

# **Regular Meeting of the Crystal Lake Township Board**

1651 Frankfort Highway, Frankfort MI 49635

**September 19, 2023**

**Meeting was called to order** by Supervisor Amy Ferris at 7:04 p.m.

**Pledge of Allegiance** was recited.

**Roll Call:** Nielsen, Northway, Popp, Ferris, and VanMeter were present, constituting a quorum.

**Guests:** Cathy Wilkinson, Allen Popp, Tim Maylone, Fire Chief Mike Cederholm, County Commissioner Karen Cunningham, Zoning Administrator Tom Kucera, Brian Halliday, Deputy Clerk Sondra Halliday

**Adoption of Agenda:**

**Ferris moved to accept the agenda as amended to include the removal of “Assessing/Tax Collection: Errors” under Reports and “L-4029 2023 Tax Rate Request” under New Business, and the addition of “Safety and Security Update” below “Planning and Zoning” in Reports and the addition of “Benzie Conservation District Memorandum of Understanding” under New Business. Supported by VanMeter. All ayes. Motion passed.**

Nielsen noted the August 15, 2023 meeting minutes included the request to include Ordinance Enforcement on the September 19, 2023 agenda. Ferris said it was included on the agenda under Unfinished Business—Attorney/ordinances. Nielsen said consistent language regarding an agenda item should be used, so there wouldn't be any confusion. He also said ongoing issues, e.g., Vine, Linden, Broadway, should be kept on the agenda each month. Ferris said agenda items should be requested each month.

**Conflicts of Interest:** There were no conflicts of interest declared.

**Minutes:** August 15, 2023, Regular Board Meeting

**Ferris moved to accept the minutes of the August 15, 2023 Regular Board Meeting as amended—correction of Alan Popp to Allen Popp in list of guests. Northway supported. All ayes. Minutes accepted as amended.**

**Correspondence:**

- Correspondence was shared from Patricia Auch who made a donation in memory of her husband, Fred Auch, to CLT. Ferris returned the donation and asked Mrs. Auch to make the donation to the Grand Traverse Regional Community Foundation.

**County Commissioner Report:**

- Karen Cunningham noted her full report was available online at the CLT website.

- The County offered a Letter of Commitment to Grow Benzie recognizing it as a rural incubator for the county, hoping the County's support will help Grow Benzie acquire grant monies.
- Cunningham is a County representative on the MAC Environment Regulatory Committee. She attended the first meeting of the fall on September 11. It was suggested that counties include underground infrastructure, especially water protection, in their master plans. Northway was concerned there isn't a sewer system around the perimeter of Crystal Lake and wondered if the move from septic systems to a sewer system could be part of the underground infrastructure discussion. Cunningham noted there is a bill in legislation and recommended Northway view the MI 83 Podcast by Rep. Skaggs on septic issues and/or speak with her after the Board meeting.
- A townhall meeting on the Headlee Amendment will be held on October 30, 5:30 p.m. at the Benzie County Government Center. A notice will be sent to the Township Supervisor.
- Nielsen asked if the County had committed any funding to the broadband project, since it didn't appear there was any oversight of the project. Cunningham said yes, and the County's oversight was that they were working with CCC. Tim Maylone of Cherry Capital Connections (CCC) stated the relationship between CCC and the County involved monthly reporting and an engagement through a private/public partnership agreement, so the County is very much involved in the project oversight.
- VanMeter asked Cunningham if the commissioner who attended the Economic Development Committee meeting with CCC and Eclipse shared a summary of the meeting. The answer was no.

#### **Fire and Rescue Report:**

- Fire Chief Cederholm shared the Frankfort Fire and Rescue Department report for August/September 2023.
- The department held visioning sessions and re-evaluated performance and future plans.
- Millage renewal of 1.5 mils plus request for additional funding of 1.0 mil for the Fire Department will be on the ballot in November. Promotional plans include doing a door-to-door campaign.
- In recognition of National Fire Protection Week, there will be a pancake breakfast on October 14, 2023 from 8:00 a.m. to 11:00 a.m. at the Hotel Frankfort to benefit the Fire Department. Flyers will be circulated soon.
- The Cadet Firefighter Program was approved by the City Council today, September 19, 2023. Two individuals are interested in the program. Next steps include parental approval, development of a syllabus and a training schedule.
- Run Report total for the month of August—23 fire and 59 EMS. CLT had 10 fire runs and 15 EMS runs. Runs to date in September for CLT: 2 fire and 8 EMS. Area total for the year: 142 fire runs and 424 EMS runs—total of 566.
- Working with the elementary school on class trips to the fire station.
- Several fire stations grouped together to apply for an AFG grant to cover the cost of air packs with bottles at a cost of \$89,000.
- City Council agreed to hold the 70.3 Ironman Triathlon in the community in 2024.

