

**CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING
February 22, 2021
Via Zoom**

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

The pledge of allegiance was given to the flag.

A moment of silence was observed.

PRESENT: Wright, Kenniston, Benchley, DeWyse, Samyn, & Close (all present from Hampton Township, Michigan), Wisniewski (present from Ellenton, FL)

ABSENT: None

ALSO PRESENT: Hewitt and others

Motion by Wisniewski, seconded by Samyn, that the February 8, 2021 regular meeting minutes be approved as printed.

AYES: Wisniewski, Samyn, Wright, Kenniston, DeWyse, Benchley, Close

NAYS: None

Motion carried.

COMMUNICATIONS:

None

AUDITORS REPORT:

Motion Kenniston, supported by Close, the following warrants be approved for payment:

#48113 - #48184 & 1008	General Fund	\$ 359,229.64
-----	John Hancock Transfer	17,029.02
#1022-#1023	DDA Fund	1,679.00
#4213 - #4226	Sewer Fund	315,615.93
#1022-#1040	Tax Fund	829,360.74
#1838-#1842	Water Fund	397,202.07
#1822-#1824	Trust & Agency	873.00
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		\$ 1,920,989.40

AYES: Kenniston, Close, Benchley, Wright, Wisniewski, DeWyse, Samyn

NAYS: None

Motion carried.

OPEN TO THE PUBLIC:

No one addressed the Board.

COMMUNICATIONS:

Motion by Wisniewski, seconded by Kenniston, to receive the January 2021 Public Safety report.

AYES: Wisniewski, Kenniston, Benchley, Samyn, Wright, DeWyse, Close

NAYS: None

Motion carried.

Motion by Wisniewski, seconded by Kenniston, to receive the resignation letter from Gerald DeWyse as a member on the Planning Commission dated February 9, 2021.

AYES: Wisniewski, Kenniston, Wright, Benchley, DeWyse, Samyn, Close

NAYS: None

Motion carried.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Motion by Kenniston, supported by DeWyse, to approve the new Curbside Collection Ordinance as follows:

**ORDINANCE NO. 68
CURBSIDE COLLECTION ORDINANCE**

An Ordinance adopted for the purpose of authorizing and regulating curbside collection of refuse and for the purpose of providing penalties for the violation thereof.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Definitions. As used in this Ordinance, the following definitions shall apply:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

a) "*Bulky Items*" means any item larger than what the cart can accommodate. This would include items such as stoves, water tanks, washing machines, furniture, swing sets, patio furniture, chairs, couches, bedsprings, water heaters, and other large waste materials. Those items containing CFC's (Freon

bearing appliances such as refrigerators, air conditioners and freezers) will be collected, at no additional charge.

b) "*Cart*" means one (1) ninety-five (95) or (1) sixty-five (65) gallon wheeled container for use by township residents to contain their weekly residential refuse. Standard cart size is ninety-five (95) gallons, but Republic can provide a smaller sixty-five (65) gallon cart upon resident request. Carts will be maintained by contractor and replaced for normal wear and tear. Normal wear and tear does not include the cleaning of said carts. Should a cart be damaged due to the negligence of the resident, a replacement charge of Sixty-Five Dollars (\$65.00) will be remitted by resident directly to contractor as payment in advance of delivery of a new one. All carts will remain the property of the contractor.

c) "*Hazardous Waste*" means a form of Excluded Waste and is defined as any radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, bio-hazardous, toxic, or listed or characterized as hazardous waste as defined by federal, state, provincial or local law, or any otherwise regulated waste. Hazardous Waste shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, and including future amendments thereto, and any other applicable federal, state or local laws, or regulations.

d) "*Noncollectable Materials*" means highly flammable substances, hazardous waste, liquid wastes, special wastes, certain pathological and biological wastes, explosives, toxic materials, radioactive materials, material that the disposal facility is not authorized to receive and/or dispose of, and other materials deemed by state, federal or local law, or in the reasonable discretion of contractor, to be dangerous or threatening to health or the environment, or which cannot be legally accepted.

e) "*Refuse*" means discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish, or a combination thereof, including waste generated by agricultural operations.

f) "*Refuse Cart*" means one (1) ninety-five (95) gallon or one (1) sixty-five (65) gallon wheeled blue container/blue top to contain all refuse, trash, and/or garbage as generated by the resident and/or small commercial entity.

g) "*Recyclable Material*" means solid waste taken out of the waste stream to be reused, such as newsprint, aluminum, glass, plastic #1, 2, 4, 5, and 7, metals etc.

h) "*Recycle Cart*" means one (1) ninety-five (95) or one (1) sixty-five (65) gallon wheeled blue container/light blue lid to contain all single stream recyclable material as generated by the resident and/or small commercial entity.

i) "*Residential Unit*" means a group of rooms located within a building and forming a single habitable unit with facilities which are used (or are intended to be used) for living, sleeping, cooking and eating and which are occupied or otherwise habitable.

j) "*Yard Waste*" means grass clippings, leaves, weeds, hedge clippings, garden waste, Christmas trees, and twigs and brush no longer than four (4) feet in length or heavier than fifty (50) pounds in weight and no more than four (4) inches in diameter.

