Location: Ray Township Hall

64255 Wolcott, Ray, MI 48096

Present: Joe Jarzyna, Supervisor

Lori Lascoe, Clerk

Doug Stier, Treasurer

Charlie Bohm, Trustee

Betty Grader, Trustee

Absent: None.

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.

Supervisor Jarzyna called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

All members were present.

2. APPROVAL OF AGENDA – Add on 12.) i. Library request to tap maple tree & plant a tree in the park. - Moved agenda item 12B to 8B. Eagle Scott project

**MOTION by Stier supported by Lascoe to approve the agenda as amended.**

**MOTION carried.**

3. CORRESPONDENCES:

Macomb Agricultural Purchase of Development Rights Committee 2019 Annual Report

Bohm stated the report should have been 2018 annual report.

**MOTION by Stier supported by Lascoe to receive and file the correspondence.**

**MOTION carried.**

4. PUBLIC COMMENTS: Supervisor Jarzyna asked anyone that would like to speak to come to the podium and state their name and address.

No public comments.

5. PUBLIC HEARING: Proposed 2019-2020 Budgets; General Operating, Building & Fire Funds

Jarzyna stated the public hearing is for the proposed budget.

**MOTION by Stier supported by Lascoe to the open public hearing at 7:02 p.m.**

**MOTION carried.**

Public Comments:

Terry Goike, 21122 32 Mile Road presented the history of the library, funding, millage and grants received and the increase in minimum wage, utilities, and insurance. She stated the Library will be spending $8500.00 on improvement to the library. Further requested to keep the administrative fee at its current rate or an increase of ten percent.

Kevin Brown, 18955 29 Mile Road asked where the revenue received for the three cell towers is located on the budget and how is it spent?

Jarzyna advised it is line item, 101-000-669-000, cell tower lease and possibly telecommunications annual fee which is deposited into the general fund.

**MOTION by Stier supported by Bohm to close the 2019-2020 budget public hearing at 7:14 p.m.**

**MOTION carried.**

6. APPROVAL OF MINUTES – January 15, 2019

**MOTION by Bohm supported by Lascoe to approve the minutes from January 15, 2019 as presented.**

**MOTION carried.**

7. BUDGET MODIFICATIONS

Stier presented a formal request for the budget modification dated February 19, 2019.

**MOTION by Stier supported by Bohm to approve the budget modifications as presented.**

**MOTION carried.**

8. APPROVAL OF BILLS

Stier stated the bills list is through February 14, 2019 in the amount of $87,356.46.

**MOTION by Grader supported by Lascoe to approve the bills list dated February 14, 2019 in the amount of $87,356.46.**

**MOTION carried.**

8B. Eagle Scout project in the park. – *Amended agenda – item was 12.b.*

James Harding would like to complete his Eagle Scout project in the park. He provided pictures of the sculptural ensemble (includes Contrabass Chimes, Lilypad Cymbals, Manta Ray, Swirl, Pagoda Bells and Aria) or Tuned Drums instruments/playground equipment he is requesting to install at the park for disabled children.

Jarzyna asked why James has chosen instruments as his project.

Harding explained he has been playing the cello since fourth (4th) grade and plays with the Orchestra in Armada.

Stier asked Harding to get the installation specs from the manufacturer and may be the community would get involved in helping to assist with the installation., as was done with the playscape.

Grader asked Harding if he would be raising all the money for the project?

Harding stated the fundraising may include a Go Fund me account.

Stier asked about a time line for the project.

Harding stated possibly being completed by next summer.

Bohm asked if there is any maintenance required?

Jarzyna advised he believes the pieces are powder-coated and would require minimal maintenance. Same material as playscape.

Grader commended Harding on his interest in completing his Eagle Scout project in the park. She asked Jarzyna to work with him on the location in the park.

Board thanked Harding for his interest in completing his Eagle Scout project in the park

**MOTION by Bohm supported by Stier to approve the Eagles Scout project submitted by James Harding, Boy Scout Troop 87 in the park as submitted with the Township Supervisor to approve the location.**

**MOTION carried.**

9. OFFICER’S REPORTS

1. Supervisor Jarzyna reported that he and Trustee Bom attended a meeting with the Romeo Village President, Clerk and Attorney regarding the annexation. Advised the Village that Ray Townships position is that the Proctor Cemetery must be part of the annexation.

Bohm stated he knew the history of the Proctor Cemetery being given to the Township and wants to make sure that any stipulations that may still be in effect are properly transferred to the village as part of the annexation.

