

AGENDA
HAYES TOWNSHIP BOARD OF TRUSTEES
7:00p.m. December 9th, 2024
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 Regular Meeting Minutes of November 11th, 2024 & Special Meeting Minutes of November 25th, 2024
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. Set 2025 Meeting Dates
10. Michigan State Police 2025 Forfeiture Report
11. Supervision of ZA
12. Voice Newsletter
13. Posting Committee Positions on Website
14. Podium or Table for Citizens to Speak
15. Public Comment
16. 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.

BOARD OF TRUSTEES 2025 MEETING DATES

2nd Monday each month
7:00 PM

January 13, 2025
February 10, 2025
March 10, 2025
April 14, 2025
May 12, 2025
June 9, 2025
July 14, 2025
August 11, 2025
September 8, 2025
October 13, 2025
November 10, 2025
December 8, 2025

HAYES TOWNSHIP
BOARD OF TRUSTEES SPECIAL MEETING
November 25TH, 2024 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 849 2451 3210

1 The November 25th, 2024, special meeting of the Hayes Township Board was called to order
2 by Supervisor William Conklin at 7:00 pm.

3 Board members present were Matt Cunningham (Trustee), Julie Collard (Treasurer), Doug
4 Kuebler (Trustee), William Conklin (Supervisor) and Kristin Baranski (Clerk)

5
6 Audience Members signed in: Kathy Simon, Paul Zardus, David Zipp, Steve Crandall, Kathy
7 Martinchek, Victor Martinchek, LuAnne Kozma, Deb Narten, Diane Conklin, Ellis Boal, Lisa
8 Kuebler, Kevin Willis, Diane McMahon, Laura Ford, Jim McMahon, Jerry Simpson, Jim
9 Schulmann, CT Martin, Betty Henne, Sherry Baker-McCary, Winnie Boal, Tim Boyko, Roy
10 Griffiths, Chris Narten, Regina Crandall, Dan Berg, Janet Simon, Scott Church, Kyra Allen, Ray
11 Cunningham, Jen Cunningham, Catherine Phelps, Daren Phelps, Shelly VanWart, Cyndi Todd,
12 Rick Todd, Julie Wheat, Cody Wheat, Michael Wood, Annie Doyle, Matt Berg, Carter
13 Williams, Sandy Pritchard, Sarah Ruhlma and Carol Umlor.

14
15 **CALL TO ORDER**

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

17
18 **PUBLIC COMMENTS:**

19 Public comment opened and closed at 7:0.

- 20 - Stated they wish the board luck in their new election term.
21 - Stated they hope the board will support the new supervisor William Conklins
22 request in his lawsuit. In their opinion the board was wrong to approve the resolution
23 of Planning Commissioners at the last Board Meeting. Stated they believe the
24 Planning Commission needs to be more diverse.
25 - Stated they spoke at the board through the year and remember it being a
26 contentious election. However, Bill Conklin won as supervisor and feels the bitterness
27 needs to be done, and feels it starts with the board re-sending their decision at the
28 last board meeting and let the new supervisor make the decisions he wants.
29 - Stated she ran as clerk for Hayes Township and stated no one board member has
30 complete control and Hayes township elected Bill Conklin to lead the township.
31 Thanked Kristin Baranski for a respectful campaign. Would like to see Hayes
32 Township stay rural.

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33 - Stated they only know one person on the board, however does not understand how
34 someone can file a lawsuit on the first day they are in office. Do not agree with this
35 course of action.

36 - Stated they agree with the previous statement, they do not agree with the lawsuit,
37 they feel Bill Conklin has filled a lawsuit against the taxpayers of Hayes Township.
38 Along with causing more animosity.

39 - Stated Bill Conklin did not win by 2 to 1 if you look at the official numbers. Would like
40 Hayes Township residence to remember they elected all five board members into
41 office again not just William Conklin. However Hayes Township needs to move
42 forward in a positive manor.

43 Closed at 7:13.
44

45 **DISCUSSION OF DEFENSE OF LITIGATION FILE NO 2024-0740-28-CZ (WILLIAM CONKLIN V**
46 **HAYES TOWNSHIP) WITH TOWNSHIP ATTORNEY (TODD MILLAR):**

47 William Conklin recused himself and exited the building.

48 Ms. Baranski made a motion, supported by Mr. Kuebler, to appoint Julie Collard as Hayes
49 Township Treasurer to conduct the meeting.