Section 2. Refuse Container Collection.

a) It shall be the responsibility of the owner, occupant, or person in charge of the residence to place or caused to be placed, all refuse accumulated on the premises in either the 65-gallon recycle cart or 95-gallon recycle cart supplied by the Township's contractor for collection. If an owner, occupant, or person in charge of a residence has refuse in excess of cart capacity, they shall be permitted to place the extra refuse next to the cart for collection, provided the refuse is secured in some fashion so as to prevent it from being scattered in violation of this Ordinance.

b) Materials shall be loosely placed in such containers so that the container may be easily dumped.

c) Bulk items may be picked up from any residential dwelling according to schedules, terms and conditions set by the Hampton Charter Township Board of Trustees in accordance with this Ordinance as set by the Township's discretion. Bulky items shall be bundled, if possible, by the residents in parcels not exceeding four feet in length and/or 50 pounds in weight. Residents shall remove doors from all appliances before placing them curbside for collection.

Section 3. Collection of Yard Waste and Recyclable Materials.

a) **Yard Waste Collection.** Yard waste shall be collected on a schedule to be established by the Township from time to time, which shall be published and made available to Township residents. Christmas trees will be collected for the first three (3) weeks after Christmas. Yard waste must be placed in biodegradable paper bags or placed loose in a 30-gallon can clearly marked yard waste only. Positively no plastic bags will be accepted. Branches and twigs small than 2" in diameter must be placed in bundles no larger than 2'x4' long or 50 pounds per bag or bundle. Positively no tree trunks, stumps, or large amounts of construction /demolition debris will be accepted.

b) **Recyclable Materials.** The Township's Contractor will provide one (1) 95-gallon recycle cart for each household and collect recyclables on an every other week basis. The materials collected shall be: newsprint & office paper, clear glass bottles and jars, magazines, metal pots and pans, junk mail, phonebooks, corrugated cardboard and paperboard, plastics #1, 2, 4, 5, #7, and steel, tin, & aluminum cans.

Section 4. Placement of Containers for Collection; Removal of Empty Containers.
Except as otherwise provided, containers containing refuse, yard waste, and recyclable materials to be collected shall be placed on the property side of the curb on paved streets or in the area between a sidewalk, if existing, or between the yard and the edge of the roadway on unpaved streets, no earlier than 7:00 p.m. on the day preceding the collection and not later than 7:00 a.m. on the day of collection. No person other than the owner, occupant, or person in charge of a residence shall place refuse, yard waste, or recyclable materials on the premises of the residence or adjacent thereto for collection. Emptied containers shall be removed before 7:00 a.m. following the day of collection.

Section 5. Responsibility When Placed For Collection.

a) The owner, occupant, or person in charge of a residence shall clean up and remove any scattered refuse resulting from the breakage or opening of any refuse container intended for collection from the residence within 24 hours after the same has been scattered.

b) The owner, occupant, or person in charge of the residence shall, in accordance with this Ordinance, promptly dispose of any scattered refuse, any container and the contents thereof intended for collection which is either broken or is otherwise unacceptable.

c) Unacceptable containers, scattered refuse, and prohibited items located on public property are subject to removal by the Township and the cost for such removal shall be charged back to the abutting property owner pursuant to this Ordinance.

Section 6. Nuisances.

a) Any scattered refuse, any refuse bag, can, or other container, and the contents thereof, which is unacceptable, in a container intended for collection which contains unacceptable materials contrary to this Ordinance, or any container intended for collection placed in front of or adjacent to a residence contrary to any collection procedure referred to in this Ordinance, or any item placed in front of a residence contrary to the collection procedures referenced in this Ordinance, are hereby declared to be a public nuisance and are subject to removal or abatement by the Township.

b) Expenses.

i) All actual expenses incurred by the Township in the removal or abatement of the nuisance, or a minimum labor, equipment, and disposal fee (whichever shall be the greater), plus an additional administrative fee, shall be the responsibility of the owner or party in interest of the property on which in front of or adjacent to which the condition existed, and shall be paid for by the owner or the party in interest in whose name the property

appears on the current Township tax assessment records. The minimum labor, equipment, and disposal fee and the administrative fee shall be those fees on file with the Township Clerk that have been approved by the Township Board of Trustees.

