

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
FINANCE/BUSINESS MEETING
March 13, 2007**

The meeting was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Socha, Makima, Redmond, Mushlock, Wallace, and Bolinger

ABSENT: Commissioner Page (excused)

Commissioner Bolinger gave the invocation and Commissioner Wallace led the Pledge of Allegiance.

Commissioner Bolinger requested that the following items from the Consent Agenda be removed and placed on the regular agenda under New Business: Item D1 Correspondence from Top O Michigan Outboard Racing Club Requesting Waiver of "No Wake" Ordinance on August 18 & 19, 2007 and Item D4 Midland County Resolution Urging Legislature to Freeze Taxable Values on Residential Properties

Motion by Commissioner Bolinger, seconded by Commissioner Wallace, to approve the agenda as amended. Motion carried with 6 yes, 0 no and 1 absent.

Motion by Commissioner Bolinger, seconded by Commissioner Mushlock, to approve the Consent Agenda as amended, consisting of the following items:

- A. Minutes of 2/14/07 Finance/Business Meeting, 2/26/07 Wyckoff Planning Session, and 2/27/07 Committee of the Whole Meeting
- B. Approve Monthly Finance Claims – Finance = \$17,485.20; Prepaids = \$626,657.28
- C. Budget Adjustments: Raise Revenue & Expenditure for money received from US Health Resources Services Administration to purchase items related to EOC Communications Equipment in the amount of \$2,840.00.
- D. Communications:
 1. ~~Correspondence from Top O Michigan Outboard Racing Club Requesting Waiver of "No Wake" Ordinance on August 18 & 19, 2007~~ (See New Business Item 10E)
 2. Correspondence from M.A.C. Confirming Receiving Resolution 07-004 Calibration/Certification of Oil and Gas Meters
 3. Correspondence from DNR Recreation Plan Approval
 4. ~~Midland County Resolution Urging Legislature to Freeze Taxable Values on Residential Properties~~ (See New Business Item 10F)
 5. North Country Community Mental Health Board minutes of January 18, 2007 and February 15, 2007
 6. Health Board minutes of January 16, 2007
 7. C.C.E. 9-1-1: Monthly Financial Report – January 2007
 8. Board Appointments & Procedures Committee minutes of March 5, 2007
 9. Cheboygan County Road Commission minutes of February 1, 2007, February 12, 2007, February 13, 2007 and February 15, 2007
 10. Cheboygan City Council minutes of January 16, 2007, January 23, 2007, January 30, 2007 and February 13, 2007
 11. Planning Commission minutes of February 7, 2007 and February 21, 2007

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

CITIZENS COMMENTS – None

FINANCE DIRECTOR'S REPORT – Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended January 31, 2007. She noted a major

Finance/Business Meeting – March 13, 2007

decrease in the tax line from 2006 to 2007, due primarily to the change in the collection to the summer. Expenditures for 2007 are up about \$94,000 from last year, due to several matters, such as the IS Department, a change of about \$11,000 in Major Equipment, the carry over of the sheriff construction project, \$38,000 for the NLEA membership, utilities moved and the MacArthur check for 2000 wage error. Appropriations are up \$61,000 compared to last year at the end of January. As of January 31, 2007 9.76% of the budget has been used compared to 8.8% used for the same period in 2006.

COMMITTEE REPORTS

Draft job descriptions for the County Board, and for appointed committees, commissions and boards were presented for discussion at the last Committee of the Whole meeting. Commissioner Redmond reported that the Board Appointments & Procedures committee has now completed the third and final job description for the airport authority, draft of which was presented. Civil Counsel Bryan Graham and Chair Socha both voiced concern with several parts of the draft.

Motion by Commissioner Wallace, seconded by Commissioner Bolinger, to refer the three job description drafts to Civil Counsel for review and comments and presentation at the first meeting in April. Motion carried with 6 yes, 0 no and 1 absent.

Motion by Commissioner Makima, seconded by Commissioner Bolinger, to accept the recommendation from the Board Appointments & Procedures Committee and reappoint David Bills to a new four year term from April 1, 2007 through March 31, 2011 on the Veterans Affairs Committee. Motion carried with 6 yes 0 no and 1 absent.

