

Johnstown Township Minutes

13641 South M-37 Highway. Battle Creek, Michigan 49017

Regular Board Meeting – February 14, 2024 – 6:30 p.m.

Meeting called to order at 6:31 p.m.

Pledge of Allegiance.

Present: Supervisor Barb Earl, Clerk Sheri Babcock, Treasurer Karmen Nickerson, Trustee Jeff Warren, Trustee Deana Powell

Absent: none.

Visitors: 26

Agenda: Motion by Warren to approve the agenda. Seconded by Powell. All ayes. Motion carried.

Public Comments (3 minutes per person):

- A resident shared with the Board an updated 2nd Amendment Resolution and asked the Board to consider adopting it with the revised language.

Minutes: A motion was made by Warren to approve the minutes of the January 10, 2024, Regular Board Meeting; January 24, 2024, Special Meeting of the Election Commission, and the January 31, 2024, Special Meeting of the Election Commission. Seconded by Powell. All ayes. Motion carried.

Treasurer's Report – Karmen Nickerson

- Winter 2023 taxes are due today. After February 14, 2024, interest and penalty will be assessed. Residents can still pay their 2023 Property Taxes to the Township Treasurer through February 29, 2024.

A motion by Warren to accept the Treasurer's Report as presented. Second by Powell. All ayes. Motion carried.

Clerk's Report – Sheri Babcock

- Early Voting for the Presidential Primary begins February 17, 2024, and runs through Sunday, February 25, 2024. Each day polls will be open from 8:30am-4:30pm at the Township Hall.
- Election Day is Tuesday, February 27, 2024.
- Clerk reminded Elected Officials of the April deadline to submit petitions and affidavits if seeking office this Election cycle. Also made available the necessary paperwork.
- Discussion about current website hosting agreement and need for upgrading our current site to eliminate outdated programming and support functions. Will be discussed further during the budgeting process.

Assessor's Report – Kara Dougherty, Assessor

- Petitions are being circulated to gather signatures for a ballot initiative called "Ax MI Tax." It is seeking to eliminate the current system of assessing property taxes and move instead to an increased sales tax structure, on certain items. Residents are urged to research what will be lost (and gained) if the existing assessed property tax structure is done away with. Things like school funding; fire; police; EMS; sewer; water; parks; jails; mental health; 911; Thornapple Manor; State licensing; and State parks would cease being funded by property taxes and there currently is no plan in place to fund these resources through other means. Additionally, the ballot initiative may have additional hurdles as the ballot language was

not approved in advance of the petitions being circulated. Furthermore, the language expected to appear in the bill may contain language that prevents the tax structure from being changed at any time in the future. Assessor Dougherty urged residents to get informed before going to the polls, if the ballot initiative is successful and appears on the November 2024 ballot. The Michigan Assessors Association is not in support of the ballot initiative.

- Veterans Exemptions are in process.
- March Board of Review schedule has been set. To schedule an appointment, contact Supervisor Earl.

Fire Report – Fire Chief Chris Jozwik

- 38 total calls for the month of January. Total calls for 2024: 38.
- 24 calls for the month of January were MFR calls. Total MFR calls for 2024: 24.
- Johnstown Township Fire Association meeting was held.
- Training: SCBA use.
- Personnel changes: Amy Tatham. She will appear at the March Board Meeting, as scheduling conflicts prevented her from being present tonight. Supervisor Earl attested to the skills and value Tatham would bring to the Fire Department. Motion by Warren to move forward with the hiring of Amy Tatham as recommended by Chief Jozwik effective February 14, 2024. Seconded by Powell.
- Current Membership: 17 Active members; 2 on personal leave, 1 cadet;
- Department Activity: Pancake Breakfast is scheduled for April 27, 2024.
- SCBA Quote: Revisions to the previous quote include adding filter system and quick fill option. Motion by Powell to accept the revised quote and move forward with purchase of SCBAs. Seconded by Warren. All ayes. Motion carried.

Next Quarterly Board/Fire Meeting: April 1, 2024, at 6:00 PM.

Commissioner Report – Bruce Campbell

Commissioner Campbell updated the Board on activities of the Barry County Board of Commissioners including decisions made and resolutions passed. He also mentioned staff paygrade changes for two positions. The meeting previously announced by Sherriff Dar Leaf pertaining to the 2020 Election has been postponed to a later date. Solar Workshop was held on February 13, 2024, with much representation from Johnstown Township; he stated the importance of getting local control back on this issue and encouraged residents to consider signing the ballot initiative petition.

