

BAY TOWNSHIP BOARD OF TRUSTEES

May 9, 2019 REGULAR MEETING MINUTES

APPROVED

CALL TO ORDER

Supervisor Moeschke called the meeting to order at 6:30 PM and led with the Pledge of Allegiance. Other Board members in attendance were Clerk W. Simmons, Treasurer S.L. Ritter, Trustee G.R. Monk. Trustee W. Wehrenberg absent (excused).

PUBLIC COMMENT

Jac Talcott and Josephine Roberts of Walloon Lake Trust and Conservancy introduced themselves. They discussed the goals that align with the Maple Crest project:

- Develop and maintain park and recreation areas to provide a variety of recreational and opportunities to residents of and visitors to, the Township
- Make full use of Local, State, and Federal programs to fulfill the objectives of the Land Use Plan and Recreational Plan
- Developing protected land owned by the conservancy for the purpose of recreational use.

Reviewed the scope of work and the Michigan Parks and Rec Programs goals, procedures and roles. The Maple Crest Project Plan was reviewed and discussed along with the Memorandum of Understanding between Bay Township and Walloon Lake Trust and Conservancy.

MOTION by Monk, seconded by Simmons, to sign the Memorandum of Understanding between the Walloon Lake Trust and Conservancy and Bay Township with a clarification made that the Bay Township portion is limited to the \$6,000 amount of the Grant to be received by the US Department of Health and Human Services, "Building Healthy Communities-Greenspace Initiative Project" passed upon unanimous affirmative voice vote of the Board Members present.

PRIOR MEETING MINUTES

Public comment closed at 6:50 PM

MOTION by Monk, seconded by Ritter, to dispense with the reading of the April 11, 2019 Board of Trustees regular meeting minutes, passed upon unanimous affirmative voice vote of the Board Members present.

MOTION by Moeschke, seconded by Monk, to approve the April 11, 2019 Board of Trustees regular meeting minutes, as amended, passed upon affirmative voice vote of the Board Members present.

TREASURER REPORT

April 2019 Treasurer's report as follows:

<u>Huntington Banks Accounts</u>	
General Fund Savings	\$ 166,360.80
General Fund Checking	\$ 11,580.77
Road Fund	\$ 229,930.73
Tax Collection Fund Checking	\$ 7,847.26
CD (Matures June 2019)	\$ 33,234.62
<u>4Front Federal Credit Union Account</u>	
General Fund Savings	\$ 128,295.26
<u>4Front Federal Credit Union Account</u>	
CD (Matures June 16, 2020)	\$ 100,000.00 *
<i>*Moved from general fund savings into CD</i>	

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Ritter moved \$100,000 from general fund savings and opened a \$100,000 CD with 4Front Credit Union at 2.54% (2.59% ARP).

CLERKS WARRANTS

Simmons presented the warrants for payment after a discussion regarding the \$2,048.75 invoice received from PC Lawn Care. Ritter explained Bay Township is in a three-year contract with them which will end next year.

MOTION by Ritter, seconded by Monk, to approve the May warrants as amended, totaling \$18,933.81 to be paid from the General Fund, passed upon unanimous affirmative roll-call vote of the Board Members present.

- Supervisor Moeschke requested copies of the Beckett and Raeder invoices
- A&B Excavating invoice cost center needs to be changed to the snow removal account
- Correction needed on future checks regarding the date of service
- Check to EPT MI Treasury monthly payment not being deducted this month

PLANNING COMMISSION REPORT

Note: A copy of this report is on file with the Township Clerk which has further detail.

