

FIFE LAKE TOWNSHIP

**Fife Lake Township Hall, 134 Morgan Street, Fife Lake, MI 49633
231-879-3963 Phone / 231-879-3146 Fax**

**Regular Meeting
APPROVED MINUTES
AMENDED MINUTES**

Thursday, August 25, 2022, 6:00 p.m.

CALL TO ORDER: Supervisor Gerianne Street called the meeting to order at 6:02 p.m.

ROLL CALL: Clerk Gifford called Roll.

Present: Supervisor Gerianne Street, Clerk Leigh Gifford, Treasurer Cathy Sorrow and Trustees Dawn Zimmerman and Nicole Gibson. A quorum was established.

Absent: None.

Also Present:

Fife Lake Township Deputy Supervisor Mr. Jeff Berthiaume
Recording Secretary Ms. Kay Held

APPROVAL OF AGENDA:

Amendments - Additions:

New Business:

- L4029
- Budget Adjustments
- Move to Closed Session under MCL 15.268H to Consider a Written Attorney Opinion Exempt from Discussion or Disclosure by State or Federal Statute 23 Roll Call

Old Business:

- Amended Minutes May 26, 2022
- Noise Ordinance
- Elections

Board Action:

Ms. Sorrow made a motion to approve the Agenda as amended. Ms. Street seconded the motion.

ROLL CALL VOTE: Gifford-Y, Sorrow-Y, Street-Y, Zimmerman-Y, Gibson-Y. 5-Yes, 0-No. Motion carried.

There was Board inquiry several minutes later in the meeting whether the Agenda had been approved/voted on. To ensure so, the Board Action was repeated:

Board Action:

Ms. Sorrow made a motion to approve the Agenda as amended. Ms. Street seconded the motion.

ROLL CALL VOTE: Zimmerman-Y, Gifford-Y, Gibson-Y, Street-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

CONFLICT OF INTEREST:

Supervisor Street stated she will recuse self from Noise Ordinance portion of the meeting based on prior Conflict of Interest determination.

CONSENT CALENDAR: Clerk Gifford read the purpose of the Consent Calendar to include:

Fife Lake Township Regular Minutes of July 28, 2022, Amended Minutes of May 26, 2022, Financial Report, Transfers and Bills to be Paid.

-Pull July 28, 2022 Minutes for Changes

-Clarification on Financials: on ASK CLERK Report regarding \$101.98 ad \$50; Supervisor Street verified this was for a new toilet. Clerk Gifford stated a new invoice is needed as it was originally made out to the Ambulance/Hospital.

-Corrections to Minutes:

Regarding the Fire/Ambulance Rental Agreement previously discussed, Ms. Street asked to confirm what was stated in the Minutes that EMS does not pay any portion of that rent. Trustee Gibson verified, stating the Authority Board pays for it. (No actual change to the Minutes, just a clarification)

-On Page 9 under "Citizen Comment," "Additional Comment" last paragraph: "Ms. Gifford provided praise to Ms. Gibson in chairing several meetings in the absence of the Supervisor." This should read "...chairing two meetings..."

Board Action:

Ms. Street made a motion to approve the Consent Calendar as amended. Ms. Sorrow seconded the motion.

ROLL CALL VOTE: Gibson-Y, Zimmerman-Y, Street-Y, Gifford-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

CORRESPONDENCE:

Ms. Street received letters from the Grand Traverse Band of Ottawa and Chippewa Indians. Fife Lake Township was not awarded the grant for the generator; however, thanked us for applying and encouraged re-applying in the future.

A letter was received from Compliance Officer Ray Ravary of the Fife Lake Area Utility Authority (FLAUA) asking for support on the fencing project at the waste treatment facility. Discussion on this will be placed on next month's Agenda.

Supervisor Street read aloud a letter from Mr. Phil Coulolias regarding his proposals to the Fife Lake Marihuana Code. Mr. Coulolias asked for amendment to Section 9.2 of the Zoning Ordinance to allow marihuana retailers to operate non-nuisance drive-throughs. He also asked for amendment to Section 9.2 of the Zoning Ordinance to allow for a closing time of 10:00 p.m. M-Sa and hours of 10 a.m. – 8 p.m. on Sunday. This topic will be placed on next month's meeting Agenda.

CITIZEN COMMENT:

Mr. John Verhey, 11637 Lake Shore Drive, Fife Lake, MI 49633:

Mr. Verhey asked the Board if they would take care of the Closed Session business after following the Agenda as originally written. Ms. Street stated the Agenda has been amended.

GUESTS: None.

Board Action:

Ms. Street made a motion that the meeting be move into Closed Session pursuant to under MCL 15.268H to Consider a Written Attorney Opinion Exempt from Discussion or Disclosure by State or Federal Statute 23 Roll Call. Ms. Zimmerman seconded the motion.

ROLL CALL VOTE: Sorrow-Y, Street-Y, Gibson-Y, Gifford-Y, Zimmerman-Y. 5-Yes, 0-No. Motion carried.

