

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

October 16, 2024

Meeting was called to order by Supervisor Amy Ferris at 6:01 p.m.

Pledge of Allegiance was recited.

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

Guests: Zoning Administrator Tom Kucera, David Spragens, Andy Miller, Sam Reed, LeRoy Reed, Fire Chief Michael Cederholm, Joe Gentle, Joshua Toms, Lindy Evans, Cathy Wilkinson, Airport Manager Brooke Trentham-Popp, Jill Burnside, Lanay Burnside, Katherine Ralston, Greg Wright, Johnna Bridges, Sue Webber, Deputy Clerk Sondra Halliday, County Commissioner Karen Cunningham, County Administrator Kaitlyn Zeits, and Brian Halliday.

Agenda:

Ferris moved to accept the agenda as amended—to include the addition of correspondence from Heintzleman and Herscher and a well pit resolution under “Building and Grounds.” Northway supported. All ayes. Motion approved.

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

Minutes: September 18, 2024, Regular Board Meeting

Ferris moved to accept the minutes of the September 18, 2024 Regular Board Meeting as amended to correct the spelling of Mark Janeczko on page 6. Northway supported. All ayes. Motion approved.

Correspondence

- Ferris shared there was correspondence received from Ellen Herscher regarding the proposed short-term rental ordinance and from Heintzlemans, Owners of Camp Nearby.

Guests

- Benzie County Administrator Kaitlyn Zeits shared educational information on the upcoming millage proposals that will be on the November 5, 2024, ballot. She answered questions regarding the millage requests for the Advanced Life Support Ambulance Services (millage increase) and Jail Operations (straight millage renewal). Emphasis was placed on the need for additional ambulances because the area’s population was growing and aging. Kucera asked about the percentage going to the DDA and Brownfield Authority. Zeits stated that it wouldn’t affect CLT but, because DDA/Brownfield exist in our county, the information had to be included in the ballot language. If the millages don’t pass, there will be cuts in non-mandated areas of the budget.
- Frankfort Airport Manager Brooke Trentham-Popp presented several documents for review and discussion including the FCCAA 2023-2024 Annual Report, MMEBA Airport Community Benefits Analysis Tool Technical Documentation, Memorandum of 2024 New Tenant Hangar Lease Rates, September Airport Manager Report, Memorandum of FCCAA Quarterly Member

Entity Presentations, July/August 2024 State of Financial Activity, and the August 2024 Statement of Net Assets. She complimented the CLT Airport Committee for its report of August 21, 2024. Lengthy discussion ensued. She also noted the Glider Club had dissolved and would not be returning for summer 2025.

Marble asked why the City of Frankfort was only contributing \$12,000.00 to the FCCAA instead of the requested \$15,000.00. Popp noted the FCCAA and the City of Frankfort had a previous agreement for \$12,000.00, so last fiscal year's annual report reflected the \$12,000.00. For the new fiscal year, the City will be paying \$15,000.00. Popp, at a future CLT Board meeting, will present the FCCAA five-year Airport Capital Improvement Plan. Ferris asked if the FCCAA was considering expanding/enlarging the airport, and the answer was no.

County Commissioner Report

(Full report available on CLT website)

- Commissioner Cunningham noted 11 action items were discussed by the BoC.
- Public Hearing slated for November 12 on the County's master plan. She shared a link for comments on the plan. Cunningham noted a vote was taken to include language in the master plan related to renewable energy resources, but it did not pass.
- She attended the public hearing on the scheduling of Ironman 70.3 Triathlon for a fifth year. An additional City of Frankfort meeting, date/time TBD, to allow for further community discussion will be scheduled. Discussion will include how the community can increase its financial benefit from the event.
- October 26, 12:00 p.m. to 4:00 p.m., Benzie County Road Commission Open House
- Cunningham asked if CLT had renewable energy resources language in its master plan, and the answer was no.

Frankfort Fire and Rescue Department Report

(Full report available on CLT website)

- Chief Cederholm shared his report for September 2024, noting there were 23 active members.
- Stats: To date overall fire runs—City of Frankfort, 120; 30 for CLT. To date overall EMS runs—515, 117 for CLT.
- Stressed the importance of the EMS millage and the need for additional ambulances.
- Cederholm spoke of car/deer safety, Halloween safety, and fire prevention/safety in the home.

Public Comment

- Joe Gentle inquired about language for renewables in the county master plan.
- Josh Toms commented on renewables, referencing Moore's Law and supplemental, bifocal solar units.
- Lindy Evans extended an invitation to Chamber of Commerce members for the After Hours event as well as an invitation to the last of the Municipal Mingles.
- Sue Webber noted she was running for CLT trustee and encouraged folks to research candidates and vote.
- Katherine Ralston introduced herself as a candidate for CLT clerk and shared some of her current positions and experience.

Financials:

- Treasurer Marble shared summaries of the August and September financial reports noting September General Fund total assets of \$957,751.19; Cemetery Fund total equity of \$388,839.49; Fire Fund Total Liabilities and Equity of \$211,529.44; and Road Fund Total Liabilities and Equity of \$532,699.32. Expanded reports for August and September were available on the CLT website.