Public hearings were held on May 8, 2019 at 7:00 PM to cover:

- Correcting an illustration error on the Bay Township District Zoning Map dated August 2, 2000 affecting 13 parcels all located in the Bear Cove area.
- Adding 13.1 (e) to Article 13.1 Special Use Permit that will state: . . . “an approved special use is to be filed with the Charlevoix County Register of Deeds within 45 days of being issued a special use permit.”
- 45 days of the Special Use Permit being issued and to correct a spelling error in 13.1 (b).
- Seeking public comment on the proposed flow charts to better illustrate:
 - Article 19 Zoning Ordinance Amendment Adoption Process
 - Article 13 Special Uses Process
 - Article 11.6 Planned Unit Development Process
 - Zoning Application Permit Process

Simmons explained the next steps in the process of each of these items. Once all approvals are received from Charlevoix County and this Board, an updated Zoning booklet with the properly illustrated map(s), flow charts, and updates will be printed.

Updated Master Plan will be submitted to the Board for approval at the June Board of Trustee’s meeting as discussed.

Simmons then read Item #2 received in an e-mail dated May 6, 2019 from Trustee Wehrenberg

“Approval of Expenses. I remain against any committee of the Board spending tax dollars without Board approval. While the Planning Commission has a budget, it is not discretionary money. It is allocated for Board per diem compensation and the for hiring a planner. Any expenses for a lawyer is not part of their budget. The letter from a county official stating what she wants has no authority. If the planner for the commission is not drafting a legal document then we need to be looking for a new planner. The flow chart proposed by the Planning Commission is fine for a reference but it does not represent an ordinance for the township. Finally, the Planning Commission has to accept that the Board of Trustees has final authority concerning all aspect of an

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ordinance. Once the Commission has finished their work, including input from the Board, the Board is empowered to act upon the ordinance as it sees fit."

Simmons brought out the following points with regards to Wehrenberg's issue to the Planning Commission following the proposed flow chart on the Zoning Ordinance Amendment: Adoption Process, Article 19.

- After the Planning Commission has refined, reviewed and is satisfied with a proposed amendment it goes to Legal for review and comes back to the Planning Commission to follow all the legally required steps to present to the Township Board for their approval or disapproval.
- The County has requested legal review of Zoning Ordinance Amendment changes prior to being sent to them for their review.
- The Planning Commission understands fully that the Township Board has the final say. They have never disputed this.
- The Zoning Administrator, Planning Commission, and Board of Appeals need the proper tools and one of those tools is access to Legal.
 - All Board members have access
 - The Zoning Administrator is given access
 - The Chairman of the Board of Appeals is given access
 - The Planning Commission requires access and the Chairman is not being given this access.
- The Board has to give the Planning Commission leeway to have the tools to work with. This Board puts in hundreds of hours and everything they work on are legal documents that must follow specific legal procedures today.

Concerns were expressed with regards to someone running up thousands of dollars in legal fees prior to the Board knowing in advance. This has never happened and overall our legal fees have been very minimal. It was also stated that the attorney would notify the Supervisor prior to this happening.

The majority of the Board members present, aware of Wehrenberg's standing, still agree they saw no problem with the Planning Commission continuing to involve Legal when necessary and where the flow charts indicate. Moeschke further indicated Bay Township Attorney Murray's rates are excellent and he does not look unfavorable with the process the way it is. Simmons restated to make everything clear, that the majority of this Board is in favor and will continue to allow the Planning Commission direct access to Professional Services. It was noted that the Supervisor appreciates being informed when Professional Services are contacted.

PARKS AND REC REPORT

Dave Skornia updated everyone on the Parks:

- **Camp Sherwood**
 - Dead trees are down, deck removed, outhouses removed and fill will be completed.
 - Porta John will be ordered at a cost of approximately \$512.00 per month for 3 months
 - Park equipment will be ordered in the next couple of weeks
 - Trying to meet with DEQ
- Simmons requested we give Skornia a Letter of Donation in the amount of \$4,000 for all of his donated equipment and manhours to make this happen
- **Eagle Island**

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- Grant did not come through from the Tip of the Mitt for the \$1500 for vegetation. We will be looking to the Township and Great Lakes Energy for possible assistance.
- Bench, steps and sign will be ordered ASAP
- **Maple Crest**
 - Bids on trail will be submitted at the June Board meeting
- **Franklin**
 - Bench and signs to be ordered ASAP

ZONING ADMINISTRATORS REPORT

Note: A copy of this report is on file with the Township Clerk which has further detail.

