

# Banks Township Board Meeting

Monday, February 17, 2020

1. The meeting was called to order at 6:00 P.M. by Supervisor Thomas Mann. Present were Supervisor Mann, Clerk Donna Heeres, Treasurer Katy Postmus, Trustee Tom Cooper and Trustee David Rasmussen.
2. Also present Mark Groenink, Tina Sundelius, Brad & Julie Waterman, Joe Cooper, Candace Hoeksema, Andrea Hoeksema, Jim & Nancy Hersha, Heidi Cooper, Robert & Cathy Russell, Tom Cooper, Luke & Brandie Sowash, Erin Heeres, Phil & Laura Edwards, Chad Woodbury, Ruben Shell. Greg Burroughs arrived at 6:50 pm, Peter Wendling arrived at 6:55 pm, Ed Niepoth arrived at 7:30 pm. Marvin Rubingh arrived at 8 PM. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
3. **Public Comment:** Brad Waterman, Coeling Road, thanked the Board for follow through on the Blight Ordinance on his road.
4. **Public Comment:** Joe Cooper, Coeling Road, complained about neighbors that he described as “transients in a 5th Wheel” that his family feels threatened by. He has made 8 calls to 911 when they appear at his doorstep in apparent altered level of function. He questioned the legality of living in an RV and asked for ZA to check it out. He was advised the ZA will be notified and asked to assess. Also, if he or his family feels threatened, they should contact 911 immediately to address the current situation.
5. **Public Comment:** Jim Hersha, Pleasant Hill Road, stated that he and his neighbors are opposed to the Village’s sewer treatment facility being located in their neighborhood.
6. **Public Comment:** Nancy Hersha, Pleasant Hill Road, stated that the Village’s minutes reflected the neighboring property owners’ opposition but “didn’t change anyone’s minds.”
7. **Public Comment:** Laura Reid submitted a letter of opposition to the Drumlin Hills MX track.
8. **Public Comment:** Erin Heeres submitted a petition signed by 29 area residents or business owners in support of the Drumlin Hills MX track, petitioning “the Banks Township Board and their efforts to prevent Drumlin Hills MX to open as a public facility.” Erin stated the undated petition and signatures have been collected in the past year.
9. **Minutes:** The minutes of the January 20, 2020, regular Board Meeting were presented. **MOTION** was made by Mann, seconded by Postmus, to approve the minutes as presented. **MOTION CARRIED.**
10. The meeting was recessed at 6:18 PM to hold the Fire Budget Hearing.
11. The **Fire Budget Hearing** was called to order at 6:19 PM. The Supervisor presented his proposed budget. Comments and suggestions were made. The Balanced Budget is based on a .9 millage rate, down from the current 1.1 millage rate. There was no public comment.
12. The Public Hearing was adjourned at 6:32 PM and the regular meeting was reconvened.
13. **Fire Department:** Chief Groenink reported on today’s Fire Board meeting. It was recommended to purchase 800 MHz radios and transition to a hybrid radio system. Chad Woodbury has been working with Antrim County Emergency Services to develop a better system. **MOTION** by Mann, seconded by Postmus, to purchase 20 pagers from ProComm for \$16,100 and 6 handheld radios from OTEC for \$11,540, deferring final payment(s) of approximately \$7,140 to 2020-21 budget year. **MOTION CARRIED.** **MOTION** by Mann, seconded by Rasmussen, to purchase truck tires from Ellsworth Farmers Exchange for 6620, 6640 & 6641. Cost to be \$4643.80 for the FD and \$1325 for the Rescue Dept. **MOTION CARRIED.**
14. **Treasurer’s Report:** American Tower is now up to date with payments. Report of incomes and balances was presented by the Treasurer. General Fund Balance: \$302,312.30 with \$0 due from the Fire Fund. Fire Fund Balance: \$97,170.30. Liquor Fund: \$1749.81. Roads Fund: \$103,720.20. Vehicle Fund: \$106,848.11. Grand Total: \$611,800.72. **Bills** represented by the attached list were reviewed for approval for payment. Discussion on higher charges for snowplowing at Atwood Fire Hall than Ellsworth Fire Hall and even more than the Township Hall. Chad Woodbury, Fireman, explained reasons the Atwood Hall needs more snowplowing. He was thanked for his explanation. The Board, on behalf of the entire township, thanks Chad Woodbury for his dedication to the Department and his care for our facilities. **MOTION** by Postmus, seconded by Rasmussen, to pay the bills as presented. **MOTION CARRIED.**
15. **Special Events Ordinance:** Peter Wendling reviewed the draft SEO, February 2020 Version. He stressed that it is not a zoning ordinance, it is a special events ordinance for out of the ordinary uses for a property. It can’t be issued to allow a land use that is in violation of zoning for that parcel. The only way to resolve the MX issue is with ordinance amendments; he did encourage adoption of a special events ordinance for other situations. Mr. Wendling stated the SEO would cover events not related to the general use of the property

BUT without permanent structures or modifications to the property: avoids permanent changes to the property, is out of the ordinary and occasional, 2-4 times a year maximum. The MX track is a created structure. Supervisor Mann emphasized that he thought the SEO could cover the MX track but now we have evidence that it does not. Trustee Cooper asked if we need all of this. Mr. Wendling stated a steady set of rules that applies to everyone is a good thing.

