TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

APPROVED MINUTES OF TOWNSHIP BOARD MEETING5-0 WITH CORRECTIONS

OCTOBER 20, 2020

COMMUNITY SERVICES BUILDING

TORCH LAKE TOWNSHIP

Present: Martel, Schultz, Cook, Petersen, Windiate

Absent: None

Audience: 42

**A. REPEATING AGENDA**

1. Meeting was called to order at 7:02 pm followed by the Pledge of Allegiance

2.. Minutes from 9.15.2020: Under #10 (last page) reads “Martel stills has the idea”, should read “Martel still.” K. Windiate commented that these were difficult to generate as it is difficult to be biased about yourself. B. Cook motions to accept minutes with corrections. Seconded and passed 5-0.

3. Correspondence and Announcements: Martel stated we have 5 letters with criticism of Clerk. Will not be shared but available for review upon request and attached to the minutes. For the record the letters are from: M. Petersen, ML. Hayes, J. Constantine, J. Hubbell, B. Spencer. K. Windiate has correspondence dated 10.08.2020 from Elk Rapids District Library regarding contribution in support of library. Usage of township residents was reviewed. Inquiry regarding historical contribution for $3500 from ERDL. K. Windiate shared Antrim County Admin. Office regarding openings. Interested parties may look to Antrim County website or contact K. Windiate to review and or obtain application.

4. Approval of Agenda Content: A. Martel recommends eliminating item #10. Items #4,5,6 will be reviewed as one group. Add to item #9 the revisions from the June 16th Board meeting AM suggests crossing out #10 entirely. #4,5 & 6 move to one discussion item, under #9 add the revisions from the June 16th meeting of the Board will now be added to item #1 as item #1A and listed item #1 will now be recognized as item #1B. #10 is deleted and #9 will now be read as Designated Assessor. B. Cook moves to accept with changes, B. Petersen seconded, passed 5-0.

Citizen Commentary: Marina Friend – requests that letters be read to the Board before discussion further in the agenda.

Dave Barr – at last Board meeting he requested timeline for water lines at cemetery. Requests Board add to the agenda at future meeting. Randy Bishop – based on amendments to the agenda, he requests that the public be allowed to participate in discussions of items 4,5 and 6 as was allowed at meeting of 9.15.2020. A. Martel declined request based on fact that the public has the opportunity at the end of meeting during Citizen Comment. Mr. Bishop stated that the precedent has already been set allowing others to speak at the September 15, 2020 Board meeting. Mr. Cook responded by stating that the commentary has already been received and taken into consideration. Only new information based on the last 30 days would be received at this time. Mr. Bishop states the minutes don’t reflect properly all the comments prior stated and approved tonight. Mr. Cook clarified that there was no mention of a motion. Mr. Bishop summarized his understanding that no public comments would be allowed in items #4,5 and 6 until the end of meeting during the Public Comment. This would follow any motion and decision being made by the Board in regards to items #4,5 and 6. Mr. Martel stated that Mr. Bishop’s understanding was correct.

**B. Consent Agenda:**

Pull ambulance and clerk report. Remainder of Consent agenda is approved.

Clerk Report – S. Schultz states that there is one more check (#36429 - $619.30) to be added to the report. Requests approval. K. Windiate reports that we have received annual billing from Accident Insurance Fund. The amount is $13,195.00. This amount is prorated between the fire, ambulance and general fund. The breakdown for the first installment has been requested to Accident Ins. Fund but not received yet. Final audit has not been completed as of yet. Once breakdown of Work Comp policy is received she will enter in journal.

Ambulance report – State inspection was completed and there were no citations and both units passed inspections. Great news. Rig checks are done every day per policy of Torch Lake Township. Have an EMT starting on 10.31.2020. This position will assist with overtime. Two EMT’s going through per diem process as well. The basic rig will be out of service for a day or two. This is not the ALS unit. Mike thanks S. Schultz for working with him on payroll issues. Mike will be retiring this week AS DIRECTOR OF TAA, but remains on the Board of TLTA.& TAA.

Motion by B. Cook to accept Ambulance and Clerk Report. B. Petersen seconded. Passed 5-0.

**C. Special Reports Agenda:**

B. Petersen reports Planning Commission began going through ordinances to ensure everything is current and up to date. A public hearing will be held once the process is completed.

FOIA report per K. Windiate states there has been one new request from Char Lundy which has been completed.

**D. Board Discussion/Action:**

1. Zoning Revision’s posting discussion. Revisions need to be posted within 15 days to get into the newspaper. Torch Lake Township posts in Elk Rapids News. 7 days after that day for it to go into effect, unless there is a petition filed to take to a referendum is received. If no referendum is received, the revision goes into effect in 30 days. Motion by A. Martel that the trustee assigned to the Planning Commission is responsible to work with the Zoning Administrator to ensure ordinances are compliant with publications. B. Cook seconds. Passed 5-0. A. Martel reviewed motion that the Zoning Revision completed at 6.16.2020 meeting be accepted. B. Petersen made motion to accept that revision. A. Martel seconded. Passed 5-0. Agriculture zone change ordinance completed on 9.15.2020 was reviewed. B. Petersen motions to accept revision. Seconded by A. Martel. Passed 5-0.

