

BAY TOWNSHIP BOARD OF TRUSTEES
February 13, 2020
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 Clerk W. Simmons, Treasurer S.L. Ritter, Trustee G.R. Monk, and Trustee W.B. Wehrenberg.

PUBLIC COMMENT Opened and closed public comment at 6:31 PM.

PRIOR MEETING MINUTES **MOTION by Monk, seconded by Ritter, to dispense with the reading of the January 9, 2020, Board of Trustees regular meeting minutes, passed upon unanimous affirmative voice vote of the Board Members present.**

MOTION by Monk, seconded by Moeschke, to approve the January 9, 2020 Board of Trustees regular meeting minutes, as presented passed upon affirmative voice vote of the Board Members present.

TREASURER REPORT January 31, 2020 Treasurer’s report as follows:
Huntington Banks Accounts

General Fund Savings	\$ 143,114.81
General Fund Checking	\$ 16,855.66
Road Fund	\$ 320,212.39
Tax Collection Fund Checking	\$ 385,930.02
CD** (Matures July 7, 2020)	\$ 34,858.66

**Moved to 4Front Federal Credit Union Account

4Front Federal Credit Union Account	
General Fund Savings	\$ 86,717.50

4Front Federal Credit Union Account	
CD (Matures June 16, 2020)	\$ 101,945.38 *

*Moved from general fund savings into CD

CLERKS WARRANTS Simmons presented the warrants for payment.

MOTION by Ritter, seconded by Monk, to approve the February warrants, totaling \$13,765.08 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.*
The Planning Commission heard and denied a special use permit applied for by Mark and Becky Lipchik to open a dog kennel and boarding facility at 8591 Horton Bay Road.

A copy of the following Planning Commission report was put in each Trustees meeting packet for each member’s review.

2019 – 20 YEAR IN REVIEW

The primary activities and actions of the Bay Township Planning Commission (PC) during 2019 are summarized as follows:

1. *In January the PC finished deliberation on updates to the 2019 – 2023 Recreation Plan and forwarded the plan to the Board of Trustees (BOT) for review and approval.*
2. *The PC, as part of its role as the Parks and Recreation Committee, formed a subcommittee to inspect each road end and park and to make a list of improvements to enhance the current recreational areas and improve water*

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- quality. The PC reviewed and prioritized this list in preparation for grant application to the Charlevoix County Parks and Recreation Grant program.*
- 3. The PC continued work on text amendments to Article III, Definitions, Article IV, General Provisions, and Article V, Zoning District Regulations, of the Zoning ordinance. In February these amendments were forwarded to the BOT for their review and approval.*
 - 4. The PC submitted the 2019 – 2023 Recreation Plan to the Michigan Department of Natural Resources (MDNR) for their approval.*
 - 5. The PC applied for and received a \$6,000 “Building Healthy Communities” grant from the Health Department of Northwest Michigan for improvements to the Walloon Lake Trust and Conservancy Preserve at the end of West Rd. This project will be completed by the Walloon Lake Trust and Conservancy.*
 - 6. Grants were submitted for three road end/park improvements at Camp Sherwood Park, Eagle Island – Lily Pad Rd Access, and Franklin Ave. The township was awarded the grants and implementation of the site plans were completed thru the summer.*
 - 7. The PC discussed and deliberated thru the course of the year various updates to Chapter 8 of the Master Plan. After collaboration with the BOT the updates were approved by the PC and forwarded to the BOT with a request to approve for distribution and review the draft Bay Township Master Plan.*
 - 8. At the Request of the BOT, the PC reviewed the issue of allowing the sale of alcohol for offsite consumption within the Agricultural Zoning District and provisions for its use related to special land use permits. After review and deliberation, the PC affirmed that the Zoning Ordinance permits the on-site sale of alcohol for off-site consumption and activities where alcohol is consumed on site at special events and activities within the agricultural Zoning District.*
 - 9. The PC continued work on text amendment language to Article XIII, Special Uses, of the Zoning Ordinance that would require the recording of a Deed Restriction on the property with a special use and sent the revisions to the Charlevoix County Planning Commission for review.*
 - 10. With the assistance of planner Claire Karner, the PC worked on developing flowcharts showing the Zoning Ordinance amendment process, the Special Use Permit approval process, and the Zoning Permit application process. The PC also worked on revisions to the PUD approval process flowchart. These were sent to the Township Attorney for Review and then on to the Charlevoix County Planning Commission for review. After that process was completed the flowcharts were sent to the BOT for its review and approval.*
 - 11. The PC held a public hearing in May for public comment on its proposed text amendments to the Zoning Ordinance.*
 - 12. The planning Commission discovered there were serious errors in the Zoning Map that is a part of the Zoning Ordinance. After corrections to the commercial and residential zoning districts and a public hearing, the corrected map was sent to the Charlevoix County Planning Commission for review,*
 - 13. The PC reviewed the 2015 Medical Marihuana Act and the 2018 Recreational Marihuana Act with the understanding that the BOT is responsible for any action the township might consider.*
 - 14. The PC began work on more clearly defining the Village Overlay District in September. It had previously been defined on the Master Plan Future Land Use Map as a circle with no clear boundaries.*
 - 15. The PC also discovered and worked on correcting errors in Article IX, Village Overlay District, language.*

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16. In October the PC approved a request for a Special Use Permit to build an accessory building without a principal structure on Church Rd.
17. In October the PC approved a request for a Special Use Permit for an Accessory Dwelling Unit.
18. The PC worked on clarifying language relating to the Minimum Equivalent Density Division.
19. The PC worked on language within the Village Overlay District to better define "Allowed Use by Right" and uses that require a Special Use Permit.