#### **Public Comment:**

- There was no public comment.

## Financials:

- Popp shared financial reports for the General, Cemetery, Road, and Fire Funds including Profit & Loss Budget vs. Actual, Cash Activity, Statement of Cash Flows, and Statement of Net Assets. No questions were asked.
- VanMeter presented the Warrant Report.

**Ferris made the motion to accept the Warrant Report as presented with General Fund warrants totaling \$27,208.88, Cemetery warrants of \$6,772.31, and Road Fund warrants total of \$19,487.61. VanMeter supported. Roll was called. All ayes. Motion was approved.**

## COMMITTEE REPORTS

### Airport:

- Popp presented the FCCAA reports for July 2023.
- Ferris asked if the City of Frankfort had paid its \$3,000 obligation. The answer was no, but FCCAA minutes reflected a letter to the City Council was being formulated and sent requesting the payment.
- Ferris asked if the FCCAA had gone to court with The Pines. Popp said she could not discuss an ongoing case and referred Ferris to FCCAA Chairman Coury Carland.
- Nielsen noted VanMeter should have declared a conflict of interest at the beginning of the meeting regarding discussion of extra costs during tree removal process on her property.

### Buildings and Grounds:

- In Brian Halliday's temporary absence, Ferris presented two resolutions.

**Ferris moved to include voiceover IP telephone service with the Eclipse IT consulting and support agreement at a cost of \$96.19/month and \$1,154.28 annually. Northway supported. Roll was called. All ayes. Motion was approved.**

**Ferris made the motion the CLT Board agree to hire a surveyor to define the boundaries and dimensions of the Township-owned parcel (Lot 35, Robinson's Resort) at a cost not to exceed \$1,000. Northway supported. Roll was called. All ayes. Motion was approved.**

- Ferris reported Brian Halliday was doing research on a new copier, possibly combining the two current copiers and purchasing/leasing a more up-to-date, economical machine.
- Brian Halliday said the Township snowplowing went to bid. Since AJ's Excavating was offering to hold its prices from last winter, it was decided to accept their bid.

### Elections:

- VanMeter noted the new absentee voter drop box was received.
- Clerk and deputy continue to take additional elections training.
- County Clerk is holding several Q&A meetings for clerks regarding state and federal elections coming in 2024 including the process for nine days of in-person voting prior to Election Day.
- Work processing AV applications and ballots has begun.

- Date for 2024 Presidential Primary still uncertain, but early voting (EV) plan has been submitted, grant application to cover the cost of additional tabulator and laptop has been submitted, and security improvements are being implemented at the Township.
- State legislature considering two bills protecting the safety of election workers.

#### **Media:**

- Ferris presented the first draft of the CLT winter 2023-2024 newsletter and would like input on articles. She noted an elections update should be submitted prior to the next Board meeting.

#### **Planning and Zoning:**

- Tom Kucera reported 25 were in attendance at the town hall meeting held on August 23, 2023 regarding short-term rentals. Most said, in general, STR regulations needed to be in place but didn't want regulations on person-to-person rentals. There will be additional meetings before any ordinance language will be proposed.
- Kucera purchased a contour map for the Township at a cost of about \$600.
- Forty permits issued this year so far. Will give another update after the end of the quarter.

#### **Safety and Security Update:**

- VanMeter contacted CLT Enforcement Officer Grant Sowa concerning a safety and security presentation to the Board. She was referred to Sheriff Kyle Rosa. She discussed security measures already put into place and asked Sheriff Rosa for input. He complimented what CLT had done and made the suggestion to install a camera inside the hall, specifically pointing at the election storage area. Sheriff Rosa also said Undersheriff Greg Hubers teaches a class for staff called "RUN-HIDE-FIGHT." Brian Halliday noted another township has fish-eye cameras for indoor security.

#### **Special Events—70.3 Ironman Triathlon and Ragnar:**

- Ferris said the September 17, 2023 Ironman Triathlon went well, and the Ragnar bicycle race will be September 22, 2023. It's a long-distance race that does traverse River Road.

