

Clearwater Township Board Special Meeting
October 22, 2019
Minutes Approved November 21, 2019

The special meeting of the Clearwater Township Board was called to order with the Pledge of Allegiance on October 22, 2019 at 6:30 PM at the Clearwater Township Community Center to discuss the Glade Valley Rd Iron Bridge, the Campground at 7401 Rapid City Rd and the Telecommunications Tower at 5378 Townline Rd with the Township attorney.

Board Members present: Supervisor Gaylord, Clerk Eldridge, Treasurer Crambell, Trustee Morrison and Trustee Bradley

Also present: Township Attorney Ms. Essad, Mr. Mike Stevens and Mrs. Cathy Stevens

Public Comment: Mr. Stevens presented his concerns with the Iron Bridge and the reasons why he would like the Township to vacate the bridge.

Declaration of conflict of Interest: None

Approval of Agenda: Motion by Gaylord and seconded by Bradley to approve the agenda. All in favor.

Discuss Glade Valley Rd Iron Bridge:

Motion made by Morrison, seconded by Eldridge, to go into closed session pursuant to Section 8(h) of the Open Meetings Act, being MCL 15.268(h), to consider the written memo from our township attorney dated October 17, 2019, which is exempt from disclosure by Section 13(1)(g) of the Michigan Freedom of Information Act, being MCL 15.243(1)(g), since this memo is subject to the attorney-client privilege.

Roll call vote: Crambell-yes, Morrison-yes, Bradley-yes, Gaylord-yes, Eldridge-yes

Board went into Closed Session at 6:39 PM; Mr. & Mrs. Stevens left the room.

Board returned to Open Session at 7:18 PM; Mr. & Mrs. Stevens returned to the room.

The board discussed next steps. Eldridge and Morrison both stated that the 2015 agreement should be reviewed.

Motion made by Gaylord to have our Township attorney approach their attorney to see if a compromise or agreement can be reached and then brought back to the board. No second was made on this motion. Gaylord stated that if no action is taken, then the prior decision made in September by the board stands.

Motion made by Eldridge, seconded by Bradley, to explore with the attorneys to see what sort of agreement can be made short of giving the bridge over to the Stevens.

Roll call vote: Crambell-yes, Morrison-yes, Bradley-yes, Gaylord-no, Eldridge-yes

Mr. & Mrs. Stevens left the meeting.

Discuss Campground at 7401 Rapid City Rd:

Attorney Essad asked the board to review the attorney-client privilege memo she sent dated October 22, 2019. The memo was an update regarding this litigation.

Motion made by Eldridge, seconded by Crambell, to go into closed session pursuant to Section 8(h) of the Open Meetings Act, being MCL 15.268(h), to consider the written memo

from our township attorney dated October 22, 2019, which is exempt from disclosure by Section 13(1)(g) of the Michigan Freedom of Information Act, being MCL 15.243(1)(g), since this memo is subject to the attorney-client privilege.

Roll call vote: Crambell-yes, Eldridge-yes, Gaylord-yes, Morrison-yes, Bradley-yes

Board went into Closed Session at 7:27 PM.

Board returned to Open Session at 7:45 PM.

Motion by Bradley, seconded by Eldridge, to proceed with the removal of the buildings and to seek bids from contractors.

Gaylord stated that we will need a date set to inspect and arrange with the Sheriff. The Township does not have a choice; either we have zoning or we don't. If we do nothing, all zoning is in jeopardy. Gaylord stated that he will call the DEQ to see what they are doing and if they can help the Township. Gaylord will talk to the Kalkaska County Sheriff to arrange a date for the inspection.

Attorney Essad was asked to draft a letter to Kalkaska County Construction Codes with a copy to LARA.

Roll call vote: Crambell-yes, Bradley-yes, Morrison-yes, Gaylord-yes, Eldridge- yes

Discuss Telecommunications Tower at 5378 Townline Rd:

Attorney Essad reviewed the letter from Attorney Wendling dated October 14, 2019 with the board. The ZBA rejected the variance to Tillman Enterprises for the 120' tower. The next step is for the Planning Commission to make a decision on the special use permit at the meeting scheduled for November 4, 2019. That recommendation will then be forwarded to the board for the final decision. The need for a board public hearing will be confirmed.

Eldridge noted that this could end up spending a lot of money if taken to court, but the Township cannot approve something that does not follow our zoning.

Bradley asked for confirmation that the county gave a building permit to Tillman without a Township Land Use Permit; an email was used instead. Morrison stated that the letter to the Kalkaska County Construction Codes should also reiterate the need to receive a Land Use Permit from the Township before any building permits are processed.

Public Comment: None

Adjourned: Motion to adjourn made by Gaylord and seconded by Eldridge at 7:55 PM. All in favor.

Respectively submitted,
Jule Moore, Deputy Clerk