

**BAY TOWNSHIP BOARD OF TRUSTEES**  
**July 11, 2019, 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 and Trustee W.B. Wehrenberg.

**DENNIS AMESBURY**  
**BOYNE CITY FIRE CHIEF**

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

**Dennis Amesbury**, Fire Chief of the Boyne City Fire Department, presented the Boyne City Fire Department Annual report listing 14 runs made to Bay Township in 2018 along with a list of new fire equipment purchased. There is a possible interest of investigating an additional dry hydrant in the Sunterra area.

**PUBLIC COMMENT**

Opened public comment at 6:46 PM.

**Ralph Goodrich**, newly appointed President of the Villa De Charlevoix Association Board, introduced himself. Goodrich extended his appreciation for Ritter and Wehrenberg answering questions with regards to the road upgrades needed in the Villa during their annual meeting.

Public comment closed at 6:49 PM.

**PRIOR MEETING**  
**MINUTES**

**MOTION by Monk, seconded by Ritter, to dispense with the reading of the June 13, 2019 Board of Trustees regular meeting minutes, passed upon unanimous affirmative voice vote of the Board Members present.**

**MOTION by Monk, seconded by Ritter, to approve the June 13, 2019 Board of Trustees regular meeting minutes, as amended, passed upon affirmative voice vote of the Board Members present.**

**TREASURER REPORT**

June 2019 Treasurer's report as follows:

<u>Huntington Banks Accounts</u>	
General Fund Savings	\$ 74,923.67
General Fund Checking	\$ 12,591.15
Road Fund	\$ 229,988.38
Tax Collection Fund Checking	\$ 7,847.26
CD** (Matures July 7, 2020)	\$ 34,322.39
<i>**Moved to 4Front Federal Credit Union Account</i>	
<u>4Front Federal Credit Union Account</u>	
General Fund Savings	\$ 128,359.59
<u>4Front Federal Credit Union Account</u>	
CD (Matures June 16, 2020)	\$ 100,000.00 *
<i>*Moved from general fund savings into CD</i>	

**CLERKS WARRANTS**

Simmons presented the warrants for payment.

Invoices in the amount of \$6,000.00 for the Maplecrest Preserve Grant Initiative, which will be paid back to the Township though the US Department of Health and Human Services, Health Department of Northwest Michigan, Building Healthy Communities - Greenspace Initiative Project, was questioned as to why the Township is spending funds on property that is not owned by Bay Township.

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Simmons and Dave Skornia, Planning Commission Chairman, explained that this opportunity was in direct response to the 2018 Bay Township survey indicating a 70+% favorability of Township residents wanting more access to recreational trails and facilities within the township and goes along with the Master Plan. This grant was an opportunity to coordinate with an established Preserve located within Bay Township to give better access to our residents to accomplish this goal. Conservancy properties within the Township make up a large portion of lands available for public use.

Going forward Moeschke wants to make sure the Board is better informed on the exact grant requests. Wehrenberg is not in favor of spending monies on properties not owned by the township and feels this is on the fringes of acting illegally. Monk presented the Evangeline Township newsletter on their 20 miles of trails by 2020 working in coordination with numerous entities, including the City of Boyne City, Walloon Lake Association and Conservancy, Boyne City Schools etc. over properties that are not all public owned. These opportunities of townships working together with numerous entities for grant monies is being done by townships all over and is being promoted.

Moeschke summarized by indicating he would like to know a little more regarding what is being applied for in future grant requests.

**MOTION by Ritter, seconded by Monk, to approve the July warrants, totaling \$30,279.07 to be paid from the General Fund, passed upon unanimous affirmative roll-call vote of the Board Members present.**

**PLANNING COMMISSION REPORT**

There was no July Planning Commission meeting.

**ZONING ADMINISTRATORS REPORT**

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

**Zoning Administrator absent (excused)**

- Reviewing a request on Red Pine that will require ZBA action because of non-conformity
- Reviewing four new applications
- Currently issued two zoning permits
- One permit on hold; waiting for Health Department
- Progress inspections on issued zoning permits and preliminary and complaint inspections

**ZONING BOARD OF APPEALS REPORT**

There will be two public hearings held on Tuesday, August 13, 2019 at 6:00 PM.

- In the Matter of Alice Keller (owner) 01001 Forest Avenue, Boyne City, MI 49712
- In the Matter of Robert & Melanie Lafave (Owners) 05045 Boyne City Road, Boyne City, MI 49712

**CEMETERY COMMITTEE REPORT**

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

- There will be a cremains burial in August

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- An Arborist will look at the trees in the cemeteries and give an opinion as a courtesy in the near future
- Greenwood cemetery tour is still being planned
- Working with Clerk on the Right to Burial Certificate
- Work on the Ordinance Revision continues
- Next meeting set for July 25, 2019

**ORDINANCE NO. 34**  
**PROHIBITION OF**  
**RECREATIONAL**  
**MARIHUANA**  
**ESTABLISHMENTS**

**MOTION by Monk, seconded by Simmons to approve Ordinance No. 34 an ordinance of Bay Township creating Marijuana Establishments, within Bay Township; to completely prohibit recreational marijuana establishments within Bay Township pursuant to the authority as defined in the Michigan Regulation and Taxation of Marihuana Act, passed upon unanimous affirmative Roll-call vote of the Board Members present.**

**BAY TOWNSHIP**  
**SUGGESTED 2019 -**  
**2024 ROAD PLAN**

*Note: A copy of this report is on file with the Township Clerk which has further detail.*  
Wehrenberg presented his draft of the "Bay Township Road Plan 2019 – 2014". Monk also presented her updated information and corrections for consideration. Moeschke indicated the County has not released a new PASER report and prefers this to continue to be named as a suggested plan. Moeschke is not convinced that 100% of all upcoming funds should be designated to the Villa however the Villa roads are a priority.

