

**Meeting of
August 20, 2012**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, August 20, 2012 at 5:00 P.M.

Call to Order

Chair MacKenzie called the meeting to order at 5:00 p.m.

Roll Call

Present: Gretchen Crum, George Ellwanger, Jim Kozlowski, Jane MacKenzie, John McCahan, Lori Meeder, Tom Neidhamer and Joe St. Dennis
Absent: Chris Frasz

**Excused Absence(s)
MOTION**

2012-08-20-2

Kozlowski moved, St. Dennis seconded, PASSED UNANIMOUSLY a motion to excuse the absence of Franz.

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, City, City Manager Mike Cain and Recording Secretary Karen Seeley
Public Present: Three

**Consent Agenda
MOTION**

2012-08-20-3

Ellwanger moved, St Dennis seconded, PASSED UNANIMOUSLY a motion to approve the consent agenda. Approval of the July 30, 2012 Planning Commission minutes as presented.

**Comments on
Non-Agenda Items**

Mark Kowalske spoke with the board regarding speed issue on the corner of Water and East Streets. When the larger SUV's and trucks park in the first two parking spaces, drivers can't see the sign indicating the crosswalk. Something should be done to alleviate this problem, such as compact cars only in the first two parking spaces on Water Street.

**Reports of Officers, Boards
and Standing Committees**

None

Unfinished Business

None

**New Business
Review draft Storm
Water Management
Ordinance**

Marc Seelye, Drain Commissioner for Charlevoix County was present to review the proposed ordinance. He explained that this ordinance is similar to the previous county storm water ordinance that was rescinded in 2006 due to a determination by the Attorney General that Michigan Counties do not have the authority to regulate storm water in this matter. A new storm water management ordinance was drafted by the County and has been distributed to all the municipalities in Charlevoix County. This ordinance would be a municipal ordinance that would be adopted by each local government. The municipality, if they choose, then can enter into intergovernmental agreement with the County to administer and enforce the ordinance. There are very little changes in the substance of the document; the most notable is the proposed ordinance would now regulate residential driveway that exceed 10% grade that slopes towards and intersecting road. This document is not intended to stop development, just regulate activity. The intergovernmental agreement would allow the county to administer & enforce the ordinance.

McPherson: Explain the difference between soil erosion sediment versus storm water.

Seelye: The way the soil erosion law reads, you cannot have soil erosion sediment run off of your project into someone else's property and we can help with that, but we can't do anything about excess storm water coming to a adjacent property owners at this time, their only recourse would be to go to court. But this new ordinance would help protect adjacent property owners as far as storm water.

Neidhamer: Most townships have a driveway "grade" ordinance already? This ordinance has very specific purposes; Do we need it? Yes, now is the time to join, it would be split 15 or 19 ways. It would be fee based.

Crum: Is this all or nothing? No, the municipalities that want to get on board should do so now to get the cheaper rate with the split.

Kozlowski: At Air Industrial Park, if someone takes over a property or purchases it, would they fall under the same requirements? We would look at the sites detention and retention and the process could change, yes if they increase their impervious surface.

McPherson: If they come and say they want to handle hazardous materials, it would come back to the board.

Cain: There is also a wastewater ordinance that regulates what they can discharge into the storm water.

Kozlowski: Retention ponds; who maintains the quality? The business, they file a maintenance agreement. How is it monitored; Drain Commissions office will monitor.

MacKenzie: How will this affect municipal project? If the City builds a new DPW building, it will fall under the new ordinance. Street renovation would not be affected.

Meeder: Could you explain the process and impact this might have? They would be issued a thirty day soil erosion permit, and my office would make sure this moves along in the thirty day process.

Ellwanger: What is the cost for a drive way permit? It would still be the \$50.00-75.00 permit fee.

McPherson: Explain how the appeals process would work. There would be a new board appointed by the municipalities. We will place an ad in the paper for interested parties for the board and each municipality would get five votes, the top five vote getters would be appointed to the board.

