



VILLAGE OF SUTTONS BAY  
REMOTE Access Village Council Meeting  
Village Hall  
420 N. Front Street  
Suttons Bay, MI 49682 at 5:30pm  
January 19, 2021  
Agenda

Electronic Remote Access, in accordance with Public Act 228 of 2020 will be implemented in response to COVID-19 social distancing requirements and Michigan Health and Human Services restrictions of indoor gatherings. The public may participate in the meeting through Zoom access by computer and smart phone and can find the link on our website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org)

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 -December 3, 2020 & December 21, 2020 Special Meeting
  - b. Payment of Invoices
5. Public Comment / Communication and Reports (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
  - a. Report VSB-2021-04 Land Division Ordinance
  - b. Report VSB-2021-01 Sewer Water Intergovernmental Agreement
  - c. Certificate of Appreciation(s)
8. Special Committee Reports/Staff Reports (Verbal)
9. Good of the Order (Council Member Comments)
10. Manager's Report
11. Public Comment (please limit to no more than three (3) minutes)
12. Adjournment

Roberto Larrea is inviting you to a scheduled Zoom meeting.

Topic: Suttons Bay Village Council Meeting

Time: Jan 19, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86165307024?pwd=YkVycHNPYmdDU2RNMzhINIFPY2I4QT09>

Meeting ID: 861 6530 7024

Passcode: 140167

One tap mobile

+13017158592,,86165307024#,,,,\*140167# US (Washington D.C)

+13126266799,,86165307024#,,,,\*140167# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 861 6530 7024

Passcode: 140167

Find your local number: <https://us02web.zoom.us/u/ktFw0iYoP>



VILLAGE OF SUTTONS BAY  
VILLAGE COUNCIL SPECIAL MEETING  
DECEMBER 3, 2020

The meeting was called to order by Lutke at 8:15 a.m.

Present: Case, Christensen, Long, Lutke, and Suppes

Absent: Bahle

Staff present: DeVol, Fay, Larrea and Miller

Approval of Agenda

Lutke moved, Christensen seconded, CARRIED, to add Agenda item, Council Member Appointment Discussion as item 7e., with an affirmative unanimous roll call vote.

Ayes: 5, No: 0.

Case moved, Suppes seconded, CARRIED, to approve the agenda as amended adding item 7e., Council Member Appointment Discussion, with an affirmative, unanimous roll call vote. Ayes: 5, No: 0.

Consent Agenda

Suppes moved, Christensen seconded, CARRIED, to approve the Consent Agenda as presented, with an affirmative, unanimous roll call vote. The Village Council meeting minutes of November 16, 2020 are approved and can be found in the meeting packet.

Ayes: 5, No: 0.

Report VSB-2020-62 Truth in Taxation Public Hearing

The public hearing was called to order at 8:19 a.m. Having heard no public comments, Case moved, Suppes seconded, CARRIED, to close the public hearing, with an affirmative unanimous roll call vote. The public hearing closed at 8:20 a.m. Ayes: 5, No: 0.

Christensen moved, Long seconded, CARRIED, that the maximum millage rate allowed by Headlee to support the 2021 Budget as provided for in Report VSB 2020-61 and being made a part of this motion be adopted, by an affirmative unanimous roll call vote.

Ayes: 5, No: 0.

Report VSB-2020-63 Budget Amendments

Long moved, Suppes seconded, CARRIED, to adopt the 2020 Year End budget

amendments, to reflect an expense of \$3,735,291 and a revenue of \$2,686,274, by an affirmative, unanimous roll call vote. Discussion ensued regarding the Manager's Review, raises and bonuses. Long proposed an amendment to the Employee Manual and Manager's Contract to include criteria and benchmarks for bonuses, in order to alleviate year end discretionary discussions on awarding bonuses. Lutke and Christensen concurred. Ayes: 5, No: 0.

#### Report VSB-2020-61 2021 Budget and Fees

Case moved, Christensen seconded, CARRIED, to adopt Resolution 5 of 2020 approving the 2021 Budget and Fees to support the 2021 budget, with an affirmative unanimous roll call vote. Ayes: 5, No: 0.

#### Report VSB-2020-60 2021 Goals and Objectives

Larrea summarized 2021 Goals and Objectives. Christensen suggested a Stormwater Plan, which was a suggestion from past Interim Manager Richard Lewis, be added to the list. She further requested the Goals and Objectives list be added to the Village website. Council members expressed their appreciation to Larrea for presenting the list of Goals and Objectives.