Commissioner Redmond said having compared data from the counties of Antrim, Crawford, Emmet, Leelanau and Otsego, and with assistance from the Finance Director, the Board Appointments and Procedures Committees has determined to recommend an increase to 12.50% for the county's contribution to the administrator's retirement.

Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to accept the recommendation from the Board Appointments & Procedures Committee to increase the county contribution for the county administrator's retirement for 2007 to 12.50%. Motion carried with 6 yes 0 no and 1 absent.

Commissioner Redmond thanked both Tim Garey and Kari Kortz for their help in gathering pertinent information for the committee. Commissioner Redmond also asked for the board's feeling regarding the format for the formal evaluation of the county administrator. It was decided to follow the process developed by Dan Cain.

Commissioner Wallace said it was good to be back.

Commissioner Mushlock attended the Fair Board Meeting, and the Inverness and Mullett Township Board meetings. She reported that Mullett Township was awarded a grant for recreation purposes of approximately \$65,000 and plans to use the money toward installing bathrooms at the township park.

Commissioner Bolinger reported attending the Forest Township Board meeting and a Community Corrections meeting in Gaylord. He said Forest Township discussed a noise ordinance; and he heard that Cheboygan County does not have a tether program at the Community Corrections meeting; he plans to talk with the Sheriff regarding that.

Commissioner Socha reported attending a meeting regarding EOC and EOC equipment along with Jack Messer and Cheryl Beyer. She said there is a need for additional storage space in the commissioners' room for the EOC. She also attended a meeting of the Northern Cheboygan County Intergovernmental Planning Committee and reported that group continues to develop goals and objectives. She also attended the Planning Commission meeting, spoke with an Emmet County representative on recycling, and attended an Intergovernmental Council. The Intergovernmental Council meeting was interesting and included much discussion on the effects of many different

projects going on this summer in Cheboygan, including the bridge construction and how traffic will be affected by all of the projects. She reported the city will have a fire truck stationed on the east side of the river while the Lincoln Avenue Bridge is under construction.

OLD BUSINESS

Patty Mattson, Chair of the Planning Commission, presented three proposed zoning ordinance amendments. The amendments had been presented by Planning/Zoning Administrator Brian Duvalle at the last Committee of the Whole and discussed in depth. Commissioner Wallace was concerned with the definition of family. Civil Counsel Bryan Graham explained that the definition complies with the required definition and substance abuse issues are handled differently.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to adopt to adopt the following zoning ordinance amendment: **Zoning Ordinance Amendment # 67**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200. THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to delete the following definitions:

DWELLING: MULTIPLE
DWELLING: TWO-FAMILY
DWELLING UNIT

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following terms and definitions in their appropriate alphabetical locations, which terms and definitions shall read in their entirety as follows:

AGGRIEVED PARTY

1. Any person who can demonstrate that he/she or his/her property will suffer some special damages not common to other property owners by a decision of the Zoning Administrator, Planning Commission, or Zoning Board of Appeals.
2. In decisions concerning the completion, presumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, any person requiring notice pursuant to this ordinance.

AGRICULTURAL BUILDING

A building that is used exclusively for agricultural purposes.

AGRICULTURAL / PRIVATE STORAGE / WORKSHOP BUILDING

A building that is used for both agricultural and private noncommercial storage or home workshop purposes, with no provisions for overnight living or sleeping areas.

DWELLING or DWELLING UNIT

A single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation.

DWELLING, MULTI-FAMILY

A building, or portion thereof, containing three (3) or more dwellings.

DWELLING, SINGLE-FAMILY

A building, or portion thereof, containing one (1) dwelling.

DWELLING, TWO-FAMILY

Finance/Business Meeting – March 13, 2007

A building, or portion thereof, containing two (2) dwellings.

FAMILY

- 1 An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- 2 A group of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature.

PRIVATE STORAGE / WORKSHOP BUILDING

A building that is used for private noncommercial storage or home workshop purposes, with no provisions for overnight living or sleeping areas.

Section 3. Amendment of Section 3.3.

Section 3.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new subsection Section 3.3.7, which shall read in its entirety as follows:

3.3.7. Except as otherwise provided in this Ordinance, accessory building(s) under 150 square feet and no more than 12' total height, not on a permanent foundation, and used exclusively for storage purposes, are exempt from the standards of this Ordinance.

