

THE BENZIE COUNTY BOARD OF COMMISSIONERS
January 31, 2008

The Benzie County Board of Commissioners met in a special meeting on Thursday, January 31, 2008, at the Platte River Elementary School Gym, Honor, Michigan, 49640.

Present were: Commissioners Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse
Absent: None

The pledge of allegiance was given.

Agenda: Motion by Pitcher, seconded by Smeltzer, to approve the agenda as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

All commissioners introduced themselves.

Chairman Roper explains the procedure to follow tonight; DRAFT Ordinances are available if you did not get one when you came in; we are here for input from the public regarding the proposed ordinance; if you like it or not and if there should be changes to the proposed ordinance.

We will start with the people in favor of the ordinance; you can state if you like it or if it would be beneficial; Thank you to everyone for attending tonight.

Several people spoke in favor of the ordinance; they feel this would be good and that if an ordinance is in place to allow people to ride without breaking the law, that would be beneficial; they feel the motels and restaurants along with other businesses will benefit from the ordinance being in place; ATVs can be used all the time, where snowmobiles are 3 or 4 months per year;

Questions were: If this ordinance is passed by the county, and the villages need to consider it, where will they ride; would the sheriff department enforce or fund it; if found in violation, what would happen – forfeiture of the ORV; are golf carts considered in the “Definition” portion;

7:34 p.m. Opposition

A lot of conflict with ATVs on non-motorized trails; Benzie County has no existing ORV trails, how do they access any; nature area around Pearl Lake is a very fragile area; can't keep up with snowmobile patrol, how can they do ATVs; ATVs are allowed in the UP and now the trails are worse with holes and ruts; some people are very polite with their ATVs – problem is the young people that think they need to go 90 mph; hard to ride horses on trails with ATVs – need it quiet; everyone needs to respect what we have; if counties have ordinances, they have designated trails – Benzie County doesn't; it is not the locals that trespass; you haven't allocated dollar one to the Betsie Valley Trail for enforcement, how will this be enforced; Land Conservancy property is also affected and they are concerned too; Manistee County has rejected this ordinance two times – need to do your homework – this is an unenforceable ordinance.

DNR representatives from Cadillac in attendance: They are not against opening roads for ATVs, just not all roads – only access roads; we want to work with you; worried about trespass issues; this ordinance would not allow ATVs on state roads; concerns are public safety; erosion; the DNR does have trouble with ATV on public lands – a significant problem.

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7:57 p.m. Rebuttal

If someone owns an ATV they should be allowed to use it; kids would be in less trouble if they had something to do; ATV riders aren't rebels – this would be a good ordinance; the Betsie Valley Trail is great to walk on – that is what it is for; should have a sticker for the ATVs, the same as snowmobiles – not everyone is an outlaw; if we don't try it (the ordinance) we will never know if it will work.

Question: Can you guarantee that the Sheriff Dept or Road Commission won't come to the townships and ask for funds to help support it, like the marine & snowmobile patrols; you shouldn't use general fund money to support this – don't pass the ordinance unless you have the money to enforce it; the road commission asked for millage for secondary roads and it was defeated; they shouldn't have carte blanche; there are 10 nature preserves and protected areas in the county; some state and national parks are off limits to some people due to only being able to walk a short distance; need to use common sense; perhaps exclude the Betsie Valley Trail from this ordinance

8:25 p.m. Public Comment Closed

Chairman Roper stated that not all roads will be open to ATVs; this Board of Commissioners will further discuss this issue on February 19 at the regular meeting; will put together a committee to modify this draft; Golf carts will probably be added; every township/city/village can opt in or out and they can be more restrictive, but not less; there could be three entities to enforce this ordinance – DNR, Michigan State Police & Sheriff Dept; will discuss what roads will be open or closed; stickers will be discussed.

Chairman Roper thanks everyone for coming.

Show of hands in favor of the ordinance is at 90%; not in favor 10%.

There were 250 people who signed in

Any further business to come before the Board: None

Public Input on Other Topics: None

Motion by Pitcher, seconded by Smeltzer, to adjourn at 8:30 p.m. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Mark E. Roper – Chairman

Dawn Olney – County Clerk