

Hayes Township Board
Regular Meeting Minutes
October 14, 2019
09195 Old U.S. N, Charlevoix, MI 49720

The October 14th, 2019 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), Larry Sullivan (Zoning Administrator)

Audience Members signed in: Shirlene Tripp, Leslie Cunningham, Dee Janz, Gary Janz, Paul Hoadley, Gary Ohsler, Connie Foster, Doug Kuebler, Chris Narten, Debbie Narten, Mike Hutcheson, Danelle Hutcheson, Roy Griffiths, Davis Kemme, John Royal, David Zipp

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

Supervisor VanZee stated that Mr. Jess will arrive late to Board of Trustees Meeting.

REVIEWED AGENDA:

Supervisor Van Zee will make comments regarding granting agencies response to Board of Trustees formulated plan to open Hayes Township Park prior to opening public comments.

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

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

Nays: None **Motion Carried**

Hayes Township/Camp Seagull Park: Supervisor Van Zee updates audience on status of Hayes Township Park. Granting agencies had an immediate positive response to opening the park in stages the Board of Trustees' had planned and implemented. The process for opening the park is well ahead of schedule. The Board is hopeful to open stages 1 and 2 within the next couple of weeks upon completion of the following: rail installed on west end, Swanson removal of cabins, snow fence in protecting public from any safety issues, boat launch limited to kayaks and canoes due to turning radius, township risk assessor will meet with Ron on Wednesday to walk park, lots of signage already installed, new park entrance sign is installed and looks great (still need to get power to it; removed from original contract)

Public Comments: Supervisor Van Zee opened public comments at 7:07 p.m. Public comments included: suggestion that someone take a boat down on trailer to determine turn radius, use message board at entrance to warn maximum size boat to prevent issues, rain gardens not properly working, Supervisor Van Zee confirmed from MDC that all rain gardens are tied together, small rain garden closest to lake fills and overflows into Lake Charlevoix within 5 minutes of rain, Beckett & Raeder will meet with Jim Malewitz, gutter grates allow lots of leaves in and will need to be cleaned on a regular bases, large purchase of several parcels (Woods creek/Quarterline) with large rifle range (no permit, target shooting, Tannerite bombs, Tannerite bombs banned in 5 states and growing concerns, forest fires, proximity to road, township ordinance) Public comments closed at 7:29 p.m.

Approval of September 9, 2019 BOT Minutes:

Mr. Nugent made a motion, supported by Mr. Cunningham, to approve the September 9th, 2019 Board of Trustees meeting as presented.

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

Nays: None **Motion Carried**

Government Website Presentation: Revise presented a proposal to administrate the township website. Revise has/is working with several local municipalities. Proposal included user friendly/interactive possibilities for residents, allow township officials/staff to update website, additional discounts for Charlevoix County (\$900).

Treasurers 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. 36 online tax payments were made for summer taxes and Ms. Collard expects the number of residents/property owners utilizing the online system to increase with winter taxes.

Approval of Warrants: General Fund/Capitol Project:

Mr. Nugent made a motion, supported by Ms. Collard, to approve Township warrants in the amount of \$44,173.95. A roll call was taken.

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

Nays: None

Motion Carried

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. Cash flow chart projects the Township will be operating with reserved funds in November, December and January until winter taxes start to come in. It is projected the Township will need to use reserved funds again in October 2020 thru the end of 2020.

County Commissioner Report: No report.

Zoning Administrator Report: A written report was presented by Mr. Sullivan detailing issued zoning permits, land divisions, nuisance complaints, zoning violations and short-term rental licenses. The full report is available for review at the township hall.

Zoning Administrator Severance: Mr. Sullivan and Supervisor VanZee have been in communication regarding Mr. Sullivan's termination/resignation as Hayes Township Zoning Administrator. The Board thanked Mr. Sullivan for his service. Supervisor VanZee will act as interim Zoning Administrator. Mr. Sullivan's last day will be October 21, 2019. Mr. Sullivan is requesting to be compensated if he is ever required to be part of a court case and one-month salary for the additional summer workload and extra hours spent on Elmer's. He also included a retainment fee schedule for any future work.