Section 4. Amendment of Section 6.2.16.

Section 6.2.16 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

6.2.16 Drive in eating establishments, fast food establishments, and restaurants.

Section 5. Addition of Section 9.2.14.

Section 9.2.14 of the Cheboygan County Zoning Ordinance No. 200 is hereby added, which shall read in its entirety as follows:

9.2.14. Agricultural Building, Private Storage / Workshop Building, and Agricultural / Private Storage / Workshop Building.

Section 6. Amendment of Section 21.3.1.

Section 21.3.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

21.3.1. No building or other structure shall be erected, moved, enlarged, or structurally altered, nor shall there be a change to a different use category listed in a zoning district within a building or on a lot without a permit therefor, issued by the Zoning Administrator. No permit shall be issued except in strict conformity with the provisions of this ordinance, unless the Zoning Administrator receives a written order from the Zoning Board of Appeals.

Section 7. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 8. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Finance/Business Meeting – March 13, 2007

Motion by Commissioner Redmond, seconded by Commissioner Makima, to adopt the following zoning ordinance amendment: **Zoning Ordinance Amendment # 68**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

Section 1. Repeal of Section 18.5.

Section 18.5 (and all of its subsections) of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed in its entirety.

Section 2. Addition of New Article 15.

The Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Article 15, which shall read in its entirety as follows:

ARTICLE 15 – WIND GENERATION

SECTION 15.1 PURPOSE

The purpose of this Article is to establish general guidelines for the location of Wind Generation (WG), commonly known as wind turbines or windmills, and anemometer towers. The county recognizes that it is in the public interest to permit the location of wind turbine generators within the county. The county also recognizes the need to protect the scenic beauty of Cheboygan County from unnecessary and unreasonable visual interference. As such, this ordinance seeks to:

- 15.1.1 Protect residential areas from any potential adverse impacts of WG and anemometer towers;
- 15.1.2 Encourage the location of WG and anemometer towers in nonresidential areas;
- 15.1.3 Consider the public health and safety of WG and anemometer towers; and
- 15.1.4 Avoid potential damage to adjacent property from the failure of WG and anemometer towers.

SECTION 15.2 APPLICATION REQUIREMENTS

In addition to the application requirements of Article 18 and Article 20 of this ordinance, an application for a special use permit for WG or an anemometer tower shall include all of the following information, unless expressly indicated otherwise:

- 15.2.1 A site plan meeting all of the requirements of Article 20 of this Ordinance.
- 15.2.2 A detailed analysis by a qualified registered engineer describing the specific WG structure(s) or anemometer tower proposed and all phases for implementing the development, if any. Provided, however, this application requirement shall not apply to private wind generation.
- 15.2.3 A study prepared by a qualified registered engineer documenting that the site of the WG has sufficient wind resources for the proposed WG equipment. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.4 A resume or other written summary of the education, experience, and other qualifications of all experts providing information concerning the WG or

Finance/Business Meeting – March 13, 2007

anemometer tower project. Provided, however, this application requirement shall not apply to private wind generation.

- 15.2.5 An avian study based on U.S. Fish and Wildlife Service, “Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines”, Federal Register: July 10, 2003 (Volume 68, Number 132). Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.6 An inventory of endangered and/or threatened species impacted by the proposed WG or anemometer tower in the vicinity of the proposed site conducted by qualified biologist. Vicinity shall be based on the species. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.7 A detailed written statement, with supporting evidence, demonstrating how the proposed WG or anemometer tower will comply with all of the standards for approval specified in this section.
- 15.2.8 Written documentation establishing whether the proposed WG location on the site will create shadow flicker on any existing structures located off the property on which the WG will be constructed, and if so, the extent and duration of the shadow flicker on these existing structures and the steps to be taken to minimize the shadow flicker on these existing structures. Provided, however, this application requirement shall not apply to an anemometer tower.
- 15.2.9 Written documentation that the applicant has notified the FAA and any other applicable state and federal regulatory agencies of the proposed WG or anemometer tower.
- 15.2.10 Written documentation that the applicant has notified the operators of any microwave or communication link towers or similar facilities of a proposed WG when the proposed location of the WG is within the line of sight between two or more microwave or communication link towers or similar facilities. Provided, however, this application requirement shall not apply to an anemometer tower.
- 15.2.11 Elevation drawings, computer generated photographic simulations or other images, or other visual aids that depict how the WG tower and all accessory structures or anemometer tower will appear as constructed on the proposed site from vantage points north, south, east, and west of the WG tower or anemometer tower. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.12 Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for WG or anemometer tower approval specified in this section and the impact of the proposed WG or anemometer tower on adjacent properties, public infrastructure, and the county as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, and/or information from officials representing federal, state, or county departments or regulatory agencies.

