

## **Banks Township Board Meeting Monday, June 15, 2020**

This meeting was conducted via Zoom per Governor Whitmer's executive orders during the COVID-19 (Coronavirus) Pandemic.

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. Also present: Erin Heeres, Phil & Laura Edwards, Candace Hoeksema, Julie Waterman, Tom Cooper, Kelly Young, Julie Chellis, Cathy Heeres Russell, Jarris Rubingh, David Heeres, Brian Vey and Mary ? via iPad. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
2. Agenda Additions were announced.
3. Public Comment: Laura Edwards thanked Tom Cooper for his comments at the Planning Commission meeting last week.
4. Public comment: Julie Chellis commented that snowmobile trails are promoted on the Banks Township website and since there are no trails, it encourages people to trespass on private property.
5. Minutes: The minutes of the May 18, 2020, regular Board Meeting were presented. MOTION was made by Rasmussen, seconded by Cooper, to approve the minutes as presented. MOTION CARRIED.
6. Treasurer's Report: The Treasurer presented Report of incomes and balances. General Fund Balance: \$406,771.64; Fire Fund Balance: \$144,908.81; Liquor Fund: \$1004.00; Roads Fund: \$115,558.69; Vehicle Fund: \$107,117.48. Grand Total: \$775,360.62. Treasurer commented on expected state revenue sharing along with other revenues being well under budget due to the pandemic. She stated our fund balances are healthy and will help in maintaining the level of services that the township provides. Bills represented by the attached list were reviewed for approval for payment. MOTION by Postmus, seconded by Rasmussen, to pay the bills as presented. MOTION CARRIED.
7. Planning Commission: Trustee Cooper reported on the PC meeting held June 9 via Zoom. The Public Hearing on a text amendment application related to the motocross track was held. The PC unanimously voted to not recommend adoption of this amendment. A text amendment regarding Agri-Tourism will be held during the July 14 PC meeting.
8. Zoning Administrator Report: David Muladore's report was given by Clerk Heeres. Three certified letters were sent in response to blight & zoning ordinance complaints. All property owners have responded and agreed to work with the ZA to remedy the situations. Permits have been issued for a porch/deck addition, and a new pole barn. A complaint regarding an event scheduled in an Ag zone is being investigated.
9. Correspondence: Clerk reported receipt of: letter MTA Executive Director regarding Executive Orders related to the pandemic and their impact on townships; letter from Richard Friske regarding cemetery maintenance issues; L-4029 from Ellsworth Community School, Central Lake Public Schools, Charlevoix Public Schools; sample ballot proof for August election was received; letter from Michigan Dept of Treasury regarding corrective action plan related to auditing conditions that were identified was received and response was made; letter from Kopy Sales, Inc. advising of acquisition by Applied Imaging; sheriff's report of 911 calls (57) for May was received; sheriff's newsletter was shared; letter from Stasch Szczepanski in support of Drumlin Hills MX track was received.
10. Ambulance Authority: Julie Waterman reported the authority met via Zoom and no issues.

11. DDA: Julie Waterman reported no meetings have been held. The Farmers' Market is not open yet.

12. Township Hall Lockout: Governor's Executive Order 2020-115 allows indoor gatherings up to 50 people in our region. Discussion followed. Currently, there are two reservations for small gatherings between now and our next meeting. Several in August. MOTION by Mann, seconded by Cooper, to allow gatherings of up to 50 people at the Township Hall for social or business gatherings through July 21, based on the Governor's Executive Order 2020-115. MOTION CARRIED. Discussed need for disinfecting the building following rentals to protect those workers who use the building and future renters.

13. Short Term Rental Language for Zoning Ordinance: Proposal was drafted by the PC, public hearing was held January 13, Antrim County PC reviewed and approved the amendment on February 4, the PC voted unanimously to approve the amendment as written on March 10, 2020. The Board tabled action for three months. The recommendation from the PC to approve the amendment is now before the Board. The Ordinance was read aloud, and comments were solicited. There were none. MOTION by Heeres, seconded by Mann, to adopt the text amendment to the Zoning Ordinance, #1 of 2020. ROLL CALL Vote: Cooper: Yes; Rasmussen: Yes; Postmus: Yes; Mann: Yes; Heeres: Yes. MOTION CARRIED; Ordinance adopted.

