

BAY TOWNSHIP BOARD OF TRUSTEES
SEPTEMBER 12, 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.B. Wehrenberg absent (excused).

PUBLIC COMMENT

Opened public comment at 6:31 PM.

Cheryl Mathews of Villa De Charlevoix requested the Board and/or Planning Commission investigate the definition of what specifically defines a fence. Her neighbors are stacking wood along both the east and west property lines of her properties. Height of this stacked wood sometimes goes up five feet. Zoning Administrator had previously sent them a notice of the height restrictions and they had complied but then continue stacking to heights that are more than four feet. Mathews also questioned under Article IV, 4.13 of the Township Ordinance that there should be no structures within 65 feet of a creek and feels because this stacked wood is being used as a structure that this should be adhered to.

John Nagel and Robert H. Taylor of Eagle Island Road along with other residents in the area expressed their displeasure of having the signs and bench ripped out after being installed at the Lily Pad access site. These items were purchased and installed through monies from the Charlevoix Parks and Recreation millage. They use this access site and liked the new blue sign that better identified this site and feel it should be put back on the site as well as the bench. Supervisor Moeschke indicated he would only accept public comment at this time and not get into a question and answer period. Lynn Maxwell, Bay Township resident and a member of the Charlevoix Parks and Recreation Millage Committee indicated the grant will not be given out if anything has changed from the original application request.

Jim Anderton presented a summary of the Emmet County Lakeshore Association and Protection of Rights Alliance Litigation Update: *Little Traverse Bay Bands of Odawa Indians v. Whitmer*, U.S. Federal District Court dated August 20, 2019. *Note: A copy of this report is on file with the Township Clerk which has further detail.*

Public Comment closed at 6:53 PM.

PRIOR MEETING MINUTES

MOTION by Monk, seconded by Simmons, to dispense with the reading of the August 8, 2019 Board of Trustees regular meeting minutes, passed upon unanimous affirmative voice vote of the Board Members present.

MOTION by Monk, seconded by Simmons, to approve the August 8, 2019 Board of Trustees regular meeting minutes, as amended, passed upon affirmative voice vote of the Board Members present.

TREASURER REPORT

August 2019 Treasurer's report as follows:

<u>Huntington Banks Accounts</u>	
General Fund Savings	\$ 59,791.03
General Fund Checking	\$ 13,494.65
Road Fund	\$ 230,046.98
Tax Collection Fund Checking	\$ 293,041.62

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CD** (Matures July 7, 2020) <i>**Moved to 4Front Federal Credit Union Account</i>	\$ 34,322.39
4Front Federal Credit Union Account General Fund Savings	\$ 68,411.16
4Front Federal Credit Union Account CD (Matures June 16, 2020) <i>*Moved from general fund savings into CD</i>	\$ 100,000.00 *

CLERKS WARRANTS

Simmons presented the warrants for payment.

MOTION by Ritter, seconded by Monk, to approve the September warrants, totaling \$18,453.44 to be paid from the General Fund, passed upon unanimous affirmative roll-call vote of the Board Members present.

**PLANNING COMMISSION
 REPORT**

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

A number of concerned citizens commented on the Lily Pad access site issue and wanted to know why everything was removed after being installed.

Resolution No. 2019-09-01 Bay Township Ordinance No. 12-AM, Amendment No. 38 to the Bay Township Zoning Ordinance – Articles XI, Section 11.4, Article XI Section 11.6, and insertion of flow charts in Articles XI, XII, XIV and XIX were approved to forward to the Board of Trustees for final adoption.

Resolution No. 2019-09-02 Bay Township Ordinance No. 12-AN, Amendment No. 39 to the Bay Township Zoning Ordinance – to correct an illustration error on the Bay Township District Zoning map dated 8-2-2000 by rezoning specific parcels was approved to forward to the Board of Trustees for final adoption.

Comments and changes suggested by the Board of Trustees on the Master Plan were presented to each member of the Board of Trustees to review for discussion at the October Board of Trustees meeting. The action plan for the Master Plan update will now be known as Chapter 9: Action Plan.

**ZONING ADMINISTRATORS
 REPORT**

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

Zoning Administrator VanZee would like to have the Board consider putting a cap on the fee schedule for Zoning Permits which are based upon the estimated cost of construction. Van Zee's time is about the same for a \$300,000 home as it is for a \$3,000,000 home.

- Red Pine Rd. structure has been moved to meet zoning
- 14 Zoning Applications have been received and are in process this month
- Application for a variance for a dormer egress will be upcoming

There is an issue with properties adjacent to both sides of the Lily Pad lake access site. Property adjacent to the south has a building partially on the access site property and will need to be verified if this was built before or after zoning went into effect. There is no zoning or building permit on file for the house and garage on the adjacent to the north side of Lily Pad access. Using an access site as a driveway would never be allowed nor would a deck over the water be allowed if zoning had been followed.

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ZONING BOARD OF APPEALS REPORT

Van Zee has asked for direction from the Board. Supervisor Moeschke and Van Zee will discuss.

Two public hearings were held on Tuesday, August 13, 2019 at 6:00 PM.