Note: The Open Session of the Public Meeting was closed at 6:19 p.m. to move into Closed Session. Members of the public were asked to vacate the meeting room.

Note: Members of the public were re-admitted to the meeting room at 6:41 p.m.

Board Action:

Ms. Street made a motion to re-open the Open Session of the public meeting. Ms. Sorrow seconded the motion.

ROLL CALL VOTE: Gifford-Y, Zimmerman-Y, Gibson-Y, Street-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

Note: The Open Session of the Public Meeting was re-opened at 6:42 p.m.

SPECIAL HEARING FOR APPROVING SPECIAL ASSESSMENT DISTRICT TO FUND NUISANCE AQUATIC WEED CONTROL & TO APPROVE S.A.D. RATE:

Ms. Street announced to the members of the public that the Board and FLT Attorney Cliff Bloom of Bloom Sluggett, P.C., have concerns about the process to date in creating the Special Assessment District (S.A.D.) as well as accuracy and completeness of it.

It is their objective to ensure all aspects of the S.A.D. are prepared accurately and in compliance with the Statute. She informed the public that, while we will still conduct the Public Hearing to enable the public to provide citizen comment, the Board may not be able to proceed with the S.A.D. at this time. Additionally, Supervisor Street announced that if this is not passed tonight and not on the winter taxes, there are funds available in the Milfoil account to ensure that Fife Lake will be maintained.

Board Action:

Ms. Sorrow made a motion to open the Public Hearing for Approving Special Assessment District to Fund Nuisance Aquatic Weed Control & to Approve S.A.D. Rate. Ms. Gibson seconded the motion.

ROLL CALL VOTE: Street-Y, Gifford-Y, Zimmerman-Y, Gibson-Y, Sorrow-Y. 5-Yes, 0-No. Motion carried.

Note: The Public Hearing was opened at 6:47 p.m.

The floor was open to Public Comments.

Mr. Gary Burkholder, 11801 Evergreen, Fife Lake, MI 49633:

Mr. Burkholder shared that he is unsure what the discussion was about regarding the millage and any changes to it. History and changes to current status need to be done. He asked the Board to tell him what is going on.

Supervisor Street mentioned Public Comment isn't a Question & Answer period but rather an opportunity for the Board to hear citizen concerns.

Mr. John Verhey, 11637 Lake Shore Drive, Fife Lake, MI 49633:

Mr. Verhey stated he understands we have a fair amount of dollars available. He is not worried about the lake. He is more concerned about the District; its size, plans to expand it or keep it the same, and what is new. He asked about input the Board is receiving. People would like to understand the position short of just adopting something. He appreciates all that the Board can share tonight.

Attorney Cliff Bloom was given permission to address the group, stating he represents Fife Lake Township, Michigan Lakes & Streams Association and Michigan Riparian Magazine. The problems townships statewide run into are Special Assessment Districts that are governed by Public Act 188. In his personal opinion, it is a poor Statute that is not user-friendly, and he wishes the Legislature would amend it. It must be followed exactly. There are numerous Resolutions and dozens of documents. In his legal opinion, some procedures utilized for a District are inadequate; some he agrees with. The situation facing the Township in the preparation of the Special Assessment District is very common. The Township Board thought prior documents utilized from years ago were good, but they are not. His firm was not brought on early in the process. It was the Township's intention to complete this in order to be placed on the December tax bill. He stated most Districts run out of money; however, Fife Lake Township has been a good steward of the funds.

Attorney Bloom continued, stating the Township wishes to proceed; however, to avoid challenges, there is a possibility they will need to step back and re-start the process to ensure it is prepared according to the letter of the law. Courts are very strict. It is not a case of whether this should be done or not but whether to start over. He realizes there are concerns about backlot owners and can address that if there are additional questions.

Ms. Lisa Leedy, 125 Morgan Street, Fife Lake, MI 49633:

Ms. Leedy had provided a letter to the Board outlining her thoughts and concerns in opposition of the Township proceeding in the manner they had been. She stated she is glad they are entertaining the process, which is her number one concern as she realizes Public Act 188 was not followed to the letter of the law.

She still maintains the Southtown properties should have fractional participation in this and that the Village and Township properties should be included in the Special Assessment District as well. It appears they are not based on the available information she reviewed.

She also thinks through the point of communication that there should be some reporting back to those folks who are participating in some form of annual report besides the Public Hearing. She believes the volunteers do a great job on communicating through Public Hearing, but some people cannot attend, and it would be nice to see some type of report.

Regarding handling of the excess funds, she saw no language in how excess funds were going to be managed in the 10-year timeline.

Accompanying her letter is a timeline of what she has seen transpire for the proposed Fife Lake Township Special Assessment District for Milfoil; she may be missing some communications that weren't available.

She also included actions that she considers deficiencies in the process.

She cited where the Township increased the size of the Special Assessment District back in October, 2021, and the Township passed that Resolution. She cited Public Act 188 Section 41.724.4(4) where it states you cannot increase it without starting the process over.

