

BAY TOWNSHIP BOARD OF TRUSTEES
June 13, 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.

PUBLIC COMMENT

Jim Anderton announced the new official name change of the ~~Walloon Lake and Conservancy~~ **Walloon Lake Association Trust and Conservancy** to **Walloon Lake Association and Conservancy**.

Anderton also gave an update on current litigation regarding Tribal jurisdiction over a large area that includes Bay Township and how this relates to a current case going on in the state of Oklahoma. Anderton again requested the township to consider joining the legal team fighting against tribal jurisdiction. Information was given to Moeschke who will pass it on to the board members.

Xavier Gaudard, representing Villa de Charlevoix reported on the deteriorating state of the roads in the Villa and asked if the Board has any plans to complete what has been started and work on the worst of the roads. Moeschke explained the Township is not spending money on roads this year in order to do a bigger project next year and the Villa is being given a high consideration.

Steve Lloyd, Director of Villa de Charlevoix met with the Charlevoix County Road Commission and presented them with a topographical map indicating the ten buried culverts that are in need of being blown out. The County will start this process hopefully within the next few weeks. He wanted to let the Board know the Villa is also doing their part to assist in maintaining these roads.

Tom Rudy of the Horton Bay Club complimented the Township Board on the trash clean up held on June 8th.

ATTORNEY JIM MURRAY
CANNABIS IN MICHIGAN

Attorney Jim Murray presented information on Medical versus Recreational Cannabis guidelines. Medical Marijuana is governed by two State of Michigan Statutes: the Michigan Medical Marijuana Act (MMMA) and the Michigan Medical Marijuana Facilities Licensing Act (MMFLA). This is separate from Recreation Cannabis which falls under the Michigan Regulation and Taxation Marijuana Act (MRTMA) which does not change the MMMA or the MMFLA statutes. Both statutes remain unaltered.

Under MMMA and MMFLA, if townships did nothing it meant they opted out of allowing any of the five types of state operating licenses specific to growing (Class A, B, C), processing, provisioning center, secure transporter and safety compliance facility. Bay Township did nothing so basically at this time Bay Township has opted out of allowing medical Marijuana. This can be changed at any time by the Board of Trustees if they choose to allow a grower for instance as this would fit in with the agricultural landscape.

Recreational Marijuana under the MRTMA regulation requires a township to opt out by Resolution and or Ordinance. If this is not done it is allowing for growers, processing, provision centers, secure transporter and safety compliance facilities to operate within the Township. To date the State of Michigan has not set any guidelines for Recreational Marijuana.

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After comparing the facts that were presented and understanding more with regards to this complicated matter it was decided to have Attorney Murray draw up a Resolution or Ordinance opting out of Recreational Marihuana for Board discussion and approval at the July meeting. This will be revisited once the State establishes their rules and guidelines. This is time sensitive and needs to be acted upon.

The Township can also at any time decide to opt into Medical Marihuana. The LARA (regulation guidelines) are very strict and applicants must pass these guidelines prior to making application. Attorney Murray indicated the Township can regulate the number of facilities as well as limit the township to growers only and not dispensaries. Normal procedure is for applications to be submitted (application fee not more than \$5,000) and draw out of a hat at an open meeting the number which is determined in advance.

JOHN LAMONT, DIRECTOR
BOYNE CITY EMS

John Lamont, Director of Boyne City EMS presented the annual report for Bay Township covering May 1, 2018 thru April 30, 2019. Bay had 38 runs. Cost for the 2019-2020 services based on the 2018-2019 actual taxable value of area covered is \$13,698.34.

HORTON BAY 4th OF JULY
PARADE

Dr. Michael Harmeling representing the Horton Bay Parade Committee requested a donation from Bay Township to assist in covering the underwriting of the insurance through Korthase and Flynn. This year's theme is "Horton Bay Legends and Lore." Parade will start at 1:00 PM and applications can be picked up at the General Store. Supervisor Moeschke explained that the state allows for the township to donate to 4th of July celebrations.

MOTION by Simmons, seconded by Monk to approve a donation of \$800 to the Horton Bay Parade Committee for the purpose to cover insurance underwriting to be paid from the General Fund, passed upon unanimous affirmative roll-call vote of the Board Members present.

Public comment closed at 6:40 PM

PRIOR MEETING
MINUTES

MOTION by Simmons, seconded by Moeschke, to dispense with the reading of the May 9, 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 May 9, 2019 Board of Trustees regular meeting minutes, as amended, passed upon affirmative voice vote of the Board Members present.

TREASURER REPORT

May 2019 Treasurer's report as follows:

<u>Huntington Banks Accounts</u>	
General Fund Savings	\$ 164,655.57
General Fund Checking	\$ 12,647.63
Road Fund	\$ 229,960.03

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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	\$ 128,327.95

4Front Federal Credit Union Account	
CD (Matures June 16, 2020)	\$ 100,000.00 *
<i>*Moved from general fund savings into CD</i>	

Ritter moved the \$33,000 CD (\$30,000 designated to the Boyne City Charlevoix Bike trail) from Huntington to 4Front for a 2.33% interest.

