

# Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

June 20, 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, Ferris, and VanMeter were present, constituting a quorum.

**Guests:** Doug DeWindt, Al Popp, Terry and Cinde Shuman, Molly and Daniel O'Neil, Mark Kleimola, Brian Halliday, Zoning Administrator Tom Kucera, Commissioner Karen Cunningham, Fire Chief Mike Cederholm, Deputy Clerk Sondra Halliday.

## **Adoption of Agenda:**

**Ferris moved to accept the agenda as amended to underline "Enforcement" under the Zoning Report, remove the underline on "updates" under the IT report, and underline "Cemetery Financing." VanMeter supported. All ayes. Motion passed.**

It was noted that "Crystalaire," under the Zoning Report, was an all-encompassing term for Vine, Linden, and Broadway Streets.

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

**Minutes:** May 16, 2023, Regular Board Meeting

**Ferris moved to accept the minutes of the May 16, 2023, Regular Board Meeting as presented. Popp supported. All ayes. Minutes accepted as presented.**

## **County Commissioner Karen Cunningham's Report:**

- Cunningham's complete report is available online, but she highlighted several items.
- Pointe Betsie Lighthouse received a \$100,000 grant from Lake Township for an exterior engineering project. They are also seeking a treasurer for their board.
- Network Northwest completed a feasibility study for Benzie County Parks and Recreation Director.
- County Commissioners are continuing discussion on the "Child in the Workplace" pilot plan, which would allow children ages 0 to six months to be in the workplace. Cunningham is seeking public input on this plan.
- Cunningham has attended Kinship Coalition meetings. Coalitions, for children who are no longer living with their parents, were created in Benzie and Manistee Counties for peer-to-peer support. There is currently no state financial support, and the Coalition is drafting a job description for a liaison person.

- Ferris asked about MI-HQ. Cunningham said it's basically a "think tank," that studies environmental and other issues. MI-HQ is currently researching possible locations and outline stakeholders including the City of Frankfort because of its deepwater port.
- Tim Maylone of Cherry Capital Communications updated the Commissioners on the ROBIN grant process relating to broadband internet access. Two top concerns were price increases and creation of a monopoly.

### **Correspondence:**

- Correspondence was shared from Baird, Cotter & Bishop, P.C., which included the announcement they will be combining with UHY (Urbach Hacker Young International Limited) allowing for a broader array of systems, resources, and talent.
- Ferris shared correspondence from Thunder Bay Tree Service stating they will be applying herbicides under power lines in Benzie County and across the Township property.

### **Public Comment:**

- Terry Shuman shared a blight concern at the Robotham property in his neighborhood. It is affecting the value of his home and others. He suggested the Board use its power to put pressure on Robotham to act and get his property cleaned up. Shuman will seek others in the community for help in the cleanup and wished to be on the July agenda for the CLT Board meeting to give a report on his findings. Shuman said the neighborhood residents were not optimistic the township will act on this. The neighborhood may contact an attorney for help.
- Molly O'Neil thanked the township for its consistent, monthly updates addressing the issues near Vine, Linden, and Broadway Streets. She shared that some of the residents had a survey done last year, and the irons are still there. Molly said it would be unnecessary for the Township to spend money on an additional survey. She also shared a document drafted by her attorney highlighting portions of the Township ordinance, which was a possible starting point toward better enforcement.
- Doug DeWindt was concerned with the short-term rentals in his neighborhood. He has constant issues with renters using his property and said something needs to be done. He would like the Township to put restrictions on short-term rentals.

### **Guests:**

- Fire Chief Cederholm shared the Frankfort Fire and Rescue Department report for May/June 2023. There are 24 members, and the department has received two, new applicants. NMC will provide drone training for 10 members onsite at the Frankfort fire station. In May, there were 17 fire calls and 53 EMS calls. Of those calls, CLT had 3 fire calls and 11 EMS calls.

The month's Community Risk Reduction message was on pet care and outdoor safety. We were reminded that folks need to be cognizant of pet care, especially keeping them hydrated and taking care when using insecticides as they can be toxic to animals. It is still very dry, and the fire danger is high. Extra care and caution should be taken when using fireworks and fire pits. Fire pits constructed in a 360-degree circle can be used for recreational purposes and cooking during a Red Flag warning despite the dry conditions. Fire Chief Cederholm also shared that

during especially hot weather, people should watch out for themselves and their neighbors and remember to stay hydrated. A proclamation was given to Rory O'Grady who reached the rank of Eagle Scout. Chief Cederholm will ask for a Michigan Fire Equipment Grant of \$15,320.12 from the state treasury and needs Letters of Intent from the municipalities the Frankfort Fire Department serves.