1B. Mary Ann Jorgansen, Planning Commission member at large has resigned effective today. A. Martel requests approval to send thank you letter. Barbara Budros, proposed member of Planning Commission with credentials reviewed. A. Martel motions to accept appointment, S. Schultz seconded. Passed 5-0.

2. Norwood Ambulance Area Consideration – Approached Torch Lake Township and requested assistance with ALS response. Mike Bertram, Sharon Schultz and Bob Cook have spent the last several months in discussion. The benefit to Torch Lake Township: 1. Norwood would be paying 18,000 annually. 2. Increased billing for runs. 3. Increased exposure. Proposing a Four-year contract with annual review of finances. Motion by B. Cook that Torch Lake Township moves forward in negotiation of contract with Norwood Township to provide Norwood Township with ambulance services. Seconded by A. Martel. Passed 5-0.

3. Central Lake Public Schools – Summer Tax Collection Agreement. Motion by B. Petersen to accept annual 2021 summer collection. Seconded by B. Cook. Passed 5-0.

4/5/6. B. Cook received information regarding reducing an elected official’s salary. Information implies that the Board may not be able to implement a change. At this time, requests that no action be taken as the Board continues to confer with attorney. A meeting will be set per A. Martel which will be public and happen within the next few weeks.

7. Gun Range Recommendation: A letter was sent to Gun Range owner to meet with Mr. Cook and Ms. Schultz with a deadline of 30 days to respond. There was no reply. The next step must be taken by Board. A. Martel recommends that the Zoning Administrator send a letter to Mr. Brown indicating that the use he has is a violation of our zoning ordinance and ask that he does not repeat. Mr. Cook moves to authorize and support the Zoning Administrator in notifying Mr. Michael W. Brown, that he is violation of R01 zoning ordinance by operating a sports shooting range defined as an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting at 3048 Torch Port Lane S. as sports shooting range are not a permitted use in the R01 residential zone. Any further use of the range will result in the Township pursuing on this most civil infraction against Michael W. Brown for violating the Township zoning ordinance for an R01 zone. S. Schultz asks if this holds a penalty? B. Cook states it does not only if he uses the gun range again. If this happens that will than require the issuance of a violation. K. Windiate asks if based on B. Petersen’s comment’s, would any other violators follow the same process? B. Cook reiterates that in looking at discussion already held, the Board needs to move on the next agenda motion which is a Gun Range Zoning Revision recommendation. A. Martel seconded. Roll Call – AM – yes, BC – yes, BP – no, KW- yes, SS – yes. Passed 4-1

8. Gun Range-Zoning Revision Recommendation: Mr. Cook states the second motion directs our Township Attorney to propose an amendment to our ordinances to determine the potential location that supports shooting ranges in our township. That amendment will be presented. S. Schultz asks if this proposed motion allows the opportunity to move an individual’s gun range to a more appropriate area. Mr. Cook said yes. If we have a restriction to the R01 ordinance than we explore the other areas for the appropriateness of shooting ranges. This would help define the parameters associated with these to ensure the safety and welfare of the community. Ms. Schultz requests comments from other board members. Ms. Windiate feels the ordinance amendment would be appropriate. Mr. Petersen does not feel that the Township is equipped or should be equipped to fight this fight. Mr. Cook moves to authorize the township attorney to prepare a draft zoning ordinance in the admittance to provide for the location of sports shooting ranges defined herein as an area designed and operated for rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting item the township orders for their regulations. Once this draft ordinance amendment is prepared it should be presented to and reviewed to the township board before being submitted to the Planning Commission for it to conduct all necessary hearings and review and to provide its input as required by applicable State statues and local ordinances. A. Martel seconded. No further discussion. A. Martel – yes, B. Cook – yes, B. Petersen – no, K. Windiate – yes, S. Schultz – yes. Motion approved 4-1.

9. Designated Assessor – S. Schultz reviewed duties of the state assessor as well as reviewed the property assessment reform in 2018 that went statewide. AMAR - Audit of Minimum Assessing Requirements. S. Schultz motions Torch Lake Township approves the inter local agreement naming the Antrim County Equalization Director Jamie Houserman, who is an individual qualified and certified by the State Tax Commission as a Master Assessing officer to be a County Designated Assessor for Antrim County. This is for all 15 Townships that will also follow this process. This needs to be completed by the end of 2020. Seconded by B. Petersen. Roll Call vote: A. Martel yes, B. Cook yes, B. Petersen - yes, K. Windiate - yes, S. Schultz - yes. Passed 5-0.