Mr. Skip Sangerl, 11790 East State Street, Fife Lake, MI 49633:

Mr. Sangerl stated his comment is strictly about the Assessment, not about the Milfoil. In April of 2020 he was concerned about the process we have controlling the Milfoil. He has been coming to this lake since 1968. Over the years, we have lost most of the indigenous weeds due to a lot of things, not just the Milfoil. Early on, we installed sewers and that cleaned up the lake, taking a lot of organic material. Then we got Zebra mussels followed by a terrible bout of Milfoil. For quite a few years now, he believes we have been adequately handling Milfoil. He has no reason to believe it can't be managed in a bio diverse plan that would handle both things. He believes we can do better to manage the lake itself and make it healthier.

He used to go around the lake and pinpoint every indigenous weed; he cannot find them anymore. When the Milfoil patches grow up before they are sprayed, fish go in there to hide. In 2015, the State of Michigan stocked 1.3 million Walleye in Fife Lake but they were fried right out of the egg as there were very few weeds to hide in. He worked with Mr. Fred Joles on it and sent information to Mr. Guy Salley. A year ago he met with Supervisor Street and discussed the same thing. His still has a lot of questions that have not yet been answered in over two years.

He is concerned about a future plan. What have the Township and Village been doing on a long-range plan? Spray every year? No one seems to know. He understands we need to control it, but is there a way to get some indigenous weeds back and still be a recreational lake?

He left written correspondence with Supervisor Street. She invited him to call or meet with her anytime to talk about his concerns.

Ms. Dorothy Switek, 614 Lake Street, Fife Lake, MI, 49633:

Ms. Switek commented about the Southtown Crossing Association referred to by Ms. Lisa Leedy. She understands why they use the lake through the access; however, their members have no deeded access. They have a dock to use to access the lake through an agreement with the Railroad, no different than using the public access to put in their boats and no different than the people who put their boats in front of the party store or by the apartments. There are many, many members who don't have boats at all. They just come down and walk on the dock. They do not have bank access and cannot say "you cannot use part of this bank for anything." They essentially just have a dock which goes back years and years ago when the Southtown people were able to get access just by crossing the railroad tracks.

They do not have the same privileges as those around the lake with deeded access. She does not understand how the Township can assess the Southtown Crossing Association when beachgoers, public access users putting boats in the lake and people who have their boats in front of the party store are not assessed. Where do you begin and where do you end?

In just looking at her Association, she doesn't believe it is legal, nor does she think it is a fair Assessment. She responded to a question stating she is not currently assessed. She is speaking for members of the Southtown Crossing Association.

Attorney Bloom addressed the crowd regarding backlot owners. It is one of the top three issues regarding Special Assessment Districts.

There is really no such thing as deeded access; realtors came up with that phrase. No criticism, as people use it all the time.

There are 20 different things that can fit in that category; private road ends, public road ends, easements, land strips and more. The issue comes up with a lot of lakes. There are many owners with frontage on the lake. Should you include back lot owners, easement owners and so on in the Special Assessment? Almost always, his firm recommends to his municipal

clients no. However, how do you assess them? If there are 20 people with an easement and one dock, do you assess them 1/100th or 1/20th? In most cases, if backlot owners are charged some fraction, it doesn't lower front lot property owners much at all. Most attorneys for Townships with lakes recommend not doing it. You can legally, but you do not have to.

There are always people who are benefitted by Special Assessments that are not in the District. Prime examples are cities, villages and some townships that have a Downtown Development Authority (DDA) where they beautify the streets, etc. A merchant immediately outside that District may still benefit from that although the improvements are not in front of their store. The argument that you have to have everyone who benefits is never ending. There may be people miles away who benefit. Although he thinks legally backlot owners could be put in the District, his recommendation is no.

Interesting to the Southtown group, there is a railroad agreement with the State of Michigan Rails to Trails. The State of Michigan is exempt. They cannot be assessed. It is highly unlikely we could assess their lessees. He admits he is not aware of the Association's arrangement with the Railroad. The Village and the Township are also exempt and could not legally be put in the District. The Village or Township, as well as the Southtown Crossing Association could always consider donations. That is why most townships doing these types of weed treatment districts do not put back lot owners on the Assessment.

Ms. Switek replied she thinks donations could be asked of everybody; i.e., merchants, her Association, people at the party store. This would result in more funds. She has donated in the past when asked.

Mr. Fred Joles, 11728 East State Street, Fife Lake, MI 49633:

He stated he is confused. He doesn't think anyone in Southtown was ever assessed because they don't have access to the water. He believes there is some confusion because some of them were paying the Railroad a fee to have a little walkway across the railroad, which is certainly not weed assessment. It is a Railroad assessment for access. Let's put that horse to bed and say Southtown is not part of the Assessment District.

