

**BAY TOWNSHIP BOARD OF TRUSTEE**  
**January 11, 2024**  
**REGULAR MEETING MINUTES**  
**APPROVED**

CALL TO ORDER

PUBLIC COMMENT

AGENDA ACTIONS

PRIOR MEETING MINUTES

SUPERVISOR’S REPORT

CLERK’S REPORT

TREASURER REPORT

WARRANTS

Supervisor Gaudard called the meeting to order at 6:00 PM and led with the Pledge of Allegiance. Other Board members in attendance were, Trustee S. Van Dam, Trustee D. Beynon Treasurer S. Ritter, and Clerk W. Simmons.

Public Comment opened and closed at 6:01 PM. There was no public comment.

No agenda actions.

**MOTION by Van Dam, seconded by Ritter to approve the December 14,2023 Board of Trustees regular meeting minutes as amended upon affirmative voice vote of the Board Members present.**

- Charlevoix County Road Commission will be upgrading Sumner Road with ~~Ashton-Afton~~ stone and ~~hopefully combine~~ with a new chemical, Perma Zyme, to assist in binding and dust control. Tree removal has already begun.
- Board approved Gaudard to go ahead and purchase name ~~tags~~ plates for members of the Planning Commission, ZBA, and Board of Review.

- Chamberlain and Ferguson completed the survey at Lily Pad Road end off of Eagle Island Road. Results and drawing will be completed by next week.

December 31, 2023 Treasurer’s report as follows:

UNRESTRICTED FUNDS		
General Fund Savings:	Huntington	\$ 78,596.08
General Fund Savings:	4Front Credit Union	\$ 225,496.91
General Fund Savings:	Charlevoix State Bank	\$ 104,523.33
General Fund Checking:	Huntington	\$ 18,471.24
Certificate of Deposit:	Huntington	\$ 35,483.13
TOTAL UNRESTRICTED FUNDS:		\$ 462,570.69
RESTRICTED FUNDS:		
Road Fund Savings:	Huntington	\$ 238,608.42
Road Fund Savings:	Charlevoix State Bank	\$ 139,697.59
TOTAL RESTRICTED FUNDS:		\$ 378,306.01
TAX FUND CHECKING		
Tax Fund Checking:	Huntington	\$1,377,924.15
TOTAL		\$2,218,800.85

The Huntington CD was renewed for 11 months at 5.2% on January 5, 2024. The January balance on the CD will be \$37,533.00

A written report by Simmons presented the warrants for payment.

**MOTION by Ritter seconded by Van Dam to approve the January 11, 2024 warrants, totaling \$16,019.05 to be paid from the General Fund, passed upon affirmative roll-call vote of the Board members present.**

**BAY TOWNSHIP BOARD OF TRUSTEE**  
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**PLANNING COMMISSION**

*Note: A copy of the Planning Commission report is on file with the Township Clerk.*  
The 2023 annual report to the Board of Trustees was presented highlighting:

- Updates to finalization of Article XVII Nonconformities
- Consideration of revisions & amendments to Article VI
- Consideration of implementation of a Shoreline Protection subcommittee
- Future goals
  - Finish Article XVII
  - Finish Article VI
  - Improve on line Zoning Permit Application and process
  - Equivalent Density language
  - Renewable energy language inclusion
  - Short term rental language

Dave Skornia elected to Chairperson with Barb Mathes-Alguire Vice-chair and Joe Jones as Secretary.

**ZONING ADMINISTRATORS  
REPORT**

Van Zee presented the request to approve the parcel changes on the Caudarette property located at 05857 Horton Bay Road, parcel #15-001-006-008-20. Equalization originally recorded the deed with out township approval. Board agreed for Ron to go ahead with request.

Van Zee is contacting residents on Horton Bay Road that are storing recreational vehicles (boats) in the front yard as well as addressing other violations of buildings being built without permits near the corner of Church and Horton Bay Rd. This parcel which has a 'tiny house' erected needs proof of it being used for overnight accommodations in order for the building department to get involved.

