

**BEAVER CREEK TOWNSHIP  
REGULAR MONTHLY MEETING JUNE 11, 2013**

The regular monthly meeting of the Beaver Creek Township Board was called to order by the Chair at 7:00 pm on June 11, 2013 All board members were present: Ashton, Balmes, Summers, Little and Hartman.

The Pledge of Allegiance and Invocation were led by the Supervisor.

**AGENDA APPROVAL:**

Motion by Little and seconded by Hartman to approve the agenda as presented. All ayes, motion carried.

**APPROVAL OF MINUTES:**

Motion by Little and seconded by Balmes to approve the minutes with two changes: page 7, #2 101201826000 should read 101266826000 and spelling correction to name Ingells, should have been Ingalls.

**TREASURER'S REPORT:**

Preparing summer tax bills and Kim VanNuck is being taught the treasurer's job.

**CLERK'S REPORT:**

See H.L.U.A.

**SUPERVISOR'S REPORT:**

Thank you to Kim and Cindy for planting flowers. Saturday, June 15<sup>th</sup> is the township clean-up day and we could use more volunteers. The county Hazmatt clean-up day is also on the 15<sup>th</sup>.

The motion made last month to hire part time maintenance help, not to exceed 10 hours per week, will not work when Buggs wants to be gone for the weekend at the transfer site. Hartman retracts motion and Little agrees. New motion by Hartman and seconded by Little to allow the supervisor to hire a part time maintenance/DPW worker, if needed, not to exceed 15 hours per week. Roll call vote with all ayes, motion carried.

Two problems with rental of the pavilion. Patricia Emery has asked for half her money back as the electric did not work the day of the rental. Jennie Scott was scheduled for June 1, and it was so cold and rainy that she could not use the pavilion. Motion by Balmes and seconded by Hartman to return half of the rent to Ms. Emery and return all of the rent to Ms. Scott. Roll call vote with all ayes, motion carried.

The supervisor did check with MTA regarding use of the transfer site for signing of petitions and they advised that it should not be done.

There are openings on the Planning Commission and ZBA as Tom Brooks has resigned. Please contact the Supervisor if you would like to serve on either board.

**H.L.U.A.:**

The clerk passed out the H.L.U.A. adopted budget for the 2012-2013 budget year. Motion by Little and seconded by Summers to appoint Sharon Hartman to the H.L.U.A. Board starting July 1, 2013 through June 30, 2015. Roll call vote with all ayes, motion carried.

## **FIRE DEPARTMENT:**

The fire department has completed more training. The chief has met with the Crawford County fire chiefs and will offer services while the Grayling Fire Department is at Camp Grayling for their celebration.

## **DPW:**

Still working on getting the fence repaired.

## **PLANNING/ZONING:**

There were two zoning permits issued and 3 blight complaints.

## **CORRESPONDENCE:**

1. FEMA Letter
2. Recycling minutes
3. Letter of Interest DNR
4. Letter from Wellington Farm w/tickets
5. ACO Report

## **OLD BUSINESS:**

1. Noise Ordinance.

Motion by Little and seconded by Hartman to pass the proposed Anti Noise & Public Nuisance Ordinance with correction in #3 of 12:00 pm to 12:00 am. Roll call vote with all ayes, motion carried.

### **Anti-Noise and Public Nuisance Ordinance for Beaver Creek Township**

**Section 1 Title.** This Ordinance shall be known as the Beaver Creek Township Anti-Noise and Public Nuisance Ordinance:

#### **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 12:00 am and 8:00 am, 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 for 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 permit loud or explosive noises resulting therefrom.

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 am 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 of 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 therefrom would be unreasonable, 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, MCL 28.451, 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 (12:00 am to 8:00 am) 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 and 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, street or highways by or on behalf of the Township of Beaver Creek, State of Michigan or County of Crawford, between the hours of 6:00 pm and 7:00 am, 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 for 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, cause 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 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 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.

2. Zoning Administrator Position. Motion by Hartman and seconded by Little to hire Don Johnson, effective 6/12/2013, compensation to be \$50 zoning permit fee, \$12 per hour with minimum of 1 hour, and mileage from duty station to wherever going for job/blight/schooling/class etc. Roll call vote: Ayes: Hartman, Little, Summers, Balmes. Nay: Ashton. Motion carried.

3. Motion by Balmes and seconded by Little to approve \$99.00 to have the new zoning administrator attend a zoning class, when available. Roll call vote with all ayes, motion carried.

7:30 pm Budget Hearing, was opened for public comment.

V. Balmes suggested cutting the pension from 15% to 8% instead of raising the fire assessment.

J. Balmes suggested the increase all go on the industrial fire fee, not on residential.

J. Umlor suggested that in the big picture of things, do not cut the pension.

S. Miller would really like to have it continued.

V. Balmes stated that we need to hold a separate hearing on the fire fund.

T. Nelson stated is only cents on each tax bill.

8:02 pm Budget Hearing closed.

4. Motion by Hartman and seconded by Little to pass the budget as presented. Roll call vote: Ayes: Ashton, Little, Hartman. Nays: Balmes Summers.

5. Motion by Hartman and seconded by Balmes to renew the HMO "State of Michigan" option with Priority Health, same as last year. Roll call vote with all ayes, motion carried.

6. Suggested policy regarding private road maintenance reimbursement. Motion by Little and seconded by Balmes to accept the policy. All ayes, motion carried.

**POLICY FOR PAYMENT OF COST IF CRAWFORD COUNTY ROAD  
COMMISSION IS CALLED TO PROVIDE EMERGENCY MAINTENANCE  
ACTIVITIES ON PRIVATE ROADWAYS**

On April 10, 2012 the Beaver Creek Township Board agreed to enter into an agreement with the Crawford County Road Commission regarding emergency maintenance on private roads, with IC authorized to make those decisions as to when the Road Commission would be called.

On May 14, 2013 the Beaver Creek Township Board agreed to sign an "Agreement for Emergency Maintenance Activities by and Between the Road Commission for Crawford County and Beaver Creek Township, Emergency Maintenance Activities on Private Roadways."

It is further the intent of the Beaver Creek Township Board to have on record a policy if such service is requested, as to how it will be paid for. The township will receive an invoice from the Road Commission and pay the charge. In turn, the township will invoice the resident or residents who have benefited from such services on private roadways for their reimbursement to the township. The township will use whatever methods that are legal and approved by our township attorney to collect such indebtedness.

7. Suggested Policy for the Transfer Site. Motion by Little and seconded by Balmes to accept the policy for Public at the transfer site be added onto the existing Transfer Site Policies. Roll call vote with all ayes, motion carried.

For safety reasons and insurance purposes, only the transfer site attendant operating the transfer site shall be on the transfer site grounds during hours of operation and the residents only for the time it takes to remove and dispose of their garbage bags, sort recycling and unload metal items from their vehicle. No loitering on the premises is allowed including visitors, volunteers, campaigners, those seeking petition signatures (excludes those on the grounds for maintenance, repair, snowplowing purposes, "Clean Up Day", etc). The DPW Director may authorize additional persons to be at the transfer site.

**NEW BUSINESS:**

- 1. Motion by Summers and seconded by Balmes to sell the road grader we purchased for \$500, trying to get \$500 price. All ayes, motion carried.
- 2. Motion by Hartman, seconded by Balmes to continue the Service Contract Agreement from I.T. Pro, LLC, Level II, the same as we had last year. Roll call vote with all ayes, motion carried.
- 3. Motion by Little and seconded by Hartman to pass the Resolution Amending the 2012-2013 Budget as presented. Roll call vote with all ayes, 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:

1. Township Board			
101101978000	Support		+1,200.00
101862715000	Social Security		-1,200.00
2. Election Board			
101262702000	Wages		+ 500.00
101262956000	Misc		+ 300.00
101215710000	Clerk Medical		- 800.00

- 4. Motion by Little and seconded by Hartman to pay the Accounts Payable in the amount of \$15,721.07, checks #28318-#28357. Roll call vote with all ayes, motion carried.

**COMMENTS FROM THE AUDIENCE:**

- 1. Gary Summers passed out his "Letter of Resignation" effective June 30, 2013.
- 2. J. Balmes commented on issues with the township tower site. He would like to see leases.
- 3. Ron Wood said the Toxic Waste Disposal for Crawford County is the coming Saturday.
- 4. Robin Norton wanted "build materials" defined.
- 5. Joe VanNuck mentioned grader might bring more as scrap.
- 6. Kim VanNuck wanted clarification on the policy for private road reimbursement.

Meeting adjourned at 8:35 pm.

Sharon K. Hartman  
Clerk