CHARTER TOWNSHIP OF HAMPTON

REGULAR MEETING

JANUARY 13, 2020

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: Donna Samyn, Terri Close, Paul Hugo, Pam Wright, Don Klass

ABSENT: Steve Wisniewski

ALSO PRESENT: Chuck Hewitt & 7 people in audience

Motion by Hugo seconded by Klass that the minutes of the December 23, 2019 regular meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

Motion by DeWyse seconded by Hugo that the DPW Report for December 2019 be received. Motion carried.

AUDITORS REPORT:

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

 #46595 - #46639 General Fund $ 66,423.39

 Electronic transfer John Hancock 14,939.87

 #3168 - #3169 Building Fund 322.99

 #4026 - #4035 Sewer Fund 151,944.70

 #6779 - #6798 Tax Fund 2,446,344.59

 #1691 - #1700 Water Fund 3,242.11

 #286 SAW Grant Fund 5,820.00

 $ 2,689,037.65

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

OPEN TO THE PUBLIC:

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Ron Sutton, 725 N. Powell Road, asked what “Runnin’ with the Law” was?

Public portion of the meeting was closed.

UNFNISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Motion by Hugo seconded by DeWyse that Ordinance No. 36A-26, be introduced as follows:

 **ORDINANCE 36A-26**

 The Board of Trustees of the Charter Township of Hampton, Bay County, Michigan, ordains:

 That Ordinance No. 36A of the Charter Township of Hampton, being the Charter Township of Hampton Zoning Ordinance, and all amendments thereto, be further amended as follows:

 SECTION A

 The Charter Township of Hampton Ordinance No. 36A and all prior amendments thereto, designated as Charter Township of Hampton Zoning Ordinance, adopted June 8, 1992, and effective July 11, 1992, is hereby amended, in part, as follows:

 **CHAPTER 3**

 **GENERAL PROVISION**

**SECTION 3.02 EFFECT OF ZONING**

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A. Except as hereinafter specified, no building, structure, premises or piece and parcel of land in and throughout the Township shall hereinafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the district in which it is located.

B. No use shall be permitted in any district which is prohibited by state or federal law. This prohibition shall not apply to the following:

 1. A qualifying patient engaged in the possession or use of marihuana in the patient’s home in accordance with the Michigan Medical Marihuana Act. See MCLA § 333.26421 et seq.

2. A primary caregiver assisting no more than five qualifying patients with whom he or she is connected through the Michigan Department of Community Health’s registration process with the possession or use of marihuana in the patient’s home in accordance with the Michigan Medical Marihuana Act.

C. A Marihuana Collective or Cooperative which is operated for profit or non-profit is considered to be unlawful and is prohibited from being established or operated in Hampton Charter Township. A Marihuana Collective or Cooperative is considered to be any facility, structure, dwelling or other location where medical marihuana is, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1 (the “Act”), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card.

**SECTION 3.22 OUTDOOR NUISANCE PARKING AND STORAGE**

1. The outdoor storage of parking of any recreational vehicle such as airplanes, boats, floats, camping or travel trailers, detachable travel equipment of the type adaptable to light duty trucks, snowmobiles, and other equipment or vehicles of a similar nature in a front yard shall be prohibited for a period greater than seventy-two (72) hours in any thirty (30) day period

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between October 1 and April 30 in all residential districts except where otherwise permitted by this Ordinance.

1. All recreational equipment stored on a residential lot must be kept in good repair and carry a current year’s license and/or registration. Motor vehicles requiring a vehicle registration and license to move on the public roads must be kept in good running condition and be capable of operation as licensed.
2. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
3. No more than one (1) recreational vehicle is allowed in a front yard in a residential district.
4. No more than two (2) recreational vehicles are allowed in the front yard in an agricultural district.
5. All such vehicles and equipment that are stored outdoors in a location other than in a front yard shall be located behind the front face of the main building, but no closer than five (5) feet to any side or rear lot line. No storage of such vehicle shall be permitted on a corner lot in the required yards adjacent to the street.
6. Storage of parking shall be limited to a parcel of land upon which is located on inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by the occupant.
7. The parking or storage of commercial trucks and/or vehicles including truck-tractors or semi-trailers is prohibited in all residential district; provided, however, that this shall not be deemed to prevent the temporary location of any such vehicle in said districts while engaged in a delivery, pick-up or service to the premises where located.

 **CHAPTER 6**

 **“A” - AGRICULTURAL DISTRICT**

**SECTION 6.03** **PERMITTED PRINCIPAL USES SUBJECT TO THE ISSUANCE OF A SPECIAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 19:**

A. - L. Remain unchanged

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 **CHAPTER 11**

 **I-1, PLANNED ENTERPRISE DISTRICT**

**SECTION 11.02 PERMITTED USES**

No building, structure, or land shall be used and no building or structure erected in the Planned Enterprise District, except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

A. PRINCIPAL USES PERMITTED BY RIGHT:

1. - 16. Remains unchanged

 **CHAPTER 30**

 **DEFINITIONS**

**SECTION 30.01 GENERAL INTERPRETATION**

Remains unchanged

**SECTION 30.02 DEFINITIONS**

For the purpose of this Zoning Ordinance, certain terms and/or words are defined as follows:

(All existing definitions remain unchanged with the following definitions being added or modified.)