**E. Future meeting and hearings:**

1. Board Meeting Tuesday, November 17, 2020 at 7:00 pm

2. Planning Commission Tuesday, November 10, 2020 at 7:00 pm

3. Zoning Board of Appeals Meeting November 11, 2020 at 7:00 pm

**F. Citizen Commentary:**

Deb Graber – Lawsuit that Bob Spencer has with TLT has filed for an extension. His brief needs to be received by 10.22.2020. Torch Bay Nature Preserve had a meeting a couple weeks ago. Preserve wants to take a look at jurisdiction on Traverse Bay Road. Linda Murdock was supposed to be reinstated at tonight’s meeting so that a representative of Bay Harbor would be included. Requests it be done at an upcoming meeting. She further requests clarification of status of action items regarding Traverse Bay Road. Finally, requests confirmation that the September 15th board meeting was not published until October 15th. Publication should happen within 21 days. Is there a reason why?

Dave Barr – Chairman of Zoning Board for TLT. Down 2 members. Alternates will be used. Have volunteers willing to be added and requests discussion at a special meeting.

Tom Stillings – would like to address Gun issue. Requests rundown of exact advice given by attorney. A. Martel states we can’t do that now. Mr. Stillings asks if attorney mentioned you can’t have a conflict with a township ordinance that is not in conflict with the State statues. B. Cook states that the attorney’s information provided is to ensure that the township is in agreement with the State. Mr. Stillings states an ordinance that speaks to differentiation between existing gun ranges versus ordinances that deal with future gun ranges.

Dave VandeBragt- Lives west of gun range. Appreciates and commends board for their actions.

Jim Constantine asks board to consider that he hasn’t seen anything in the news or in the papers regarding the gun range? Were there complaints like this? He is a resident for 18 years. What began this discussion? Main point is why is everyone concerned about gun ranges now?

Kelly Eggebrecht - Gun range directly in front of her home. She first heard firing that concerned her about the neighbors. The shots were not from a shotgun and noise lasted about 30 minutes. She has concerns about not knowing when this type of noise (semi-automatic) will happen. She has concerns for her grandchildren and undue anxiety this may cause.

Char Lundy – has lived in her home for 50 years next to Kelly. States that this didn’t suddenly appear but rather began as a discussion/concern because of hours and hours of shooting. If this is a regular occurrence than this is not appropriate in a residential area. She appreciates comments from Mr. Constantine. She has concerns for her grandchildren and veterans as well. She feels it is not appropriate for a residential area.

Randy Bishop, speaking as a private citizen tonight will be issuing a FOIA request regarding this illegal and unconstitutional ordinance that is in discussion and incurring costs to the Township by engaging the Township Attorney. He references Michigan Code 1989 at 269 effective 12.26.1989 (mcl 691.1542a) regarding continuation of sport shooting range. This code speaks to existing entities and compliance with ordinances that existed at the time of origination versus new or revisions to ongoing ordinances. For historical perspective, Mr. Bishop states that the Sheriff of this County has inspected and found no violations and meets all legal requirements. Wasting taxpayer dollars on a Corporate Attorney. Mr. Bishop states that the four board members that voted in favor of gun range recommendations can be sued personally for pursuing this action after being for warned by Mr. Stillings in previous meetings and tonight by himself. He states there are organizations willing to take this up and fight against this process. Placing members on constructive notice. Mr. Bishop spoke to the 2nd Amendment as well as Private property rights. He states the owner purchased this property with an existing range on the property with a clear title.

Char Lundy said the property has been sold twice in the last 50 years and that there was never a gun range. Current owner, Mr. Brown established the gun range. The Sheriff does not enforce the Township ordinances. It is the responsibility of the Board to enforce and protect the ordinances.

Tom Stillings – the test is not if it was a gun range 20 or 30 years ago. The test is “was” it a gun range when the law was passed. Further not only can the board members be held liable, they can be held liable for the costs of all attorneys

Frank Wilheme – He has been involved from early on. His understanding is that we are not creating a new ordinance. He states this goes back to the 1980’s and involves enforcing an existing ordinance. This is not new and based on input and a petition of over 250 signatures this is legitimate action for the Board to review.

Mike Healey commends the Trustees and Board for making the decision that they are. He understands they are not arguing against the 2nd Amendment. He feels the Board is speaking on the silent majority who support and agrees with you. It is the minority that is speaking against Board actions.

**G. Board Comments**

S. Schultz thanks all for their comments. She missed the meeting Randy Bishop refers but says it is a very difficult decision. She respects first amendment rights. She also mentions that tax bills will be coming out shortly.

K. Windiate wishes to reassure the community that their ballots will be safe and will be counted. Reviewed location of the ballot drop box which is in the foyer and open 24/7. Absentee ballots can still be received from the Clerk. Signatures are being verified.

B. Petersen hopes that moving forward the Board can fix the redundant practices that continues to happen in this community. He feels we owe it to the taxpayers and citizens to do our jobs to the best of our abilities and right now is not sure that is happening.

B. Cook thanks everyone that came tonight. Important matters are being dealt with and the public input helps the Board makes their decisions.

A. Martel mentioned his concern that the ladies and guns. He feels that the ladies help too and do shoot. Good for them.

Meeting adjourned 9:34 pm.

Minutes respectfully submitted by Veronica Beitner