

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

October 17, 2023

Meeting was called to order by Supervisor Amy Ferris at 7:00 p.m.

Pledge of Allegiance was recited.

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

Guests: Jed Jaworski, 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 addition of a resolution to approve the slate of election inspectors for the November 7 election under “Elections;” the addition of three documents to be voted on under “ARPA Funds—CCC contracts” including contract for distribution of funds, cabinet/equipment space lease and easement agreement, and METRO Act application; and the addition of a resolution to repeal the Hazardous Spill Expense Recovery Ordinance under “Review and Updating of Ordinances.” Supported by Northway. All ayes. Motion passed.

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

Minutes: September 19, 2023, Regular Board Meeting

Ferris moved to accept the minutes of the September 19, 2023 Regular Board Meeting as amended—correction of Corey Carland to Coury Carland in the Airport report. Popp supported. All ayes. Minutes accepted as amended.

Correspondence:

- Correspondence was shared from Jane Perrino concerning a Benzie Conservation District grant application request for a letter of support. Consensus of the Board to have Ferris compose and send the letter of support.
- Gilmore Township PC Chairman Mike Hennard sent a letter advising CLT of its plans to review and potentially revise the Gilmore Township master plan. A copy of the master plan will be sent at a later date for CLT review and feedback.

County Commissioner Report:

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

- Invitation for all to attend special townhall meeting, 5:30 p.m., October 30, Benzie County Government Center. Topics of discussion will include property taxes, Proposal A, and Headlee Amendment.
- Meet and greet Senator Jon Bumstead, 10:00 a.m., October 30, Benzie County Government Center.
- Deferred to Tim Maylone of Cherry Capital Connection to report on broadband project.
- Attended Michigan Association of Counties Conference in Kalamazoo. Michigan received \$181.6 million for 27 critical infrastructure projects. Learned from meeting on cybersecurity that most often cyberattacks occur on healthcare, educational, and local government entities.
- New state law requiring Materials Management Plan (MMP) for all counties. Big undertaking. If County creates, would receive \$60,000 to write and implement plan. If work with neighboring counties, would receive additional \$10,000; money renewable annually for three years. If County doesn't have/produce an MMP, EGLE will take on the task.
- Lake Township had presentation by Chris DeGood of Beckett & Raeder, Inc. Lengthy discussion on nonmotorized boat launch, code enforcement officer, enforcement of short-term rentals, etc.
- Attended ribbon cutting ceremony at 50 Grove Place, Frankfort, for one of the new homes. New homeowner is one of the local librarians.

Nielsen asked, if Headlee figure was rolled back to 1.2 mills, what the municipalities would do with the surplus funds. He noted if rolled back, CLT would “double” its funds when it has been getting along fine at lower rate of 0.6500. Popp noted don't have to levy 1.2 mills, and can levy up to that amount, whatever the budget demands. Cunningham declined to answer until after discussion at October 30 meeting, and noted an informational booklet on the Headlee Amendment will be available at the meeting.

Fire and Rescue Report:

- Fire Chief Cederholm shared the Frankfort Fire and Rescue Department report for September/October 2023.
- Membership is holding steady at 26 and two in the new cadet program.
- Recently gave a sendoff to Rory O'Grady who will attend the Airforce Academy.
- Attendance at pancake breakfast was down from 2022. Funds received were used to purchase additional tools and new lounge furniture for the fire department.
- Members attended several specialty trainings including a NPS Sawyer (chainsaw operations) class.
- For October to date, 21 EMS runs and 11 fire runs—for CLT: 9 EMS and 1 fire run.
- Safety message noted Daylight Saving Tim ends soon and offered Halloween safety tips.
- Gave equipment repair update and noted City of Frankfort gave permission for the Department to apply for a 2% tribal grant to purchase a LUCUS device, which is used to provide automatic chest compressions during CPR.
- Brian Halliday asked if the Department would help with installation of new rope on CLT flagpole and was assured assistance would be provided.

Public Comment: Jed Jaworski shared his opinion regarding possible changes to the CLT ordinances regarding automobiles, tractors, boats, etc. setting in yards waiting for restoration. He felt it was gentrification and an invasion of personal privacy.

