

**BAY TOWNSHIP BOARD OF TRUSTEES**  
**FEBRUARY 14, 2019 REGULAR MEETING MINUTES**

**APPROVED**

**CALL TO ORDER** Supervisor Moeschke called the meeting to order at 6:30 PM and led with the Pledge of Allegiance. Other Board members in attendance were Treasurer S.L. Ritter, Trustees G.R. Monk and W. Wehrenberg, and Deputy Clerk J.G. Vanek. Clerk Simmons was absent (excused).

**PUBLIC COMMENT** None received.

**PRIOR MEETING MINUTES** **MOTION by Monk, seconded by Ritter, to dispense with the reading of the January 10, 2019 Board of Trustees regular meeting minutes, passed upon unanimous affirmative voice vote of the Board Members present.**

**MOTION by Monk, seconded by Wehrenberg, to approve the January 10, 2019 Board of Trustees regular meeting minutes, as amended, passed upon affirmative voice vote of the Board Members present.**

**MOTION by Wehrenberg, seconded by Moeschke, to dispense with the reading of the January 29, 2019 Board of Trustees special meeting minutes, passed upon unanimous affirmative voice vote of the Board Members present.**

**MOTION by Monk, seconded by Wehrenberg, to approve the January 29, 2019 Board of Trustees special meeting minutes, as presented, passed upon affirmative voice vote of the Board Members present.**

**TREASURER REPORT** January 2019 Treasurer's report as follows:

<u>Huntington Banks Accounts</u>	
General Fund Savings	\$ 152,316.66
General Fund Checking	\$ 9,326.25
Road Fund	\$ 152,316.66
Tax Collection Fund Checking	\$ 591,246.49
CD (Matures June 2019)	\$ 33,234.62
<u>4Front Federal Credit Union Account</u>	
General Fund Savings	\$ 212,184.73

Ritter updated all regarding the winter tax collection.

**CLERKS WARRANTS** Vanek presented the February warrants for payment.

**MOTION by Ritter, seconded by Monk, to approve the February warrants, totaling \$10,369.14 to be paid from the General Fund, passed upon unanimous affirmative roll-call vote of the Board Members present.**

**PLANNING COMMISSION REPORT** *Note: A copy of this report is on file with the township Clerk which has further detail.*  
Planning Commission Chairperson David Skornia reviewed the February meeting as follows:  
- Approved Zoning Ordinance text amendments to Article 5.4, and forwarded onto the Board of Trustees for their review and adoption.

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- Applied for and received a \$6,000 “Building Healthy Communities” grant from the Northwest Michigan Health Department for parking area and walking trail improvements at the Walloon Lake Trust and Conservancy Maplecrest Preserve at the end of West Road.
- Submitted three applications for the Charlevoix County Parks Millage funds.
- Updating Bay Township Master Plan Chapter 8 to incorporate recent public feedback survey results.
- Trees need removing at Camp Sherwood. Skornia contacted Crandell Logging who verbally quoted \$2,500 (which includes a couple trees at the Walloon Lake end of Sumner Rd). Camp Michigania will remove various trees on their property by Camp Sherwood.

The Board requested Skornia to obtain two to three written quotes for the tree removal and present to the Board of Trustees for approval.

- Ritter would like safeguards in place to prevent a pole barn (or similar structure) from being built on a parcel that does not have a primary structure on it. Skornia explained those safeguards are in-place by way of the ~~special use permit process ordinance~~.

**ZONING ADMINISTRATORS REPORT**

*Note: A copy of this report is on file with the township Clerk which has further detail.*

Zoning Administrator Ron Van Zee reviewed his January 11 – February 14 written report highlighting activities regarding Zoning Permits issued, Zoning Ordinance enforcement actions taken, and other related zoning activities.

**ZONING BOARD OF APPEALS REPORT**

Ritter stated they had a January organizational meeting to elect officers. There will be a March 6<sup>th</sup> meeting to hear an appeal.

