

REGULAR MEETING
July 13, 2021

PERE MARQUETTE CHARTER TOWNSHIP BOARD OF TRUSTEES
held at 1699 S. Pere Marquette Highway, Ludington MI 49431

Board members present: Supervisor Gerald Bleau; Clerk Rachele Enbody; Treasurer Karie Bleau; Trustees: Andrew Kmetz, James Nordlund, Sr., Henry Rasmussen, and Ronald Soberalski.

Also present: County Commissioner Steve Hull and eight guests.

Present for a portion of the meeting: Douglas Wohlberg, C.P.A.

The meeting was called to order at 6:30 p.m. by the Supervisor. Invocation was given by Nordlund; Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES: **Moved** by Soberalski, seconded by Rasmussen to approve the June 22, 2021 minutes as presented. Motion carried.

PUBLIC COMMENT: Public comment was held.

APPROVAL OF AGENDA: **Moved** by Rasmussen, seconded by Kmetz to approve the agenda as presented. Motion carried.

PUBLIC HEARINGS: A. **Application for Industrial Facilities Exemption Certificate – UACJ Automotive** – G. Bleau called the public hearing to order at 6:35 p.m.. UACJ Automotive Whitehall Industries, Inc. submitted an application for an Industrial Facilities Exemption Certificate for a new facility at 4960 W. Progress Drive, Ludington. Notice of the public hearing was published in the Ludington Daily News on July 3, 2021 and the taxing authorities were notified of the public hearing by certified mail. The abatement request is for real property for a period of twelve years.

There were no comments, written or oral, and the Supervisor closed the public hearing at 6:36 p.m..

B. **Operation of Golf Carts within the Township** – G. Bleau called the public hearing to order at 6:36 p.m. The purpose of the hearing is to receive public comment in regards to the use of golf carts on the streets and roads within the township. Notice of the public hearing was published in the Ludington Daily News on July 3, 2021.

Two people spoke against the resolution citing safety and the age of the persons driving the golf carts and one person spoke in favor of the resolution.

G. Bleau clarified that the Michigan Vehicle Code allows a township to adopt a resolution permitting operation of golf carts on township on streets in the township subject to the requirement of the Vehicle Code. The Mason County Sheriff Department and/or the Michigan State Police are responsible for enforcement. G. Bleau shared the results of the golf cart survey. Six hundred fifteen surveys were issued and one hundred forty-seven were returned. Ninety of the responses were in favor and fifty-seven responses were against allowing golf carts in the township.

There were no further comments, written or oral, and the Supervisor closed the public hearing at 6:52 p.m..

NEW BUSINESS: A. **Presentation of 2020 Audit** – Douglas Wohlberg, C.P.A. – Wohlberg reviewed his qualifications and experience as an auditor and explained that his responsibility is to report to the Township Board and the Michigan Department of Treasury. In the presentation, Wohlberg reviewed trends in the general fund for property values, property tax millages, property tax revenues, state shared revenues, and general fund total revenues, comparing values from 2016 through 2020. He reviewed the general fund revenues and the expenditures by function and by account and the effect to the fund balance. Wohlberg then reviewed the sewer and water funds operating income/loss, net positions, and cash and investments for these funds. Wohlberg stated that the General, Water, and Sewer funds are healthy. The financial statements received an unmodified opinion, which is the best opinion possible that can be expressed by the auditor, concluding that the financial statements are presented fairly in all material respects and that the internal controls are well designed and operating as intended. Wohlberg added that the audit was conducted remotely and the staff members were very helpful in submitting documents and information for audit purposes. G. Bleau opened the meeting for any questions from the board members or audience members with no questions received.

B. **Consider Resolution to Approve Industrial Facilities Exemption Certificate** – UACJ Automotive Whitehall Industries, Inc.

Enbody stated that the Tax Abatement Review Board met on June 30, 2021 and reviewed the application submitted by UACJ Automotive Whitehall Industries, Inc. The Tax Abatement Review Board recommends the application for approval. The application is for real property only – local jurisdictions no longer grant abatements on personal property or equipment. Personal property exemptions are now handled by the State of Michigan with the Eligible Manufacturing Personal Property process. The total investment is estimated to be 5.6 million in real property and UACJ intends to retain two hundred ninety-eight current jobs and create eighteen new jobs with the investment.

The following preamble and resolution were offered by Enbody and supported by Rasmussen.