Financials:

- Popp shared financial reports for the General, Cemetery, Road, and Fire Funds including Cash Activity, and Statement of Cash Flows. Reports on zoning income and cemetery sales for September were also shared. No questions were asked.
- Popp presented the Warrant Report. A \$.31 error was noted in the General and Cemetery Funds.

Ferris made the motion to accept the Warrant Report as presented with General Fund warrants totaling \$9,287.23, Cemetery warrants of \$478.55, and Fire Fund warrants total of \$29,378.76. Popp supported. Roll was called. All ayes. Motion was approved.

COMMITTEE REPORTS

Airport:

- Popp was absent from the regular FCCAA meeting but attended a Michigan Airport Planning (MAP) meeting with Coury Carland and Dick Bayer in Lansing. She provided an informational document which outlined what MAP is and how the MDOT and FAA work together regarding our local airport annually. Popp noted Frankfort airport still only has a provisional, general license due to current air encroachments. They had to meet with MDOT Aero to discuss plans to take care of the encroachments/deficiencies. Airport Capital Improvement Program (ACIP) projects are called concepts. After the deficiencies are resolved, the FCCAA will work on revenue-earning concepts such as building a new hanger to increase rental income with a grant to cover the cost. Goal is for airport to become self-sustaining.

Buildings and Grounds:

- Brian said daffodil bulbs and small, flowering bushes have been planted where the brush was removed along the west side of CLT parking lot.
- He discussed the need for secure storage of election equipment and supplies, noting the large closet could be used if new, locking doors were installed. Sondra noted beyond the current equipment, an additional tabulator and laptop will be purchased for early voting. Nielsen asked if there were grant funds available to cover the cost of the new doors since they are for extra security. VanMeter will be asked to research the funding.

Ferris moved to purchase a lockable, double door, labor for installation, plus paint, hardware, and trim at a cost not to exceed \$600. Northway supported. Roll was called. All ayes. Motion was approved.

- An update was given on the Township-owned parcel (Lot 35, Robinson's Resort). Per the September 2023 Board meeting, Brian was tasked with pursuing the survey of the property in preparation for sale of the property. He said the tree issue was resolved but, after contacting Crystal Surveying, found the estimate for a survey could be \$2,500 to \$3,500 because of the deep slope of the property and other difficulties. Discussion ensued. Brian will contact another surveyor for a quote and report at the November meeting.

Elections:

- Ferris presented the resolution to approve election inspectors for the November 7, 2023 election. Nielsen asked if the early voting process was for all elections, and Sondra noted it was only required for state and federal elections and optional for all others.

Ferris made the motion to approve the appointment by the Election Commission of the following election inspectors in their respective roles for the Special Election on November 7, 2023: Anne Burt, Jesse Burt, Harold Comer, Kathy Fishburn, Miranda Guzman-Shrake, Brian Halliday, Sondra Halliday, Melissa Hamp, Wendy McDaniel, Ruth Paris, Maryellen Paull, Monica Schultz, Elizabeth Shrake, Sue Sullivan, Judy VanMeter, Cathy Wilkinson, David Wynne, and Janet Wynne. Precinct Board Chairman: Elizabeth Shrake. Absentee Voter Counting Board: Sondra Halliday, Cathy Wilkinson, Elizabeth Shrake, Anne Burt. Receiving Board: Monica Schultz, Ruth Paris. Popp supported. Roll call: Nielsen, yes; Ferris, no; Popp, yes; Northway, yes. Motion approved.

Enforcement: Crystalaire

- Nielsen wanted it noted that we are keeping discussion on Crystalaire in the forefront but are waiting for ordinance review by the attorney including the addition of an enforcement mechanism.

Media:

- Ferris presented the final draft of the CLT winter 2023-2024 newsletter, noting “protochol” in the security paragraph would be corrected to “protocol.”

Ferris moved to approve the winter 2023-2024 CLT newsletter as presented, to be printed with the winter tax bills. Northway supported. All ayes. Motion approved.

