

Regular Board Meeting Minutes

2/16/2021

The meeting was called to order by Supervisor Laureto at 7:30 PM. The meeting was held via ZOOM.

Roll Call – L. Houtteman, P. Laureto, T. Laureto, D. Lewis, and J. Pepler present via ZOOM. Several members of the public were also present via ZOOM. The Pledge of Allegiance was recited.

The agenda was presented. **Motion Pepler, support Lewis to approve the agenda as amended. Motion unanimously carried.**

All board members stated they had no conflict of interest with any items on the agenda.

Public Comment: none

Minutes of the 1/19/21 Regular Board Meeting were presented. **Motion Lewis support Pepler to approve the minutes of the 1/19/21 Regular Board Meeting. Motion unanimously carried.**

Treasurer's Report – Houtteman reported that 2/15/21 was the end of the winter tax payment period. He will be accepting payments at the township office until 2/28/21 with penalty interest applied. After 2/28/21 the tax payments will go directly to the County. The total cash on hand by Fund as of 1/31/21 is:

General Fund	\$ 763,337.46	Park Debt Service Fund	\$70,970.03
Emergency Services Fund	\$2,846,941.60	Fisher Lake SAD Fund	\$52,818.35
GLFD Debt Service Fund	\$ 51,640.52	Tax Collection Fund	\$19,530.35

Clerk's Report – The General Fund expenses for the period January 20 – February 12, 2021 was \$23,054.85 and the January Payroll was \$15,801.87. **Motion P. Laureto, support Lewis to approve the payment of General Fund expenses and payroll. Roll Call Vote. Motion unanimously carried.**

P. Laureto reported that ESAC had reviewed emergency services monthly expenses and payroll and recommended their payment to the Township Board. The emergency services bills for January 12 – February 9, 2021 were \$55,370.60 and the January payroll was \$91,971.98. **Motion P. Laureto, support Lewis to approve the payment of Emergency Services expenses and payroll. Roll Call Vote. Motion unanimously carried.**

Emergency Services Advisory Commission Report – In DePuy's absence P. Laureto reported that ESAC had recommended to the Township Board that they hire an ISO consultant, adopt the Memorandum of Understanding, and adopt the GLFD hiring incentive.

GLFD Operations Report – Chief Ferguson reported that the department had 26 calls for service in the month of January. One of the Department's full-time members is currently deployed with the National Guard and will be gone for a while. Almost the entire department has had both the 1st and 2nd dose of the COVID-19 vaccine. The department is accepting applications to fill a vacant firefighter/paramedic position. One tanker truck is in Grayling getting repairs done. The Department has implemented an ALS agreement with Cedar Fire Department for responses to the Glen Lake School. The department just submitted a grant to FEMA for \$39,000 for a new air compressor.

Zoning Administrators Report – Submitted in writing

Monthly Assessors Report – Submitted in writing

Correspondence – The January correspondence is available in the Township Office for review.

Unfinished Business

1. P. Laureto reminded the board that last month the lift pump was repaired, and it was discovered that the pump and the alarm were wired on the same circuit. The electrician we use at the Township Hall has submitted a quote for \$660.00 to trench in a new electric line and wire the alarm to a different circuit. **Motion Pepler support Houtteman to repair the lift pump alarm wiring for \$660.00. Roll Call Vote. Motion carried unanimously.**