Warrant Report

- Clerk VanMeter presented a revised warrant report that was amended to include an invoice from the Benzie County Road Commission. There was discussion on which fund should be used to pay the invoice—General or Road. Nielsen noted we should use the cost share money received.

VanMeter made the motion to approve the warrant report as amended to include the addition of an invoice from the Benzie County Road Commission in the amount of \$6,745.46. General Fund expenditures totaled \$17,332.47; Cemetery Fund, \$16,688.20; Road Fund, \$6,745.46, and Fire Fund, \$37,121.25. Marble supported. Roll was called. VanMeter, yes; Marble, yes; Northway, yes; Nielsen, yes; Ferris, yes. Motion approved.

VanMeter said the dual-form requirement (Procurement Form and Expenditure Form) for credit card use led to unnecessary redundancy of information, so changes were made to the CLT credit card policy.

BY RESOLUTION: VanMeter made the motion to approve and adopt the revised credit card policy, which included the removal of the Procurement Form requirement, leaving only the Credit Card Expenditure Form requirement to complete credit card purchases. Marble supported. Roll Call: Northway, yes; Nielsen, yes; Ferris, yes; Marble, yes; VanMeter, yes. Motion passed.

COMMITTEE/DEPARTMENT Reports

Airport

- Spragens reported news from the FCCAA.
 - Airport Manager Brooke Trentham-Popp took over most of the bookkeeping for the FCCAA. County Treasurer Kelly Long will continue to maintain her nonvoting role with the FCCAA.
 - FCCAA meeting minutes were available on the FCCAA website.
 - They're trying to get the bid for repair/replacement of runway lights lowered.
 - There was a great story on IPR regarding the new, local radio station run by David Beaton.
 - Tabled the decision on overnight fees for helicopters.
 - Approved securities redemption to pay for the bond.

Buildings and Grounds

- Brian Halliday shared the outside railings and building were getting a facelift.

- Receipt of an email from Rebecca Hubers regarding a Cybersecurity Federal Grant. Federal money was given to the state of Michigan, and Halliday applied for the grant to help cover the cost of our conversion to .gov domain.
- Property tax applications and data that was previously stored on an old desktop computer were moved today to the file server in the basement, which was more secure.
- Halliday noted the outdoor bulletin board was in terrible shape and needed to be replaced. The new board could possibly have solar lighting.
- He also shared the old well pit on the south side of the building needed to be removed in preparation for installation of a generator.

BY RESOLUTION: Ferris moved the CLT Board to agree to purchase a replacement, outdoor bulletin board at a cost not to exceed \$750.00. Northway supported. Roll was called. Ferris, yes; Nielsen, yes; VanMeter, yes; Northway, yes; Jill Marble, yes. Motion approved.

BY RESOLUTION: Ferris moved the CLT Board agree to invest an amount not to exceed \$1,500.00 to prepare the Township Hall for the installation of a stationary generator by demolishing the well pit, removing wooden bollards, filling the well pit, and repairing the vinyl siding. Northway supported. Roll was called: Marble, yes; VanMeter, yes; Northway, yes; Nielsen, yes; Ferris, yes. Motion approved.

Cemetery

- Ferris said because the burial trend was going to cremations versus full-body burials, CLT should reconfigure some of the available, larger plots to multiple, smaller plots for cremains. Customer costs will stay the same for a smaller, cremains plot as the larger plot for coffins. Plots for cremains will be large enough to accommodate a foundation and headstone.

BY RESOLUTION: Ferris moved that it be resolved, for the most efficacious management of the CLT cemeteries, some previously plotted spaces for coffins shall be redrawn from time to time to fit the smaller needs for cremains burials and priced the same as if that newly platted plot was the same fee for a current, single plot purchase for burial. Northway supported. Roll was called. Nielsen, yes; Northway, yes; Ferris, yes; Marble, yes; VanMeter, yes. Motion approved.

Newsletter

- Ferris stated the draft for the CLT newsletter will be presented at the November board meeting, so articles and information should be submitted as soon as possible.

Planning and Zoning

- Zoning Administrator Kucera stated that 38 zoning permits have been issued.
- The next Planning Commission meeting, including discussion on Camp Nearby, will be 7:00 p.m., October 23, 2024, at Grow Benzie.
- RE: Kullenberg Case—there was a subsequent appeal, reappeal, returned to circuit court where oral arguments were heard on the 27th. The case/briefs have been put before the judge and now waiting for the ruling. They're asking us to rescind the zoning and building permits and halt further work on the property. The building construction was completed three years ago, and people have been living in it. It's unclear what the remedy/judgment will be. Basically, the court will decide if the CLT Zoning Board of Appeals made a correct decision. CLT attorney argued the court cannot substitute its decision for the ZBA decision and can only send it back to the ZBA to be reheard.

