

# ADMINISTRATION / PERSONNEL COMMITTEE

420 N Front St. Suttons Bay, MI 49682 Wednesday, April 7, 2021 at 8:10 am VIA Remote Participation

The public may participate in the meeting through Zoom access by computer and smart phone and can find the link on our website at <a href="https://www.suttonsbayvillage.org">www.suttonsbayvillage.org</a>

# **AGENDA**

#### Call to Order

- 1. Reports (staff)
  - a. Treasurer Report
- 2. Public Comments

Please limit remarks to no more than three (3) minutes or less.

- 3. Committee Business
  - a. Report VSB-2021-19 Banner Policy
  - b. Report VSB-2021-20 Trailer Parking on Village Streets
  - c. Proposed Amendments to Peddlers Ordinance-Verbal Report
- 4. Status Update Other Committees
  - a. Report VSB-2021-18 Park Signs
  - b. Proposed Amendments to the Marina Ordinance
  - c. WWTP-Capacity Discussion
- 5. Public Comments/Written Communication
- 6. Committee Member Comments
- 7. Announcements
- 8. Adjournment

Roberto Larrea is inviting you to a scheduled Zoom meeting.

Topic: Administrative Committee

Time: Apr 7, 2021 08:10 AM Eastern Time (US and Canada)

Join Zoom Meeting

https://us02web.zoom.us/j/86161894769?pwd=blJqd0FoZ1RicGJzZk12Uk5EMIFuQT09

Meeting ID: 861 6189 4769

Passcode: 806867

One tap mobile

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# Dial by your location

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+1 253 215 8782 US (Tacoma)

Meeting ID: 861 6189 4769

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Find your local number: https://us02web.zoom.us/u/kduo4HGKbo

04/01/2021 02:51 PM User: LORRIE DB: Suttons Bay

# REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF SUTTONS BAY

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GL NUMBER	DESCRIPTION	2021 AMENDED BUDGET	YTD BALANCE 02/28/2021	MONTH 02/28/2021	AVAILABLE BALANCE	% BDGT USED
Fund 101 - General Fund 101 - General TOTAL REVENUES TOTAL EXPENDITURES	Fund:	885,725.00 900,321.00	4,796.82	2,269.63	880,928.18	0.54
NET OF REVENUES & E	EXPENDITURES	(14,596.00)	(45, 173.47)	(25,997.06)	30,577.47	309.49
Fund 202 - Major St Fund 202 - Major St TOTAL REVENUES TOTAL EXPENDITURES	Street Street:	178,500.00 239,262.00	38.31	16.06 136,806.88	178,461.69	0.02 58.83
NET OF REVENUES & E	& EXPENDITURES	(60,762.00)	(140,715.24)	(136, 790.82)	79,953.24	231.58
Fund 203 - Local St Fund 203 - Local St TOTAL REVENUES TOTAL EXPENDITURES	Street Fund Street Fund:	102,500.00	4.56	1.91	102,495.44	0.00
NET OF REVENUES & E	& EXPENDITURES	(26,380.00)	(8,656.77)	(4,858.09)	(47,723.23)	15.35
Fund 248 - DDA Fund Fund 248 - DDA Fund: TOTAL REVENUES TOTAL EXPENDITURES		5.00	2.54 547.04	1.06 282.74	2.46 6,837.96	50.80
NET OF REVENUES & EXPENDITURES	XPENDITURES	(7,380.00)	(544.50)	(281.68)	(6,835.50)	7.38
Fund 402 - Property Fund 402 - Property TOTAL REVENUES TOTAL EXPENDITURES	Property Replacement Fund Property Replacement Fund: UES IDITURES	178,050.00 124,200.00	20.64	8.65 0.00	178,029.36 124,200.00	0.01
NET OF REVENUES & EXPENDITURES	XPENDITURES	53,850.00	20.64	8.65	53,829.36	0.04
Fund 590 - Sewer Fu Fund 590 - Sewer Fu TOTAL REVENUES TOTAL EXPENDITURES	Fund: Fund:	543,600.00 802,039.00	89,563.74	40,791.94 36,025.30	454,036.26 739,752.20	16.48
NET OF REVENUES & EXPENDITURES	XPENDITURES	(258,439.00)	27,276.94	4,766.64	(285,715.94)	10.55
Fund 591 - Water Fund Fund 591 - Water Fund TOTAL REVENUES TOTAL EXPENDITURES	Fund: Fund:	232,900.00	26,675.80 24,026.78	13,308.17 13,980.76	206,224.20 240,698.22	11.45 9.08
NET OF REVENUES & E	& EXPENDITURES	(31,825.00)	2,649.02	(672.59)	(34,474.02)	8.32
Fund 594 - Marina F Fund 594 - Marina F TOTAL REVENUES TOTAL EXPENDITURES	Fund:	474,900.00 658,543.00	281,908.63 43,065.14	8,506.04 12,138.29	192,991.37	59.36 6.54
NET OF REVENUES & E.	& EXPENDITURES	(183,643.00)	238,843.49	(3, 632.25)	(422,486.49)	130.06
TOTAL REVENUES - ALL TOTAL EXPENDITURES -	- ALL FUNDS RES - ALL FUNDS	2,596,180.00 3,155,355.00	403,011.04 329,310.93	64,903.46 232,360.66	2,193,168.96 2,826,044.07	15.52
NET OF REVENUES & E	& EXPENDITURES	(559,175.00)	73,700.11	(167,457.20)	(632,875.11)	13.18