He added the Board mentioned a 10-year cost not to exceed or may be less than \$30k for the calendar year 2022. That was a guarantee to the Board that Savin would not charge more than \$30k that year, regardless of Savin's cost. Since 2007, we have never exceeded the estimated cost, and he doesn't expect that to happen now unless we hire PLM out of Grand Rapids again. A past Township Board hired them and without telling anybody, grew weeds. The volunteer system had 63 acres of weeds.

In order to successfully get monies from people who were in the Assessment District, Springfield and Fife Lake Township Boards created a Special Assessment District. The properties worked out to be 20% Springfield Township and 80% Fife Lake Township; that's how we prorate the bills.

In closing, tonight the Board has a Resolution to pass making this year's Assessment \$100 for properties, \$200 for commercial and \$50 for the one property that is not buildable in the Fife Lake portion of the Assessment area. That needs to be passed whether you end up ultimately recreating the District and starting from scratch doing the 30-day Notice, doing the 10-day Notice and holding two Public Hearings in that timeframe.

He will help if it is needed. What he doesn't want to happen is have people disgruntled and not want the District. If 20% or more send a letter to the Township stating they don't like it and want to withdraw, you will need another Hearing. The fewer Hearings, the better off you are going to be.

Mr. John Verhey (2nd comment):

Mr. Verhey thanked Mr. Joles for the work he has done. His work stopped two years ago with the communication. He thinks one of the meetings a couple years back, all documented, was all about the budget, how much money and how much more money each year and what it would become. He believes the issue is communication. Mr. Verhey stated he is a property owner on the lake and is included in the District. It would be wonderful to know how far and how wide those are being assessed. Be transparent.

Ms. Carole Rafail, 640 East State Street, Fife Lake, MI 49633:

Ms. Rafail is wondering: at the beginning they made a rule that contiguous properties only need to be charged once for Milfoil. Is that still in place? Mr. Fred Joles spoke in response that each property should have a Property ID Number; the ID Number is what is charged. When you say contiguous properties, if they have two different ID Numbers, there will be two separate charges.

Ms. Rafail stated if somebody owns seven lots and they are renting homes out on those lots and pay one Milfoil bill, that does not seem right.

Attorney Bloom replied that a Township can decide how to assess; i.e., size of a lot, lake frontage, the real property assessment or permanent parcel number, which is the Tax ID. The latter of these is the way it is most done.

If there are seven lots and 3 permanent parcel numbers, they get 3 assessments. If they are all one property tax ID number, generally the Assessor will assign a Tax ID Number for each house or cottage. It is based on permanent parcel numbers because usually a permanent parcel number is a buildable parcel whether it is one parcel or two, three or four. On some of these lakes one person may own four parcels 20' wide.

Mr. Fred Joles (2nd comment):

Mr. Joles cited an example in Springfield Township where one person has deeded access to the water or property that reaches the water; he has six people who are landlocked that he allows use of his area. Springfield Township divided the Assessment into six parts; each person would pay \$16.66 of that \$100.

Mr. Bloom believes the best method is per permanent parcel, same as the taxes. Mr. Joles stated that is the only way to do it. Mr. Bloom countered that it could be done lot by lot but doesn't believe that makes sense and would make it much more difficult.

Ms. Pam Lawrence, 11621 Lake Shore Drive, Fife Lake, MI 49633:

Ms. Lawrence stated she is more confused than ever now. She has two properties; one lakeside and one across the street

She believes both of them are in the Assessment District. Mr. Jones asked her the amount of her Assessment (which may answer her question), but she does not recall.

Ms. Lawrence asked if the Assessment District includes properties on the other side of the lake. Ms. Street replied that it does not, just deeded lakefront with the exception of Ms. Leedy. She is on the Assessment Role and in the same boat as the Southtown people so she should actually be removed. Ms. Leedy replied her access is different than theirs. Her property is deeded/portrayed as deeded (different than Southtown's) and has a lease agreement with different language in her deed that gives her a beach, so to speak and owns both sides of the rail. She stated she is the only one who has this scenario, and it has been surveyed. Attorney Bloom replied if she actually owns it then she is a lakefront property owner.

Attorney Bloom stated there are some lakes like this where an individual may have a 20'x20' spot on the lake in a backlot, they are lakefront property owners.

Board Action:

Ms. Street made a motion to close the Special Hearing for Approving Special Assessment District to Fund Nuisance Aquatic Weed Control and Approve S.A.D. Rate, AND to re-open the Open Session of the Public Meeting. Ms. Gifford seconded the motion.

ROLL CALL VOTE: Sorrow-Y, Street-Y, Gibson-Y, Zimmerman-Y, Gifford-Y. 5-Yes, 0-No. Motion carried.

Note: The Special Hearing was closed at 7:11 p.m. and the Open Session of the Public Meeting was re-opened at 7:11 p.m.

Supervisor Street stated to proceed with this matter, the Board needs to discuss whether or not to move forward with the Special Assessment District. This item was listed later in the Agenda.