New Business

1. P. Laureto reported that the GLFD has had a cost recovery ordinance in effect since 2005. Since the Fire Department is now using a billing service the ordinance required updating. The ordinance has been reviewed and edited by our attorney. **Motion Lewis, second Pepler to approve Ordinance 1-2021 the Cost Recovery Ordinance. Roll Call vote. Motion carried unanimously.**
2. P. Laureto said the Cost Recovery Ordinance requires a Cost Recovery Schedule of Charges and that the schedule is updated periodically. Chief Ferguson has submitted a revised schedule. **Motion Lewis, second Pepler, to adopt the Cost Recovery Schedule dated February 4, 2021. Roll Call Vote. Motion carried unanimously.**
3. P. Laureto reminded the Board that the Fire Department currently has a member deployed on active duty with the National Guard. The Chief has room in his budget and wants to pick up the 20% employee portion of the health and dental benefits, so the employee does not return to a bill. The total cost of this will be less than \$200.00. Because there is a union contract, we cannot just decide to pay this, we must have a Memorandum of Understanding with the Union. **Motion P. Laureto, second Lewis, to authorize the Fire Chief and the Township Supervisor to sign the MOU between the Township and the Union. Roll Call Vote. Motion carried unanimously.**
4. P. Laureto explained that ISO helps to establish that the Fire Department has adequate equipment, proper training, adequate water supply sources and will help to establish the department's Capital spending plan. The department's ISO rating also benefits the community with insurance discounts if we have a good rating. Chief Ferguson has researched ISO consultants and has spoken with several northern Michigan Fire Departments that have used the consultant he is recommending and has found that all reported many positive benefits and cost savings for their departments. **Motion Houtteman, second Pepler, to authorize the Fire Chief to sign the Fire Consultant's Services contract.** T. Laureto explained that the contract is for about \$20,000 with \$6500.00 to be paid up front, \$6,500 to be paid this summer with the balance paid in the fall. The amount includes the travel expenses of the consultant. T. Laureto also said that the department will be spending \$20,000,000 in payroll and approximately \$5,000,000 in new equipment in the next 20 years so he feels it behooves Chief Ferguson to talk with experts and see how he can ration money, make the right purchases, and maintain the excellent stature that we currently have. **Roll Call Vote. Motion carried unanimously.**
5. T. Laureto said that the fire department has had a job notice posted for the last 90 days for a firefighter/paramedic. He said we are competing with 60 other notices in northern Michigan and none has had much success in attracting applicants. We are currently paying around \$3,500/month in overtime to cover the shifts. We cannot expect this to continue as it will weigh people down. T. Laureto said that he and Chief Ferguson are proposing a \$5000 signing bonus to be paid 50% at 6 months and 50% at 12 months. They hope this will make the Department stand out among the other job notices. A second item would be to authorize a 1-time referral bonus to any of the 14 firefighters who lead the Department to a successful hire. **Motion T. Laureto, second Pepler, that we authorize a \$500 referral bonus to any firefighter whose referral leads to a successful hire.** Discussion ensued. **Roll Call Vote. Motion carried unanimously. Motion T. Laureto, second P. Laureto, to authorize a 1-time signing bonus to be paid 50% at 6 months and 50% at 12 months.** Houtteman expressed concerned about throwing money at the problem. T. Laureto said that this is a 1-time thing and they are trying to figure out why we are not attracting applicants. Houtteman feels the problem is that employees will need to live outside of Glen Arbor because of housing costs. T. Laureto said the bonus will help with relocation costs for the successful applicant. **Roll Call Vote. Voting Aye: P. Laureto, D. Lewis, J. Pepler, T. Laureto; Voting Ney: L. Houtteman**

6. T. Laureto said we are in the process of working on the FY 21-22 budget. Each year in February the Board votes on salary resolutions for the next fiscal year. We can consider 3 numbers when deciding on the cost-of-living adjustment; 1) the State Tax Commission's Inflation Rate Multiplier which is 1.014%, 2) the published COLA for 2021 which is 1.3%, and 3) the Consumer's Price Index for 2020 which was 1.4%, or we could decide zero. **Motion T. Laureto, second Pepler, to use the published Cost of Living Adjustment of 1.3% for the next fiscal year for determining the elected officials' salaries. Roll Call Vote. Motion carried unanimously.**

Resolution #5–2021 – Supervisor's Salary – increased by 1.3% to \$26,109.42. **Motion by Pepler, support Lewis, to approve Resolution #5 – 2021. Roll Call Vote: Ayes P. Laureto, J. Pepler, L. Houtteman, D. Lewis; Ney: none; Abstain: T. Laureto**

