

**NORTHFIELD TOWNSHIP**  
**Township Board**  
**Minutes**  
**May 12, 2020**

**CALL TO ORDER**

The meeting was called to order at 7:00 P.M. by Supervisor Chockley via tele-conference.

**INVOCATION/INVOCATION**

Supervisor Chockley provided a brief invocation and led those present in the Pledge of Allegiance.

**ROLL CALL**

Marlene Chockley, Supervisor	Present
Kathleen Manley, Clerk	Present
Lenore Zelenock, Treasurer	Present
Tawn Beliger, Trustee	Present
Janet Chick, Trustee	Present
Wayne Dockett, Trustee	Absent with notice
Jacki Otto, Trustee	Present

Also present:

Public Safety Director William Wagner  
Planning Consultant Paul Lippens  
Wastewater Treatment Plant Superintendent Dan Willis  
Township Manager Assistant Jennifer Carlisle  
Township Manager Steven Aynes  
Township Attorney James Fink, Fink & Fink PLLC  
Recording Secretary Lisa Lemble  
Members of the community

**FIRST CALL TO THE PUBLIC**

David Gordon, Hellner Road, commented on printing of the Board packet, budget priorities, the disposition of 75 Barker Road, and the proposed sewer basin.

**BOARD MEMBER RESPONSE**

Zelenock responded to the issue of printing Board packets and noted there will be an effect on the budget due to reduced revenue sharing.

**CONSENT AGENDA:**

- **Reports**
- **Check Disbursement for Paid Bills**
- **Correspondence**

- **Motion:** Chockley moved, Beliger seconded, that the consent agenda be adopted as presented in Board packet.

Chockley noted some residents had sent in communications which were included in the packet. Jessica Meissner read the letter from her and others regarding the proposed sewer basin.

**Motion carried 6—0 on a roll call vote.**

**ADOPT BALANCE OF AGENDA**

- **Motion:** Chockley moved, Chick seconded, that the balance of the agenda be adopted as presented.  
**Motion carried 6—0 on a roll call vote.**

**ACTION AGENDA ITEMS**

**1.**  
**Minutes of March 17, 2020,**  
**Board of Trustees Meeting**

Beliger made one minor correction.

- **Motion:** Chockley moved, Otto seconded, that the minutes of the ~~December 11, 2019~~, March 17, 2020, Regular Board Meeting be approved as amended.  
**Motion carried 6—0 on a roll call vote.**

**2.**  
**Payment of Open Bills**

- **Motion:** Beliger moved, Chick seconded, that the payment of open bills (expected check run date 5/13/2020) for a total of \$99,735.51 from all funds in the Municipal Investment Fund (MIF) account be approved as presented.  
**Motion carried 6—0 on a roll call vote.**

**3.**  
**Road Commission Maintenance Agreement**

Township Manager Aynes recommended that given the probability of State revenue sharing cuts the Township remain within the matching funds budget for road work. He said if the Board wants to expand the work to be done, they should consider first the joint project on Joy between Ann Arbor and Northfield Townships or the Dixboro Road project.

Beliger recommended that the work on Nollar between Six Mile and Seven Mile be done due to its extremely poor condition, with the remaining funds to be used for spot patching and ditching. Chick agreed, noting it is a school bus route. Chockley recommended continuing Six Mile work between Autumn and Earhart, including a culvert issue on ~~Kerry~~ Carrie Lane.

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The Board discussed the various options.

- ▶ **Motion:** Chockley moved, Beliger seconded, to approve the road projects of Six Mile between Autumn and Earhart (\$24,600) and Nollar between Six Mile and Seven Mile (\$73,100) for a total of \$97,700, with the work being done as stated in the local road program. **Motion carried 6—0 on a roll call vote.**

It was noted that \$15,140 \$15,040 is being spent in excess of the Road Commission match. [~~\$15,140~~ \$15,040 was the amount stated during the meeting, but the correct figure is \$15,040].

**4.  
75 Barker Road  
Purchase and Development Agreements**

- ▶ **Motion:** Chockley moved, Beliger seconded, to authorize the Purchase and Development Agreements with the Environmental Remediation Contingency as stated in the May 5<sup>th</sup> memorandum from Township Attorney Mariah Fink, and direct the Township Manager to sign the appropriate documents as recommended by Township legal counsel at a purchase price of \$100,000.

The Board discussed the purchase price. Chockley noted the developer cites a large number of expenses during the lengthy period it will take to renovate the building and parking lot and the effect of the COVID-19 pandemic on the property value, so is not willing to increase his offer to the \$125,000 appraisal price.

