

BAY TOWNSHIP BOARD OF TRUSTEES
January 14, 2021
REGULAR MEETING MINUTES
APPROVED

CALL TO ORDER

Supervisor Moeschke called the virtual meeting to order at 6:302 PM and led with the Pledge of Allegiance. Other Board members in attendance were Clerk W. Simmons, Treasurer S.L. Ritter, Trustee X. Gaudard. Trustee W.B. Wehrenberg joined the virtual meeting at 6:48 PM

PUBLIC COMMENT

Public Comment opened and closed at 6:33 PM.

**CONSENT AGENDA/
MINUTES**

MOTION by Gaudard, seconded by Simmons to approve the consent agenda and approve the December 17, 2020 Board of Trustees regular meeting minutes, as amended, upon affirmative roll-call vote of the Board Members present.

MOTION by Simmons, seconded by Gaudard to approve the December 21, 2020 Board of Trustees special meeting minutes, upon affirmative roll-call vote of the Board Members present.

TREASURER REPORT

December 31, 2020 Treasurer's report as follows:
Huntington Banks Accounts

General Fund Savings	\$ 45,324.73
General Fund Checking	\$ 28,722.19
Road Fund	\$ 28,715.57
Tax Collection Fund Checking	\$1,279,751.78
4Front Federal Credit Union Account	
General Fund Savings	\$ 207,672.49
4Front Federal Credit Union Account	
CD	\$ 35,201.43

Ritter indicated Simmons is still not on the 4Front Federal Credit Union account and is required to have access to this account.

WARRANTS

Simmons presented the warrants for payment.

MOTION by Ritter, seconded by Simmons, to approve the January 2021 warrants, totaling \$20,206.80 to be paid from the General Fund, passed upon affirmative roll-call vote of the Board Members present.

**ROAD VACATION IN
ZENITH HEIGHTS
RESOLUTION 2021-01-02**

BAY TOWNSHIP
CHARLEVOIX COUNTY, MICHIGAN

BAY TOWNSHIP BOARD OF TRUSTEES
RESOLUTION 2021-01-02
ROAD VACATION IN ZENITH HEIGHT

WHEREAS, a Petition to Abandon was received from all owners of record and occupant of land abutting the Charlevoix County road located in the Plat of Zenith Heights, Bay Township, Charlevoix County, Michigan, being that portion of Valley Brook Avenue BEGINNING at the Westernmost corner of Lot 25 of ZENITH HEIGHTS, according to the plat thereof, recorded in Liber 2 of plats on Page 1, Charlevoix County Records; thence along the Southwesterly line of said Lot 25 and Lots 24, 23,22 and 21 496.20 feet, more or less, to the Southernmost corner of

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said lot 21; thence Southwesterly along the Northwesterly line of Lake Street 40 feet, more or less, to the Easternmost corner of Lot 94 of said plat; thence Northwesterly along the Northeasterly along the Northeasterly line of said lot 94 and Lots 95 through 98 of said plat, 442.60 feet, more or less, to the Northernmost corner of said lot 98; thence Northerly along the East line of Anderson Avenue 67.4 feet, more or less, to the point of Beginning; being part of Valley-Brook Avenue in the recoded Plat of Zenith Heights and containing 0.43 acres, more or less and

WHEREAS, a Petition to Abandon was received from all owners of record and occupant of land abutting the Charlevoix County road located in the Plat of Zenith Heights, Bay Township, Charlevoix County, Michigan, being that portion of Shady Nook Avenue BEGINNING at the Northernmost corner of Lot 99 of ZENITH HEIGHTS, according to the plat thereof, recorded in Liber 2 of plats on Page 1, Charlevoix Count Records; thence Northerly along the Easterly line of Anderson Avenue, 67.4 feet, more or less, to the Westerly line of Lot 97 of said plat; thence Southeasterly along the Northeasterly line of Shady Nook Avenue, 429. 6 feet to the Southernmost corner of Lot 91 of said plat; thence Southwesterly along the Southwesterly line of Shady Nook Avenue, 375 feet, more or less, to the Point of Beginning; being part of Shady Nook Avenue in the recorded plat of Zenith Heights, and containing 0.37 acres, more or less and

NOW, THEREFORE BE IT RESOLVED, by the Bay Township Board of Trustees for the Township of Bay, County of Charlevoix, Michigan that the portion of the properties as herein described be vacated and discontinued as of January 14, 2021, that a drawing of said portions, Exhibit 2, pages 1 and 2 from Ferguson & Chamberlain Associates, Inc. sketch of field observations with a revision date of 10/28/2020 is made part of this resolution.

Motion by: _____ Moeschke _____

Seconded by: _____ Wehrenberg _____

Roll Call Vote:

Ayes: Gaudard, Wehrenberg, Ritter, Moeschke, Simmons

Nays: none

Absent: none

Abstain: none

RESOLUTION DECLARED PASSED



Wendy Simmons, Clerk
Bay Township Board of Trustees

January 14, 2021

Date

PLANNING COMMISSION

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

Gaudard presented the Bay Township Planning Commission annual report for calendar year 2020 including the 2021 goals.

- Wehrenberg questioned whether it was necessary to have so many members on the planning commission. There is a Board representative, a member of the Zoning Board of Appeals representative along with five members.
- Simmons indicated this gave a cross section of representation from the entire township.

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- Ritter explained the number of members was based upon how the Township Board of Trustees originally organized the Planning Commission.
- Gaudard will address at the next Planning Commission meeting and report back to the Board of Trustees.

ZONING ADMINISTRATORS REPORT

Note: A copy of this report is on file with the Township Clerk which has further detail.
Van Zee continues issuing zoning permits and reviewing applications.

ZONING BOARD OF APPEALS

Note: A copy of this report is on file with the Township Clerk which has further detail.
The Zoning Board of Appeals met on January 13, 2021. Variances were granted on property ID # 15.001.200.025.00 owned by Bob and Pam Brooks.

- Kathleen Donahue has been named Chairperson
- Barbara Mathes-Alquire is Vice-Chair
- Simmons suggested having the ZBA members participate in a joint training session with Hayes township ZBA members put on by Shawn Winter of Beckett and Raeder. Ritter will also work with Kathleen for additional MTA and Michigan State training.

CEMETERY COMMITTEE AND SEXTON/MAINTENANCE REPORT

Note: A copy of this report is on file with the Township Clerk which has further detail.
A cemetery entrance sign was installed by the Charlevoix County Road commission just south of the Dyer Cemetery entrance. Monk is continuing to organize all cemetery records by section lot number at the hall.

ZONING ORDINANCE AMENDMENT 41 VILLAGE OVERLAY

MOTION by Moeschke, seconded by Gaudard to approve the adoption of Zoning Amendment No. 41 passed upon affirmative roll-call vote of all board members present.

NOTICE OF ADOPTION

**BAY TOWNSHIP
CHARLEVOIX COUNTY, MICHIGAN**

Amendment to the Bay Township Zoning Ordinance

PLEASE TAKE NOTICE that the BAY TOWNSHIP BOARD OF TRUSTEES at its regular meeting held on January 14, 2021, at 6:30 PM, which took place remotely via Zoom due to the pandemic, adopted the following ordinance to amend the Bay Township Zoning Ordinance and Map:

Zoning Ordinance Amendment 41

Summary of regulatory effect of the Bay Township Zoning Ordinance:

- Section 9.1 Purpose to establish purpose of the Village Overlay Zoning District.
- Section 9.2 Permitted Uses to revise the uses permitted by right in the Village Overlay Zoning District.
- Section 9.3 Special Uses to revise the uses allowed through special use permit approval in the Village Overlay Zoning District.
- Section 9.5 Area, Width, and Setback Requirements to address exceptions to the dimensional standards presented in Section 5.4 for the Village Overlay Zoning District.

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- Section 9.6 Village Design Standards to establish the site development standards as they relate to parking, exterior lighting, signage, building materials, setbacks, and alternative designs and materials permitted for non-residential uses in the Village Overlay Zoning District.
- To clarify that accessory buildings customary to permitted uses are allowed by right in all zoning districts.
- To clarify that accessory buildings without a principal use are subject to special use permit approval in all zoning districts.

Summary of regulatory effect of the Bay Township Zoning Map

- The Bay Township Zoning Map will be amended to illustrate the extent of the Village Overlay Zoning District, to include the following parcels
001-005-018-10
001-006-041-00
001-006-041-10
001-006-042-25
001-006-045-10
001-006-045-80 (northwest corner only)
001-006-057-10
001-006-057-20
001-006-058-00
001-006-059-00
001-006-060-00
001-006-063-00
001-006-064-15
001-006-064-20
001-006-065-15
001-006-067-10

This amendment may be purchased or inspected at the office of the Bay Township Clerk, 05045 Boyne City Rd, Charlevoix, MI 49712 through an appointment by contacting the Township Clerk at (231) 675-3457 or clerk@baytownshipmi.org. This amendment was adopted at the regular meeting of the Bay Township Board on January 14, 2021 and shall be effective on the eighth day after publication.

/s/ Wendy Simmons
Bay Township Clerk

Simmons noted the amendment had to be adopted again because of an incorrect property number published originally.

BOARD OF REVIEW

Wasylewski presented the Poverty Exemption resolution indicating it is now allowable to exempt for a period of three years. Bay Township has no poverty exemptions at this time and the Board was in agreement that an exemption should be done annually. Wasylewski will present the Poverty Exemption resolution again at the February Board of Trustees meeting after further investigation of the changes being recommended by the State.

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RESOLUTION 2021-01-01
PROTEST IN WRITING TO
THE BOARD OF REVIEW

MOTION by Moeschke, seconded by Wehrenberg approving Resolution 2021-01-01 Allowing local residents to protest in writing to the Board of Review passed upon affirmative roll-call vote of the Board Members present.

BAY TOWNSHIP RESOLUTION 2021-01-01

Authorization to Allow Local Residents to Protest in Writing to Board of Review

WHEREAS, the Township Board of Bay Township, Charlevoix County, Michigan, desires to ease the burden on taxpayers, the assessor, and the board of review by allowing all taxpayers the opportunity to file a protest before the board of review by letter; and

WHEREAS, the Township Board of Bay Township, Charlevoix County, Michigan, is authorized by THE GENERAL PROPERTY TAX ACT 206 of 1893, MCL 211.30(8) to adopt a resolution authorizing a resident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or his or her agent.

NOW, THEREFORE, BE IT RESOLVED by the Township of Bay, Charlevoix County that all resident taxpayers, or their agents, are authorized to protest to the board of review by letter. Said letters must be delivered to the physical or electronic address provided in the public notice or publication. For the March meeting of the board of review, letters must be received prior to the deadline on the publication. For the July and December meetings of the board of review, letters must be received by 5:00pm on the day prior to the meeting stated on the public notice; and

BE IT FURTHER RESOLVED, that Bay Township shall include a statement notifying taxpayers of this option in each assessment notice under section 24c and on each notice or publication of the meeting of the board of review.

The foregoing resolution was offered by Board Member Moeschke and supported by Board Member Wehrenberg.

Upon roll call vote, the following voted:

Yeas: Moeschke, Gaudard, Ritter, Wehrenberg, Simmons

Nays: 0

Abstain: 0

Absent and Excused: 0

The Chairman declared the motion carried, and Resolution 2021-01-01 duly adopted this January 14, 2021 (date).

AMBULANCE SERVICE

Wehrenberg addressed the issue of joining a County wide EMS Authority that is currently in the infancy stages of being discussed with twenty-one entities within the area. Bay Township went from approximately \$20,000 in 2019 to \$40,000 in 2020 from the City of Boyne City for their EMS service. The current contract with the City of Boyne City is not a good deal per Wehrenberg as Bay Township uses 4% of the services and pays Boyne City 8% in fees whereas the City of Boyne City uses 50% of the EMS services and only pays for 40% in fees. In addition to Bay Township has no

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representation on the City of Boyne City's Board for this service.

To participate in this Area wide authority would add $\frac{3}{4}$ of a mill (if passed) or approximately \$125,000 in additional taxes our residents would be required to pay versus the current \$40,000. An authority would basically cover the costs incurred by other entities such as Beaver Island that already pays \$125,000 in fees in addition to a \$7,500 transit fee. Wehrenberg requested the Board go on record immediately indicating not to participate in an area wide Authority.

Simmons, as the Board Representative to these EMS Authority meetings, indicated at this point in time it does not look like the discussions are going to get out of the infancy stages and suggested to wait to see if and when anything would even come to fruition prior to going on record on non-participation. Wehrenberg agreed.

2021 MEETING DATES

MOTION by Simmons, seconded by Ritter, to approve set the 2021 Bay Township Board of Trustee meetings for the 2nd Thursday of each month beginning at 6:30 PM and the Annual Township meeting on Thursday, March 25, 2021 at 6:30 PM with a public hearing for the 2021-22 General Fund and Road Fund Budget immediately following, passed upon affirmative roll-call vote of the Board Members present.

OTHER

Gaudard asked the Board to consider looking into creating a Parks and Rec Committee to start addressing the various grants that are available to the township including the Charlevoix County program. This is not an item that is necessarily a responsibility of the Planning Commission but the Board needs to make a decision with regards to appointing a committee and/or if the Board of Trustees is going to take on the responsibility directly of searching for grants and projects within the township. A committee could identify both projects and grant programs available.

Wehrenberg indicated he will probably be leaving the Bay Township Board of Trustees, as a Trustee, on February 28, 2021 because of his move to Melrose Township.

Gaudard completed on line training for newly elected Trustees through MTA.

Moeschke was questioned if he had been in touch with Pat Harmon of the Charlevoix County Road Commission with regards to a blinking light installation near the fatal accident near Camp Daggett and Camp Sherwood. Moeschke indicated he had not but will speak with Harmon prior to the next board meeting.

CORRESPONDENCE

Received a request from Philo B. Lange III of Melrose Township requesting joint responsibility for the dam at Bear River. The dam is over 80 years old and was last inspected in 2003. Bay Township has water frontage on Walloon Lake and would like to coordinate responsibility if the Township is interested in participating. The Board is not interested in participating.

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COMMENT

Opened Public Comment at 7:58 PM

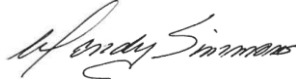
Dave Skornia explained the importance of a blinking light at the Camp Daggett and Camp Sherwood intersection and indicated there are solar powered light that could be used if electric power is an issue.

Closed Public Comment at 8:01 PM

ADJOURNMENT

MOTION by Gaudard, seconded by Moeschke, to adjourn the meeting at 8:01 PM, passed upon affirmative roll-call vote of the Board Members present.

Respectfully submitted,



Wendy Simmons
Bay Township Clerk