SECTION 15.3 APPLICATION REVIEW BY ZONING ADMINISTRATOR

- 15.3.1 The zoning administrator shall review the application and information submitted under Section 15.2 of this Ordinance to determine if all required

Finance/Business Meeting – March 13, 2007

information was supplied. If the zoning administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the WG or anemometer tower shall not proceed until all required information has been supplied.

- 15.3.2 Once all required information is submitted, the zoning administrator shall forward the application to the Planning Commission for its review under the procedures of this section.

SECTION 15.4 PUBLIC HEARING REQUIREMENTS

Following receipt of a complete application for a WG or an anemometer tower, the Planning Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be given as required by Section 18.5 of this Ordinance.

SECTION 15.5 STANDARDS FOR WG AND ANEMOMETER TOWER APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for WG or an anemometer tower only upon a finding that the proposed WG or anemometer tower complies with all of the following applicable standards:

- 15.5.1 The proposed site shall have documented annual wind resources sufficient for the operation of the proposed WG. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.
- 15.5.2 The minimum site area for WG or an anemometer tower shall be as necessary to meet required setbacks and any other standards of this section.
- 15.5.3 A WG shall produce sound levels that are no more than fifty (50) decibels as measured on the dBA scale at the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.4 The WG shall not produce vibrations beyond the property lines of the site in question of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on any reasonable person of normal sensitiveness. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.5 The potential blade and ice throw for the proposed WG shall not cross the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.6 A WG shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to 1,500 feet. The setback shall be measured from the outermost point on the base of the WG. The Planning Commission shall reduce this setback to the shortest distance, not less than 500 feet for a Public WG and not less than 180 feet for a Private WG, where the proposed WG meets standards 15.5.3, 15.5.4, and 15.5.5 above. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.7 An anemometer tower shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to the height of the anemometer tower. The setback shall be measured from the outermost point on the base of the anemometer tower. Provided, however, this standard shall not apply to any WG.

Finance/Business Meeting – March 13, 2007

- 15.5.8 The maximum wind generation tower height shall be 300 feet for a Public WG and 80 feet for a Private WG. The maximum height of an anemometer tower shall be 400 feet. The Planning Commission shall approve an increased height for a Public WG, not to exceed 400 feet, and an increased height for a Private WG, not to exceed 110 feet, if all of the following conditions are met. The increased height, however, shall be the smallest increase necessary to meet both of the following conditions:
- 15.5.8.1 The increased height is necessary for the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
- 15.5.8.2 The increased height is necessary to achieve a reasonable rate of return on the operation of the WG given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
- Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.9 For both horizontal and vertical axis WG turbines, the rotor shall be located on the tower such that the minimum blade clearance above the ground level is 25 feet for Private WG and 50 feet for Public WG. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.10 All WG turbines shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific WG. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.11 The on-site electrical transmission lines connecting the WG to a public utility electricity distribution system shall be located underground. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.
- 15.5.12 The WG or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate WG or other tall structures in effect at the time the WG or anemometer tower approval is granted.
- 15.5.13 The WG or anemometer tower shall, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WG or anemometer tower is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- 15.5.14 The WG or anemometer tower shall not be artificially lighted unless required by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA. Unless the FAA requires otherwise, the lighting shall be a nonpulsating or nonblinking red light.