Zelenock said she would like the developer held to his statements made in January that construction would be begin within 30 days and be finished within 12 months, and that he would be keeping the property for 10+ years. She said these should be included in the development agreement with a provision that if it is sold within 10 years the Township would receive 50% of the net profit. She added she would like the developer bound to following the downtown strategic plan.

Attorney Fink said if the property were to be lost through bankruptcy or foreclosure he does not know how the Township could enforce elements of that type in a development agreement.

- ▶ **Amendment #1 to motion:** Chockley moved, Beliger seconded, to amend the motion to have Realtor fees paid by the purchaser. **[Amendment not acted upon].**
- ▶ **Amendment #2 to motion:** Chockley moved to amend the motion to change the purchase price to \$112,500, with the development agreement as determined by Ms. Fink and with the correct parking lot area added to it. **Motion died for lack of second.**
- ▶ **Amendment #3 to motion:** Beliger moved, Chockley seconded, to amend the motion to change the purchase price to \$112,500, with the development agreement as determined by Ms. Fink and with the

correct parking lot area added to it.

**[Amendment not acted on separately; incorporated into the final amended motion].**

There was discussion about the complexity of the sale given that the Township wishes to sell the building while keeping the parking for public use, and to prevent the building from being flipped quickly after the purchase from the Township.

Fink cautioned that while he would not necessarily advise against including such a provision it is likely that there would be ways for the developer to transfer the building within 10 years without paying the Township. Manley questioned whether a first right of refusal and/or a shorter time period would be appropriate. Fink said both provisions could be included.

- ▶ **Amendment #4 to motion:** Otto moved, Zelenock seconded, to amend the motion to add to the agreement:

- if the property is sold within ten years of purchase from the Township the Township has the right of first refusal or is due 50% of the net profit.
- construction would be begin within 30 days after closing and be completed within 12 months.
- the development be in accordance with the downtown strategic action plan.

**Amendment #4 to motion carried 6—0 on a roll call vote.**

- ▶ **Amended motion:** Chockley moved, Manley seconded, to authorize the Purchase and Development Agreements with the Environmental Remediation Contingency as stated in the May 5<sup>th</sup> memorandum from Township Attorney Mariah Fink, and direct the Township Manager to sign the appropriate documents as recommended by Township legal counsel at a purchase price of \$112,500, with the agreement to be amended to include:

- if the property is sold within ten years of purchase from the Township the Township has the right of first refusal or is due 50% of the net profit.
- construction would be begin within 30 days after closing and be completed within 12 months.
- the development be in accordance with the downtown strategic action plan.

Township attorneys are authorized to amend and sign the documents to implement the intent of the Board.

**Amended motion carried 6—0 on a roll call vote.**

It was agreed that changes made by the Township attorney to the documents be reviewed by Zelenock, Otto, and Chick prior to presentation to the purchaser to insure the changes accurately represent the Board's intent.

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**5.  
Purchase of Materials and Equipment to  
Complete the Barker Road Play Path**

In response to a comment from Beliger, Manley said the grant provider has indicated that beginning June 1<sup>st</sup> they will start considering extensions for completion of the project past the June 30<sup>th</sup> deadline.

- ▶ **Motion:** Beliger moved, Chick seconded, that the Board authorize an amount not to exceed \$46,419.77 for the purchase of materials and equipment for the Kaboom! grant project

There was a brief discussion about whether equipment other than musical instruments could be installed given the COVID-19 virus pandemic or if ordering or installation could be delayed. The Board thanked Jennifer Carlisle for her work on the grant.

**Motion carried 6—0 on a roll call vote.**

**6.  
Draft Budget for Fiscal Year 2020-21**

Aynes said a budget must be adopted by the end of June, although it can be amended thereafter. He noted possible cuts of up to 50% (about \$350,000) in State profit sharing due to the COVID-19 pandemic will severely affect the previously planned budget. He noted the Board has gone to great lengths over the past several years to build reserves of about 80% of the annual budget, but recommended that the Board be conservative in spending to stretch use of the reserves as far as possible into the future.

The Board discussed the feedback that would be helpful to Aynes, including what percentage of reserves to spend. It was agreed Board members will provide recommendations to Aynes in writing for incorporation into a revised draft. There was general agreement to begin by planning on covering 50% of lost revenue sharing with reserve funds and 50% from budget cuts.

The Board thanked Controller Yvette Starbuck for the budget information she provided, and asked the public to send budget comments to Aynes ([ayness@northfieldmi.gov](mailto:ayness@northfieldmi.gov)) and Carlisle ([carlislej@northfieldmi.gov](mailto:carlislej@northfieldmi.gov)).