#### **Roads:**

- Nielsen shared he had no personal knowledge of nor had seen any road petitions in the meeting packet or on the Township website.
- Ferris stated, per the August 2023 minutes, Nielsen was to come to the September Board meeting with recommendations regarding the 2024 road millage vote. Nielsen said he was going to speak with the Road Committee and the attorney about a 5-year extension of the current millage before making any recommendations, and Ferris noted the possibility of a variable rate was also to be discussed too.
- Nielsen stated the Board should have reviewed millage figures and authorized the signing of the L-4029. Ferris said she asked the attorney and the Equalization Department, and they said the L-4029 didn't need Board approval before submission. It was not done in the past, and the budget meeting vote on the figures was the only approval necessary. Nielsen said the Board should vote every year on the millage rate because the expenditure amount will change from year to year. Ferris noted it was the Clerk's and her statutory duties to sign the L-4029. Popp said the MTA recommended the Board vote on the L-4029, and it didn't matter what was done

in the past. Popp asked Ferris to share with the Board what the attorney's advice was concerning Board approval of the L-4029 because it contradicted MTA's opinion.

- Ferris asked Nielsen if he was going to speak with the attorney about variable road millage rate language for next year. It was his understanding it wasn't required to involve the attorney because the County Clerk had already communicated, we can levy up to the 1-mil amount any year we want like we did on the Township budget. We can set the rate every year up or down as long as it agrees with the Headlee rollback. He noted we ought to be more flexible with the road millage and set the rate closer to the September L-4029 submission date. Ferris said by agreeing to a rate, minus the Headlee rollback, it did very specifically indicate what the number would be. Popp said parameters could change. Ferris said we need to have the figures a lot earlier than mid-September next year. Ferris asked Nielsen if he wanted to schedule a road millage hearing. He said the Road Committee wanted to wait and see how the roads that were improved this year hold up over the winter and then the Committee will decide if a public hearing is necessary. Nielsen will get back to the Board at a later date on a possible hearing.

#### **Unfinished Business:**

- *Attorney Review/Ordinances*
  - Hazardous Spills Expense Recovery Ordinance—Action needed. Someone has to determine whether the ordinance was provided in its entirety. No vote.
  - Benzie County Resolution Waiving ZO Review—Action needed. Have to confirm with the County whether it is waiving review of all zoning ordinance amendments. No vote.
  - Planning Commission Ordinance—

**Ferris moved that Planning Commission Ordinance attorney recommendation statements #1 through #7 be referred back to the Planning Commission (PC) for discussion, and permission was granted to the PC to work with the attorney. Northway supported. All ayes. Motion was approved.**

- ZO Amendment No. 2012-10 concerning Medical Marijuana—

**Ferris moved to ask attorney to justify the need for the Medical Marijuana Ordinance and/or rewrite ordinance to include language regarding new uses of medical marijuana. Northway supported. All ayes. Motion was approved.**

- Junk Ordinance

**Ferris made the motion to direct the attorney to prepare a new CLT Nuisance Ordinance at a cost of \$500. Northway supported. Roll was called. All ayes. Motion was approved.**

- Zoning Ordinance Amendment No. 2014-14-32 (Sections 3.10, 3.11, 10.1 through 10.4)

**Board consensus was to direct Tom Kucera to discuss the Zoning Ordinance amendments with the attorney and resolve the issues, with the necessary assistance of other office staff.**

Attorney's statements indicated the amendments did not comply with the Zoning Enabling Act, so they should be re-enacted. Attorney had prepared language concerning accessory buildings on adjacent lots and accessory buildings being constructed prior to a principal building. Ferris asked

if the Board was interested in the referred to language. Kucera asked what the ramifications or consequences were regarding improper enactment of the Zoning Ordinance. He asked if publication of the ordinance could be checked.

- Dangerous Buildings Ordinance

**Ferris made the motion to direct the attorney to prepare a new CLT Dangerous Buildings Ordinance at a cost of \$350. Northway supported. Roll was called. All ayes. Motion was approved.**

Kucera noted the attorney only reviewed zoning ordinances, and there was no review of the police ordinances. He raised the question of who will police our police ordinances. Discussion followed, which led to a tangent discussion concerning the hiring of a new attorney/law firm to handle CLT's legal needs. It was decided a committee should pursue the new attorney search.

**VanMeter made the motion to direct the committee of Nielsen and Northway to research two to three new, larger, law firms that could handle Township issues and return with information to the October Board meeting. Ferris supported. All ayes. Motion approved.**

- *L-4029 Form*

Already discussed earlier in the meeting.

