

Banks Township Board Meeting

Monday, August 17, 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 6:03 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: Peter Wendling, Laura Edwards, Matt & Erin Heeres, Candace Hoeksema, Andrea Hoeksema, Julie Waterman, Cathy Heeres Russell, David Heeres, Don Miles, Tom Cooper, Heidi Cooper, and Tina Sundelius. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
2. **Public Comment:** There was no Public Comment.
3. **Minutes:** The minutes of the July 20, 2020, regular Board Meeting were presented. **MOTION** was made by Cooper, seconded by Mann, to approve the minutes. **MOTION CARRIED.**
4. **Treasurer's Report:** The Treasurer presented Report of incomes and balances. Interest rates and hall rental revenue are down. We were reimbursed for the May election by the ISD but nothing for the Presidential Primary yet. General Fund Balance: \$395,171.78; Fire Fund Balance: \$158,173.86; Liquor Fund: \$729.64; Roads Fund: \$115,579.57; Vehicle Fund: \$107,160.05. Grand Total: \$776,814.90. Bills represented by the attached list were reviewed for approval for payment. **MOTION** by Rasmussen, seconded by Postmus, to pay the bills as presented. **MOTION CARRIED.**
5. **Planning Commission:** Trustee Cooper reported on the PC meeting held August 11 via Zoom. On the attorney's advice, three proposed text amendments were forwarded to the Antrim County Planning Commission who voted not to take any action regarding any of them but the Deputy County Administrator included a suggestion in the cover letter that we consider a maximum number of acres allowed in addition to the minimum that is included in the Agriculture Tourism & Assembly Ordinance. Don Miles, PC Chair, reported the Banks Township PC voted to recommend that the board not adopt the Outdoor Recreation Establishments and Motorcycle Tracks & Trails amendment. The PC does recommend adoption of the Agricultural Tourism & Agricultural Assembly Ordinance.
6. **Township Hall Update:** Clerk reported progress is being made on repairing the damaged drywall, carpet and desk in the village office that was damaged when a fitting on an overhead waterpipe failed. The insurance adjustor is working closely with the contractor and the village/township.
7. **Election Report:** 441 Absentee Ballots were issued and 394 were returned. Some people came in to vote even though they were issued an absentee ballot. 748 total ballots were cast. All Proposals passed, Alex Busman & Donna Heeres were nominated to appear on the November Ballot for Township Supervisor and Clerk, respectively. A great deal of preparation went into preparing the polling place in consideration of all the COVID-19 restrictions and precautions. The flow of voters through the precinct went well. Supervisor Mann expressed gratitude to all the election inspectors, Clerk & Deputy Clerk for all the good work done.
8. **Correspondence:** Authorization from EGLE for another shoreline stabilization project on Timberlane Drive, notice from TrueStream announcing fiber network installation in the Township; notice from Dept of Agriculture and Rural Development that a complaint against

Torch Valley Farms has been abated; sheriff dept newsletter was received with advice on purchase of guns; sheriff's report of 911 calls (there were 113-911 calls in July); The Accident Fund (work comp) sent dividends in the amount of \$471.00 for 2018; and MTA letter highlighting education & information available for members.

9. **Zoning Administrator Report:** David Muladore's report was given by Clerk Heeres. Four permits were issued: One to demolish an old farmhouse, an addition to a pole barn on Timberlake Shores, new garage with attic trusses on White Pine Drive and a new pole barn on Farrell Rd.

10. **Fire Department Update:** Two Firemen have moved out of the township; one will temporarily remain on the roster as he lives on Miles Road now. Over the summer, the department was called on 3 cats stuck in trees, for 3 separate cats, all of whom were eventually able to get down without fire department assistance.

11. **Township Hall:** Governor's Executive Orders allow indoor gatherings up to 50 people in our region and requires masks in all public buildings. However, the indoor gathering limit is expected to be lowered again soon. Discussion followed. Because it is too hard on renters with the constant uncertainty of opening and closing, a **MOTION** by Postmus, seconded by Heeres, to keep the hall closed for rentals for another month. **MOTION CARRIED.** Mann recognized Postmus for her assistance in helping the bride whose wedding was displaced by the recent closures to find another venue.

