

AGENDA
HAYES TOWNSHIP BOARD OF TRUSTEES
September 9, 2024 7:00pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

Join Zoom Meeting

<https://us02web.zoom.us/j/88001640434?pwd=QkdkY3AzN1dmKzZpajZQNEkwMkZ5dz09>

Meeting ID: 880 0164 0434

Passcode: 251468

+1 312 626 6799 US (Chicago)

1. Call to Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Public Comments
5. Approval of Meeting Minutes: August 12, 2024 BOT Regular Meeting
6. Treasurers Report
7. Clerks Report: Approval of Warrants
8. Reports: County Commissioner, Zoning Administrator, Planning Commission, Zoning Board of Appeals, Parks and Recreation, Trustee's, and Supervisor Reports.

NEW BUSINESS

9. Undine Cemetery Plot Buy Back Request
10. Public Comment
11. Board of Trustee Comment

ADJOURN MEETING

Public Comment at Meetings of the Hayes Township Board of Trustees

The Hayes Township Board of Trustees values public input and offers two opportunities for the public to comment at its meetings, once near the beginning and once near the end. This affords the Board of Trustees the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Board of Trustee members or any staff in discussion or debate.

Board of Trustee members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying questions, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Board of Trustees:

1. A person wishing to speak will indicate on the sign in sheet that they would like to be called on at Public Comment. All persons in attendance in person will be called on first. Zoom attendees can indicate they would like to speak by raising their hand icon.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Board of Trustees. Public comment is NOT to be addressed to individual Board of Trustee members, to any township staff present, or to other members of the audience.
4. There is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Board of Trustee members present. A speaker may speak only once at each Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker.
5. A speaker will be out of order if the speaker disrupts the meeting, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Board of Trustee member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Board of Trustees
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.



Zoning Administrator Report

September 2024

Zoning Administrator work in progress report for the month of August includes the following:

- Updated zoning permit for a 25'x60' addition to an accessory building at 09025 Upper Bay Shore RD.
- Issued zoning permit for a 40'x60' Accessory Building at 11519 Stonebridge DR..
- Issued zoning permit for a 20'x40' Lean to addition on both sides of an existing pole barn at 9472 Maple Grove Road.
- Issued zoning permit for a New single family dwelling unit 42'x30' in condition the existing principle structure is removed at 10504 Burgess Road.
- Conducted several Inspections for Compliance.
- Received and reviewing zoning permit application for a 72"x60" Free Standing Sign on US 31.
- Resolving a non-compliance complaint with landowner at 10283 Maple Grove Road.
- Resolving with assistance from Tip of the Mitt a non-compliant parcel on Susan Lake.
- Resolving a non-compliance nuisance complaint with landowner on Hyek Road, submitted a Special Use Permit Application, landowner withdrew application, is working to resolve complaint violation.
- Resolved violation on Seneca Ave
- Continuing to received updates towards compliance from landowner regarding non-compliance notice letter sent to 6099 Charlevoix Street.
- Received Shoreline Subcommittee Review and working with Tip of the Mitt for zoning permit application for a 30x30 Garage on Shrigley Road.
- Process received from land owner on Susan Shore Drive for violation of Nuisance Ordinance.



- Sent first notice letter to land owner on US 31 for Violation of a Special Use Permit.
- Published Zoning Board of Appeals Public hearing for Zoning Variance Application from Little Traverse Conservancy for a parcel on Division Ave.
- First Notice letter was sent to Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Received Zoning permit application for a 25'x40' New Lake Storage Building / Apartment Structure and Lake Shore renovation on Boyne City road. Working with Shoreline Subcommittee and Tip of the Mitt.
- Received Zoning permit application for a 14'x22' addition and 12'x26 detached garage with attached 12'x8' shed on Nine Mile Point. Working with Shoreline Subcommittee and Tip of the Mitt.
- Working with Tip of the Mitt to resolve a Zoning Ordinance Violation on Boyne City Road.

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
August 12TH, 2024 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 849 2451 3210

The August 12th, 2024, meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 pm.
Board members present were Matt Cunningham (Trustee), Julie Collard (Treasurer), Doug Kuebler (Trustee), April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Supervisor) and Kristin Baranski (Clerk)
Audience Members signed in: Laura Ford, Connie Foster, David Zipp, Tim Boyko, Kathy Simon, Robert Fowler, Deb Narten, Ellis Boal, LuAnne Kozma, Susan Pyke, Betty Henne, Greta Mcvay, Steve Herden, Barb Herden, and Bob Jess.