Resolution #6–2021 – Treasurer's Salary – increased by 1.3% to \$26,338.00. **Motion by P. Laureto, support Lewis, to approve Resolution #6 – 2021. Roll Call Vote: Ayes P. Laureto, Lewis, Pepler, T. Laureto; Ney: none; Abstain: L. Houtteman**

Resolution #7 – 2021 – Clerk's Salary – increased by 1.3% to \$40,681.72 and a per election compensation of \$750.00. **Motion by Lewis, support Pepler, to approve Resolution #7 – 2021. Roll Call Vote: Ayes L. Houtteman, D. Lewis, J. Pepler, T. Laureto; Ney: none; Abstain: P. Laureto**

Resolution #8 – 2021 – Trustee Lewis Salary – increased by 1.3% to \$3,578.30. **Motion by P. Laureto, support Pepler, to approve Resolution #8 – 2021. Roll Call Vote: Ayes P. Laureto, L. Houtteman, J. Pepler, T. Laureto; Ney: none; Abstain: D. Lewis**

Resolution #9 – 2021 – Trustee Pepler Salary – increased by 1.3% to \$3,578.30. **Motion by D. Lewis, support T. Laureto, to approve Resolution #9 – 2021. Roll Call Vote: Voting Aye: P. Laureto, L. Houtteman, D. Lewis, T. Laureto; Ney: none; Abstain: J. Pepler**

7. P. Laureto read resolution #1-2021. **Motion T. Laureto, second D. Lewis, to adopt Resolution #1-2021 To Set Alternate Date for March Board of Review. Roll Call Vote. Motion Carried Unanimously.**
8. P. Laureto read Resolution #2-2021. **Motion T. Laureto, second J. Pepler, to Set Alternate Dates for the July and December Boards of Review. Roll Call Vote. Motion Carried Unanimously.**
9. P. Laureto read Resolution #3-2021. **Motion P. Laureto, second T. Laureto, to Adopt Updated Poverty Exemptions Income Guidelines and Asset Test. Roll Call Vote. Motion Carried Unanimously.**
10. T. Laureto explained that we have a 5-year contract with our assessors that is up for renewal. The W.A.S. contract before us is to begin April 1, 2021 and run until March 31, 2026. **Motion T. Laureto, second L. Houtteman, to authorize the Supervisor to sign the Contract for Assessment Services with W.A.S. beginning April 1, 2021 and to make null and void the previous contract on April 1, 2021. Roll Call Vote. Motion carried unanimously.**
11. T. Laureto explained that the assessor must be an employee of the Township. The employee contract is also for 5 years beginning April 1, 2021. **Motion P. Laureto, second J. Pepler, to authorize the Supervisor to sign the Assessor Employee Agreement to being on April 1, 2021 and to make null and void the previous Employee Agreement on April 1, 2021. Roll Call Vote. Motion carried unanimously.**
12. T. Laureto said we are working on the FY 21-22 budget that must be completed by March 31st and the Board needs to schedule a date for a budget workshop and the Budget Public Hearing. Discussion ensued and March 4th at 10:00 a.m. was selected for the budget workshop. The Budget Public Hearing will be scheduled for 7:00 p.m. on March 16th followed by the regularly scheduled Board meeting.

13. P. Laureto review the State's new Chart of Accounts and Resolution # 4-2021 FY 2020-2021 Budget Amendments #2. **Motion T. Laureto, second D. Lewis, to approve Resolution #4-2021 FY 2020-2021 Budget Amendments #2. Roll Call Vote. Motion carried unanimously.**

14. Old Mill Glen Arbor LLC (Brammer Property) Rezoning Request – **I John Pepler move to approve the rezoning request regarding the Old Mill Glen Arbor, LLCs application (formally known as the Brammer property) located at 5454 W. Harbor Hwy., Tax I.D. 006-123-010-00 from Residential 2 to Recreational based on the Glen Arbor Township Planning Commission's recommendation and their supporting findings of fact. I Don Lewis second.**

Supervisor Laureto opened the floor to public comment reminding everyone to please identify themselves and to limit their comments to 3 minutes.

