

CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING
JANUARY 29, 2019

The regular meeting of the Charter Township of Hampton Board of Trustees was called to order at 7:00 p.m. by the Supervisor in the Boardroom of the Hampton Township Administrative Offices.

The pledge of allegiance was given to the flag.

The invocation was read and a moment of silence observed.

PRESENT: Klass, DeWyse, Wright, Close, Samyn, Wisniewski

ABSENT: Hugo (excused)

ALSO PRESENT: Hewitt, Benchley & 8 people in audience

Motion by DeWyse seconded by Wisniewski that the changes to the agenda be approved. Motion carried.

Motion by DeWyse seconded by Wisniewski that the minutes of the January 14, 2019 regular meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

Motion by Wisniewski seconded by DeWyse that the communication for Charles Groya regarding the "hot ponds" be received. Motion carried.

Motion by DeWyse seconded by Wisniewski that the Police Report for December 2018 be received. Motion carried.

AUDITORS REPORT:

Motion by Klass seconded by Close that the following warrants be approved for payment:

#45359 - #45399	General Fund	\$ 76,512.73
#3115 - #3118	Building Fund	4,325.43
#3854 - #3862	Sewer Fund	189,970.30
#104	ERR Fund	5,944.31
#6496 - #6545	Tax Fund	1,681,012.55
#2907 - #2909	Public Safety Fund	11,190.20
#1591 - #1593	Water Fund	1,096.32
#262	SAW Grant Fund	<u>4,024.98</u>

\$ 1,974,076.82

AYES: Klass, Close, Wisniewski, DeWyse, Samyn, Wright
NAYS: None
ABSENT: Hugo
Motion carried.

OPEN TO THE PUBLIC:

No one addressed the Board.

UNFINISHED BUSINESS:

Motion by Wisniewski seconded by Klass that Ordinance No. 66, Prohibition of Recreational Marihuana Establishments, be introduced as follows:

An ordinance to provide a title for the ordinance; to define words; to prohibit recreational marihuana establishments within the boundaries of the Charter Township of Hampton pursuant to Initiated Law 1 of 2018, being MCL 333.27951 *et seq.*, as may be amended; to provide penalties for violations of this ordinance; to provide for severability to repeal all ordinances or parts of ordinances in conflict herewith; and to provide an effective date.

THE CHARTER TOWNSHIP OF HAMPTON
BAY COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the Charter Township of Hampton Prohibition of Recreational Marihuana Establishments Ordinance.

SECTION II
DEFINITIONS

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, voted and approved by the electors on November 6, 2018 and MCL 333.27951 *et seq.*, incorporating into law the initiative described herein, as may be amended.

SECTION III
NO RECREATIONAL MARIHUANA ESTABLISHMENTS

The Charter Township of Hampton hereby prohibits all recreational marihuana establishments within the boundaries within the township, regardless of the zoned district or classification, pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as be amended.

SECTION IV
VIOLATIONS AND PENALTIES

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance, per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 in the discretion of the civil infraction department or court. The foregoing sanctions shall be in addition to the rights of the township to proceed at law or equity with an appropriate and proper remedies. Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which the township incurs in connection with municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

SECTION V
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable, by a Court of competent jurisdiction, it should not affect the remainder of such ordinance, which shall continue in full force and effect.

SECTION VI
REPEALED

All ordinances or part of ordinances in conflict are hereby repealed. It is specifically noted that Ordinance 65 of the ordinances of the Charter Township of Hampton dealing with medical marihuana facilities is not conflict with this ordinance.

SECTION VII
EFFECTIVE DATE

This ordinance shall be published in newspapers, circulated within the Charter Township of Hampton, Bay County, Michigan and shall be effective on the date of such publication.

AYES: Wisniewski, Klass, DeWyse, Samyn, Wright, Close
NAYS: None
ABSENT: Hugo
Motion carried.

Motion by Wisniewski seconded by Samyn to approve the revised cost of \$313,500.00 from the 2019 road projects.

AYES: Wisniewski, Samyn, Klass, DeWyse, Wright, Close
NAYS: None
ABSENT: Hugo
Motion carried.