Finance/Business Meeting – March 13, 2007

- 15.5.15 The WG or anemometer tower shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only. Provided, however, this standard shall not apply to private wind generation.
- 15.5.16 The WG or anemometer tower shall be constructed and operated so that it does not interfere with television, radio, or microwave reception in neighboring areas. If degradation of television, radio, or microwave reception occurs as the result of the WG or anemometer tower, the developer shall pay to correct the television, radio, or microwave reception.
- 15.5.17 A Public WG shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires. A Private WG or anemometer tower may be a lattice-style tower and may utilize guy wires.
- 15.5.18 The WG or anemometer tower shall have posted on the site in a visible, easily accessible location a sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. Provided, however, this standard shall not apply to private wind generation.
- 15.5.19 The WG or anemometer tower shall have no advertising painted on or attached to the tower or any other structure of the WG.
- 15.5.20 The WG shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the WG is constructed. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.21 The WG or anemometer tower shall be sited on the property in a location that takes into consideration all of the following:
- 15.5.21.1 The WG or anemometer tower will be in an area with economically viable wind resources. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.
 - 15.5.21.2 The WG or anemometer tower will be in an area that reduces the adverse aesthetic impacts from adjacent properties.
 - 15.5.21.3 The WG or anemometer tower will not have a significant adverse impact on existing, off-site WG.
- 15.5.22 The construction and operation of WG shall comply with all applicable requirements of the U.S. Fish and Wildlife Service, the Michigan Department of Natural Resources, and any other agency of the state or federal government with the authority to regulate WG. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.23 The Applicant provides a legally binding and recorded covenant running with the land on which the WG or anemometer tower will be located placing ultimate responsibility on the property owner, his or her heirs, successors, and assigns, to remove the WG or anemometer tower from the property in the event the owner of the WG or anemometer tower fails to do so as

Finance/Business Meeting – March 13, 2007

required by this ordinance. Provided, however, this standard shall not apply to private wind generation

SECTION 15.6 CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a WG or anemometer tower. These conditions may include those necessary to insure that public services and facilities affected by the WG or anemometer tower will be capable of accommodating increased service and facility loads caused by the WG or anemometer tower, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- 15.6.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the WG or anemometer tower under consideration, residents and landowners immediately adjacent to the proposed WG or anemometer tower, and the community as a whole.
- 15.6.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed WG or anemometer tower.
- 15.6.3 Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the WG or anemometer tower under consideration, and be necessary to insure compliance with those standards.

SECTION 15.7 ONGOING COMPLIANCE

The owner of a Public WG shall conduct physical inspections of the Public WG structure(s) and associated equipment annually to ensure continuing compliance with this section and any conditions imposed with the approval of the Public WG. Copies of all inspection reports shall be submitted to the zoning administrator within thirty (30) days of the inspection.

SECTION 15.8 PERFORMANCE GUARANTEE

In connection with the approval of a Public WG or anemometer tower, the Planning Commission shall require the owner of the Public WG to furnish the county with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the county in an amount equal to the estimated costs associated with removal of the Public WG or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition.

SECTION 15.9 REMOVAL OF WG AND ANEMOMETER TOWERS

Public WG and anemometer towers that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the Public WG or anemometer tower within 90 days of receipt of a notice from the county requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the anemometer instrument(s) being removed from the anemometer tower or disconnected so that wind resources are no longer being measured, the blades of the Public WG remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the Public WG is no longer connected to the public utility electricity distribution system. Any foundation associated with a Public WG or anemometer tower shall be removed to a minimum depth of three (3) feet below the final grade and site vegetation shall be restored.

Section 3. Severability.

Finance/Business Meeting – March 13, 2007

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

Discussion held. Commissioner Wallace said this looks more complicated than it should and is too restrictive. Chair Socha said the only thing before this board today is the renumbering. A roll call vote was taken. **Motion** carried with 4 yes, 2 no (Commissioners Wallace and Bolinger), and 1 absent.

Motion by Commissioner Makima, seconded by Commissioner Redmond, to adopt the following zoning ordinance amendment:

Zoning Ordinance Amendment # 69

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Section 19.3.3.a.

Section 19.3.3.a of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read as follows:

19.3.3.a After receiving the final plan and the Special Land Use application, the Planning Commission shall conduct a public hearing on the PUD proposal, following the notice requirements of Section 18.5. All decisions must be based upon those standards presented in this article pertinent to Planned Unit Developments.

Section 2. Amendment of Section 18.5

Section 18.5 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read as follows:

SECTION 18.5 PUBLIC HEARING REQUIREMENTS

Following receipt of a complete special use permit application, the Planning Commission shall hold a public hearing. The notices for all public hearings before the planning commission concerning requests for special use permits shall comply with all of the following:

18.5.1 The content of the notice shall include all of the following information:

18.5.1.1 A description of the nature of the proposed special use request.

18.5.1.2 A description of the property on which the proposed special use will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.

