

**CHARTER TOWNSHIP OF GARFIELD**  
**TOWN BOARD MEETING**  
**July 13, 2021**

Supervisor Chuck Korn called the Town Board Meeting to order at the Garfield Township Hall on July 13, 2021 at 6:02p.m.

**Pledge of Allegiance**

**Roll Call of Board Members**

Present: Molly Agostinelli, Chris Barsheff, Steve Duell, Chuck Korn, Lanie McManus, and Denise Schmuckal

Absent and Excused: Jeane Blood Law

Staff Present: Planning Director John Sych

**1. Public Comment (6:03)**

Brad Oleson from the Oleson Foundation commented on the lack of infrastructure in the area of US 31 South and asked for some relief.

**2. Review and Approval of the Amended Agenda - Conflict of Interest (6:07)**

Korn asked to add "Township Hall Parking Lot" to new Business item b, and Discussion of MMR under item #7 - Unfinished Business.

*Schmuckal moved and Agostinelli seconded to approve the agenda as amended.*

*Yeas: Schmuckal, Agostinelli, Duell, McManus, Barsheff, Korn*

*Nays: None*

**3. Consent Calendar (6:08)**

**a. Minutes**

June 22, 2021 Regular Board Meeting  
(Recommend Approval)

**b. Bills**

(i) General Fund \$27,443.29  
(Recommend Approval)

**c. Consideration of Close-Out and Turnover Documents for Traditions at Ashland Park Phase V (Recommend Approval)**

Board members removed item 3b – Bills to item #4. .

*Agostinelli moved and Duell seconded to approve the amended consent calendar.*

*Yeas: Schmuckal, Duell, Agostinelli, Barsheff, McManus, Korn  
Nays: None*

**4. Items Removed from the Consent Calendar**

**a. Bills**

(i) General Fund \$27,443.29  
(Recommend Approval)

Board members asked questions about a few bills.

*Schmuckal moved and Agostinelli seconded to approve the bills as presented.*

*Yeas: Schmuckal, Agostinelli, McManus, Duell, Barsheff, Korn  
Nays: None*

**5. Correspondence (6:04)**

**a. Restorative Lake Sciences Update – July 2021**

**6. Reports**

**a. County Commissioner's Report (6:13)**

County Commissioner Brad Jewett stated that commissioners approved a contract with the teamsters union last week. They received annual reports from the Health Department and the Drain Commissioner. The airport sent in their paperwork to become an authority.

**b. Sheriff's Report (6:15)**

Lt Oosse gave statistics for the month ending June 2021. He stated that the department had a seat belt enforcement grant for June and the sheriff body cams are now active.

**c. Personnel Report**

**Consideration of hiring Abigail Simon for Appraiser position**

Trustee Barsheff said three candidates were interviewed and the personnel committee recommends that Abigail Simon be hired for the vacancy in the assessing department.

*Schmuckal moved and Agostinelli seconded to hire Abigail Simon for the vacancy in the Assessing Department.*

