TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Zoning Board of Appeals

APPROVED Minutes AS PREPARED 5-0

November 8, 2017

Scheduled Annual Organizational Meeting

**Present:**    Chairman Dave Barr

Vice-Chairman Bob Spencer

Secretary Ralph Houghton

Members;  Mark Jakubiak, Norton Bretz,

Alt Members; Greg Sumerix & Bob Cook

Zoning Administrator Deb Graber

**Others:**    Todd Millar- Township Atty

Alan Martel-Township Supervisor

**Recording:** Jacqueline Petersen

**1.**    **Call to Order Regular Meeting:**

    Meeting called to order at 7:07 pm by Dave Barr

**2.    Approval of Agenda;**

    Motion by Jakubiak to approve  11.08.17 agenda, seconded by Bretz; passed 5-0.

**3.    Approval of August 19, 2017 ZBA Meeting minutes**

Motion by Bretz to approve 8.19.17 zba meeting minutes, seconded by Jakubiak; passed 5-0.

* Bob Spencer asked if there were minutes taken at the ZBA Training session

Barr stated there were not, as it was a training session and was not “noticed” to the public as a “meeting”.  Millar was consulted by Spencer who stated quorums and meetings must be noticed and minutes taken, however educational and training seminars do not.  Millar will look at what was presented at the training and let Barr know if it is acceptable.  Spencer stated that minutes were taken at the Public informational session on MMA presented by Chris Grobbel on May 9, 2017.

* Deb Graber clarified statement in minutes:  Josh Vey is no longer the township Zoning Administrator, however he is still an employee of Torch Lake Township, serving on the Fire Department.

**4.      Recusal**

Dave Barr asked if there were any recusal issues pertaining to any agenda items, there were not.

**5.        Pursuant to Section 8(h) of Michigan’s Open Meetings Act, a public body may meet in a closed session to “consider material exempt from discussion or disclosure or by state or federal statute.”  MCL 15.268(h).  Thus, any document or topic that is specifically exempt or deemed confidential by state or federal law may be discussed in closed session.**

 **Attorney-client privileged written communications are exempt by statute pursuant to Section 13(1)(g) of the Michigan Freedom of Information Act.**

Motion to go into closed session was made by Houghton, the motion was seconded by Jakubiak.  A Roll Call vote was conducted by Barr for the purpose of reviewing the written correspondence and legal opinion.  Roll Call Vote resulted in all voting in favor (5/0) of going into closed session.  Bretz-Yes; Jakubiak-Yes; Barr-Yes; Houghton-Yes; Spencer-Yes

Motion Carried and This session Closed at 7:20pm

**Call back to order Regular Meeting**

**8:45pm**

**6.    Establish scheduled dates for regular ZBA meetings for 2018**

Barr proposed the following schedule:

    4/11/18

    6/13/18

    8/8/18

    11/14/18

Motion to approve 2018 zba meeting schedule made by Houghton, seconded by Spencer; passed 5/0

**7.    Election of Officers for 2018**

* Houghton was nominated by Spencer for ZBA Secretary; Barr seconded; passed 5/0; Houghton accepted.
* Barr was nominated by Houghton for ZBA Chairman; Jakubiak seconded; passed 5/0; Barr accepted
* Spencer was nominated by Houghton for ZBA Vice Chairman; seconded by Barr; passed 5/0; Spencer accepted.
* Barr asked Houghton if an appointed assistant secretary is of interest and Houghton replied it was not necessary.

**8.    Planning Commission report**

Bretz reported the PC has nothing to report

**9.    Zoning Administrator’s report**

Graber reported there is 1 violation on Golden Beach.  Documents regarding this were distributed; zoning permit was obtained for a raised bed garden in the front yard; owners decided not to build garden but built something else instead.  Graber reviewed the timeline and steps taken and landowner will appeal in spring but wants zba to go take a look at what he’s built.  Instructions to view property are on the handouts given by Graber  the lighting issue was explained and pictures were taken by the neighbor.

Bretz asked for drawings of what landowner wanted vs what he has now in order to make a decision

Martel expressed the need for zba members to view the site by April when the landowner will have an appeal prepared and then go look again at his progress.  The landowner has asked for time until April to comply.  Martel ran this by Millar and if he is not applied before the April meeting, he will be ticketed, as he has been notified he is in violation and there was missing and insufficient information when permit was applied for.

Graber - no site plan was given with orig permit.  original survey has drawing (retention wall)

Spencer - Site Plans are part of the permit process - why was a permit granted without one

Graber - Please visit the site before the weather changes and it becomes impossible

**10.    Township Board Supervisors report**

PC is working on a fencing ordinance  He has asked Kulka for preliminary versions to be shared with the ZBA for thoughts and input.

**11.      Misc. and Administrative matters**

Spencer read from the Rules and Procedures of ZBA book page 3, paragraph 7 and stated that he did not recall being asked for Millar to be present

    Barr - stated he was remiss in seeking majority approval

    Spencer read from the Rules and Procedures of ZBA book page 10

 “Recusal” was added to the agenda without an affirmative vote. He stated we should have a proposal to add recusal to the meeting agenda.  It is inappropriate for chairmen to make unilateral decisions.

Barr stated there was a discussion

Spencer stated that he would like to ask that the rules and procedures be read and followed and suggests this is how we operate

Barr asked that the draft meeting minutes be sent via email by the recording secretary to all the members of the ZBA

Spencer would like all ZBA members to use their township assigned email

Bretz’ email is forwarded from the township to his personal email, as established when joining the ZBA

**12.    Summary of action to be taken before next ZBA meeting 11/29/17**

Review documents distributed and ask any questions that exist

**13.    Comments / Concerns of the Public**

Comments were asked for by Barr and none were offered

**14.    Adjournment**

Motion to adjourn by Spencer; Seconded by Jakubiak; carried 5/0

Meeting closed at 9:25pm