**Ferris moved the Board authorize the signing of the CLT Letter of Intent for the MI Fire Equipment Grant Program. Northway supported. All ayes. Motion passed.**

**Clerk's Report:**

- VanMeter shared information from the MTA regarding three levels of training subscriptions available. Ferris and Popp noted the subscription service was used in the past, but it wasn't utilized enough to justify the cost. VanMeter declined to make a motion.
- VanMeter presented the Warrant Report and clarified the KCI bill of \$1,300 was an estimate until final printing is done. Ferris asked for a quick summary of the VISA bill charges. VanMeter noted most of the costs were for subscriptions to Otter, Adobe, Weebly, and Zoom as well as the charge for the Memorial Day flags for cemeteries. Ferris shared the actual cost of the Memorial Day flags will be refunded but not the shipping.

**VanMeter made the motion to accept the Warrant Report as presented with General Fund warrants totaling \$21,876.03 and Cemetery Warrants of \$203.36. Popp supported. Roll was called. All ayes. Motion was approved.**

- VanMeter said there is still no clear direction from the state as to how the elections will be held with the passing of Proposal 2 in November 2022. She shared that last year there were two elections at a total cost of \$20,400, which included all costs, not just wages. With the implementation of Proposal 2 changes, including the additional nine days of in-person voting, VanMeter estimates the cost for labor for one election could be at least \$14,000, which does not include additional costs of services, supplies, printing, etc. Municipalities are going to see a large increase in election expenditures. She continues to work toward completion of the Clerk's Election Accreditation Training.

**Financials:**

- Popp presented the financial and investment reports for May 2023. She noted there were regular reports for each of the four funds plus an investment report that outlined investments for each individual fund and a total of all fund investments. Ferris saved her questions until the discussion of Cemetery financing. There were no other questions.

Popp requested Board input for replenishing the Cemetery Fund checking account in the event there isn't enough money to cover accounts payable, especially groundskeeping and sexton expenses. The Statement of Net Assets for the end of May 2023 showed \$600.02 in the checking account. The Sweep Account balance of \$16,255.68 included the GTRCF funds of \$14,503.00, which are restricted to expenses other than groundskeeping at the North Cemetery. Only interest may be utilized from the Perpetual Fund, and the interest from the

Augenstein Fund can only be used for the East Cemetery. The groundskeeper cost is approximately \$3,200/month, and the sexton expenses total thousands of dollars each year.

Ferris noted the overall 2022-2023 audit report showed the Township was ahead by about \$1,300 between revenue and expenses in the Cemetery Fund, which is exceptional. Popp clarified the information was as of March 31, 2023. Ferris said the audit showed revenue of approximately \$52,000 and expenses of about \$50,000. There's no guarantee that's going to continue because, at any given time, factors change.

Ferris said at least 12 years ago, sequestered funds like Augenstein were not used and General Fund monies were used as needed to finance the cemeteries. The Cemetery Fund is not financed by a millage.

Popp stated the General Fund has not been used for years to support the cemeteries. Ferris asked why we don't return to supplementing the Cemetery Fund with the General Fund unless we say we don't have a cemetery, or we don't hold it to the quality it is now.

Nielsen didn't have a problem with using General Fund monies in support of the cemeteries, but not for nonresidents. Need restrictions on who can buy plots. Each year the cemeteries get more expensive and harder to operate. CLT taxpayers must subsidize nonresidents if we use General Fund monies in support of the cemeteries. He referenced a previous Cemetery Fund report which showed many plots purchased were by nonresidents. He noted the extra cost for nonresident burials is not high enough.

Popp referenced Brian Halliday's report on proposed improvements for the year, specifically for new signage at the cemeteries (about \$6,000) and tree removal/maintenance (about \$20,000). She wanted direction regarding the fund(s) to use for coverage of these expenses.

Ferris asked Nielsen how the cemeteries were funded during the earlier years of his tenure on the Board. He said General Fund monies were used many years ago, which supported Ferris' point. He didn't think using General Fund monies now was the way to proceed. His opinion concerning nonresident burials has stayed the same over the years.

Ferris reminded Nielsen, during previous discussions, she suggested he bring forth a motion concerning the burial of nonresidents. Nielsen felt there needed to be a consensus of the Board before bringing a motion to the table. Ferris wanted more rigorous discussion about the pros and cons of allowing nonresidents to be buried in the CLT cemeteries. Nielsen wanted the discussion placed on the next meeting agenda.

Popp agreed with Nielsen the funds should not be taken from the General Fund when the Township has monies available to use in the Cemetery Fund. Moving forward Popp will keep a close eye on balances and potential costs, bringing information and more solid numbers before the Board in plenty of time for discussion.

