

**BEAVER CREEK TOWNSHIP
REGULAR MEETING MARCH 12, 2013**

The Beaver Creek Township Board held its regular meeting on Monday evening, March 12, 2013 at 7:00 pm. Board members present: Ashton, Summers, Little and Hartman. Absent: Balmes.

The meeting opened with the Pledge of Allegiance and Invocation let by the Supervisor.

Motion by Little and seconded by Hartman to approve the agenda with several additions. All ayes, motion carried.

Motion by Summers and seconded by Hartman to approve the minutes from the February 12th, 14th and 27th meetings. All ayes, motion carried. Motion by Little and seconded by Ashton to approve the minutes to the February 27th Closed Meeting. All ayes, motion carried.

GUESTS:

Patrick Ertel, Huron Pines was with us regarding their roll of taking public input as to the Higgins Lake levels. He is asking the public what needs to be looked at regarding lake levels. Patrick would like to leave information at the township or add it to our web site asking for comments.

Ed Nellist, Supervisor at Lyons Township, asked our township to sign a Letter of Support, already signed by Lyons and Gerrish Townships, to request that the Roscommon County Board of Commissioners immediately convene a small group representing the Commissioners, the Townships and the engineer-scientist group and authorize it to begin informal discussions with appropriate DEQ personnel to request support and assistance in formulating a plan that would lead to a DEQ permit to work cooperatively to establish, by field testing, a workable plan to manage the amount of water passage through the existing opening that would optimize the water needs of both Higgins Lake and the ecosystem of the Cut River throughout the year, emphasizing the urgency of the need for a quick permit approval, by "fast-tracking" if necessary. Motion by Ashton and seconded by Hartman to have the supervisor sign the Letter of Support. Roll call vote with all ayes, motion carried.

CLERK'S REPORT:

Clerk has copies of wording on the May 7th election ballot. Gerrish Higgins voters will vote on the Kirtland proposal and Crawford Ausable voters will have the Kirtland proposal plus a request for addition school millage.

A budget showing revenue and expenses plus a Profit and Loss/Balance Sheet is in the board packets for their information.

A letter from Assessor Clayton McGovern was read with his statement as to personal property problems and how they were taken care of.

SUPERVISOR'S REPORT:

The supervisor has attended the quarterly MTA Crawford County Chapter meeting, working with the Board of Review currently meeting, attended the Board of Commissioners meeting and been working on the recycling program.

HIGGINS LAKE UTILITY AUTHORITY:

Quiet time of year and not much going on.

FIRE DEPARTMENT:

Four members of the fire department did emergency training at the State Park with very good feed back on the training. MMR also participated. Grayling Charter Township will be hosting further emergency training.

DPW:

The recycling trailer has been weighed to determine how much it would cost the township if what currently goes into that trailer has to go in with our regular debris. The cardboard trailer has not been weighed at this point, but will probably weigh more than the recycling trailer. Discussed the possibility of sending cardboard to Camp Grayling or doing our own recycling of it.

CORRESPONDENCE:

1. Letter from Clayton McGovern
2. Letter from Treasurer regarding above letter
3. Sheriff's Report
4. Recycling Commissioners meeting minutes and Public Act 69

OLD BUSINESS:

1. John Welt, Planning Commission, reported that he attended the NEMCOG meeting in Gaylord where MDOT handed out mapping showing what is happening and proposed along the I-75 corridor. There is no proposal for a N. Down River Road on/off ramp. There were only eight in attendance due to icy roads and blizzard conditions.
2. Motion by Hartman and seconded by Little to pass the Credit Card Use Policy Resolution as presented. Roll call vote with all ayes. Motion carried.

Credit Card Use Policy Resolution

WHEREAS, Public Act 266 of 1995 authorizes a township to be a party to a credit card arrangement if the township board has adopted by resolution a written policy governing the control and use of credit cards, and

WHEREAS, the Beaver Creek Township Board deems that it is in the best interest of the township to make certain township financial transactions by using a credit card as described in the Act, now

THEREFORE BE IT RESOLVED, that the following policy shall govern the use of township credit cards:

