

**Special Meeting
April 27, 2016**

Minutes Approved May 18, 2016

The special meeting of the Clearwater Township Board was called to order at 7:00 p.m. at the Clearwater Community Center by Larry Niederstadt with the Pledge of Allegiance.

Roll call of board members: Barb Crambell - present, Dwight Seaman - present, Larry Niederstadt - present, Grace Beland - present, Kathy Eldridge - present. Also present were 12 guests and the Township Attorney Bryan Graham.

Declaration of Conflict:

None.

Public Comment:

Becky Norris stated that if the Board were to go into a closed session with the attorney she would like the minutes to reflect that she objects. Bryan Graham the Legal Counsel for the Township did explain to her the Board can legally go into an Attorney/Client closed session for the 04/27/2016 memorandum.

Purpose of Meeting:

- 1.) Discussion with Legal Counsel regarding Mass Gathering Ordinance.
- 2.) Riparian Rights Concerning extending Ordinance #20 onto the Sandbar.

Approval of Agenda:

Motion made by Niederstadt and 2nd by Crambell all in favor- 5 yes. Motion passed.

Motion made by Niederstadt to waive the Attorney/Client privilege for 04/27/2016 memo as described by the Attorney. Crambell 2nd. Roll call vote, Niederstadt-yes, Beland-yes, Eldridge-yes, Crambell-yes, Seaman-yes. Motion passed.

The memorandum prepared by Legal Counsel Bryan Graham was read by the Board. Followed by various questions. The following was suggested by Counsel for the Township to consider:

1. We are under no legal action to do anything.
2. Ask what is best for our Township?
3. Identify the problems in advance
4. Enforcement, do we have the means to enforce regulations?
5. Do we have the cooperation of the Sheriff 's Department?

With the various regulations that were asked for by several residents Counsel suggested we identify the problem in advance. Given the volume of issues that happen on the sandbar and the fact that the prosecuting attorney of Kalkaska County has advised he will not prosecute offenders this means the township will be responsible for the charges. Leaving us with the question does Antrim and Clearwater sheriff department have the manpower to enforce? Do they want extra funds to pay for enforcement? Some suggestions for this were special assessment district, voluntary donations, support from township funds. Counsel is willing to meet with the sheriff for the Township to explore the developments discussed. Mention was given to look at the number of regulations you pass and the right to have regulations for Torch Lake only. But the key is to have the local County Sheriff enforce the ordinances for safety of all. Also a list of state regulations for the problems we are trying to eliminate.

The opinion of Counsel, passing the Mass Gathering ordinance in itself will not stop the party on the sandbar. It is not an organized outdoor event. Rather a word of mouth.

Question was asked on Riparian Rights enforcement on the sandbar. Does not matter everyone has the public right to walk on the bottomlands.

At this time the motion for the Planning Commission to not proceed with the Mass Gathering or Ordinance #20 was made by Eldridge and 2nd by Crambell. Roll call vote
Crambell-yes, Eldridge-yes, Beland-yes, Seaman -yes, Niederstadt-yes .Motion passed.

Public Comment:

Becky Norris asked for the communication to be presented at the next TLPS meeting.

Adjourned:

Niederstadt made the motion to adjourn the meeting 2nd by Crambell all in favor- 5 yes.

Motion passed meeting ended at 8:37p.m.

Respectively submitted,
Kathy Eldridge