Dotti Thompson said that she and Bill have a long family history in Glen Arbor and that they made their home permanently in Glen Arbor in 1993. She is excited to see the renovations to the mill rather than watching it decay. It will be a great addition to Glen Arbor's heritage and can be enjoyed by all.

Nancy Mueller said she is concerned about the change in zoning and the negative impact on nearby residences. Her brother lives near the mill and its hard-to-find quiet residential areas. She is concerned about the extent of what could happen if the property is rezoned to recreation. She said it is not part of the master plan. She requested holding off on the vote.

Paul Holtrop commented that he lives on Bay Lane. He spoke against the motion because it is against the master plan. He spoke to Ms. Thompson's comment saying that he believes everyone is in favor of restoration/preservation of the Mill, but the Mill project goes beyond that. He said another reason he is speaking against it is that all the zoning maps over the last several years show the Mill zoned residential and there is an active FOIA request looking for the documentation that it was indeed recreational. He said there are several residents near the Mill that are opposed to the project.

Cynthia Badan commented that several people have written to the Board over the past week. She asked how many letters have been received by the Board in the past week. She asked the Board to wait on the vote until next month so they could learn a little bit more.

Ken Jackson said there is a problem with public comment in that it is never a back and forth, he wants discussion. He believes he should have a say in the meeting beyond public comment. He said he also wants to put this vote on hold and that he believes there is a preponderance of evidence that the Mill property is not zoned recreational. He said if there was a scrivener's error as the zoning administrator reported then there is a legal remedy for that.

Board Member Houtteman interjected during public comment saying that he would give a back and forth and shared his thoughts on approval. Supervisor Laureto called for a point of order. Houtteman continued with his thoughts. Supervisor Laureto again called for a point of order. Houtteman again continued and finally yielded to the point of order. Supervisor Laureto explained there are rules that require the Board to be patient during public input and said that the Board is in a privileged position to speak later.

Ken Jackson continued saying that this point needs to be discussed by the people it is affecting and that the people living near the mill have a right to be heard.

Polly Jackson said that at the last planning commission meeting documents were mentioned but were not produced for everyone to see. We are asking for the vote to be held off so that those documents can be produced.

Kim Volk said that she is confused by the comments because the request for approval of the Mill has already been granted. She said there has already been a large investment made in the Mill, that it was

an eyesore for years, that it could have been torn down and she applauded Mr. Booth for taking the initiative to develop something there which she thinks will be great for the community. She wants to be sure we are talking about two different things; the Mill and the Bike Path are two separate projects. She said she lives by the current bike path, it changed things somewhat, but it is only 7 weeks in the summer and it's not that difficult. She does not understand what the concern is and thinks it's a good thing for the community.

Corrine Cochran said she lives on Millside and her property faces the Mill. She's been in Glen Arbor most of her life and has seen the Mill deteriorate. She hears a lot of fear from people that this project will have late night activities. She has interacted with Mr. Booth for the last two years and she knows his vision. She believes the community should support this project. She said the community must be willing to grow and that the growth being presented by Mr. Booth is extremely well thought out.

Christina Mehren said that she is a life-long part-time resident of Glen Arbor that has lived near the mill for those 50 years. She has a vested interest in seeing the Mill succeed. She worked for Mr. Kuras for two years to try and create a new future for the Mill. Mr. Kuras asked her to meet with Mr. Booth about the Mill when original plans fell through. She thought Mr. Booth's vision was wonderful. She said this is about following the rule of law, that we have a zoning map that has been incorrect, a very flimsy excel spreadsheet put forward at the planning meeting with no substantiation, and we need to know what the exact historic zoning is for the mill. She feels the zoning has not been adequately ironed out.

Kathleen King-O'brien said she sent an extensive letter and 3 minutes does not allow her time to describe what is in the letter. She has submitted a FOIA request and has been informed that it will not be responded to until March 2nd. She said the request contains documents that she believes the Township Board should be looking at before it renders a decision. She said this needs to be an open forum and we need to look at what is legally correct to do here. She believes the OMA has been violated by the Township and its Boards prior to this meeting. She feels the extent to which this property could be developed under recreational needs to be considered. She suggested that the concept of Conditional Rezoning be considered.