Ferris recalled previous documents brought before the Board by Popp showing the potential financial crisis on the horizon for the Cemetery Fund. She asked if the Township has a responsibility to the nonresidents. Northway suggested we have a fee schedule including

increased charges for nonresident burials. Ferris noted the Township already has a fee schedule in place. Nielsen's point was this would still not be enough. Northway asked if the Township allowed for green burials, and the answer was yes. No decision was made. There will be future discussion regarding the Cemetery Fund finances.

## COMMITTEE REPORTS

### Airport:

- Popp presented the Frankfort City-County Airport Authority Report. VanMeter asked for clarification on Runway 15 tree removal date for 2023. Popp said they are looking at fall of 2023, so the whole project can be completed at once. The tree removal timeline is contingent on the litigation with the Frankfort Pines Assisted Living.
- Ferris referenced the letter from County Treasurer Michelle Thompson to City of Frankfort Clerk Chris Spence and questioned why the City of Frankfort has not been paying its portion of FCCAA support and how long it had been in arrears. Popp said it had been several years and started when the County took over the accounting for the FCCAA.

### Information Technology:

- Brian Halliday informed the Board that the officers' laptop computers were configured and are in the possession of said officers. The new server installation project was almost complete and, once that is done, only the laptops and Township desktop computers will have access to it. Personal computers will no longer have access. QuickBooks and BS&A will be moved to the new server as they were currently running on an old, separate box. Project should be completed by week's end, which will increase IT security. Popp asked if the data would be backed up before relocating QB and BS&A. Halliday stated the Township's data is backed up nightly.

### Buildings and Grounds:

- Brian Halliday shared possible scenarios for parking lot expansion and lighting improvements—parking lot expansion only at a cost of approximately \$17,000; parking lot expansion with additional lighting at a cost of \$28,505; additional parking lot lighting without lot expansion at an estimated cost of \$9,205; and improved lighting with additional fixtures on building for around \$550. Kucera shared there are specifics for parking lot space size in the Township Zoning Ordinance. After discussion, the Board decided to improve the lighting with additional fixtures on the building. Location of property lines was questioned, so prior to any expansion project, may have to resurvey. Popp noted Les Poggemeyer, former owner of property to the south of the Township parking lot, had a survey completed of his property. Survey documents were given to the Township and could be used for reference.

**Ferris moved to approve up to \$1,000 (amended from \$550) for additional fixtures on the building to improve parking lot lighting, contingent on dark sky and airport regulations. Northway supported. Roll was called. All ayes. Motion passed.**

## Roads:

- Nielsen asked the Road Commission for an estimate on paving the entrances (15' to 20') including an apron to M-22 from Birchwood, Esplanade, and Marquette Court. Township Road Fund monies would not be used for this project. He explained the local millage allotment funds received by the Township annually from the County could be used for this project. The current balance in the account is \$29,900. If the estimate comes in over \$29,000, priority would be given to Marquette first, then Esplanade, and finally Birchwood (seasonal road). A resident on Marquette Court submitted a request for the improvements, which should be considered. Nielsen will bring Road Commission estimate to the July Board meeting.

**Nielsen moved to authorize up to \$29,000 from the County local millage allotment funds for the suggested improvements including an apron from Marquette, Esplanade, and Birchwood to M-22. Marquette would be given first priority if funds were not available for all three. Popp supported. Roll was called. All ayes. Motion passed.**

Ferris questioned whether there were any other road projects considered. Nielsen said the Township Road Fund monies can be used for most other projects, and additional millage allotment funds will be received again this year.

- Nielsen shared the new Chipseal paving process on M-115 and portions of M-31 was recently completed. The cost was 30% less than asphalt paving and will prolong the life of the road for another 10 to 15 years. He felt the Township could consider this in the future when resurfacing Township roads.

## Zoning:

- Kucera shared an update on the situation with Broadway, Linden, and Vine Streets as well as Lakeview Drive including enforcement of Ordinance 2002-02. After review of Ordinance 2002-02, the attorney suggested the ordinance be rewritten to match the stipulation and judgment of the court case and make the violation a civil infraction. Clarification of enforcement responsibility should also be addressed.

Township Ordinance 03-10-2015 #1 established an enforcement officer position, which is the only ordinance that addresses police ordinances. The attorney suggested the ordinance be amended to clarify who is responsible for enforcement of zoning ordinances and police ordinances.

Kucera said that Ordinance 2013-01-01, which established the authority and procedures for issuance of Municipal Civil Infraction Notices and Citations as well as the Ordinance Violations Bureau, should also be reviewed. All three ordinances should be rewritten to make sure all are consistent in definitions, requirements, and language.