CALL TO ORDER

Supervisor Ron VanZee called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

Add 9A. Proposal for Asphalt Ramp for shed at Hall
Mr. Kuebler made a motion, supported by Ms. Baranski to approve the agenda as amended.
Yays: Matt Cunningham, Julie Collard, Doug Kuebler, Ron VanZee, and Kristin Baranski.
Nays: None Motion Carried

PUBLIC COMMENTS:

Public comment opened and closed at 7:02.
- Requested an update on Todd's investigation for the Quick books issue, and would like an update of the EMS building contract. Glad the election inspector meeting was complete.
Closed at 7:04.

APPROVAL OF JULY 8TH 2024 BUDGET HEARING MINUTES:

Mr. Cunningham made a motion, supported by Mr. Kuebler to approve the July 8th, 2024, Board of Trustees Budget Hearing minutes as presented.
Yeas: Julie Collard, Ron VanZee, Matt Cunningham, Doug Kuebler, and Kristin Baranski.
Nays: None **Motion Carried**

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TREASURERS REPORT

Ms. Collard presented a written report reporting all Hayes Township account balances.

CLERKS REPORT: APPROVAL OF WARRANTS

Clerk, Ms. Baranski, presented the warrants in the amount of \$57,176.11.

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve Township warrants out of the General Fund in the amount of \$57,176.11 A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard to approve the installment payment for the EMS building loan in the amount of \$10,248.13, the total installment payment will be offset 100% by the LCEMSA monthly lease payment. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

COUNTY COMMISSIONER REPORT

Bob Jess presented the County Commissioners Report.

PARKS AND REC. REPORT

Ms. Collard presented the Parks and Rec. report.

The next regular Parks and Rec meeting is September 16th, 2024.

PLANNING COMMISSION

Mr. Cunningham presented the Planning Commission Report. The next regular Planning Commission meeting is August 20th, 2024, at 7:00 pm.

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ZONING BOARD OF APPEALS

ZBA did not meet. An administrative meeting and a variance request meeting will be scheduled soon.

ZONING ADMINISTRATOR REPORT

Ron VanZee presented a Zoning Administrator report.
Report available at the Hayes Township Hall.

TRUSTEES:

Mr. Kuebler stated they should be starting the stretch of Maple Grove road from Upper Bay Shore Road to Major Douglas Sloan road this month.
Ms. Collard read the names in remembrance of the 13 soldiers of the Gold Star families that sacrificed their lives.

SUPERVISOR REPORT:

Ron VanZee presented a supervisor report.
Ron VanZee thanked all the election workers for all their hard work.

L-4029 APPROVAL:

Ms. Baranski made a motion, supported by Mr. Cunningham to approve the 2024 L-4029 form as presented and for Mr. VanZee and Ms. Baranski to sign.
Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Doug Kuebler and Kristin Baranski.
Nays: None **Motion Carried**

PROPOSAL FOR ASPHALT RAMP AT HALL:

Mr. Kuebler made a motion, supported by Ms. Baranski to approve the proposal from John Martin for an asphalt ramp for the shed at the Hayes Township Hall in the amount of \$760.00.
Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Doug Kuebler and Kristin Baranski.
Nays: None **Motion Carried**

LAKE CHARLEVOIX EMS AUTHORITY HAYES TOWNSHIP BOARD APPOINTMENT:

Mr. VanZee made a motion, supported by Ms. Baranski to appoint Roy Griffiths to the Lake Charlevoix EMS authority as the Hayes Township Board representative.

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100 Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Doug Kuebler and Kristin Baranski.

101 Nays: None **Motion Carried**

102 **PUBLIC COMMENTS:** Public comments opened at 7:30 pm.

103 Comments included:

- 104 - Asked if the Board will be answering his previous comments.
- 105 - Stated they believe the budget is incorrect.
- 106 - Asked if there is still 9 separate bank accounts. Stated they have reported election
- 107 night observations to Julia Drost.

108 Public comments closed at 7:33p.m.

109

110 **BOARD OF TRUSTEE COMMENT:**

111 Ms. Collard stated they are working with BS&A to receive the new software and then the
112 bank accounts will be condensed to two accounts.

113 Ms. Baranski stated they election workers were never approved at the first meeting, and if
114 they had been able to begin the meeting they would have been addressed in the official
115 matter. As far as how election inspectors identify with a party it is their decision and she
116 does not influence them.

117 Mr. VanZee stated he spoke with Todd Millar, and the review is still active. As far as the EMS
118 forensic audit resulted in favor of the EMS Authority/Hayes Township.

119

120 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at
121 7:35p.m.

122 Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Doug Kuebler and Kristin Baranski.

