

Bear Creek Township Board Meeting March 4, 2020

- I. Called to order at 7:00 p.m.
- II. **Roll Call**
 - a. Golding, Hoffman, Nowland, Keiser, Kendziorski
 - b. Others Present: Mitch Brown, Karla Buckmaster, Sheldon Buckmaster, Tom Urman, Nancy Grubaugh, Mark Grubaugh, Bob Verschave
- III. **Pledge of Allegiance**
- IV. **Approval of Minutes**
 - a. Minutes from three meetings: Regular BCT Board Meeting on February 5, 2020, Budget Meeting on February 11, 2020 and Election Commission Meeting on February 13, 2020.
 - i. **Motion** by Nowland to approve all sets of minutes, 2nd by Hoffman. **Unanimous**
- V. **Request from the Floor/Discussion**
- VI. **Approval of the Agenda**
- VII. **Unfinished Business**
 - a. **Library Report**
 - i. Golding noted that the Friends of the Library gave an update on the book sale. They are hosting a dinner for family's literacy week. They did a tribute to Jan Smith and raised money for the literacy fund as a tribute to her. The Library Board discussed the millage and when to have it on the ballot.
- VIII. **New Business**
 - a. **Adopt 2020/2021 Budget**
 - i. Keiser gave a brief overview of the 2020/2021 budget. The budget includes raises for our secretary, deputy clerk and deputy treasurer by 4% and a raise to the per meeting stipend from \$50/meeting to \$60/meeting. Our big line item for the year is roads.
 - ii. **Motion** by Hoffman to adopt the 2020/2021 budget for Bear Creek Township with the two changes as presented at the Public Hearing. 2nd by Golding. **Passed**
 - b. **Sewer Study Master Plan**
 - i. Keiser noted that over the last year, we have seen developers who have shown interest in this area. One of the concerns with incoming developments is infrastructure, specifically sewer. When preparing the budget, the board allocated money in the sewer fund for a sewer study. Bob Verschave, from Gosling Czubak, is here to discuss a proposal for a sewer master plan.
 - ii. Bob Verschave noted that he has been working with Keiser on a proposal for a sewer master plan. In Bear Creek Township, we have the north and south sewer system. The north system is part of the Harbor Springs Sewage Disposal Authority and the south flows into the City of Petoskey treatment plant. The capacity issue is something that is continuously being monitored. With a sewer study, we could study the system, look at deficiencies, and review the flow projections. We could study where developments would potentially send their sewer to project the flow. This sewer study could address the pump systems and what upgrades would possibly need to be done if developments were to go in.
 - 1. Keiser asked if this study could be completed by the end of summer or early fall.
 - a. Verschave confirmed.
 - 2. Hoffman noted that he would like to see some recommendations as to potential options if developments were to go in.
 - 3. Keiser noted that we are not using all of our capacity at the city, but are close to capacity on the north end. He stated that some of the properties that were being looked at by developers have been sold, so it may be something we need to address soon.
 - iii. Karla Buckmaster asked who would pay for the sewer study.
 - 1. Keiser noted that the money would come from the sewer fund. It has been budgeted for this year.

- iv. **Motion** by Nowland that we agree to hire Gosling Czubak for the sewer study for the amount of \$24,450. 2nd by Hoffman. **Passed**

c. **Roads**

- i. Keiser reviewed a list of estimates from the Road Commission for the following roads: Country Club Rd (\$158,000), our half of Powell Rd (\$105,500), our half of Graham Rd (\$72,000), Cedar Valley Rd (\$150,000 for a local road or \$250,500 to improve to an all season road with Elmer's paying the difference). The other road that may be up this year is our half of Rustic Rd, however, we do not have an estimate for that yet. Springvale is paving their half and would like us to consider paving our half. Keiser estimates our cost would be \$35,000 or so for that project.
- ii. **Motion** by Kendziorski to give the supervisor authority to sign the contracts to get those roads out to bid. 2nd by Nowland. **Passed**

