

**Cheboygan County Board of Commissioners
Committee of the Whole Meeting
August 22, 2017**

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioner's Room by Chairperson John Wallace at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Karen Johnson, Richard Sangster, Michael Newman, Cal Gouine, Roberta Matelski, John Wallace and Robert Bolinger.

ABSENT: None

Commissioner Wallace gave the Invocation and led the Pledge of Allegiance.

Motion by Commissioner Bolinger, seconded by Commissioner Sangster, to approve the agenda. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS - None

Scheduled Visitors/Department Reports

Kerry Wieber, Forest Land Administrator with Forest Resources Division of the DNR presented the Proposed DNR Land Acquisition for the Storey Lake property which included Sections 1, 6,7,12 in Corwith Township, Otsego County & Section 36 of Wilmot Township, and Section 31 of Nunda Township in Cheboygan County. The size of the property was 2,140 acres, which was currently listed for sale. When a DNR land purchase occurs, the State of Michigan makes an annual Payment in Lieu of Taxes (PILT) on the property. PILT was distributed to the County, who then distributes 50% of the payment to the Township. A PILT estimate for this property would be provided once appraisals were completed and the final purchase price for the property was agreed upon by both parties. A grant seeking funds to acquire this property had been applied for. Tom Bailey, Executive Director of the Little Traverse Conservancy spoke regarding this proposal for a Natural Resources Trust Fund Acquisition. Mr. Bailey described the property as a spectacular piece of property that would be wonderful public land with tremendous potential for recreation such as hunting and wildlife viewing that was hilly and beautiful and would not result in a revenue loss. Ms. Wieber informed the Board that a management plan for the property had not yet been completed because it was not state owned at this time. The parcel was adjacent to the Pigeon River Forest property, making it ideal for consolidation with current state ownership and a key recreation and wildlife area. The property would be managed as a working forest and would be open for hunting, hiking, fishing, skiing, etc. If the property was

acquired, the DNR would create a management plan, a process that would include opportunities for public comment and input on management. The DNR would pay the same amount of taxes that a private owner would pay except for the Statewide Education Tax. Commissioner Sangster requested time for public comments regarding this matter before the resolution was completed. Commissioner Gouine requested an update on the Black Lake Marina. Ms. Wieber informed the Board that the grant for the Black Lake Marina property had just been awarded and was moving forward. Commissioner Newman requested that this matter be reheard after public comments had been heard and the Board agreed. Administrator Lawson explained the process of grant funding. The resolution would be provided at the September meeting.

No one was present to give the 2016 District #4 Health Department Annual Report. Commissioner Wallace reported that District #4 Health Department was not aware they had to have representation here today, but the Board had the written report to look at in the Board's packet. Commissioner Gouine noted that updates were received frequently regarding infections and diseases moving through the County and they were working on contracts. Commissioner Sangster was concerned and requested a response from the District #4 Health Department regarding the billboard located past Kmart, which stated, "Get It and Forget It Birth Control". Commissioners requested Administrator Lawson to send correspondence to Health Department regarding the billboard.

Brad Burcaw presented the NLEA Broadband Internet Project survey results for Cheboygan County via power point. The survey was distributed over Cheboygan, Emmet, Charlevoix and Antrim Counties and was funded by the DTE Energy Foundation. Questions asked on the survey were as follows: Internet provider used; overall internet experience (excellent, satisfactory, unsatisfactory); current monthly cost; whether the customer desired improved internet; willingness to pay for better internet; and how the customer would utilize improved internet access. The survey found that generally participants were unsatisfied with internet service they currently have in Cheboygan County. A large majority of people in Cheboygan County were using Mobile Wireless (AT&T and Verizon) internet or Charter (cable); with 6% of those surveyed having no internet service at all. Out of the participants surveyed 42% paid \$51.00 - \$75.99 per month for internet and 51% were willing to pay for better internet. A large majority of participants would like to use the internet for research/education and movie/TV streaming, which would allow homeowners to cut back on a cable bill. This survey was conducted using only the responses received from participants equaling approximately 7% of the County. This survey and information may be found at www.northernlakes.net. All of this data will be used for Northern Lakes to create a fiber consortium to see where the demand lies in these regions

Community Development Director Steve Schnell provided an update on the Mentor Township Special Event. This was a good example of the challenges faced when there were conflicting expectations of freedom to use one's property.

One expectation was for freedom to use one's property as they want, free from regulation. The other expectation was to be able to enjoy one's property as they want, free from regulations. Another expectation was to be able to enjoy one's property free from noise, traffic, and other intrusions that were a direct result from a neighbor's use of their property. This was what zoning ordinances try to balance.

There have been events for the past several years at a location in Mentor Township that have included concerts and camping. They have been special use event permits that have been approved by the Mentor Township Board. Special events were not typically considered a permanent land use change and could be permitted under the police power of the local township. This means they do not require zoning approval and were not in zoning violation. Up to and including the latest event on the property there had been no zoning violation with regards to the events. When complaints were received, the callers were informed of this each time and were also told that the township board was the entity providing the approvals.

