



VILLAGE OF SUTTONS BAY
Village Council Meeting
Village Hall
420 N. Front Street
Suttons Bay, MI 49682
March 16, 2020 at 5:30pm

Agenda

1. Regular Meeting Called to Order
2. Roll Call
3. Review and Approval of the Agenda – Conflict of Interest
4. Consent Agenda
 - a. Approval of Minutes – February 17, 2020
 - b. Payment of Invoices
5. Public Comment / Communication and Reports (please limit to no more than three (3) minutes)
6. Unfinished Business
 - a. None
7. New Business
 - a. Report VSB-2020-22 Land Division Ordinance Public Hearing
 - b. Report VSB-2020-20 Zoning Map Amendment
 - c. Report VSB-2020-23 Shoreline Erosion Resolution
 - d. Report VSB-2020-24 Investment Policy Amendment
 - e. Village Clean-Up Day Discussion
 - f. Ferry Discussion
8. Special Committee Reports
9. Good of the Order (Council Member Comments)
10. Manager's Report (verbal)
11. Public Comment (please limit to no more than three (3) minutes)
12. Adjournment



VILLAGE OF SUTTONS BAY
VILLAGE COUNCIL REGULAR MEETING
MINUTES OF FEBRUARY 17, 2020

The meeting was called to order by President Lutke at 5:30 p.m.

Present: Case, Christensen, Long, Lutke, Newcomb and Suppes
Absent: Bahle
Staff present: Fay, Larrea and Miller

Approval of Agenda

Case moved, Suppes seconded, CARRIED, to approve the Agenda as presented. Ayes: 6, No: 0.

Consent Agenda

Christensen moved, Case seconded, CARRIED, to approve the Consent Agenda as presented. The Village Council Regular meeting minutes of January 21, 2020 presented and submitted by Clerk Fay are approved. The minutes can be found in this meeting packet. The Payment of Invoices submitted by Treasurer DeVol are approved and can be found in this meeting packet. Ayes: 6, No: 0.

Public Comment/Communications and Reports

Brian Buysee stated he submitted a comment last month regarding loud snow mobiles, and the Clerk followed up by providing him a copy of the Ordinance. Buysee stated the ordinance is 49 years old and a lot has changed since then, noting snow mobiles are louder and faster. Buysee would like the Village to consider restricting snow mobile use in residential areas. He further stated the snow mobiles violate the noise ordinance.

Sue Gentges stated the Library board president, John Krug, is retiring after 20 years, and that Sandy Boone has been appointed as the new president for the Suttons Bay/Bingham District Library.

Appointments

President Lutke nominated Bill Perkins to the Zoning Board of Appeals for a term ending 2023. Case moved, Suppes seconded, CARRIED, to appoint Bill Perkins to the ZBA for a term ending 2023. Ayes: 6, No: 0.

Report VSB-2020-14 Broadway Water Discussion

Council discussed two options to address the excessive water on Broadway Street. One option is to form a draining district which was previously presented by Drain Commissioner Steve Christensen and Engineer Brian Cenci. This comprehensive option would require the

Village and residents affected relinquishing control over selected property, long term, and would involve other entities such as the Township and County, at a cost of \$169,000.00 plus engineering and annual costs. The second option included a quote from KAL excavating in the amount of \$19,000 plus the cost for tree removal, and costs still unforeseen until the snow melts. This would likely be a faster option of the two options. The Village would need to obtain easements from two property owners, both of which of have given verbal support, as well as permits. It was the consensus of Council members to support the option of KAL Excavating, as long as the end result is close to what a draining district could provide. Council recommended a parallel with the draining district option in case the KAL Excavating option hit a road block. Manager Larrea will contact the Drain Commissioner about a timeline on creating a draining district and will also look into conflicting documents on ownership of some property proposed to be used with the KAL Excavating option. Larrea will provide an update at the next Council meeting.

Report VSB – 2020-11 Budget Amendment

Case moved, Christensen seconded, CARRIED, to amend budget line item 402-000-974 by \$40,000 for the purchase of a new vehicle. Ayes: 6, No: 0.

Report VSB-2020-12 US BR 35 Amendment Resolution

Long moved, Christensen seconded, CARRIED, to adopt Resolution #2020-01 in support of amending Michigan Bike Route USBR-35, by an affirmative, unanimous roll call vote. Ayes: 6, No: 0.

Report VSB-2020-13 Temporary Boat Launch Closure

Suppes moved, Case seconded, CARRIED, to temporarily close the Marina boat launch for the reasons stated in Report VSB-2020-13. Council further requested a notice be placed on the Village website announcing the temporary boat launch closure. Ayes: 6, No: 0.

Report VSB-2020-15 Land Division Ordinance

Christensen moved, Long seconded, CARRIED, to set a public hearing on the proposed Land Division Ordinance for March 16, 2020. Ayes: 6, No: 0.