- (a) The Clerk's Office is responsible for issuing, accounting for, monitoring, retrieving and generally overseeing compliance with the township's credit card policy.
 1. Township credit cards may be used only by an officer or employee of the township for the purchase of goods or services for the official business of the township.
- (b) Township officers and employees who use a township credit card shall, as soon as possible, submit a copy of the vendor's credit card slip to the Clerk's Office. If no credit card slip was obtained that described the transaction, the employee shall submit a signed voucher that shows the name of the vendor or entity from which goods or services were purchased, the date and the amount of the transaction, the official business that required the transaction, and the chart of account number indicating the line item to which the transaction is to be charged. All credit card slips shall include this information as well. Vouchers shall also include a statement why a credit slip was not obtained.
- (c) An official or employee who is issued a credit card is responsible for its protection and custody. If a credit card is lost or stolen, the Clerk's Office shall be notified. The entity issuing the lost or stolen credit card shall be immediately notified to cancel the card.
- (d) An officer or employee issued a credit card shall return the credit card to the Clerk's Office upon termination of his or her employment or service with the township.
- (e) The Clerk's Office shall maintain a list of all credit cards owned by the township, along with the name of the officer and employee who has been issued the credit card, the credit limit established, the date issued and the date returned. Each employee shall initial the list beside his or her name to indicate agreement that the credit card has been issued, and that the employee has received and read a copy of this policy. The Clerk's Office shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transactions that appear on the statements that are not documented with a credit card slip or a signed voucher shall be immediately investigated. Transactions that do not appear to comply with this policy shall be reported to the township board.
- (f) The township board shall not approve a payment to the entity issuing the credit cards until all transactions have been verified, including the approval of all transaction invoices if issued.
- (g) The balance, including interest due on an extension of credit under the credit card arrangement, shall be paid for within not more than 60 days of the initial statement date.
- (h) Officers and employees use a township credit in a manner contrary to the policy shall be subject to the following disciplinary actions, as deemed appropriate by the township board: verbal counseling, written reprimand, suspension, termination

or/and reimbursement to the township for unauthorized expenditures.

3. The Township Planning Commission has requested three changes to the zoning law and given their request to the Township Board for their review and report. Motion by Little and seconded by Hartman to accept the three proposals to change the zoning as requested by the Planning Commission. Roll call vote with all ayes, motion carried. Now the proposals go back to the Planning Commission for a Public Hearing and then they will report back to this board. The next Planning Commission meeting will be on May 7, 2013. The changes are as follows:

1. SQUARE FOOTAGE CHANGE:

Zoning book page 43:

Sec. 4.06 – Dimensional Requirements

D. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling shall be nine hundred twenty-four (924) square feet and a two (2) story Single Family Dwelling shall have a minimum first floor area of seven hundred (700) square feet with a minimum total of nine hundred twenty-four (924) square feet for both stories.

Change to:

Sec. 4.06 – Dimensional Requirements

D. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.

Zoning book page 48:

Sec. 5.06 – Dimensional Requirements

D. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling shall be nine hundred twenty-four (924) square feet and a two (2) story Single Family Dwelling shall have a minimum first floor area of seven hundred (700) square feet with a minimum total of nine hundred twenty-four (924) square feet for both stories.

Change to:

Sec. 5.06 – Dimensional Requirements

D. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.

Zoning book page 50:

Sec. 6.06 – Dimensional Requirements

E. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling shall be nine hundred twenty-four (924) square feet and a two (2) story Single Family Dwelling shall have a minimum first floor area of seven hundred (700) square feet with a minimum total of nine hundred twenty-four (924) square feet for both stories.

Change to:

Sec. 6.06 – Dimensional Requirements

E. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.

Zoning book page 53:

Sec. 7.06A – Dimensional Requirements

E. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling shall be nine hundred twenty-four (924) square feet and a two (2) story Single Family Dwelling shall have a minimum first floor area of seven hundred (700) square feet with a minimum total of nine hundred twenty-four (924) square feet for both stories.

Change to:

Sec. 7.06A – Dimensional Requirements

E. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.

2. CHANGES TO HOME OCCUPATION SIGN SIZE:

Zoning book page 95:

Sec. 14.21 – Home Occupations

G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two (2) square feet in area per face, tastefully done in all LDR and MDR Districts. Signs of ten (10) square feet in area shall be permitted in the RD and AR Districts, both faces to count towards area, except non-farm single-family dwellings.

Change to:

G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed 16 square feet in area per face, tastefully done in all LDR, MDR, RD and AR Districts.