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**SECTION 30.08.1 AFFILIATE**

Any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

**SECTION 30.105A.1 MARIHUANA OR “MARIJUANA**

The term as defined in the Public Health Code, MCL 333.1101 et seq.; the Medical Marihuana Act, MCL 333.26421 et seq.; For the purpose of this ordinance, the spellings are interchangeable.

**SECTION 30.126.1 REGISTERED PRIMARY CAREGIVER**

A primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

**SECTION 30.126.2 REGISTERED QUALIFYING PATIENT**

A qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

**SECTION 30.126.3 REGISTRY IDENTIFICATION CARD**

That term as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

 SECTION B

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 PENALTY

 The penalty for violation of this ordinance shall be the same as set forth in Chapter XXVI of the Charter Township of Hampton Zoning Ordinance, being Ordinance No. 36A, as amended.

 SECTION C

 PUBLICATION AND EFFECTIVE DATE

 After adoption by the Township Board, this ordinance or a summary thereof shall be published in a newspaper circulated within the Township of Hampton, Bay County, Michigan, and shall take effect on the date of such publication.

 SECTION D

 REPEAL

 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

 SECTION E

 SEVERABILITY AND SAVINGS CLAUSE

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared to be invalid.

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

Motion by Hugo seconded by Klass that the resignation of Mark Basket from the Planning Commission be received with regret. Motion carried.

Motion by Hugo seconded by Klass that on the recommendation of the Supervisor Robert Adamowski be appointed to the Planning Commission to fill the remainder of Baskets’ term. Motion carried.

Motion by DeWyse seconded by Klass that the 2020 Auditor appointment schedule be approved as follows:

 1/13/2020 DeWyse & Wisniewski 7/13/2020 DeWyse & Wisniewski

 1/27/2020 Hugo & Klass 7/27/2020 Hugo & Klass

 2/10/2020 DeWyse & Klass 8/10/2020 DeWyse & Klass

 2/24/2020 Wisniewski & Hugo 8/24/2020 Wisniewski & Hugo

 3/09/2020 DeWyse & Hugo 9/14/2020 DeWyse & Hugo

 3/23/2020 Wisniewski & Klass 9/28/2020 Wisniewski & Klass

 4/11/2020 Klass & DeWyse 10/13/2020 Klass & DeWyse

 4/27/2020 Hugo & Wisniewski 10/26/2020 Hugo & Wisniewski

 5/11/2020 Hugo & DeWyse 11/09/2020 Hugo & DeWyse

 5/26/2020 Klass & Wisniewski 11/23/2020 Klass & Wisniewski

 6/08/2020 Klass & Hugo 12/14/2020 Klass & Hugo

 6/22/2020 Wisniewski & DeWyse 12/28/2020 Wisniewski & DeWyse

Motion carried.

Motion by Hugo seconded by Klass to approve the FOP race at the Finn Road Park on Saturday, September 12, 2020. Motion carried.

Motion by DeWyse seconded by Hugo to approve the following adjustments to the 2020 Sewer Fund budget:

 APRV.BUDGET CHANGE NEW BUDGET

590-890-956.000

Contingency 3,305,063 100,900 3,204,163

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INCREASE APRV. BUDGET CHANGE NEW BUDGET

590-527-824.000

Sewer – Bay Co. Treatment 824,000 26,000 850,000

590-536-740.001

Sewer – Chemicals 30,000 5,000 35,000

590-536-803.000

Sewer – Contracted Service 40,000 20,000 60,000

590-536-920.000

Sewer – Utilities 72,100 7,900 80,000

590-536-956.000

Sewer – Miscellaneous 5,000 15,000 20,000

590-536-972.001

Sewer – Main Maintenance 3,000 27,000 30,000

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

Motion by DeWyse seconded by Klass that the issue of a SAW Grant consultant be tabled until the next meeting. Motion carried.

Motion by Hugo seconded by Klass that the board recess to closed session to discuss Root Weaver vs. Hampton Township litigation.

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

The Board recessed to closed session at 7:16 p.m. and reconvened to open session at 8:19 p.m.

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

ABSENT: Wisniewski

ALSO PRESENT: Hewitt

ATTORNEY REPORT:

Hewitt had no report.

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ENGINEER REPORT:

Bartow was not present.

STANDING COMMITTEE REPORTS:

Motion by Hugo seconded by DeWyse that the Planning Commission minutes of October 10, 2019 and November 20, 2019 be received. Motion carried.

OFFICER/TRUSTEE REPORTS:

Motion by DeWyse seconded by Hugo that the November financial reports be received from the Clerk. Motion carried.

Klass addressed pump stations adamant that they must be kept working at 100% with backups.

Supervisor addressed lead line replacement; ice storm over the weekend; 1981 Fire Truck (Aerial) for sale – bid opening next meeting; work needs to be done to the parking lots at the administration building & the DPW bids are $71,950.00 and $73,019.00 respectively; tubes at end of Boutell Road have been replaced; Wachowiak high water bill complaint – high usage again – found second sump pump not working properly.

OPEN TO THE PUBLIC:

Ron Sutton, 725 N. Powell Road, addressed the minimum usage on water – will only pay for what goes through the meter.

Wright was excused from the meeting at 8:33 p.m.

Mary Smith, discussed sewer minimums.

Motion by Hugo seconded by Klass that the meeting adjourn. Motion carried. The meeting adjourned at 8:40 p.m.

Respectfully submitted:

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Pamela J. Wright, Clerk Terri Close, Supervisor