Manager's Report

Larrea reported the Parks and Rec subcommittee has opted to redistribute the Parks survey again in the spring due to a low return, noting it lacked teenage demographics. Larrea further reported that the South Shore erosion project is now complete, and that he has drafted a letter to the governor requesting reimbursement for the high-water erosion expense. Larrea will have a proposed Resolution to present to the Administrative committee in March. Larrea is expanding this effort to other communities in the surrounding area as well. Also, in March will be proposed amendments to the Fireworks Ordinance and a Zoning Map Amendment. Larrea will be attending a Rotary meeting this week. Larrea stated the Village received a 2% grant from the GT Band, and a grant for security cameras at Suttons Park. He has also been working on lot sizes in the Lake front district.

Public Comment

Lois Bahle stated that Northport Energy has rebranded itself and is now called Leelanau Energy.

Gary Cheadle suggested extending a storm drain on the north side of Broadway, noting retention ponds encourage mosquitos.

Kathy Egan thanked Village staff for their efforts on addressing the excess water on Broadway. She does have concerns however, about a retention pond by her well and the pressure it could put on her basement walls.

Donna Popke stated the Art Festival has \$8,000 to contribute to replacement trees during the streetscape project, and further presented a \$500.00 check to the Village for a tree fund.

The meeting adjourned at 6:26 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.


Check Date	Check	Vendor Name	Description	Amount
03/03/2020	18187(E)	CHARTER COMMUNICATIONS	8245 12122 0017471, 326 N FRONT, TO 3/14	116.98
			Total EFT Transfer:	116.98
Bank GEN FIFTH THIRD CHECKING				
Check Type: EFT Transfer				
02/20/2020	44209	CONSUMERS ENERGY	1000 0027 5527, STR LIGHTS - JAN 2020	959.66
02/20/2020	44210	BILL MARSH	CUST 99108 - 2015 GMC SIERRA - REPAIR	5,207.97
02/20/2020	44211	BWMS TRAINING	DISINFECTION BASICS, TC, 4/24/2020, D MI	165.00
02/20/2020	44212	DAVID MILLER	REIMB: 31 MILES @ 0.575	17.83
02/20/2020	44213	ESRI	CUST 522976 - ARCGIS EFF 4/1/20 TO 3/31	1,500.00
02/20/2020	44214	ROBERTO IARREA	REIMB: COFFEE FOR OFC	18.98
02/20/2020	44215	MI WATER ENVIRONMENT ASSOC	BIOSOLIDS CONFERENCE -HOLLAND, 3/25-26,	285.00
02/20/2020	44216	DOROTHY PETROSKEY	REIMB FOR VIL OFC COFFEE	18.98
02/20/2020	44217	SECURITY SANITATION, INC	1 UNIT, DPW SERV THRU 2/16/2020	190.00
02/20/2020	44218	STANDARD INSURANCE COMPANY	642946 0117, MAR 2020 PREMIUM	511.51
02/20/2020	44219	USABUEBOOK	CUST 820127, COLIFORM TEST KITS	137.35
02/28/2020	44220	CERRYLAND ELECTRIC	8364410 - 1520 S RICHTER TO 02/13/2020	0.00
02/28/2020	44221	DTE ENERGY	SERV THRU 2/14/2020 - ALL DEPTS	0.00
02/28/2020	44222	AT&T MOBILITY	287291270755 - SERV THRU 02/11/2020	0.00
02/28/2020	44223	MR CLEAN	5 OFC, 2 MTG RM - JAN 2020	0.00
02/28/2020	44224	PRIORITY HEALTH	GR 784340-S001, MARCH 2020 PREMIUM	0.00
02/28/2020	44225	CERRYLAND ELECTRIC	8364410 - 1520 S RICHTER TO 02/13/2020	256.80
02/28/2020	44226	DTE ENERGY	SERV THRU 2/14/2020 - ALL DEPTS	676.89
02/28/2020	44227	AT&T MOBILITY	287291270755 - SERV THRU 02/11/2020	400.08
02/28/2020	44228	MR CLEAN	5 OFC, 2 MTG RM - JAN 2020	410.00
02/28/2020	44229	PRIORITY HEALTH	GR 784340-S001, MARCH 2020 PREMIUM	6,810.16
03/03/2020	44230	COUNTY OF LEELANAU	POLICE - OCT 2019, 8217.97 & 545.20	24,782.19
03/03/2020	44231	CENTURYLINK	ACCT 89115093 - EQ THRU 2/19/2020	143.40
03/03/2020	44232	TIM HOLT	REFUND 2020 MARINA SLIP FEE - NOT PD IN	2,100.00
03/03/2020	44233	SCOTT GROSECLOSE	RETURN 2020 MARINA FEE - NOT PD IN FULL	975.00
03/03/2020	44234	MRWA	WATER REVIEW S3 S4, BUFKA & PORRITT-4/28	620.00
03/03/2020	44235	VALLEY CITY LINEN	ACCT 10467 - FEB 2020, 4 @ \$25	100.00
03/03/2020	44236	WELLS FARGO FINANCIAL LEASING	603-0214439-000, COPIER TO 03/11/2020	72.92
03/09/2020	44237	BRAMER AUTO SUPPLY	ACCT 8571 - SUPPLIES, ALL DEPTS THRU 3/9	704.67
03/09/2020	44238	GRAINGER	871012852 - 26 PC SCREWDRIVER SET, STEEL	389.73
03/09/2020	44239	ART'S AUTO AND TRUCK PARTS INC	CUST 20090 - PARTS FOR 834 - FLANGE, STU	12.79
03/09/2020	44240	NORTHERN BUILDING SUPPLY, LLC	ACCT VIL10 - FEB SUPPLIES, ALL DEPTS	485.80
03/09/2020	44241	LEEANAU ENTERPRISE	CUST 1217 - PUBS THRU 2/27/2020	344.40
03/09/2020	44242	AMERICAN WASTE	ACCT 3222750 - 6 YD, DPW - MARCH SERVICE	115.00
03/09/2020	44243	ATCO INTERNATIONAL	CUST 600432 - ALL-PRO CLEANER - DPW	121.90
03/09/2020	44244	BADGER METER INC	CUST 211286 - BEACON HOST - FEB 2020	35.88
03/09/2020	44245	BANK OF NEW YORK MELLON, N.A.	PROJ 5241-01, SEWER BOND INTEREST	6,946.88
03/09/2020	44246	BRITANY MECHANICAL	BAHLE PARK HEAT & WATER SYS PLUMB	269.12
03/09/2020	44247	CENTURYLINK	405593377 - WWTP SERV TO 3/21/2020	205.41
03/09/2020	44248	CENTURYLINK	300439566 - SERV TO 3/31/2020	586.92
03/09/2020	44249	DUBOIS-COOPER ASSOCIATES	CUST SUTTONS BAY, CONNECTING ROD KIT, WI	291.00
03/09/2020	44250	FLETS& VANDENBRINK ENGINEERING	PROJ 841100 - GIS MAINT THRU 1/31/2020	2,233.50
03/09/2020	44251	INTEGRITY SOFTWARE SYSTEMS	TROUBLE SHOOT INTERNET ACCESS ISSUES	243.75
03/09/2020	44252	JUST TRUCKS	AXLE SEAL - SALT TRUCK, REPAIR	204.75
03/09/2020	44253	BRUCE IDEMA	REFUND SLIP FEE - FR MAIN TO COAL DOCK 2	320.00
03/09/2020	44254	DAVE CLAERHOUT	REFUND SLIP FEE -FR MAIN TO COAL DOCK 20	250.00
03/09/2020	44255	OLSON, BZDOK & HOWARD, P.C.	NOTSANCE/BLIGHT ORD REVIEW THRU FEB 2020	165.00
03/09/2020	44256	OPERATIONS MANAGEMENT INT	CUST 120525 - WWTP AGREE - MARCH 2020	13,397.00