18.5.1.3 The time, date, and place the proposed special use request will be considered.

Finance/Business Meeting – March 13, 2007

- 18.5.1.4 The address where and the deadline when written comments will be received concerning the proposed special use request.
- 18.5.2 The notice shall be published in a newspaper of general circulation within the county not less than 15 days before the scheduled public hearing.
- 18.5.3 The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special use will be located not less than 15 days before the scheduled public hearing.
- 18.5.4 The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special use will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the county. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

Section 3. Amendment of Section 23.7.

Section 23.7 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read as follows:

SECTION 23.7. NOTICE OF HEARING.

The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. The notices for all public hearings before the zoning board of appeals concerning appeals, interpretations, and variances shall comply with all of the following applicable provisions:

- 23.7.1 For an appeal or a request for an interpretation, the notice shall comply with all of the following:
 - 23.7.1.1 The content of the notice shall include all of the following information:
 - a. A description of the nature of the appeal or interpretation request.
 - b. If the appeal or interpretation request involves a specific parcel, then the notice shall describe the property involved. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
 - c. The time, date, and place the appeal or interpretation request will be considered.
 - d. The address where and the deadline when written comments will be received concerning the appeal or interpretation request.
 - 23.7.1.2 The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
 - 23.7.1.3 The notice shall be sent by first-class mail or personal delivery to the person filing the appeal or requesting the interpretation and, if the appeal or

Finance/Business Meeting – March 13, 2007

interpretation request involves a specific parcel, to the owners of the property involved not less than 15 days before the scheduled public hearing.

23.7.1.4 If the appeal or interpretation request involves a specific parcel, then the notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property involved and to the occupants of all structures within 300 feet of the property involved not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant or tenant is not known, the term "occupant" may be used in making notification under this subsection. For a property located within the Natural Rivers Protection District, notice of the hearing shall also be sent to the Natural Rivers Unit of the Michigan Department of Natural Resources, Land Resource Programs Division. For a property located within the High Risk Erosion Areas designated in the Lake and Stream Overlay Protection District, notice of a hearing shall be sent to the Shorelands Section of the Michigan Department of Natural Resources, Land Resource Programs Division.

23.7.2 For a variance request, the notice shall comply with all of the following:

23.7.2.1 The content of the notice shall include all of the following information:

- a. A description of the nature of the variance request.
- b. A description of the property on which the requested variance will apply. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
- c. The time, date, and place the variance request will be considered.
- d. The address where and the deadline when written comments will be received concerning the variance request.

23.7.2.2 The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.

23.7.2.3 The notice shall be sent by first-class mail or personal delivery to the owners of the property seeking the variance not less than 15 days before the scheduled public hearing.

23.7.2.4 The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the requested variance will apply and to the occupants of all structures within 300 feet of the property to which the requested variance will apply not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. For a request on a property located within the Natural Rivers Protection District, notice of the hearing shall also be sent to the Natural Rivers Unit of the Michigan Department of Natural Resources, Land Resource Programs Division. For a property located within the High Risk Erosion Areas designated in the Lake and Stream Overlay Protection District, notice of a hearing shall be sent to the Shorelands Section of the

Finance/Business Meeting – March 13, 2007

Michigan Department of Natural Resources, Land Resource Programs
Division.

Section 4. Amendment of Article 24.

Article 24 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read as follows:

ARTICLE 24 – AMENDMENTS

SECTION 24.1 AMENDMENT TO THIS ORDINANCE

The County Board of Commissioners is authorized and empowered to cause this ordinance to be amended, supplemented or changed, pursuant to the authority and procedures set forth in Michigan Zoning Enabling Act, PA 110 of 2006. Proposals for amendments may be initiated by the County Board of Commissioners, the County Planning Commission or by application of one (1) or more owners of property in Cheboygan County affected by such proposed amendment. Application must show residential address of applicant(s) and date of signature.

SECTION 24.2. PROCEDURE FOR PROCESSING OF AMENDMENTS

24.2.1 Each petition shall be submitted to the Zoning Administrator accompanied by the proper fee and shall then be referred to the Planning Commission at the next regularly scheduled meeting or at a special meeting called for such purpose.