d. **Assessor's Report**

- i. Keiser reported that for assessed values, on average, residential properties went up 2%, commercial properties went up 6%, and agricultural went up 3-4%. For taxable values, the CPI is set at 1.9%. The last two years' study (April 1, 2017- March 31, 2019) was reviewed. This year there was over 400 sales to study. The assessor cannot adjust the taxable value unless there is an addition or deletion to the property or a change of ownership. Keiser noted that vacant properties are not selling well, and showed charts of the assessed value by class and parcel count by class. We adopted the federal poverty guidelines for the year. Keiser noted that we currently offer a veteran's exemption as well as family transfers. He also clarified that this year is the highest that the assessments have ever been in Bear Creek Township. He also made note that there used to be 6 classes of properties and now there are 41.
- ii. Karla Buckmaster asked about Pay to Stay.

e. **Spring Lake Park**

- i. Keiser reported that he checks the bubbler at Spring Lake Park around once a month. It was brought to his attention that it was off, and we had to do some repair on the electrical outlet to get it going again. When there, Keiser noticed that the railing on the deck is rotten and needs to be replaced before the park opens in the spring. This will be an expensive repair, but must be done for the public's safety. Gerry Bush from the Parks and Recreation Committee is calling contractors for estimates to replace the railing.

f. **Employee Meeting Dates**

- i. Keiser would like to meet with the township employees soon. He would like to meet Wednesday March 11th at 3:30 p.m.

g. **Spring Cleanup Vouchers**

- i. Keiser explained that every homestead property gets two vouchers a year and properties that are non-homesteads will have to pick them up from the township hall.
- ii. **Motion** by Golding to provide spring cleanup vouchers again this year. 2nd by Hoffman. **Passed**

IX. **Planning/Zoning Report- Report by Kendziorski**

- a. The first case heard by the Planning Commission this month was presented by Kristi Schuil, who requested a Special Use Permit for property located at 2800 E Mitchell Rd. The Planning Commission recommended approval of this case.
 - i. Hoffman expressed the following concerns: He is concerned that if the Petoskey East project was developed, it would be too close to the barn, as the nearest proposed home in Petoskey East would be 160 ft. He noted that the applicant sold the 60 acres which is allotted to be Petoskey East, and feels this is a self-inflicted hardship. Hoffman also noted that the nearest off premise house is approximately 480 ft. If approved, this would set a precedence for other similar cases in our township. Additionally, this would stay with the property, even if the ownership changed. Hoffman feels this property is agricultural in nature, and this type of use is

more commercial. He also noted that the square footage for this use is over 2400 sq. ft. if you include the tent/canopy. He remarked that the driveway will need to be addressed and brought up to standard. Lastly, Hoffman commented that it is hard to enforce decibels, even if the applicant is proposing to keep the noise to 75dB or less at the property line.