Mr. Nugent made a motion, supported by Ms. Collard, to approve the severance agreement with Larry Sullivan (final day of employment of October 20, 2019) to accept the fee schedule as presented for future retainable work and to pay one-month salary to compensate for additional work Mr. Sullivan completed over the summer months and for the extra workload pertaining to Elmer's. A roll call was taken.

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

Nays: None

Motion Carried

Planning Commissioner Report: Mr. Cunningham presented a Planning Commission report. The Planning Commission held their regular monthly meeting on September 17th, 2019. The Planning Commission continues to work on the Master Plan edits with Shawn Winter (Beckett & Raeder) Areas of Master Plan worked on include: nonconforming waterfront lots (2 sub districts to better comply with current zoning ordinances) and Chapters 7 and 8 (Future land use, goals and action plans). A Public Hearing for Gary and Jody Potter is scheduled for October 15th, 2019 at 7 pm. The next Planning Commission meeting is October 15, 2019 at 7:00 pm at the Hayes Township Hall.

Zoning Board of Appeals Report: Did not meet in September 2019.

Parks and Recreation Report: Ms. Collard reported the Parks and Rec Committee had an informal meeting on October 1, 2019. Committee members

continue to work on Parks and Recreation Master Plan and are waiting on as built from Board of Trustees (Performance Engineering). It was requested to please educate residents the park will not be plowed in the winter and on park rules. It was requested to make Kristin Baranski a alternate voting member and for approval for grant writing classes. Ms. Collard will continue to review the Pine Pointe file for determination on cutting dead trees.

Ms. Collard made a motion, seconded by Mr. Nugent, to approve up to \$300.00 on grant writing classes for 2 Parks and Rec members. A roll call was taken.
Yeas: Matt Cunningham, Bob Jess, Warren Nugent, Julie Collard, Ron VanZee
Nays: None **Motion Carried**

Supervisor Van Zee suggested the Parks and Rec Committee wait until a quorum to vote on Kristin Baranski as an alternative voting member.

Trustee Report: Comments included trash cans at Eastern Avenue Beach, follow up on survey, anchor from buoy could not be located, Swanson will try and remove cabins soon, old stone seawall at Camp SeaGull (Hayes Township Park) is beginning to erode and could damage sidewalks and become dangerous (need to address in future). Ms. Collard suggested, per resident request, that a Board Member become a notary. Ms. Collard volunteered to become notary (she is also an ordained minister).

Mr. Nugent made a motion, with support from Mr. Jess, to approve \$130.00 for Julie Collard to become a notary. A roll call was taken.
Yeas: Bob Jess, Warren Nugent, Julie Collard, Ron VanZee, Matt Cunningham
Nays: None **Motion Carried**

Supervisor Report: Supervisor VanZee reminded everyone of the Charlevoix Planners Forum that will take place on October 30, 2019 at the Charlevoix Public Library from 4:30-8:30. Supervisor VanZee received a correspondence from the Michigan Department of Treasury; he and Alissa will correct problem.

Several residents have inquired about radioactivity in shale wall. Beckett & Raeder have spoken with Dr. Vitton as well as additional labs and agencies to see if more testing is needed. Supervisor VanZee has spoken with Bryan Graham (Township Attorney) regarding Larry Sullivan's exit and Supervisor VanZee acting as Zoning Administrator. Supervisor VanZee received correspondences regarding a helicopter ordinance which have been forwarded to the Planning Commission.

Maple Grove Road End: Drost Landscaping is requesting use of Maple Grove Road End to bring boulders in for a stabilization of adjacent property owner's seawall. The Board Members agree this is an opportunity for good faith/extend the olive branch. Drost will replace plants and mulch when complete.

Mr. Nugent made a motion, with support from Ms. Collard, to approve Drost Landscaping to use the Maple Grove Road End as long as they supply copies of permits and Board of Trustees approval of restoration plan.

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

Nays: None **Motion Carried**

Road Name Change:

HAYES TOWNSHIP RESOLUTION
PRIVATE ROAD NAME

Motion by Mr. Jess, supported by Mr. Cunningham , to adopt the following Resolution:

WHEREAS David and Paula Wagner /Owners are asking that the Hayes Township Board pass a resolution naming the access easement/drive on a Boyne City Rd. and Susan Lake property having a tax identification number 007-120-019-15 that is approved for a split into three properties so the Equalization Department can coordinate the County Numbering System within this project, and

THEREFORE IT SHALL BE RESOLVED the Hayes Township Board shall name this ingress/egress access Harvey's Lane (Pvt) for the parcels involved. The property owner is to purchase and install the appropriate road sign.