24.2.2 The Planning Commission shall conduct a public hearing. The notices for all public hearings before the Planning Commission or County Commission concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

24.2.2.1 For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. The time, date, and place the proposed zoning ordinance will be considered.
 - c. The places and times at which the proposed zoning ordinance amendment may be examined.
 - d. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

Finance/Business Meeting – March 13, 2007

24.2.2.2 For a proposed zoning ordinance amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - c. The time, date, and place the proposed zoning ordinance will be considered.
 - d. The places and times at which the proposed zoning ordinance amendment may be examined.
 - e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.2.3 For a proposed zoning ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:

Finance/Business Meeting – March 13, 2007

- a. A description of the nature of the proposed zoning ordinance amendment.
 - b. The time, date, and place the proposed zoning ordinance will be considered.
 - c. The places and times at which the proposed zoning ordinance amendment may be examined.
 - d. The address where and the deadline when written comments can be sent concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
 3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
 4. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.3. Following the public hearing, the Planning Commission shall transmit its recommendations to the County Board of Commissioners.

24.2.4. No petition for rezoning, which has been disapproved by the County Board of Commissioners, shall be resubmitted for a period of one (1) year from the date of disapproval except as permitted by the Board of Commissioners after becoming aware of new evidence which may result in approval upon resubmittal.

Section 6. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

A roll call vote was taken. Motion carried with 6 yes, 0 no, and 1 absent.

NEW BUSINESS

Transportation Director Chris Carr presented the 2008 MDOT Annual Application and Resolution 07-008 Notice of Intent for Straits Regional Ride, both documents were reviewed by Civil Counsel. Finance Director Kari Kortz asked if the service area should be changed to indicate that Otsego County is not serviced any longer. Mr. Carr said he would make that notation.

Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to adopt the following resolution, and authorize the Chair to sign the application for the 2008 MDOT Application, noting in the application that Otsego County is no longer being serviced:

**RESOLUTION 07-008
INTENT TO APPLY FOR FINANCIAL ASSISTANCE FOR FISCAL YEAR 2008
UNDER ACT 51 OF THE PUBLIC ACTS OF 1951, AS AMENDED.**

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the **STRAITS REGIONAL RIDE BUS SYSTEM (Cheboygan County)**, (hereby known as THE APPLICANT) established under Act 51, to provide a local transportation program for the state fiscal year of 2008 and, therefore, apply for financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for **THE APPLICANT**, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and (State Operating Assistance Program only)

WHEREAS, the performance indicators for this agency have been reviewed and approved by **THE APPLICANT**; and (State Operating Assistance Program only)

WHEREAS, THE APPLICANT, has reviewed and approved the proposed balanced (surplus) budget, and funding sources of estimated federal funds \$131,970, estimated state funds \$339,780, estimated local funds \$185,889, estimated fare box \$222,164, estimated other funds \$0, with total estimated expenses of \$879,803.

NOW THEREFORE BE IT RESOLVED, that **THE APPLICANT** hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

BE IT FURTHER RESOLVED, that the Cheboygan County Board of Commissioners hereby appoints Christopher Carr as the Transportation Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for 2008.

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Administrator Overton presented a proposal to create a position called County Development Director, which basically would combine the Construction Code Administrator position and the Planning/Zoning Administrator into one position. Chairperson Socha said this would relieve some of the workload for Brian Duvall and add another layer of expertise. Discussion was held as to where to physically locate the combined department.

Motion by Commissioner Makima, seconded by Commissioner Bolinger, to authorize the combining of the Construction Code Administrator and the Planning and Zoning Administrator positions into the County Development Director position and authorize the necessary budget adjustments to secure the position. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Administrator Overton presented the agreement between the County and Maximus, Inc. for professional consulting services. Maximus determines what portion of the County's "soft" costs are attributable to administering State and Federal grant funded programs and therefore can be charged accordingly. The annual cost for this service is \$10,000. Friend of the Court Don Duczowski said without the cost allocation plan money would not be made available. The agreement has been reviewed by Civil Counsel. After discussion, the Board requested that a representative from Maximus make a presentation to the full board. Commissioner Wallace was especially concerned with how this would affect Housing.