- ii. Nowland remarked that he agrees with Hoffman's concerns. He also noted that in the past, we have had complaints from the neighbors. Previous applicants for similar cases were denied amplified music outright.
- iii. Golding noted that she agrees with Hoffman and Nowland's concerns.
- iv. Kendziorski noted that she agrees with Hoffman and Nowland's concerns. Additionally, she remarked that every township resident has an equal voice, and it is the duty of the township board to represent each individual, including those who voiced concerns with this project.
- v. Keiser remarked that he would like to see a path forward with this project, regardless of if it is tonight or not. He wants to ensure this is done correctly, as it will affect applicants in the future. Keiser asked where the catering facilities are located. He would like to see them on the site plan.
 1. Kristi Schuil noted that they do not have any facilities on site. Caterers are located in front of the barn.
 2. Keiser asked about the liquor licensing. He was under the impression that the liquor license was for inside the barn only. He also asked if Petoskey East develops, if the road will be a main road. If that is the case, will there be a safe pedestrian walkway from the parking to the facilities? Keiser remarked that the site plan notes small events as 60 people rather than 50. He asked if we could request a definition for "canopy". If we decide to call this a "tent", we will need to amend the zoning ordinance to allow for tents. Additionally, Keiser asked if we are planning to approve both Option A and B for seating. Option B is completely open, which would allow for more than 99 people in the barn.
 - a. Schuil noted that the liquor license is for the whole property.
 - b. In regards to Option A and B for seating, Jim Malewitz noted that this would be regulated by the building department.
 - i. Keiser discussed the case with Bill Steffel, Bear Creek Township Building Inspector, and he has not made an interpretation on this yet. Keiser noted that Option B has never been submitted to the building department. If the building department approved a 99 person occupancy load, we cannot approve 150 people for occupancy. The Option B seating chart does not state it is for 99 people.
 - ii. Malewitz noted that the site plan has been submitted to the building department and the building floor area is less than 2400 sq. ft. The 150 people would be a combination of people in the barn and in the canopy. Dinner would be hosted in the canopy and not everyone would go into the barn after dinner.
- vi. Golding noted that the building permit was for wine tasting, not events. The tables and chairs in the seating options were approved for wine tasting, not events. If you want this approved for events, you will have to come back to the building department. Additionally, a large, open floor space will allow for more than 99 people.
- vii. Malewitz clarified that the 1000 ft. distance from surrounding residents is for outdoor music. They are proposing music in the barn, which is a completely enclosed building by definition, so the 1000 ft. distance does not apply in this case. They have met the requirements based on the site plan and cannot make a determination based on future developments that may never come to fruition. The applicant has addressed the concerns about open and closed doors/windows by stating on the site plan that the noise level will not reach above 75 dB at the property line. If it

does, the applicant will have to take measures to lower amplification down to 75 dB or lower at the property line. Malewitz noted that the direction the barn doors are facing may help prevent sound from being a problem.

1. Hoffman noted that the closest lot of Petoskey East is 160 ft from the barn. Is it possible to have the sound at 75 dB at the property line when the line is that close?
 - a. Malewitz remarked that if the sound was above 75 dB at the property like, the applicant would have to take measures such as baffling the sound or closing the doors to ensure that the sound at the property line was 75 dB or less.
- viii. Keiser noted that there needs to be clarification regarding the tent/canopy. Nowland remarked that when the question of the tent as a building first came up, it was to address the concern of the fireworks tent.
 1. Malewitz remarked that the fireworks tent was permanent. This would be a temporary one used twice a month.
 2. Keiser remarked that the tent would be there 6 days a month when you include set up and tear down. He noted that we need a definition for a canopy. Keiser asked Schuil how many tent events she has booked for this summer.
 - a. Schuil noted that she has 3.
 3. Malewitz remarked that a tent is not a building. Not all things that require a building permit are buildings. He also noted that the Planning Commission approved this unanimously.
 - a. Keiser reminded that building permits would have to come from the Bear Creek Township building inspector. Marty, the Emmet County building official, does not have jurisdiction here. This will have to be taken up with the Bear Creek Township building department.
 4. Malewitz reminded the board that you can approve buildings larger than 2400 sq. ft. This canopy would only be up 2 days a month.
- ix. Golding reminded that we are trying to protect everyone, both the applicant and the neighbors. Music is still going to bother the neighbors.
- x. Keiser noted that the location of the tent on the site plan is different than the location of the tent on an aerial image of the property. He remarked that originally, we envisioned this as a 2400 sq. ft. space for around 99 people, with no decks or tents. The provision in the ordinance to allow for more than 2400 sq. ft. was not for the addition of decks or tents, but to allow for larger barns.
- xi. Hoffman questioned the size of the tent. Schuil clarified that the tent is 40x80.
- xii. Malewitz reminded the board that the 150 people would only be present twice a month.
- xiii. Keiser noted that we will need to get a letter of approval from the building department. Additionally, Golding noted that the fire chief, Al Welsheimer, would like a signed affidavit regarding occupancy for fire purposes.
 1. Malewitz noted that these could be conditions of approval. He agreed that there cannot be more than 99 people in the barn.
- xiv. Mitch Brown suggested reading the Planning Commission motion which recommended approval of this case. Kendziorski read the motion.
- xv. Keiser would like to see a path forward on this case without setting a precedence. He feels clarification is needed from the building department and would also like to see the term “canopy” defined.
- xvi. Hoffman asked if there would be music in the tent. He is also concerned about screaming and hollering of event guests, especially if Petoskey East were to go in.
 1. Malewitz noted that there would be no amplified music in the tent, only in the barn. He also remarked that this is a small venue.

