

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP BOARD HELD JUNE 8, 2020.

Governor Whitmer's Executive Order 2020-75 provides temporary changes to the Open Meeting Act, allowing a meeting of a public body to be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.

Due to this Executive Order, the following Township Board members were present via video conferencing: Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, Jim Wierenga, John Schwalm and Michael Bosch. Dan Carlton, Township Superintendent, and Rod Weersing, Assistant Manager, were present via video conferencing, and members of the public were also present in the audience via video conferencing.

The meeting was called to order by Richard VanderKlok, Clerk, at 7:00 p.m.

Moved by Carol Scholma, seconded by Becky Steele, to appoint Richard VanderKlok as Chairperson in the absence of Jim Wierenga, Supervisor.

Yeas: Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm, Michael Bosch

Nays: None

Absent: Jim Wierenga

MOTION CARRIED UNANIMOUSLY.

Prayer for guidance by Richard VanderKlok

Pledge of Allegiance to the Flag

Roll Call

Members present: Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm, Michael Bosch

Also present: Daniel Carlton, Township Superintendent

Absent: Jim Wierenga

#200608-01 - Agenda as presented for June 8, 2020

Moved by Carol Scholma, seconded by Becky Steele, to approve the agenda as presented.

Yeas: Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm, Michael Bosch

Nays: None

Absent: Jim Wierenga

MOTION CARRIED UNANIMOUSLY.

#200608-02 - Communications, letters and reports: Received for information, to be filed:

- a. [May 18, 2020](#) Utilities Committee meeting minutes
- b. [2019](#) Sheriff’s Annual Report
- c. [June 3, 2020](#) Finance Committee meeting minutes
- d. [June 3, 2020](#) Planning Commission meeting minutes
- e. [April 2020](#) Sheriff’s Report
- f. **The rezoning application, (REZ2002) Ordinance 2020-03**, to change from (PUD) Planned Unit Development to (LDR) Low Density Residential, has been withdrawn by the applicant and will not appear on the Board agenda.

#200608-03 – Public Comments for items remaining on the agenda

There were members of the public in attendance, but there were no public comments.

#200608-04 - Consent agenda

Moved by Carol Scholma, seconded by Becky Steele, to grant the following.

- a. Approval of minutes of the previous board meeting on May 18, 2020.
- b. Approval of the regular monthly [bills for June 8, 2020](#), including the [utility bills](#), [visa bills](#).
- c. Approval of the sidewalk waiver [request](#) for [4200 Chicago Dr.](#), as recommended by the Utilities Committee.

Yeas: Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm, Michael Bosch

Nays: None

Absent: Jim Wierenga

MOTION CARRIED UNANIMOUSLY.

#200608-05 – (REZ2003) Ordinance 2020-04 Proposed Zoning Ordinance Amendments for Kennels

GEORGETOWN CHARTER TOWNSHIP
 OTTAWA COUNTY, MICHIGAN
 (Ordinance No. 2020-04)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on June 8, 2020, the following Ordinance/ordinance amendment was offered for **denial** by Township Board Member Richard VanderKlok, and was seconded by Township Board Member Carol Scholma, and to adopt the [staff report](#) as finding of fact, and upon recommendation from the Planning Commission:

AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP
 ZONING ORDINANCE

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Article I. The Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to as follows:

Sec. 16.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (D) Any permitted use in the CS District.
- (E) Hotels and motels.
- (F) Veterinary/animal hospitals, **and** clinics.
- (G) **Kennels, subject to Sec. 20.4(V)(2)**

Sec. 20.4 SITE DESIGN STANDARDS.

(V) **Kennels.**

- ~~(1) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one third (1/3) acre for each additional animal.~~
- ~~(2) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.~~

(1) For kennels within the AG or RR district:

- a. The minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
- b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

(2) For Kennels located within the NS or CS district:

- a. The minimum lot size shall be one-half (1/2) acre.
- b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District. Runs and/or exercise areas shall not be located in any required front, required rear, or required side yard setback area.
 - i. Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
 - ii. All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.
 - iii. All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the lot or premises.
 - iv. Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot line.
- c. All Kennels shall provide the following:

- i. Hours of operation, including outdoor animal activity
- ii. The size, nature, character, and animal capacity
- iii. The proximity to adjoining properties
- iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation
- v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
- vi. Measures to control sound from within the building and/or site
- d. Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
- e. Kennels shall comply with all applicable County, State, and Federal regulations.