**CEMETERY COMMITTEE REPORT**

Monk reviewed the following:

- January meeting was cancelled due to inclement weather.
- Next regularly scheduled meeting is February 27<sup>th</sup>.

**SALE OF SPIRITS PERMIT**

Moeschke explained Lavender Hill Farm is applying for a license from the State Liquor Control Commission allowing for the sale of spirits for on-site consumption. Lavender Hill Farm representative Bill Mansfield was present and presented the following:

- During the application process to allow the sale of spirits for on-site consumption, it was discovered Bay Township is a “dry” township for spirits and therefore the sale and consumption on-site is not allowed.
- In 1933 when Prohibition ended, the Michigan Liquor Control Code allowed a local unit of government to pass a resolution allowing for the sale of spirits for on-site consumption; Bay Township never passed such a resolution.
- Lavender Hill Farm has a Specially Designated Distributor (SDD) license, which allows a business to sell spirits and mixed spirit drinks in the original package for consumption off the premises, and a Specially Designated Merchant (SDM) license, which allows a business to sell beer and wine in the original package for consumption off the premises.

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- Because Lavender Hill Farm hosts events such as weddings, birthday parties, and Chamber of Commerce business after hours, consuming spirits (such as margaritas) on-site is prohibited, and they would like to be able to consume spirits on-site.

The Board deliberated extensively on Mr. Mansfield request to allow the sale of spirits for on-site consumption. Some board members felt that by allowing this it could create an unsafe condition on Horton Bay N. Road as Lavender Hill Farm patrons could be intoxicated while driving. It could also encourage additional businesses to locate to Bay Township and obtain a license to sell spirits for on-site consumption within the township.

Other board members felt allowing the sale of spirits for on-site consumption was not an issue because Lavender Hill Farm is already licensed to serve beer and wine on-site at their events and there haven't been any incidents. Also, the Bay Township Master Plan encourages Agro-Tourism and felt this is another tool to promote such businesses.

The Board decided to delay acting on this issue until the full board can be present to vote, possibly scheduling a special meeting to resolve this.

**2019/2020 SALARY  
RESOLUTIONS**

The Board discussed the salaries for supervisor, treasurer, clerk and trustees. Data is limited comparing salaries of surrounding township offices.

**MOTION by Monk, seconded by Wehrenberg, to adopt Resolution 2019-02-1 setting the Treasurer's Annual Salary to \$16,000, passed upon unanimous roll-call vote of the Board Members, with Ritter abstaining.**

Regarding the proposed Clerks salary increase, Wehrenberg stated he doesn't support the increase for the following reasons: Simmons has been in the Clerk's office less than a year, she has missed three meetings so far, and the township road millage renewal ballot question should have been on the November 2018 ballot and wasn't.

**MOTION by Monk, seconded by Ritter, to adopt Resolution 2019-02-2 setting the Clerk's Annual Salary to \$16,000, passed upon roll-call vote of the Board Members, with Wehrenberg voting against.**

**Deputy Treasurer Position**

The Board agreed further information is needed before establishing a Deputy Treasurer salary.

**Township Hall Cleaning Position**

The Board discussed the township hall cleaning position hourly rate, which is currently \$15/hour. The Board felt a \$5/hour increase is reasonable. Wehrenberg stated Monk does a great job cleaning the township hall, but feels the position should be advertised.

**MOTION by Moeschke, seconded by Ritter to increase the township hall cleaning position hourly rate to \$20 per hour, effective immediately, passed upon unanimous affirmative voice vote of the Board Members present, with Monk abstaining.**

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**ANNUAL MEETING OF  
ELECTORS & BUDGET  
HEARING DATE**

Annual Meeting

*MOTION by Wehrenberg, seconded by Ritter, to set the 2019 Annual Meeting of Electors date as Thursday, March 28, 2019 to begin at 6:30PM at the Bay Township Hall, passed upon affirmative voice vote of the Board Members.*

2019-2020 Budget Approval Meeting

*MOTION by Ritter, seconded by Wehrenberg, to hold a special meeting immediately following the 6:30PM March 28, 2019 Annual Meeting of Electors, to review and approve the 2019-2020 budget and conduct any other business that may be properly brought before the Board if the full Board is present, passed upon affirmative voice vote of the Board Members.*

**PLANNING COMMISSION  
APPOINTMENTS**

Moeschke explained that Lynn Maxwell and Steve Van Dam terms expired December 31, 2018 and recommends reappointing both members. Wehrenberg stated he would like to see these positions advertised.