ii) The expense incurred shall be a lien against the real property and shall be reported to the Township Assessor, who shall assess the same against the property on which in front of or adjacent to which the nuisance was located.

iii) The owner or party in interest in whose name the property appears upon the current assessment record shall be notified of the amount of such cost by first-class mail at the address shown in the records. If the owner or party in interest fails to pay the same within 30 days after mailing by the Township Assessor of notice of the amount owed, the Township Assessor shall add the same to the next roll of the township and the amount shall be collected in the same manner in all respects as provided for by law for the collection of taxes by the Township.

Section 7. Scavenging. It shall be unlawful for any person other than the owner or occupant of any residence or an employee or designee of the Township's contractor to collect, remove or pick up, or cause to be collected, removed or picked up, any refuse, yard waste or recyclable material after it is placed for collection in accordance with this Ordinance.

Section 8. Services and Fees.

- a) Refuse collection services shall be provided in the following locations:
- i) Residential units as defined by this Ordinance.
 - ii) Each such residential unit receiving refuse collection services shall be required to have and use a refuse container supplied by the Township.
- b) A collection fee shall be assessed to each residential dwelling unit.
- c) The fees for refuse collection services shall be those fees on file with the Township Clerk which have been approved by the Township Board of Trustees.
- d) The fee to be charged for the removal and handling of refuse as provided in this Ordinance shall be billed not less frequently than quarterly to each dwelling unit.
- e) Unpaid fees for the removal and handling of refuse which have been charged pursuant to this Ordinance shall be a lien against the property for which the service had been provided and amounts delinquent for three months or more may be certified annually to be entered on the next tax roll as a lien against the premise. The Township Treasurer shall, annually on April 1st, certify to the Township

Assessor all unpaid charges for such services furnished to a premises which, on March 30th preceding, had remained unpaid for a period in excess of three months and place the same on the next tax roll of the township. Such charges so assessed shall be collected and any such liens shall be enforced in the same manner in all respects as provided by law for the collection of taxes by the Township.

Section 9. Rules and Regulations.

a) The Township Supervisor is hereby empowered and authorized to make reasonable and necessary rules and regulations consistent with the provisions of this Ordinance pertaining to the scheduling of public collection, disposal, and recycling of residential refuse and other materials as are necessary to administer this Ordinance or to protect public property or safety, health, public welfare, peace and/or quiet and good order of the neighborhood for collection of refuse and no such person shall fail to comply with such rule or regulation.

b) The rules and regulations as set forth by the Township Treasurer pursuant to this Ordinance shall be effective 30 days after approval of the Township Board of Trustees and upon adoption, alteration, or amendment shall be effective immediately or at such other time as specifically designated by the Township Board of Trustees.

c) Printed copies of such rules and regulations issued under the authority granted by this Ordinance shall be kept in the office of the Township Supervisor and made available for public use and inspection.

Section 10. Material Not To Be Collected By The Township. The following items will not be picked up by the Township's collection contractor:

a) Materials resulting from the construction, remodeling, repair, or demolition of buildings, such as stones, bricks, plaster, lumber, shingles, concrete, sand, gravel, excavated earth and surplus earth from grading operations.

b) Dead animals.

c) Liquids.

d) Dangerous or hazardous materials, including, but not limited to, those which are radioactive, acidic, caustic, or explosive.

e) Automotive bodies, parts, batteries, tires, or service waste.

f) Any refuse, trash, yard waste, or junk generated or accumulated outside of the Township. In addition to any penalty imposed upon the person for placing, permitting, causing, or assisting in the placement of such items in violation of this Ordinance, the Township may remove such items and the cost thereof may be charged back to the abutting property owner pursuant to this Ordinance.

Section 11. This Ordinance shall become effective immediately after the last required publication following adoption.

AYES: Kenniston, DeWyse, Wisniewski, Benchley, Wright, Samyn, Close

NAYS: None

Motion carried.