Suttons Bay Michigan		VILLAGE OF SUTT	ONS BAY		
	Michigan Michigan	REPORT VSB -2021- 19			
Prepared:	March 29, 2021		Pages:	1 of 1	
Meeting:	April 7, 2021		Attachments:		$\boxtimes$
Subject:	Banner Policy				

#### **PURPOSE**

Discussion and review of the banner and decorations policy for the new downtown light poles.

#### **STAFF COMMENT**

As a part of the TAP project, the downtown light poles were replaced with smaller more modern light poles that feature banner arms. Being that these light poles are located on a highway, and within our downtown, it is important to have some sort of policy regulating their use. This policy attempts to address eligibility requirements to display banners, limitations and responsibilities.

Attached is a very **rough draft** of the new policy. I am asking that the committee review the content, readability etc. and bring all questions, suggestions and comments to the committee meeting.

## REQUESTED ACTION

Discussion and guidance.

# Village of Suttons Bay Banner & Light Pole Decoration Policy

# Section 1 - Purpose

The intent of this policy is to provide an understanding to applicants who wish to display banners and/or decorations on eligible Village light poles, located within the DDA district. Banners and light pole decorations are intended to identify, promote, celebrate, complement, and/or commemorate community events, seasons, or significant community anniversaries. They may also encourage or promote general economic stimulation within the Village of Suttons Bay but shall not be used as a public forum or to promote, endorse, or enhance any individual commercial opportunity, or event or direct or indirect political activities or events. Banners and decorations may also be used as a means of adding color, creating a sense of excitement, and to bring increased attention to events.

# Section 2 - Eligibility

Units of local government, school districts, local business organizations, not-for-profit/non-profit corporations, and public agencies located within the Village of Suttons Bay.

# Section 3 - Application Process

- 1. All applications shall be reviewed by the Village of Suttons Bay. The sponsoring organization shall submit a completed application form no less than 30 days prior to the intended display period. The following information shall be provided to be considered complete:
  - a. Name of Organization.
  - b. Proof of eligibility as a Non-Profit Organization or Governmental Unit.
  - c. Hold Harmless Agreement
  - d. Proof of liability insurance
  - e. Name of Event or activity of interest.
  - f. Requested display dates.
  - g. Date of Event.
  - h. Design of the proposed banner, including proposed banner language.
  - i. Review Fee
- 2. Eligible organizations that submit their completed application and fee first will be given priority in scheduling. The Village of Suttons Bay reserves the right to give priority to recurring, established local and cultural events that have a proven record as of the date of this policy. Filling out an application does not in any way guarantee a reservation or design approval.

#### Section 4 – Fees & Costs

- 1. A \$50 review fee will be charged to review the applications compliance with Section 3 above. Applications deemed incomplete may be assessed additional review fees upon resubmittal.
- 2. Applicants are responsible for all costs incurred for the creation, installation, maintenance, and removal of the banners/decorations.

#### Section 5 – Location & Duration

1. Banners and decorations shall only be displayed on designated light poles located along St. Joseph Street.

- 2. Placement/installation of decorations/banners will be determined by the Village of Suttons Bay based upon availability and scheduling.
- 3. The display period is at the discretion of the Village and may be permitted for a duration of 7-days and up to a 30-day display period. Display periods may be dependent upon availability, scheduling, installation/removal schedules or conflict with Village obligations.

# Section 5 - Design & Content

- 1. The applicant shall submit their banner design or decoration (both sides, if they are different) for approval as stated in Section 3 of this policy.
- 2. Decorations shall be in good taste as determined by the Village of Suttons Bay.
- 3. No banner or decoration shall display any statement, words, or images, which may be deemed inappropriate, considered obscene, or which promote, advertise, or otherwise make reference to illegal or unlawful activity.
- 4. Advertising the sale of any product or service on a banner or a decoration by a commercial entity is prohibited.
- **5.** Advertising for or against any political candidate, referenda, ballot question, political party, or related to any other partisan political purpose is also prohibited.
- 6. Businesses acting as sponsors of an event shall not reference the/any business by way of logo, text, or otherwise.
- 7. Banners must be of sufficient strength and durability to withstand the elements during the period they are in place and shall at a minimum meet the following:
  - a. Add Size
  - b. Add Material
  - c. 5" pocket on the top and bottom of the banner.
  - d. Banners must have grommets and wind slits.
- 8. The Village reserves the right to prohibit banners/decorations that do not contain the same design as approved during the application process.

