

**HAYES TOWNSHIP BOARD  
SPECIAL MEETING MINUTES  
December 16, 2015**

The special meeting of the Hayes Township Board was called to order by Supervisor Ethel Knepp at 10:00 a.m. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix

Board members present were Marlene Golovich, Jim Rudolph, Paul Hoadley, Robin Kraft, and Ethel Knepp. Also present was township attorney, Bryan Graham.

The purpose of this meeting is to discuss the costs and ramifications of joining the State of Michigan in a lawsuit brought against the State by the LTBB of Odawa Indians. The lawsuit is in regards to the tribe's 1855 treaty and their desire to have the State recognize the tribe's reservation boundaries.

Ethel asked what the ramifications to the township would be if we do not join the lawsuit. Bryan explained that if the State and the Tribe were to compromise and settle the case our township would not have a voice in the negotiations. Bryan explained that the suit is in the early stages of litigation and the State feels they have a strong case. He also explained that the legal costs associated with the suit would be split between the entities that join the suit. He suggested that Ethel contact Rob Straebel from ~~Emmet County~~ **the City of Petoskey** to clarify how the costs will be split.

A similar lawsuit was filed in Isabella County and it appears that a settlement was reached with agreements between the tribe and government entities to cover infrastructure, law enforcement, zoning, etc. Clerk Golovich will reach out to the Townships in Isabella Co. to find out their experiences with the tribal lawsuit in their county and if they were part of the suit what was the financial costs.

Paul Hoadley stated that he believed the tribe was willing to settle but the State is not interested but they could change their position.

The deadline to join the lawsuit is January 29 but the Township will need to make their decision before that deadline so the other entities can figure out cost sharing amounts.

Paul Hoadley asked where the Board was leaning at this time.

Marlene Golovich not interested in joining the suit without more information  
Ethel still swinging  
Paul against joining the suit  
Robbin wants to intervene  
Jim too many unknowns

Ethel explained to attorney Bryan Graham that the township has a lot of non-conforming decks and platforms within the 100' waterfront setback. She asked Bryan what the best way to handle them was. Bryan stated that a police power ordinance would not work but an amendment to the zoning ordinance would. He stated that the existing non-conforming could be made to come into compliance or we could amend the ordinance to allow them but we would also have to allow

new ones to be built too. He stated if we are not willing or unable to enforce the current ordinance it should be changed.

Ethel stated she thought it was reasonable to have decks on the beach but a shore land protection strip would need to be enforced behind the deck.

Paul stated there are lots of them and it is almost universal that everyone has something.

Jim Rudolph stated that he did not agree with that statement and it was more like less than half the people have something.

Bryan stated that any zoning permit for a deck could require that the shore land protection strip be replanted before the permit is issued. For the current non-conforming decks the choice could be that the deck must be removed or a protection strip be planted. If the current non-conforming decks are not made of pervious materials or exceed the square footage allowed they can be forced to bring them into compliance.

Paul asked the attorney about property owners refusing to let the zoning administrator on their property for inspection before and after a zoning permit has been issued. Bryan stated that the township has a legal right to do so and can get an administrative search warrant to make sure a property owner is compliant with the zoning ordinance.

Jim Rudolph made a motion, supported by Paul Hoadley to hire Bryan Graham to do a joint zoning training session for the PC, BOT, and ZBA which will be especially geared to the Zoning Board of Appeals.

Yays: Marlene Golovich, Ethel Knepp, Paul Hoadley, Jim Rudolph, Robbin Kraft

Nays:

Motion carried unanimously.

Ethel Knepp made a motion, supported by Marlene Golovich to appoint Tom Darnton to the Zoning Board of Appeals as an alternate. Motion carried unanimously.

Marlene Golovich made a motion, supported by Robbin Kraft to appoint Supervisor Knepp and Trustee Rudolph to a committee to review applications for the vacant zoning administrator position and to make recommendations of applicants to be called for an interview. Motion carried unanimously.

Paul Hoadley made a motion, supported by Jim Rudolph to schedule a special meeting for January 18, 2016. The purpose of this meeting is to interview applicants for the zoning administrator position. Motion carried unanimously.

Marlene Golovich made a motion, supported by Robbin Kraft to adjourn at 12:02 p.m. Motion carried unanimously.

Respectively submitted

Marlene Golovich  
Hayes Township Clerk

Minutes approved as corrected January 11, 2016