- *ARPA Funds/CCC Distribution Building*

Because Tim Maylone was not a guest speaker on the agenda, Ferris gave a summary of what had transpired and left it up to the Board whether to engage in a discussion or not. Tim Maylone made two prior presentations to the Board, and the Board requested a signed contract before distribution of funds. First and second contract drafts were reviewed by the Township attorney. CCC made some of the suggested corrections. Ferris shared some of the attorney's unresolved concerns. Ferris asked Maylone to make his presentation, and he offered to answer earlier questions.

VanMeter wondered what happened to the Benzie Broadband Development Consortium made up of CCC, Eclipse, and PFN that was mentioned in a previous CCC presentation. Maylone said the idea was thrown out by all parties because they were working together as telephone companies anyway. The ROBIN grant application required a single entity take responsibility, and it required a three-to-four-million-dollar commitment by the ISP to make the ROBIN application work. The County and EDC agreed to align themselves with ROBIN, which would be a single provider and chose CCC to do the application. VanMeter asked if Eclipse Communications had any further involvement. A master service agreement was sent to Eclipse, and several meetings were held, but no reply as to Eclipse's role has been received. The longer it waits to decide what type of role it wants to play; the fewer opportunities will be available to Eclipse.

The EDC and County voted to follow the CCC project format. The County spent six to seven months in multiple meetings with the EDC and their attorney before making the \$1.3 million commitment to the broadband project and another \$200,000 commitment to Consultant Mitch Shapiro, who is overseeing the project and reporting back to the County. CCC has multiple, regular conversations

with the consultant, and status reports are submitted each month to the County. Oversight is in place.

Ferris noted the Board wanted to give CCC the ARPA funds but wanted to have a contract in place that was agreed to by all. She shared others besides the Township attorney had reviewed the contract and all still had concerns regarding consequences, checks and balances, timelines/milestones achieved at a certain time. Maylone reiterated the County will handle oversight of the project.

Northway asked what happens when 5G network comes to the area and if there would need to be modifications. Maylone said 5G is wireless, but the fiber would be used in support of 5G to the pole.

Maylone clarified and described the three items that need Board approval—1. Agreement for ARPA Fund distribution, 2. Cabinet and Equipment Space Lease, 3. Metro Act. Discussion and approval of items #2 and #3 were tabled until the October meeting.

Discussion on who from the Board would work with the attorney and CCC to resolve the concerns.

**Nielsen made the motion to approve the distribution of the Township ARPA funds (\$101,410.62) as soon as the Township attorney and Tim Maylone of CCC make the agreed upon corrections to the contract, and the contract is signed. The motion also gives Tim Maylone permission to speak with the Township attorney. Popp supported. Roll Call: Ferris, NO; Nielsen, YES; Northway, YES; Popp, YES; VanMeter, NO. Motion carried.**

- *Records Policy and Procedures, Chapter 6*

Ferris noted there was nothing to be discussed at this time and asked the other Board members to review the 46-page document on the website by the October meeting.

#### **New Business:**

- *Gift cards/Gift Policy*

**Ferris moved that it be resolved no gift cards, nor gifts of any monetary value, shall henceforth be issued by the Township; if there is any compensation for work, it shall be through the payroll process. Nielsen supported. All ayes. Motion approved.**

- *M. Goodman Deputy Treasurer Bank Authorization*

**Popp moved the CLT Board of Directors officially recognize Maryanne Goodman's good standing, giving her the necessary bank authorization in her role as Deputy Treasurer. VanMeter supported. All ayes. Motion approved.**

- *Memorandum of Understanding between CLT and the Benzie Conservation District*

Ferris noted the concerns surrounding the memorandum had been resolved—a signed copy of the memorandum was found, and the bill had been paid. No discussion needed.

**Public Comment:**

- Allen Popp shared his concerns about the renewal of another contract with 70.3 Ironman Triathlon group. He noted Park Avenue was closed for a period of time, limiting access to the hospital. He took issue with the City of Frankfort renewing the contract prior to contact with the other municipalities affected by the event.

**Board Comment:**

- There was no Board comment.

**Meeting adjourned at 9:12 p.m.**

Judy VanMeter, Clerk and Sondra Halliday, Deputy Clerk, reporting.

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Amy Ferris, Supervisor                      \_\_\_\_\_  
Date

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Judy VanMeter, Clerk                      \_\_\_\_\_  
Date