#### Section 6 - Installation, Maintenance, and Removal

- 1. Banner and Decoration Installation/Removal
  - a. If approved, light pole banners and decorations shall be installed and removed during the approved display period by the sponsoring organization or an approved sign company.
  - b. The applicant shall be responsible for all costs associated with any damage incurred to the light poles or any property during the installation, display or removal of banners or decorations.
- 2. If a banner or light pole decoration is damaged during installation, display, or removal, the sponsoring organization is responsible for providing a replacement.
- 3. The Applicant shall be responsible for the costs associated with any damage to Village property.
- 4. The Village reserves the right to remove, without notice, and at the cost of the applicant, any banners or decorations which are in a poor or unacceptable visual or physical condition, or differ from the approved design.

- 5. If at any time, the Village is tasked with the removal of banners/decorations, which remain past the approved display date, all expenses will be at the expense of the applicant.
- 6. Installation and removal of banners shall not affect, block or cause delays to M-22 traffic flow.

### Not a Public Forum

None of the Village's light poles shall constitute or be used as a public forum or in any manner as an open place of public expression. The light poles are reserved for the exclusive use and benefit of the Village of Suttons Bay.

The display of banners and decorations is based upon availability of light poles and the Village of Suttons Bay shall enjoy, at all times and in all locations, the right to use light poles for its own displays to the exclusion of any other banners/decorations. The Village reserves the right to not install or remove any banners/decorations, at any and all times, at the discretion of the Village Administrator or his/her designee. Nothing herein shall be deemed to express, imply, or create in any way a right to display banners or decorations on any particular light poles or the right to require the Village to make any light poles available for banners or decorations or the right to require the Village to remove any banner/decoration to allow for the placement of another banner/decoration.

#### Risk of Loss Statement

The sponsoring organization providing the banners/decorations shall at all times bear any risk of loss, damage, or destruction of or to the organization's banners/decorations and under no circumstances shall the Village be responsible to any person or entity for damage to or loss of any banners/decorations, including the loss of the value of the banners/decorations should this policy, either existing or as subsequently modified, prohibit its display.

#### **Approvals**

The Village of Suttons Bay will provide written notification of approval or denial to the applicant within 14 days of receiving the application.

Ms	Village of	VILLAGE OF SUTT	ONS BAY		
Suttons Bay  Michigan  REPORT VSB -2021- 20					
Prepared:	March 29, 2021		Pages:	1 of 1	
Meeting:	April 7, 2021		Attachments:		$\boxtimes$
Subject:	Trailer parking on	Village streets.		9	

#### **PURPOSE**

Discussion and review of an ordinance

#### STAFF COMMENT

The Village has seen an increase in individuals storing / parking their **unattached trailers** on our streets. Individuals tend to disengage their boats, trailers etc. and essentially park them unattended and unsecured on our village streets. These trailers rely on the mechanical braking systems of the vehicle towing them, when disengaged, they have no power for movement, **no mechanical braking system** or parking brake.

From a public safety standpoint, if these trailers were to be dislodged or having a wheel chock fail, it poses an **unnecessary safety risk to our residents**. The easy solution? Require these trailers to be always attached to the vehicle when they are on our streets.

The attached **DRAFT ordinance** is by no means complete. It is simply intended for the committee to understand this threat and provide comments on it before we complete the draft ordinance. Following discussion, it will be sent to the attorney for review and comments. As promised, it will then be provided to undersheriff, Jim Kiessel, and our community officer John Donahue, before being finalized.

This DRAFT ordinance will need to be closely reviewed.

#### REQUESTED ACTION

Discussion and guidance.

#### Pre-DRAFT - FOR DISCUSSION

#### THE VILLAGE OF SUTTONS BAY

#### ORDINANCE NO.

#### RECREATIONAL VEHICLE AND UTILITY TRAILER PARKING

An ordinance to prohibit the parking, standing or storage of nonself-propelled recreational vehicles and utility trailers, that are disengaged from the motor vehicle or towing vehicle on Village Streets; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies in accordance with and under the authority of the Michigan Vehicle Code, being Public Act 300 of 1949, General Law Village Act, being Public Act 3 of 1895, Public Act 12 of 1994, being the Revised Judicial Act of 1961, as amended.

