**Green Lake Township Regular Board Meeting**

**Minutes**

**December 12, 2022**

**CALL TO ORDER**: Called to order at 5:00 p.m. by Supervisor Radtke.

**ROLL CALL**: West, Kramer, Marek, McDonald, Bieganowski & Radtke present. Biondo excused.

Recording Secretary Mary Jo Barck present, Township Attorney Bryan Graham present.

**PLEDGE**: Was recited.

**Kramer reminded the audience to sign-in.**

**APPROVAL OF AGENDA**: Kramer asked for the following changes to the agenda:

PUBLIC HEARING placed under PUBLIC COMMENTS.

ZOA 22-004 to the first item under NEW BUSINESS

ADD under NEW BUSINESS, Insurance Renewal and SPARKS.

**Motion by Kramer, supported by Marek to approve amended agenda as now presented. Motion carried.**

**APPROVAL OF CONSENT AGENDA**: **Motion by Marek, supported by Bieganowski to approve the consent agenda as presented. Roll call vote: West – yes, McDonald – yes, Marek – yes, Bieganowski – yes, Kramer – yes, Radtke – yes. Motion carried 6-0.**

**REPORTS**:

**ANNUAL AUDIT REVIEW**

Trent Mulder, CPA Baird, Cotter and Bishop, P.C.

Mr. Mulder introduced himself to the members and audience. This audit was completed in October 2022 and highlights were being presented this evening. The Independent Auditor’s Report, Opinion in first two paragraphs’ states “Unmodified” Opinion, which is the best you can get. Basic Financial Statement review of Balance Sheet shows assets are 83% cash, positive number for liquidity, some of those funds are restricted, i.e., new building. The two main funds, Fire and General both are down slightly from last year but both have had larger expenses.

The General Fund ended the year in the black at $6,346, a balanced budget even with the larger expenses. The Fire Fund ended with a balance of $189,000. No large capital outlays have occurred but the fund is available for replacement of equipment.

Capital Projects show a $2.1mil decrease, which looks like a loss but was spent on the new building.

Water and Sewer Funds net position does not reflect poor performance, the $15,000 decrease is in part due to depreciation.

Budget is in good position, a few overages, but ending better than budgeted.

DDA Audit, statements are positive, ending their fiscal year with a new change in revenue of $35,500. Spending is occurring for designated projects.

**AUDIT LETTERS:**

Internal Control reflects designation of duty, no one staff member could produce documents. Recommend better maintenance of the budget through recording of deposits, in the right funds. Corrections to these accounts can be difficult and may impact budget.

Interfund Balances, was the example and staff have been left with written instructions to correct changes. Village Roads, Special Assessment Debt Retirement has $7,200 left, with one more year of collection $20,000. The three years left to pay on the bond has $105,000 due. The $80,000 short will need to be remedied. Various scenarios of the difference were discussed, including veteran exemptions and early payoffs.

Escrow Activity should be better monitored and a dedicated spreadsheet was suggested for tracking both the amount received and expenses posted to the project account.

Mr. Mulder’s final thoughts were the township is in a positive financial position and he appreciates Judi, Marv and Andy for the preparation of materials.

DEPUTY MARK NOFFKE, GREEN LAKE TOWNSHIP COMMUNITY POLICE OFFICER:

Report showed two arrest, twelve citations and 25 crashes responded to in the township. A larceny of firearms occurred but they were able to recover.

RON CLOUS, GRAND TRAVERSE COUNTY COMMISSIONER:

Mr. Clous gave an update on the ARPA study sessions. The county received more requests than funding available. He thanked the residents for supporting him and his eight years serving on the County Board. Radtke reminded Mr. Clous of the $75,000 ARPA fund request from Green Lake Township.

MAREK LEFT THE MEETING AT 5:43 PM.

CHIEF DARYL CASE, GREEN LAKE TOWNSHIP EMERGENCY SERVICES:

Chief Case said two significant crashes have occurred in the month. An accident at Gonder and U. S 31 Roads left six persons needing an ambulance. He wanted to thank all who responded, including mutual aid partners. The second crash occurred at West Long Lake Road and South South Long Lake Road where several patients were transported to the hospital. Chief was part of the MDOT reconstruction meetings, and a recent report showed the agency took many of the suggested changes and incorporated them into their plan. He commented on the Fund Balance as brought up by our auditor, saying a new engine will be needed in the near future and the estimated will be about $800,000.