Becky Thatcher said that a lot of people have talked about community tonight. She is concerned that when residential areas are converted to commercial uses a home is lost where a community member could reside. She asked the Board to keep that in mind.

Sylvia Heggen is a neighbor to the Mill property on the Crystal River. She is concerned about the river environment and her view.

Turner Booth said he is hearing a lot of concern from the neighbors about the zoning of the Mill and that is not the question before the Board tonight. The question is whether the Brammer parcel should be zoned to match the mill. He said the Planning Commission has confirmed the Mill is recreational on 2 separate occasions. He spoke to Ms. Mehren's comment saying that when she envisioned uses for the Mill it seemed that her impression was that the Mill was zoned recreational. He said he has been very open with everyone in the community about his plans, that he is very flexible, and that he is willing to meet with neighbors to address concerns. He pointed out that a new use for the Brammer parcel would need to go through a site plan review, have another public hearing, and go before the planning commission.

Christina Mehren said that the zoning was never officially verified to her.

T. Laureto closed public comment, re-stated the motion on the floor, and opened board discussion.

Lee Houtteman said he heard a lot of people praise the Mill renovation tonight but that is not the issue. He said the issue is that the residents do not feel like they have been heard. We need to let the people be heard. He wants to start the process over and feels it's a mistake if the Board votes to support the motion.

John Peppler said that we are talking about a zoning change only, not what the property is going to be used for in the future. He said that when Mr. Booth decides what he wants to do with the property he will have to apply for a site plan review. He said that by the time you consider the setbacks from the river and from the road you have a very skinny piece of land and there is quite a bit of wetlands on the property that cannot be built on because EGLE will not allow that to happen. People say we are not following the Master Plan, but the people that wrote the Master Plan are the ones that are currently on the Planning Commission. Those same people unanimously passed this rezoning request and sent it on to the county. The county review it and unanimously voted on it. County returned comments to Glen Arbor Planning for review. The next step is to go to the Township Board which is what we are doing tonight. All votes through both planning commissions have been favorable. We are not talking about what the property is going to be used for. We are talking about the rezoning request.

Don Lewis said he is sympathetic and concerned about what we are talking about. He believes in honesty. He hopes that everyone appreciates how challenging and difficult an issue like this is. He wants to comment on some notes he took during the meeting. 1) he believes there has been 11 letters received in the last week and some of those are by people that have written multiple letters over the last couple of months. 2) he believes that someone made the comment that two of the Board members have already said what their vote would be, he doesn't believe that is true, he doesn't know who they meant, and he wants the record to reflect that is not true. He went on to state that a motion that had been forwarded to the Township Board by the Planning and Zoning Commission was made exactly verbatim per their recommendation. One Board member must make a motion and it must be seconded to put the meeting into procedural correctness and allow discussion to being.

T. Laureto called the question. **Roll Call Vote: Voting Aye: J. Peppler, D. Lewis, P. Laureto, T. Laureto; Voting Ney: L. Houtteman**

Park Board Report – Pam Laureto – no report.

Planning Commission Report – John Peppler – the Commission met and passed the rezoning issue onto the Board. Over the last year the Planning Commission subcommittee has been reviewing the Zoning Ordinance. They found some areas where there is confusion and where there may be some overlapping thought that might confuse people. There will to be some upgrades in terms of restructuring of zoning ordinances including reducing the 6 residential districts to 3 districts. They are going to relook at the mandated off-street parking within the business district that has been a big challenge. They will discuss having residences being allowed to be built within the business district which is currently not allowed. A list of those changes has been distributed to each Board member and is on the Township's website.

Public Comment

Christina Mehren asked the Board when and how they will address the questions that have been raised about the zoning maps within the Township of Glen Arbor. What can we say to the community about how the map error happened and how it will be avoided in the future?

Cynthia Badan agreed with Christina and was disappointed that the Board did not wait one more month.