#### Council Member Appointment and Discussion

The Village received two Letters of Intent from persons interested in the vacant Council position. Council requested the letters be shared with all Council members. It was the consensus of Council members to consider and appoint from the four individuals interested, two of which had placed their names on the ballot as well as the two who presented Letters of Intent, at the next Village Council meeting on December 21, 2020.

#### Special Committee Reports/Staff Reports

Larrea stated work is ongoing on Broadway Street; cross culverts were installed and a pipe will be placed under the road. The TAP Grant project should be closed soon. MDOT plan on resurfacing the intersections downtown Suttons Bay in the next couple of years. The Suttons Bay Chamber of Commerce decorated the light poles downtown. Staff will be working on a Banner Policy sometime in the new year.

#### Public Comment

Eric Carlson from the Leelanau Enterprise asked what the Manager's salary will be for the next year: It will be \$75,950.00. He further asked for clarification of the expenditures and revenues for the next fiscal year cited in the motion. They are the sum of the various funds. He thanked Larrea for his service.

The meeting adjourned at 9:16 a.m.

Meeting minutes submitted by Shar Fay, Village Clerk.



VILAGE COUNCIL REGULAR MEETING  
MINUTES OF DECEMBER 21, 2020

The meeting was called to order at 5:31 p.m., by President Lutke.

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

Approval of Agenda

Bahle moved, Case seconded, CARRIED, to approve the Agenda as presented, with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Approval of Consent Agenda

Suppes moved, Case seconded, CARRIED, to approve the Consent Agenda as presented, with an affirmative unanimous roll call vote. The Village Council Special Meeting minutes of December 3, 2020, are approved. The Payment of Invoices submitted by Treasurer DeVol are approved. Ayes: 6, No: 0.

Village Council Trustee Appointment

Bahle moved, Case seconded, CARRIED, to appoint Debra Smith as Village Council Trustee, with an affirmative unanimous roll call vote. President Lutke explained the process for appointment asking Trustees to vote for their top person. Ayes: 6, No: 0. Votes were counted as follows:

Suppes:	Debra Smith
Long:	Bill Perkins
Christensen:	Jared Pontius
Case:	Bill Perkins
Bahle:	Debra Smith
Lutke:	Debra Smith

2021 Meeting Dates

Bahle moved, Case seconded, CARRIED, to adopt the 2021 meeting scheduled as presented in report VSB-2020-67 and being made a part of this motion. Village Council Regular meetings will be held on the 3<sup>rd</sup> Monday of the month at 5:30 p.m. apart from January and February being held one day later due to holidays, by an affirmative unanimous roll call vote. Ayes; 6, No: 0.

Village President Appointments

Case moved, Long seconded, CARRIED, to accept President Lutke's nominations and appointments to various boards as follows, with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

General Services Committee: Debra Smith, Long and Lutke  
Administrative Committee: Suppes, Christensen and Lutke  
Marina Committee: Case, Bahle and Lutke

ZBA: Donna Popke for a term ending 2023  
Planning Commission: Richard Hylwa and Pete Ostrowski for a term ending 2023  
DDA: Amy Peterson for a term ending 2024

ZBA: Karl Bahle as Council representative  
PC: Roger Suppes as Council representative  
DDA: Steve Lutke as Council representative

Council President Pro-Tem: Colleen Christensen for one year

#### Manager's Report

Larrea stated the Broadway drainage project is now complete. Additional erosion control will be installed on Broadway in the spring. Staff have a head start on some park projects, namely the wedge at Water Wheel park and at Marina Park, dead trees have been removed and sand is being brought in. Two volleyball courts will be re-installed next season at Marina Park. Larrea stated FEMA is having an open house on January 5<sup>th</sup> and 7<sup>th</sup>, to present two new Flood maps. You can find all the FEMA information on the Village's website. Undersheriff Morgan from the Leelanau County Sherriff's Department has announced his retirement. Larrea extended his gratitude to Morgan and looks forward to working with Officer Kiessel. Larrea thanked those who were interested in the vacant Village Council Trustee position.

The meeting adjourned at 5:52 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.

