

**CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING
April 12, 2021**

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. The invocation was read and a moment of silence observed.

PRESENT: Wright, Kenniston, Benchley, Wisniewski, DeWyse, Samyn, & Close

ABSENT:

ALSO PRESENT: Hewitt, Worden, Benchley, Officer Gomez, Hebner, Franz, Johnson, Jayme

Motion by Wisniewski, seconded by Kenniston, the March 22, 2021 regular meeting minutes, be approved as printed.

Motion carried.

COMMUNICATIONS:

Motion by DeWyse, supported by Wisniewski, to receive the following communications:

- Hampton Meadows-thank you for HAWK stop light
- Consumers Energy-changing meters and resident letter regarding summer peak rates
- Thank you for Public Safety response
- Secretary of State of Michigan thank you to former Clerk Wright for November 2020 election

Motion carried.

AUDITORS REPORT:

Motion by Benchley, supported by Wright, the following warrants be approved for payment:

#48285 - #48348	General Fund	\$ 52,718.53
	John Hancock Transfer	17,066.34
#1080	DDA Debt Fund	6,607.50
#4240 - #4250	Sewer Fund	34,098.01
#1063-#1064	Tax Fund	517.13
#1855-#1862	Water Fund	1,263.64
#310-#311	Saw Grant Fund	54,896.34
#1828-#1830	Trust & Agency	873.00
		<u>\$168,040.49</u>

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

NAYS: None

Motion carried.

OPEN TO THE PUBLIC:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Public Hearing was held for an \$11,600.00 USDA Rural Development grant application to purchase a 2021 pickup truck with a snow plow for the Department of Public Works.

There were no comments from the public.

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Discussion was held on the purchase of body cameras and software for the Public Safety Department with Public Safety Chief Benchley.

Motion by Wisniewski, seconded by Benchley, to approve the proposal listed as recommended with the purchase of four cameras and the redaction software for a total price of \$25,718.01.
 AYES: Wisniewski, Benchley, Wright, Kenniston, DeWyse, Samyn, Close
 NAYS: None
 Motion carried.

Motion by Wisniewski, supported by Kenniston to allow the Supervisor to apply for a \$5,000 grant with the Par Plan for the purchase of body cameras.
 AYES: Wisniewski, Kenniston, Wright, Benchley, DeWyse, Samyn, Close
 NAYS: None
 Motion carried.

Motion by DeWyse, supported by Wisniewski, to adopt Ordinance 36A-29 Amendments as follow which were introduced at the March 22, 2021 meeting:

ORDINANCE 36A-29

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:

NOTE: Additions are underlined and deletions ~~look like this~~. Only the proposed amendment to the Ordinance and the portion of the Ordinance to be amended is shown below.

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 8

B-1 General Business District

SECTION 8.02 PERMITTED USES

A. USES BY SPECIAL USE PERMIT

1. Multiple Family Dwellings may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses; if the Planning Commission determines that multiple family dwellings would be more compatible with the existing pattern of development than permitted business uses; or, when the proposed use is designed and included as part of a development that extends onto adjacent land which is zoned for high-density residential development. As a minimum, all approved developments shall satisfy the requirements of Section 7.03.B, except that all building setbacks shall satisfy the requirements of Section 8.03.A.1. and 2.

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2. Adult Foster Care Congregate Facilities, Convalescent Homes, Assisted Living Facilities, Homes for the Aged and Nursing Homes may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed use would be more compatible with the existing pattern of development than permitted business uses. As a minimum, all developments shall have:
 - a. Minimum site size of two (2) acres.
 - b. Two hundred (200) feet of frontage on a public street.
 - c. Minimum rear yard setback of fifty-five (55) feet.
 - d. Minimum side yard setback of fifty-five (55) continuous feet on one side and twenty-five (25) continuous feet on the other side. If the building height is over thirty-five (35) feet, the fifty-five (55) feet side yard setback shall be increased by one (1) foot for each two (2) feet in height over thirty-five (35) feet.
 - e. All building setbacks shall also satisfy the requirements of Section 8.03.A.1. and 2.
 - f. The Planning Commission is authorized to increase the minimum yard requirements by an additional one (1) horizontal foot setback for each vertical foot of height of the structure over thirty-five (35) feet, up to an additional fifteen (15) feet of setback. This is to enable adequate area for firefighting equipment, emergency personnel, and otherwise including the “fall zone” of the structure in the event of catastrophe.
3. Child Care Centers may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed Child Care Center would be more compatible with the existing pattern of development than permitted business uses.