*MOTION by Monk, seconded by Moeschke, to appoint Lynn Maxwell to the Planning Commission for a 3 year term to expire on 12/31/2021, passed upon affirmative voice vote of the Board Members.*

*MOTION by Wehrenberg, seconded by Ritter, to appoint Steve Van Dam to the Planning Commission for a 3 year term to expire on 12/31/2021, passed upon affirmative voice vote of the Board Members.*

**BOARD OF REVIEW  
APPOINTMENTS**

*MOTION by Ritter, seconded by Monk, to appoint Benjamin Priebe to the Board of Review for a 2 year term to expire on 12/31/2020 passed upon unanimous affirmative vote.*

*MOTION by Moeschke, seconded by Monk, to appoint Doug Melvin to the Board of Review for a 2 year term to expire on 12/31/2020 passed upon unanimous affirmative vote.*

*MOTION by Monk, seconded by Ritter, to appoint Jack Rader, Jr. to the Board of Review for a 2 year term to expire on 12/31/2020 passed upon unanimous affirmative vote.*

**ZONING BOARD OF  
APPEALS APPOINTMENTS**

Nancy Blandford's term expired December 31, 2018.

*MOTION by Ritter, seconded by Moeschke, to appoint Nancy Blandford to the Zoning Board of Appeals for a 3 year term to expire on December 31, 2021, passed upon affirmative voice vote of the Board Members.*

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**MEETING/TRAINING  
REIMBURSEMENT**

Clerk Simmons submitted a proposal for Board consideration to reimburse township officials for attending township related meetings.

The Board deliberated on the proposal and ~~it wasn't~~ **was not** supported by the Board. The Board does reimburse for mileage if attending township training.

**CORRESPONDENCE**

Received a "Thank You" letter from Reycraft Road residents Mo & Marie Stokes, who recently had a house fire. They were very grateful to the Resort Bear Creek fire department for protecting their various items pulled out of their house due to the fire.

**OTHER**

The Planning Commission forwarded the proposed zoning ordinance amendment which updates various Article III definitions, Article IV Section 4.7.a (III) Accessory Buildings in the Waterfront Overlay Zoning District, Article V Section 5.4, and adding a new Section 5.5 to Article V which are illustrations that further clarifies the dimensional zoning requirements for residential and agricultural parcels.

Skornia reviewed the four changes that township legal council made to the amendment.

**MOTION by Wehrenberg, seconded by Monk, to adopt Bay Township Board of Trustees Resolution 2019-02-3, Amendment No. 37 to the Bay Township Zoning Ordinance, updating various portions of Articles III, IV and V, passed upon affirmative roll-call vote of the Board Members present.**

**Wehrenberg**

- Reminded the Board of this Saturday evening Resort Bear Creek Fire Department Annual Training and dinner event at Stafford's Bay View Inn.

**Ritter**

- Because of additional issues with the townships email with Charter, Ritter suggested going through Common Angle for email services; Board requested Ritter obtain pricing from Common Angle first.
- Suggested switching internet provider to Great Lake Energy True Stream when available due to cost savings.

**Monk**

- Rescheduled Charlevoix County MTA Elected Leaders summit has been rescheduled to February 25<sup>th</sup>.

**PUBLIC COMMENT**

None received.

**ADJOURNMENT**

**MOTION by Ritter, seconded by Wehrenberg, to adjourn the meeting at 9:00 PM, passed upon affirmative voice vote of the Board Members present.**

Respectfully submitted,

James G. Vanek  
Bay Township Deputy Clerk