Board Action:

Ms. Street made a motion to amend the Agenda to move Items 11(a) & 11(b) under New Business before the Reports section. These items are entitled a) Resolution to Approve Nuisance Weed Special Assessment District and b) Special Assessment Rate. Ms. Sorrow seconded the motion.

ROLL CALL VOTE:

Gibson-Y, Zimmerman-Y, Street-Y, Sorrow-Y, Gifford-Y. 5-Yes, 0-No. Motion carried.

(Note: This Roll Call Vote was inadvertently not taken at the 8-25-22 meeting and formalized during the 9-22-22 meeting per these Amended Minutes.)

Resolution to Approve Nuisance Weed Special Assessment District:

Special Assessment Rate:

Trustee Gibson began discussion stating she has no issue with the way the District is laid out. Her concern, however, is if this process is not followed to the letter of the law, the Board should not proceed. If there is information, residents/parcels or maps missing or something we should have done that was not performed, we should not go forward with this. She emphasized to members of the public the Board is here to serve the taxpayers in doing the job they have been elected to do.

Supervisor Street would like to ensure proper information and documentation are prepared. She is in favor of putting a pause on the process and working with Attorney Bloom to move forward in the correct way while still taking care of the Milfoil with current Milfoil budget funds.

There was full Board consensus with these opinions.

Supervisor Street remarked that Attorney Bloom identified that much of the documentation currently being utilized is not accurate, current or thorough. There are some things that need to be added to ensure its legality.

A member of the Public stated they are concerned about paying legal counsel twice and the Board changing things as well as a comment that the paperwork came from attorneys in Bellaire.

Trustee Gibson responded that no changes are being made at this time but rather a reassessment of what was done in the past.

Attorney Bloom stated he is familiar with Bellaire counsel that did the work in the past. The items he has reviewed appear to be a mixture of documents from others where information has been left out or is incorrect, etc. The Board is not saying they are not doing the District; they want to put a pause on it to ensure accuracy and Statute compliance. They will not be able to complete it by the December tax bill; however, funds are available to treat the lake's Milfoil and do other treatments.

Ms. Gibson wants the public to know they elected the Board to do things the right way. The lake will still be treated. She feels strongly about the legality of what was previously done incorrectly and that it needs to be done the correct and legal way. She would make same comment if this were regarding any other matter, large or small. There is a legal way to do this and a non-legal way. She reiterated we need to do this the proper way.

Board Action:

Ms. Street made motion to stop the Special Assessment process, re-group, have proper attorney-prepared documents, and move forward, re-starting the process. Ms. Gibson seconded the motion.

ROLL CALL VOTE: Sorrow-Y, Gifford-Y, Zimmerman-Y, Street-Y, Gibson-Y. 5-Yes, 0-No. Motion carried.

Supervisor Street assured members of the public that although this process has been paused in order to ensure accuracy and compliance, the Milfoil will be taken care of with current Milfoil account of \$62,000. She stressed that it is imperative this is done properly.

Before next month's meeting, Attorney Bloom will prepare a Resolution that outlines the Fife Lake Township Board will be using the \$62k funded account for this coming year's Milfoil and other treatments while moving ahead with the process.

REPORTS:

County Commissioner, Mr. Rob Henschell:

Absent – No Report.

Sheriff Department: Grand Traverse County Deputies Wallace and Wolbers attended.

Deputy Wallace reported during the month on July, the Village had 18 calls for service and the Township had 19 calls. These include 4th of July Fireworks events (traffic & boating complaints), two Larcenies, a Junk Ordinance Violation issued at Merritt Street, Car Accidents (2 OWI), Suspicious type calls, Health & Safety issues (injured deer), and one Mental Health call.

Ambulance/Fire/Emergency Planning – Ms. Nicole Gibson, Chief Scott Tinker.

Ms. Nicole Gibson reported on EMS:

Ms. Gibson received a report from Mr. Mike Berendsohn, EMS Director of Kalkaska Emergency Service.

There were 15 calls for service in Fife Lake Township and nine calls for service in Springfield Township. EMS is planning to hire more paramedics to provide coverage for five full-time staffed units.

Chief Scott Tinker was not in attendance; Ms. Gibson reported in his absence:

There were 10 calls for the month. They will be receiving the pumper tanker Aug 8. They have been extremely busy with wildfires recently. The new tanker was received; it needs to be put in service and have graphics applied.

Ms. Gibson is Chair of the Emergency Services Board and also on the Fife Lake Township Board. It was brought to her attention that the Township had not been paid for a couple of quarters from the Fife & Ambulance Department during changeover of the Board and ZOOM meetings during the pandemic. Those payments have been approved and are in the process of being disbursed. She is uncertain how this was missed by either department; however, it has been rectified.

Fife Lake Village – Village President Mr. David McGough:

Absent – No Report.

Fife Lake Area Utility Authority (FLAUA) – Ms. Leigh Gifford:

Ms. Gifford reported the last meeting was August 17. The FLAUA purchased a pontoon type boat to meet the servicing needs on the pond; there are some repairs to make. Mr. Ravary sustained a job-related injury on August 17. He had submitted a letter from FLAUA formally requesting ARPA funds. It is in tonight's FLT meeting packet. They also approved a new Attorney of Record.

