

**Regular Meeting of the Township Board  
Tuesday, October 10, 2023  
Cleveland Township**

Supervisor, Tim Stein, called the meeting to order at 7:00 pm. Present on roll call were Tim Stein, Jan Nowak, and Todd Nowak. Absent were Tanelle Budd and Angie Diotte. Present from public were Tracy Olsen (Deputy Clerk), Peter Barnes, Cookie, and 5 others.

**Motion by Jan Nowak and seconded by Todd Nowak to approve September 10, 2023 Minutes. Ayes: 3, Nays: 0. Motion carried.**

**Public Comment on Agenda-** Member of public was inquiring if there would be a public notice on the STR. If the board proceeds to take adoption of the STR ordinance from the Planning Commission, there will be another public hearing to discuss, and the residents will be notified. There was also confusion on the noise ordinance with STR. Tim clarified the township has a “noise ordinance” which is in the Zoning Ordinance. Residents were concerned because when they call the police the police do not enforce the ordinance. The option is to pull the Noise Ordinance out of the Zoning Ordinance and have the township police the disruption by issuing fines. There is also a construction ordinance from 8am-6pm in Cleveland Township, but it’s not enforceable from a police matter, it’s a good neighbor policy.

**Supervisor’s Report** – Legal counsel has moved to Mike & Myers which allows more access to legal talent. The current rates in Traverse City are \$225/hr, while Tim Figura’s rates will increase from \$175 to \$195 plus a representative in Empire once a week.

**Motion by Todd Nowak and seconded by Jan Nowak to approve new legal agreement with Mike & Myers for Attorney Tim Figura at \$195/hr. Ayes: 3, Nays: 0. Motion carried.**

**Clerk Report – Tim Stein:** Clerk did survey work relative to some inquires by decedents of people who bought plots in the cemetery many years ago with whom were requesting to use the graves without any proper documentation on file or record of deed passed down via estate documents. We sought legal counsel for a Cleveland Township Cemetery Ordinance along with a resolution to acknowledge cemetery ownership and affidavit which is discussed under New Business item A.

The state is asking the township to purchase a Dropbox that they certify for AV Ballots and the township will also be required to set up security camera per Proposal 2 which will add to the cost of the Election budget. The cost is not noted yet by the state or county to who is going to cover these expenses, which might also trickle down to the taxpayers. Accuracy testing for the Public is ~~this Saturday 10/14/23~~ next Saturday, 10/21/23 for voting machines.

**~~Treasurer's Report Angie: August 31, 2023~~**

Revenue	\$ 16,346.17
Disbursements	\$ 15,959.47
Bank Balance	\$ 548,563.54

**~~Motion by Jan Nowak and seconded by Tim Stein to approve August 2023, Treasurer's Report. Ayes: 3, Nays: 0. Motion carried~~**

Amended Treasurer's Report- Tanelle Budd: September 30, 2023

Revenue	\$ 37,399.15
Disbursements	\$ -10,497.32
Bank Balance	\$ 575,465.37

**Planning Commission Report –Todd Nowak:** Site plan review on Palmer Woods parking lot.

**Zoning Administrator's Report – Tim Stein for Scott Sheehan:** New home build, garage, and deck on Shetland Trl. New carport on Limescrest and a remodel plus addition with new deck on School Lake Rd.

Many calls regarding STR, still working on the new LUP Application. Leelanau Conservancy paperwork was sent to the PC for site plan review for their parking lot near Palmer Woods.

**Zoning Board of Appeals Report –Jan Nowak:** ZBA public meeting scheduled, Thursday, October 12<sup>th</sup> at 6:30pm on Humprey property.

**Maintenance Report –** New boat launch was installed with good reviews from boaters.

**Assessor Report – none**

**Other members – none**

**Old Business –**

**Review/Update Cedar Area Fire and Rescue- Tim Stein for John Imbolden:** 2024/2026 budget was delivered, but no action or comments have taken place. Advanced Life support updated on 10/11/2023 Chief Dornbus will have their full license for Advance Life Support, 24/7 for Cleveland residents.

Request approval of the 2024/2026 budget from the fire department which follows in accordance the agreed increase for Advanced Life Support.

**Motion by Tim Stein and seconded Jan Nowak to approve the proposed Cedar Area Fire Department Budget for 2024/2026. Ayes: 3, Nays: 0. Motion Carried.**

**New Business –**

a.) **Consideration of Approval Cleveland Township Cemetery Ordinance- NO 2023-1- Tim Stein:** Cleveland Township hasn't had a Cemetery Ordinance, we have had rules and regulations, but due to recent findings and confirmation with legal counsel we recommend a Cemetery Ordinance. This ordinance would provide for any contingencies with our rules and regulations and handle charges, internment regulations, along with our liability and responsibility. This also addresses the forfeiture of cemetery plots and repurchases of unused plots along with the issue of descends requesting use of family plots without any deed or documentation as to the heirs of the unused plots.

After addressing these issues with legal counsel, we have learned that if we put the Cemetery Ordinance in place, we can request affidavits from descendants to be signed and filed to all the board to pass a resolution that allows the descendant the right to the grave without recourse or liability to the township. The affidavit and resolution allows the township the ability to grant the descendant the right to the grave via a new deed.

Discussion on internment and the quantity of caskets vs urns; prior belief that you could do one casket and one urn in one grave. The new ordinance will allow one casket or two urns per grave.

The second clarification was about the township receiving graves back in order to issue new deeds to name changes on the grave. This is not a monetary exchange; it allows the township to reissue the deed to the correct or new individual.

**Motion by Tim Stein and seconded Todd Nowak to approve adoption of the Cleveland Township Cemetery Ordinance 2023-1 on 10/10/2023.**

**Roll Call Vote**

**Ayes: Jan Nowak, Todd Nowak, Tim Stein**

**Nays: 0.**

Motion Carried the adoption will take effect 30 days from posting in the next Enterprise.

**Payment of Bills:**

**Motion by Jan Nowak and seconded Tim Stein to approve the payment of bills for October 10, 2023. Ayes: 3, Nays: 0. Motion Carried.**

**Correspondence – Sleeping Bear Gateway Council is holding a workshop on Monday 10/16/2023 in Benzie from 6pm-8pm. The meeting will be facilitated by Yarrow Brown to learn more about expanding solutions to provide affordable housing in the area.**

**Public forum –** Resident concerned because they have 8 grave plots with 5 stones up. It was noted that the best practice for individuals would be to make sure your Trust or Will is updated to mention the remaining plots and who they would belong to if left to heirs.

The township can include a member on a Zoom meeting, but that member can't vote on the issue unless physically present.

The state of Michigan is requiring a new Dropbox at a rate of \$2,600 plus video surveillance. Mail in voting is still available but some people don't like mailing, so they prefer to drop it off. The township will also be hiring a new Deputy Clerk to maintain the early voting that is required for the elections going forward.

Question on STR process and when board will approve STR Ordinance, which is still in process and not adopted. The Township will hold another public hearing before making any recommendation to approve or adopt the ordinance. Discussion on correct date for the next PC or ZBA meeting. The STR adoption will also be enforceable along with a noise ordinance.

**Motion by Todd Nowak and seconded by Jan Nowak to adjourn meeting at 7:45 pm. Ayes: 3, Nays: 0. Motion carried.**

Tracy Olsen, Deputy Clerk  
Approved by Tim Stein, Supervisor