Motion carried unanimously.

I, Warren Nugent, Clerk for the Township of Hayes, County of Charlevoix certify that the above Resolution was adopted at a regular meeting of the Hayes Township Board on Monday, October 14, 2019.

Warren Nugent, Township Clerk

Zoning Ordinance Amendment:

**HAYES TOWNSHIP
Amendment To The Hayes Township
Charlevoix County, Michigan
Zoning Ordinance
Ordinance Number 10-14-19
NOTICE OF ADOPTION**

It is Ordained that the Hayes Township, Charlevoix County, Michigan Zoning Ordinance, adopted July 7, 1974, as amended thereafter, shall further be amended as follows:

PROPERTY REZONE

WHEREAS the Hayes Township Planning Commission held a hearing July 26, 2019 per Section 10.01 of the Zoning Ordinance to take public comment on a on rezoning the entire North Charlevoix Shores Subdivision to Small Lot Residential (R2) from Rural Residential (RR) and rezoning the property based on all the standards have been met in Section 10.01, 5) a-l) of the Hayes Township Zoning ordinance, and

WHEREAS the Charlevoix County Planning Commission reviewed the proposed rezone at their September 5, 2019 meeting recommending the rezone request, and

THEREFORE IT SHALL BE RESOLVED the Hayes Township Board approves the rezone of the entire North Charlevoix Shores Subdivision to Small Lot Residential (R2) and shall herein cause the Zone District Map to be amended as such.

This Amendment may be purchased or inspected at the office of the Hayes Township clerk, 09195 Old US 31 N, Charlevoix on Mondays from 9:00 a.m. – 12:00 p.m. This Amendment was adopted at the regular meeting of the Hayes Township Board on October 14, 2019 and shall be effective upon the expiration of 7 days after publication provided no notice of intent to file a petition is submitted to the Township Clerk.

Warren Nugent, Hayes Township Clerk

This Amendment was published in the Petoskey News Review on October 23, 2019 and shall be effective on October 31, 2019.

Warren Nugent, Hayes Township Clerk

Mr. Nugent made a motion, supported by Mr. Cunningham, to approve adoption of Ordinance 10-14-19.

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

Nays: None **Motion carried**

Posting of Hayes Township Park Rules:



Hayes Township Park Camp Sea Gull
Park Rules



Our park is open from dawn to dusk.

Please keep your dogs on a leash and be sure to clean up after them.

Please help us keep our park clean!

There are several trash cans located in the park for our visitors.

No camping or overnight parking is permitted.

No fish cleaning, please.

No hunting, firearm, or bow discharge is allowed.

No fireworks are permitted at this park.

O.R.V's to operate on designated roadways only.

Please refrain from the removal of any natural features in our park.

Ms. Collard made a motion, supported by Mr. Jess, to approve park rules as amended.

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

Nays: None **Motion carried**

Hayes Township Park Opening Plan: The Board of Trustees are hopeful of all of park except for area in front of shale wall and grass walkway. Any areas of concerns have been fenced off with orange snow fence. A new area of concern that has been brought to the BOT's attention is the lack of locks on the bathrooms.

Mr. Nugent made a motion, supported by Mr. Jess, to approve \$229.00 for two bathroom locks at Hayes Township Park.

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

Nays: None **Motion carried**

Ladders will be installed by next Monday. Railings should be complete by tomorrow. The park opening will be announce on the Township website.

Public Comments: Public comments opened at 8:57 pm. Public comments included: Radioactivity in shale is common, thoughts on noise ordinance for the Township (hard to enforce by sheriff), local townships with noise ordinances, level of radiation that is a problem for the public, need to review ordinances (Hayes Township becoming a different community/noise/helicopters), the nuisance of Tannerite, check for unmarked graves at Undine Cemetery, problem with shooting platform. Public comments closed at 9:18 pm.

ADJOURNMENT: Mr. Cunningham made a motion, supported by Mr. Jess, to adjourn at 9:19 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