14. Lore Road: The project was recently completed by the ACRC. Several residents have contacted us to complain that the final 100 feet of the road was not paved. Supervisor reported communication with ACRC manager Burt Thompson about the issue and was informed he ended the pavement where it is due to the need for plows to turn around at the end and the pavement would not hold up to the pressure of the snowplows/heavy trucks. His professional opinion is that the gravel, which was built up during the project, would be a better fix. The consensus of the Board is that ACRC manager is more knowledgeable than we are on such issues and we support his decision.

15. School Driveway Encroachment: Attorney Bryan Graham has filed an "affidavit affecting land" with the Register of Deeds Office to clarify the abandonment of the C&O Railway right of way in question.

16. Banks Township Historical Society Building: The project is now complete, including replacement of the lock on the front door. Looks wonderful!

17. Cemetery Tree Grant: Clerk reports the application for Tree Planting Grant through DTE Energy Foundation and the DNR was submitted. Plans are for removal of three diseased trees at the Ellsworth Cemetery and planting of 20-22 new trees at Ellsworth and Atwood Cemeteries in the fall if the grant is awarded. Mention of use of watering bags was made since the water supply at the cemeteries is limited.

18. Antrim City Cemetery Driveway: Proposal for paving the north driveway, paving from Old Dixie Highway to the top of the hill, was received. Cost to be \$8400 if done by Swanson's K&D in conjunction with the Atwood Fire Hall paving project. MOTION by Cooper, seconded by Mann, CARRIED to award this contract to Swanson's K&D. Discussion on the overgrowth of brush & trees in the ditch in front of the cemetery was held. Supervisor will contact ACRC manager about the need to selectively prune this ditch. If the Road Commission will not do it, can we have it done?

19. Marijuana Facilities: Kelly Young addressed the Board, introducing herself as a native of Elk Rapids and a business owner in the Cannabis Industry since 2017. She has served cancer patients and veterans. She is interested in creating a "farm to table" model with education components of how to grow, process, sell, use, cook with, etc. the product. She has a CBD company. She asked the Board to make an amendment to our marijuana ordinance to allow one retailer, one grower and one processor in the township. She plans to petition to place a

referendum vote on the November ballot if the Board decides to not make the amendment to the existing ordinance.

20. Fire Department: Fire Chief Mark Groenink reported the county is purchasing mobile radios for all trucks at county expense for purchase, installation, and maintenance. A contract was reviewed that outlines the terms of the purchase. MOTION by Rasmussen, seconded by Postmus, to approve the contract and authorize the supervisor to sign it on behalf of the township and fire department. MOTION CARRIED. Chief Groenink asked for permission for the members to sponsor a water slide, normally done during Pig Roast. Discussion was held and consensus was to postpone deciding until the July 20 meeting as it is felt such a gathering is not the best idea right now.

21. NLEA membership: Renewal of membership was approved with the paying of the bills. The cost is shared with the Village of Ellsworth.

22. Antrim Promise: The Township must develop a plan for reopening the township hall for rentals as well as workers. Clerk asked for input from the Board members on this. No action taken.

23. Elections: Primary Election is scheduled for August 4 and General Election on November 3. The State has mailed out applications for absentee ballots to all registered voters NOT on the Permanent AV list. Those voters received applications from the local clerk's office. Many concerns and obstacles exist related to conducting these elections and are addressed daily by the Clerk.

24. Treasurer Computer: The digital tax roll has been approved for an additional three years. The tax deadlines are constantly changing due to the pandemic. The Treasurer's computer is four years old and some issues, especially with the battery, are starting to arise. Treasurer asks permission to purchase a new desktop computer with printer for her office at a cost not to exceed \$1500. MOTION by Mann, seconded by Cooper, to approve this purchase. MOTION CARRIED.

25. Fireworks: The Ellsworth/St Clair Lake Fireworks will be held on Friday, July 3, 2020.

26. Cemetery: Treasurer Postmus reported Barney Drenth replaced the water tank (with a leaky valve) at the Atwood Cemetery at no charge to the township. Thank you, Barney Drenth, for taking care of this needed repair for us!

27. Public Comment: Erin Heeres asked if special events in Ag districts will be discussed at the next PC meeting. She stated that at last week's PC meeting trespassing with snowmobiles was discussed. She stated the township website promotes snowmobiling and therefore promotes trespassing. She questioned the role of PC members and stated they are supposed to be unbiased and help property owners and not hinder them. Board Response: Trustee Rasmussen stated the snowmobile trail is no longer in existence; the trail is what the website is promoting, not trespassing.

28. The meeting was adjourned by the call of the Supervisor at 8:10 PM.

Respectfully submitted,

Donna L. Heeres  
Banks Township Clerk