Zoning Administrator – Mr. Robert Hall:

Mr. Hall was absent. Supervisor Street read aloud Zoning Administrator Hall's report. It stated in August, 2022, eight Land Use Permits were issued.

He addressed short-term rentals in his report as he receives many phone calls and email inquiries. His response is that the Fife Lake Township Zoning Ordinance does not permit the use of a dwelling as a short-term rental. He writes that the Township should be aware of potential impacts on the general health, safety and welfare of the community and the possible impact that unfiltered proliferation of short-term rentals can have on the quality of life in a community. He also noted the Township should be aware of possible positive economic and social impacts. Zoning remains in a state of "limbo" at the state level, with many communities requiring licensing/permitting, occupancy inspections, and limiting the number of short-term rentals allowed.

Regarding a request for a Marihuana Drive-through; the Fife Lake Area Planning Commission denied this request for an Adult Use/Recreational Marihuana drive-through as the Ordinance specifically prohibits them.

Z.A. Hall's report also addressed that the American Legion had been issued a Temporary Activity Permit as well as a second permit 30 days later. A third permit may only be authorized by the Planning Commission. However, at issue is that the FLT Zoning Ordinance does not list any specific special use standards for the Planning Commission to review as required by the Michigan Zoning Enabling Act.

Fife Lake Area Planning Commission (FLAPC) – Ms. Dawn Zimmerman:

Ms. Zimmerman reported the FLAPC met on August 9.

Fife Lake Properties, LLC, presented a Site Plan Review for an addition to their existing building at 6550 U.S.131., Fife Lake, which is a Recreational Marihuana facility. The Planning Commission approved the addition with the exception of the requested drive-through window as the current Marihuana Facilities Ordinance prohibits drive-throughs.

There was very lengthy Board discussion regarding the Activity Permit issued to the American Legion. The Board believes it falls under the Social Club portion of the Zoning Ordinance and does not require a 30-day temporary permit and renewal. The American Legion will need to apply for a one-time permitted use with a one-time fee. This differs from Z.A. Hall's statement in his correspondence.

Ms. Street stated the Zoning Administrator has a problem with it. The Planning Commission's next meeting is Tuesday, September 13, at 6:30 p.m.

Civic Center South – Ms. Gerianne Street:

No report.

Lake Shore Drive – Messrs. Mike Kattreh and/or Greg Sova:

Absent – No Report.

Ms. Street reported Grand Traverse County Road Commission is planning on paying for 100% of the road. It is hoped it will be done within the next couple of years. A member of the public asked who will be holding them to task; Supervisor Street replied the Committee has met with them twice, has attended training sessions, and maintains telephone and email communication.

NEW BUSINESS:

Historical Society Support:

Supervisor Street received correspondence from the Fife Lake Area Historical Society asking for Township Support. Ms. Street stated Fife Lake Township has provided \$1,000 support to them each year and believes the Historical Society is a valuable asset to the community.

Board Action:

Ms. Gifford made a motion to approve the request from the Fife Lake Historical Society for support of \$1,000. Ms. Gibson seconded the motion.

ROLL CALL VOTE: Zimmerman-Y, Street-Y, Gibson-Y, Sorrow-Y, Gifford-Y. 5-Yes, 0-No. Motion carried.

Fife Lake Township Police:

Supervisor Street reported the Feasibility Committee has been working hard, meeting weekly for the past nine months. Before making a formal presentation to the Board, they would like more public input. An online survey was distributed, with only 29 responses received. In consulting with the Michigan Township Association (MTA), it was suggested the Committee conduct a Town Hall type of meeting. Initial thoughts are to hold it at the library, offer refreshments, and encourage people to attend and provide their thoughts about a Fife Lake Township Police Department.

Clerk Gifford inquired whether a survey might also be sent with the tax bill. Treasurer Sorrow affirmed that it can.

Board Action:

Ms. Street made a motion to hold a Town Hall Meeting to discuss ideas for the Fife Lake Police Department to the community. Ms. Gibson seconded the motion.

ROLL CALL VOTE: Zimmerman-Y, Street-Y, Sorrow-Y, Gifford-Y, Gibson-Y. 5-Yes, 0-No. Motion carried.

The Fife Lake Township Police Feasibility Committee is planning to schedule it at the library on Thursday, September 15, from 6-8 p.m. She encouraged members of the public at the meeting to come out. Invitations to all other Township committees will be made, and it will be announced publicly.

L4029 (Tax Rate Request):

Supervisor Street stated the L4029 is the tax rate request with millages listed. Board approval is required to accept the Assessor's 2022 L4029 Tax Rate Request. These rates have previously been voted upon and approved.

It was noted that the spelling of Clerk Leigh Ann Gifford needs to be corrected from "Leanne Gifford."