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

51 Nays: None **Motion Carried**
52

53 Ms. Collard made a motion, supported by Ms. Baranski for the board of trustees to go into a
54 closed session to discuss on going legislation.

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

56 Nays: None **Motion Carried**
57

58 Ms. Collard made a motion, supported by Ms. Baranski to end the closed section of the
59 Hayes Township Board.

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

61 Nays: None **Motion Carried**
62

63 Ms. Baranski made a motion, supported by Mr. Kuebler to approve Todd to defend the
64 township on December 10th 2024 contingent on hearing back from the townships insurance
65 company.

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

67 Nays: None **Motion Carried**

68

69 **ADJOURNMENT:** Ms. Baranski made a motion, supported by Mr. Cunningham, to adjourn at
70 8:03 p.m.

71 Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler and Kristin Baranski.

72 Nays: None **Motion Carried**

73

74 Respectfully Submitted,

75 April Hilton

76 Hayes Township Deputy Clerk/Recording Secretary

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The November 11th, 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), Ron VanZee (Supervisor) and Kristin Baranski (Clerk)

Audience Members signed in: Roy Griffiths, David Zipp, Connie Foster, Kevin Willis, Nancy
Simon, Sherry Baker-McCary, Betty Henne, Rex Greenslade, Dee Hutchenson, Dave Kemme
Diane Conklin, Bill Conklin, R.J. Jess, Tim Boyko, Laura Ford, Winnie Boal, Kathy Simon,
LuAnne Kozma, Jane Smith, Mel Czechowski, and Ellis Boal.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

Mr. Kuebler made a motion, supported by Mr. Cunningham to approve the agenda as
presented.

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

Nays: None Motion Carried

PUBLIC COMMENTS:

Public comment opened and closed at 7:03.

No Comments.

Closed at 7:03.

APPROVAL OF October 14TH 2024 MEETING MINUTES:

Mr. Kuebler made a motion, supported by Ms. Baranski to approve the October 14th, 2024,
Board of Trustees Meeting minutes as amended.

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 \$48,432.61.

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve Township warrants out of the General Fund in the amount of \$48,432.61 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**

Ms. Baranski made a motion, supported by Ms. Collard to approve the Maple Grove road 1.02 Miles payment to Charlevoix Road Commission in the amount of \$339,960.91 from the road fund. 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 Commissioner Report.

PARKS AND REC. REPORT

Parks and Rec did not meet. Next scheduled meeting will be posted on the website.

PLANNING COMMISSION

Mr. Cunningham presented the Planning Commission Report. The next regular Planning Commission meeting is November 19th, 2024, at 7:00 pm.

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November 11TH, 2024 7:00 PM
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ZONING BOARD OF APPEALS

ZBA did not meet.

ZONING ADMINISTRATOR REPORT

Ron VanZee presented a Zoning Administrator report.

Report available at the Hayes Township Hall.

TRUSTEES:

SUPERVISOR REPORT:

Ron VanZee presented a supervisor report.

HAYES TOWNSHIP HALL/FIRE BARN SNOW REMOVAL CONTRACT:

Mr. Kuebler made a motion, supported by Mr. Cunningham, to approve the proposal from B&G Enterprises in the amount of \$45 per plowing and \$10 per shoveling for the snow removal at the Hayes Township Hall and Fire Barn.

A roll call was taken.

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

Nays: None **Motion Carried**

SET BOARD OF REVIEW DATES FOR TUESDAY, DECEMBER 10TH, 2024:

Ms. Baranski made a motion, supported by Ms. Collard, to set Board of Review for Tuesday December 10th, 2024 at 12:00pm until Business is complete.

A roll call was taken.

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

Nays: None **Motion Carried**

PLANNING COMMISSION RETIREMENT (RESIGNATION); TERMS:

Ms. Baranski made a motion, supported by Ms. Collard with regret to accept Marilyn Morehead's resignation from the Planning Commission. A roll call was taken.