County is currently working on water remediation on the Villa De Charlevoix roads by clearing ditches and culverts.

There are gravel roads that also need to be looked at. Moeschke is not in favor of securing loans as these are county roads.

**PLANNING COMMISSION**  
**RECORDING SECRETARY**

Wehrenberg requested doing a better job of hiring procedures and wanted to know how Kristin Baranski became the recording secretary of the Planning Commission and how Annie Burnett was now hired for elections without Board approval. Wehrenberg further stated "We need to move forward with proper hiring procedures where we advertise for any positions opened in the future".

Simmons stated when she was trying to get on one of the boards, she had to go through all the applications, interviews and list references to be checked for over two years every time she applied for a vacant position. When the next three candidates came along for appointment to a board there were no advertisements, interviews, and no references checked. Now when the Deputy Clerk, appointed by the Clerk, is asked to be the recording secretary for the Planning Commission and the Zoning Board of Appeals the Board wants to go back to proper hiring procedures.

Simmons also referred to the Planning Commission By-laws which state the secretary of the Planning Commission has the authority to appoint a recording secretary. The recording secretary cannot be a member of the Planning Commission. She also commented that just because the Board does not like something in the Planning Commission By-laws, they do not have the authority to change them. Moeschke requested to find out if these By-laws were approved by the Board of Trustees indicating, to his recollection they had not given the Planning Commission approval to hire.

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Further discussion was held on the salary amount. Simmons felt a precedence had been set on the recording secretary's salary and it should be the same amount as what was paid to Jim Vanek. Moeschke indicated this was negotiated with Vanek and it did not constitute a precedence.

After further debate Simmons will check to see if there is a record of the Board approving the Planning Commission By-laws giving them authority to hire. In the meantime, till this is resolved the Deputy Clerk will be recording secretary at the August Planning Commission and Zoning Board of Appeals meetings. This will be discussed further at the August meeting along with discussion of the procedures to go forward.

Simmons then explained Annie Burnett's role in assisting with the Qualified Voter Registration files that is also part of record retention.

**LAKE STREET ACCESS**

**Motion by Moeschke, seconded by Simmons allowing the Board to spend up to \$800 to have Paul Cauldecott adjust the dock so it is not sitting on rocks that have to be walked upon for access and add stantions that are above the decking passes upon affirmative roll-call vote of the Board Members present.**

Monk received complaints and presented pictures of 'party boats' being tied up together in what is considered to be a swimming area near the docks, posing a potential injury to swimmers. The sheriff's department was contacted but the boaters did not move and were blocking the ramp for other boaters to launch. Moeschke indicated he spoke with Jim Murray about what the township options were and will get back with the board as he disagrees with the county saying they cannot do anything about this because it is considered a road end.

Monk is continuing to work with Jim Vanek of the Charlevoix County Road Commission and EGLE (formally the DEQ) with regards to having Wally Barkley bring in larger boulders to prevent future ice damage to the area.

**TOWNSHIP CLEAN UP**

The final bill for the 2019 Township Clean Up came to a total of \$19,500 payable to American Waste up approximately \$12,000 from 2018.

- Price per cubic yard doubled
- Waste Management was \$5.00 more per cubic yard than American Waste
- Amount of yardage doubled in 2019
- Promote recycling in advance
- Need to look at other options for 2020 starting at the end of 2019
- We do not want to spend another \$20,000.

**MTA**

Monk reported on the MTA meeting held at the Charlevoix Township Hall and passed out literature from CAKE, Charlevoix-Antrim-Kalkaska-Emmet Cooperative Invasive Species Management Area.

**CORRESPONDENCE**

Received a thank you card from the Horton Bay Parade Committee.

**Motion by Wehrenberg, seconded by Simmons to correct the intent of the Board to donate \$800.00 to the Horton Bay Parade Committee for insurances and other expenses incurred for the annual 4<sup>th</sup> of July Parade passes upon affirmative roll-call vote of the Board Members present.**

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**OTHER**

Master Plan opinions were reviewed and passed on to the Clerk to present to the Planning Commission to discuss their input and possibly make changes.

**PUBLIC COMMENT**

Dave Skornia addressed issues with the township clean up and the importance of letting the junk dealers know in advance when items will be put out giving them an opportunity to pick up items thereby reducing the cubic yardage.

Skornia also addressed Trustee Wehrenberg with regards to the approval the Board gave on the portion of the flow charts allowing the Planning Commission to seek legal advice prior to presenting items to the Board of Trustees for final approval. This was done the at ~~the May 9, 2019 Board of Trustees meeting. Trustee Wehrenberg a meeting~~ Trustee Wehrenberg was not in attendance.

Skornia also spoke on the recurring issue some members of the Board of Trustees seem to have with regards to the Park Grants. Beckett and Rayder was paid a couple of hundred dollars to assist in writing grant applications and almost \$20,000 in grant money was approved to improve four properties located within the township and available for the public to utilize. Hundreds of volunteer hours have been put in to make these four grants a reality, done for the public's use. It is very disheartening that some members of this Board always come back after the fact with negative responses.

Public Comment open and closed at 9:21 PM.

**ADJOURNMENT**

**MOTION by Ritter, seconded by Monk to adjourn the meeting at 9:21 PM, passed upon affirmative voice vote of the Board Members present.**

Respectfully submitted,



Wendy Simmons  
Bay Township Clerk