Board Action:

Ms. Street made a motion to accept the L4029 Tax Rate Request provided by Assessor Dawn Kuhns. Ms. Zimmerman seconded the motion.

ROLL CALL VOTE: Sorrow-Y Gifford-Y, Street-Y Gibson-Y, Zimmerman-Y. 5-Yes, 0-No. Motion carried.

Budget Adjustments:

Proposed budget adjustments were distributed with over-budget line items highlighted. Proposed adjustments total \$12,096.03, and they are itemized in the report. This amount was taken from the Capital Outlay category. Milfoil expenses were also moved from Capital Outlay, essentially simply moving these funds from one account to another.

The bookkeeper needs to add \$56,549.49 ARPA funds to the budget. The \$34,359.60 in the current Milfoil is what is in the budget, not what is in the bank account. The new Capital Outlay for last year's budget will be \$66,471.60. These adjustments balance the budget as well as assist in the audit process.

Supervisor Street reported the Township did very well last year in staying on budget, coming in under budget by \$135,517.43.

Board Action:

Ms. Street made a motion to approve budget adjustments as presented. Ms. Gibson seconded the motion.

ROLL CALL VOTE: Sorrow-Y, Street-Y, Gifford-Y, Zimmerman-Y, Gibson-Y. 5-Yes, 0-No. Motion carried.

OLD BUSINESS:

Cemetery Updates & Gates:

Assistant Supervisor Jeff Berthiaume spoke to the Board and had presented a quote from Perfect Fence Company in the amount of \$8,173.87 for material, labor and travel. The gate specifications are outlined in the quote. This project will be paid for with ARPA funds.

Perfect Fence stated it can be installed before the end of the year. Mr. Berthiaume suggested approving the expense at this time as materials will take 6-8 weeks to arrive and then be manufactured. He also stated Perfect Fence understands the new gates may not be installed until the cemetery logging is completed. Additionally, due to Oak Wilt, cutting can only be performed during a specific time period. The gate provider is willing to work with us, and they work year-round.

Board Action:

Ms. Sorrow made a motion to accept the quote from Perfect Fence Company in the amount of \$8,173.87 for the two cemetery gates and work outlined in their quote. Ms. Street seconded the motion.

ROLL CALL VOTE: Zimmerman-Y, Gibson-Y, Street-Y, Sorrow-Y, Gifford-Y. 5-Yes, 0-No. Motion carried.

Cemetery Report:

Ms. Sorrow did not see the Cemetery Ordinance on the website yet. Clerk Gifford reported it was published in the newspaper. Ms. Gifford will contact our IT person (Mark) to have it upload to the website. Board Members also asked her to forward them signed copies of the Ordinance.

Ms. Sorrow stated we put burial fees on the website, but we also need to state "All memorial markers must be put on bases that have been installed by the Township or authorized contractor. Call with stone measurements for a price." We have pricing from Bostwick's. If anyone else will be doing installations, we require insurance. Stones and foundations have been put in of which the Township is not aware.

Ms. Sorrow also noted we need to add to the website specific requirements based on the Ordinance. The following verbiage should also be added to the website:

"All foundations must be installed by the Township contractor. No markers may exceed 48" in height or 96" in width. Foundations must be 3" larger on all sides than monument size. Any company providing headstones must be insured and provide proof of insurance to the Township."

Ms. Sorrow will send the verbiage requirements to our IT person who runs the website.

No report was received from the Sexton this month. However, Ms. Sorrow stated that a funeral attendee/former committee member confronted Sexton Plamondon during a funeral service, ordering her to leave. Sexton Plamondon must be present at burials for official reasons and records. Ms. Plamondon responded respectfully and waited in her car; however, this was upsetting. Ms. Sorrow has instructed her to call 911 if this situation should ever happen again.

Document Retention:

Ms. Street will be getting the Supervisor's information underway.

Generator:

Ms. Street had reported the Township did not receive the grant; however, it remains an important part in emergency planning. The Board previously reviewed several quotes; the quote received from Shoreline Electric was approximately \$32,000. This purchase will be made from ARPA funds.

Board Action:

Ms. Street made a motion to purchase and install a generator from Shoreline Electric, up to \$35,000. Ms. Gibson seconded the motion.

ROLL CALL VOTE: Street-Y, Zimmerman-Y, Gibson-Y, Sorrow-Y, Gifford-Y. 5-Yes, 0-No. Motion carried.

Noise Ordinance:

Ms. Street recused herself from this portion of the meeting as previously noted under Conflict of Interest.

Trustee Zimmerman reported the Noise Ordinance Committee met on August 8, 2022. There was discussion about a "Sound Level Meter" (Items #4 and #5) and questions about the purchase of it and who would be trained in its use. The Committee suggested bringing this to the Township Board. Costs of a Sound Level Meter range from \$50-\$2,500. It had been suggested to possibly train Fire personnel in its use.

