

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
SEPTEMBER 23, 2019

The Supervisor called the meeting to order at 7:00 p.m.

Members present: Malkin, Kowalski, Pike, Brandt, Reder
Members absent: Kochany, Walsh
Also Present: R. Sheppard, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

M. Bierlein, District Director from State Senator Kevin Daley's office introduced himself to the board and gave a brief update of state related issues.

Public Input closed at 7:03 p.m.

Motion by Reder supported by Brandt to adopt the agenda as presented.
Motion carried.

Motion by Reder supported by Pike to approve the minutes of the August 26, 2019 regular meeting as presented.
Motion carried.

Motion by Reder supported by Pike to pay the bills in the amount of \$40,749.81 from General Fund.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Motion by Reder supported by Kowalski to receive the Treasurer's Report for August 2019.
Motion carried.

Second Reading and Adoption of Ordinance 18-A ó Repealing Swimming Pool Ordinance No. 18

Motion by Kowalski supported by Reder to have this meeting serve as Second Reading and Adoption of Ordinance 18-A, an ordinance repealing Swimming Pool Ordinance 18 as follows:

ORDINANCE NO. 18-A

MONITOR TOWNSHIP REPEAL OF SWIMMING POOL ORDINANCE

AN ORDINANCE TO REPEAL ORDINANCE 18 OF ORDINANCES OF THE CHARTER TOWNSHIP OF MONITOR BEING THE TOWNSHIP SWIMMING POOL ORDINANCE SINCE ALL RULES, REGULATIONS, SETBACKS AND SAFETY

FENCING ARE NOW CONTAINED WITH ORDINANCE 67, BEING THE CHARTER TOWNSHIP OF MONITOR ZONING ORDINANCE.

THE BOARD OF TRUSTEES OF THE CHARTER TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION I – SHORT TITLE

This Ordinance shall be known and cited as the Monitor Charter Township Swimming Pool Ordinance Repeal.

SECTION II - REPEAL

Ordinance 18 and all subparts and amendments to Ordinance 18 being the Charter Township of Monitor Swimming Pool Ordinance are hereby repealed in their entirety since all rules and regulations governing swimming pools are now contained in the Charter Township of Monitor Zoning Ordinance being Ordinance 67.

SECTION III – SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV – PUBLICATION

A true copy of this Ordinance shall be published in a newspaper circulated within the Charter Township of Monitor, Bay County, Michigan within 10 days following the adoption thereof.

SECTION V – EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication thereof.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Board Consideration of Amendment to Blight Ordinance No. 5 and Possible First Reading

The board reviewed the proposed amendments in the draft copy of Blight Ordinance 5b. It was the consensus of the board to remove the following language Section 2. G. 1 & G. 2 as follows:

Section 2. Cause of Blight or Blighting Factors

G. It shall be unlawful and determined to be a blighting factor to allow grass, weeds or accumulation of debris, dirt, earth including berms unless otherwise exempted herein,

to grow to a height in excess of eight (8) inches which shall be deemed to be a blighted condition. This Ordinance shall apply to the following properties:

1. All residential lots in area in any residential or agricultural zone where the lot is adjacent to an established public street and further, is adjacent to an occupied and developed residential property on at least one (1) side, weeds and grasses shall be maintained below the eight (8) inch maximum. This Ordinance shall apply and require cutting of weeds and grass. ~~for at least the first two hundred (200) feet fronting from the roadway.~~
2. Grass on all commercial and industrial properties shall be maintained to a height of no more than eight (8) inches as described above when the commercially or industrially zoned property abuts any residentially developed property, and said property shall be maintained. ~~to a minimum depth from a public street of at least two hundred (200) feet.~~

Motion by Malkin supported by Reder to have this meeting serve as First Reading of Blight Ordinance 5b as amended, and to set Second Reading and Adoption of this ordinance to the next regular meeting of October 28, 2019.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

PA 116 Applications J. Burk ó Parcels 09-100-014-100-120-01 & 09-100-014-200-060-01

Motion by Reder supported by Brandt to approve the PA 116 Applications submitted by J. Burk for parcels 09-100-014-100-120-01 (57.5 acres) & 09-100-014-200-060-01 (38.45 acres) for an initial term of 10 years.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Request for Reconsideration ó Oteal2 LLC Medical Marihuana Class A Growing Facility

Greg Schinid and Meg Hayes presented additional information regarding the plan for treatment and testing of waste water for the proposed marihuana growing facility at Straits Dr. that was denied last meeting.

