

CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING
MAY 13, 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, Wisniewski, Samyn, Close, Hugo, Wright

ABSENT: None

ALSO PRESENT: Hewitt & 14 people in audience

Motion by DeWyse seconded by Klass to add 2019 road projects to "New Business". Motion carried.

Motion by Hugo seconded by Wisniewski that the minutes of the April 22, 2019 regular meeting; the April 30, 2019 special meeting; and the May 7, 2019 special meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

Motion by Hugo seconded by Wisniewski that the communication from the Bay County Township Officers Association regarding the ALICE presentation be received. Motion carried.

Motion by Wisniewski seconded by Klass that the DPW Report for April 2019; the Police Report for April 2019; and the Fire Report for April 2019 be received. Motion carried.

Motion by DeWyse seconded by Hugo that the communication from Terra Capital Industries, regarding the BAISD building, be received and read out loud per their request. Motion carried.

AUJDITORS REPORT:

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

#45695 - #45772	General Fund	\$ 66,028.51
electronic transfer	John Hancock	15,777.11
#3139 - #3141	Building Fund	11,124.18
#3907 - #3915	Sewer Fund	189,635.64
#1630 - #1633	Water Fund	<u>324,050.32</u>
		\$ 606,615.76

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

NAYS: None

Motion carried.

OPEN TO THE PUBLIC:

Todd Leavy, representing Terra Capital, addressed the Board to oppose the repeal of Ordinance No. 65 allowing for medical marihuana grow facilities. Terra Capital looking to make a substantial investment in the community.

Jason Dore, owner Hampton Mall & former Kmart building, addressed the Board on this proposed purchase by Terra Capital. Have not had a viable option for this building since purchasing in 2012; DHS will remain.

Art Dore, owner Hampton Mall & former Kmart, have to be realistic in how far you go to maintain a vacant building year after year; no residents around this facility.

Chris Girard, Do All President, stated his support for this proposed development within the former Mall.

Sandy Satkowiak, 1180 N. Knight Road, project at Center & Callahan turned down; wasn't the discussion that the township wanted to get out of the medical marihuana business.

Mary Smith, 1164 W. Hampton Road, will the Planning Commission need to issue a special use permit for this project also?

Sue Rupp, addressed the invoice on the agenda from the Assessor asking for reimbursement for clerical work done by her office staff; violation of the union contract to pay non-union labor for union work.

Public portion of the meeting was closed.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUISNESS:

Motion by Hugo seconded by Wisniewski that Ordinance No. 46-1. Consumers Energy Company Gas and/or Electric Franchise Ordinance, be introduced as follows:

ORDINANCE NO. 46-1

May 13, 2019

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC
FRANCHISE ORDINANCE

An Ordinance, granting to Consumers Energy Company, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves and to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas and/or electric business in the Charter Township of Hampton, Bay County, Michigan, for a period of thirty years.

THE CHARTER TOWNSHIP OF HAMPTON ORDAINS:

SECTION 1. GRANT AND TERM. The Charter Township of Hampton, Bay County, Michigan, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves and to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas and/or electric business in the Charter Township of Hampton, Bay County, Michigan, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines, electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Charter Township free and harmless for all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of lines and related facilities hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein given, Consumers shall, upon notice, defend the Charter Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its gas and/or electric distribution system within said Charter Township, and shall furnish gas and electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

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SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES AND CONDITIONS. Consumers shall be entitled to provide gas and electric service to the inhabitants of the Charter Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas and electric service in the Charter Township and those rules and regulations preempt any term of any ordinance of the Charter Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous gas and/or electric franchise ordinance adopted by the Charter Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on _____.

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

NAYS: None

Motion carried.

Motion by Hugo seconded by DeWyse that the next regular meeting of the Charter Township of Hampton Board of Trustees be changed to Wednesday, May 29, 2019 at 7:00 p.m.. Motion carried.

Motion by DeWyse seconded by Klass that the invoice from the Assessor, for clerical reimbursement and postage, be approved in the amount of \$407.50.

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

NAYS: Wright

Motion carried.