2020-21 and future GOALS

The PC set the following goals for 2020:

1. Finish work on the map and language for the Village Overlay District
2. Continue work on Lot Averaging Language
3. Work on defining business uses more clearly
4. Review Special Uses throughout the Zoning Ordinance
5. Review water quality and greenbelt requirements
6. Define specific park and recreation projects the Township should consider.

ZONING ADMINISTRATORS REPORT

Note: A report was not filed because of continued issues with the Zoning Administrator's computer. Van Zee was excused from meeting.

ZONING BOARD OF APPEALS REPORT

The Zoning Board of Appeals selection of officers took place on January 15, 2020 Rob Maxwell-Chairperson, Nancy Blandford-Vice-Chairperson, Xavier "X" Gaudard-Planning Commission Representative and Secretary, Stephen Ritter- Board of Trustees Representative, and Kristin Baranski-Recording Secretary. There was no meeting in February.

CEMETERY COMMITTEE

Per Monk the Cemetery Committee met on January 29, 2020. Jeff Riley, Cemetery Committee member is now the sexton for North Bay Cemetery. Ritter and Monk have been discussing budgets for the March Township Meeting.

VILLA DE CHARLEVOIX RESOLUTION 2020-02-01

Members of the Board met with the Charlevoix County Road Commission to finalize the Villa de Charlevoix Road project. Moeschke will be requesting a copy of the Charlevoix County Road Commission Budget. It was also noted that after the completion of this 2020 project Bay Township will have spent approximately \$850,000.00 on Villa de Charlevoix Roads.

Motion by Wehrenberg, seconded by Simmons to pass resolution 2020-02-01 whereby it is mutually agreed between Bay Township and Charlevoix County Road Commission that construction will be contracted and completed by: PAYNE & DOLAN, INC.: 1.44-Miles of drainage improvements, aggregate base, crush & shape, bituminous paving, shoulders, and restoration on various roads within the Villa de Charlevoix subdivision, Bay Township. September 30, 2020 completion date. (A489.0.20-01-01)

And it is further agreed that the Villa de Charlevoix subdivision construction project estimated construction costs (to be completed by PAYNE & DOLAN, INC.) are \$560,262.93 less the \$4,779.00 clearing cost to be the responsibility of the Charlevoix County Road Commission, and has a September 30, 2020 completion date. As per the bid document language, the Township shall pay the Charlevoix County Road Commission \$400,000 at project completion, with the remaining project invoice balance payable by March 1st, 2021. All payments

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to the Road Commission shall be within 30 days of each billing for the above project.

It is further agreed that if the actual cost exceeds the estimated cost by 10%, the project will be stopped until authorization from Bay Township is received to complete the above project. It is further understood that approximately \$23,000 or less will be borrowed from the Bay Township General Fund and put in the Bay Township Road Fund to cover any shortage in the Road Fund at time of payment and shall be paid back to the General Fund.

This Motion and Resolution 2020-02-01 passed upon unanimous affirmative roll-call vote of the Board Members present.

**ELECTION
REIMBURSEMENT**

Simmons presented information on election reimbursement from the State of Michigan and local school district elections. The Township will be reimbursed for specific election expenses with the exception of the Presidential election in November 2020.

FOIA

The Supervisor is the FOIA Coordinator. Moeschke reiterated to all Board members the importance if we have a FOIA request we will provide information according to the guidelines if a document exists. One thing we do not do is create or prepare special reports or information. This type of request would be denied.

**BOARD OF REVIEW
RESOLUTION 2020-02-02**

Motion by Ritter seconded by Monk, to approve Resolution 2020-02-02 Authorization to Allow Local Residents to Protest in Writing to Board of Review, passed upon affirmative voice vote of the Board Members present.

2020-2021 BUDGET

Budget was reviewed and discussed. Simmons will put in updated figures for further discussion at the March Board of Trustees meeting. Raises were given to the Supervisor, Trustees and Assessor.

MTA REPRESENTATIVE

Georganna Monk was appointed to be the Michigan Township Association-Charlevoix Chapter Representative.

Wehrenberg would like to add to the March Agenda a discussion on who will be responsible for the approval of the Master Plan. The Michigan Enabling Act 33 of 2008 gives the Planning Commission the right of approval. This Act came into effect after the Board approval of the 2006 Master Plan.

CORRESPONDENCE

Received a letter from the State of Michigan Liquor Control Board.

PUBLIC COMMENT

Opened public comment at 8:25 PM.

Jane Wehrenberg stated much of what is done by members should be considered volunteer and as such should not be reimbursed for mileage or attending meetings outside of the regular scheduled meetings such as MTA Chapter meetings.

Representatives from the Villa de Charlevoix indicated their appreciation on the Township Board working so hard to come up with solutions to fix the roads within the Villa subdivision.

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Dave Skornia spoke on the reason the Michigan Enabling Act 33 of 2008 gave the Planning Commission the right of Approval on the Master Plan, in part to keep politics out of planning.

Skornia also gave the approximate time frame for proceeding with the Master Plan and Zoning Map.

ADJOURNMENT

MOTION by Monk, seconded by Ritter to adjourn the meetings at 8:45 PM, passed upon affirmative voice vote of the Board Members present.

Respectfully submitted,



Wendy Simmons
Bay Township Clerk