PUBLIC COMMENT:

Jean Perkins 5829 Crystal Court

Ms. Perkins introduced herself as the Memorial Park Pickleball Association Treasurer. At last month’s Board of Trustee meeting a fitness circuit was approved, unanimously. She was surprised and wondered what the pickleballers would think. At the last pickleball meeting financial goals were discussed, grants and personal donations. With year-end coming up there is a lot of competition for money. They are determined and will continue to move forward. She urges the Board to show the same enthusiasm (financial) in the spring if they come up short.

Marietta Hamady 4987 Bush Road

Mission is simple, install pickleball and expand fundraising. They will seek money from the Board as it will enhance local park and residents.

Ed Dewey 5253 Bush Road

Introduced himself as the outgoing President of the Green Lake Duck Lake Association. They have funded installation of lake monitoring equipment. The analytical data produced by the equipment is needed to support request to the county for lake level monitoring.

Mr. Radtke thanked Mr. Dewey and it has been a pleasure and an honor to work with him. Our lakes are one of the great assets of our community.

David Marsh 3754 Peninsular Shores

Need to get pickleball courts in. Has not seen a single person using the fitness equipment at Blair Township. Pickleball appeals to everyone, all ages. Popular at Duck Lake, made a schedule for use.

POSTPONED BUSINESS:

None.

OPEN PUBLIC HEARING:

Radtke asked for a motion to open the Public Hearing designated for Recreational Marijuana. **Motion by Kramer, supported by McDonald to open the Public Hearing at 5:58 p.m. Motion Carried.**

Radtke review the ballot initiative as passed in the November 8, 2022 general election. The Board took a stance to limit the amount of time to take action and have been working diligently to get it done and get it right the first time. The Planning Commission met December 7, 2022 and forwarded copies of the proposed amendments to the Zoning Ordinance which are in tonight’s Board packet. These changes included definitions of services and districts for the sale of recreational marijuana. Radtke then introduced Mr. Bryan Graham of counsel, Young, Graham and Wendling, PC.

David Petrove 9988 Riley Road

\* See Exhibit A – attached

Ann Taylor 5566 Penn Lock

Ms. Taylor is intrigued by the selection process of the permitted providers, processors, growers. Will Interlochen Alternative Health be grandfathered in?

Eric VanDussen PO Box 30 Benzonia

Would like to waive correspondence between township and legal counsel.

**With no further audience comments, motion by Kramer, supported by West to close the Public Hearing at 6:09 p.m. Motion carried. 5-0**

Board Discussion:

Bieganowski asked to discuss spacing (between entities). West said she read Traverse City’s ordinance and they have no spacing standards. She also agrees with unlimited number of facilities.

Radtke commented on the Sunday sales exclusion. Also, he added the township does not require business plans for other services. Township will be sued if a lottery system or if limited to two retail operations and sued if we do nothing. Mr. Graham said both the Sunday sales and business plan requirement can be changed.

McDonald would like 3 miles between retailers, that would limit the township to two retailers. He would like to see 2 miles between same type of established businesses (marijuana) which would allow the township three of each. McDonald handed the members his proposed changes. The first item proposed was withdrawn, page 9 section 4, validity. Next is page 3, last two paragraphs, request business plan, but doesn’t define business plan. Don’t currently request plan for other applications. Mr. Graham suggested requiring copies of all materials submitted with State application for licensing. Page 4, section 2C was reviewed, “Standards for Approval and Regulations.” Standards would need to be fulfilled before permit issued by Zoning Administrator and still be subject to regulations after permitted. Bieganowski commented the site plan has to be received by Zoning Administrator at the time of applications. Mr. Graham said forcing applicant to present applicable standards and regulations, i.e., hours of operation – they would have thought of those regulations. He also added the conditional permit goes to the State to verify our approval before the State license is issued.

McDonald asked about application fees and renewal fees. Bieganowski said we have a separate schedule of fees. Mr. Graham said having a fee schedule is faster and less costly. The license covers application fee, license to operate comes from State, no renewal will be necessary.