Planning and Zoning:

- Kucera presented his report, sharing the 47 permit applications were the most received in any year since 2010 when the County returned zoning responsibilities to the townships around the lake. Ferris thanked him for the report. There were no questions.

Ferris moved to reappoint Planning Commission Member Greg Wright to the CLT Planning Commission for a three-year term, September 2023 to September 2026. Northway supported. Roll Call: Ferris, yes; Popp, no; Northway, yes; Nielsen, yes. Motion approved.

Roads:

- Nielsen shared he tried multiple times to contact the Benzie County Road Commission regarding the paving of the approach aprons at Marquette Court and Birchwood Terrace, noting it probably wouldn't happen until 2024 because of the delay. Temporary Road Commission manager, Troy, looked at the approaches and gave a rough estimate of \$5,000 for each approach apron. Nielsen will contact the Commission again for a written cost estimate, so the issue can be put on the agenda for a vote.

Unfinished Business:

- *ARPA Funds/CCC Distribution Building*

Tim Maylone of Cherry Capital Connection, LLC (CCC) noted the agreement for disbursing funds for the broadband project was straight forward and modelled the agreement signed by the County. He said the County paid \$351,000 toward the additional work for the emergency services tower's total cost of about \$800,000. He noted the error in the amount CLT was disbursing as he thought it was \$100,000 plus interest. Discussion ensued regarding CLT ARPA funds and potential interest earned by those funds. Popp noted the ARPA funds received were placed in a pooled, MI Class investment fund with other monies, so interest was generated on the total balance of the fund. The \$101,410.62 amount to be disbursed was the amount CLT received without interest. Northway asked when ARPA funds were received, and Popp said the money came in three installments—October 20, 2021; January 31, 2022; and June 30, 2022—for a total of \$101,410.62.

Ferris moved, as authorizing parties, to execute the contract for the Fiber Optic Broadband Network Construction between Crystal Lake Township and Cherry Capital Connection, LLC. Including the correction of typographical errors as needed without changing the substance of the contract. Supported by Nielsen. Roll Call taken. All ayes. Motion approved.

Ferris noted the Cabinet and Equipment Space Lease and Easement Agreement was a bit more problematic as the attorney confused the issue between a lease and an easement. Tim said the cabinet/equipment space meets all of the zoning requirements. The lease is for 20 years but it was noted it's a one-year lease that will be renewed 20 times annually. Nielsen asked if the Agreement was term-limited. Tim shared it remained in place as long as the lease was active.

Ferris moved to accept the Cabinet and Equipment Space Lease and Easement Agreement, executed on October 17, 2023 between Crystal Lake Township and Cherry Capital Connection, LLC. Including the correction of typographical errors as needed without changing the substance of the agreement. Supported by Northway. Roll Call taken. All ayes. Motion approved.

Tim shared the METRO Act Permit Application Form was a procedural item including what telecom providers do in lieu of franchise agreements. It's a mechanism the State requires CCC to use, along with a Road Commission permit, so it can use township road rights of way.

Ferris moved to enter into a bilateral agreement with Cherry Capital Connection, LLC. that will result in the application for a permit through the METRO Act. CCC will provide the \$500 application fee, and this motion authorizes the CLT Supervisor to enter into the agreement. Popp supported. Roll Call taken. All ayes. Motion approved.

- *Review and updating of ordinances—Hazardous Spill, Nuisance, Dangerous Structures*
 - Ferris shared the Hazardous Spills Expense Recovery Ordinance, originally passed years ago, was found to be invalid per review of our attorney. Attorney said the only way to get rid of an ordinance was to adopt another ordinance to repeal the original ordinance.

Ferris moved to repeal the CLT Hazardous Spills Expense Recovery Ordinance, being Ordinance #1-2000, in its entirety, with an effective date the day following its publication in

a newspaper of general circulation within the Township. Popp supported. Roll Call: Northway, yes; Ferris, yes; Popp, yes; Nielsen, no. Motion approved.

