

Hayes Township Board
Regular Meeting Minutes
January 13, 2020
09195 Old U.S. N, Charlevoix, MI 49720

The January 13, 2020 meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 pm. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix, MI 49720.

Board members present were: Matt Cunningham (Trustee), Julie Collard (Treasurer), Warren Nugent (Clerk), Ron VanZee (Supervisor), Bob Jess (Trustee)
Also Present: Kristin Baranski (Recording Secretary/Deputy Clerk)
Audience Members signed in: Connie Foster, Jeff Willard, David Zipp, Roy Griffitts, Leslie Cunningham, Doug Kuebler, Cris Cunningham

PLEDGE OF ALLEGIANCE: Supervisor VanZee asked everyone to join in the Pledge of Allegiance.

REVIEWED AGENDA:

Item #11 removed (additional information needed to set dates) and Item 12a. will be added (Election Computer)

Mr. Nugent made a motion, supported by Mr. Cunningham, to approve the agenda as amended.

Yeas: Matt Cunningham, Julie Collard, Warren Nugent, Ron VanZee, Bob Jess

Nays: None **Motion Carried**

PUBLIC COMMENTS: Public comments opens at 7:02 pm. Comments included retainage fees paid to Performance Engineering, culvert needing repair on Church St. Public comments closed at 7:03 pm.

APPROVAL OF DECEMBER 9, 2019 BOT Minutes:

Mr. Jess made a motion, supported by Ms. Collard, to approve the December 9, 2019 Board of Trustees minutes as amended.

Yeas: Matt Cunningham, Julie Collard, Warren Nugent, Ron VanZee, Bob Jess

Nays: None **Motion Carried**

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TREASURES REPORT: Ms. Collard presented a written report with an oral overview detailing all the current accounts held by Hayes Township. The township cash flow was also reviewed. Ms. Collard noted she had received an article from Connie Foster regarding a ribbon cutting at a wilderness park and should be considered at Hayes Township Park. Ms. Collard reminded attendees winter tax deadline is February 14, 2020 (no penalties) and March 2, 2020 is the last day to pay at Hayes Township Hall, all unpaid taxes after that date will be paid at Charlevoix County.

APPROVAL OF WARRANTS, CASH FLOW REPORT, GRANT STATUS, CONSTRUCTION WARRANTS, BUDGET YEAR TO DATE:

Mr. Nugent presented the Hayes Township Accounts Cash Flow Information Chart. The chart included current funds, budgeted/restricted funds and available funds. Expected expenses and expected revenue were also presented. Mr. Nugent presented a Profit and Loss for Hayes Township Budget vs. Actual (July 1 through December 30, 2020) Report and a Grant Summary Report (Dated 12/27/2019). All reports are available at Township Hall.

Mr. Nugent made a motion, supported by Ms. Collard, to approve Township warrants in the amount of \$17,862.22. A roll call was taken.

Yeas: Matt Cunningham, Bob Jess, Warren Nugent, Julie Collard, Ron VanZee

Nays: None **Motion Carried**

Mr. Nugent began the Board discussion regarding 4 outstanding Invoices from Performance Engineering. Supervisor, Clerk and Township Attorney have all requested additional information from Performance Engineering. No additional information has been provided from requests. Performance Engineering had per instructed last year (per BOT motion) to complete project per signed contract with no additions. All Performance Engineering information as well as Board of Trustees minutes concerning Performance Engineering have been forwarded to Attorney for review. Supervisor VanZee asks board for opinions on outstanding invoices. Ideas include: send to attorney for review (29% over contract), if Mr. Cunningham should recuse himself, questionable charges such as attending townships meeting (when not required)/free ladder, paying what is owed, stay out of court and attorney fees versus paying invoices.

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Mr. Nugent made a motion, supported by Ms. Collard, to send the Performance Engineering highlighted documentation to attorney for review.

Yeas: Matt Cunningham, Bob Jess, Warren Nugent, Julie Collard, Ron VanZee

Nays: None **Motion Carried**

COUNTY COMMISSIONER REPORT: No report.

ZONING ADMINISTRATOR REPORT: An oral report was presented by acting interim Zoning Administrator VanZee detailing zoning activity.

PLANNING COMMISSION REPORT: Mr. Cunningham gave an oral report. The Planning Commission met on December 17, 2019. Roy Griffiths was elected Chairperson for 2020 and Omar Feliciano was elected Vice-Chairperson for 2020. The Planning Commission will hold a Public Hearing on Friday, January 24, 2020 at 7:00 pm at the Hayes Township Hall to receive comments on the Master Plan.

ZONING BOARD OF APPEALS REPORT: Did not meet in December 2019.

PARKS AND RECREATION REPORT: Ms. Collard gave an oral report on the Parks and Rec Committee. The Parks and Rec Committee met on January 6, 2020. Katie Hill was elected Chair, Kristin Baranski Vice-Chair and Tom Darton Secretary. Discussion included: parking/launch fees, commercial launch fees, tent at park for special events/rentals, park event scheduler and running water to lower section of park. The park committee has decided to make 2020 – The Year of Safety and Public Health. The Community Grant deadline is February 3, 2020.

Ms. Collard made a motion, with support from Mr. Jess, to encourage the Parks and Rec Committee to submit Community Millage Grant Application.

Yeas: Matt Cunningham, Bob Jess, Warren Nugent, Julie Collard, Ron VanZee

Nays: None **Motion Carried**

TRUSTEE REPORT: Mr. Cunningham verified the Township will schedule a spring clean-up this spring as residents are looking forward to it. Mr. Cunningham will also rope off fishing pier while cords from bubblers are present to avoid injury.