16. **Public Comment:** a) Erin Heeres stated the supervisor had “said there were no issues with the other events; but there is! The music festival noise is annoying.” She questioned that the track is in violation because it is not listed in the zoning ordinance. b) Mr. Wendling answered that a permit was needed for construction of the track and that was not done. c) Tom Cooper of Rocky Top Farms stated he is in support of quiet hours and specified decibel levels. d) Luke Sowash stated “You are going in circles and trying a new avenue to make it work. You are making exceptions for others; why are we not making exceptions for the track?” “The MX track is not a structure.” e) Mr. Wendling stated “the track is a structure by definition in the zoning ordinance.” f) Brandie Sowash stated “the event is incongruent to existing land use; the motocross is a small amount of land. The special events ordinance will not benefit the track. Concerts & Horse stables are not technically allowed.” g) Supervisor Mann stated “the Board & PC are trying to help but per our legal counsel, the motocross does not fit with this ordinance.” h) Cathy Russell stated her horse farm is “grandfathered in since 1966, horses are a part of agriculture.” i) Erin Heeres stated “may have horses, however having hours of operation makes it commercial.” j) Treasurer Postmus stated “horses are agricultural, motocross is not a qualified Ag use. PA 116 and PA 260 have restrictions when application is filed and restrictions must be followed when claiming exemptions.” k) Chad Woodbury asked if this can be voted on. l) Mr. Wendling stated a referendum vote could be done if, after the PC & Township Board acts on the request, 20% of the electors can petition to have a question placed on a ballot. m) Brandie Sowash asked “how many special events do we have? How many people come in? This is a money maker for people. You are adding too many hoops. Look to the future.” n) Erin Heeres stated “I am not picking on Right to Farm. Why do you shut the door on some and open it for others?” o) Mr. Wendling stated “that’s what zoning is – it allows some things and prohibits others.” **Public comment** was closed at 7:40 PM.
17. **Public Hearing on the Special Events Ordinance** was set for Monday, March 2 at 6 PM.
18. **The meeting was recessed at 7:45 PM for five minutes.**
19. **Township Property & Liability Insurance:** Greg Burroughs of Peterson/McGregor presented a proposal to the Board and comparisons were made to our current plan. He recommends increasing our liability coverage. His proposal has the same deductibles as with the ParPlan, company offers online access for claims, he recommends “scheduling” items valued at over \$10,000.
20. **Zoning Administrator’s Report:** No report. Clerk will ask ZA to contact property owners on Coeling Road for violation follow-up.
21. **Planning Commission:** No meeting February.
22. **Ambulance Authority:** Julie Waterman reported the AA will meet on February 19.
23. **DDA for Village:** Julie Waterman reported DDA met January 27. She reported the sale of County Property where the Recycle bins are located has occurred. Village Council has ordinance to prohibit marijuana facilities. Paddling events are in the planning stages. Breezeway Paddle Sports will be opening in the spring. The Shooks Grocery building is being removed. Mary Peterson & Tina Sundelius have been reappointed to the DDA for 4 more years.
24. **Breezeway:** The new signs are installed and look great!
25. **Correspondence:** Sheriff’s newsletter was shared. Texting is available to 911. 79 calls to 911 from Banks Township in January. Charlevoix Township’s newsletter announced their new Fire Station is nearing completion. Antrim Conservation District Contractors’ Workshop will be March 18 at 5 PM at Torch Lake Café. Antrim County is seeking interested persons for positions on the Upper Manistee River and Jordan River Zoning Boards. Letter from the Farbman family asking to “PLEASE do whatever you can to deter motocross activity and maintain the existing ag zoning.” Letter from Thomas Bronson in opposition to changing zoning for the motocross track and also opposed to any special event permits being issued. Letter from Phil & Laura Edwards in opposition to the special ordinance to allow the operation of the motocross track, outlining the differences between the track and the music festivals. Letter from Luke Sowash in favor of the motocross track, outlining the events leading up to this time and urging the Township to approve the amendments need to allow this track. Letter received from Jeremy DeYoung, dated June 28, 2019, in support of making the motocross a public facility. Letter received from Lori Martin, dated July 2, 2019, in support of the motocross facility. Letter from Jeffrey Lipshaw, attorney for the neighbors, dated February 5, 2020, in opposition to the special events ordinance and also the proposed text amendments. Consent

Enforcement Order from the 86<sup>th</sup> district court for Antrim County signed by attorney Shawn Warden on behalf of Robert (Matt) & Erin Heeres on February 5, 2020, where the defendants admitted responsibility for the civil infractions and agreed to neither advertise nor hold any events. Letter from Shawn Warden urging the PC to take action on the amendment application.