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

Nays: None **Motion Carried**

HAYES TOWNSHIP
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November 11TH, 2024 7:00 PM
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99 Todd Millar presented to the Board of Trustees his findings that the current Hayes Township
100 Planning Commission terms are not staggered properly according to the Planning Enabling
101 Act and Hayes Township Planning Commission By-Laws. Both the Planning Enabling Act and
102 Hayes Township Planning Commission By-Laws state that the Planning Commission member
103 terms should be three year terms staggered so two members come up for replacement or
104 renewal every three years. Currently Hayes Township has three members expiring at the
105 same time.

106 Todd Millar advised the Board of Trustees to re-align the Planning Commission members
107 terms where only two members expire at the same time.

108 RESOLUTION 1112024, FILLING A VACANCY ON THE PLANNING COMMISSION,
109 REALIGNING AND REAPPOINTING PLANNING COMMISSION MEMBERS TO

110
111 THE STATUTORILY REQUIRED STAGGERED TERMS

112
113 WHEREAS, Hayes Township has a planning commission adopted pursuant to the Michigan
114 Planning Enabling Act; and

115 WHEREAS, MCLA 125.3815(2) provides that “Members of a planning commission other than
116 ex officio members under subsection (5) shall be appointed for 3-year terms”; and

117 WHEREAS, MCLA 125.3815(2) further provides that “of the members of the planning
118 commission, other than ex officio members, first appointed, a number shall be appointed to
119 1-

120 year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning
121 commission members will expire each year”; and

122 WHEREAS, over the years, the staggering of the terms of planning commission members has
123 become out of alignment with the statutory requirement such that the terms of Roy
124 Griffiths, CT

125 Martin, and Carey Cuddebach all expire on April 11, 2025, the term of Mark Snyder expires on
126 December 15, 2026, the terms of Marilyn Morehead and Rex Greenslade expire on January 1,
127 2027; and

128 WHEREAS, township records are not clear enough on the original planning commission seat
129 terms and which current planning commission members are filling which original terms; and

130 WHEREAS, on November 7, 2024, member Marilyn Morehead tendered her resignation from
131 the planning commission effective immediately; and

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WHEREAS; it is the desire of the township board to realign the terms of the planning commission members so as to comply with the statutory stagger as well as aligning them so that

the terms expire in the same month each year.

NOW, THEREFORE, BE IT RESOLVED that the township board hereby reappoints and realigns the following members' terms as follows:

1. Carey Cuddeback and Mark Snyder's terms are hereby realigned to expire on November 15, 2025.

2. The terms of Marilyn Morehead and Rex Greenslade are hereby realigned to expire on November 15, 2026.

3. Roy Griffiths and CT Martin are each hereby reappointed to the planning commission for a three-year term, their terms expiring on November 15, 2027.

4. The township board accepts the resignation of Marilyn Morehead. Alexander Curley is hereby appointed to fill the remainder of Marilyn Morehead's term.

Ms. Baranski made a motion supported by Mr. Kuebler to approve resolution 11112024B for filling a vacancy on the Planning Commission, realigning and reappointing Planning Commission members to the statutorily required staggered terms as presented. A roll call was taken.

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

Nays: None **Motion Carried**

PARKS AND REC MASTER PLAN UPDATE/RESOLUTION:

2025-2030 PARK AND RECREATION MASTER PLAN UPDATE

RESOLUTION 11112024A

WHEREAS, Hayes Township in Charlevoix County, has undertaken a Five-Year Parks and Recreation Plan update which describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the period between 2025 and 2030, and

WHEREAS, a public hearing comment session was held by the Hayes Township Planning Commission on January 16, 2024 at the Hayes Township Hall to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of

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BOARD OF TRUSTEES REGULAR MEETING
November 11TH, 2024 7:00 PM
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the Recreation Plan, and

WHEREAS, Hayes Township, Charlevoix County has developed the plan for the benefit of the entire community and to adopt the plan as a document to assist in meeting the recreation needs of the community, and

WHEREAS, after consideration of comments from the public hearing held on January 16, 2024 the Hayes Planning Commission recommend the plan be shared with the Hayes Township Board of Trustees for adoption.

NOW, THEREFORE BE IT RESOLVED the Hayes Township Board hereby adopts the Hayes Township Recreation Plan as a guideline for improving recreation for the residents of the Hayes Township, Charlevoix County on this day, November 11, 2024.