Check Date	Check	Vendor Name	Description	Amount
03/09/2020	44257	INTEGRITY BUSINESS SOLUTIONS	ACCT 957380 - LAMINATOR - DPW	197.28
03/09/2020	44258	PITNEY BOWES	ACCT 0016108757 - LACHINE LEASE TO 3/29/	151.44
03/09/2020	44259	PITNEY BOWES - PURCHASE POWER	8000-9090-0222-9933, POSTAGE THRU 3/3/20	201.00
03/09/2020	44260	PLANNING AND ZONING NEWS	PLANNING & ZON NEWS, 12 EFF 4/20 -3/21	360.00
03/09/2020	44261	PURE WATER WORKS	COOLER RENTAL CHG - FEB 2020	47.50
03/09/2020	44262	LEELANAU CTY ROAD COMMISSION	DIESEL/NO-LEAD, THRU 2/29/2020	947.28
03/09/2020	44263	SUTTONS BAY PUBLIC SCHOOLS	WELD SKID SHOE BRACKET ON BLOWER	248.00
03/09/2020	44264	U.P.ENGINEERS & ARCHITECTS, IN	PROJ 17508 - M-22 TAP PROJ TO 2/1/20	707.50
03/09/2020	44265	WHEELLOCK & SONS	11 DOCK LADDERS, REPAIR ONE LADDER	2,517.50
03/09/2020	44266	WIN911 SOFTWARE	WIN911 SOFTWARE ANNUAL MAINT - EFF 5/11	600.00
Total Paper Check:				79,660.72

GEN TOTALS:

(5 Checks Voided)
 Total of 54 Disbursements:

79,777.70

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2020- 22	
Prepared:	January 27, 2020	Pages:	1 of 1
Meeting:	March 16, 2020 VILLAGE COUNCIL	Attachments:	<input checked="" type="checkbox"/>
Subject:	Land Division Ordinance Public Hearing		

PURPOSE

To consider the adoption of Ordinance # 1 of 2020 and repeal of Ordinance #2 of 2014.