12. **Zoning Ordinance Amendments: MOTION:** by Mann, seconded by Cooper to accept Trustee Rasmussen's request for abstention from the vote on the proposed zoning amendments, due to conflict of interest based upon business connections. **MOTION CARRIED,** 4 Yeas, 0 nays, 1 Abstention. **Outdoor Recreation Establishments Text Amendment,** brought forth by the Planning Commission: **MOTION** was made by Mann, seconded by Cooper, to accept the recommendation from the Planning Commission not to adopt the amendment, adopting the reasoning of the Planning Commission. **Board Comments:** Clerk Heeres expressed her disappointment that the County Planning Commission failed to offer a recommendation on these issues. **Roll Call Vote:** Cooper: Yes; Mann: Yes; Heeres: Yes; Postmus: Yes; Abstention: Rasmussen. **MOTION CARRIED;** the Outdoor Recreation Establishment Amendment is not adopted. **Motorcycle Tracks & Trails Text Amendment,** brought forth by Matt & Erin Heeres: **MOTION** was made by Mann, seconded by Postmus to accept the recommendation of the Planning Commission to not adopt the amendment, adopting the Planning Commission's reasoning. **Roll Call Vote:** Cooper: Yes; Mann: Yes; Heeres: Yes; Postmus: Yes; Abstention: Rasmussen. **MOTION CARRIED;** the Motorcycle Tracks & Trails Amendment is not adopted. **Agriculture Tourism/Agriculture Assembly Ordinance Amendment,** brought forth by Planning Commission: Discussion on comments received from County. Legal counsel advised that a minor change could be made to the amendment to add an upper limit on acreage. **MOTION** was made by Mann, seconded by Cooper to accept the Planning Commission's recommendation to adopt the amendment, changing line item 15b to read "at least 60%" and line item 16b to read "at least 60%" (both modified from 50%). **Roll Call Vote:** Cooper: Yes; Mann: Yes; Heeres: Yes; Postmus: Yes. Abstention: Rasmussen. **MOTION CARRIED:** the modified Ag Tourism/Ag Assembly Amendment is adopted.

15. **Events Ordinance:** A Public Hearing was held on March 2. No changes have been made to the proposed amendment, based upon public input. To more thoroughly study and identify areas

needing modification, the discussion was tabled until the next Board Meeting. Attorney will review.

16. **LP Tank Complaint:** Discussion centered on three topics. First, are LP Tanks structures? Secondly, is a text amendment needed to require LP Tanks to meet setbacks like other structures. Lastly, can a resolution can be passed stating that from this point forward LP Tanks are to be required to adhere to regulations like other structures. Generators were suggested to be in the same category as LP tanks. It was agreed that LP Tanks were structures and the attorney was directed to develop a resolution for the next meeting.

17. **Deputy Supervisor:** Supervisor Mann appoints Alex Busman as Deputy Supervisor. Discussion was held. **MOTION** by Heeres, seconded by Postmus, to approve the appointment of Alex Busman as Deputy Supervisor. **MOTION CARRIED.**

18. **Planning Commission/ZBA appointments:** Supervisor Mann appoints Richard Diebold and Don Miles to the Planning Commission for three-year terms ending July 1, 2023. **MOTION** by Heeres, seconded by Cooper, **CARRIED** to approve the appointments. Supervisor Mann appoints Mike McDuffie, Dennis Penfold, Jack Danbert, Jeff Cook and the PC Chairman to the ZBA for one-year terms ending July 1, 2021. **MOTION** by Postmus, seconded by Heeres, **CARRIED** to approve the appointments.

19. **Fireworks:** Sheriff Bean held a meeting last week, inviting Antrim County Township Supervisors to attend to discuss a unified Fireworks Ordinance so it can be enforced by the Sheriff Department. Alex Busman attended on behalf of Banks Township. More info to come.

20. **Phragmites Report:** Phragmites was reported on the Lake Michigan Shoreline north of the Banks Township Park. Grant funding was not available to fight the invasive species this year, but Antrim Conservation District is hopeful that may change. The ACD will monitor and treat as possible.

21. **Parcel Division Ordinance:** Tracking of applications has become burdensome. Currently, fees are \$75 for the first new parcel and \$25 for each additional new parcel. Board will research and address procedures at the next meeting.

22. **Nuisance Ordinance 2020:** The sample ordinance sent to us by our legal counsel is lengthy and needs to be examined paragraph by paragraph. **MOTION** by Postmus, seconded by Cooper, to table until next month. **MOTION CARRIED.**

23. **September Meeting:** **MOTION** by Heeres, seconded by Postmus, to return the September meeting to September 21. **MOTION CARRIED.**

24. **BOARD COMMENT:** Postmus reported that CAKE CISMA is treating the invasive species Purple Loosestrife in the County.

25. **PUBLIC COMMENT:** Laura Edwards commented on the professionalism and organization of the election administration. Kudos to Irene Shooks, chairperson, and Donna Heeres, Clerk. The two most recent elections were well run and went smoothly in these scary times. She gave a Shout Out of Congratulations to Alex Busman and Donna Heeres on their success in the Primary Election.

26. **PUBLIC COMMENT:** Erin Heeres asked when and where did Alex Busman attend a meeting on behalf of Banks Township. (August 12 in Elk Rapids).

27. **NOTE:** Trustee David Rasmussen had spotty communication & technical issues and was unable to fully participate in portions of the meeting.

28. The meeting was adjourned by the call of the Supervisor at 8:03 PM.

Respectfully submitted,

Donna L. Heeres