- xvii. Keiser noted that the bottom of the site plan, the number of people at small events reads “60” and should read “50”.
 - 1. Malewitz noted that the ordinance does not state a number of people.
- xviii. Keiser suggested we create an “Event Licensing Ordinance” Which would require a business license for events over 100 people for enforcement purposes. The applicant would have to obtain a yearly license and would have to specify how many events they were having that year. Additionally, the applicant would have to notify us by email when an event was coming up with information regarding who is responsible and contact information for them. This license would serve the purpose of keeping the township informed on what was happening. If the licensee did not follow the rules, then we could suspend or revoke their license. He has discussed this with a couple of attorneys and we would have to have their help to draft this.
- xix. In regards to the number of people, Keiser noted that he was under the impression that they were requesting 99 people, until recently. In the last few years, through the building department, everything that has been approved has always been approved for 99 people. The 150 people did not arise until zoning. Nothing has been approved in the building department for events. Keiser would like to see building department approval for this. He remarked that the fire chief has concerns about 150 people.
 - 1. Malewitz noted that the reason for the 99 people has to do with sprinkling the barn. The ordinance does not require 99.
 - 2. Schuil noted that not everyone will go into the barn.
 - a. Golding asked what they would do if it was raining, if those 150 people would end up in the barn. Additionally, sometimes there are more people at the dancing portion of the reception than the dinner.
- xx. Malewitz noted that there may be two sides down on the canopy for protection purposes.
 - 1. Keiser asked which sides would be down. Schuil clarified.
- xxi. **Motion** by Nowland to approve the Schuil case with the conditions set by the Planning Commission (defined in the updated draft Special Use Permit), as well as requiring a letter from the Bear Creek Township building department, a licensing agreement from the township (if one is made), that the ZBA would define “canopy”, to add the caterer/food trucks to the site plan, and to clarify Option A and B seating charts with the Bear Creek Township building department. 2nd by Golding.
 - a. Roll Call: Golding, Nowland, Hoffman, Kendziorski, Keiser
 - b. Yes: Golding, Nowland, Kendziorski, Keiser
 - c. No: Hoffman

Passed

- b. The second case was Robert Drost, for a PUD Agreement Amendment for property located at 2157 Howard Rd. The applicant requested this case be postponed, so it was not discussed.
- c. The third case was presented by Mark Grubaugh, for a Special Use Permit and Site Plan Review Amendment for a Contractor’s Use for property located at 1992 Harbor-Petoskey Rd. The Planning Commission recommended approval of this case.
- d. The fourth case was presented by Kyle Wright, who requested a Special Use Permit for a Contractor’s Use for property located at 1855 E Bear River Rd. The Planning Commission moved to postpone this case until the next regular Planning Commission meeting.
- e. **Motion** by Hoffman to approve postponement of the Drost and Wright cases, as well as to approve the Grubaugh case. 2nd by Golding

Unanimous

X. **Fire Department**

- a. There was no fire department report.

XI. **Parks & Recreation Report- Report by Keiser**

- a. Keiser reported that the Parks and Recreation Committee has been discussing with the City and Resort Township about having a dog park on part of our property located on the corner of McDougal and Click Rd. Kendal Kinglesmith, the recreation director for the City, has asked that we consider this use.

There is a grant opportunity approaching, but they will need a location in order to proceed with the grant and fundraising campaign. As a township, we would not put any money towards the project, simply to offer the land. This land is wetlands and would not be suitable for building in the future. The grant money would be used to build the park and there would be a sinking fund to maintain the park.