McDonald noted page 4, item 2B, last line, 14 days to fix application – too much discretion. Mr. Graham pointed out that if the applicant knows the defects, they have an opportunity to correct. Bieganowski if the applicant is not in compliance with the State application process, no license will be issued. Page 4, section 2B – last line “shall be deemed withdrawn ~~and/or may be denied by the RM Administrator on that basis~~.” Remove language as noted. Mr. Graham agreed.

Kramer would like the Sunday sales exclusion removed as well and also agrees with unlimited licenses. Kramer does not agree with new 2 or 3 miles spacing between like facilities. Mr. Graham suggested 9a – 9p daily. Kramer added that as a business owner there is always a risk in setting up a new business, in any area. Mr. Graham commented that the 2 or 3 miles apart may create the problem of equal protection, rationalizing different treatment concern.

Bieganowski would like to differentiate between retail parking and employee parking.

Kramer said the residents want marijuana, McDonald said only two. West asked about established businesses adding retail marijuana sales. Kramer said existing retail, like liquor sales.

Mr. Graham summarized changes as a consensus on spacing, no spacing regardless of type. After discussion, voice vote 4 – 1. Radtke offered confirming vote of none, as no spacing was included in the proposal, either 2018 or 2022. Remove section 4 and eliminate completely.

Mr. Graham thought a draft ordinance should be ready by Wednesday, December 14. The Board should have a special meeting to review prior to enacting.

**Motion Kramer, supported by West to schedule Special Board meeting December 19, 2022 at 5:00 p.m. to finalize ordinance and fees for recreational marijuana. Motion carried 5 – 0.** Radtke confirmed unlimited, Mr. Graham responded yes. Radtke wants this done correctly and properly tailored down. He will update absent members.

**NEW BUSINESS**:

**ZOA 22-004 (An Ordinance to Amend the Green Lake Township Zoning Ordinance to Concerning Recreational Marihuana Establishments.)**

McDonald gave an overview of Planning Commission Meeting. First change was to add definition for the statute. He asked the members about retail at Interlochen Corners, an overlay district and the members were not receptive to an overlay. Bieganowski asked Mr. Graham about existing medical marijuana businesses and their renewal if the zoning district is changed. Mr. Graham responded it would become a non-conforming use, but still be allowed.

McDonald brought up definitions. Mr. Graham would recommend same term but add, marijuana growers licensed under MMA – differentiate under each act and statute. Example, Licensed Marihuana Growers to ~~Marihuana~~ Growers Licensed under the MMFLA (FLA is shortened Facility Licensing Act). There will be two sets, two separate statutes – Medical and Recreational.

**Motion by Bieganowski, supported by West to take no action this evening and have attorney make recommended amendments to ZOA 22-004 and add to December 19, 2022 Special Meeting Agenda to be held at 5:00 p.m. Motion Carried. 5 – 0.**

**Chairman called for break. 7:00 p.m. to 7:05 p.m.**

CAMERA SYSTEM FOR BOARD MEETINGS:

Kramer said a bid has been received for purchase and installation of an audio/visual system for recording and airing live Board meetings. The meetings will be shown through an established YouTube channel and will also be recorded for future viewing. Radtke said the speakers used to project the voice portion of the recordings already exists. Kramer said PEG monies will be utilized to purchase and install the system. Staff will provide the necessary operation of the system. **Motion by Kramer, supported by West to authorize the Supervisor to enter into an agreement with Anavon Technology for $10,000.00, funding to come from the PEG account.**

**Roll call vote: West – yes, McDonald – yes, Marek – absent, Bieganowski – yes, Kramer – yes, Radtke – yes. Motion carried 5-0.**

MOWING BIDS:

Bieganowski said the difference in bids was $8000. He also asked who determined the number of mowings, Radtke replied the township does. McDonald said the disc golf only needs to be mowed once or twice a season. **Motion by Bieganowski, supported by Kramer to accept Johnson Outdoor Services bid. Roll call vote: West – yes, McDonald – yes, Marek – absent, Bieganowski – yes, Kramer – yes, Radtke – yes. Motion carried 5-0.**

RE-APPOINTMENT OF PLANNING COMMISSION MEMBERS:

**Motion by McDonald, supported by Kramer to reappoint Colin Schworm and John Schuster to three-year (2023 – 2025) terms on the Green Lake Township Planning Commission. Motion Carried. 5-0**

RE-APPOINTMENT OF BOARD OF REVIEW MEMBERS

**Motion by Kramer, supported by McDonald to reappoint Ben Komrska, Andrea Gallop and Richard Barck to two-year (2023 – 2024) terms on the Green Lake Township Board of Review. Motion Carried. 5-0.**

GRANICUS PROPOSAL:

Radtke provided information on a short-term rental management firm, Granicus, who responded to bids for service at Green Lake Township. The company was vetted via their services in East Bay and Long Lake Townships. The contract will be covered by Short-term Rental application fees, which may go up or down to cover the costs. **Motion by West, supported by Kramer to accept a one-year proposal in the amount of $10,600.30 from Granicus for short-term rental management.** McDonald asked if it was just one year, Radtke responded yes. **Roll call vote: West – yes, McDonald – yes, Marek – absent, Bieganowski – yes, Kramer – yes, Radtke – yes. Motion carried 5-0.**

KONICA COPY MACHINE PURCHASE:

Radtke said this purchase will replace the existing copier in the Clerk’s Office, the existing copier will be relocated to the Zoning and Assessing departments and their current machine placed in the front office. Kramer said she prefers to stay with this brand as they all operate with the same similarity. The closest bid to this was almost double the price. PEG money will be utilized to purchase, it is one of the few purchases allowed under PEG funding. **Motion McDonald, supported by Kramer to approve the purchase of a Konica Copier from KRAFT Business Services, formerly Northern Office Equipment, for an amount of $7,379.00. Roll call vote: West – yes, McDonald – yes, Marek – absent, Bieganowski – yes, Kramer – yes, Radtke – yes. Motion carried 5-0.**

ARPA FUND REVIEW:

**Motion by McDonald, supported by West to postpone action on this topic until a full Board is available for discussion.** McDonald asked if payments should be extended out. Bieganowski thought this was already approved, part 1 and now part 2. Only to be reviewed if outside parameters of the law. Radtke said that would need to be reviewed.  **Motion carried. 5-0.**

INSURANCE REVIEW:

Radtke state the renewal in the packet includes only a 7% increase in rates. McDonald commented that is less than the rate of inflation. West asked if all sections were reviewed. Both Radtke and Kramer stated they were and include all coverages needed, including new building. **Motion by Bieganowski, supported by West to approve MTA Participation Plan Insurance Proposal from Paul Olsen. Motion carried. 5-0.**

SPARKS

**Motion by Bieganowski, supported by McDonald to adopt Resolution 12122022.2, SPARKS grant.** **Roll call vote: West – yes, McDonald – yes, Marek – absent, Bieganowski – yes, Kramer – yes, Radtke – yes. Motion carried 5-0.** Radtke stated the deadline for application is December 19, 2022. The grant is requested for local trails, both existing and to be developed. Going forward grants can be sought for pickleball concrete and the Memorial Park trail.

DISCUSSION:

Rogers Road/Trezwood. Radtke shared with the members issues, concerns and reality checks which came out of a meeting with the private road appointed representative. Revenues currently collected just meet the current expenses. The township will do its best with limited funds to provide the services included in the special assessment district, but may need to revisit funding amounts to provided additional services. Radtke added that proposed roadwork on S. South Long Lake may reset the Rogers Road intersection and reduce the hill, improving visibility. Bieganowski added that private road agreements now cover these issues and costs.

Kramer shared the equipment for the Fitness Circuit has been delivered. A recount on Proposal 2 and 3 is scheduled for Wednesday and Thursday. Green Lake Township is not included in the recount so they will be able to offer help to the counting boards.

CORRESPONDENCE: None

PUBLIC COMMENT:

Greg Caskie, Sr. 11377 US31

He and wife tried to do survey (Master Plan) and the error wouldn’t let them complete. Radtke said Dr. Grobbel is working to correct the issue and the survey will be reposted to the website when available.

Greg Caskie, Jr. 11377 US31

Disappointed in the meeting time change. Communication lacking in the township. Radtke said he would meet with Mr. Caskie in person to discuss issues.

**ADJOURNMENT**: **Motion by McDonald, supported by Bieganowski to adjourn at 8:06 p.m. Carried, 5/0.**

Respectfully submitted,

Judith L. Kramer

Green Lake Township Clerk

Exhibit A.

 