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment **DENIAL** was as follows:

Yeas: Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm, Michael Bosch
 Nays: None
 Absent: Jim Wierenga

MOTION CARRIED UNANIMOUSLY AND ORDINANCE/ORDINANCE AMENDMENT
 DECLARED **DENIED**.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By _____
 Richard VanderKlok
 Georgetown Charter Township Clerk

Note: An application was submitted for this ordinance revision and, although the Planning Commission determined that they will revise the kennel ordinance, the determination was to recommend denial of this specific language for a revision for the following reasons:

1. They wanted to take time to review and draft an ordinance that was in the best interest of the Township and was not necessarily catered toward Captain K-9.
2. They wanted public input on the language they determined to be in the best interest of the Township.
3. This proposals has a lack of consistency because it is without specific criteria to use to evaluate a request for a kennel.
4. A kennel ordinance should contain more uniform standards to use to evaluate a request for a kennel.
5. The ordinance should contain a limit on the number of animals based on the square footage of the building or the size of the parcel.
6. The current ordinance is based on parcel size to determine the number of animals allowed.
7. There should be criteria for the required size and height of the fence.
8. The setbacks needed to be reviewed because the proposed setbacks were not adequate.
9. The standards should be more specific to provide guidance to an applicant before a request comes before the Planning Commission.
10. The language should contain a uniform formula for standards to provide predictability for someone who wants to open a business of this nature so that they can at least make their own calculations and have some expectation of what the Planning Commission would do.
11. A special use assessment by different parcels should not be up to the Planning each time to make different assessments and establish different standards by parcel.

#200608-06 – Discussion (LIQ2002) Posh Nails and Spa Liquor License Application

There was Board discussion.

Moved by Becky Steele, seconded by Carol Scholma, to schedule a public hearing for the July 13, 2020 Board meeting.

Yeas: Richard VanderKlok, Carol Scholma, Jason Minier, Becky Steele, John Schwalm,

Nays: Michael Bosch

Absent: Jim Wierenga

MOTION CARRIED.

Related Ordinance sections:

Sec 4-6 Restrictions on Licenses

- a. *Restrictions:* Except to the extent that the township board issues a variance as permitted below, no new license, a renewal or transfer of an existing license shall be issued or approved to or for:
 16. Any premises unless at least fifty (50) percent of the bona fide restaurant's gross receipts from the sale of food and beverages, including alcoholic liquors, shall be derived from the sale of

food and beverages other than alcoholic liquors, or from indoor or outdoor recreational activities such as golf, bowling or other similar activities. All establishments shall maintain accurate records of receipts and disbursements in such a manner that receipts from food and beverages other than alcoholic liquors can be readily distinguishable from receipts for alcoholic liquors. Such records shall be available for inspection by the township or its agent from time to time during normal business hours. In the event that any establishment with a liquor license ceases to meet the requirements of this section and fails to come into compliance with this section within six (6) weeks, the township board may suspend or revoke its approval and the continued sale of liquor for consumption on the premises shall constitute a violation of the Charter Township of Georgetown Liquor License and Control Ordinance.

b. *Variances:*

1. In connection with the issuance, transfer or renewal of a license, the township board, in its sole discretion, may allow a variance from the strict requirements of this chapter where it is shown by the applicant that:
 - a. It would be impossible or very difficult for the applicant to comply with the strict requirements of this chapter (financial hardship alone shall not satisfy this requirement);
 - b. The variance provides for adequate alternate means of ensuring that the spirit and intent of this chapter is maintained;
 - c. The variance sought is sufficient to protect the health, safety and general welfare of the township and its residents;
 - d. The variance sought will not contradict with other applicable laws, rules or regulations.
2. In connection with the grant of a variance, the township board may impose other requirements to ensure that the spirit and intent of this chapter is maintained and that the health, safety and general welfare of the township and its residents is protected.
3. A variance granted pursuant to this section is not transferable to another licensee or location.

Current issued liquor licenses:

- Sunnybrook Country Club – 624 Port Sheldon
- Peppino’s Pizza – 135 Chicago Dr.
- The Win – 7628 Georgetown Center
- Licari – 3627 Baldwin
- Los Ranchos – 1814 Baldwin
- Rebounders – 7500 Cottonwood

#200608-07 – Public Comment

There were members of the public in attendance, but there were no public comments.

#200608-08 – Discussion and General information

#200608-09 - Meeting Adjourned

The meeting was adjourned at 7:34 p.m.

Jim Wierenga, Supervisor

Richard VanderKlok, Clerk