- b. Hoffman asked if there would be bathroom facilities.
 - i. Keiser noted that it would most likely be a bathhouse with no lights.
 - ii. Nowland noted that the bathhouse would benefit us, as we have trails and the kayak launch in that area.
- c. Hoffman asked if there would be a parking lot.
 - i. Keiser noted that there would be 20-25 spaces likely. There would be three dog runs- one for large dogs, small dogs and a vacant run. This park would have an 8 ft fence most likely.
- d. Karla Buckmaster noted that the City of Petoskey has other property that could be used for a dog park. She requested that there be a public hearing for this.
 - i. Sheldon Buckmaster noted that Resort may have property at East Park.
 - ii. Tom Urman agrees that the city could use their own property. He noted that this would be used for people who are at a soccer tournament at the fields that wanted to run their dogs.
- e. Hoffman asked if our residents would use it.
 - i. Keiser noted that no one has ever asked for a dog park, however, typically, there is not much barking associated with a dog park as the dogs are not cooped up, as in a kennel.
- f. Nowland likes the concept. Hoffman agrees that he is open minded to the idea. Kendziorski is open to the idea but would like more information. She would like to see someone come before the board with more information regarding this issue.
- g. Keiser noted that we could possibly have an informal public hearing and invite the people who live in the area. Keiser will invite someone from the city to come next month to discuss this and share more information.

XII. **Correspondence**

- a. The Emmet County MTA meeting will be April 15th at Center Township. We did not receive the grant we applied for, but there will be upcoming opportunities to apply again. We received a letter from FEMA regarding flooding. Lastly, Networks Northwest sent a decision making guide.

XIII. **Clerk's Business/Bills- Report by Kendziorski**

- a. Kendziorski reported bills in the amount of \$155,703.73. She also noted that the March election is next week and we have roughly a third of our voters voting absentee. Statewide, we have seen an increase of absentee voter applications by 73% (compared to this time in 2016, before that Presidential Primary). Kendziorski noted that preparations for the May election have also begun.
- b. Keiser noted that we will need to make a budget amendment for the supervisor budget for \$1,200, the township assistant budget for \$2,000 and the building and grounds budget for \$1,500.
- c. **Motion** by Kendziorski to pay the bills in the amount of \$155,703.73 and to amend the budget for the supervisor by \$1,200, the township assistant by \$2,000 and the building and grounds by \$1,500. 2nd by Hoffman. **Unanimous**

XIV. **Treasurer's Report- Report by Golding**

- a. The Treasurer's Report shows a balance of \$7,896,956.16 as of 2/29/20. Golding is in the process of balancing with the county. This was a good tax year.
- b. Keiser asked if someone pays late, do we notify them that they have a balance?
 - i. Golding noted that we are not required to notify them, but we do. She sends a receipt with the amount still due and a note directing the person to send it to Emmet County.

XV. **Building Department Report- Report by Golding**

- a. Golding gave a building department report as of February 29, 2020. The building department is slow but steady.

XVI. **Sewer Business/Bills- Report by Keiser**

- a. Bills were reported for the amount of \$135,425.47.

i. **Motion** by Keiser to pay the sewer bills in the amount of \$135,425.47. 2nd by Kendziorski.

Unanimous

b. In regards to the Springvale Bear Creek Sewer Authority, Keiser reported on the Dissolution and Termination Agreement. Springvale Township should be approving this at their next meeting and then we will be able to approve it in April.

XVII. Request from the Floor/Discussion

a. Brown clarified that we are formally asking the ZBA for the definition of a “canopy”.

XVIII. Other Business

a. Keiser reported that he and Hoffman went to Lansing last week to a legislative conference. They found out that the tribal marihuana retail establishment on 31 has been temporarily stopped, as they cannot open without a license. Keiser noted that currently, the state is working to negotiate with all tribes in Michigan.

i. Kendziorski asked if they need local government approval to get a license.

1. Keiser clarified that they do.

b. Hoffman noted that he went to a census meeting, and that the first census notice will go out March 12th.

XIX. Adjournment: Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Emma Kendziorski

Emma Kendziorski,

Bear Creek Township Clerk