Check Date	Check	Vendor	Vendor Name	Description	Amount
Bank GEN FIFTH THIRD CHECKING					
01/14/2021	18284 (E)	010	CHERRYLAND ELECTRIC	ACCOUNT #8364410 SERVICE THRU 12-13-20	200.80
01/14/2021	18285 (E)	BCBS OF MI	BLUE CROSS BLUE SHIELD OF MICH	GR 007015354 0001 - JAN 2021 PREMIUM	260.52
01/14/2021	18286 (E)	CHARTER	CHARTER COMMUNICATIONS	SERV THRU 12-22-20	136.96
01/14/2021	18287 (E)	PRIORITY H	PRIORITY HEALTH	GROUP 784340 JANUARY 2021	7,056.46
12/30/2020	44757	014	GRAINGER	CUST # 871012852 AIR FILTERS	228.07
12/30/2020	44758	025	AT&T	NOTARY COMMISSION FAYE	10.00
12/30/2020	44759	AT&T	AT&T MOBILITY	PHONE SERVICE THROUGH DECEMBER 6, 2020	476.48
12/30/2020	44760	BADGER	BADGER METER INC	BEACON HOSTING DECEMBER 2020	35.76
12/30/2020	44761	STOFMI GRE	STATE OF MICHIGAN	NOTARY FEE	10.00
12/30/2020	44762	USABLUEROO	USABLUEROO	CUSTOMER #820127 GLOVES DPW	319.56
01/13/2021	44763	003	BRAMER AUTO SUPPLY	SUPPLIES THRU DEC 20	960.61
01/13/2021	44764	006	CONSUMERS ENERGY	ELECTRICAL SERVICE THRU 12-25	3,941.84
01/13/2021	44765	009	CENTURYLINK	ACCT#300439566 PHONE SERVICE THRU 12/20	606.28
01/13/2021	44766	009	CENTURYLINK	ACCT # 405593377	207.79
01/13/2021	44767	017	DC COLLECTIVE GROCER	MISC SUPPLIES	5.04
01/13/2021	44768	029	NORTHERN BUILDING SUPPLY, LLC	VIL10 SUPPLIES THRU DECEMBER 20	230.18
01/13/2021	44769	24	LEELANAU ENTERPRISE	LEGAL NOTICES DECEMBER	75.15
01/13/2021	44770	COUTURIER	LESLIE COUTURIER	ZONING ADMIN AGREE - JAN, 2021	530.00
01/13/2021	44771	KALEX	KAL EXCAVATING CO	BROADWAY CULVERT BASIN	32,000.00
01/13/2021	44772	MISC	EGLE OFFICE OF FINANCIAL MNGT	MILLER- WATER LICENSE RENEWAL	95.00
01/13/2021	44773	MISC	FOX GRAND TRAVERSE	WARRANTY WORK - NUT-HEX	2.63
01/13/2021	44774	MMTA	MI MUNICIPAL TREASURERS ASSOC	MEMBERSHIP RENEWAL-PHOEBE DEVOL	75.00
01/13/2021	44775	MR CLEAN	MR CLEAN	VIL OFC AND MTG RM CLEAN - DEC, 2020 YE	340.00
01/13/2021	44776	OMI-2	OPERATIONS MANAGEMENT INT	CUST #120525, WWTP-JAN 2021	13,738.58
01/13/2021	44777	PURE	PURE WATER WORKS	2-5 GAL;DEPOSIT; FUEL CHG	28.00
01/13/2021	44778	ROAD	LEELANAU CTY ROAD COMMISSION	PARTS & 50 YDS WINTER MIX	2,415.34
01/13/2021	44779	STATE	STATE OF MICHIGAN -DEQ	NPDES ANNUAL PERMIT FEES WWTP	1,950.00
01/13/2021	44780	TIME WARNE	TIME WARNER CABLE	INTERNET SERVICE-WWTP	81.97
01/13/2021	44781	TRUCK	TRUCK & TRAILER SPECIALTIES	PLOW EQUIPMENT SUPPLIES	1,756.98
01/13/2021	44782	VALLEYCITY	VALLEY CITY LINEN	ACCOUNT # 10467 DECEMBER 2020	100.00

GEN TOTALS:

Total of 30 Checks:


Less 0 Void Checks:

Total of 30 Disbursements:

67,875.00

0.00

67,875.00

		<b>VILLAGE OF SUTTONS BAY</b>	
		<b>REPORT VSB -2021- 04</b>	
Prepared:	January 12, 2021	Pages:	1 of 1
Meeting:	January 19, 2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Land Division Ordinance Draft		

**PURPOSE**

To consider scheduling a public hearing on a new Land Division Ordinance (LDO).

**STAFF COMMENTS**

Approximately a year ago the attached LDO was proposed and scheduled for a public hearing before falling victim to COVID. We are asking that the VC once again schedule a public hearing to complete the task of adopting a new Land Division Ordinance. Please see the original report below.