Ferris stated the Township has an overall enforcement problem. Nielsen and Ferris suggested others such as the Junk ordinance, Dangerous Buildings ordinance, Fireworks Ordinance, and Cemetery Ordinance should also be reviewed by the attorney and rewritten as necessary. The Board, by verbal consensus, gave the team of Popp, Kucera, and Ferris, permission to confer with the attorney and coordinate the process of review and revision of the named ordinances.

Clarification of enforcement including liability insurance for enforcement is priority. The team will provide a progress report at the July Board meeting.

- Kucera said he will join the surveyor 9:30 a.m., June 21, while the process of setting concrete monuments with iron pins proceeds at Vine, Linden, and Broadway. This will clarify the corners of the lots. Possible fencing, in addition to the monuments, may be considered.
- The trash behind Dollar General has been a consistent problem. Several citations were issued before the court hearing. A default judgment was made as no one from Dollar General appeared. Dollar General paid the \$600 fine, but the Township has yet to receive a copy of the court order. The trash issue will continue to be monitored and, if the problem persists, the Township may have to file an injunction.
- Kucera shared that Township Enforcement Officer Grant Sowa put together a proposal which would allow the Township to contract for enforcement services through the police department much like the contracted services the Township has through the fire department.

### **Unfinished Business:**

- Dangerous Buildings Ordinance.  
Ferris found the draft of the Dangerous Buildings Ordinance, but amendments were not incorporated into a final ordinance. This ordinance will be considered along with other ordinances to be reviewed by the attorney regarding enforcement. It is not an actionable item for this meeting.
- Millage Procedural Questions.  
As the meeting was running late, Ferris tabled this agenda item and noted her questions still have not been answered satisfactorily.
- Nonstatutory Job Descriptions and Remuneration Requests.  
Treasurer Popp shared statutory responsibilities of both the Treasurer and Deputy Treasurer. She also presented resolutions for remuneration of Michigan Unclaimed Property reporting and the Municipal Civil Infraction Bureau, which are both nonstatutory duties. Ferris clarified she would like to have specific job descriptions outlining each officer's responsibilities, not just statutory duties. She also noted the auditors requested job descriptions. Popp stated that she included the statutory duties but also resolutions for two of her nonstatutory duties. VanMeter noted the MTA was adamant Board officers be paid extra for performing nonstatutory duties. She asked if the MTA had nonstatutory job descriptions and found it does not.

Ferris had reservations regarding paying remunerations and felt the amount of remuneration was not important because it was a matter of principle. She also said the Township needed policies in place before considering remuneration for nonstatutory duties. Ferris stated she made a huge mistake the past two years when recommending raises for the Board members. She assumed the increased salaries would cover both statutory and nonstatutory duties performed. Popp retracted her resolutions for remuneration. Northway and Nielsen will meet, study the issue of nonstatutory duties, and recommend next steps to the Board

**New Business:**

- Consumers Energy Franchise.

**Ferris moved the Board authorize her as legal agent and the Township Clerk to sign the Consumers Energy Company Electric Franchise Ordinance 2023-06-20 as presented and publish the ordinance in the local newspaper within 30 days. Popp supported. All ayes. Motion passed.**

**Public Comment:**

- Daniel O’Neil commented they and others have been threatened with violence by some of the front-lotters when using the public beach at Crystalaire. He noted resolution of the issues is not for ease of access or vegetation, it is a safety concern. He appreciated Kucera’s information on working with Sowa and the Frankfort Police Department.
- Molly O’Neil feels Kucera talked about gray areas and ambiguities. Her children have been yelled at and told to stay off the beach when in the public area. She would like an agenda item added to the next Board meeting soliciting public comment from both front- and back-lotters.
- Sondra Halliday commented the Township should not use Chipseal on its roads.

**Board Comment:**

- Nielsen reminded the Board there was an approved resolution in place directing Board members to share any communication with the attorney with all Board members, allowing for transparency. Ferris stated that she has asked the attorney to “reply to all,” but he will not. Attorney said he will communicate with the Clerk and Supervisor, and they can pass communication on to the rest of the Board. Kucera mentioned he contacted the attorney on zoning issues and, in the future, will include all Board members in the correspondence. VanMeter was not aware of the policy when she contacted the attorney regarding a FOIA request. She will also keep the Board members in the loop on future attorney correspondence. Ferris asked if ALL communications between Board members should be shared in support of transparency. Nielsen said it wasn’t necessary. The resolution related to communication with the attorney.
- Ferris shared the news of the passing of Jeffery Sandman who was Village of Honor President, Manager of the Frankfort Credit Union, a former County Commissioner, etc. and offered the Board’s condolences to his wife and children.

**Meeting adjourned at 9:03 p.m.**

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

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Amy Ferris, Supervisor

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Date

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Judy VanMeter, Clerk

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Date