*Yeas: Schmuckal, Agostinelli, McManus, Duell, Barsheff, Korn  
Nays: None*

- d. **Planning Department Monthly Report for July 2021- PD 2021-90 (6:19)**  
Planner John Sych talked about the upcoming meeting items and that new revised Articles 2, 3 and 7 of the zoning ordinance would be coming up for approval soon. He added that the Planning Commission and staff are working on connectivity between the mall, Lowes and Chick-fil-A.
- e. **Parks & Rec Report (6:24)**  
Derek Morton mentioned the online survey for the parks and encouraged that it be filled out. He added that the Silver Lake irrigation heads have been repaired. Homeless camps continue to be monitored and board members discussed a third dog park.
- f. **Clerk's Report (6:36)**  
McManus submitted her report in writing and said that her office roof is leaking. Township Engineer Jennifer Hodges said that an architect will look at the roof this week and meet with the building committee after his review.
- g. **Supervisor's Report (6:41)**  
Korn stated that he attended a budget meeting for Metro Fire and it has been recommended that the millage be raised from 2.45 to 2.8. He attended an engineer's meeting for the sewer design at the end of LaFranier Road.
- 7. **Unfinished Business (6:48)**
  - a. **PD 2021-96 Marijuana ordinance considerations to allow for a safety compliance facility in the Township**  
Planner Sych briefed board members on what actions would need to be taken if they were to allow for these types of facilities in the township. There is both a zoning process as well as an ordinance amendment. Board members discussed the proposed ramifications.
  - b. **MMR Discussion (6:54)**  
Trustee Duell shared some statistics he gathered on the MMR ambulance service. He shared his concerns with their times and their staffing rates. Board members discussed his findings and talked about the MMR ambulance service.
- 8. **New Business**
  - a. **Consideration of approving Performance Resolution for Municipalities, Resolution 2021-20-T (7:21)**  
Engineer Jennifer Hodges stated that this is a resolution that MDOT needs in order for the township to work within the right of way.

*Schmuckal moved and Duell seconded to adopt the Performance Resolution for Municipalities and to allow Engineer Hodges to be a Township signatory.*

*Yeas: Schmuckal, Duell, Agostinelli, Barsheff, McManus, Korn  
Nays: None*

**b. Consideration of bids for resealing Silver Lake Recreation area parking lot and drive and the Township office parking lot (7:25)**

Park Steward Derek Morton presented the bids and recommended that the bid be awarded to Black Magic for resurfacing of the Township Office and Silver Lake Recreation Area parking lots.

*Agostinelli moved and Schmuckal moved to approve Black Magic for the previously mentioned resurfacing of the Township Office and Silver Lake Recreation Area parking lots.*

*Yeas: Agostinelli, Schmuckal, Duell, McManus, Barsheff, Korn  
Nays: None*

**c. PD-2021-95 – Boardman Lake Loop Trail Phase II NMC to Medalie Park Update (7:30)**

*Duell moved and Schmuckal seconded to approve release of the Township funds for the maintenance of the Boardman Lake Loop Trail.*

*Yeas: Duell, Schmuckal, Barsheff, Agostinelli, McManus, Korn  
Nays: None*

**d. Consideration of appointing Amy DeHaan to City of Traverse City and Garfield Township Joint Planning Commission for a 3-year term expiring on May 14, 2024 (7:32)**

*Schmuckal moved and Barsheff seconded to appoint Amy DeHaan to the City of Traverse City and Garfield Township Joint Planning Commission for a 3-year term expiring on May 14, 2024.*

*Yeas: Schmuckal, Barsheff, McManus, Duell, Agostinelli, Korn  
Nays: None*

**9. Public Comment: (7:33)**

Julie Clark with Tart Trails invited board members to the ribbon cutting at NMC Boardman Lake Campus on July 22<sup>nd</sup> and thanked them for their support. Penny Hill representing the city of Traverse City thanked board members for their support of the Boardman Trail.

10. **Other Business (7:36)**

Schmuckal asked for a study session regarding relief act money and MMR discussion.

Board members discussed Korn's appointment to the Oak Leaf EDC.

11. **Adjournment**

*Schmuckal seconded adjourn the meeting at 7:41pm.*



\_\_\_\_\_  
Chuck Korn, Supervisor  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686



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Lanie McManus, Clerk  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686

## PERFORMANCE RESOLUTION FOR MUNICIPALITIES

*This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the \_\_\_\_\_ Charter Township of Garfield  
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY. Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.



6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

Supervisor, Clerk, Treasurer, Municipal Engineer

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the Charter Township of Garfield Board of Trustees  
(Name of Board, etc.)

of the Charter Township of Garfield of Grand Traverse County  
(Name of MUNICIPALITY) (County)

at a \_\_\_\_\_ regular \_\_\_\_\_ meeting held on the 13th day

of July A.D. 2021

Lon L. L. L. L.  
Signed

Clerk \_\_\_\_\_  
Title \_\_\_\_\_

Lanie McManus

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*Print Signed Name*