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

CEMETERY COMMITTEE REPORT

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

- Meeting on August 28, 2019 was cancelled. Next meeting is scheduled for September 18, 2019.
- Monk, Ritter and Simmons met to start to consolidate and get records in order.
- They have found people buried in the wrong cemetery lots and have reconciled some and are working on others.
- Bids are being sought for proper burial lot markers to be installed.

GREAT LAKES ENERGY EASEMENT APPROVAL

Motion by Simmons, seconded by Ritter to approve the Easement request from Great Lakes Energy on Bay Township property known as parcel ID #001 006 059-00 with an address of 05045 Boyne City Rd., Boyne City, MI 49712 passed upon unanimous affirmative voice vote of the Board Members present.

LILY PAD ACCESS

Moeschke explained why items were removed by Wehrenberg and himself at Lily Pad Access and recommended a removable bench be put back in place of the original stationary bench.

Simmons indicated as all Board members know, (in reference to the letter she sent out as a resident) how opposed she was of the action taken by the Board after a win-win situation had been agreed upon by the neighbors and the Planning Commission sub committee known as Parks and Rec, and further pointed out:

- The precedent had already been set by the Bay Township Board to accept donations from residents of Bay Township (example: the Board accepting over \$138,000 from a resident for paying to pave one-half a mile of Church Road in October of 2015).
- Taxpayers of Bay Township pay over \$25,000 annually to the Charlevoix County Parks Millage; the Parks and Rec Committee was able to obtain over \$14,000 in grants for Bay Township from that millage.
- Now residents will have to pay twice for the cost of this project. First through the millage and again through township dollars as the grant monies will be null and void if the items originally quoted in the grant request are not the items reinstalled at the site.

Monk stated she feels this is an easy fix. Accept the win-win proposal and Moeschke and Wehrenberg should reinstall what they removed.

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Ritter indicated the Board rushed this decision and now we can replace and go forward. We want the grant money.

Motion by Simmons, seconded by Monk to put the new Lily Pad Access sign on the lake side, have the public access sign installed at the entrance and work with the neighbors to find the best spot to reinstall the original permanent bench on the site passed upon unanimous affirmative voice vote of the Board Members present.

RESOLUTION NO. 2019-09-01
FLOW CHARTS

Motion by Monk, seconded by Simmons to approve the adoption of Resolution No. 2019-09-01 Bay Township Ordinance No. 12-AM, Amendment No. 38 to the Bay Township Zoning Ordinance – Articles XI, Section 11.4, Article XI Section 11.6, and Insertion of flow charts in Articles XI, XII, XIV and XIX passed by unanimous affirmative roll-call vote of the Board Members present.

RESOLUTION NO. 2019-09-02
CORRECTION ON ZONING

Motion by Simmons, seconded by Monk to approve the adoption of Resolution No. 2019-09-02 Bay Township Ordinance No. 12-AN, Amendment No. 39 to the Bay Township Zoning Ordinance – to correct an illustration error on the Bay Township District Zoning map dated 8-2-2000 by rezoning specific parcels was passed by unanimous affirmative roll-call vote of the Board Members present.

SALE OF USED LAPTOP

Motion by Ritter, seconded by Moeschke to approve the sale of the used laptop to Van Zee for \$50.00 passed by unanimous affirmative roll-call vote of the Board Members present.

PUBLIC COMMENT

Opened at 8:09 PM

Dave Skornia clarified that when the grants for the lake access were being submitted Beckett and Rayder offered to have an Architectural Landscaper complete professional drawings at a cost estimate of \$6,000. This was felt to be excessive and drawings were not presented to the board. He also went on to indicate Simmons kept the Board updated each month on all of the progress. In the future adjoining property owners should be notified by the Township Board when changes are going to be made. The signs made for each location were meant to discreetly impose some rules such as closed at dusk, leave only footprints, along with letting everyone know the cooperation of numerous organizations to help put this together.

Skornia also requested Ritter let the lawn maintenance folks know not to weed-whack the vegetation near the lake at Camp Sherwood as this is to become part of the natural vegetation.

Dale Parsons indicated he was impressed with the planning and foresight to have lake access available so all residents could use. Parsons further stated he thinks the Board did the right thing in reversing the decision made at the August meeting and reinstall all of the items back on site. He felt before the decision had been made to remove everything it should have gone back to the Planning Commission instead of the squeaky wheel getting the grease. Parsons suggested having a flow chart to follow in situations such as this.

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John Nagle felt it was great to finally have a sign, (which he could see from his house) finally marking the lake access, so people could see where it was. He had been asking for this for years because the access was kept so obscure.

It was also noted that parking could happen if the neighbors were not using the access as a driveway to get into their garage and parking area.

Cheryl Mathews reiterated to the Board to protect public easements/accesses and not let happen again when the public lost the easement at the end of Sumner Road.

Public comment closed at 8:22 PM

ADJOURNMENT

MOTION by Simmons, seconded by Monk to adjourn the meetings at 8:22 PM, passed upon affirmative voice vote of the Board Members present.

Respectfully submitted,



Wendy Simmons
Bay Township Clerk