

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
APRIL 22, 2019

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

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh  
Members absent: None  
Also present: Justin Ebel Representing Richard Sheppard, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

Building Inspector Dave DeGrow stated the following facts: 60 to 70 percent of the variances were for accessory buildings. Accessory buildings do not reduce property values. Neighbors do not have the right to object to the placement of accessory buildings due to "line of sight" unless they obscure vision to road intersections or waterfront property. Newer subdivisions (since 2000) have restrictive covenants that limit the size and number of accessory buildings. People have a right to build on their property as long as they comply to the zoning ordinance.

Ed Weber, 3047 Lupine Dr., stated his subdivision was platted with restrictions and asked that the township reconsider Section 3.27 of Ordinance 67, stay the same as in Ordinance 52.

Charles Binder stated he reviewed the zoning ordinance (No. 67) and is generally impressed. He stated he is most concerned with accessory buildings in residential districts. Binder referenced the table on page 3-20 and suggested the size limitations listed on the first line are used for the next two lines and to add provisions to Section 3.28 to provide for accessory buildings in AG.

Joan Teeples, 2991 Thunderbird, asked the township board to adopt a moratorium to Section 3.27 of Zoning Ordinance 67.

Pam Binder, Briar Hills Subdivision, is concerned there will be additional water run off on to neighboring property. Mrs. Binder stated it is low in her area and they already have standing water and mosquito issues.

V. Begick stated Bay County received program funding for veterans from the state. He also wanted to remind residents of Lion's Tag Days this coming weekend.

Planning Commission Chairman Jack Frank stated he is aware there is a problem with accessory buildings and that it needs to come back to the planning commission. Frank stated he believes the new accessory building size is too large.

Malkin stated the board unanimously adopted a motion at the last board meeting to refer this Section of the Zoning Ordinance to the Planning Commission.

Public Input closed at 7:20 p.m.

Motion by Pike supported by Reder to adopt the agenda with the addition of: Accessory Buildings, Refund Request – Electrical Permit PE19-005 and Personnel Committee Recommendation – Park Custodian.  
Motion carried.

Motion by Reder supported by Pike to approve the minutes of the March 25, 2019 regular meeting as presented.  
Motion carried.

Motion by Reder supported by Kochany to approve the minutes of the April 16, 2019 special meeting as presented.  
Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amount of \$62,874.27 from General Fund.  
Roll call vote:  
Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh  
No: None  
Absent: None  
Motion carried.

Motion by Reder supported by Walsh to receive the Treasurer's Report for March 2019.  
Motion carried.

#### Wolverine Pipe Line Presentation

Representatives from Wolverine Pipe Line gave an informational presentation of their pipe line in the township.

#### Accessory Buildings

There was continued discussion regarding the size, setbacks and number of accessory building allowed in the new zoning ordinance. It was confirmed there have been court rulings that if there were ordinance regulations in place (as there were in Ordinance 52) the township cannot adopt a moratorium on the new adopted regulations (as in Ordinance 67) without going through the ordinance amendment process. To do so would violate the Zoning Enabling Act.

The previous board motion (made at the March 25, 2019 meeting) stands referring this section of the Ordinance to the Planning Commission for further review at their May 7, 2019 meeting.

#### Supervisor's Recommendation – Planning Commission Appointment

Motion by Reder supported by Malkin to appoint Amy Shabluk to the Planning Commission to fill the vacancy created by the resignation of Dan Darland for the remaining term ending on December 31, 2020.

Roll call vote:  
Yes: Malkin, Pike, Brandt, Kochany, Reder  
No: Kowalski, Walsh  
Absent: None  
Motion carried.