1. Clerk Lascoe reported the Community Development Block Grant application has approved the purchase of the defibrillator for the senior center. She worked with the Fire Chief and has ordered the defibrillator. Further stated CDBG will provide a report for the minor home repair program to the Board.

Lascoe advised Municode has completed the Township Zoning Ordinance, we have received the printed copies and the link is available on the Township website. The Zoning Ordinance is searchable online, we have received favorable comments on the update.

Lascoe reported the Firefighters annual dinner dance will be held on March 16th at Tina’s Country House and tickets are available at the Fire Department.

Lascoe advised New Haven School district has filed for a special election on May 7, 2019. They will be providing a presentation at the next Board meeting on March 19th, regarding the bond proposal. The absentee ballot applications should be mailed out the first week of March.

1. Treasurer Stier reported the tax season is coming to a close and taxes are coming in daily.
2. Trustee Grader had nothing to report.

Trustee Bohm had nothing to report.

**MOTION by Grader supported by Bohm to receive and file the Officer’s Report as presented.**

**MOTION carried.**

1. DEPARTMENT REQUEST/REPORTS
   1. Assessing
   2. Budget Report
   3. Building Department
   4. Fire Department Report
   5. Library Report
   6. Senior Report
   7. SMART/Richmond Lenox EMS Report

Jarzyna reviewed the department’s monthly reports for January 2019.

**MOTION by Stier supported by Grader to receive and file the January 2019 Department Reports.**

**MOTION carried.**

1. UNFINISHED BUSINESS
   1. Consent Judgment for Four Star Development for proposed sewer connection to Shelby Twp./Macomb Interceptor Drain Drainage District (“MIDDD”)

Jarzyna reported that Bob Seibert, Ray Twp. Attorney and Rob Huth, Shelby Twp. Attorney are working on writing the contract for the Ray-Shelby logistics and size of the pipe. The contract with Mr. Moceri is also being worked on but the Ray/Shelby contract takes precedence.

**MOTION by Bohm supported by Lascoe to Table 11) a. Consent Judgment for Four Star Development for proposed sewer connection to Shelby Twp./Macomb Interceptor Drain Drainage District (“MIDDD”).**

**MOTION carried.**

* 1. Employee vacation time

Jarzyna stated an employee has requested being paid for his remaining vacation time. The Township Attorney, Christine Anderson has advised per the employee manual, the Board has the authority to carry over unused vacation time and remain in compliance with the terms of the manual. The wording in the manual appears the intent was not to pay employees for unused vacation, except for employees with more than 5 years of employment.

Bohm asked if the Township is paying any money out for unused personal/sick time?

Lascoe stated the employee manual states personal/sick days no salary payment will be made.

**MOTION by Bohm supported by Grader to take attorney advice and not pay out any unused time and remove item 11b from agenda.**

**MOTION carried.**

Lascoe asked if the Board is allowing the employee to roll over the unused vacation time?

Jarzyna advised the employee will have to submit a request in writing to the Board to request to roll over the unused vacation time.

* 1. Library rear building concerns

Jarzyna stated Lyle Winn, Township Engineer was contacted for an engineering inspection of the library and the addition. Mr. Winn advised they are familiar with the building and an engineering inspection would cost of $2,500.00. Further stated Dennis LeMieux, Building Official provided a written report to the Board stating the older portion of the building has had some settling and the newer addition floor framing was inspected and the structurally the addition is acceptable.

Bohm stated he talked with Mr. LeMieux and he stated there are no structure defects and it is an old building.

**MOTION by Bohm supported by Stier to remove item 11.c from the agenda.**

**MOTION carried.**

1. NEW BUSINESS

a. Recreation Leader position

Jarzyna stated he and Bohm interviewed three candidates for the position and are recommending Christy DeMeulenaere for the Recreation Leader position.

Grader stated she would like to see more press releases for the recreation events.

**MOTION by Grader supported by Lascoe to appoint Christy DeMeulenaere as Recreation Leader.**

**MOTION carried.**

1. Eagle Scout project in the park. – *Agenda item was moved to 8B.*
2. Supervisors recommendation for alternate Board of Review member.

Jarzyna stated he was recommending the appointment of Art Beier as the alternate member for the Board of Review.

**MOTION by Grader supported by Lascoe to appoint Art Beier to the Board of Review as an Alternate member.**

**MOTION carried.**

1. Amendment of Fireworks Ordinance No. 44.

Jarzyna stated there has been an amendment to the Michigan Fireworks Safety Act which limits discharge of fireworks to twelve days of the year rather than thirty days.

