

CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING
JANAUARY 27, 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: Klass, DeWyse, Samyn, Close, Wright, Hugo

ABSENT: Wisniewski

ALSO PRESENT: Sheppard, Bartow, Benchley, Worden & 10 people in audience

Motion by Hugo seconded by DeWyse that the minutes of the January 13, 2020 regular meeting be approved as printed and that the reading of the minutes be waived.
Motion carried.

COMMUNICATIONS:

Motion by Klass seconded by Hugo that the Public Safety Report for December 2019 be received. Motion carried.

AUDITORS REPORT:

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

#46640 - #46698	General Fund	\$ 92,852.19
#3170 - #3171	Building Fund	3,450.13
#4036 - #4041	Sewer Fund	8,837.70
#6799 - #6819	Tax Fund	277,657.70
#1701 - #1705	Water Fund	13,406.33
#287	SAW Grant Fund	<u>6,968.31</u>
		\$ 403,172.36

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

OPEN TO THE PUBLIC:

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Phillip Campau, suggested the board look very closely at any pump agreements that it approves.

Public portion of the meeting was closed.

UNFINISHED BUSINESS:

Motion by DeWyse seconded by Hugo to extend the SAW Grant consultant work until December 31, 2020.

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

NEW BUSINESS:

Motion by Hugo seconded by Klass that Ordinance No. 36A-26 be adopted as follows:

ORDINANCE NO. 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

- 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

- A. 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 between October 1 and April 30 in all residential districts except where otherwise permitted by this Ordinance.
- B. 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.
- C. 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.
- D. No more than one (1) recreational vehicle is allowed in a front yard in a residential district.
- E. No more than two (2) recreational vehicles are allowed in the front yard in an agricultural district.
- F. 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.
- G. 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.
- H. 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

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.)

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

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.

RESIDENTIAL ACCESSORY BUILDINGS CONDITIONS & REQUIREMENTS
 TABLE 1

LOT SIZE (SQ.FT.)	MAX. ACCESSORY BUILDING SIZE (SQ.FT.)	MAXIMUM HEIGHT (FEET)		MINIMUM SETBACKS (FEET)		
		PEAK	SIDEWALL	*SIDE OR REAR YARD	FROM THE PRINCIPAL BLDG	FROM ANY OTHER BLDG./STRUCTURE
LESS THAN 5,000	5% OF LOT AREA	11	8	10	20	15
5,000 - 11,999	5% OF LOT AREA	12	8	10	20	15
12,000 - 26,666	5% OF LOT AREA	16	10	10	20	15
26,667 - 43,559	5% OF LOT AREA	20	14	20	20	15
ONE ACRE OR MORE IN RESIDENTIAL DISTRICT	5% of lot area up to a maximum of 2,400	24	16	20	20	15
ONE ACRE OR MORE IN THE AGRICULTURE DISTRICT	5% of lot area up to a maximum of 3,200	24	16	20	20	15

CONDITIONS:

- These requirements apply to any residential lot within any residential or agricultural zone district.
- No residential accessory building is allowed in the front yard area.
- Residential accessory buildings cannot be used for commercial purposes.
- There shall be no second story in a residential accessory building.
- Lots cannot be divided or reduced in any manner that would cause the accessory building to exceed the size limitation imposed upon the remaining lot.
- In a residential district, only one residential accessory building is permitted per lot in addition to an attached or detached garage.
- In an agricultural district, a maximum of two residential accessory buildings are permitted in addition to an attached or detached garage on lots of 1 acre or larger if they do not exceed the allowed square footage when combined.
- A pool house mechanical building up to 144 sq ft that is used for a pool pump and related mechanical equipment is allowed in addition to any other allowed accessory buildings. Its square footage is included in the maximum allowed accessory building size. Subject to further regulation pursuant to section 3.07 of this ordinance.
- Maximum grade elevation for an accessory building shall be one vertical foot of rise to the floor of the building for each 10 horizontal feet from the grade existing on the neighboring property.
- Subject to further regulation pursuant to section 4.13 of this ordinance.
- The minimum setback requirements for side or rear yard are contingent upon the property owner providing positive drainage for the accessory building as required by the building inspector, up to and including catch basins and drain tiles.
- Any building equal to or less than 144 square feet is only required to maintain a five (5) foot rear or side yard setback no matter what size lot the building is placed on.
- Lot size is determined by legal description of property.
- All plans must be approved by the building inspector with a site visit.

