

Hayes Township Board
Regular Meeting Minutes
August 12th, 2019
09195 Old U.S. N, Charlevoix, MI 49720

The August 12th, 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, Mary Henkel, Connie Foster, Dee Janz, Omar Feliciano, Mike Marr, Marilyn Morehead, John Royal, Bill Henne, Betty Henne, Mary Lou Wickowski, Patricia Wickowski, Doug McCombs, Sharon Bagley, Larry White, Jeffery Willard, Jim Malewitz, Doug Kuebler

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

REVIEWED AGENDA: Immediately following line 8 (Reports) Employee Evaluations and Shoreline Protection Fee will be added. Agenda will resume with line item 9 (Parks and Rec Committee appointments)

Agenda Approved as amended.

Mr. Jess made a motion, supported by Ms. Collard, to adopt the agenda as amended.

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

Nays: None **Motion Carried**

Public Comments: Supervisor Van Zee opened public comments at 7:05 p.m. Public comments included: who is responsible for upkeep on the non-motorized trail (Charlevoix County), Mr. Bill Henne read aloud a letter that he entered into record. Letter **will be** available at Hayes Township Hall attached to **approved** minutes. Public comments closed at 7:06 p.m.

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.

Ms. Collard also requested to close all Hayes Township/Camp Sea-Gull Park related accounts (PNC, Forefront and St. Francis Credit Union) and transfer all monies to Charlevoix State Bank.

Mr. Nugent made a motion, supported by Mr. Jess, to close the Forefront (Park Money Market) account, the St. Francis Credit Union (Hayes Township Park) account and the PNC (Camp Seagull Construction Money Market) account and transfer monies to Charlevoix State Bank. A roll call was taken.

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

Nays: None **Motion Carried**

Ms. Collard also verbally recognized two Hayes Township residents (Jeff Basista and Bob Uehlein) whom had upon hearing a 2-year-old child was missing within the Township went out searching and found said child near Mud Lake and brought him to safety.

Ms. Collard also has been working on the possibility of a Hayes Township food pantry as well as a Hayes Township mini free library. Both would be small, volunteer built, cabinets and would be located on Hayes Township Hall property.

Ms. Collard received positive support from all board members. Supervisor Van Zee recommended Ms. Collard put ideas regarding both projects on the Hayes Township website for volunteers to build/donate.

Approval of Warrants: General Fund/Capitol Project: Mr. Nugent made a motion, supported by Ms. Collard, to include \$2,997.00 in warrants for hexagon

backing wire behind split rail fence at Hayes Township Park/Camp Sea-Gull as an additional safety precaution. A roll call was taken.

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

Nays: None **Motion Carried**

Mr. Nugent made a motion, supported by Mr. Cunningham, to approve Township warrants in the amount of \$25,788.11. A roll call was taken.

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

Nays: None **Motion Carried**

Mr. Nugent made a motion, supported by Mr. Cunningham, to approve a payment to Harbor Fence Company in the amount of \$7311.50. A roll call was taken.

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

Nays: None **Motion Carried**

Mr. Nugent made a motion, supported by Mr. Jess, to approve a payment of \$156,037.90 to MDC for the final payment plus 10% retainage fee (Hayes Township/Camp Sea-Gull Phase One). A roll call was taken.

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

Nays: None

Recused: Matt Cunningham **Motion Carried**

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.

Planning Commissioner Report: Mr. Cunningham presented a Planning Commission report. The Planning Commission held their regular monthly

meeting on July 16th, 2019. During the meeting, the Planning Commission rezoned North Charlevoix Shores back to R-1. It is believed a clerical error on the Hayes Township zoning map had zoned the properties RR. The Planning Commission corrected that error. The Planning Commission also approved an amended site plan for Elliot Falls pending approval from the Fire Chief on new building layout. The Planning Commission is continuing to work on the Master Plan edits. The next Planning Commission meeting is scheduled for August 20th, 2019 at 7:00 p.m. at the Hayes Township Hall.

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

Parks and Recreation Report: Mr. Jess gave an oral report on the Parks and Rec Committee. He noted that Tom Darton does a remarkable job on the minutes for the committee. The committee discussed the following:

Pine Point: A dip in the sand is causing water to stand and is become stagnant. The Parks and Rec Committee voted to have it raked to alleviate standing water issue. Mr. Jess noted for the audience and Board Members that Charlevoix County is working on a Parks Plan and several opportunities are available to voice opinions. Hayes Township was not awarded the ~~ParPlan~~ ~~ProPlan~~ grant to help with fencing costs at Hayes Township/Camp Sea-Gull Park. ParkLuck is August 24th, 2019 1-4 p.m. at Hayes Township Hall. The Parks and Rec Committee meeting had 3 actions items:

1. In favor of replacing host house stove and refrigerator.
2. In favor of mesh fencing behind split rail fence at top of shale wall at Hayes Township Park.
3. In favor of working on revenue to fund Hayes Township/Camp Sea-Gull Park.

Next Parks and Rec Meeting is scheduled for September 4th, 2019 at 5:30 p.m. at the Hayes Township Hall.

Trustee Report: Mr. Cunningham suggested ‘Thin Ice’ signs are needed on all sides of the fishing pier to warn snowmobilers coming and going of thin ice now

that the Township has bubblers. Ms. Collard will investigate costs. Mr. Jess suggested, based on the minutes from July 2019 BOT, if the rain gardens are just “acting as traffic cops” at the park, perhaps the gardens should be removed.