Motion by Wisniewski, supported by Benchley, to adopt the updated Solar Ordinance. Changes are as follows:

Summary of Proposed Changes to the Hampton Township Zoning Ordinance regarding Large Scale Solar Photovoltaic Installations

Changes to Chapter 29 (Large Scale Solar Photovoltaic Installations) of the Zoning Ordinance:

1. Information required to be submitted with the Special Land Use Permit was added.
2. Information required to be shown on the Site Plan was added.
3. Approval Standards and requirements were modified or added:
 - a. Front yard setback increased– from 50’ to 100’
 - b. Side and rear yards setback increased from 25’ to 200’. Where a Large-Scale Solar Photovoltaic Installations abuts an existing residence or residentially zoned lot the side yard was increased from 50’ to 200’.
 - c. Minimum lot area increased from 5 to 10 acres.
 - d. No maximum lot coverage applies.
 - e. Modified regulations regarding appurtenant structures, and utility connections.
 - f. Permits required.
 - g. Design materials.
 - h. Notification of Transfer or Sale.
 - i. Noise.
 - j. Protection of adjoining property.
 - k. Communication interference.
 - l. Light and Glare.
 - m. Security and Screening.
 - n. Landscaping.
 - o. Complaint Resolution.
 - p. Conditions regarding decommissioning and abandonment.

Chapter 6, 10, 11, and 12 were changed to add Large-Scale Solar Photovoltaic Installations to Uses Allowed with Special Use Permit.

Chapter 7 – Table 2 was modified to add Large-Scale Solar Photovoltaic Installations as a to Use Allowed with Special Use Permit.

Chapter 30 was modified to add a definition for Solar Energy Facility.

AYES: Wisniewski, Benchley, Kenniston, DeWyse, Samyn, Wright, Close
NAYS: None
Motion carried.

Motion by Wisniewski, seconded by Kenniston to table the introduced Firefighter Pay Schedule.

AYES: Wisniewski, Kenniston, Benchley, Wright, DeWyse, Samyn, Close
NAYS: None
Motion carried.

Motion by Wisniewski, seconded by Samyn, to replace the computer server at the bid price of \$5,181.00 from I.T. Right.

AYES: Wisniewski, Samyn, Kenniston, Benchley, Wright, DeWyse, Close
NAYS: None
Motion carried.

Motion by DeWyse, supported by Wisniewski, to appoint Donald Klass to fill the remainder of Gerald DeWyse's term on the Planning Commission, which expires December 1, 2022.

AYES: DeWyse, Wisniewski, Kenniston, Benchley, Wright, Samyn, Close
NAYS: None
Motion carried.

Motion by Wisniewski, seconded by Kenniston, to approve the Franchise Agreement with Bay City Electric as presented.

AYES: Wisniewski, Kenniston, Wright, Benchley, DeWyse, Samyn, Close
NAYS: None
Motion carried.

Motion by Wisniewski, supported by Benchley, to approve the following 2020 Budget Adjustments:

GENERAL FUND (101):

Fire Dept 336

101-336-970-000	Capital	+60,000
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Planning Commission Dept 400

101-400-802-000	Legal	- 2,000
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Rail Trail Dept 753

101-753-970-000	Capital	-58,000
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AYES: Wisniewski, Benchley, Wright, Kenniston, DeWyse, Samyn, Close
NAYS: None
Motion carried.

ATTORNEY REPORT:

Hewitt had no report.

ENGINEER REPORT:

Bartow was not present.

STANDING COMMITTEE REPORTS:

There were no standing committee reports.

OFFICER/TRUSTEE REPORTS:

Clerk: Motion by Wisniewski, supported by Kenniston, to receive the September, October, November, and December 2020 financial reports.

AYES: Wisniewski, Kenniston, Wright, Benchley, Samyn, DeWyse, Close
NAYS: None
Motion carried.

Treasurer: Samyn informed the Board there are three accounts still open at TCF Bank and she is waiting for outstanding checks to be cashed.
Motion by DeWyse, seconded by Wisniewski, to receive the January Revenue Report as prepared by Treasurer Samyn.

AYES: DeWyse, Wisniewski, Benchley, Kenniston, Wright, Samyn, Close
NAYS: None
Motion carried.

Trustee: Wisniewski asked how the Med-Star ambulance service was functioning with them stationed at our Fire Station. He also discussed Bouchard responding to fire calls.

Supervisor: Discussed the following: office closed to the public until March 2, 2021, trash service with Republic Services, applying for USDA grant to replace truck with plow, completing grants for the recently purchased patrol and rescue vehicles, and road work for 2021.

OPEN TO THE PUBLIC:

Jayne Johnson, Bay County Commissioner, informed the Board the Commission is meeting to decide interviewing specifications for appointing a replacement to serve out the remaining term on the Road Commission. Johnson stated there are approximately nine interested individuals.

Motion by Kenniston, seconded by DeWyse, to adjourn the meeting at 7:38 pm Motion carried.

Respectfully submitted:

Approved by

Frances DeWyse, Clerk

Terri Close, Supervisor