**MOTION by Bohm supported by Stier to adopt Amendment of Ray Township Fireworks Ordinance No. 44 as follows:**

**AMENDMENT OF RAY TOWNSHIP FIREWORKS ORDINANCE NO. 44**

**TITLE**

**AN ORDINANCE amending the Ray Township Fireworks Ordinance, being Ordinance No. 44, to revise the dates and times upon which an individual may ignite, discharge and utilize consumer fireworks within the Township of Ray; the penalties provided for a violation of the Ordinance and repealing any and all ordinances and/or resolutions in conflict therewith.**

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY,**

**MACOMB COUNTY, MICHIGAN, ORDAINS:**

**SECTION 1 - AMENDMENTS**

**1.1 Section 5. (Consumer Fireworks Regulation and Prohibited Conduct), subparagraph A shall be deleted and the following substituted therefore:**

**It shall be unlawful for a person to ignite, discharge and use consumer fireworks except on the following days:**

**A. The Saturday and Sunday immediately preceding Memorial Day.**

**B. June 29.**

**C. June 30.**

**D. July 1.**

**E. July 2.**

**F. July 3.**

**G. July 4.**

**H. July 5, if that day is a Friday or Saturday.**

**I. The Saturday and Sunday immediately preceding Labor Day.**

**J. December 31 until 1:00 a.m. on January 1.**

**1.2 Section 5 (Consumer Fireworks Regulation and Prohibited Conduct), subparagraph B shall be deleted and the following substituted therefore:**

**Consumer fireworks shall not be ignited, discharged or used prior to 11:00 a.m. or after 11:45 p.m. on the above days, except that fireworks may be utilized from 11:00 a.m. on December 31 until 1:00 a.m. on January 1.**

**1.3 Section 8 (Penalty) shall be deleted and the following substituted therefore:**

**Penalty; Civil Infraction; Misdemeanor.**

**Section 8. Any person who violates Section 5 (A) or (B) of this Ordinance may be issued a civil infraction citation and shall, upon being found responsible therefore, be subject to a penalty not to exceed $1,000. If a fine of $1,000 is collected, $500 of that $1,000 fine collected shall be remitted to the local law enforcement agency responsible for enforcing the Ordinance. Any person who violates the remaining provisions of the Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed $500 or imprisonment in the county jail for a period not to exceed 90 days or both such fines and imprisonment.**

**SECTION 2 – SEVERABILITY.**

**If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.**

**SECTION 3 – PUBLICATION.**

**This Ordinance or a summary thereof shall be published in a newspaper of general circulation within the Township of Ray, within fifteen (15) days after adoption.**

**SECTION 4 – EFFECTIVE DATE.**

**This Ordinance amendment shall take effect thirty (30) days from and after the date of publication of this Ordinance or a summary thereof as set forth in Section 3.**

**For this MOTION: Yes: Bohm, Stier, Grader, Lascoe, Jarzyna**

**No: None.**

**MOTION carried.**

1. Request to attend free BS&A Community Development Regional User Group Meeting

Jarzyna stated the request is to attend the BS&A Building Department free seminar plus mileage.

**MOTION by Stier supported by Lascoe to allow the Planning & Zoning Clerk to attend the free BS&A training seminar to include payment of mileage and overtime.**

**MOTION carried.**

1. Lawn maintenance for cemeteries.

**MOTION by Bohm supported by Stier to enter into a two year contract with Dan Crump for the Proctor and Lee Cemetery, the rates to remain same as last year. Lee cemetery cut twice monthly @ $70.00 per cut, Proctor Cemetery cut twice monthly @ $125.00 per cut. In dry conditions only cut once monthly.**

**MOTION carried.**

1. Rezoning Request: Agricultural -Residential (R-1) to Industrial (I-1) Industrial for Permanent Parcel 21-05-36-100-024; Located on the East side of North Avenue between 26- and 27-Mile Road, Anthony Stadler, Petitioner.

Stier stated the Planning Commission recommended denial of the rezoning request based on the Ray Township Master Plan and the planner’s recommendation.

Bohm stated he was never in favor of the change to the zoning or master plan and feels it was a mistake.

Stier stated the Planning Commission cannot spot zone.

**MOTION by Lascoe supported by Jarzyna to deny the rezoning request from Agricultural -Residential (R-1) to Industrial (I-1) Industrial for Permanent Parcel 21-05-36-100-024; based upon the Ray Township Master Plan, the Planner and Planning Commission’s recommendation.**

**For this MOTION: Yes: Lascoe, Jarzyna, Stier, Grader**

**No: Bohm**

**MOTION carried.**

1. Planning Commission recommendation for Amendment to the Zoning Ordinance No. 36; Add Section 3001 – Definition – Agricultural – Tourism, Inserting Section 1700 R – Agricultural Tourism

Stier stated that at the January Board of Trustee meeting he asked that the Agricultural Tourism ordinance language be sent back to the Planning Commission for further review. He explained the Planner revised the language, the planning commission has returned the amended language to the board for approval.