**ZONING BOARD OF  
APPEALS**

There will be an organizational meeting held on Monday, January 15, 2024 at 6:00 PM. The board welcomes John Rohe as the newest member to the Board of Appeals effective January 1, 2024.

**CEMETERY/SEXTON**

*Note: A copy of the Cemetery/Sexton report is on file with the Township Clerk.*  
The cemetery committee was given permission to pursue obtaining information on various grants that might be available next year to assist in upgrading the entrance, parking area, and ring road of Dyer Cemetery.

**PARKS & RECREATION**

The Board of Trustees would like the Parks & Rec committee to continue looking into grants that might be available for improving road end access sites with plantings natural to this area.

**AMENDMENT TO ARTICLE  
XVII - NONCONFORMING**

*Article XVII – Nonconforming update is attached to this report in its entirety.*  
**MOTION by Ritter seconded by Gaudard to approve Resolution 2024-01-02 Article XVII – Nonconforming revisions and updates effective January 25, 2024, passed upon affirmative roll-call vote of the Board members present.**

**BAY TOWNSHIP BOARD OF TRUSTEE**  
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**RESOLUTION NO. 2024-01-02**

**Nonconformities**

*ADOPTED: January 11, 2024*

*EFFECTIVE: January 26, 2024*

**TITLE: Bay Township Ordinance dated January 2021 Amendment No. 42 to  
the Bay Township Zoning Ordinance – Article XVII pertaining to  
Nonconformities**

**WHEREAS**, the Bay Township Planning Commission has prepared a text amendment to the Bay Township Zoning Ordinance, Bay Township Ordinance dated January 2021, to amend Article XVII pertaining to Nonconformities, and

**WHEREAS**, the Bay Township Planning Commission has followed the requirements of Article XIX Amendments of the Bay Township Zoning Ordinance in preparing the proposed text amendments, and

**WHEREAS**, the Charlevoix County Planning Commission has reviewed the proposed text amendments and has made various comments, and

**WHEREAS**, the Board of Trustees has received the Charlevoix County Planning Commission recommendations and has conducted further review and deliberations as deemed necessary,

**WHEREAS**, the Bay Township Planning Commission has recommended to the Board of Trustees that the proposed text amendments be adopted, and

**WHEREAS**, the Board of Trustees has received the aforementioned information and has conducted further deliberations of the proposed text amendments as deemed necessary,

NOW, THEREFORE, BE IT RESOLVED that, the Bay Township Board of Trustees, hereby accepts the recommendations of the Bay Township Planning Commission and adopts Bay Township Ordinance No. dated January 2021, Amendment No. 42 to the Bay Township Zoning Ordinance Article XVII pertaining to Nonconformities and deems that it shall take effect 8 days after its publication in Petoskey News-Review, a newspaper of general circulation in Bay Township.

The foregoing resolution offered by Board Member Ritter and supported by Board Member Gaudard.

Upon roll call vote, the following voted:

AYE

Simmons

Ritter

Van Dam

Beynon

Gaudard

NAY

Supervisor Gaudard declared the resolution adopted.

**BAY TOWNSHIP BOARD OF TRUSTEE**  
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**CURTIS LANE**

An estimate for the paving of Curtis Lane of over \$278,000 (+) was received from the Charlevoix County Road Commission. This quote will be passed on to Terry Marrs, the resident that requested the information. The township has a road millage to maintain the roads but not the funds to pave gravel roads. The road commission has given us a prioritized list of the roads in the township that they believe need to be addressed. The board will use this list to determine township road projects. The Board has no interest in the Curtis Lane paving project or doing a special assessment. A special assessment would require the township to borrow money and the Board is not interested in pursuing that option now or in the foreseeable future.

**POVERTY EXEMPTION  
RESOLUTION #2024-01-01**

**MOTION by Beynon seconded by Van Dam to approve Resolution 2024-01-01 2024 Poverty Exemption Resolution effective immediately passed upon affirmative roll-call vote of the Board members present.**

**Bay Township**  
**2024-01-01 Poverty Exemption Resolution**  
*Effective: January 11, 2024*

**WHEREAS**, the adoption of guidelines for poverty exemptions is required of the Bay Township Board of Trustees; and

**WHEREAS**, the principal residence of persons, who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u) as amended by PA 620 of 2002; and

**WHEREAS**, pursuant to PA 390 of 1994, the Bay Township Board of Trustees, Charlevoix County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but are not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence a property for which an exemption is requested.
- 2) File Form 5737 Application for MCL 211.7u Poverty Exemption.
- 3) File Form 5739 Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty.
- 4) For all persons residing in the primary residence provide federal and state income tax returns including any property tax credit returns filed in the immediately preceding year or in the current year, or file Form 4988 Poverty Exemption Affidavit for each person not required by law to file Federal and/or State income tax return(s).
- 5) Produce a valid driver's license or other form of identification, if requested.
- 6) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if requested.
- 7) Meet the income guidelines for all persons residing in the household as defined in the policy.
- 8) Meet the asset level test as defined in the policy.
- 9) The application for an exemption shall be filed after January 1, but before the day prior to the last day of the Board of Review.

Approved Poverty Guidelines for **2024**:

# BAY TOWNSHIP BOARD OF TRUSTEE

January 11, 2024

## REGULAR MEETING MINUTES

APPROVED

<u>Size of Family Unit</u>	<u>Township Income Guideline</u>	<u>Federal</u>
<u>Poverty Guidelines</u>		

1.	<b>\$14,580</b>	<b>\$14,580</b>
2.	<b>\$19,720</b>	<b>\$19,720</b>
3.	<b>\$24,860</b>	<b>\$24,860</b>
4.	<b>\$30,000</b>	<b>\$30,000</b>
5.	<b>\$35,140</b>	<b>\$35,140</b>
6.	<b>\$40,280</b>	<b>\$40,280</b>
7.	<b>\$45,420</b>	<b>\$45,420</b>
8.	<b>\$50,560</b>	<b>\$50,560</b>

**For each additional person, add \$5,140**

Approved Asset Test

- 1) Things of value that a person can own and are exempt from consideration in determining eligibility for a poverty exemption.
  - a. Applicant's principal residence
  - b. One motor vehicle per working adult
  - c. Essential household goods
  - d. Personal assets of any nature with a total value up to **\$10,000**.
- 2) Things of value that the Board of Review can consider in determining what percent exemption to grant:
  - a. Real estate other than the principal residence
  - b. Personal property
  - c. Motor vehicles in excess of one per working adult
  - d. Recreational vehicles and equipment
  - e. Certificate of deposits, savings accounts, checking accounts, stocks, bonds, life insurance, and retirement funds, etc.
- 3) The Board of Review shall consider the value of the assets, or indebtedness otherwise owned by the applicant. Assets (except those exempt from consideration as listed above), shall not exceed **\$10,000**.

**WHEREAS**, pursuant to PA 253 of 2020, if a person claiming an exemption qualifies under the eligibility requirements, the board of review shall grant the exemption in whole or in part, as follows:

- (a) A full exemption equal to a 100% reduction in taxable value for the tax year in which the exemption is granted if only assets exempt from consideration are owned.
- (b) A partial exemption equal to a 50% reduction in taxable value if non-exempt assets are owned, but the asset threshold is not exceeded.

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that the Board of Review shall follow the above stated policy and guidelines in granting or denying an exemption for the 2024 tax year.

The foregoing resolution offered by Township Board Member

**Beynon**

Supported by Bay Township Board of Trustees member:

**Van Dam**

Upon roll call vote, the following voted:

"Aye": **Van Dam, Simmons, Gaudard, Ritter, Beynon**

"Nay": none

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The Township Clerk declared the resolution 2024-01-01 adopted effective January 11, 2024.

**PUBLIC COMMENT**

Public comment opened and closed at 8:09 PM. There was no public comment.

**BOARD COMMENT**

Van Dam would like to see an article in the next newsletter explaining the difference in zoning categories versus property tax categories.

**ADJOURNMENT**

**MOTION by Van Dam, seconded by Beynon to adjourn the meeting at 8:14 PM, passed upon affirmative voice vote of the Board Members present.**

Respectfully submitted,



Bay Township Clerk