123 Nays: None **Motion Carried**

124

125 Respectfully Submitted,

126 April Hilton

127 Hayes Township Deputy Clerk/Recording Secretary

Andrew H. Balderson
8232 Eastern Avenue
Charlevoix, Michigan 49720

August 23, 2024

Ron Vanzee, Supervisor
Hayes Township Board of Directors
9195 Major Douglas Sloan Road
Charlevoix, Michigan. 49720

RE: Hayes Township Eastern Avenue Beach Bully

On Sunday, August 18, 2024, at approximately 5:00 p.m., I walked to the Eastern Avenue beach, a short distance from our cottage. I sat on one of the newly-installed benches at the waterfront, as I have done many other days this summer, since a back injury and biopsy prevent me from enjoying a swim in the lake. Upon sitting down on the bench, I overheard a conversation by Corinne Vita describing the boundaries of the park to three interested parties. She expressed her issues with the Fowlers' use of the beach area stating, of particular note, that "the Fowlers have every year moved their summer dock 10' closer to the buoyed swimming area." Her statement is an absolute lie, as my wife and I have walked the dock as guests of the Fowlers many times.

Later Corinne escorted the entourage, like the Pied Piper, down the beach toward the creek at the eastern boundary of the Fowler's property, waving her arms and pointing in all directions. I was not privy to these discussions, but as the group meandered back toward the bench where I was sitting, the gentleman from the group approached me and introduced himself to say that he was interested in exploring the redesign of the Eastern Avenue Beach, to which I responded, "That's not going to happen!" I told him I am a landscape architect and site planner, and I knew that any improvements had to be consistent with the agreements resolved many years ago. Further, I stated that he would need to research the many documents associated with any improvements envisioned for the beach area.

A minute or two later Corinne appeared and with a surly attitude challenged me with, "Andy, what are you doing here?" I, not wanting to be confrontational, ignored her. A few moments later, Bob Fowler appeared and asked the gentleman if he could have a few minutes to meet with him privately. Corinne abruptly asked, "Who are you?" to which Bob responded, "I am Bob Fowler" and she said, "I want to be included in your discussion." Bob said, "No, this is a private matter." I said, putting my arm around his shoulder, "We are good friends, and we have a lot in common. Neither of us can go in the lake because we have

open-wound biopsies.” I said to the group, “I am the peacemaker” trying to ease the tension. The group proceeded up Eastern Avenue, where Greta McVay and Brigitte Fowler joined us. Bob was told that he could either make an appointment to meet with the gentleman to discuss any beach issues or send him a letter.

Corinne’s antics that Sunday afternoon were observed by Bob and Brigitte Fowler and Greta McVay. Greta was shaken and brought to tears, while the Fowlers were visibly angered and appalled by Corinne’s actions. Greta was so upset that she drove home the following morning, her 81st birthday. What was apparent to me is that Corinne has opened some old wounds by perpetuating her self-serving interest to garner support for redesigning the beach that was litigated by Darntons and Abels historically and Fowlers and Abel/McVay in more recent days. Resurrecting these old issues is heartbreaking for our neighbors and was difficult for me to witness. Moreover, Corinne is not a resident of Hayes Township, Pine Point, Charlevoix, or even the state of Michigan. The fact that she grew up in Charlevoix does not give her the right to come here from her home in California and wreak havoc here in Hayes Township.

In essence, my wife and I are in complete agreement that the manner in which the Fowlers, Greta McVay and Hayes Township have complied with the terms of the Agreement between the Darntons and Hayes Township dated 1995 and the Agreement between the Abels and Hayes Township dated 2000. Obviously, Corinne Vita has her views on the respective parties’ compliance with the terms of the agreements, and she has the right to express those views but has no right to disturb, malign, harass, or disparage the Fowlers, Greta, or everyday Eastern Avenue Beach participants.

REMEDY:

1. We request Hayes Township to issue to Corinne Vita a warning that her further gathering of groups where she deliberately misleads, gives erroneous information, behaves in a demeaning manner toward the Fowlers, Greta McVay, their family members or other beachgoers will not be tolerated.
2. If she persists in her disruptive behavior, a restraining order should be considered by Hayes Township.
3. I will personally testify, pro bono, as a professional landscape architect, expert witness against any plans, directives, or modifications to the beach that she, or anyone else, submits that is not consistent with the 1995 and 2000 agreements.

In conclusion, it is our wish for the continuation of the community’s peaceful use and enjoyment of the Hayes Township Eastern Avenue Beach through the cooperative efforts of Hayes Township, Pine Point Property Owners Association, vendors, volunteers, and all beach participants. Furthermore, to respect the Fowlers’ and Greta McVay’s peaceful use and enjoyment of their adjoining properties.

Linda and I have provided additional information regarding our personal and professional interests in the Hayes Township Eastern Avenue Beach, entitled Exhibit A and Exhibit B, for your review.