- A lot split on Reycraft Road will be presented to the Board in the future
- Currently issued four zoning permits
- One permit on hold waiting for Health Dept and Villa Association
- Inspected and wrote violations for two properties
- Working with Camp Michigania consultant on Master Plan

ZONING BOARD OF APPEALS REPORT

No meeting scheduled at this time.

CEMETERY COMMITTEE REPORT

Note: A copy of this report is on file with the Township Clerk which has further detail.

- Cemetery Committee met on April 24th
- Continue to work on Right to Bury Certificate and information required for the individual "Lot File"
- Dyer Cemetery: Stump removal required and water turned on
- Poison Ivy at Horton's Creek dry hydrant is bad
- Poison Ivy sign is missing from at Lake Street Road end
- Invitation was received from Karl Crawford of Greenwood Cemetery meeting and tour
- Straightened out the confusion on the Stolt burial site at Dyer - **Board waived transfer fee.**
- Ordinance Sub-committee met three times this month
- Next meeting to be held May 22nd at 9:00 AM – primary focus will be Memorial Day – Flag Day at Dyer Cemetery
- Sexton reported 2 hours of time

ROADS

Moeschke presented a bid for discussion from the Charlevoix County Road Commission for 1.73 miles (9,135 ft.) of Afton Stone to be placed on Sumner Road between Camp Daggett Road to Walloon Lake. Cost for 4" base x 24 ft. wide is \$86,400.00. Cost for 6" base x 24 ft. wide is \$130,720.00. Additional years are added prior to replacement for the 6" base. No action was taken.

BC FIRE DEPARTMENT & EMS

Note: A copy of this report is on file with the Township Clerk which has further detail.

Received a listing of fire runs made by Boyne City Fire Department to Bay Township during 2018. A total of 14 runs were made to Bay Township. Moeschke and Wehrenberg met with Boyne City Manager, Mike Cain and explained the Township's frustration with not getting an annual visit and report from the Boyne City Fire Department. Cain will reach out to John Lamont and Dennis Amesbury of the BCFD.

OTHER

Simmons presented the grant contracts from Charlevoix County Parks program for signature.

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MOTION by Simmons, seconded by Ritter to approve the awarded grant contracts from Charlevoix County for Sherwood Park, Franklin and Eagle Island improvements, passed upon unanimous affirmative roll-call vote of the Board Members present.

HALL MAINTENANCE

- Approved ADA doorknobs installed by Georganna Monk
- Windows have been scheduled to be cleaned by A to Z Cleaning at same rate as last year

BLIGHT ORDINANCE

Several calls have been received by Board Members regarding yards that are in need of attention in relation to the removal of trash. A memo was received from Wehrenberg dated May 6, 2019 suggesting instead of going in the direction of a blight ordinance that the township should consider contacting the offending parties with a letter encouraging them to remove the trash from their yards. Wehrenberg and VanZee both submitted samples of draft letters to be signed by all members of the Township Board.

Moeschke indicated he was not in favor of a blight ordinance or a signed letter from the Board being sent. He was more in favor of the Zoning Administrator sending out a letter. VanZee indicated he has no authority as there is no ordinance to back him up.

Complaints regarding property located at the corner of Camp Daggett and Old Horton Bay Road have been received. Trailer is collapsing and more "trash" is being piled up. Moeschke suggested maybe this is a Health Department issue and is not in favor of sending out the letters presented.

MTA WORKSHOP

Monk will be attending an MTA Planning and Zoning Workshop in Grayling.


PUBLIC COMMENT

Public Comment open and closed at 9:07 PM. No Public Comment received.

ADJOURNMENT

MOTION by Simmons, seconded by Ritter to adjourn the meeting at 9:10 PM, passed upon affirmative voice vote of the Board Members present.

Respectfully submitted,



Wendy Simmons
Bay Township Clerk