McPherson: Could we have are own board at the municipal level? No, it will be a county wide board you help appoint.

McCahan: What is the cost involved with this? Grand Traverse County cost was \$1300 for publishing, which would be shared 15 or 19 ways if you get on board now and then the cost of your legal council to review the document.

Meeder: How many municipalities are on board? We don't have an exact number yet.

Crum: Protecting the water is a good thing.

Seelye: There is a meeting set for all the municipalities to discuss the issues with Attorney Bryan Graham, September 18th, at City Hall Auditorium

City Manager Cain: We need to be good stewards of the environment. I am pretty comfortable if this goes to the county if we have a "check value" to bring any appeal back to the city. We get five votes out of possibly 19 communities, having all the control outside the city concerns me.

Meeder: This would bring constancy through out the county. Are we able to draft our own ordnance and not joint the county? Yes.

Cain: Scott and staff would have to go through training, and Marc is the expert in this, and will make sure the City's interest is protected. The county would manage and enforce.

McCahan: The appeals board seems to be Mr. Cain's biggest concern. What are the qualifications to be on the board? No specific qualifications.

The County will place an ad in the paper, and accept applications; each municipality will review them and have five votes.

Neidhamer: Collaboration makes sense. The townships will be more willing to work with us.

St. Dennis: The townships don't have the same needs as the city does. Nineteen municipalities working together is better than nineteen working individually.

Crum: I stand by the collaborative effort. The townships don't have the teeth to enforce storm water.

McCahan: I am in favor of the appeals process the way it's presented.

Neidhamer: The appeals board for the County will not be any more qualified than the City's Zoning Board of Appeals.

Cain: Where should an appeals board be seated?

Neidhamer: I would be in favor if the local appeals come back here, and the City Commission make the appointments.

McPherson: Whatever board would review the appeal, there would be specific standards to help with the decision.

Meeder: If we adopt the ordinance and do our own appeals process, would that affect the other municipalities? No

Seelye: We will have one set of standards, not nineteen. You can opt out at any point.

2012-08-20-4

Crum moved, Neidhamer seconded, to recommend the City Commission adopt the Storm Water Management Ordinance with the caveat that the City of Boyne City has its own appeal process.

Roll Call:

Aye: Crum, Ellwanger, Kozlowski, MacKenzie, McCahan, Meeder, Neidhamer, St. Dennis.

Nay: None

Absent: Frasz

Motion Carries

****MOTION**

Planners Moments review

DVD presentation of Planners Moments – New restrictions on zoning

Staff Report

Kirtland: The City Commission has remanded this issue back to the Planning Commission for review of the permit to see if they are in compliance. A public hearing has been set for September 18. The board was encouraged to listen to the minutes on line and refresh their memories on the matter. They will have to review the permit, decide what was approved by the Planning Commission and decide if Kirtland is in compliance of the special use permit.

Good of the Order

Kozlowski - There are cars driving on the new sidewalk across the road from the Brook.

McPherson - The Brook is holding their open house Thursday, August 23 from 3:00pm to 6:00pm

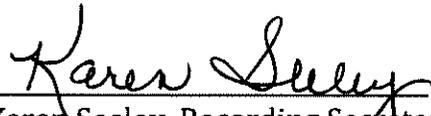
The next meeting of the Boyne City Planning Commission is scheduled for September 18, 2012 at 5:00 pm in the Commission chambers.

Adjournment

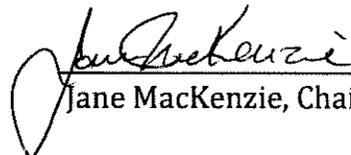
2012-08-20-5

St. Dennis moved, Ellwanger seconded, PASSED UNANIMOUSLY a motion to adjourn the meeting at 7:05 p.m.

****MOTION**



Karen Seeley, Recording Secretary



Jane MacKenzie, Chair