Schinid also spoke on behalf of Oteal2 regarding the criminal history issues and managerial skills of the partners of the company.

Reder stated it may be to their benefit for this item to be tabled to the next meeting when all board members would be present.

Motion by Reder supported by Pike to table reconsideration of the Oteal 2 LLC Medical Marihuana Class A Growing Facility to the next regular meeting when a full board may be present.
Motion carried.

Water Tower Quit Claim Deed to DWS

Bay County DWS Director Bill Bohlen submitted a letter dated September 9, 2019 regarding the transfer of the township water tower to DWS. In the fall of 2017, the fourteen (14) stakeholders of the Bay Area Water Treatment Plant approved a Water System Transmission Standard that was signed individually by each governing municipality. Monitor Township was a part of this approved Standard. In said Standard, the Bay County Road Commission Department of Water and Sewer made the promise to purchase water tower facilities from the Bay County communities with said assets. As agreed, each community would be compensated \$1.00 for the sale of the asset and in turn DWS would assume all future liabilities of the towers moving forward (Appendix C of the Standard). A Quit Claim Deed has been prepared by the DWS attorney for our review.

Motion by Kowalski supported by Malkin to approve the Water Tower Quit Claim Deed transferring ownership of parcel 09-100-022-100-070-00 and the water tower from Monitor Township to the Bay County Road Commission (DWS) in the amount of \$1.00.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Reder

No: Brandt

Absent: Kochany, Walsh

Motion carried.

DWS Request for Sewer Feasibility Study ó Sanitary Sewer Extension Wilder Rd. West of I-75

A meeting was held on Friday, September 6, 2019 between Bill Bohlen-DWS, Trevor Keys ó Bay Futures and the Supervisor, Clerk and Treasurer. The purpose of the meeting (called by DWS & Bay Future) was to discuss the potential of exploring sewer expansion west of I-75 on Wilder Road. The reason for this outreach is the potential for growth on parcels that are available for sale west of the interstate that could bring further development to Monitor Township. Keys had stated if a feasibility study were done he could explore possible funding available through economic development. Bohlen proposed having Spicer do a feasibility study in which he would ask the BCRC to contribute 50% of the cost.

Motion by Kowalski supported by Malkin to approve the Spicer Wilder Road Sanitary Sewer Extension Feasibility Study as proposed by DWS Director W. Bohlen, in his September 9, 2019 letter to the board in the estimated amount of 7,000 to 9,000 with 50% of the cost to be paid by the BCRC/DWS.

Roll call vote:

Yes: Malkin, Kowalski, Brandt

No: Pike, Reder

Absent: Kochany, Walsh

Motion carried.

Possible First Reading of Ordinance 67-A, Amending Sections 3.12, 3.22, 5.05, 9.07, 10.05,

17.02, and 17.12 of Zoning Ordinance No. 67

Possible First Reading of Ordinance 67-B, Amending Solar Energy - Sections 2.87, 5.03, 9.03, 10.03, and 3.52 of Zoning Ordinance No. 67

Possible First Reading of Ordinance 67-C, Amending Accessory Buildings -Section 3.27 of Zoning Ordinance No. 67

Trustee Brandt and Planning Commission Chairman J. Frank stated the planning commission worked on the zoning ordinance amendments and were told to take all the ordinance amendments to the board as one group. Brandt and Frank questioned then why the ordinance drafts were broken into three separate amendments?

Kowalski stated she prepared the drafts that were received from the Planner. The amendments are separated to keep group related content together as in the case of draft ordinance 67-B that relate to Solar Energy as opposed to being intermingled with the other proposed amendments. Kowalski also stated because there are so many amendments, if there is opposition to one section, as in her opposition to the proposed change for Pets & Livestock (3.22), the whole ordinance could be voted down.

Pike also stated she did not agree with that section of the proposed ordinance.