CLERKS WARRANTS

Simmons presented the warrants for payment.

MOTION by Ritter, seconded by Monk, to approve the May warrants as amended, totaling \$94,857.65 to be paid from the General Fund, passed upon unanimous affirmative roll-call vote of the Board Members present.

DEPUTY CLERK APPOINTMENT

Simmons announced the appointment of Kristin Baransky as the Deputy Clerk. She requested her to be the recording secretary for the Planning Commission meeting held on June 4, 2019 as there had been no decision from the Township Board for a replacement for Jim Vanek.

PLANNING COMMISSION REPORT

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

Finalized flow charts were presented from Claire Karner of Beckett and Raeder. These have been forwarded to Rhonda at Attorney Murray's office for review. They will then go directly to the county for review.

Karner also presented the updated version of Chapter 8 and the Executive Summary to be presented to the Board of Trustees, when the Planning Commission feels it is complete. Once a resolution is passed by the Board of Trustees, the public has 63 days to comment before going back to the planning commission to update and or revise and pass on to the Board of Trustees for adoption.

PARKS AND REC REPORT

Bids were accepted from Joe Shear Services, and Bowman Property Management LLC for the trail at Maple Crest Preserve located at the end of west. The third bidder rescinded as he does not have time. Bids came in at \$5500 and \$6000. The Planning Commission recommends the low bid to the Board of Trustees for approval.

MOTION by Simmons, seconded by Ritter to approve the \$5,500 bid from Bowman Property Management LLC for the purpose of building a trail at Maple Crest Preserve to be paid from the General Fund, passed upon unanimous affirmative roll-call vote of the Board Members present.

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**ZONING ADMINISTRATORS
REPORT**

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

- Reviewing a request on Red Pine that will require ZBA action because of non-conformity
- Currently issued three 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**

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.

- Committee met on May 22, 2019
- Stump at Dyer has been ground up and area seeded by Dhaseleer Enterprises LLC
- Storage Building has been cleaned up
- Researching Markers for lot designation in Dyer
- Stolt family purchased 2 additional lots
- Memorial Day/Flag Ceremony was a huge success with more than 80 people participating
- Greenwood tour was cancelled and will be rescheduled
- Studying Fife Lake Township and their ground penetrating project
- Organizational projects still in progress
- Next meeting will be held on June 26, 2019

**MASTER PLAN APPROVAL
CHAPTER 8 AND SUMMARY
LETTER**

The Board was presented with the Planning Commission's update to the Bay Township Master Plan (Chapter 8), summary letter and resolution wording. Upon approval of resolution the public has 63 days to view and comment on before it comes back to the planning commission. Concerns were received from Board Members regarding decreasing square footage, wind energy, county wide formulations, and collaboration on non-motorized trail development. Board members will individually write down their thoughts, questions and concerns by the July 13-11, 2019 Board of Trustees meeting so they can be presented back to the Planning Commission to review. The Board feels these items should be addressed prior to public review.

**OTHER
TRASH PICKUP**

Trash pickup went well per Wehrenberg, however quantity doubled as well as prices this year. Notes for next year:

- Put signs out for residents and pickers early in addition to post cards
- If still current, give residents information in advance about Great Lakes program of paying \$25.00 for each appliance along with free pick up
- Listing items that should go to the county hazardous pick up
- Limiting the amount

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- Promote recycling and donating of items instead of putting them in trash pick up

LAKE STREET

Monk reported she spoke with Jim Vanek at the Charlevoix Road Commission and he has not ~~started~~ **completed** the permitting process with the DEQ nor has the County had time to bring their loader down to the site.

COMMON ANGLE

Simmons has been working non-stop with Common Angle to get the e-mail domain straightened out and to be able to receive e-mails at the old baytownship.org as well as the new baytownshipmi.org domains. She will check to see if there is a cost to keeping the old address as this is up for renewal in September.

PLANNING & ZONING TRAINING

Monk reported on the Planning and Zoning workshop held in Gaylord indicating it was excellent. Our township is a lot farther ahead than most and we are doing the right things by consulting our attorney and using a professional planner.

PUBLIC COMMENT

Jane Wehrenberg announced the Boyne City District Library bus will be at the Township Hall every Tuesday between 2:00 and 4:00 PM. This will be added to the website.

Public Comment open and closed at 8:39 PM.

ADJOURNMENT

MOTION by Ritter, seconded by Monk to adjourn the meeting at 8:39 PM, passed upon affirmative voice vote of the Board Members present.

Respectfully submitted,



Wendy Simmons
Bay Township Clerk