However, once there was a permanent land use change it would fall under the County's zoning jurisdiction and would require zoning approval by the County Planning Commission. The property owner had been told by phone that if he were to again offer a continuing event there would be reason to consider this a permanent land use change requiring approval by the County Planning Commission under the County Zoning Ordinance. This property owner has been hosting this same event for at least 4 years now on the same weekend. For this reason they had a conversation with legal counsel and believe this could soon be considered a permanent land use change. The property owner could apply to the Planning Commission for permission to add this as a permitted use. The property owner had chosen not to at this time.

In order to balance the needs of the neighbors and property owner, reviewing this land under a Special Use Permit provides an opportunity to have a land use that was both desirable by the property owner and compatible with surrounding land uses. This property owner can request approval for this land use, but only through the Special Use Permit process which may have conditions placed upon it if it would be approved by the Planning Commission.

On this same property, there had been a wedding hosted on the site. The question whether this was a zoning violation was to be determined. The offering of a property as a commercial wedding event venue required zoning review prior to starting such a land use. A person hosting a friend's wedding was not necessarily a new land use requiring a zoning approval, but a commercial venue would. A factor to consider was whether a use was considered an accessory use, which was defined as "a use that was naturally and normally incidental and subordinate to and devoted excessively to the main use of the building of land".

The regulation of the camping on the site at this time was also not a zoning ordinance violation because it was also part of the special event. A permanent land use change for a campground would require review by the Planning Commission as a Special Use Permit in that zoning district, which was Ag/Forest (M-AF). The state defines a campground in the Public Health Code (PA 368 of 1978) as "...temporary living quarters for 5 or more recreational units". The County Zoning Ordinance was recently amended to be consistent with the state act. The Public Health Code addresses both permanent and temporary campgrounds.

Mr. Schnell reported on the Noise Ordinance. The county can only enact ordinances as permitted by the State of Michigan through enabling legislation. As confirmed by legal counsel, there was no state law which "enables" or permits counties in Michigan to have a noise ordinance. Cities, villages, and townships can enact such ordinances, but not counties. Noise can be added as a standard in the zoning ordinance for reviewing certain land uses or as a condition to prove in court. As the zoning, townships can contract with a county and request that the county (or a private firm or individual) enter into a contract to enforce a uniform noise ordinance adopted by each township board and enforced by another entity on their behalf.

Commissioner Wallace requested that Mr. Schnell send a letter to Mentor Township Board to remind them that it was their responsibility to enforce. Planning and Zoning were to meet with legal counsel concerning this issue and how to proceed. Administrator Lawson noted that complaints had been received due to an event being held there the last three to four years and for these types of uses it needed to be determined on how much regulation or special use would be held. The Cheboygan County Sheriff does not have jurisdiction over blight or noise ordinances in townships.

ADMINISTRATOR'S REPORT

Administrator Lawson reported that he would be meeting on Friday with Charlevoix and Emmet County Administrators to start talking about the 800 MHZ funding mechanisms timing and also would probably talk about increasing transportation.

Administrator Lawson reported there was a meeting scheduled for next week with City representatives on the Gold Front project regarding the removal, the price of property transfer and parking lot improvement. More information regarding the result of the meeting with the City and the award of the grant would be brought back to the Board at the September 12th meeting. Treasurer Buffy Weldon explained the Tax Foreclosure Fund would be used for demolition of the Gold Front property.

Administrator Lawson reported he would be attending a meeting tomorrow with the DNR and some organizations from Mullett Lake concerning the lake levels of Mullett Lake.

OLD BUSINESS - None

NEW BUSINESS - None

BOARD MATTERS FOR DISCUSSION

Commissioners expressed their concerns as to should the County be spending more money on a project such as the Gold Front Property.

CITIZEN COMMENTS

Carl Muscott commented that he attended the tax foreclosure sale on Saturday and there was a gentleman by the name of Marty Spaulding who has taken dry hard to recover tax foreclosures and sells desirable properties at way more than taxable market value. He touched on the special use permits regarding different entities and the number of amendments that were made to them. Mr. Muscott asked if someone could look into the demand and cost of Straits Regional Ride possibly servicing trips to Gaylord. Finance Director Kari Kortz reminded the Board that at one time the County did have an agreement with Otsego County to allow their transit to enter their County; however, they no longer have that.

Sheriff Clarmont clarified that the County Sheriff cannot enforce township ordinances. In the past, townships have had to set up the judicial process and have appointed or elected an enforcement officer. The township must set up a board, including an attorney and prosecutor for the Judicial Process. Townships in this County have found it was too expensive to do this. A \$100 ticket would cost the township \$1000+ to enforce it. In order for a township to have an ordinance, it must be able to be enforced.

BOARD MEMBER COMMENTS

Commissioner Wallace commented that the Board of Directors from CCE 911 had accepted the retirement of Robert Bradley after 21 years of service with CCE 911. The Assistant Director Greg Clark has been appointed and a consulting firm would be establishing the duties of the director and help with the search. Mr. Clark would be eligible to apply for the position.

Commissioner Johnson questioned if there was an update regarding the Solid Waste Management Plan and if there has been any plans with the Board moving forward. Administrator Lawson stated that it was talked about at the April Planning Session and with some new Board members it was moving forward with more discussion to be given at the September meeting.

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Motion by Commissioner Wallace to adjourn to the call of the chair. Motion carried with 7 yes, 0 no and 0 absent. Meeting adjourned at 11:03 a.m.

Dawn Reo
Chief Deputy Clerk Register

John B. Wallace
Chairperson Board of Commissioners