Motion by Hugo seconded by DeWyse that on the recommendation of the Supervisor the following re-appointments and appointment to the Planning Commission be approved: Donald Klass, Mark Basket, Anthony Brey, Jerry Talaga, Michael Mulders, Gerald DeWyse, Gary Leinberger.

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

Motion by Hugo seconded by Wisniewski that on the recommendation of the Supervisor the following re-appointments to the Board of Appeals be approved: Steve Wisniewski, Kim Spyhalski, Craig Howell, Anthony Brey, Ruth Noble.

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

Motion by DeWyse seconded by Wisniewski that on the recommendation of the Supervisor the following appointment and re-appointments to the Board of Review be approved: Bob Adamowski, Paul Jacobs, Geri Overholt.

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

Motion by Hugo seconded by Klass that Ordinance No. 67, Charter Township of Hampton Alternate Design for Storm Water Discharge and Preservation of Natural Water Resources Ordinance, be introduced as follows:

ORDINANCE NO. 67

CHARTER TOWNSHIP OF HAMPTON ALTERNATE DESIGN FOR STORM WATER DISCHARGE AND PRESERVATION OF NATURAL WATER RESOURCES ORDINANCE

An Ordinance to approve alternate design standards for the regulation and control of storm water and pollution caused directly or indirectly by storm water runoff from all zoning districts within the Charter Township of Hampton, Bay County, Michigan; to protect sensitive areas in the community; and to encourage alternate construction standards which will implement the long range goals and objectives adopted by the Bay County Storm Water Authority which affects both storm water and natural water resources but encourages flexibility in design concepts.

SECTION 1. SHORT NAME.

This ordinance is hereby adopted and shall be known as the Charter Township of Hampton Alternate Design for Storm Water Discharge and Preservation of Natural Water Resources Ordinance.

SECTION 2. REPEAL OF EXISTING ORDINANCES.

All Ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 3. DEFINITIONS.

“BASWA” is the Bay Area Storm Water Authority of which the Charter Township of Hampton is a member, with the lead governmental agency being the Bay County Drain Commissioner.

“BMP” or “Best Management Practice” means a practice or combination of practice and design criteria that comply with the Michigan Department of Environmental Quality Guidebook for Michigan Watersheds and Low Impact Development Manual for Michigan or equivalent practices and criteria that minimize storm water runoff and prevent the discharge of pollutants into storm water.

“LEED” is a low impact design concept called Leadership in Energy and Environmental Design. LEED is an internationally recognized green building certification system, providing third-party verification primarily through the Washington, D.C. based U.S. Green Building Council (USGBC) which is a 501 c3 non-profit organization committed to a prosperous and sustainable future through cost-efficient and energy-saving green buildings using the concept of LEED. LEED is aimed at improving performance across all the areas involved in construction of buildings and infrastructure, including energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

“LID” means Low Impact Development which incorporates storm water management by the use of the basic principle that is modeled after nature: manage rainfall where it lands. LID uses design methods to control storm water by mimicking a site’s presettlement hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Storm water management historically focused on managing the flood effects from larger storms. Exclusive reliance on peak rate control prevents flooding, but doesn’t protect streams and water quality. Thorough storm water management should target infrequent large storms, as well as the much more frequent, smaller storms. With the change in land surface generated by land development, not only does the peak rate of runoff increase, but the *total volume* of runoff also often dramatically increases. LID focuses on both peak rates and total volumes of runoff. LID application techniques are designed to hold constant peak rates of runoff for larger storms and prevent runoff volume increases for the much more frequent, smaller storms. Thus, the natural flow pattern is kept in better balance, avoiding many of the adverse impacts associated with storm water runoff.

SECTION 4. PURPOSE.