RESOLUTION APPROVING AN IFT APPLICATION
UACJ Automotive Whitehall Industries, Inc.
4960 W. Progress Drive

Resolution Approving Application of UACJ Automotive Whitehall Industries, Inc. for Industrial Facilities Exemption Certificate for a New Facility

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on July 13, 2021, this board by resolution established Industrial Development District #3, Pere Marquette Industrial Park; and

WHEREAS, UACJ Automotive Whitehall Industries, Inc., has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within the Industrial Development District #3; and

WHEREAS, before acting on said application, the Pere Marquette Charter Township Board held a hearing on July 13, 2021, at the Pere Marquette Charter Township Hall, in Ludington, MI, at 6:30 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before May 19, 2021, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in Pere Marquette Charter Township; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the Charter Township of Pere Marquette, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Trustees of Pere Marquette Charter Township that:

1. The Charter Township of Pere Marquette finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of Pere Marquette Charter Township, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in Pere Marquette Charter Township.

2. The application from UACJ Automotive Whitehall Industries, Inc., for an Industrial Facilities Exemption Certificate, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District #3, to wit: Parcel # 53-010-699-001-017-01

PERE MARQUETTE INDUSTRIAL PARK LOT 16 (AKA PARCEL "B")

SUBJECT TO THE FOLLOWING EASEMENTS:

10' WIDE PUBLIC UTILITIES EASEMENT ALONG PROGRESS DR

50' WIDE DOW CHEMICAL COMPANY EASEMENT ALONG MEYERS RD

AND ALSO:

PERE MARQUETTE INDUSTRIAL PARK LOT 17 (AKA PARCEL "A"), EXCEPT THE NORTH 200' OF THE EAST 299' THEREOF.

SUBJECT TO THE FOLLOWING EASEMENTS:

100' WIDE EASEMENT FOR DOW AND UNDERGROUND UTILITIES ALONG SIXTH ST

10' WIDE PUBLIC UTILITIES EASEMENT ALONG PROGRESS DR

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force for a period of 12 years after completion

Yes: Soberalski, Rasmussen, K. Bleau, G. Bleau, Enbody, Kmetz, and Nordlund.

No: None.

Absent: None.

Resolution declared adopted.

Moved by Enbody, seconded by Kmetz to rescind the 2007 Pere Marquette Charter Township Guidelines and Policies for the Review and Establishment of Tax Abatements along with any and all previous policies; to use the resources and forms provided by the State of Michigan for Industrial Facility Exemptions; and to recommend annual meetings of the Tax Abatement Review Board in order to review and evaluate any and all current abatements.

Motion carried.

C. Consider Resolution to Allow Golf Carts on Designated Roads – G. Bleau stated that, by statute, the operation of golf carts shall not exceed a speed of 15 mph and golf carts shall not operate on roads with a speed limit of over 30 mph. G. Bleau has requested the Mason County Road Commission add speed limit signs to the areas entering and leaving all subdivisions in the township.

The following resolution was offered by G. Bleau and supported by Soberalski.

WHEREAS, the Board wishes to allow golf cart to operate on the appropriate roads within the township.

WHEREAS, the Michigan Vehicle Code, Act 300 of 1949, Section 257.657a allows for operation of golf carts on streets in the township.

WHEREAS, golf carts are allowed to operate on streets in the township at a speed not to exceed 15 MPH and shall not operate on a state trunk line highway or a highway or street with a speed limit of more than 30 miles per hour except to cross that state trunk line highway or highway or street.

WHEREAS, the Board does not wish to have riders and or carts to be registered and does not wish to impose Section 257.657a (21) (a) thru (k); all other requirements and rules of section 257.657a shall apply.

NOW, THEREFORE, BE IT RESOLVED, The Pere Marquette Charter Township shall allow the operation of golf carts on applicable streets within the boundaries of the township.

Roll Call Vote:

Yes: Nordlund, Kmetz, Enbody, G. Bleau, Rasmussen, and Soberalski.

No: K. Bleau.

Absent: None.

Resolution declared adopted.

D. Consider Appointment of Firefighter – Board members reviewed correspondence from Chief Gaylord recommending Zachary Wallager for appointment to the Fire Department. Mr. Wallager has been interviewed, has passed the background check, driver's license check and physical examination and resides in the appropriate area to become a member of the department.

Moved by Rasmussen, seconded by Soberalski to approve the appointment of Zachary Wallager as a probationary firefighter, effective August 1, 2021.

Motion carried.

E. Consider Application for Fireworks Display Permit – Western Michigan Fair Association – Board members reviewed the application for fireworks display permit, noted that all information is complete, all required documentation

has been submitted, and letters of support and acknowledgement have been received from the Mason County Sheriff, Pere Marquette Charter Township Fire Chief, and airport manager. It is the responsibility of the governing body to rule

on the competency and qualifications of an articles pyrotechnic and display fireworks operator and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks.

Moved by Kmetz, seconded by Enbody to approve the Application for Fireworks Display received from the Western Michigan Fair Association to conduct a public fireworks display at the Mason County Fairgrounds on Tuesday, August 10, 2021 at dusk and to authorize the township clerk to sign the Permit for Public Display. In case of rain, the display will occur on August 14, 2021.