Please feel free to contact me at 202-812-2186 should you have any questions or wish to discuss anything further with me.

With due respect,

Andrew H. Balderson

Cc: Robert and Brigitte Fowler
Greta McVay
Ben Owens, PPPOA President

Attachments:
Exhibit A
Exhibit B

EXHIBIT A

Linda Balderson
8232 Eastern Avenue
Charlevoix, Michigan 49720

Ron Vanzee, Supervisor
Hayes Township Board of Directors
9195 Major Douglas Sloan Road
Charlevoix, Michigan. 49720

RE: Hayes Township Eastern Avenue Beach

My family has been enjoying the wonderful Hayes Township Eastern Avenue beach since 1948, the year my maternal aunt Helena Isaksen first lived in the cottage we now own at 8232 Eastern Avenue in Hayes Township. I have a photograph of my grandmother holding me on the steps of our cottage in 1948 and photos of my brother and me the next summer when our family lived here with my aunt. I grew up in Petoskey and spent many summer days on the "Pine Point Beach" with my family, cousins, aunts and uncles.

Andy and I purchased our cottage from my cousins after my aunt Helena Isaksen Sundling passed away in 1994. We have paid Pine Point Property Home Owners dues every year since that time. I served on the PPPOA board for 3 years and helped produce a booklet and signs commemorating the 100-year anniversary of Pine Point in 2013.

It is unconscionable that Corinne Vita, not even a resident of Hayes Township (nor even Pine Point), has been allowed to harass our neighbors and cause friction in our community. We fully support Bob and Brigitte Fowler and Greta Abel McVay in whatever actions they decide to take to ensure that they can enjoy the peaceful use and enjoyment of their properties and the Hayes Township Eastern Avenue Beach.

Please feel free to contact me at 301-312-3992 should you have any questions or wish to discuss anything further with me.

Sincerely,

Linda P. Balderson
Linda Balderson

Cc: Robert and Brigitte Fowler
Greta McVay
Ben Owens, PPPOA President

EXHIBIT B

Andrew H. Balderson
8232 Eastern Avenue
Charlevoix, Michigan 49720

Ron Vanzee, Supervisor
Hayes Township Board of Directors
9195 Major Douglas Sloan Road
Charlevoix, Michigan. 49720

RE: Hayes Township Eastern Avenue Beach

My first experience with the beach was in 1968 when my girlfriend at the time, Linda Potts, brought me to a family gathering at her aunt Helena's cabin at 8232 Eastern Avenue in Pine Point. I hitchhiked every weekend that summer from Michigan State University in East Lansing to experience "Up North", so different from summers in my home state of Maryland. My degree from Michigan State University is a B.S. in Landscape Architecture. Linda Potts became my wife, and we moved to Maryland but spent vacations with her family in Petoskey and Charlevoix.

In the practice of landscape architecture/site planning I became a principal in Donovan Feola Balderson and Associates, Inc., formerly T. D. Donovan and Associates, Inc., the oldest landscape architectural firm in Maryland, established in 1955. Throughout my career I have consulted with clients as an expert witness before planning commissions and boards of appeals in Maryland, Virginia, and the District of Columbia and the Circuit Court of Montgomery County, Maryland. Our practice included residential, commercial, historical, institutional and parks and recreation projects. As principal owner, I sold my firm in 2019 and am semi-retired, spending my summers at our Pine Point home here.

Under the FOIA I have reviewed from Hayes Township the documents pertinent to the Agreement between the Darntons and Hayes Township dated 1995 and the Agreement between the Abels and Hayes Township dated 2000, Certified Boundary Survey titled "Exhibit B" prepared by John E. Furguson Associates, Inc., pertaining to the above-reference agreements, certain attorney correspondence, and Hayes Township correspondence to and from Corinne Vita.

Please feel free to contact me at 202-812-2186 should you have any questions or wish to discuss anything further with me.

Sincerely,



Andy Balderson

Cc: Robert and Brigitte Fowler
Greta McVay
Ben Owens, PPPOA President

September 2024 Treasurer Report

(As of September 4, 2024)

Charlevoix State Bank

1. General Fund-\$594,810.89

(\$384,810.89 available, \$210,000 Recommended Reserve)

2. Tax Account-\$397,573.58 *(restricted Treasury Funds)*

3. Township Warrant Checking-\$29,754.49

4. Pantry-\$9,080.70*(restricted funds)*

5. ARPA *(restricted funds)*-\$121,702.93

6. Fundraising Account-\$17,088.00

Forefront

7. Metro Account-\$73,317.65

8. Prime Share-\$134.80

Horizon

9. Hayes Township Road Fund-\$378,255.84 *(restricted funds)*