**7.  
Set Public Hearing Date  
for Fiscal Year 2020-21 Budget**

- ▶ **Motion:** Chockley moved, Otto seconded, to set the public hearing for the fiscal year 2020-21 budget for June 9, 2020. **Motion carried 6—0 on a roll call vote.**

**8.  
Republishing Notice of Intent to Bond  
for Wastewater Treatment Plant**

Aynes referred to his May 6<sup>th</sup> memo and recalled that the Board approved the advertisement to give public notice of the intent to bond for the construction of an equalization basin at the Wastewater Treatment Plant, but the time period has now expired. The Board discussed whether to republish or not, whether to change to a revenue bond (rather than a general obligation bond approved by the Board), or to put the project on hold due to expected financial impacts of the COVID-19 pandemic.

- ▶ **Motion:** Beliger moved, Otto seconded, that the Township's attorney prepare draft resolutions for revenue and general obligation bonds for the Wastewater Treatment Plant basin for the Board to consider at the May 26, 2020, Board meeting.

There was discussion about the merits of each type of bond, and the possibility of a referendum being called (which would be on the November ballot at the earliest).

**Motion carried 6—0 on a roll call vote.**

**TRUSTEE/LIAISON REPORTS**

- ▶ **Motion #1:** Beliger moved, Manley seconded, that the Trustee and Liaison reports be accepted as presented.

Zelenock noted two bond payments were due after the COVID-19 emergency order was implemented by the Governor, so she made bond payments via wire to avoid being late, and made some fund reinvestments.

- ▶ **Motion #2:** Zelenock moved, Manley seconded, that during a State of Emergency and Stay at Home Orders, a second signature can be done via an email for financial transactions managed by the Treasurer's office. **Motion #2 carried 6—0 on a roll call vote.**

- ▶ **Motion #3:** Chockley moved, Beliger seconded, to ratify the transactions made by the Treasurer during the State of Emergency. **Motion #3 carried 6—0 on a roll call vote.**

Chick and Lippens reported that the Planning Commission has requested direction from the Township Board about the additional marijuana uses approved by the State prior to the Commission discussing them and making recommendations to the Board. Lippens noted a memo and backup materials will be provided to the Board.

**Motion #1 carried 6—0 on a roll call vote.**

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**ANNOUNCEMENTS**

- Manley said she is waiting for information to report about the next elections.
- Otto thanked Carlisle for her work on the Kaboom! project.
- Otto noted the \$7 billion dollar shortfall over the next 2-4 years due to the COVID-19 pandemic.
- The Fourth of July Parade Committee is moving forward as if the parade will be held, but if held it will be shortened from previous years, and it will be canceled if the stay-at-home orders are extended into June.
- Chief Wagner reported:
  - glass will be installed in the Police and Township walk-up windows in the lobby on Monday.
  - EMS runs for positively-screened patients (with COVID-19 symptoms, but not diagnosed) has increased.
  - The firefighter who tested positive for COVID-19 had mild symptoms has been asymptomatic for two days and will be able to return next week.
  - The departments have done about a dozen birthday parades for children and senior citizens, which have been delightful for all involved, including the police and fire personnel.
- Aynes reported the County Road Commission project on Main Street between 6 Mile and East Shore, which is funded by the federal government, is proceeding this week.
- Carlisle reported German Park has submitted its request for event permits for their usual events at the end of June, July, and August, though they may have to cancel one or more of them.

**SECOND CALL TO THE PUBLIC**

Jessica Meissner commented on the proposed wastewater treatment plan basin. David Gordon said there is a lack of coordination between the Board and staff.

**BOARD MEMBER COMMENTS**

Board members made comments, including:

- thanked Chief Wagner for the tremendous work he and the Fire and Police departments have done during the COVID-19 pandemic, Yvette Starbuck for her budget work, Jennifer Carlisle for her work on the Kaboom! budget, and all the staff for keeping the Township running smoothly.
- expressed disappointment at having no recommendation from the Township road committee about road projects (but noted that the COVID-19 closure interfered with them getting sufficient information) and lack of direction on the budget.
- expressed concern about Kiwanis having sufficient time to remove their items from 75 Barker if the building is sold.
- noted that the issue of deed restrictions related to the proposed wastewater treatment plan basin brought up during the Call to the Public is a matter for Northfield and Green Oak Township attorneys.
- use of special assessment districts (SADs) should be considered for road improvements.

**ADJOURNMENT**

- ▶ **Motion:** Chockley moved, Chick seconded, that the meeting be adjourned.  
**Motion carried 6—0 on a voice vote.**

The meeting adjourned at 10:20 P.M.

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Submitted by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Approved by the Township Board on May 26, 2020.

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Kathleen Manley, Clerk

Official minutes of all meetings are available on the Township's website at [http://www.twp-northfield.org/government/township\\_board\\_of\\_trustees/](http://www.twp-northfield.org/government/township_board_of_trustees/)