3. GARAGE/POLE BARN:

Zoning book page 91:

Section 14.06 – Accessory Building Provisions

G. An accessory building on vacant property shall meet the following additional regulations. A storage building shall be considered an accessory building even when on vacant property. A proposed site plan showing planned future residence-garage and a building permit for the planned residence-garage shall be required, with construction of the residence-garage to be completed within two (2) years or else the accessory building shall be removed. Except for agriculture and farming uses, the maximum size for any accessory building, including an accessory building built after the residence is constructed, shall be as follows: on less than one (1) acre, one accessory building not exceeding eight hundred sixty-four (864) square feet shall be allowed; on property of one (1) acre and up to five (5) acres not having a garage of more than eight hundred sixty-four (864) square feet, one accessory building with up to two thousand (2,000) square feet shall be allowed; on property of five (5) acres or more not having an existing garage of more than eight hundred sixty-four (864) square feet, one (1) accessory building with up to three thousand (3,000) square feet shall be allowed. There shall be no additional accessory buildings on property of any size except within the AR (Agricultural Residential) District. There shall be no housing of animals until a primary residence meeting all building and zoning requirements is on the property except in the AR District.

Change to:

G. An accessory building on vacant property shall meet the following additional regulations. A storage building shall be considered an accessory building even when on vacant property. A proposed site plan showing planned future residence-garage and a building permit for the planned residence-garage shall be required, with construction of the residence-garage to be completed within two (2) years or else the accessory building shall be removed. Except for agriculture and farming uses, the maximum size for any accessory building, including an accessory building built after the residence is constructed, shall be as follows: on less than one (1) acre, one accessory building not exceeding eight hundred sixty-four (864) square feet shall be allowed; on property of one (1) acre and up to five (5) acres **one (1) accessory building not to**

exceed more than eight hundred sixty-four (864) square feet, accessory building with up to two thousand (2,000) square feet shall be allowed; on property of five (5) acres or more not having an existing garage of more than eight hundred sixty-four (864) square feet, one (1) accessory building with up to three thousand (3,000) square feet shall be allowed. There shall be no additional accessory buildings on property of any size except within the AR (Agricultural Residential) District. There shall be no housing of animals until a primary residence meeting all building and zoning requirements is on the property except in the AR District.

4. Motion by Ashton and seconded by Little to appoint Ed Holtcamp as temporary part time zoning administrator, working as a volunteer at no charge to the township. Roll call vote with Ayes: Ashton, Little, Hartman. Nay: Summers. Motion carried. The supervisor is talking to several townships, with the possibility of separating the job into zoning permits and blight complaints. By June 1st we should be able to have someone in place.

5. Motion by Hartman and seconded by Little to allow supervisor to write a Letter of Support for county recycling to the Crawford County Commissioners. All ayes, motion carried.

6. Motion by Ashton and seconded by Hartman to pass the Noise Ordinance (for Beaver Creek Township) with a correction under #12, third sentence that does not make sense. Correction should be as follows: In addition all other days will be allowed except for midnight to 8 am. Also, prohibited during burning bans and high fire danger as posted by the DNR. Roll call vote with all ayes, motion carried. Supervisor stated that this will be sent back to Grayling Charter Township with our corrections. Also, if anything else should arise, we should change it.

Beaver Creek Township
Crawford County, Michigan
Anti-Noise & Public Nuisance Ordinance
Ordinance #41

Beaver Creek Township, Crawford County, Michigan, Ordains

Section 1. Title

This ordinance shall be known and cited as the Beaver Creek Township Anti-Noise and Public Nuisance Ordinance, Ordinance #41;

Section 2.

- A. No person, firm, or corporation shall cause any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Beaver Creek.
- B. The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:
 - 1. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle for any purpose other than to avoid an accident or collision.
 - 2. The playing of any radio, phonograph or any musical instrument in such a manner

- or with such volume as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
3. Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of other persons.
 4. The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort or repose of any person in the vicinity.
 5. The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noises disturbing to the quiet comfort or repose of other persons.
 6. The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or other purposes upon special permit therefore from the Township Board.
 7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting there from.
 8. The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on weekdays except in case of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the building inspector of the township, which permit shall limit the period that the activity may continue.
 9. The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
 10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise which, by creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 11. The operation of any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in the area of the township not specifically zoned for such an operation and/or where the noise emanating there from would be unreasonably disturbing and annoying to other persons in the vicinity.
 12. The ignition, discharge, and use of consumer fireworks will be allowed only within the Michigan Fireworks Safety Act Public Act 256 of 2011, MCL28.451, et seq. The days allowed will be the Holidays the State of Michigan allows including the day before and the day after. In addition all other days will be allowed except for 12 Midnight to 8 a.m. Fireworks are also prohibited during burning bans and high fire danger as posted by the DNR. All shrapnel or other materials created from the use of fireworks other than on your own property will be considered litter if not properly discarded will give cause to issue a ticket for littering.

