

# **CHARTER TOWNSHIP OF GARFIELD**

## **SPECIAL TOWN BOARD MEETING**

### **August 8, 2024**

Supervisor Korn called the Special Town Board Meeting to order at the Garfield Township Hall on August 8, 2024 at 4:00p.m.

#### **Pledge of Allegiance**

#### **Roll Call of Board Members**

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

Staff Present: Planning Director John Sych

#### **1. Public Comment (4:01)**

Joe McManus, Planning Commission Chair, commented on the proposed resolution in regards to the state and township building code and asked if the matter should be remanded back to the Planning Commission. Schmuckal asked for more than a 24 hour notice for meetings.

#### **2. Business to Come Before the Board**

##### **a. Consideration of Resolution 2024-21-T to define housing construction for the BATA/TCHC Planned Unit Development (4:04)**

The BATA/TCHC asked the township board at a special meeting on July 30<sup>th</sup> for an occupancy permit for their transfer station. Throughout the process, the township made it clear that the housing portion of the PUD needed to be started before BATA could request a certificate of occupancy from the township. The board determined at that meeting that the housing portion had not started enough for an occupancy permit to be issued to BATA. Supervisor Korn asked for this special meeting to further define the "start of construction" for the developers of the housing portion of the PUD. Korn addressed the short notice for the meeting and stated that if a contract was set in place with the township for a PUD, that contract needs to be adhered to. He added that the 2015 State of Michigan Building Code was adopted by Garfield Township in 2018. Korn defined "start of construction" from several different sources including the National Association of Home Builders, the State of Michigan Building Code, an architect's version and an engineering definition. Board members discussed the definition of "start of construction" and noted that for the BATA project, a "notice to proceed" was filed on June 21<sup>st</sup>. Korn stated that the BATA developers want clarity pertaining to the "start of construction" and he drafted this resolution. Board members discussed what needed to be done by the developer to gain occupancy to the BATA building. Board members also shared concerns with changes to a PUD by resolution and wanted to follow the processes set forth by the township

which do not single out a single development in a resolution. On the other hand, this resolution could be seen as an interpretation of the report and decision order for the BATA project. The building permit issued for the project references the 2015 State Building Code which in turn, references the definition of start of construction. Board members want to give the Garfield Township Building Department the authority to make the decision whether construction was started in order to avoid further delays.

*Duell moved and Barsheff seconded that the BATA/TCHC PUD was issued a building permit which references the State Building Code adopted by the township and defined the start of construction on page 36 of the codes. Once the Garfield Township Building Department has approved the start of construction, an occupancy permit for BATA may be issued.*

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

Sych brought up the fact that BATA must complete the transfer station and open space improvements in the transit phase at the same time or before completion of the bus storage garage, bus maintenance garage and administration building according to the RDO. BATA does have a performance guarantee for the open space improvements.


**3. Public Comment: (4:36)**

Joe McManus thanked the board for not passing the resolution for just one development since it may have set a precedent for future developments and added that the Planning Commission will investigate the matter further to see if any processes need to be tweaked.

**4. Adjournment**

*Korn moved to adjourn the meeting 4:37 pm.*

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

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