As a minimum, all Child Care Centers shall have:

- a. Minimum site size of one (1) acre.
 - b. One hundred fifty (150) feet of frontage on a public street.
 - c. Minimum rear yard setback of fifty-five (55) feet.
 - d. Minimum side yard setback of fifty-five (55) feet continuous feet on one side and twenty-five (25) continuous feet on the other side.
 - e. All building setbacks shall also satisfy the requirements of Section 8.03.A.1. and 2.
 - f. The Planning Commission is authorized to increase the minimum yard requirements by an additional one (1) horizontal foot setback for each vertical foot of height of the structure over thirty-five (35) feet, up to an additional fifteen (15) feet of setback. This is to enable adequate area for firefighting equipment, emergency personnel, and otherwise including the “fall zone” of the structure in the event of catastrophe.
 - g. Any outside play area shall be located in the rear yard and shall be enclosed with a fence with a minimum height of four (4) feet.
4. Single Family Dwellings provided all requirements for a single family dwelling in Section 7.01.A. are satisfied and the Planning Commission determines it is the best transitional use for the property within the zone classification.
 5. Duplexes or Two-Family Dwellings as a transitional use provided all requirements for a two-family dwelling in Section 7.01.B. are satisfied and the Planning Commission determines this is the best and most appropriate use for this property in this zone classification.

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6. Contractor storage yards associated with typical outdoor business services. This includes landscaping, tree-cutting and removal, and construction contractors. The following approval standards shall apply:
 - a. Minimum lot size of 1 acre
 - b. There shall be no outside storage within any required front yard.
 - c. The entire storage area shall be enclosed with a six-foot high cyclone fence or other type approved by the Building Inspector.
 - d. Any building or storage area shall have a minimum setback of 100 feet from any residential district.
 - e. The outside stacking or stockpiling of materials shall not exceed eight feet above grade.
 - f. A ten-foot wide greenbelt shall be placed along any property or street right-of-way line that is adjacent to any residential district
 - g. No material processing, such as wood cutting or cement crushing, may take place on the site other than what is authorized by the [Planning Commission](#) at the Special Use Approval meeting.
 - h. Any access drives and parking areas shall be constructed in accordance with the off-street parking requirements in Chapter 15.
 - i. Storage areas shall be graded, adequately drained, and surfaced or treated to control dust.
 - j. All business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect nearby properties.
 - k. The planning commission shall consider the density and proximity of nearby residential uses in determining the appropriateness of the special use.

SECTION 8.06 REQUIRED CONDITIONS

- A. All business, servicing or processing, except for off-street parking, loading facilities and uses permitted with special conditions, shall be conducted within completely enclosed buildings unless otherwise permitted by this Ordinance.
- B. Lighting shall be arranged to deflect any light away from other properties.
- C. Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare.

The service roads shall have a paved surface, minimum width of twenty-four (24) feet, and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another.

The easement shall be recorded with the Bay County Register of Deeds prior to the issuance of an occupancy permit.

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The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the service road shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the service road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the service road is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.

D. Outdoor storage of goods or materials.

1. Material not for sale shall not be stored outdoors unless otherwise specified in this ordinance.
2. Unless approved otherwise by the Zoning Administrator or in the site plan review process, all outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.
3. The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than 25% of the length of the storefront, unless increased by the Zoning Administrator after taking into account aesthetic and safety concerns or other relevant factors. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed 25 percent of the aggregate store front of the overall shopping center.
4. Gas stations are allowed to have merchandise displayed at the pump islands. This display shall not be more than four feet high (unless an exception to this provision has been granted by the Zoning Administrator) nor shall it impede pedestrian or vehicular traffic.
5. No goods shall be attached to a building's wall surface.
6. The height of the outdoor display shall not exceed six feet, unless an exception to this provision has been granted by the Zoning Administrator.
7. The outdoor display area shall take place on an improved surface such as a private sidewalk or pavement.
8. No outdoor displays shall be allowed in required landscape areas.
9. No pedestrian obstruction. At least five feet along the parking lot side of the display area shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
10. The area devoted to the outdoor display of merchandise shall at all times be kept neat and orderly and not be allowed to become unsightly or a visual nuisance. Any debris, scrap material, litter, empty shelves, racks, pallets, boxes or similar material not containing display items shall be removed from the outdoor display area.

