

Estral Beach ZBA Meeting September 9th 2021 6:30 p.m.

Meeting held at the Village Hall 7194 Lakeview, Estral Beach

Meeting called to order by Bill Smereka @ 6:52 p.m. (Once someone was called and arrived to open the town hall door)

Pledge of Allegiance

PRESENT

- Bill Smereka - Chair
- Madonna Burkit - Secretary (abbreviated Sec'y)
- Ben Nietubicz
- Elayne Petrucci

Absent: Steve Chapman

Public participation: Anne Borowski (Village Council member) arrived roughly 7:10 p.m.

Steve Chapman is absent, brief discussion is if someone is absent after 3 consecutive meetings, they are dropped immediately from the ZBA and Council shall appoint a new member which is outlined in the Michigan Zoning and Enabling Act 110 of 2006. Estral Beach ZBA should have no less than 3 members and up to 5 members.

ZBA working off Sec'y Madonna Burkit's Agenda.

Approve Minutes recorded by ZBA Sec'y Madonna Burkit dated June 24th 2021.

Minutes were reviewed and read.

Sec'y Madonna Burkit made a motion to approve the Minutes, Chair Bill Smereka Seconded, Ben Nietubicz and Elayne Petrucci approved. MOTION CARRIED

NEW BUSINESS

Michigan Zoning & Enabling Act 110 of 2006 there is a section where we "May adopt rules governing our procedures for the ZBA" Establishing a set of Bylaws will outline how we govern ourselves.

A Draft of the Bylaws was distributed to ZBA members to review and comment and bring discussion at next ZBA meeting. The Draft Bylaws were briefly reviewed.

Draft Bylaw extended discussions:

- Three consecutive member absences from scheduled meetings will automatically create a vacancy with no further action required.
- There ZBA shall schedule no less than four regular meetings each calendar years at a time and place determined by the Board and accessible to the public... Continued discussion on when meetings will be scheduled deciding to alter the Draft Bylaws to 2X year March and September. Special meetings were discussed which would likely be variance requests.
- Anne Borowski was provided a copy of the draft ZBA Bylaws.

- Planning Commission or Village Council needs to appoint 2 alternates to the ZBA which was discussed with Anne Borowski who shared she is waiting for 2 potential alternates to confirm their interest.
- Alternate ZBA roles were discussed and when they are brought in such as unavailability of a ZBA member or a conflict of interest.
- The remainder of the Bylaws were summarized, and the Board asked to review and digest on their own time and bring recommendations to the next meeting.
- It was asked if the 5 questions should be added to the Bylaws.
- ZBA Meetings should be 15 days in advance and posted.
- Do members have the Zoning Ordinance Variance Process? Madonna Burkit, Sec'y, will email them to the Board Members and put on the website. Per Anne Borowski, Chris Mulligan is the individual to contact for Estral Beach Village and ZBA website content. Chris Mulligan's contact information will be obtained.
- Madonna Burkit made a motion to revisit the Bylaws in 30 days after the Bylaws have been digested and benchmark other ZBA Bylaws and Variance Process. Bill Smereka Supports, Ben Nietubicz, and Elayne Petrucci support. MOTION CARRIED
 - Next meeting is scheduled October 21st 6:30 p.m. at the Estral Beach Village Hall.
- Reference of League on ZBA responsibility was asked about by Bill Smereka which is a reference to a website to aid in reviewing the Bylaws.

ZBA SECRETARY DUTIES AND SEPARATION OF COUNCIL

Chair Bill Smereka opened discussion that the Estral Beach ZBA Sec'y and the Council Secretary do not need to both record Minutes of the ZBA meetings. Vote on whether to continue with the Council Sec'y (which is a conflict) or the ZBA Sec'y to record and publish meeting Minutes and facilitate the function of Sec'y.

Anne Borowski commented that Carol Vandercook is the Village Clerk to take Minutes for various committees and the ZBA should look into this before voting.

Chair Bill Smereka answered he spoke with the Village Attorney today on this specific issue concluding it is a ZBA decision separate from Village Council. Brief discussion over the conflict of interest having Council Clerk recording Minutes and acting as Sec'y has influence from the council on content.

Madonna Burkit made a motion to have the ZBA Sec'y be responsible for all Sec'y duties and to have separation from Council. Elayne Petrucci Seconded, Ben Nietubicz approved, and Chair Bill Smereka approved. MOTION CARRIED

VOTE FOR ZBA OFFICERS

Duties were reviewed from the draft Bylaws.

Bill Smereka remains in his role as Chair

Ben Nietubicz remarked he may not be on the Board much longer declining any officer role.

Elayne Petrucci, after review of duties of Vice Chair, agreed to fill this open position.

Madonna Burkit made a motion to retain Bill Smereka as Chair, remain as Secretary, and Elayne Petrucci elected as Vice Chair. Ben Nietubicz supported, Elayne Petrucci Supports, and Chair Bill Smereka supports. MOTION CARRIED

Discussion on how many people should be on the Estral Beach ZBA, Steve Chapman would make 5 members but has not answered meeting requests nor shown up for the past two ZBA meetings. However, we only need a minimum of 3 members. Elayne Petrucci agreed to text/contact Steve Chapman to pursue his interest.

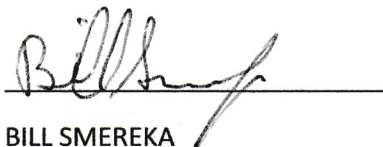
Bill Smereka asked Anne Borowski what happened Dave Haddad who was on the ZBA and the perfect candidate. Anne Borowski replied Village Council removed Dave Haddad suggesting a conversation with Fred Borowski, Village President, for clarity. Chair Bill Smereka mentioned this is a position in need of experience and the desire to reappoint Dave Haddad. Chair remarked it did not make sense to remove Dave Haddad from the ZBA. Brief discussion on what happened to the other two previous alternates Randy Nietubicz and Mark Sharkus. It was discussed that perhaps quarterly meetings would keep ZBA members and alternates more engaged. However, with variance request we could end up with more meetings and it was agreed semi-annual meeting should be sufficient.

Anne Borowski remarked if there is a variance request close to when we have our scheduled meeting, the variance meeting can substitute one of our semi-annual meetings and include in the Bylaws.

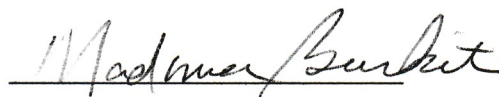
Chair Bill Smereka mentioned that Minutes should be approved asap, within 15 days, for the builders to obtain their permits.

Motion to adjourn by Sec'y Madonna Burkit, and supported by Chair Bill Smereka, Vice Chair Elayne Petrucci, and Ben Nietubicz at 7:38 p.m.

These Minutes are a synopsis of the comments made at the ZBA meeting and are not intended to represent a verbatim transcript.



BILL SMEREKA
CHAIRMAN



MADONNA BURKIT
SECRETARY