STAFF COMMENTS

A new land division ordinance is before you for a public hearing and discussion. This ordinance is intended to repeal and replace Ordinance # 2 of 2014 (the current Ordinance). Once adopted, we will create submittal checklists, new State compliant applications, and form a review committee to streamline the multi-jurisdictional process.

The review committee will be comprised of the Assessor, Zoning Administrator and Village Planner or Manager. The review session will eliminate sending the application back and forth between the Township and Village, which has proven to be time consuming and a burden to the Applicant.

Once a completed application is received and reviewed, written feedback will be provided to the applicant by the committee. A second review will finalize the application and the applicant will be provided with instructions to record the document. This is a proven procedure that keeps everyone accountable, including Staff, and the applicant.

The Administration Committee has recommended moving this Ordinance forward for public comment.

ACTION REQUESTED

MOTION TO Adopt Ordinance # 1 of 2020 known as the Village of Suttons Bay Land Division Ordinance and repeal Ordinance # 2 of 2014.

VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF SUTTONS BAY LEELANAU COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

Public notice is hereby given that the Suttons Bay Village Council will hold a public hearing on Monday, March 16, 2020 at 5:30p.m., at the Village Hall located at 420 N. Front Street, Suttons Bay, Michigan, 49682. The purpose of the public hearing is for consideration of adopting Ordinance No. 1 of 2020, Land Division Ordinance, an ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.) and the General Law Village Act, Public Act 3 of 1895, as amended, (MCL 61.1, et seq.), to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

A copy of the proposed Ordinance is available for review at the Village Office during office hours of 8:00am to 4:00pm, Monday through Thursday and 8:00am to 12:00pm on Fridays. A copy is also available for review at the Library during normal business hours and on the Village Web site at www.suttonsbayvillage.org.

All interested persons are invited to attend this meeting. If you are unable to attend, written comment may be submitted to the Village Clerk at the Suttons Bay Village Hall located at 420 N. Front Street, 49682, up to the date of the hearing and may be further received by the Village Council at said hearing.

The Village of Suttons Bay will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village of Suttons Bay by writing or calling Shar Fay, Clerk, Ph: (231) 271-3051.

Leelanau Enterprise:

Please publish one (1) time: February 27, 2020
Send affidavit and bill to: Village of Suttons Bay
Sent VIA E-MAIL

Date: _____ By: _____



VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN

ORDINANCE NO. XX
LAND DIVISION ORDINANCE

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.) and the General Law Village Act, Public Act 3 of 1895, as amended, (MCL 61.1, et seq.), to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE VILLAGE OF SUTTONS BAY ORDAINS:

SECTION I: TITLE

This ordinance shall be known and cited as the Village of Suttons Bay Land Division Ordinance.

SECTION II: PURPOSE

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.), formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Village by establishing reasonable standards for prior review and approval of land divisions within the Village.

SECTION III: LEGAL BASIS

This Ordinance is enacted pursuant to the statutory authority granted by the Land Division Act, formerly known as the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended by Act 591 of P.A. 1997.

SECTION IV: DEFINITIONS

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

A. "Accessible" in reference to a parcel, means that the parcel meets one or both of the following requirements:

- (i) Has an area where a driveway provides vehicular access to an existing and approved public or private road or street and meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, and of the Village, or has an area where a driveway can provide vehicular access to an existing and approved public or private road or street and meet all such applicable location standards.
 - (ii) Is served by an existing easement that provides vehicular access to an existing and approved public or private road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 and road width and other dimensional standards in the Zoning Ordinance and which will comply with the road width and other dimensional standards in the Zoning Ordinance or can be served by a proposed easement that will provide vehicular access to an existing and approved public or private road or street and that will meet all such applicable location standards and which will comply with the road width and other dimensional standards in the Zoning Ordinance.
- B. "Adequate Permanent Access" means a public or private street or place along with its right-of-way, easement or general common area, which provides vehicular access to a lot or parcel.
- C. "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- D. "Boundary Adjustment" means a property transfer between two or more adjacent parcels where property is taken from one parcel and added to an adjacent parcel.
- E. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the applicant thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances.
- F. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the applicant thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of other applicable local ordinances.
- G. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- H. "Governing Body (or Village Council)" means The Village Council of the Village of Suttons Bay.