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11. Larger outdoor temporary displays of merchandise shall be regulated with a temporary accessory use permit.
- E. More than one principal or accessory building or structure can be located on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures of sixty (60) feet, that adequate provisions for access to each building is shown on the Site Plan, and that all of the other requirements of the "B-1" District are satisfied for each building or structure.

CHAPTER 9

B-2 Agricultural/Business Transitional District

SECTION 9.02 PERMITTED USE

- A. ~~The B-2, Agricultural/Business Transitional District allows farm markets as a transition use, provided that all of the conditions, restrictions, and requirements included in the Agricultural District regulating farm markets are met.~~ Farming operations that comply with the Michigan Department of Agriculture and Rural Development's Generally Accepted Agricultural and Management Practices (GAAMPS).

SECTION 9.03 AREA REGULATIONS

The area regulations in the B-2, Agricultural/Business Transitional District shall be the same as established in the B-1, General Business District for all uses permitted under the B-1 District. ~~The area regulations for farm markets within the B-2, Agricultural/Business Transitional District shall be the same as those required in Chapter 6, Section 6.02E for farm markets. For garden markets, the area regulations shall be the same as those provided for in Chapter 6, Section 6.02.F, Farm Products and Storage Buildings.~~

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 30th day after the date of such publication.

SECTION D

REPEAL

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

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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.

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

NAYS: None

Motion Carried.

Discussion held with DPW Superintendent Worden regarding the paving needed for the drive around the Finn Road Park campground.

Motion by Kenniston, seconded by Benchley, to approve the bid from Pyramid Paving for a cost of \$59,060.

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

NAYS: None

Motion Carried.

The Fire Chief's employment agreement renewal was presented. There were no changes from the last agreement other than the dates. This agreement will take effect on April 12, 2021. Motion by Wisniewski, supported by Samyn, to approve this employment agreement as presented.

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

NAYS: None

Motion Carried.

ATTORNEY REPORT:

Hewitt had no report.

ENGINEER REPORT:

Bartow was not present.

STANDING COMMITTEE REPORTS:

Motion by Wisniewski, seconded by DeWyse, to receive Zoning Board of Appeals minutes from March 18, 2021.

Motion carried.

OFFICER/TRUSTEE/DEPARTMENT HEADS/COUNTY COMMISSIONER REPORTS:

Clerk: Motion by Wisniewski, supported by Wright, to receive the January 2021 Financial Report.

Motion carried.

Clerk DeWyse, also reported the 2020 financial audit was wrapping up and the 2020 actuarial report should be completed by the end of April.

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Also updated the Board on how the Executive Committee was working on possibly refinancing our 2010 and 2011 USDA bonds where the Township will see substantial savings and it will also shorten up the period of repayment.

Treasurer: Motion by DeWyse, supported by Wisniewski, to receive the 2021 first quarterly interest report.
 Motion carried.

Trustees: Had no report.

Supervisor: Held a virtual meeting with Consumers Energy to get an update on progress with the progress of the demolition. They are in the process of separating infrastructure from the coal-powered Karn Plants #1 and #2 and gas-powered Karn Plants #3 and #4. Karn Plants #1 and #2 demolition is on schedule to be completed by 2023. There will be a pollinator garden where Weadock plants were. Still bringing in ash from the Muskegon plant to the landfill site. Supervisor Close asked if there were plans for digging more ponds, and their spokeswoman said they have not put any bids out for that work.

Public Safety Chief: Thanked the Board for providing the vehicles to do their job. He has the new side by side, rescue truck and fire truck parked out front for the Board to view.

Department of Public Works Superintendent: Reported they have been working out at the Finn Road Park pouring cement extensions on seven of the site pads, trimming trees, landscaping, and getting it prepared for opening. Brush chipping was completed last week in two days. The lift stations are working well and in good condition. Also had to clean up a parcel on Scheurmann from debris left out at the road. This property owner will be billed.

County Commissioner: County has received \$420,000 from their share of the marijuana licensing. Over \$20,000,000 should be received at the County level from the national American Recovery Program. They are getting clarification on what this can be spent on. In the process of hiring summer staff and will receive the County Equalization Report at their next meeting.

OPEN TO THE PUBLIC:

Treasurer Samyn wished Supervisor Close a Happy Birthday.

Motion by Kenniston, supported by Wright, to adjourn at 8:30 p.m. Motion carried.

Respectfully submitted:

Approved by

Frances DeWyse, Clerk

Terri Close, Supervisor