Motion carried.

F. **Sidewalk Service Contract Agreement** – Board members reviewed three proposals for engineering services to develop conceptual plans and cost opinions for sidewalk improvements for US 10, Pere Marquette Highway and Jebavy Drive. The current ordinance requires installation of sidewalk when property owners in the specified areas apply for a building permit or site plan review. This process would take the next step towards completing the goal of sidewalk installation in the specified commercial district. Grant money is available through an MDOT enhancement program and the sidewalk plan is necessary in order to apply for grant funding. G. Bleau clarified that the proposal from Fleis & Vandenbrink is conceptual, while the proposals from C2AE and Nordlund and Associates would include plans and specifications that are bid-ready. Enbody added that this is a first step, and without knowing what the cost of the complete sidewalk improvement plan would be, it may be a better option to go with the conceptual lower proposal so the board can later determine if it is feasible to proceed with the complete project. G. Bleau stated the budget for the project would come from the Metro-Act Fund.

Nordlund requested permission to abstain citing a conflict of interest as his company is competing for the bid award.

Moved by Enbody, seconded by Soberalski, to grant the request from Nordlund to abstain from participation in discussion and voting on the sidewalk service contract agreement. Motion carried.

Fleis & Vandenbrink	\$ 7,500.00
C2AE	\$18,400.00
Nordlund & Associates, Inc.	\$16,700.00

Moved by Enbody, seconded by Soberalski to accept the proposal from Fleis & Vandenbrink in the amount of \$7,500.00 for engineering services for a sidewalk improvement plan.

Motion carried.

G. **Consider Request for Refund – Park Rental** – Board members reviewed a memo from K. Bleau. K. Bleau explained that a person requested a refund of a park reservation fee. When researching previous cancellations, there was information that stated there is a seven-day cancellation policy, but an actual policy could not be located. Without a policy, the board must approve the refund. K. Bleau asked the board if they would like to review all future requests for refunds or if they would prefer to adopt a cancellation policy. Board members were in agreement that K. Bleau should create a cancellation policy for facility rentals to be adopted by the board.

Moved by Soberalski, seconded by Kmetz to approve the request for refund for a park pavilion reservation fee in the amount of \$50.00 and to request that the treasurer to create a cancellation policy for facility rentals.

Motion carried.

H. **Consider Relief of Sewer Overcharge** – Board members reviewed a memo from K. Bleau. K. Bleau explained that a billing error caused a customer to be charged sewer charges for a lawn meter service and is requesting that the customer be issued a billing credit of \$121.60 for the overcharges. K. Bleau stated she would prefer to deal with utility service charges on a case-by-case basis as a policy could not anticipate the various refund circumstances. It was suggested that the sewer and water rate resolutions could be modified in order to allow the ability for the treasurer to initiate service credit in the case of billing errors.

Moved by Nordlund seconded by Soberalski to approve the request from the resident at 5958 W. Sixth Street for relief of charges in the amount of \$121.60 that were incurred due to a billing error that added sewer charges to a lawn meter account to be credited to the account.

Motion carried.

COMMITTEE REPORTS: Planning Commission (Rasmussen) – No report.

Tax Abatement Review Board (Enbody) – The TARB meeting report was covered during the IFT portion of the meeting.

Fire Department Liaison (Rasmussen) – Reported 15 or 16 in attendance at the meeting which discussed the fireworks display permit application.

The following department reports were received: Clerk and Deputy Clerk, Treasurer and Deputy Treasurer, Fire Department and Building/Zoning/Code Enforcement.

OFFICERS REPORTS: Clerk (Enbody) – Enbody reported the Election Commission met to appoint election inspectors for the August 3rd election and is busy with absentee ballots and election preparation. Enbody provided a list of current invoices for approval.

Moved by Enbody, seconded by K. Bleau to approve payment of invoices totaling \$258,830.69. Motion carried.

Treasurer (K. Bleau) – Provided a report detailing cash, bank and investment balances by fund and by bank account for June 2021 and reported the department is busy with tax collection, water bills and working on next years' budget.

Supervisor (G. Bleau) – Reported a local restaurant will be moving from Amber Township to Pere Marquette Charter Township. The supervisor, clerk and treasurer will be meeting tomorrow to review the requirements and prepare for applying for the American Rescue Plan Act funding.

ANNOUNCEMENTS: The Mason County Township Officers Association meeting will be on Thursday, July 15, 2021 at Meade Township.

EXTENDED PUBLIC COMMENTS: Steve Hull reported on the most recent meeting of the Mason County Board of Commissioners.

ADJOURNMENT: **Moved** by Enbody, seconded by Soberalski to adjourn the meeting at 8:31 p.m. Motion carried.

Rachelle D. Enbody, MiPMC, CMC Township Clerk

Gerald A. Bleau, Township Supervisor