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SUPERVISOR REPORT: Upcoming events include MTA conference in Gaylord on the 22nd (Mr. VanZee only one committed), Road Commission meeting Tuesday the 14th at 7:00 pm, Dan Thorpe would like to attend the February BOT, Per Beckett & Raeder the survey is completed, CAD is prepared and they are working on completing report, Township Attorney is reviewing voters carrying firearms while voting, Bay Township Master Plan is out for review and comment.

ROAD MILLAGE RENEWAL:

HAYES TOWNSHIP ROAD MILLAGE RESOLUTION –

Warren Nugent made a motion, supported by _____ to adopt the following resolution;

WHEREAS, the Township Board of Hayes Township wishes to provide Road Repair and Maintenance; and

WHEREAS, townships, may provide Road Repair and Maintenance, as authorized by Public Act 51 of 1951, MCL 247.670; and

WHEREAS, townships may impose and levy ad valorem property taxes to finance lawful public services, as authorized by the Michigan Constitution of 1963 and other laws; and

WHEREAS, the Township Board of Hayes Township wishes to levy 1 mill for Road Repair and Maintenance;

NOW, THEREFORE, BE IT RESOLVED that the Township Board of Hayes Township, Charlevoix County, approves the following millage Ballot question language and directs the Clerk to submit it to be placed on the August 4, 2020 election ballot:

HAYES TOWNSHIP

Proposal to Renew Road Millage

This proposal renews the 1 mill road millage previously approved by the electors that expired after the December, 2019 levy.

Shall the limitation on the amount of ad valorem taxes which may be levied by the Township of Hayes, Charlevoix County, Michigan, against taxable property in the township be increased by up to one (1) mill (\$1.00 per \$1,000 of taxable value) for a period of four (4) years, 2020 through 2023, inclusive, for the purpose of providing funds for road repair and maintenance, and shall the Township levy such millage for these purposes? If approved and levied in its entirety, this millage would raise an estimated \$203,693.00 for the Township in 2020.

(X) Yes

() No

Roll Call

Yays: Bob Jess, Matt Cunningham, Ron VanZee, Julie Collard, Warren Nugent

Nays: None

Absent: None

Resolution Adopted.

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I, the undersigned, the Clerk of the Township of Hayes, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Hayes Township Board at its regular meeting held on January 13, 2020 relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act.

Dated: January 14, 2020 _____
Warren Nugent, Hayes Township Clerk

HAYES TOWNSHIP PARKS SMOKING POLICY: Ms. Collard presented the idea for Hayes Township to consider a NO SMOKING or DESIGNATED SMOKING AREAS policy at all township parks. The BOT will review supplied information for future discussion.

ASSET TEST RESOLUTION AND POVERTY GUIDELINES:

TOWNSHIP OF HAYES
Resolution No. 011320

At a regular meeting of the Hayes Township Board held in the Hayes Township Hall located in Hayes Township, Charlevoix County, Michigan, on January 13, 2020.

Present: Supervisor Ron VanZee, Treasurer Julie Collard, Clerk Warren Nugent, Trustee Matt Cunningham, Trustee Bob Jess

Absent: None

The following resolution was made by Warren Nugent and supported by Julie Collard, to- wit:

ASSET LEVEL TEST

WHEREAS PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test.

WHEREAS an asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test is calculated based on a maximum amount permitted and all other assets above that is considered as available;

WHEREAS the homestead of persons, who in the judgment of the board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994 (MCL 21 1.7u); and

WHEREAS pursuant to PA 390, 1994 Hayes Township, Charlevoix County adopts the following guidelines for the board of review to implement. The asset level test shall include but not be limited to the specific income of the claimant and all persons residing in the household, including any property tax credit returns,

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filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

1. Be an owner of and occupy as a homestead the property for which an exemption is requested.
2. File a claim with the board of review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
3. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
4. Meet the Federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
5. Provide a list of asset valuations, including cash on hand, fixed assets, and any other property that could be used, or converted to cash for use in the payment of property taxes.
6. The board of review shall not include the homesteaded property to calculate the asset level.
7. If the combined total of cash on hand, fixed assets, and any other property values exceed the Federal Poverty Guidelines by one (1) times no exemption is allowed

NOW, THEREFORE, BE IT RESOLVED the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy, and these are communicated in writing to the claimant.

RESOLUTION DECLARED ADOPTED.

TOWNSHIP OF HAYES

By:

Warren Nugent, Clerk

I, the undersigned, the Clerk of the Township of Hayes, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of Charlevoix County at its regular meeting held on January 13, 2020 relative to adoption of the resolution herein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: January 13, 2020

Warren Nugent, Clerk

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ELECTION COMPUTER:

Mr. Nugent made a motion, supported by Ms. Collard, to approve up to \$2000.00 to purchase a new laptop for elections. A roll call was taken.

Yeas: Matt Cunningham, Bob Jess, Warren Nugent, Julie Collard, Ron VanZee

Nays: None **Motion Carried**

Public Comments: Public comments opened at 8:19 pm. Comments included: \$37,000 paid to Performance Engineers prior to bid process, Burgess Road State park status (State originally purchased park with Federal grant and cannot sell), invite Grantors to ribbon cutting at Hayes Township Park. Public comments closed at 8:28 pm.

ADJOURNMENT: Mr. Jess made a motion, supported by Mr. Cunningham, to adjourn at 8:29 p.m.

Yeas: Matt Cunningham, Bob Jess, Julie Collard, Warren Nugent, Ron VanZee

Nays: None **Motion carried**

Respectfully Submitted,

Kristin Baranski
Hayes Township Deputy Clerk/Recording Secretary