- RE: Nuisance Ordinance. Nielsen said all Board members should be present to discuss ordinances and suggested there be discussion, wait a month, and then vote on ordinances. Nielsen shared an article from the MSU Extension regarding the difference between zoning ordinances and police ordinances. Lengthy discussion with the following highlights:

Ferris asked if, as a prohibitive activity, excessive noise should be added to the Nuisance Ordinance. Popp stated no as there wasn't a mechanism in place to measure the noise or to enforce a violation. Ferris said attorney stated the Nuisance Ordinance template was used frequently and was enforceable, referring to things that make noise, the volume, frequency, shrillness, etc. Kucera agreed there needs to be more noise definition in the Ordinance as everything the attorney said was subjective.

Popp asked, before continuing the discussion, if CLT was going to get a new attorney? She said it wouldn't make sense to review all of the ordinances with the current attorney if the Township was going to hire a new firm that would have its own ordinance templates. Northway spoke with a possible, new law firm, but hadn't pursued anything further as it appeared the current attorney was making progress and his response time had changed significantly. Nielsen noted there hasn't been necessary headway on the inclusion of an enforcement mechanism in the ordinances submitted to the attorney. Ferris noted there was an enforcement officer in place and enforcement steps are being taken. Kucera recommended the formation of a CLT Violations Bureau.

Ferris agreed CLT needed a larger law firm but noted the cost of legal services would increase. Nielsen wanted the attorney to define the next steps for resolving the issues at Crystalaire. Lengthy discussion on Crystalaire. Kucera noted there were STILL no consequences in place for ordinance violations and suggested Crystalaire be at the top of the priority list. Nielsen favored Crystalaire as priority. Ferris noted the Nuisance and Dangerous Structures ordinances were important and went hand in hand, referring to the longtime problem with the Rommell property. It was a matter of health, safety, and welfare. Ferris said the Nuisance ordinance was priority but did not want to usurp any others. She noted it's not about us choosing one or the other, but we're prioritizing and trying to get to all of the ordinances.

Popp said the Nuisance Ordinance is discriminatory and the \$500/day fee exorbitant. The people won't have the financial means to pay the fines, and the Township should be working to keep people in their homes, helping with property cleanup and home improvements. She stated the Ordinance perpetuated inequities and supported gentrification. Kucera noted the neighbors of blighted properties deserve recognition of their health, safety, and welfare. Lengthy discussion on Rommell property.

- RE: Dangerous Structures Ordinance. Ferris asked for Board input. Popp asked if the County should be handling enforcement of this Ordinance. Discussion ensued including Kucera interjecting that enforcement should be at the County level and the various

townships may have to put pressure on the County to act, which requires leadership. In his opinion, the Dangerous Structures Ordinance should include a statement which draws the County in and says the building has to be declared unfit by the County. Ferris will share the concerns with the attorney. There was additional discussion on prioritizing the work on the ordinances.

- Attorney Search Committee update

Ferris suggested CLT find a law firm that wasn't local or small, should be one that is larger and specializes in township law. She consulted with four, larger firms in the past. Nielsen wanted the attorney to come to a Board meeting and discuss in general some of the situations and offer resolutions to the problems. Ferris offered to give Nielsen the contact information for the firms with which she had consulted. He agreed to contact the firms and ask for a representative to attend a Board meeting. He asked for the authority to give them a date and time. Popp asked if a Request for Proposal (RFP) was used in a previous search for legal services and if a copy was available. Ferris stated there wasn't an RFP, but a list of criteria was used. Sondra questioned the amount of money already spent on ordinance review and pointed out CLT would be paying even more for a new law firm to re-review the ordinances. Kucera suggested contacting the County as well as Benzonia Township as they were also searching for new firms and may have a sample RFP. Nielsen agreed to make contact.

- Records Policy and Procedures, Chapter 6

No one was prepared to discuss Chapter 6.

- Job Descriptions

Popp asked to see the supervisor job description to use as a template. Ferris suggested the Board members share their job descriptions at the same time and discuss. Popp noted she already submitted the treasurer job description, and Ferris said she was waiting on the job descriptions from the clerk and trustees.

New Business: NONE

Public Comment: NONE

Board Comment: NONE

Meeting adjourned at 8:47 p.m.

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

Amy Ferris, Supervisor

Date

Judy VanMeter, Clerk

Date