A new land division ordinance is before you for discussion. This ordinance will replace the adopted ordinance that is in need of several updates to comply with current law. Rather than attempt a fix the current Ordinance, I have drafted a new Ordinance for consideration. We are also creating a new application that complies with the requirements of the law as well as approval documents and most importantly, a checklist for applicants and Staff.

We will be forming a committee of three to review applications. 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 call for a public hearing on the attached Land Division Ordinance for February 16, 2021.





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:

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- (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. XX 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 effect upon publication following its adoption. The following voted:

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 XXth day of XXXXXXXX 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:

		<b>VILLAGE OF SUTTONS BAY</b> REPORT VSB -2021- 01	
Prepared:	January 12, 2021	Pages:	1 of 1
Meeting:	January 19, 2021	Attachments:	<input type="checkbox"/>
Subject:	Sewer / Water Intergovernmental Agreement		

**PURPOSE**

To discuss rescindment of the current intergovernmental agreement between the Village and Suttons Bay Township for sewer / water services.

**OVERVIEW**

In 2006, the Village entered into an intergovernmental agreement with the township for water and sewer services. In reviewing the information, there appears to be a fair amount of uncertainty due to the construction of the wastewater treatment plant. The agreement, beneficial to both township and village at the time, had its purpose and appears appropriate for the time, especially with the uncertainty of the wastewater plant construction.

Welcome to 2021. We are exploring various funding opportunities, including low interest loans, to update our water wells, water storage tank, and to repair our system to a manageable level of service. Similarly, our sewer system is also in need of our attention. In fact, we have allocated \$25,000 in 2021 for simple patching and will budget at least double or triple that amount over the next few years to address the same.

**Expansion.** We are seeing a pattern as it relates to service requests outside the village limits that is tipping the balance of service. Township inquiries tend to favor sewer service only. The simple reason is that it is less expensive to install private water wells than to connect to our system. If desired to continue the expansion of these services outside the Village, a balanced expansion of both water and sewer services should be required.

**Annexation.** The Village has practiced this method in the past with mixed results, however, it is something that should be considered. If planned accordingly and *strategically*, this is a far better option for the village than allowing the expansion of services outside our boundaries.

This report is simply to inform the VC of our concerns as we embark on drafting a new agreement and updating our current water/sewer ordinances. The items discussed in this report will need to be explored further to properly guide Council, however, consideration to the rescindment of the current agreement should be at the forefront of discussion.

**RECOMMENDATION**

To prohibit further expansion of our infrastructure outside the village limit until annexation of property or a new agreement can be explored.

PLEASE NOTE: Since 2018, the Village has been working on an expansion of services to supplement a township development. This agreement should be honored as conditional approval has been secured from the township and design of the infrastructure is under review by the village.



**RESOLUTION OF APPRECIATION THE SUTTONS BAY ART FESTIVAL**

*Whereas, it is the desire of the Village Council to extend its sincere appreciation to the Suttons Bay Art Festival for setting aside funds over the years to be used for landscaping and beautification in the village,*

*Whereas, the Suttons Bay Art Festival provided said funds to purchase trees for the downtown streetscape project;*

*Now, Therefore, Be it resolved that the Village Council on behalf of the citizens of Suttons Bay does hereby express its sincere appreciation to the Suttons Bay Art Festival for providing the funding for the downtown trees. We thank you for your generous donation!*

*Moved by:*

*Supported by:*

*All those in Favor:*

*I hereby certify that the foregoing resolution was adopted by the Village Council for the Village of Suttons Bay on January 19, 2021.*

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*Shar Fay, Village Clerk*



**RESOLUTION OF APPRECIATION TO BY THE BAY GARDEN CLUB**

*Whereas, By the Bay Garden Club has again dedicated their time and expertise to landscaping and beautification at the entrance to the Village as well as the village streets, parks and sidewalks within the Village of Suttons Bay , and*

*Whereas, it is the desire of the Village Council to extend its sincere appreciation to By the Bay Garden Club for their donation of time and expertise to the landscaping and beautification of the Village of Suttons Bay,*

*Now, Therefore, Be it resolved that the Village Council on behalf of the citizens of Suttons Bay does hereby express its sincere appreciation to By the Bay Garden Club for volunteering their time and knowledge in beautifying the landscape and the planters throughout the Village. You all continue to amaze us!*

*Moved by:*

*Supported by:*

*All those in Favor:*

*I hereby certify that the foregoing resolution was adopted by the Village Council for the Village of Suttons Bay on January 19, 2021.*

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*Shar Fay, Village Clerk*