LID is often seen as a site specific storm water management practice, while smart growth is often a broader vision held at a community, county, or regional level. Wherever possible, design should be based on site specific information gathered by field investigation or other local data sources. It is the purpose of this ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- A. To minimize increased storm water runoff rates and volumes from identified land development;
- B. To minimize nonpoint source pollution;
- C. To minimize the deterioration of existing watercourses, culverts and bridges, and other structures;
- D. To encourage water recharge into the ground where geologically favorable conditions exist;
- E. To maintain the ecological integrity of stream channels;
- F. To minimize the impact of development upon streambank and streambed stability;
- G. To control non-storm water discharges to storm water conveyances and reduce pollutants in storm water discharges;
- H. To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;
- I. To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient storm water management controls;
- J. To ensure that storm drain drainage or storm water BMPs are adequate to address storm water management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures, standards, and recommendations set forth in this Ordinance and the State of Low Impact Development Manual for Michigan are designed for these purposes; and
- K. To ensure that all storm water facilities necessary for a proposed development will have an appropriate governmental unit responsible in perpetuity for performing maintenance or for overseeing the performance of maintenance by a private entity, such as a property owners' association.

SECTION 5. PROCEDURE.

A. All site plans shall include a storm water management plan for the entire site being considered for development. The storm water plan shall be designed, constructed and maintained so as to prevent flooding, minimize stream and river impacts, protect water quality and achieve the purposes of this Ordinance as set forth in Section 4 above. The design of the storm water management plan may:

- Comply with generally accepted local requirements; or,
- Use LEED designs so that LID development is incorporated into the plan; or
- Use a combination of both.

B. Copies of the storm water management plan shall be submitted to both the (local government unit) for review by its engineering and/or planning consultants to ensure that there is compliance with all other applicable ordinances and meets the intent of this Ordinance. After review and comment is made at the local level, then both the comments and the plans shall be submitted to the Bay County Drain Commissioner for his comments. The applicant will submit five copies of final construction plans for storm water BMP's with a letter of transmittal submitted to the Charter Township of Hampton with the final site plan/subdivision plan review. Construction or building permits shall not be issued until approval of the construction plans. The construction plans shall be drawn to a scale no smaller than 1" = 50', and on sheets no larger than 24" x 36". The scales used shall be standard engineering scales and shall be consistent throughout the plans. When plans have been completed with computer aided design technology, locations should be geo-referenced and a copy of the electronic file shall also be provided. The construction plans shall include:

1. Proposed storm water management facilities (plan and profile).
2. Proposed storm drains including rim and invert elevations.
3. Proposed open channel facilities including slope, cross section detail, bottom elevations, and surface material.
4. Final sizing calculations for storm water quality and quantity treatment facilities and storm water conveyance facilities.
5. Storage provided by one (1) foot elevation increments.
6. Tributary area map for all storm water management facilities indicating total size and average runoff coefficient for each sub-area.
7. Analysis of existing soil conditions and groundwater elevation (including submission of soil boring logs) as required for proposed retention and infiltration facilities.
8. Details of all storm water BMP's including but not limited to:
 - i. Outlet structures.
 - ii. Overflow structures and spillways.
 - iii. Riprap.
 - iv. Manufactured treatment system.
 - v. Underground detention cross section and product details.
 - vi. Cross sections of infiltration and/or bioretention facilities.
9. Final landscaping plan and details.
10. Final easements for storm water management facilities.
11. Maintenance plan and agreement.

C. Construction drawings and engineering specifications shall be subject to review and approval by the Charter Township of Hampton Engineer and Environmental Consultants to ensure adequate that storm drainage will be provided and that the proposed storm water management system provides adequately for water quantity and quality management to ensure protection of property owners and watercourses both within the proposed development and downstream.

D. A construction permit shall not be issued unless the detailed engineering drawings and specifications meet the standards of this Ordinance, applicable Charter Township of Hampton ordinances, engineering standards and practices, and any applicable requirements of other governmental agencies.

E. An as-built certification for storm water BMPs must be provided to the Charter Township of Hampton prior to final approval of the development. The certification should include the following:

A plan view of all detention basins, retention basins, and/or sediment forebays detailing the proposed and final as-built elevation contours.

Sufficient spot elevations should be provided on each side of the basin, the bottom of the basin, and along the emergency spillway(s).

Detention basin, retention basin, and/or sediment forebay calculations along with corresponding volumes associated with the as-built elevations. The proposed volume and final as-built volume should be indicated.

Final as-built invert elevations for all inlet pipes and all associated outlet structure elevations, riser pipe hole sizes, and number of holes should be included. Invert elevations of the final outlet pipe to the receiving water and elevation of the final overflow structure should also be provided.

The side slopes of all storm water basins should be identified and must meet minimum safety requirements.

The certification should be signed and sealed by a registered professional engineer or landscape architect.

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

NAYS: None

Motion carried.

Motion by Klass seconded by Hugo to approve the hiring of Joseph Schafer and Braxton Gomez as Police Officers, hire date of May 20, 2019.

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

NAYS: None

Motion carried.

Motion by Wisniewski seconded by Hugo to adopt a resolution approving an additional contribution of \$50,000 in 2019; \$25,000 in 2020; and \$25,000 in 2021 toward the OPEB liability and the corrective action plan.

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

NAYS: None

Motion carried.

Motion by Wisniewski seconded by Hugo that Ordinance No. 65-2, Medical Marihuana Facilities Ordinance, be introduced as follows:

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE 65-2

MEDICAL MARIHUANA FACILITIES REPEALING ORDINANCE

An Ordinance to provide for the repeal of Ordinances 65 and 65-1, Medical Marihuana Facilities Ordinance, and to provide for an effective date of repeal.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION I
TITLE

This Ordinance shall be known as and may be cited as the Charter Township of Hampton Medical Marihuana Facilities Repealing Ordinance.

SECTION II
REPEAL OF LICENSED MEDICAL MARIHUANA FACILITIES ORDINANCE 65

The Charter Township of Hampton having exercised its lawful right to opt out of the allowance for recreational marihuana pursuant to Initiated Law 1 of 2018, and further in contemplation of the possibility that recreational marihuana might be available for growing, processing, testing, and transportation, or purchase or sale by licensed medical marihuana facilities, and such activity being inconsistent and incompatible with the Township's decision to so opt out of recreational marihuana, the Township hereby repeals the Medical Marihuana Facilities Ordinance 65 and 65-1.

SECTION III
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 for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION IV

REPEAL

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

SECTION V
EFFECTIVE DATE

This Ordinance shall take effect immediately after publication.

AYES: Wisniewski, Hugo, Samyn
NAYS: DeWyse, Klass, Wright, Close
Motion defeated.

Motion by Hugo seconded by DeWyse to approve chip and seal; and crack seal work done to the roads from the 2019 road budget at a cost of \$98,733.20.

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

ATTORNEY REPORT:

Hewitt had no report.

ENGINEER REPORT:

Bartow was not present.

STANDING COMMITTEE REPORT:

Motion by Hugo seconded by Klass that the Planning Commission minutes of May 9, 2019 be received. Motion carried.

OFFICER/TRUSTEE REPORTS:

Motion by DeWyse seconded by Hugo that the 1st quarter interest report and the following revenue reports be received from the Treasurer.

4/15/19 – 4/19/19	Water Fund	\$ 9,412.30
	Building Fund	3,002.27

	General Fund	<u>1,345.04</u>
		\$ 13,759.61
4/22/19 – 4/26/19	Water Fund	\$ 116,631.02
	Building Fund	3,612.13
	General Fund	<u>27,382.15</u>
		\$147,625.30
4/29/19 – 5/03/19	Water Fund	\$193,411.95
	Building Fund	1,073.75
	General Fund	<u>7,293.25</u>
		\$201,778.95

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

NAYS: None

Motion carried.

Hugo addressed the Board on approving minutes & communications in one motion.

Klass addressed the format of the new fire report. Does not like it.

Supervisor addressed EDA Grant and the newsletter.

OPEN TO THE PUBLIC:

Sandy Satkowiak, 1180 N. Knight Road, what does it mean that Ordinance 65-2 was defeated?; and Borton & Knight road refinished last year and now all the driveways are flooding.

Motion by Hugo seconded by Wisniewski that the meeting adjourn. Motion carried. The meeting adjourned at 8:10 p.m..

Respectfully submitted:

Pamela J. Wright, Clerk

Terri Close, Supervisor