Sheppard concurred that the Planner sent the files as three separate attachments.

Frank insisted that since the Planning Commission was told to take all the amendments as one unit, the township board should do so also and Kowalski only represents one vote.

Motion by Kowalski supported by Brandt to table consideration of draft Ordinance 67- A, amending Sections 3.12, 3.22, 5.05, 9.07, 10.05, 17.02, and 17.12 of Zoning Ordinance No. 67; draft Ordinance 67-B, amending solar energy - Sections 2.87, 5.03, 9.03, 10.03, and 3.52 of Zoning Ordinance No. 67; and draft Ordinance 67-C, amending accessory buildings -Section 3.27 of Zoning Ordinance No. 67, and direct the township attorney to prepare a new draft Ordinance 67-A to include all proposed amendments.

Motion carried.

G. Ratti stated he owns property on 2 Mile and Fisher that he had rezoned for a PUD. Ratti asked if the Solar Energy provisions of the zoning ordinance would allow him to put in a solar farm on that property.

Sheppard stated both the current ordinance as it stands and the proposed amendments to solar energy do not allow solar farms on residentially zoned property.

Personnel Committee Recommendation to Hire S. Reilly as Weekend Hall Custodian

Motion by Reder supported by Pike to hire S. Reilly for the part-time position of weekend hall custodian as recommended by the personnel committee.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Utility Easement for Terra Capital Industries, LLC

BCDWS has received a proposed site plan for an extension of the water main onto private property at 391 Midland Rd that is needed primarily for fire protection. Terra Capital Industries would like to grant a 20ø easement around the new main to Monitor Township for future operation and maintenance of the water main along with handing it over upon completion as a public water main.

Motion by Malkin supported by Kowalski to deny the request by Terra Capital Industries, LLC, to grant a water main easement to Monitor Township for operation and maintenance of a 20ø water main on private property.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Girl Scouts of Bay County Request for Use of Parking Lot

Motion by Pike supported by Brandt to allow the Girl Scouts of Bay County use of the east parking lot for their cookie distribution on Monday, November 18, 2019.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Yeager Asphalt Estimate to Seal & Recoat Township Parking Lot

Motion by Reder supported by Pike to accept the proposal submitted by Yeager Asphalt for sealcoating, crack filling, striping and catch basin patching of the township parking lot in the amount of \$9,550.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Hall Request ó AWAKEN Student Ministry, November 10, 2019

Motion by Pike supported by Brandt to grant the AWAKEN Student Ministry request to waive the rental fee for use of the township hall to hold their annual Chili and Salsa Cook-Off on Sunday November 10, 2019 (or November 3, 2019); signed contract and damage deposit required; security deposit required (if applicable).

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

REPORTS

Pike reported during the course of working with Consumers Energy to determine the number and type of streetlights in the DDA district, she also asked them to review the streetlights for the township. It was discovered that many streetlights the township is being billed for had been upgraded to LED and as a result the township will receive a \$41,000 credit to our account. Consumers also stated they will supply the township with a map showing the location of the streetlights on the township account.

Malkin reported the township passed the Department of Treasury State Tax Commission Audit of Minimum Assessing Requirements (AMAR).

Planning Commission Request for Board Action ó 1600 S. Euclid (Possible closed session)

Motion by Reder supported by Malkin to go into closed session to discuss the township attorney's confidential communication related to 1600 S. Euclid. (8:48 p.m.)

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

Motion by Reder supported by Brandt to return to regular session at 9:12 p.m.

Motion carried.

No motions were made during closed session.

Motion by Reder supported by Brandt to direct the township attorney to begin legal proceedings regarding violations to the zoning ordinance, the construction code, the fire code, or any other ordinance of the township, against Mr. Miller's property and of all businesses associated to parcel 09-100-037-400-050-02.

Roll call vote:

Yes: Malkin, Kowalski, Brandt, Reder

No: Pike

Absent: Kochany, Walsh

Motion carried.

Motion by Pike supported by Reder to direct the township building department to issue no further permits to any business or address associated to parcel 09-100-037-400-050-02.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder

No: None

Absent: Kochany, Walsh

Motion carried.

The meeting adjourned at 9:17 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor