

**ONEKAMA TOWNSHIP BOARD REGULAR MEETING
TUESDAY, JUNE 4, 2019
9:00 AM**

Meeting called to order by Supervisor David Meister at 9:00 a.m.

Pledge of Allegiance

Attendance: James Wisniski, Bob Blackmore, LaVonne Beebe, Shelli Johnson, and Meister

Minutes of the May 7, 2019 Regular Board Meeting: **Motion** by Wisniski, Second by Blackmore to approve the May 7, 2019 Regular Board Meeting Minutes as presented. M/C

Minutes of the May 20, 2019 Public Hearing: **Motion** by Blackmore, Second by Wisniski to approve the Public Hearing Minutes as presented. M/C

Minutes of the May 20, 2019, Special Board Meeting: **Motion** by Blackmore, Second by Wisniski to approve the Special Board Meeting Minutes as presented. M/C

Minutes of the May 23, 2019, Special Board Meeting: **Motion** by Wisniski, Second by Blackmore to approve the Special Board Meeting Minutes as presented. M/C

CLERK'S REPORT: Report by Johnson of the Revenue and Expenses report distributed along with the Trial Balance.

TREASURER'S REPORT: Report by Beebe for all of the Fund Balances.

AMEND AGENDA: Add Property Purchase to Old Business. Add Gifting Agreement with DNR to Parks & Rec. Add Spicer invoice to SAW Grant.

PUBLIC COMMENT: Channel work update given by Adrienne Masterton, US Army Corp of Engineers. The timeline has extended to mid-August. One concern has been sent to the design group for evaluation.

Arcadia Bluffs South Course update given by Bill Shriver. Opening slated for August 1 of the restaurant.

COUNTY COMMISSIONER PAULINE JAQUISH: Pauline Jaquish updated the Board on the Scrap Tire collection on Saturday, June 29 from 10-2 for Manistee County residents only. Filer Credit Union will be in the Bear Lake office in mid-July. Point of Sale (POS) was passed by the Health Department and is now awaiting the September date.

COUNTY COMMISSIONER JEFF DONTZ: Jeff Dontz reported on County wide happenings: The Kettle Hole Drain is now closed. The Economic Development Group is set, with one seat open. Jason Allen is the USDA Rural Development contact with the State of Michigan. The Schneider Road project is complete. The Manistee Blacker Airport received a grant for \$801,000 for the runway project. The rising tide is ongoing and creating havoc. Russ Pomeroy is retiring as of June 30; Rachel Nelson is the replacement to the Treasurer's office. Jason Haag has a new assistant prosecutor. The Tax Levy was authorized. Fablite has a large addition going on with approximately 50 additional people to hire. DEQ is renamed EAGLE. MDOT has signed off on the Round-about slated for M22 and US31.

FIRE/RESCUE: Report by Kaitlin Kubiskey, read by Johnson. June recorded 9 EMS runs, 7 Fire Runs (2 MTFD, 1 BLFD, 1 AFD), 1 EMS Meeting, 1 Fire Meeting/Training, 1 JAWS Training, and 1 Maintenance Meeting. OFD is now registered in the Knox Box Program for both businesses and residences. This is highly recommended in the community, especially for businesses. It allows the Fire Department to enter the building without needing the key holder on scene, as we would have access to a key. The Forest Service attended the last fire meeting. Kubiskey has been aiding in the "Stop the Bleed" courses for public awareness in the county. OFD is receiving gear from the Wildland purchase. June will include a joint training with Bear Lake Twp on fire pumps and ladders. A request for dual band radios was made with the 9-1-1 board.

ROADS: Report given by Wisniski. MCRC has hired 2 additional guys. A letter was received from Mark Sohlden regarding the Milarch Road resurfacing from US31 to 8 Mile Road. Discussion is underway.

PLANNING COMMISSION: Report given by Jim Trout. A letter of interest for the vacant position on the PC was received. **Motion** by Blackmore, Second by Johnson to select David Wallace to fill the vacancy and complete the term for Roger Cody. M/C Trout is working on the Ordinances and Ordinance Books for accuracy.

Meister turned over the meeting to Johnson at 9:55 am.

Fireworks ordinance discussed with an application.

Johnson turned the meeting over to Blackmore to conduct at 10:03 am.

Motion by Bob Blackmore, Second by James Wisniski for approval of Ordinance 2019-02 as presented by Planning Commission. Roll Call Vote: Wisniski – Yes, Blackmore – Yes, Beebe – Yes, Johnson – Yes, Meister – Absent. M/C

TOWNSHIP OF ONEKAMA

ORDINANCE NO. 2019-02 (police power)

FIREWORKS ORDINANCE

An Ordinance to regulate the ignition, discharge, and use of consumer fireworks to conform to amendments of the Michigan Fireworks Safety Act, MCL Section 28.451, *et. seq.*, as has been amended by Public Acts 634,635, and 636 of 2018.

Definitions. As used in this section, the following terms shall be defined as follows:

- (A) *APA standard 87-1* means 2001 APA standards 87-1, Standard for the Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics, published by the American Pyrotechnics Association of Bethesda, MD.
- (B) *Consumer fireworks* means fireworks devices that are designed to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Protection Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.
- (C) *Fireworks* means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation.
- (D) *Low impact fireworks* means ground and handheld sparking devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.
- (E) *Minor* means an individual who is less than 18 years of age.

Section. 1 - Ignition, Discharge or Use of Consumer Fireworks.

A. Except as provided in this Section, a person shall not ignite, discharge, or use consumer fireworks at any time.

B. A person may ignite, discharge, or use consumer fireworks on the following days during the following hours:

1. Between 11:00 a.m. on December 31 and 1:00 a.m. on the immediately following January 1.
2. Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Memorial Day.
3. Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Memorial Day.
4. Between 11:00 a.m. and 11:45 p.m. on June 29, June 30, July 1, July 2, July 3 and July 4.
5. Between 11:00 a.m. and 11:45 p.m. on July 5, if that date is a Friday or a Saturday.
6. Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Labor Day.
7. Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Labor Day.

C. A minor shall not possess consumer fireworks.

D. A violation of this Section is a civil infraction, punishable by a fine of not more than \$1,000.

Section 2 – Special Permits

Upon application in writing by any association or group of individuals, the Township Board of Trustees may grant permission for the public display of Consumer Fireworks on days other than those specified in Section 1 of this Ordinance, subject to such conditions as deemed necessary to safeguard the welfare of the public and property. Such applications for Special Permits must be filed with the Township clerk at least thirty (30) days before the proposed display event.

Section 3 – Ignition, Discharge, or Use of Consumer Fireworks While Under the Influence.

- A. A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- B. As used in this Section, “alcoholic liquor” means that term as defined in Section 1d of the Michigan Vehicle Code, MCL 257.1d, as may be amended, and “controlled substance” means that term as defined in Section 8b of the Michigan Vehicle Code, MCL 257.8b, as may be amended.
- C. A violation of this Section is a civil infraction, punishable by a fine of not more than \$1,000.

Section 4 - Ignition, Discharge or Use of Consumer Fireworks on Public Property, School Property, Church Property or the Property of Another Person

- 1. A person shall not ignite, discharge and/or use Consumer Fireworks on public property, school property, church property, or the property of owned by another person or entity without that organization’s or person’s express permission.
- 2. A person shall not discharge Consumer Fireworks in such a manner so as remnants from consumer fireworks land on public property or the property of another, including, but not limited to, residential dwellings, hotel and motel property, apartment property, and condominium property, without that person or organization’s express permission.
- 3. An individual who owns property and/or is in charge of property that knowingly allows a violation of Section 4 (1-3) to occur on his/her property shall be liable for a municipal civil infraction and subject to a civil fine of at least \$100 and no more than \$500 for each violation of this Ordinance.

Section 5 - Determination of Violation; Seizure; Destruction; Storage Costs.

- 1. If a police officer determines that a violation of this Article has occurred, the Department may seize the firework as evidence of the violation. The Department shall store, or cause to be stored, the evidence seized under this Section pending disposition of any proceedings arising from the violation.
- 2. Following a final disposition of an appeal of a finding of responsibility under this Article that affirms the finding, the Department may dispose of or destroy any fireworks retained as evidence in that proceeding.
- 3. A person from whom fireworks are seized under this Article shall pay the actual costs of storage and disposal of the seized fireworks if found responsible for a violation of this Article.

SECTION 6 - Enforcement

The Fire Chief, his / her designees, and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

SECTION 7 - Severability

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 8 – Effective date

This Ordinance shall take effect immediately upon publication.

Motion by Bob Blackmore, Second by James Wisniski for approval of Ordinance 2019-02 as presented by Planning Commission. Roll Call Vote: Wisniski – Yes, Blackmore – Yes, Beebe – Yes, Johnson – Yes, Meister – Absent. M/C

CERTIFICATION

I certify that this Fireworks Ordinance Amendment was adopted by the Board of Trustees of Onekama Township, Michigan at a regular meeting held on June 4, 2019.

TOWNSHIP OF ONEKAMA - SHELLI JOHNSON, clerk

_____ (date) _____

ASSESSOR: Report given by Ginny Martz. The database with all the current Principal Residence Exemption and rescind affidavits was electronically submitted to Equalization yesterday, June 3. Any late exemptions will be addressed at the July 16th Board of Review. Most of the deeds and transfer affidavits have been processed. New county multipliers have been received from the State Tax Commission. The residential multipliers increases range from 2.91% to 4.95%. The commercial and industrial multipliers increases range from 2.88% to 7.22%.

ZONING BOARD OF APPEALS: Report given by Trout. A Special Meeting was held in May. Trout is the Chairperson of the ZBA, Dennis Beebe is Vice Chairperson, Jim Pomaranski is the Secretary, with Joann Hilliard and Tom Gerhardt are the Board Alternates.

ZONING ADMINISTRATOR: Report received from Larry Thompson, read by Blackmore.

PARKS & REC: Report by Rich Lapinski. At the last meeting, a tour of Arcadia marsh project was done. The Committee received bids for work to be done at Glen Park. The Township Board made a recommendation that Harju Construction be contacted as one of the bidding companies. **Motion** by Blackmore, Second by Wisniski to proceed ahead with approval of Swidorski’s Bid, based on a negative answer from Harju Construction. Roll Call Vote: Wisniski – Yes, Beebe – Yes, Johnson – Yes, Blackmore – Yes, Meister - Absent M/C.

An estimate was received for an Arboretum Project at North Point Park. **Motion** by Beebe, Second by Johnson to proceed ahead with the Arboretum Project, not to exceed \$3,000.00. Roll Call Vote: Wisniski – Yes, Beebe – Yes, Johnson – Yes, Blackmore – Yes, Meister - Absent M/C.

Langland Park had the camera installed, screen installed on the vault, and the mobi-mats in place.

DNR Park Kayak Launch information was submitted to the State with minor changes. An agreement was presented to the Board from the DNR to proceed ahead. **Motion** by Wisniski, Second by Blackmore, to approve the Gift and Acceptance Agreement for Design and/or Construction of a Facility. M/C

MTA: Wisniski gave an update on the Annual Dinner Meeting.

PLA: Report by Al Taylor. The PLA is attending the Block Party. The Shoe Drive is in full force and doing well. The planting of the petunias is complete. Preparation is being made for Onekama Days. The fireworks are proving to be important to the community as we are receiving wonderful support from the entire community. The Onekama banners are in place. Concerts in the Park start on July 1st.

SAW GRANT: **Motion** by Wisniski, Second by Blackmore to pay the Stormwater Invoice from Spicer in the amount of \$32,853.00 for the SAW Grant. Roll Call Vote: Wisniski – Yes, Blackmore – Yes, Beebe – Yes, Johnson – Yes, Meister Absent. M/C

WATERSHED/INVASIVES: Report given by Mary Reed. Purple Loose Strife Beetle placement is scheduled for the 1st week in July. 2 Grants are being applied for: 1) Ecoli and 2) DEQ Permit. The Watershed 10 year plan, including the POS with Septics is being worked on. There is a possibility of using drones for data. The due date of June 14 for completion date and gathering priorities.

Blackmore turned over meeting over to Meister at 11:30 am.

TLSA: Meeting is on Wednesday, June 5th. **Motion** by Blackmore, Second by Wisniski to pay \$3,000 to the Two Lake Sewer Authority for invoice payment. Roll Call Vote: Wisniski – Yes, Blackmore – Yes, Beebe – Yes, Johnson – Yes, Meister - Yes. M/C

NEW BUSINESS:

Motion by Blackmore, Second by Wisniski to approve the Manistee County Planning Department Agreement as written, to start June 13th, 2019. Roll Call Vote: Wisniski – Yes, Blackmore – Yes, Beebe – No, Johnson – Yes, Meister - Yes. M/C

Motion by Blackmore, Second by Johnson to approve the AGS Agreement, as written, + 20% onto Schedule A Permit Fees. Roll Call Vote: Wisniski – Yes, Blackmore – Yes, Beebe – Yes, Johnson – Yes, Meister - Yes. M/C

Motion by Blackmore, Second by Wisniski to approve file appropriate documents to the State of Michigan, allowing the permits to be completed locally. M/C

Motion by Beebe, Second by Wisniski for approval on property 51-11-290-321-00, 3972 Portage Point Drive Sewer Connection with the Village of Onekama. M/C

Motion by Wisniski, Second by Blackmore, to approve the street light request from Little Eden as long as Little Eden incurs all of the expenses, including the monthly invoice.
M/C

UNFINISHED BUSINESS:

Water Cooler is tabled as no quotes have been received.

Motion by Blackmore, Second by Wisniski to purchase the property behind the Township Hall for a price not to exceed \$3,000. Roll Call Vote: Wisniski – Yes, Blackmore – Yes, Beebe – Yes, Johnson – Yes, Meister - Yes. M/C

PUBLIC COMMENT: None

CORRESPONDENCE: Donation requests; Township cannot donate to groups.

BILLS: **Motion** by Blackmore, Second by Beebe to pay all bills and regular incoming Township bills. M/C

Meeting adjourned 12:15 p.m.

Shelli Johnson, Clerk