Employee Evaluations: Supervisor Van Zee stated that it has been a long time since employee evaluations were completed on Hayes Township employees. He would like to conduct the evaluations with an additional Board Member. Ms. Baranski is too early in employment for an evaluation and Planning Commission and Zoning Board of Appeals can offer review of her work as Recording Secretary. Supervisor Van Zee and Ms. Collard will conduct an employee evaluation of the zoning administrator. Supervisor Van Zee and Mr. Jess will conduct an employee evaluation of the township assessor. Supervisor Van Zee and Mr. Nugent will conduct an employee evaluation of the cemetery sexton.

Shoreline Protection Committee Fee: Supervisor Van Zee opens the discussion regarding Hayes Township Fee Schedule for the Shoreline Protection Committee.

Mr. Jess made a motion, supported by Ms. Collard, to set Shoreline Committee Fee at \$100.00.

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

Nays: None **Motion Carried**

Mr. Jess suggests Shoreline Committee members receive per meeting pay. Ms. Morehead (committee member) suggests reviewing in future as committee progresses. Mr. Sullivan (Zoning Administrator) suggests reviewing total fee schedule. It is recommended to put on upcoming BOT agenda.

Consider Park Committee Appointments (2-year terms):

Mr. Jess made the motion, with support from Mr. Cunningham, to appoint Julie Collard to the Parks and Recreation Committee as the Board of Trustees representative.

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

Nays: None **Motion Carried**

Supervisor Van Zee made the motion, with support from Ms. Collard, to appoint Kristin Baranski to the Parks and Recreation Committee.

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

Nays: None **Motion Carried**

Consider Cemetery Committee Appointments (2-year terms):

Mr. Jess made the motion, with support from Ms. Collard, to appoint Warren Nugent to the Hayes Township Cemetery Committee.

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

Nays: None **Motion Carried**

Mr. Cunningham made the motion, with support from Ms. Collard, to appoint Kristin Baranski to the Hays Township Cemetery Committee.

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

Nays: None **Motion Carried**

Set Board of Review December Date:

Supervisor Van Zee made the motion, supported by Mr. Nugent to set the next Board of Review on Wednesday, December 11th, 2019 at 5:00 p.m. at the Hayes Township Hall.

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

Nays: None **Motion Carried**

Recreational Marijuana Ordinance:

**HAYES TOWNSHIP
ORDINANCE PROHIBITING MARIHUANA ESTABLISHMENTS
WITHIN THE TOWNSHIP**

Ordinance No. 081219 of 2019

AN ORDINANCE PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, 2018 INITIATED LAW 1, § 6.1, MCL 333.27956, SUBSECTION 1, TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF HAYES TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

HAYES TOWNSHIP HEREBY ORDAINS:

Section 1. Marihuana Establishments Prohibited.

Pursuant to the authority granted under Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, § 6.1, MCL 333.27956, Subsection 1, Hayes Township hereby completely prohibits any marihuana establishment, as that term is defined in Section 3(h) of the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, § 3(h), MCL 333.27953(h), within its boundaries.

Section 2. Violation; Penalty.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 3. Enforcement Officials.

The Township Supervisor and any other person appointed by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 4. Nuisance Per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

1 **Section 5. Separate Court Action.**

2
3 In addition to enforcing this Ordinance through the use of a municipal civil infraction
4 proceeding, the Township may initiate proceedings in the Circuit Court to abate or
5 eliminate the nuisance per se or any other violation of this Ordinance.

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7 **Section 6. Validity.**

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9 If any section, provision or clause of this Ordinance or the application thereof to any
10 person or circumstance is held invalid, such invalidity shall not affect any remaining
11 portions or application of this Ordinance which can be given effect without the invalid
12 portion or application.

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14 **Section 7. Effective Date.**

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16 This Ordinance shall become effective thirty (30) days after being published in a
17 newspaper of general circulation within the Township.

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19
20 Ordinance No. 081219 was adopted on the 12th day of August, 2019, by
21 the Hayes Township Board as follows:

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23 Motion by: Warren Nugent Seconded by: Matt Cunningham

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

25 Nays: None

26 Absent: None

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28 **Consulting Engineer Report:** Beckett & Raeder engineering report available at
29 Hayes Township Hall.

30
31 **Public Comments:** Public comments included: park host enjoying working at
32 park, park host only has guests over at the host house, doing great job, second
33 opinion on electrical at host house, status of state owned park at end of
34 Burgess Road (still under consideration), timetable to open park, summary of
35 cost option to remedy safety issues at park , questioning BOT desire to open
36 park, Supervisor Van Zee and Clerk Nugent have Monday conference call with
37 grant agencies regarding opening park, excuse by attorney and politically
38 correct society to not open park, no complaints about park closure outside of
39 public comments in meetings, place to donate to contribute to work at park,

40 timing of signs at park, why/when no trespassing signs at park, special meeting
41 to open park after conference call, dissatisfaction at park opening not
42 progressing, per park host- the majority of people asked to leave park because
43 of closure have been non-residents who were unaware of closure, park closed
44 signs on lakeside, park not completed until last week, BOT working on opening
45 park.

46 Public comments closed at 8:40 p.m.

47

48 **Old Business:** Mr. Jess to continue to research firework ordinance to find a fit
49 for Hayes Township. Local Elections Non-Partisan Resolution removed from
50 old business.

51

52 **ADJOURNMENT:** Mr. Nugent made a motion, supported by Ms. Collard, to
53 adjourn at 8:43 p.m.

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

55 Nays: None **Motion carried**

56

57 Respectfully Submitted,

58

59 Kristin Baranski

60 Hayes Township Deputy Clerk/Recording Secretary

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