- I. "Land Division Committee": The body responsible for the review of Land Division applications under Article IV of the Ordinance, composed of the Township Assessor, Village Zoning Administrator and Village Planner and/or Village Manager.
- J. "Lot Split" shall mean the partitioning of a lot, out lot or other parcel of land within a recorded plat.
- K. "Private Road or Street": A road or street held in private ownership dedicated to the use of adjacent property owners which meets the definition, design and construction standards of the Zoning Ordinance.
- L. "Public Road or Street": A road or street dedicated to the public, such dedicating having been accepted by the appropriate public entity, which meets the definition, design, and construction standards as adopted by the Village, and/or Department of Transportation and otherwise meets the standards of the Zoning Ordinance.
- M. "Village": The Village of Suttons Bay.
- N. "Zoning Ordinance": The Village of Suttons Bay Zoning Ordinance.

SECTION V: PRIOR APPROVAL REQUIREMENT

Land in the Village shall not be divided nor shall a boundary adjustment be affected without the prior review and approval of the Land Division Committee, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B. A parcel proposed for subdivision that will be transferred to a federal, state, county or local unit of government for public purposes.
- C. A parcel proposed for subdivision through a recorded site condominium pursuant to the State Condominium Act.
- D. A lot in a recorded site condominium proposed to be divided in accordance with the State Condominium Act.
- E. An exempt split as defined in this Ordinance.

SECTION VI: APPLICATION FOR LAND DIVISION OR BOUNDARY ADJUSTMENT APPROVAL

An applicant shall file all of the following with the Township Assessor and Village Zoning Administrator before making any land division or boundary adjustment either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form provided by the Village.
- B. Proof of fee ownership of the land proposed to be divided.

- C. Proof that all taxes payable upon the property have been paid in full.
- D. Two copies of a survey map in accordance with E below, and drawn to scale, illustrating all resulting parcels, current structures and setbacks.
- E. For boundary adjustments, both the area of the boundary adjustment and the original parcel before adjustment must be separately shown. The survey map must be prepared by a surveyor or civil engineer licensed to practice in the State of Michigan. The survey must show the legal description and dimensions of all created parcels and the location of existing and proposed structures, land improvements, easements, streets, driveways, and ingress and egress to public or private streets. This map must be at a scale of at least one-inch equals 100 feet and should show the location of wetlands or flood plain areas, the zoning of proposed parcels, and the location of existing buildings, streets, or driveways within 50 feet of the property lines. The survey map will represent the parcels AFTER the division or boundary adjustment has occurred. Label the newly created parcels as "Parcel 1, Parcel 2, etc.". The application should include two copies of site plans for the proposed development.

In lieu of such survey map, and prior to application, the applicant may submit a tentative preliminary parcel map to be reviewed, for conceptual purposes, by the Land Division Committee. The tentative preliminary parcel map shall be drawn to a scale of not less than that provided for in the application form, and shall show the boundary lines, dimensions and accessibility of each proposed land division or boundary adjustment from existing or proposed public roads and public utilities. When submitting a tentative preliminary parcel map, the applicant shall waive the 45-day statutory requirement for a decision and shall include a fee that is set by resolution of the Village Council. The Land Division Committee's decision regarding the feasibility of the proposed land division or boundary adjustment is not binding upon the application or the Village.

- F. Proof that all standards of the Land Division Act and this Ordinance have been met.
- G. The history and specifications of the land proposed to be divided sufficient to establish that the proposed land division complies with Section 108 of the State Land Division Act. Specifically, the application shall state that the land proposed to be divided is a parent parcel, or if not a parent parcel, then it shall provide the history of the land proposed to be divided from the parent parcel to present, including all leases, land contracts and conveyances.
- H. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- I. All land divisions and boundary adjustments shall result in "buildable" parcels sufficient to comply with all required area and width requirements, setback provisions, minimum floor areas, off-street parking spaces, public water and sewer service, access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site, if applicable.
- J. The fee as may from time to time be established by Resolution of the Village Council for land division reviews.

SECTION VII: PROCEDURE FOR REVIEW OF APPLICATIONS FOR APPROVAL

- A. The Land Division Committee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division or boundary adjustment applied for within forty-five (45) days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision and, if denied, the reasons for denial. If the application does not conform to this Ordinance's requirements and the Land Division Act, the Land Division Committee shall return the same to the applicant for completion and re-filing in accordance with this Ordinance and the Land Division Act.
- B. A decision approving a land division or boundary adjustment is effective for 90 days, after which it shall be considered revoked unless:
- i. within such period the Village certificate of approval and the written instrument creating such land division or boundary adjustment, together with the approved survey, are recorded with the Leelanau County Register of Deeds office and filed with the Township Assessor; or
 - ii. an extension of time has been granted in writing by the Land Division Committee to fulfill the conditions of approval. Such extension shall only be granted when factors beyond the reasonable control of the applicant have prevented fulfillment of the conditions and completion of the land division or boundary adjustment application.
- C. The Assessor or designee shall maintain an official record of all approved and accomplished land division and boundary adjustments.
- D. Approval of a land division or boundary adjustment is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Village and its officers and employees shall not be liable for approving a land division or boundary adjustment if building permits for construction on the parcels are subsequently denied due to inadequate water supply, sewage disposal facilities, wetlands or otherwise, and any notice of approval may include a statement to this effect.