Ms. Zimmerman noted some corrections to the Ordinance:

- "quite" changed to "quiet"
- On Page 4 under Enforcement, "Supervisor" was removed and changed to: "The Township Zoning Administrator, the Grand Traverse County Sheriff's Department, Michigan State Police..."
- Page 4, Item #10 re: "Noise related to the discharge of a firearm; provided the firearm is being used in an otherwise lawful manner between the hours of 6:00 a.m. and 10:00 p.m." The Committee considered hunters and whether they would be discriminated in the time constraints listed. There was Township Board discussion about this item and constraints as well as putting a Noise Ordinance in place at all.

The Village and Township each have Noise Ordinances. There are concerns about how this can be enforced. Ms. Amanda Scott (FLAPC and FLT Noise Committee) remarked both copies were reviewed. The Committee worked with the attorney draft rather than surrounding township versions.

Board Members asked if any Noise Ordinance was already in place based on past issues. Ms. Zimmerman believes there is not. Ms. Gifford thought there had been one in the early 1990's, adopting State of Michigan language. Ms. Sorrow believed we had utilized County language.

There was Board consensus to table this to next month.

Trustee Zimmerman asked the Board to consider the proposed changes.

Elections:

Clerk Gifford reported all ballot Proposals passed. She stated there was good voter turnout in-person and via absentee ballots. She received a canvas from the County stating the Township was in compliance with the election.

Ms. Gifford stated there will be much more traffic for the November election. She requested there be no meetings scheduled that day (Tuesday, November 8) or unnecessary distractions or activities at the Township Hall. Set up for the election will be on Monday, November 7. The meeting room will be unavailable both days. She will ask ambulance staff to park in their spot; election workers will park in the grass.

OTHER BUSINESS: None.

CITIZEN COMMENT:

Ms. Mary Ellen Dilley, 8611 East Sparling Road, Fife Lake, MI 49633:

Ms. Dilley inquired regarding the M-113 Property Forest Management discussed at the last meeting whether there are specific locations. Ms. Street stated the site is on the sharp curve at the Township property line.

Ms. Lisa Leedy, 125 Morgan Street, Fife Lake, MI 49633:

Ms. Leedy offered her perspective and suggestions to the Noise Ordinance Committee. As an Ordinance Enforcement Officer, in her experience with as Clearwater Township in Kalkaska County and Benzie County, an average noise complaint takes eight hours to investigate. She stated 60 decibels may be a light limit as a passing car generates 80 decibels at 55 mph. According to a sound chart she referenced, 60 decibels equates to the Board speaking at the meeting.

She suggested reconsidering the decibel limits and a timeframe when it is permissible. It is impossible to enforce a noise infraction that happens in a second and then is gone.

She personally has 46 hours into one enforcement case where a police officer ticketed a citizen who fought it. She believes noise problems are generally citizen issues. The Michigan Supreme Court has civil dispute tools people can use to facilitate discussions with their neighbors, etc., to avoid going to court.

She believes a \$500 fine on a first offense is steep and the Board should consider a graduated fee. Many residents are not aware of Noise Ordinances. Additionally, she suggested definitions should be clearer on “unreasonable, annoys or disturbs.”

Mr. Roger Gibson, 10880 Twin Pines Drive, Fife Lake, MI 49633:

Mr. Gibson likes the Noise Ordinance and believes it is valuable. He does not believe a police officer will enforce it and it would fall to a position like Ms. Leedy’s.

There’s a lot more to noise than guns shooting, loud parties, fireworks, etc. Many communities have adopted polices for an engine retarder on semi-trucks. They are loud and easy for a law enforcement officer to track with a decibel meter.

He expressed frustration about the noise level of a Harley Davidson with no exhaust traveling past his home. He states villages and cities have adopted laws against that type of noise, stating if a cycle does not have the original manufacturer’s exhaust serial number on it, it is in violation. He agrees there’s much more to it, but would to see something going; however, where does it end?

OUTSTANDING TASK LIST:

The Outstanding Task List was reviewed. New tasks were added throughout the meeting and completed items removed.

Supervisor Street stated the dust treatment on the roads appears to be working very well.

Treasurer Sorrow stated the pull behind trailer is the last item needing to be sold of the cemetery equipment. Everything else has been sold or scrapped.

Mr. Berthiaume reported the South boat launch station was installed. He received a free sign that will explain the law related to boat washing. There will be no assistance from the DNR for the boat launch in town, as had been previously hoped. He and Mr. Roger Gibson have a plan to get it widened by the end of September.

Ms. Street noted that Deputy Supervisor Berthiaume, Deputy Clerk Tom Hempsted, Mr. Terry Street and the summer work crew got the boat wash station and a bench installed. It looks great.

ADJOURNMENT:

Ms. Sorrow made a motion to adjourn the meeting. Ms. Street seconded the motion.

ROLL CALL VOTE: Gibson-Y, Zimmerman-Y, Street-Y, Sorrow-Y, Gifford-Y. 5-Yes, 0-No. Motion carried.

The meeting adjourned at 8:32 p.m.

Submitted by: Kay Z. Held, Recording Secretary