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

Attorney Sheppard opened sealed bids for 1981 Aerial fire truck as follows:

Triple R Trucking	\$ 3,996.00
Norman & Janis Cosens	\$ 5,501.00

Motion by Hugo seconded by DeWyse to accept the bids and to award the bid to the highest bidder or to the second highest bidder if first declines.

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

Motion by Hugo seconded by Klass that the following resolution be adopted:

DECLARATION OF SHORELINE DISASTER REQUEST
CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY

WHEREAS, record high water levels in the Great Lakes as well as the bay and rivers connected to them, have contributed toward major erosion on beaches and shorelines all across the State of Michigan during high water levels and currently throughout 2019, and

WHEREAS, it is anticipated that the Michigan winter with ice flows and jams will continue to worsen the already bad situation throughout the Great Lakes, and

WHEREAS, the Great Lakes are Michigan's most vital and precious resource, and

WHEREAS, the Charter Township of Hampton recognizes the effects of storms, high water, and wind driven wave action that are causing severe erosion of the shoreline as well as related infrastructure damage, and

WHEREAS, the public trust doctrine states that the sovereign holds in trust, for the public use, the resources such as the shoreline regardless of private property ownership; and

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WHEREAS, the 3,288 miles of shoreline in the State of Michigan must be protected as referred to in the Public Trust Doctrine, and

WHEREAS, the Great Lakes are the State of Michigan's economic and property value driver for the tax base along the shoreline and connecting tributaries, and

WHEREAS, the conditions of the Great Lakes shoreline affect businesses and the tourism industry by limited access to the beaches, the loss of property along the shoreline directly affects the local, county and state tax base; and the effects on municipal water systems and the inland water levels throughout the state are all affected.

NOW, THEREFORE, BE IT RESOLVED, the Charter Township of Hampton requests that the Governor of the State of Michigan along with the State Legislature give favorable consideration to the declaration of the shoreline in the State of Michigan as a disaster area, and seek assistance from Congress and the President of the United States for this devastating situation which has an impact statewide.

BE IT FURTHER RESOLVED that nothing from this resolution shall require any action by the Charter Township of Hampton.

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

Motion by DeWyse seconded by Hugo that we allow Natures' Ridge Condominium Association use of the Boardroom on March 4, 2020 for their homeowners' association meeting. Motion carried.

Motion by Hugo seconded by DeWyse to purchase two (2) pumps from Kemp Tiling at a cost of \$11,600.00 to install on the Old Townline and Halstead drains after an land/lease agreement is reached and signed by all parties affected.

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

NAYS: None

ABSENT: Wisniewski

Motion carried.

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Motion by Hugo seconded by DeWyse to approve the cost estimate from GM Adamowski Trucking and Excavating for work on the Nolet Road drain at a cost of \$35,700.00.

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

Motion by DeWyse seconded by Klass to approve the purchase of three (3) sets of turn out gear from Conway Shield at a cost of \$6,458.00.

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

Motion by Hugo seconded by DeWyse to approve the hiring of Spicer Engineering to finish the grant paperwork for the Finn Road Park trail extension grant at a cost not to exceed \$3,600.00.

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

Motion by DeWyse seconded by Hugo that on the recommendation of the Supervisor Troy Auman be appointed as an Alternate Member of the Board of Review.

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

ATTORNEY REPORT:

Sheppard had no report.

ENGINEER REPORT:

Bartow updated the Board on the SAW Grant - on schedule and on budget.

STANDING COMMITTEE REPORTS:

There were no standing committee reports.

OFFICER/TRUSTEE REPORTS:

Motion by Hugo seconded by DeWyse that the December 2019 revenue report and the 4th quarter 2019 interest and investment report be received from the Treasurer.
Motion carried.

Supervisor addressed: DPW position interviews; state saying water levels are the highest they have been in 120 years of record keeping; 2/5/20 meeting to kick off the work for the Economic Development Strategy grant project.

OPEN TO THE PUBLIC:

Mary Smith, addressed the Shoreline Disaster resolution.

Unidentified women, asked if Hampton Township has a grant writer?

Kevin Harmes, addressed the Board on the sale of the aerial; turned in his gear and no longer associated with the township fire department.

Public portion of the meeting was closed.

Motion by Hugo seconded by Klass that the meeting adjourn. Motion carried. The meeting adjourned at 8:05 p.m..

Respectfully submitted:

Pamela J. Wright, Clerk

Terri Close, Supervisor