Grader stated the ordinance is very well written.

Lascoe stated a special land use would be required by the Planning Commission.

Bohm asked about cooking and food service?

Jarzyna stated it would all be subject to Macomb County Health Department approvals.

**MOTION by Stier supported by Lascoe to accept the proposed ordinance language amendments and adopt the Agricultural Tourism Ordinance as follows:**

**Add Section 3001 Definitions - Agricultural-tourism**

**Agriculturally related uses, that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, retail sales of farm products, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider mills, wineries, classes or workshops, etc.**

**Add Section 1700 R – Agricultural Tourism**

**Purpose: It is recognized that agricultural tourism uses protect and promote agriculture as an important component of our township’s economy, empower farmers and other rural land owners to start new entrepreneurial endeavors that augment and highlight the importance of local agriculture, and entice residents and visitors to see and experience the value of agricultural lands to our culture, economy and local food supply.**

**Allowable Uses: The following agricultural tourism uses are permitted in the R-1 Agricultural Residential zoning district subject to Special Land Use Approval:**

**Wineries**

**Cider mills and Orchards**

**U-pick fruits and vegetables, and farm markets**

**Seasonal restaurant operations primarily selling agricultural products grown, produced, or raised on site.**

**Accessory Uses: The following uses are permitted as an accessory use only to any of the above permitted Allowable Uses, subject to Special Land Use Approval:**

**Tasting Rooms**

**Kitchen facilities (owned and operated by the land owner) for processing/cooking items grown predominantly on the site**

**Gift shops for the sale of agricultural products, agricultural related product, as well as promotional items bearing the name of the agricultural tourism operator.**

**Event Barns**

**Food concessions**

**Petting farms, animal display, pony rides, and playground equipment, and other similar type uses**

**Small scale entertainment that is ancillary to the agricultural tourism operations on the property.**

**Outdoor mazes of agricultural origin such as straw bales or corn**

**Wagon, sleigh, and hayrides**

**Nature trails**

**Open air or covered picnic areas.**

**Educational classes, lectures, seminars related to agriculture such as: farming, food preparation, food processing, or food safety**

**Other uses similar to the above**

**General Requirements:**

**The minimum parcel size required to conduct an agricultural tourism use is five (5) acres.**

**The hours of operation of any outdoor agricultural tourism activity shall be limited to 9 am to 7 pm on Sunday through Thursday, and 9 am to 10 pm on Fridays and Saturdays.**

**Access to the site shall be directly from a major or secondary thoroughfare have a minimum right-of-way width of eighty-six (86’) feet.**

**All agricultural tourism uses shall conform to the setback and height restrictions of the R-1 Agricultural Residential zoning district.**

**Landscaping, pursuant to Section 1811, shall be required. In instances where the required landscaping would serve no useful purpose, the Planning Commission may waive the requirement.**

**Any proposed outdoor lighting must be compliant with Section 1814.**

**Agricultural tourism uses shall provide parking at a ratio of one space for each 500 square feet of indoor retail/eating/drinking areas, and one space for every 1,000 square feet of outdoor related activity areas.**

**The Planning Commission may require overflow parking areas based upon the anticipated peak seasonal demand of the proposed use. The Planning Commission may also allow such overflow parking areas on gravel, dirt, or cut lawn.**

**All parking areas shall be located outside of the existing and proposed rights-of-way and shall be located in such a manner to avoid traffic hazards associated with entering and exiting the site.**

**FOR THIS MOTION: Yes: Stier, Lascoe, Grader, Bohm, Jarzyna**

**No: None**

**MOTION carried.**

1. Library request to tap maple tree & plant a tree in the park. – *Added to Agenda*

Jarzyna stated the Library is requesting to tap maple tree and plant a tree in the park for earth day.

Bohm stated the tree being planted cannot be an evergreen or fruit tree.

**MOTION by Grader supported by Stier to allow the Library to tap one of the Maple trees in the park and to plant a Maple tree in the park with the Supervisor to approve the location of tree planting.**

**MOTION carried.**

1. PUBLIC COMMENTS: None
2. ADJOURNMENT

**MOTION by Stier supported by Bohm to adjourn the meeting at 7:55 p.m.**

**MOTION carried.**

Joe Jarzyna, Supervisor Lori R. Lascoe, Clerk Date

Lisa Hall, Recording Secretary