SECTION VIII: STANDARDS FOR APPROVAL

A proposed land division or boundary adjustment reviewable by the Village shall be approved if the following criteria are met:

- A. All resulting parcels have the minimum width required and as measured by the applicable zoning district pursuant to the Zoning Ordinance.
- B. All resulting parcels have the minimum area required for the applicable zoning district pursuant to the Zoning Ordinance.
- C. The ratio of depth to width of all resulting parcels created by the land division or boundary adjustment do not exceed a four to one ratio exclusive of access roads, easements, or non-

development sites. The depth of all resulting parcels created by a land division or boundary adjustment shall be measured within the boundaries of each parcel from the abutting road right-of-

way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

- D. The proposed land division or boundary adjustment complies with all requirements of this Ordinance and the Land Division Act.
- E. All resulting parcels are "accessible" as that term is defined in the Ordinance.
- F. All resulting parcels have adequate easements for public utilities from the parcel to existing public utility facilities.
- G. If any resulting parcel contains a pre-existing structure, the structure shall comply with minimum setbacks and maximum parcel coverage standards as required by the applicable zoning district pursuant to the Zoning Ordinance.

SECTION IX: LOT SPLITS

Lot splits shall be processed in the same manner and subject to the same standards and conditions as a land division or boundary adjustment application, provided that no lot, out lot or other parcel of land within a recorded plat shall be partitioned or divided into more than four (4) parts.

SECTION X: CONSEQUENCES OF NONCOMPLIANCE WITH APPROVAL REQUIREMENT

Any resulting parcel created in non-compliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, including but not limited to land use permits, conditional land use approval or site plan approval, and shall not be recognized as a separate parcel on the tax roll or assessment roll. The Village shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful land division, boundary adjustment or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

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 XII: REPEAL

The Village of Suttons Bay Ordinance No. 2 of 2014 and all previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, or other ordinances of the Village that shall remain in full force and effect notwithstanding any land division approval hereunder.

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.

YEAS:

NAYS:

ABSTAIN:


ABSENT:

I hereby certify that the foregoing was duly adopted by the Village of Suttons Bay, Leelanau County, Michigan, at its regular meeting on the 16th day of March and that (7) seven members of the Village Council were in attendance and (7) seven voted for the adoption of the Ordinance.

Shar Fay, Village Clerk

ADOPTED:

EFFECTIVE:

		<h2 style="margin: 0;">VILLAGE OF SUTTONS BAY</h2> <h3 style="margin: 0;">REPORT VSB -2020-20</h3>	
Prepared:	March 3, 2020	Pages:	1 of 1
Meeting:	March 16, 2020	Attachments:	<input checked="" type="checkbox"/>
Subject:	Map Amendment		

PURPOSE

A formal request was received from the owner of the property of 410 N. St. Joseph Street to correct the inadvertent rezoning of the properties located at 408 & 410 N. St Joseph Street (45-043-770-285-00 and 45-043-770-288-00).

BACKGROUND

Based on previous discussions and an inquiry made by the owner of 410 N. St. Joseph Street, it was apparent that the Village unintentionally changed the zoning of Lots 285, 286, 287, 288, Block 10, of the Village of Suttons Bay, Section 28, T30N R11W, when they adopted the 2018 Zoning Map.

Interestingly, this is not an isolated incident, in fact, the Village made the identical error upon the adoption of the 2006 zoning map, on the same properties (please see attached Staff Report). The attached 2007 report recognized the error and requested a rezoning to correct the zoning. The attached amendment will rezone the properties from NG - North Gateway to the CB- Central Business district.



A public hearing was held, on March 11, 2020 at the Village Planning Commission. The planning commission unanimously recommended that the Village council amend the Zoning Map to rezone of the properties located at 408 & 410 N. St Joseph Street (45-043-770-285-00 and 45-043-770-288-00) to CB- Central Business District.

ACTION REQUESTED:

A motion for consideration is provided below.

MOTION THAT the properties as described in Report VSB-2020- 20 and being made a part of this motion be rezoned to CB-Central Business District and the Village Zoning Map be amended to reflect the same.

STAFF REPORT

TO: Village of Suttons Bay Planning Commission
FROM: Steve Patmore, Zoning Administrator
DATE: April 5, 2007
RE: **Amendment No. 2 to the Village of Suttons Bay Zoning Ordinance**

Request: Amend the Official Zoning Map of Suttons Bay to change the zoning designation of the following described parcels from North Gateway Area (NGA) to Central Business Area (CBA).