- C. None of the prohibitions hereinbefore enumerated shall apply to any of the following:
1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 2. Excavation or repair of bridges, streets or highways by or on behalf of the Township of Beaver Creek, State of Michigan, or County of Crawford, between the hours of 6:00p.m. and 7:00a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.
- D. The determination of whether any noise or disturbance is a violation of the provisions of this ordinance shall be in the absolute discretion of local law enforcement.

Section 3. Public Nuisance Regulations.

- A. No person, firm or corporation shall create, or maintain any public nuisance within the Township of Beaver Creek by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.
- B. The determination of whether any activity enumerated in Section 3 is a public nuisance and a violation of this ordinance shall be in the absolute discretion of local law enforcement.

Section 4. Validity

The several provisions of this ordinance are declared to be separate and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

Section 5. Penalties for Violation

Any person, firm, or corporation found violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not to exceed \$100.00 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, at the discretion of the court. Each day that a violation shall continue, it shall constitute a separate offense. The provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 6. Effective Date

This amended ordinance shall take effect after adoption and 30 days after publication. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

7. Motion by Little and seconded by Hartman to correct the "Wages" sheet by adding under Deputies (\$50.00 per Township monthly meeting) for taking minutes. All ayes, motion carried.
8. Motion by Little and seconded by Hartman to pass the Amendment to the Pension Ordinance Plan as presented. Roll call vote, ayes: Ashton, Little Hartman. Nay: Summers. Motion passed.

BEAVER CREEK TOWNSHIP
CRAWFORD COUNTY, MICHIGAN
AMENDMENT TO TOWNSHIP PENSION PLAN ORDINANCE # 9
ADOPTED: March 12, 2013

Whereas Beaver Creek Township Ordinance # 9, adopted July 10, 1989, established a Township Pension Plan to cover all elected and full-time employees of the Township, authorized the Township Supervisor and the Township Clerk to contract on behalf of the Township for such a pension plan, and authorized contributions to be made to the Plan from the general funds of the Township on behalf of each elected officer or full time employee as authorized by Public Act 21 of 1960 as amended and now codified in MCL 41.110b;

And Whereas Public Act 33 of 1951, as amended, codified at MCL 41.801 et seq., authorizes the use of such special assessment funds for the operating expenses of the Township Fire Department, including wages and other benefits;

Now Therefore, the Township of Beaver Creek hereby amends a portion of Beaver Creek Township Pension Plan Ordinance # 9, namely a portion of Section IV of that ordinance that currently provides that:

“The annual contributions as specified above shall be secured from the general fund of the Township and paid to the company which has contracted with the Township to provide the pension plan. The calculations shall be made as soon hereafter as practicable after the effective date of this ordinance and as soon after each month of each year hereafter as may be practicable based upon the current salaries of those persons who are paid annual salaries. As to the trustees, constable and any other persons who are paid on a per diem basis, the previous 12 months earnings ending June 30 shall be determined each year and shall be considered the annual compensation for this purpose for that year. As to the calculation provided in subpart A above, in the event that any increase in annual compensation occurs during the year for which the contribution has been made for any person, such additional compensation shall also be considered and a contribution of 15% of this additional compensation shall also be made for such person at the time that the next annual contribution is calculated.” by adding language to Section IV of that ordinance so that Section IV of that ordinance shall read as follows:

“The annual contributions as specified above shall be secured from the general fund of the Township *for elected officials and full time employees of the Township*

who are not a part of the Township Fire Department, and for full time employees of the Township Fire Department the annual contributions as specified above shall be secured from the Township special assessment fund established by the township electors for fire protection under Public Act 33 of 1951, as amended, and paid to the company which has contracted with the Township to provide the pension plan. The calculations shall be made as soon hereafter as practicable after the effective date of this ordinance and as soon after each month of each year hereafter as may be practicable based upon the current salaries of those persons who are paid annual salaries. As to the trustees, constable and any other persons who are paid on a per diem basis, the previous 12 months' earnings ending June 30 shall be determined each year and shall be considered the annual compensation for this purpose for that year. As to the calculation provided in subpart A above, in the event that any increase in annual compensation occurs during the year for which the contribution has been made for any person, such additional compensation shall also be considered and a contribution of 15% of this additional compensation shall also be made for such person at the time that the next annual contribution is calculated."

