

Boyne Valley Township Meeting

July 9, 2018 – 7:00 p.m.

This meeting is a meeting of the Boyne Valley Township Board in public for the purpose of conducting the township's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated on the agenda.

Agenda

I. Call to Order	The meeting was called to order by Hobbs at 7:07 p.m.
II. Roll Call	Members Present: Matelski, Kondrat, Kelenske, Sparks, Hobbs Members Absent: Others Present: Russ Koeman, Jason Johnson, Mark Felton, Tom Towne, Mike Skop, Bill Aten, JoAnn Gibes, Laurie Hodack
III. Approval of Minutes and Corrections	Motion by Matelski, support by Kondrat to approve the minutes of the regular board meeting of June 11, 2018. Motion carried 5 to 0.
IV. Approval of Financial Report	Motion by Kelenske, support by Matelski to approve the financial report for June 30, 2018. Motion carried 5 to 0.
V. Recognition of Audience	
VI. Board Update	
a.	Boyne Valley Trail Discussion Trail parking lot and picnic area is moving forward. Vault toilet to be installed within next week.
b.	Appoint Planning Commission & Recreation Board Members Motion by Sparks, support by Kondrat to appoint Laurie Hodack, Mark Felton, Marie Kelenske, Lenore Senter, and Mike Skop to the Planning Commission. Motion carried 5 to 0. Motion by Sparks, support by Kondrat to appoint Joann Gibes, William Aten, Annie Mills, Eric Franckowiak to the Recreation Board. Motion carried 5 to 0.
c.	Fireworks Ordinance BOYNE VALLEY TOWNSHIP CONSUMER FIREWORKS ORDINANCE Ordinance No. 3 of 2018 AN ORDINANCE PURSUANT TO ACT 256 OF THE PUBLIC ACTS OF 2011, AS AMENDED, AND PURSUANT ACT TO 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PROHIBIT THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS WITHIN THE TOWNSHIP ON DAYS OTHER THAN THE DAY PRECEDING, THE DAY OF, OR THE DAY AFTER A NATIONAL HOLIDAY, TO PROHIBIT THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS WITHIN THE TOWNSHIP BETWEEN 1 A.M. AND 8 A.M. ON THE DAY PRECEDING, THE DAY OF, AND THE DAY AFTER A NATIONAL HOLIDAY, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF THE TOWNSHIP OF BOYNE VALLEY ORDAINS:

Section 1. Findings.

The Boyne Valley Township Board makes the following findings: Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Boyne Valley Township to enact ordinances that regulate the public health, safety and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) authorizes Boyne Valley Township to enact an ordinance regulating the ignition, discharge, and use of consumer fireworks. The Boyne Valley Township Board hereby finds that an ordinance prohibiting the ignition, discharge, and use of consumer fireworks, to the extent allowed by Public Act 256 of 2011, as amended, is in the interest of public health, safety and general welfare of persons and property within Boyne Valley Township.

Section 2. Title.

This Ordinance shall be known as the Boyne Valley Township Consumer Fireworks Ordinance.

Section 3. Definitions.

This Ordinance shall be interpreted in accordance with the definitions included in Public Act 256 of 2011, as amended, and as interpreted by the Michigan Courts.

Section 4. Prohibited Acts.

The ignition, discharge, and use of Consumer Fireworks in Boyne Valley Township is prohibited at all times except for the day preceding, the day of, or the day after a National Holiday. National Holidays include: New Year's Day, Martin Luther King Day, Inauguration Day, Washington's Birthday (President's Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas. On these days the ignition, discharge, and use of Consumer Fireworks is prohibited between 1:00 A.M. until 8:00 P.M.

Section 5. Penalty/Civil Infraction.

(a). Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

(b). Any Person who refuses to abate a fireworks violation upon the demand of an authorized local enforcement officer, interferes with the officer's complaint of a noise disturbance is guilty of a misdemeanor punishable by a maximum of 90 days in jail and/or a fine of \$500.00 plus court costs.

Section 6. Enforcement.

Any Township Zoning Official and the Charlevoix County Sheriff and his deputies are authorized as local enforcement officers of the Ordinance.

Section 7. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 8. Injunctive Relief.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 10. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

	<p>Ordinance No. 3 was adopted on the 9th day of July , 2018, by the Boyne Valley Township Board as follows: Motion by Kelenske, Seconded by: Sparks Yeas: Matelski, Kondrat, Kelenske, Sparks, Hobbs Nays: None Absent: None Lynn Sparks, Clerk Sue Hobbs, Supervisor I certify that this is a true copy of Ordinance No. 3 that was adopted at a regular meeting of the Boyne Valley Township Board on July 9, 2018 and published in the Petoskey News-Review on July 20, 2018.</p> <p>Lynn Sparks, Clerk</p>
d.	Enforcement Agreement with Sheriff’s Department
e.	<p>911 Changes Many changes coming the CCE 911 system. The system will go to 800 mhz which will narrow the band. Cost is \$3 million, with each of the three counties paying for the infrastructure. Township will be responsible for replacing radios as they need to be replaced.</p>
f.	<p>Computer Needs IT Right is finishing the final step to change township emails and then we will be completed with the IT project. Need to purchase a new copier/printer. Clerk and treasurer are investigating options.</p>
g.	<p>Ambulance Discussion Board directed Supervisor Hobbs to look into forming an authority.</p>
h.	<p>Dietz Road Road commission has said that they can fix Dietz Road by crack sealing or they can saw cut. Payne & Dolan will not warranty the work, as the work was done as it was engineered to be done.</p>
i.	<p>Solar Energy Ordinance Township resident is interested in using a portion of his land for a solar farm, built by Cypress Creek Renewables. Possible that township will need to add to the zoning ordinance.</p>
j.	<p>Budget Adjustments Motion by Kelenske, support by Matelski to make the following budget adjustments for 1st quarter 2018-2019:</p> <p>GENERAL: Transfer \$ 355.00 from 101-247-702 BOR Wages to 101-247-703 BOR Help</p> <p>AMBULANCE: Transfer \$13,920.00 from 210-000-899 Contingency to 210-700-803 BC Contract EMT Serv</p> <p>Motion carried 5 to 0.</p>
k.	<p>Metro Act Right of Way Permit Motion by Kelenske, support by Matelski to approve Metro Act Right of Way Permit Extensions until December 31, 2023. Motion carried 5 to 0.</p>
l.	<p>Crooked Tree Library Board Appointment Motion by Sparks, support by Matelski to appoint Evelyn Starr to the Crooked Tree Library Board effective July 1, 2018. Motion carried 5 to 0.</p>
m.	Other

VII. Building and Grounds	Ryan's Landscaping estimate to plant the garden around the flag pole at the township hall was approved by supervisor in the amount of \$1164.20
VIII. Fire & Rescue Report	Discussion on implementing a \$500 recovery fee from insurance companies on all fires and accidents.
IX. Ambulance Report	Discussion on how the board wants to proceed with the ambulance. Motion by Sparks, support by Kondrat to wait until after the supervisor meets with Jay Peck and Todd Sorenson before setting up a meeting with Bryan Graham. Motion carried 5 to 0.
X. Planning Report	Kathryn Kircher has been contacted regarding hosting events on her property. She needs to apply for a special use permit.
XI. Transfer Station Report	
XII. Public Comments	
XIII.	Motion by Sparks, support by Kelenske, to approve the payment of the July bills. Motion carried 5 to 0.
XVII. Adjournment	Motion by Kelenske, support by Kondrat to adjourn. Motion carried 5 to 0. Time: 8:25 p.m. Respectfully submitted, Lynn Sparks Clerk