Ken Jackson addressed Mr. Peppler's comment that we were rezoning the Brammer property tonight. He said the premise was that we were matching the Mill zoning. He feels he does not know what the Mill is currently zoned. He says the recreational zoning of the Mill has not been proven. He also asked what the hurry was? Additionally, Mr. Jackson said that Mr. Peppler's vote tonight was known because he is on the Planning Commission.

Board Member Comments

Houtteman asked the Supervisor to answer Mr. Jackson's question. Supervisor Laureto responded that since November 5th he has looked for a reason why we should not go ahead with this. He saw the activities and the due diligence that was going on and he kept hearing the same objections. He said he understands the concerns over trees going down, why people don't like change in their neighborhood, why people might have cosmetic

concerns, but he was looking for reasons why the property owner should be hampered from what he wants to do. He said there is no doubt that the property has been zoned recreational since 1987. The zoning administrator has shown that. He said that clearly this has not been a residential piece of property for the last 30 years he is driven by it. He said he doesn't even know if a new home could be built, they're with all the limitations. Then you have the cost of the delay. Why should we punish someone who went through all the hoops and did it all methodically and all correctly?

Houtteman asked Supervisor Laureto to address the meeting in November when everyone might not have been heard. Supervisor Laureto said that people's comments were echoed in the minutes, that people have commented in the Enterprise, written letters and emails and he has looked for any new objections and he does not believe there were any since November 5th. T. Laureto went on to say that there a magnitude, the 10 or so people that surround the property have stronger feelings than other people. There has not been strong objection from people outside that.

Houtteman said that 1 person on Lake Michigan has opposed the project to him personally.

T. Laureto asked Houtteman to explain why we should have not proceeded? Houtteman said to address the zoning map issue.

Lewis said that the zoning maps have always been a problem and we have always had discrepancies with the county. Properties are always being changed, split, etc.

Houtteman interrupted Lewis to ask what the Mill property is being assessed at.

Lewis said that 50 years ago he and Mr. Ball bought the property contingent on it being rezoned commercial. He has been personally involved with every property owner of the Mill uninterrupted for the last 50 years. He believes the record cards will show it is recreational.

Houtteman said it has recently been assessed as residential and so there is confusion.

Lewis said that Houtteman is confused, that the assessment doesn't have anything to do with the zoning category of the property.

T. Laureto said there could be an appearance of confusion, but this is why we have to yield to the experts. The experts in assessing will treat the taxable value as independent of what it is zoned. You have a bump up clause. Therefore, we yielded to our zoning administrator. This assessing loophole of having a higher value as residential is just a formula that all assessors work with. He believes Lewis was trying to explain that to Houtteman.

Lewis said he is also disappointed that there is confusion. He said he wants to focus on the positive. When we have issues like this, and it begins to go down the path of procedural correctness then the confusion immediately beings boiling its way to the surface. To focus on the positive, we can be embarrassed, and we can apologize for the imperfection of zoning maps, and etc. but, he wants to focus on the positive. This shows that the process works correctly because of the public hearings, input, and letters the result of the process is to correct errors and omissions.

Lewis addressed the question of why we had to act tonight. Unless there is new information and something that no one has heard before, it is not procedurally correct to just say we will take another 30 days. The person that has applied for us to do our due diligence and make our decision expects us to do that in a timely manner. We could take the easy way out but the people that are confused, don't agree, or don't understand will have the same opportunity to decide what they want to do tomorrow than they would have if we waited 30 more days. We all said in our own way that we have not felt there was any reason to wait 30 days because nothing new was presented to us. There was nothing that we were not comfortable with, to prepare us to make a decision that would benefit from waiting 30 days.

Houtteman again brought up the November meeting as suspect.

P. Laureto said that a member of the public commented that Mr. Peppler's vote would have been known. The minutes of the February 4th planning commission meeting state that Mr. Peppler abstained from voting on forwarding the rezoning issue to the Board. I believe he said at the meeting that it would be inappropriate for him to vote. Therefore, his vote was not known until tonight.

Supervisor Comments - none

P. Laureto motioned to adjourn the meeting, seconded by Peppler. Meeting adjourned at 10:06 p.m.

Respectfully submitted,

Pam Laureto
Township Clerk

APPROVED