Roads

- Nielsen noted the Township electors have come through time and again with approval of millages, so we have the best roads in the state. Correspondence was received from BCRC Manager Troy Hinds including cost estimates for chipsealing of the submitted list of roads. The Township has enough money to do all the roads requested plus extra to do some additional, minor repairs next summer. Chipsealing will be done over a three-month period. Bids will come back sometime in February, so we'll have a better idea of the total cost. In August 2025, we could adjust our road millage rate to less than one mil.

OLD BUSINESS

Short Term Rental Ordinance

- Marble shared that she and Ferris tried to do some editing of the STR Ordinance draft. They will meet with STR Administrator/Enforcer from Lake Township, Mark Janeczko, soon. No response received from City of Frankfort STR Administrator Josh Mills. Marble recommended tabling the vote on the STR Ordinance until after the new Township Board was in place. Consensus was to table it until the new Board members were in place, since they will have to support the Ordinance that will be approved.

FCCAA Attorney Waiver

- Ferris said contact was made more than once with the Township attorney regarding the FCCAA Waiver and Consent for the hire of Mika Meyers, PLC as legal counsel for the FCCAA. She noted conflicts of interest related to two previous encounters with the Mika Meyers law firm. Timothy Figura, the attorney who would possibly be assigned to the FCCAA, was hired by CLT in the past, and it was not a good experience. She also said she hired the law firm when there were legalities being discussed at CLT. With those two relationships, was there indeed a conflict of interest, and should the Board sign the waiver or not? Lengthy discussion ensued.

Ferris noted initially, the attorney wanted to revise the language of the waiver, but he never sent anything, even after two requests. Then the attorney said there was no reason for the Board to sign the conflict-of-interest waiver, and it wasn't important to redo the waiver language.

Marble was frustrated that CLT only received the waiver page of the six-page, FCCAA/attorney contract. She asked if CLT doesn't sign the waiver if it negated the attorney's hire. Marble asked VanMeter if she would write the attorney and try to get a written opinion. VanMeter agreed. VanMeter said the \$260 cost per phone call justified receiving a written opinion.

Ferris moved that the CLT Board does not sign the FCCAA Waiver and Consent form, which would waive any conflict of interest with the law firm of Mika Meyers, PLC, especially Attorney Timothy Figura. Marble supported. Roll Call: Marble, yes; Ferris, yes; Northway, yes; Nielsen, yes; VanMeter, yes. Motion approved.

Lakeview Drive Ordinance

- Ferris noted the revised, redlined, cleaner version of the Lakeview Drive Ordinance was received from the CLT attorney. Included were answers to concerns raised by Johnna Bridges—1.) Definition of back lot owners, and 2.) Public use of Broadway and Linden.

The attorney said Sections 5(b) and 5(c) could be amended to read, “back lot owners and their guests” who desire to...that way the Ordinance would be clear that back lot owners could use Lakeview Drive, as permitted by the Ordinance, with their family and friends. The attorney believed the Ordinance, as written, accurately reflected the portion of the 2001 court order by limiting the Broadway and Linden areas to use by back lot owners. The 2001 court order included Footnote 4, which stated: “Notwithstanding the introductory sentence to paragraph 3 (which says, ‘For clarification, the following uses are permitted on Lakeview Drive by the public...’), these picnic areas are for the back lot owners, *not the general public.*”

Kucera recommended Sections 5(b) and 5(c) be changed to read, “back lot owners, immediate family, and house guests who desire to...” and the Ordinance be approved with that change plus the attorney’s redlined amendments.

Marble moved to accept the recommendation of Zoning Administrator Kucera to approve the change in definition of back lot owners to read, “back lot owners, immediate family, and house guests who desire to...” Nielsen supported. Roll Call: Ferris, yes; Northway, yes; Nielsen, yes; Marble, yes; VanMeter, yes. Motion approved.

Ferris moved the Lakeview Ordinance be adopted as of October 16, 2024. It will become effective 30 days after publication in a newspaper of general circulation within the Township. Northway supported. Roll Call: Nielsen, yes; Marble, yes; VanMeter, yes; Northway, yes; Ferris, yes. Motion approved.

NEW BUSINESS

November meeting announcement

- Ferris shared the next meeting of the Board (6:00 p.m., November 20) will only be one hour long. There was a conflict because the Board and Planning Commission meetings were scheduled for the same day. There will be new Board members, who will take office at 12:00 p.m. on the 20th, who will lead that evening’s Board meeting. New Board members will be sworn in sometime between November 5 and 20, 2024.

Public Comment

- Sondra Halliday thanked Trustee Northway for his service.
- Northway thanked the Hallidays, Kucera, Marble, Ferris, Greg Wright, and the Planning Commission for the work completed on the building, with zoning, etc.
- Johnna Bridges noted the road end at Broadway and Linden were still public access sites.
- Andy Miller shared he was running for 3rd District County Commissioner, and he was pleased with the condition of the cemeteries, roads, etc.
- Spragens appreciated and thanked the Board for the new Cemetery North sign.

Board Comment: None.

Meeting adjourned at 7:52 p.m.

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

Amy Ferris, Supervisor

Date

Judy VanMeter, Clerk

Date