Old Business:

Local Solar Ordinance:

- Several Johnstown Board members attended a workshop hosted by the Michigan Townships Association to get informed on the impacts of the new law and what can still be controlled at the local level.
- Several Johnstown Board members attended the Barry County Board of Commissioners Solar Workshop on February 13 and spoke about matters important to our Township.
- Discussion about working with Consumers on set backs and screening and those issues that are outside of the State siting requirements. Discussion about the positive interactions with Consumers Energy so far in the process.
- Concerns voiced about creating an Ordinance for projects less than 50MW, especially with third-party vendors, besides Consumers. Discussed need to meet with our attorney in March to help understand our rights at the local level within the parameters of the new law which takes effect November 29, 2024. Also may be helpful to get copies from other Townships who have already adopted a solar ordinance.
- Additional discussion about the partnership with Planning and Zoning at the County level and how to move forward to ensure Johnstown's needs are met. It is of concern that we are not receiving notices of upcoming Planning & Zoning meetings that have a direct impact on our township. Both the County

Commissioners and Johnstown Township Board are awaiting introduction to the new County Enforcement Officer. Commissioner Campbell will request that an introduction to the new Enforcement Officer be added to the agenda for an upcoming Commission meeting.

- Assessor Dougherty remarked that some townships have a Zoning Administrator, who also serves as the Enforcement Officer.

Resolution in support of Second Amendment (2A) Rights:

- Trustee Warren brought the issue of Second Amendment Rights off the table. Discussion about other Townships who have enacted such a Resolution. Discussion about this being taken up at the County level as well; and residents' desire to show support for Constitutional Second Amendment rights. Resolution offered by Warren to accept the revised language in the Second Amendment Resolution put forth to the Board. Seconded by Powell. Roll Call Vote: Ayes: Warren, Powell, Nickerson, Babcock, Earl. Nays: none. **Resolution# 2024-02-01 declared adopted.**

Clerk Babcock was served a summons regarding FOIA requests.

Sylvan Court Paving Special Assessment:

- Petitions have been approved. Warren offered Resolution of Intent #1 for approval. Supported by Powell. Roll call vote: Ayes: Powell, Warren, Nickerson, Babcock, Earl. Nays: none. Motion carried. **Resolution#2024-02-02 was declared adopted.**
- Term of the Special Assessment will likely be 3-5 years due to the amount. Nickerson will confirm current bond rates prior to next meeting.
- Public Hearing set for 6:00pm Wednesday, March 13, 2024.

Winans Drive Special Assessment:

- Residents are still working on petitions.

New Business:

- David Morse, Fudd Dusters S.S.T. 5016: Mr. Morse, President of Fudd Dusters and Johnstown Township resident, provided an overview of the organization and youth served. State of Michigan requires the 501(c)(3) be recognized by another governmental body as a nonprofit in order to move forward with raffle fundraising efforts. Motion by Powell to adopt Resolution acknowledging Fudd Dusters S.S.T. 5016 as a nonprofit. Seconded by Warren. Roll Call Vote: Ayes: Warren, Powell, Babcock, Nickerson, Earl. Nays: None. Motion carried. **Resolution #2024-02-03 declared adopted.**
- Picnic Pavilion: Board agreed for the time being use would remain "first come, first served." Board acknowledged the need for signage that addresses acceptable and unacceptable uses of the pavilion and playground.
- ARPA Funds/Parks & Rec Grant: Discussion about use of the remaining funds from both sources to cover costs associated with a storage shed and start-up costs to create a community garden. Residents with young children are using the playground frequently, especially in conjunction with a hall rental; and a number of residents have been observed walking on the paved path.
- Fire Insurance Withholding: Our attorney brought to our attention that we do not currently have a resolution in place to establish an escrow account for Fire Insurance Settlements in the event a property needed to be cleaned up after a catastrophic fire. The Board determined more information is needed before moving forward with a resolution.

- **Semco Ordinance Renewal:** Formerly Battle Creek Gas, Semco Energy would like to renew their existing Ordinance with Johnstown Township that expires in May 2024, for an additional 30-year term. We have been advised by legal counsel to renew for a 10-year term and revised the hold harmless clause offered by Semco Energy. Resolution offered by Powell to move forward with the renewal for a 10-year term with the revisions offered by the attorney. Seconded by Warren. Roll call vote: Ayes: Warren, Powell, Babcock, Nickerson, Earl. Nays: none. Motion carried. The Supervisor declared the **Ordinance#24 adopted.**

Pay Invoices & Payroll: A motion was made by Powell to pay the invoices in the amount of \$123,387.22 as presented. Seconded by Warren. All ayes. Motion carried.

Additional Public Comments (3 minutes per person):

- Residents are invited to an Open House on February 20 at Barry County Central Dispatch.
- Residents can find updated information for 2024 recycling opportunities on the Barry County website.
- A resident expressed appreciation to the Board for adopting the Second Amendment Resolution; encouraged the Board to keep moving forward on a solar ordinance; and asked that the Board consider moving planning and zoning to the Township level.
- An attendee commented that he has heard a lot of favorable feedback about our new playground.

Adjournment: A motion was made by Warren to adjourn. Seconded by Powell. All ayes. Motion carried.

Meeting adjourned at 8:07 p.m.

Next Quarterly Board/Fire Meeting: April 1, 2024, at 6:00 p.m.

Next Regular Board Meeting: March 13, 2024, at 6:30 p.m.

**Attested to by:
Barbara Earl
Supervisor**



Sheri Babcock, Clerk