NEW BUSINESS:

Motion by DeWyse seconded by Klass to approve the following amendments to the 2018 budget:

<u>DECREASE</u>	<u>APRV.BUDGET</u>	<u>CHANGE</u>	<u>NEW BUDGET</u>
101-171-718.000 Supervisor – Retirement	8,700	244	8,456
101-201-702.000 GSA – Salaries	40,800	898	39,902
101-895-956.000 Contingency	360,673	15,543	345,130
101-444-956.000 O&M – Miscellaneous	2,500	355	2,145
101-526-956.000 Landfill – Miscellaneous	4,613	38	4,575
205-336-702.000 Fire – Salaries	490,055	11,344	478,711

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249-373-956.000 Elec Inspector – Misc.	200	108	92
591-537-702.000 Water – Salaries	80,745	1,619	79,126

<u>INCREASE</u>	<u>APRV.BUDGET</u>	<u>CHANGE</u>	<u>NEW BUDGET</u>
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101-171-716.000 Supervisor – Hospitalization	17,755	244	17,999
101-201-716.000 GSA – Hospitalization	3,450	898	4,348
101-210-803.001 Attorney – Labor	33,930	2,240	36,170
101-444-740.000 O&M – Operating Supplies	100,090	355	100,445
101-526-740.000 Landfill – Operating Supplies	1,387	38	1,425
101-851-910.000 Insurance & Bonds	140,000	13,303	153,303
205-336-723.000 Fire – Education	3,894	135	4,029
205-336-778.000 Fire – Equip Rep & Maintenance	17,880	4,345	22,225
205-336-970.000 Fire – Capital	71,991	6,864	78,855
249-373-719.000 Elect Inspector – Unemployment	250	16	266
249-373-860.000 Elect Inspector – Travel & Mileage	200	92	292
591-537-973.002 Water – Main Maintenance	5,000	1,619	6,619

AYES: Wisniewski, Samyn, Klass, DeWyse, Wright, Close
 NAYS: None
 ABSENT: Hugo
 Motion carried.

Motion by Klass seconded by Wisniewski that the bids for the removal of the tennis courts at Pondsides Park be received & tabled for further review. Motion carried.

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Motion by Klass seconded by Wisniewski to amend the current expenditure policy and allow the Executive Committee to issue payment up to \$2,500.00 without prior board approval.

AYES: Klass, Wisniewski, DeWyse, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

Motion by Wisniewski seconded by DeWyse to approve the solicitation request of the Essexville-Hampton Lions Club to conduct their annual "tag days" on April 26th & 27th, 2019.
Motion carried.

Motion by DeWyse seconded by Klass to approve the purchase of a Ricoh MPC2504 copy machine for the general services administration office on a lease to own program at a cost of \$300.96 per month.

AYES: DeWyse, Klass, Wisniewski, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

Motion by Klass seconded by Wisniewski that setting the 2019 camping rates be tabled until we find out the number of 30 amp sites vs. 50 amp sites. Motion carried.

Motion by DeWyse seconded by Wisniewski that the resignation of Christopher Pityer be received. Motion carried.

Motion by DeWyse seconded by Wisniewski to approve the Charitable Property Tax Exemption Form for Hampton Township needed by the township as the State no longer grants charitable exemptions – must now be granted by local assessor. Motion carried.

Motion by DeWyse seconded by Wisniewski that David Weiler be hired as a part-time DPW worker, 24 hours per week, hire date being mid to late February.

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

Motion by DeWyse seconded by Wisniewski to go into closed session pursuant to Section 8(c) of the Open Meetings Act for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement and Section 8(h) of the Act to consider material exempt from discussion or disclosure by state or federal statute.

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

The Board recessed to closed session at 7:31 p.m. and reconvened at 8:42 p.m..

PRESENT: Klass, DeWyse, Wisniewski, Samyn, Close, Wright

ABSENT: Hugo

ALSO PRESENT: Benchley & 2 people in the audience

ATTORNEY REPORT:

Hewitt was not present.

ENGINEER REPORT:

Bartow was not present.

STANDING COMMITTEE REPORTS:

There were no standing committee reports.

OFFICER/TRUSTEE REPORTS:

Motion by DeWyse seconded by Wisniewski that the revenue reports be received from the Treasurer as follows:

1/07/19 – 1/11/19	Water Fund	\$ 1,439.40
	Building Fund	2,510.00
	General Fund	30,307.84
	Tax Fund	564,407.06
	Over payments	<u>146.15</u>
		\$ 598,810.45

1/14/19 – 1/18/19	Water Fund	\$ 2,622.70
	Building Fund	1,133.00
	General Fund	262,736.96
	Tax Fund	<u>138,240.57</u>
		\$ 404,733.23

Supervisor addressed water main break on Hampton Road; and cost estimate of \$15,238.00 to replace twenty-two (22) computers within the township.

OPEN TO THE PUBLIC:

No one addressed the Board.

Motion by Wisniewski seconded by DeWyse that the meeting adjourn. Motion carried. The meeting adjourned at 8:49 p.m..

Respectfully submitted:

Pamela J. Wright, Clerk

Terri Close, Supervisor