Address of property: 408 and 410 N. St Joseph Street

Property Numbers: 45-043-770-285-00 & 45-043-770-288-00


Legal Description of property: Lots 285, 286, 287, and 288, Block 10, Village of Suttons Bay, Section 28, T30N R11W.

This request is being made by the Zoning and Planning Staff to correct an error in the Zoning Ordinance.

During preparation of the new Village Zoning Ordinance, the Planning Commission directed staff to make these subject parcels part of the Central Business Area (CBA).

I thought that this map change was made, and missed the error in my final review of the document.

The subject parcels fit the CBA much better than the NGA. New construction or alterations to the existing building would probably require variances if the parcels are left in the NGA.

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2020- 23	
Prepared:	March 10, 2020	Pages:	1 of 1
Meeting:	March 16, 2020	Attachments:	<input checked="" type="checkbox"/>
Subject:	Shoreline Resolution		

PURPOSE

To consider the attached Resolution as recommended by the Committee of the Whole.

OVERVIEW

Due to the unprecedented high-water levels, we will continue to witness an extraordinarily amount of shoreline erosion and costs associated with continued emergency fixes throughout 2020. The attached resolution is an attempt of awareness by way of a unified municipal front, as well as a plea for financial assistance.

We understand that the high-water threats to our infrastructure and quality of life is a *new* type of disaster, one that lacks a definitive *start or completion date* traditionally associated with a natural disaster. This resolution is a challenge to our leaders to address this new type of natural disaster before our infrastructure and history is washed away.

Attached is a copy of the Resolution for your convenience and understanding.

ACTION REQUESTED

MOTION TO adopt Resolution 2 of 2020 requesting financial assistance from the State for emergency costs incurred by the Village of Suttons Bay to protect our infrastructure from erosion caused by State waters.



**Village of Suttons Bay
Leelanau County, MI**

Resolution # 2 of 2020

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

WHEREAS, the Village of Suttons Bay, Leelanau County, MI, has experienced the impacts 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 Village of Suttons Bay, with a population of 600 residents has had to endure numerous high cost emergency repairs to our shoreline to protect our roadways, and other infrastructure due to the high water and erosion; and

WHEREAS, the Village of Suttons Bay, Leelanau County, MI, cannot sustain the cost associated with Lake Michigan shoreline repairs putting further infrastructure repairs at risk; and

WHEREAS, the Village of Suttons Bay, is requesting that the State reimburse the Village or match the cost of repairs caused by State waters; 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

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 effects 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 impacted.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Village of Suttons Bay requests that the Governor of the State of Michigan along with the State Legislature declare the State of Michigan shoreline 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.

YES:

NO:

ABSENT:


RESOLUTION DECLARED ADOPTED



I hereby certify that the above Resolution was adopted by the Village Council on _____, at a meeting of the Village Council held in the Council Chamber, Village Hall, 420 N. Front St., Suttons Bay, MI 49682

Dated:

Shar Fay
Village Clerk

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2020- 24	
Prepared:	March 10, 2020	Pages:	1 of 1
Meeting:	March 16, 2020	Attachments:	<input checked="" type="checkbox"/>
Subject:	Policy Amendment		

PURPOSE

To amend the Village investment policy as recommended by the Committee of the Whole.

OVERVIEW

The Village investment policy was adopted February 19, 2018 and provides guidance on investments associated with the Village funds. Upon meeting with our advisors, it was suggested that we add language to state our intent more clearly. The amendment is a housekeeping item that will not in any way negatively affect the Village or change the policy, its simply to clarify the language in place. The changes can be found in **RED** on page #3.

REQUESTED ACTION

MOTION TO Amend the Village of Suttons Bay Investment Policy as described in Report VSB 2020- 24 and being made a part of this motion.

VILLAGE OF SUTTONS BAY INVESTMENT POLICY
Adopted February 19, 2018
Amended March 16, 2020

SCOPE

This investment policy applies to activities of the Village of Suttons Bay (“Village”) with regard to investing the financial assets of all Village funds, including, but not limited to, the following:

General Fund
Special Assessment Revenue Funds
Capital Project Funds
Enterprise Funds
Debt Service Funds
Internal Service Funds
Trust and Agency Funds

PURPOSE AND OBJECTIVES

Funds of the Village will be invested in accordance with Act No. 20 of the Public Acts of 1943, as amended, in a manner which will provide the highest investment return with the maximum security while meeting daily cash flow needs of the Village and in compliance with all state statutes governing the investment of public funds.

Safety: Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective of preservation of capital, diversification is required and speculation is prohibited.

Liquidity: The Village Treasurer shall ensure that funds are constantly available to meet immediate payment requirements including payroll, accounts payable and debt service. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets.