26. **Roads:** Marvin Rubingh asked about his request for improvements to Rubingh Road. He has a semi into the farm nearly every day and too many times it can't make the hill. He stated he has the biggest non-government business on the payroll with 26 people. It is an 800 ft dead end road. Supervisor advised him a proposal has been requested from Antrim County and he would be contacted when it arrives.
27. **STR:** Ed Niepoth, Supervisor of Kearney Township, asked about the status of our STR language for the zoning ordinance. He was advised this topic is on the agenda for the PC in March.
28. **Website:** Discussed the progress and if electronic signatures could be accepted for applications for permits, etc. Decided that would be fine and webmaster will be asked to have fillable forms with provisions for electronic signatures and ability to email the completed forms to the proper officials.
29. **BTHS Renovations:** Clerk reports no bids have been received. Suggestion to contact Little Traverse Homebuilders Association with requests for proposals.
30. **Roads:** Lore Road property owners (17) have been contacted with question regarding paving 1900 ft. Nine responses were received, 2 with questions regarding water/wetness and timing for the project and 7 who are in favor of the project. **MOTION** by Cooper, seconded by Postmus, to pave Lore Road per the proposal: 1900 ft @ a cost of \$98,000. **MOTION CARRIED.**
31. **Property & Liability Insurance:** Discussion regarding cost and services of the two companies. Municipal Underwriters of Michigan package @ \$17,653 and Peterson/McGregor package @ \$13,518. **MOTION** by Postmus, seconded by Cooper, to change insurance agents to Greg Burroughs with Peterson/McGregor; Accident Fund will continue to be Work Comp insurer and Provident will continue to supply Firemen's accident & health policy, with Peterson/McGregor being the agent. **MOTION CARRIED.**
32. **Budget Transfers:** **MOTION** by Mann, seconded by Postmus, to transfer \$750 from the Liquor Fund to the General Fund as administrative fees related to Liquor Fund management. **MOTION CARRIED.**
33. **School Summer Tax Collection:** Treasurer Postmus has negotiated with Ellsworth Community School to collect summer taxes for the school for the cost of the accumulated interest on the taxes rather than a per parcel fee. **MOTION** by Mann, seconded by Rasmussen, to approve the contract with Ellsworth Community School for summer tax collection and authorize the Treasurer to sign on behalf of the Township. **MOTION CARRIED.**
34. **FOIA Policy:** The laws regulating the FOIA policy has changed and our policy needs to be updated. **MOTION** by Postmus, seconded by Rasmussen, to authorize legal counsel to prepare a draft amended FOIA policy for Banks Township at a cost not to exceed \$250. **MOTION CARRIED.**
35. **Annual Meeting:** **MOTION** by Mann, seconded by Heeres, to not hold an annual meeting this year. **MOTION CARRIED.**
36. **Salary Resolution:** **MOTION** by Mann, seconded by Postmus, to increase the salaries of the officers by 3% to: Supervisor: \$17,510; Clerk: \$26,265; Treasurer: \$24,155; Trustees: \$2730. Roll Call Vote: Cooper: Yes; Rasmussen: No; Mann: Yes; Postmus: Yes; Heeres: Yes. **MOTION CARRIED.**
37. **Board of Review:** Organizational meeting set for Tuesday, March 5 @ 4:30 PM. Regular meetings of the BOR will be Monday, March 9 from 3 PM to 9 PM and Thursday, March 12 from 9 AM to 3 PM.
38. **Workshop Report:** Deputy Clerk Sundelius reported on a workshop she attended in January regarding the Township Board's role in the Board of Review and Board members' responsibilities.
39. **Public Comment:** There was none.
40. Next meeting Monday, March 2 at 6 PM, a public hearing on the draft special events ordinance. Next regular meeting Monday, March 16 at 6 PM. Budget Hearings on the General, Vehicle, Roads and Liquor Budgets will be a part of this meeting.
41. The meeting was adjourned at 9:26 PM.

Respectfully submitted,  
Donna L. Heeres, Banks Township Clerk