This amendment to Beaver Creek Township Pension Plan Ordinance #9 shall take effect one day after publication of the amendment in a newspaper in general circulation in Beaver Creek Township.

NEW BUSINESS:

1. Motion by Little and seconded by Hartman to pass the Resolution regarding the collection of a Property Tax Administration fee. Roll call vote with all ayes, motion carried. This was passed 11-11-2002 by motion and we just became aware that it should have been done by Resolution.

RESOLUTION PROPERTY TAX ADMINISTRATION FEE

On November 11, 2002 at a meeting of the Beaver Creek Township Board, motion was made by Balmes and seconded by Little to add a 1% administration fee on future tax collections. The motion passed with roll call vote, ayes: 4, nays: 1.

WHEREAS, the board wishes to reaffirm said motion by Resolution:

WHEREAS, the Township of Beaver Creek, Crawford County, Michigan is responsible for assessing ad valorem property taxes, collecting property tax levies, and handling review and appeal matters arising there from, and

WHEREAS, PA 503 of 1982 provides for imposition of a property tax administration fee (PTAF) of not more than one (1%) percent and,

WHEREAS, it is the desire of this Township Board to approve, authorize and continue the collection of a property tax administration fee as a fee to offset the cost incurred in assessing property values, collecting tax levies and in the review and appeal process.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Board of Beaver Creek Township, does hereby approve, authorize and continue the collection of a property tax administration fee of 1% of all sums voluntarily paid for property taxes before February 15 of the succeeding year in which the same shall become due and payable.

This resolution shall apply to all property tax levies that shall become due in 2013 or any year thereafter and this resolution shall continue in full force and effect unless and until revoked or rescinded by resolution of the township board.

2. Motion by Hartman and seconded by Little to appoint the supervisor to the National River Zoning Review Board. All ayes, motion carried.

3. Motion by Little and seconded by Hartman to accept the proposal from our IT provider to replace our router, mainly for security reasons. Roll call vote with all ayes, motion carried.

4. Motion by Little and seconded by Hartman to accept the Budget Amendment Resolution as presented. Roll call vote with ayes: Little, Ashton, Hartman. Nay: Summers. Motion carried.

RESOLUTION AMENDING 2012-2013 BUDGET

WHEREAS, a budget was adopted by the Board to govern the expenditures of anticipated receipts within the township for the 2012-2013 fiscal year,

WHEREAS, as a result of unanticipated changes in revenues and need expenditures, it is necessary to modify the aforesaid budget as follows,

NOW THEREFORE, BE IT RESOLVED THAT THE AFORESAID budget be modified as follows:

EXPENSES:

1. Township Board		
101101710000	Chem Bk Pension Fund	+4,200.00
101265710000	Maintenance Medical	- 4,200.00
2. Legal Services		
101201826000	Attorney	+ 625.95
101215710000	Clerk Medical	- 625.95
3. Election Board		
101262702000	Wages	+ 1,047.90
101262727000	Supplies	+ 482.79
101215710000	Clerk Medical	- 1,530.69
4. Audit		
101223801000	Audit	+4,800.00
101265710000	Maintenance Medical	- 3,300.00
101265702000	Custodian Wages	- 1,500.00

Summers would like it on the record that he did not know what he was voting on at our February meeting when he voted in favor of the paying the accounts payable. He wishes to protest paying of audit invoice.

5. Motion by Ashton and seconded by Hartman to pay the Accounts Payable invoices in the amount of \$26,589.48, checks #28079 thru #28113. Roll call vote with all ayes, motion carried.

Several comments from the audience. Thank you again to Mike Cannoy for the flag light.

Meeting adjourned at 8:38 PM.

Sharon K. Hartman
Clerk