Return on Investment: The investment portfolio shall be designed to attain a market average rate of return throughout budgetary and economic cycles, taking into account investment risk constraints and the cash flow characteristics of the portfolio. The core investments are limited to low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity except for the following reasons.

1. A security with declining credit may be sold early to minimize loss of principal.
2. A security swap would improve the quality, yield, or target duration in the portfolio.
3. Liquidity needs of the portfolio require that the security be sold.

DELEGATION OF AUTHORITY

In accordance with MCL 69.4 and 129.91, the Village Treasurer is designated as the investment officer of the Village and is responsible for depositing Village funds and carrying out investment decisions and activities at the direction of the Committee appointed by Village Council (Committee), and in consultation with the Village Manager. The Village Treasurer, with Committee approval shall develop and maintain written administrative procedures for the operation of the investment program, consistent with this policy.

PRUDENCE

The standard of prudence to be applied shall be the “prudent investor” rule stated as follows:

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

The members of the Committee acting in accordance with written procedures and exercising diligence shall be relieved of personal responsibility for an individual security’s performance provided that deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

MONITORING AND ADJUSTING THE PORTFOLIO

The Treasurer will routinely monitor the contents of the portfolio, the available markets and the relative values of competing instruments, and will adjust the portfolio accordingly with the approval of the Committee. The Village Treasurer will prepare and submit to the Committee a report detailing the fund activity and investment summary for the preceding six (6) months in May and November of each calendar year.

INTERNAL CONTROLS

The Treasurer shall establish a system of written internal controls, which shall be reviewed annually by the independent auditor. The controls shall be designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions. The Treasurer shall report any significant changes in the Village portfolio to the Committee at the earliest reasonable opportunity.

INSTRUMENTS

The investment officer, as directed by the Committee, may invest in any of the following:

(a) In bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States with remaining maturities of two years or less, unless

purchased for a debt retirement or other long-term investment account (e.g. post-retirement health care).

(b) In certificates of deposit or investment savings accounts of a bank which is a member of the Federal Deposit Insurance Corporation.

(b1) In reciprocal term deposit relationships (example CDARS), and reciprocal liquid deposit relationships (example Insured Cash Sweep "ICS").

(c) Money market mutual funds regulated by the Securities and Exchange Commission, whose portfolios consist only of dollar-denominated securities, and limited to securities whose intention is to maintain a net asset value of \$1.00 per share or whose net asset value per share may fluctuate on a periodic basis.

(d) In mutual funds registered under the investment company act of 1940, 15 USC 80a-1 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of any of the following: (i) the purchase of securities on a when-issued or delayed delivery basis; (ii) the ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned; or (iii) the limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.

(e) In United States government or federal agency obligation repurchase agreements, consisting of bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

(f) In investment pools composed of investment vehicles which are legal for direct investment by local units of government in Michigan in accordance with Act No.367 of the Public Acts of 1982, as amended.

(g) Obligations described in subdivisions (a) through (g) of Section 1(1) of Act No. 20 of the Public Acts of 1943, as amended, if purchased through an interlocal agreement under the urban cooperation act of 1967, Act No. 7 of the Public Acts of 1967 (Ex Sess), as amended.

(h) The investment pools organized under the local government investment pool act, Act No. 121 of the Public Acts of 1985, as amended.

Notwithstanding the above, the Village shall not deposit or invest funds in a financial institution that is not eligible to be a depository of funds belonging to the State of Michigan under a law or rules of the State of Michigan or the United States.

DIVERSIFICATION

The Committee shall diversify its use of investment instruments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.

QUALIFIED INSTITUTIONS

The Village shall maintain a list of financial institutions which are approved for investment purposes. In addition, a list of approved security broker/dealers selected by creditworthiness will also be maintained. All financial institutions and broker/dealers which desire to become qualified for investment transactions must supply the following as appropriate:

- . Audited financial statements
- . Proof of National Association of Securities Dealers certification
- . Proof of state registration
- . Certification of having read and understood and agreeing to comply with the Village's investment policy

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer.

The Village Council will approve all qualified institutions. Selection of depositories shall be based on the institutions offering the most favorable terms and conditions for the handling of Village funds consistent with requirements previously stated (e.g. diversification).

SAFEKEEPING AND CUSTODY

All security transactions shall be conducted on a cash (or delivery-versus-payment [DVP]) basis. Securities will be held by a third party custodian designated by the Committee and evidenced by safekeeping receipts.

PERFORMANCE EVALUATION AND REPORTING

The Treasurer shall produce quarterly reports for the Committee and Village Council, listing by fund each investment within the fund. The report shall show the amount of investment, the institution, maturity date, and interest rate. A summary of all investments shall be shown at the end of each report, listed by institution and type of investment. An annual report to the Village Council shall be provided as required by law.

EFFECTIVE DATE

This amended policy shall become effective on March 16, 2020.