I, Kristin Baranski, Hayes Township Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Hayes Township Board of Trustees at a Regular Meeting thereof held on the 11th day of November, 2024.

Ms. Collard made a motion, supported by Ms. Baranski to approve resolution 11112024 for the 2025-2030 Park and Recreation Master Plan Update as presented.

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

Nays: None **Motion Carried**

HAYES TOWNSHIP PARK ENGINEERING REPORT:

Ms. Collard made a motion, supported by Mr. Kuebler to approve the Engineering Services Proposal for drain improvements at Hayes Township park in the amount of \$3500.00 from ARPA funds. A roll call was taken.

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

Nays: None **Motion Carried**

PUBLIC COMMENTS: Public comments opened at 7:45pm.

Comments included:

- Was surprised the Planning Commission members term had been set incorrectly in the past. Believe the Township Attorney should have been mentioned on the agenda.

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- 196 - Felt the decision to correct the Planning Commission Members terms was unfair and
197 wrong. Felt the Resolution for Parks and Rec should not have been approved because
198 survey was to been reviewed again.
199 - Stated a dear friend and neighbor experienced a terrible fall and the Lake Charlevoix EMS
200 response time was impeccable.
201 - Stated he believes the Planning Commission Member expiration should have been set for
202 the month of December not November.
203 - Stated they believe a resolution was withheld from the public.

204 Public comment closed at 7:59pm

205 **BOARD OF TRUSTEE COMMENT:**

206

207 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at
208 8:03p.m.

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

210 Nays: None **Motion Carried**

211

212 Respectfully Submitted,

213 April Hilton

214 Hayes Township Deputy Clerk/Recording Secretary

December 2024 Treasurer Report

(As of December 4, 2024)

Charlevoix State Bank

1. General Fund-\$542,367.84
(\$332,367.84 available, \$210,000 Recommended Reserve)
2. Tax Account-\$6883.50 *(restricted Treasury Funds)*
3. Township Warrant Checking-\$33,080.94
4. Pantry-\$9,082.94*(restricted funds)*
5. ARPA *(restricted funds)*-\$110,482.10
6. Fundraising Account-\$17,092.06

Forefront

7. Metro Account-\$73,363.36
8. Prime Share-\$134.83

Horizon

9. Hayes Township Road Fund-\$39,489.71 *(restricted funds)*



Zoning Administrator Report

December 2024

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

- Conducted several Inspections for Compliance.
- Received and reviewing zoning permit application for a Demo and rebuild of existing home on Quarterline road.
- Received Parcel Division and reconfiguration Application on Pinecherry Road.
- Received and reviewing zoning permit application for a new single family dwelling unit on Peaceful Valley Road.
- Received and reviewing zoning permit application for a 72"x60" Free Standing Sign on US 31.
- 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.
- Continuing to receive updates towards compliance from landowner regarding non-compliance notice letter sent to 6099 Charlevoix Street.
- Progress received from land owner on Susan Shore Drive for violation of Nuisance Ordinance.
- Zoning Board of Appeals Public approved Zoning Variance Application from Little Traverse Conservancy for a parcel on Division Ave. Received Zoning Application for Shoreland Review will be scheduling Shoreline review in the next month.
- Progress received from Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Received Zoning permit application for a 12'x24' Storage Barn Structure on Burnett Road.



- Received Zoning permit application for a 20'X20' unattached Garage on Nine Mile Point.
- Received a Site Plan Approved by Tip of the Mitt to resolve a Zoning Ordinance Violation on Boyne City Road.
- First Notice Letter was sent to landowner on Maple Grove Road for a Nuisance Ordinance compliant, also sent violation information to Charlevoix County Fire Department.
- First Notice Letter was sent to landowner on Maple Grove Road for a Nuisance Ordinance compliant.

11-20-24	320-008-00	11625 PA Ba Shan Trail	E Frazer Buntin	New 84'x84' Single Family Dwelling with one Attached Garage, one covered porch, a pool, & Lake Shore Renovation as approved by Shoreland Review Committee and Planning Commission
11-20-24	320-002-00	11707 North Pa Ba Shan Trail	Walt & Cara Drenth	New 82'x96' Single Family Dwelling with two attached Garages, a patio, one covered porch & Lake Shore Renovation as approved by Shoreland Review Committee and Planning Commission