Motion by Commissioner Bolinger, seconded by Commissioner Redmond, to approve the 3 year contract with Maximus consulting agreement, authorize the Chairperson to sign and request an

Finance/Business Meeting – March 13, 2007

activity report from Maximus as soon as possible. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Administrator Overton presented the Northern Michigan Comprehensive Economic Development Strategy (CEDS). This is a semi-annual resolution seeking support for the comprehensive economic development plan as drafted by NEMCOG and approved by REDAC. All projects must be listed in the plan to be eligible for EDA grant funding. Commissioner Wallace voiced a concern that this may be redundant with NLEA. Chairperson Socha said NEMCOG works with NLEA and this does not cost extra. Administrator Overton said the projects listed are the critical thing at this point, as those projects would not be eligible for grant money if this Board does not approve this. After much discussion the matter was tabled until the Committee of the Whole meeting. Administrator Overton said he would see if someone from NEMCOG could attend that meeting.

At the request of Commissioner Bolinger, correspondence from the Top O Michigan Outboard Racing Club requesting waiver of the “no wake” ordinance was removed from the consent agenda and moved to New Business. Chairperson Socha said this item was on the consent agenda because it is a routine request.

Motion by Commissioner Bolinger, supported by Commissioner Redmond, to approve a waiver of the “no wake” ordinance on August 18 and 19, 2007, between the hours of 11:00 a.m. and 2:00 p.m. for the Top O Michigan Outboard Racing Club to conduct the Marathon National Championships. Motion carried with 6 yes, 0 no, and 1 absent.

At the request of Commissioner Bolinger the Midland County Resolution urging the Michigan Legislature to freeze taxable values on residential properties was removed from the consent agenda and moved to New Business. Commissioner Bolinger said anything that can be done to help the taxpayer should be.

Motion by Commissioner Bolinger, seconded by Commissioner Makima, to adopt a similar resolution urging the Michigan Legislature to freeze taxable values on residential properties and a copy sent to MAC and the Governor’s office. Discussion held. Chairperson Socha said she does not favor freezing taxable value as the real problem is the 3.7 CPI used by the state to calculate the 2007 taxable value. A roll call vote was taken with 3 yes (Commissioners Makima, Redmond, Bolinger, 3 no (Commissioners Socha, Mushlock, Wallace) and 1 absent. Motion failed as a result of a tie vote.

CITIZENS COMMENTS – Sheriff Clarmont said the county does have a tether program and the jail has a GED program which is funded by the commissary fund. Commissioner Bolinger said the information he received regarding the tether program apparently was wrong.

BOARD MEMBER COMMENTS

Chairperson Socha asked the Board whether March 28th or March 29th would be better to meet with the elected officials in the building as discussed earlier this year. The meeting was set for March 28th from 8 a.m. to 9 a.m. in the Commissioners Room.

Commissioner Wallace said a program is scheduled on HBO March 15-18 on substance abuse in this country called Addiction Project. He also said there are many concerns with growth in the county, yet many restrictions are placed on wind generators, however, these generators would be for the betterment of the whole county. Chairperson Socha said she agrees to a point, but heard legitimate reasons, and changes in that technology have occurred. She said the safety of people in the community is a great concern. She said we do need alternative energy, but not at the expense of those who would have it in their backyards. Commissioner Makima said to drive to Brimley and see the wind mills across the water in Canada, there must be at least 50.

Administrator Overton said much has been said about the building closing on March 2nd. He said the policy, which is in place goes back to 1993 or further and renewed in 2003, does state that if you don’t work that day, you don’t get paid for that day without taking a personal, sick or vacation day. He said they were trying to do what seemed right at the time. Chairperson Socha said there were three

Finance/Business Meeting – March 13, 2007

people in on the decision to close. Administrator Overton said department heads did take a sick or vacation day. Sheriff Clarmont said he recommended the public stay off the roads that morning. Chairperson Socha said the policy has to be clarified and should be consistent. Treasurer Cronan said she was concerned because past practice has been to pay the employees. Sheriff Clarmont said the employees were not locked out of the building, as the building is accessible through his department. Inverness Township Resident Richard Jankoviak said it should have been on TV for the public.

Motion by Commissioner Makima, seconded by Commissioner Wallace, to adjourn. Meeting adjourned at 11:11 a.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson