOLGER AND SENATOR NOFS. SUPERVISOR SPRAU NOTED SENATOR NOFS IS THE ONLY ONE THAT HAS RESPONDED TO PENNFIELD. HE NOTED THAT A JOINT EFFORT BY THE TOWNSHIPS TO DO THIS TO GET THE IDEA UP THERE TO THE STATE AND SEE IF THEY ARE GOING TO COME THROUGH FOR US -- THIS IS WHAT THIS IS ABOUT. THERE WERE NOT ANY OTHER COMMENTS.

ROLL CALL: FERACO, YES; DEZOTELL, YES; HARVEY, YES; SPRAU, YES; SHAW, YES; JONES, YES; GIBSON, EXCUSED – 6 YES, 1 EXCUSED, 0 NO. MOTION CARRIED.

RES. 4/11/13/14 MOVE BY TRUSTEE HARVEY, SUPPORTED BY TRUSTEE SHAW, RESOLVED BY THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF BEDFORD TO ADOPT AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ESTABLISHMENT OF BUSINESSES, AND THE ISSUANCE OF PERMITS OR LICENSES FOR LAND USES RELATED TO THE SALE OR DISPENSATION OF MEDICAL MARIJUANA.

THE CHARTER TOWNSHIP OF BEDFORD ORDAINS:

SECTION 1. MORATORIUM ON SALE OR DISPENSATION OF MEDICAL MARIJUANA.

A. A MORATORIUM IS ESTABLISHED ON THE ISSUANCE OF ALL PERMITS, LICENSES, AND APPROVALS, INCLUDING BUILDING PERMITS, AND CERTIFICATES OF OCCUPANCY, IN REGARD TO LAND USES ASSOCIATED WITH THE SALE OR DISPENSATION OF MEDICAL MARIJUANA FROM THE EFFECTIVE DATE HEREOF, UNTIL DECEMBER 31, 2013 OR THE EFFECTIVE DATE OF THE ADOPTION OF PROPER TEXT AMENDMENTS TO THE ZONING ORDINANCE AND ANY NECESSARY LICENSING REQUIREMENTS, WHICHEVER OCCURS FIRST.

B. NOTWITHSTANDING PARAGRAPH (A), DURING THE TERMS OF THE MORATORIUM CAREGIVER, AS DEFINED BY THE MICHIGAN MEDICAL MARIJUANA ACT P.A. 2008, INITIATED LAW, MCL 333.26421 ET. SEQ., IS NOT PRECLUDED FROM

GROWING AND PROVIDING MEDICAL MARIJUANA TO UP TO FIVE PATIENTS WITH WHOM HE OR SHE IS LINKED THROUGH THE STATE OF MICHIGAN REGISTRY. SUCH CAREGIVER WILL NOT, HOWEVER, HAVE A CLAIM TO LEGAL NONCONFORMING STATUS BASED UPON THIS LAND USE DURING THE TERM OF THE MORATORIUM.

C. ALL TOWNSHIP BOARDS AND COMMISSIONS ARE ASKED AND AUTHORIZED TO GIVE THEIR ANALYSIS AND RECOMMENDATION REGARDING A ZONING ORDINANCE OR LICENSING REGULATION CONCERNING THE SALE AND DISPENSATION OF MEDICAL MARIJUANA TOP PRIORITY.

SECTION 2. SEVERABILITY OF INVALID PROVISIONS. IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, ITS INVALIDITY SHALL NOT AFFECT 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 3. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE ON THE DATE OF PUBLICATION PURSUANT TO MCL 42.22, WHICH PUBLICATION SHALL TAKE PLACE WITHIN THIRTY DAYS FROM THE DATE OF ADOPTION AND SHALL BE IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION. PUBLICATION OF A SUMMARY OF THIS ORDINANCE, AS PART OF THE PUBLISHED PROCEEDINGS OF THE TOWNSHIP BOARD, SHALL CONSTITUTE PUBLICATION OF THE ORDINANCE.

TRUSTEE HARVEY NOTED THAT THE PLANNING COMMISSION IS WORKING ON THIS, AND EVERY DAY THAT YOU READ THE PAPER THERE IS MORE AND MORE QUESTIONS BROUGHT UP. THE PLANNING COMMISSION IS RECOMMENDING THE BOARD DELAY THIS MORATORIUM UNTIL THE END OF THE YEAR. SUPERVISOR SPRAU ASKED IF THE BOARD HAD ANY COMMENTS OR QUESTIONS. THERE WERE NOT ANY COMMENTS OR QUESTIONS.

ROLL CALL: JONES, YES; FERACO, YES; DEZOTELL, YES; HARVEY, YES; SPRAU, YES; SHAW, YES; GIBSON, EXCUSED – 6 YES, 1 EXCUSED, 0 NO. MOTION CARRIED.

(D) LEGISLATIVE AND INTERGOVERNMENTAL RELATIONS

NO ACTION

9. PUBLIC COMMENTS

MRS. BATESON SPOKE ABOUT THE MORATORIUM REFERENCING MARIJUANA. MR. PLUYMERS ASKED IF THE RESOLUTION WAS TO HIRE MR. FARMER FOR BLIGHT. SUPERVISOR SPRAU NOTED THE ANSWER IS YES, BUT IT IS A CONTRACTED SERVICE. MR. PLUYMERS ASKED ABOUT WHO THE COMPLAINTS WOULD BE FILED WITH. SPRAU EXPLAINED THE TOWNSHIP.

10. UNFINISHED BUSINESS

NO ACTION

11. TRUSTEES PERSONAL PRIVILEGE

NO ACTION

12. PETITIONS AND NEW BUSINESS


JOYCE FERACO, CLERK, INTRODUCED KAREN EVANS AND SUPERINTENDENT HICKS TO THE AUDIENCE AND BOARD MEMBERS. THEY ADDRESSED THE ISSUE OF THE BATTLE CREEK SCHOOL'S RENEWAL MILLAGE.

13. ANNOUNCEMENTS OF CHAIR, CHAIRPERSONS OR TOWNSHIP OFFICIALS

NO ACTION

14. ADJOURNMENT

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



Thomas J. Sprau, Supervisor



Joyce Feraco, Clerk