#### THE VILLAGE OF SUTTONS BAY ORDAINS:

#### **SECTION I: PURPOSE**

The purpose of this Ordinance is to preserve the health, safety and general welfare of motorists and residents of the Village of Suttons Bay by regulating the on-street parking of recreational vehicles and utility trailers unattached from the towing vehicle on Village Streets.

#### **SECTION II: DEFINITIONS**

For the purpose of this ordinance the following definitions shall apply:

- 1. Enforcement Officer law enforcement officials of the Leelanau County Sheriff's Department, Village Zoning Administrator, Police Officer or designated Sheriff's Deputy.
- 2. Governing Body (or Village Council) means The Village Council of the Village of Suttons Bay.
- 3. Local authority means the governing body having authority to enact laws relating to traffic under the constitution and laws of this state.
- 4. Motor vehicle or self-propelled vehicle: means a vehicle licensed to travel across land and used to tow a recreational vehicle or utility trailer.
- 5. Nonself-propelled recreational vehicle: Means a recreational vehicle or utility trailer designed to be towed by a motor vehicle.
- 6. Parking means standing a vehicle, whether occupied or not.
- 7. Recreational vehicle; shall include any of the following:
  - a. Boats and boat trailers, which shall include floats, kayaks, canoes, and rafts, jet skis, and the normal equipment used to transport the same;
  - b. Folding tent trailer, which is defined as a folding structure mounted on wheels and designed for travel and vacation use;
  - c. Travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- 8. Street: means any public or private street, highway, alley or other public right-of-way located within the Village of Suttons Bay.

#### SECTION VII RIGHT OF REMOVAL

The Village of Suttons Bay reserves the right to remove any recreational vehicle or utility trailer, at the owners' expense, that has been deemed in violation of this ordinance and a safety risk to the public health, safety and welfare of this community, its residents and visitors.

# SECTION VII SEPARATE COURT ACTION.

In addition to enforcing this Ordinance through issuance of a municipal civil infraction proceeding or a criminal prosecution, the Village may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

#### **SECTION XI: SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

#### **SECTION XIII: EFFECTIVE DATE**

This ordinance shall take effective twenty (20) days following the publication of the Ordinance or a synopsis of the Ordinance in a newspaper of general circulation in the Village.



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EFFECTIVE:

# Ordinance 4 of 2010 PEDDLER'S ORDINANCE

#### Proposed Amendments in blue below.

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO REGULATE PEDDLERS WITHIN THE VILLAGE OF SUTTONS BAY AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

#### THE VILLAGE OF SUTTONS BAY ORDAINS:

#### Section 1. Title.

This Ordinance shall be known as the Village of Suttons Bay Peddlers Ordinance.

#### **Section 2. Definitions.** As used in this Ordinance,

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Peddler" means a person who goes about from place to place, traveling by foot, wagon, motor vehicle, vessel, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares, excursions or merchandise. The term "peddler" also includes "hawkers" and "huckster."

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid registration to be lawfully operated on a public highway.

"Wagon" means any wheeled vehicle designed and normally pulled by an individual or under the power of an individual.

# "Vessel" means a craft designed to navigate on water

"Veteran Peddler" means an individual who is a veteran of the armed forces of the United States and who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL 35.441, *et seq.* 

#### Section 3. Regulations.

A peddler and a veteran peddler shall comply with all of the following applicable regulations:

- (a). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods or excursions, wares or merchandise from a public street, alley, park, marina, or other public place, unless such activity is in conjunction with a mass gathering licensed under the Village of Suttons Bay Mass Gathering Ordinance.
- (b). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not shout, make any cryout, blow a horn, ring a bell or use any sound

device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where sound of sufficient volume is emitted or produced that is capable of being plainly heard upon the streets, alleys, parks, and other public places for the purpose of attracting attention to any goods, wares or merchandise which the peddler proposes to sell or rent.

(c). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not remain on upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.

#### Section 4. Nuisance

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

#### Section 5. Violations and Penalties.

- (a). Any person who violates any provision of this Ordinance, except Section 4(c), shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:
  - (1). For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
  - (2). For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
  - (3). For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b). Any person who knowingly violates Section 4(c) of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.
- (c). Each day this Ordinance is violated shall be considered a separate violation.

#### Section 6. Enforcement Officials.

The village manager and police officers of the Village of Suttons Bay and the Leelanau County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

#### Section 7. Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

# Section 8. Validity.

If any section, provision or clause of this ordinance or the application thereof to any person or circumstance is held valid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

# Section 9. Repeal.

Village of Suttons Bay Ordinance No XXXIII (33) enacted on July 26, 1946 and entitled "transient Traders" is hereby repealed in its entirety.

# Section 10. Effective Date.

This Ordinance shall be effective 20 days after publication.