R-2019-004 Resolution Waiving Fees for Late PTA's

Motion by Reder supported by Kochany to adopt Resolution R-2019-004, a resolution to waive penalty and interest fees for failure and late filing of property transfer affidavits as follows:

**RESOLUTION**

**A RESOLUTION OF THE CHARTER TOWNSHIP OF MONITOR BOARD APPROVING THE WAIVER OF PENALTY FEES ASSOCIATED WITH LATE AND NOT FILED PROPERTY TRANSFER AFFIDAVITS (PTAs) - FORM 2766**

**WHEREAS**, the State of Michigan has established in MCL 211.27b a requirement for local unit compliance regarding the levy of interest and penalty for failure to file a PTA, Form 2766, or the adoption of a resolution to the contrary; and

**WHEREAS**, MCL 211.27b requires the levy of penalty and interest upon the buyers if PTA Form 2766 is not filed within 45 days of all transfers of ownership; and

**WHEREAS**, MCL 211.27b also allows for the waiver of penalty and interest fees by adoption of a local resolution if deemed necessary; and

**WHEREAS**, the Charter Township of Monitor Board has determined the adoption of said local resolution to be necessary.

**NOW THEREFORE BE IT RESOLVED THAT** the Charter Township of Monitor Board hereby approves the adoption of this resolution to waive penalty and interest fees for failure and late filing of Property Transfer Affidavits, Form 2766.

All resolutions and parts of resolutions insofar as they conflict with the provision of this resolution be and the same are hereby rescinded.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Assessor's Recommendation – Adoption of Asset Test Criteria & Threshold Levels

Motion by Reder supported by Pike to adopt the poverty exemption asset test criteria and threshold levels as recommended in the April 12, 2019 Assessing Department memo to the board as follows:

**Poverty Guidelines & Eligibility Requirements**

To be eligible, a person shall do all the following on an annual basis:

1. Be an owner of and occupy as a principal residence the property for which an exemption is requested.
2. File a claim with the Supervisor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
3. Produce a valid driver's license or other form of identification, if requested.
4. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if requested.
5. Meet federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
6. The application for an exemption shall be filed after January 1, but before the day prior to the last day of Board of Review.
7. The application eligibility requirements as determined by the Township Board.

The following are the federal poverty income standards which the United States Office of Management and Budget recommends that federal departments and agencies use. The standards are actually compiled and published by the bureau of the Census, which refers to them as "poverty thresholds." The governing body of the local assessing unit has the option of considering the age of the resident(s) when establishing their guidelines. This provision applies only when one or two persons reside in the homestead, because there are no age-related thresholds for three or more persons in the homestead.

#### **Asset Test Criteria & Threshold Levels**

All applicants must also meet all of the following asset requirements:

1. Cash assets for the total household may not exceed 20% of the federal poverty guidelines for each family size.
2. The non-cash assets of the household shall not exceed \$5,000 in value. The following assets are excluded from this limit:
  - Applicant's principal residence
  - Applicant's household personal property
  - One vehicle used for personal transportation and one additional vehicle for each gainfully employed person in the household.
  - Assets not accessible by the applicant or member of the household.
  - Farm implements and equipment used to actively cultivate qualified agricultural property.

For purposes of this paragraph, the Board of Review shall consider the value of the assets and shall not reduce such value any indebtedness owed on such assets, or indebtedness otherwise owed by the applicant.

3. It is recommended that the application and all requested documents be returned to the Supervisor or Board of Review no later than:
  - o March 1 - for action by the March Board of Review
  - o July 1 - for action by the July Board of Review
  - o December 1 - for action by the December Board of Review

The Board of Review will consider the effect of all Michigan Income Tax Credits the applicant receives or can receive. Credits include, but not limited to, Homestead Property Tax Credits, Senior Citizen Prescription Drug Credits and Home Heating Credits. If the applicant could receive a refund of more than 50% of the real estate taxes through these Credits, the application may be denied.

4. The Board of Review will consider all revenue and non-revenue producing assets of the owner, co-owner, and all members of the household. Any attempt to hide and/or shift income and/or assets to another person, business or corporation shall be grounds for immediate denial.
5. The Board of Review may deviate from the above policy where there are substantial and compelling reasons and such substantial and compelling reasons are communicated in writing to the Charter Township of Monitor Board of Trustees and the claimant.
6. Applicants will be sent a written notice of the Board of Review final decision. An applicant may appeal the Board of Review decision to the Michigan Tax Tribunal.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

#### Clerk's Office – Adjustment to 2019 Construction Fund

Motion by Pike supported by Reder to approve the 2019 Construction Fund budget adjustment as recommended by the Clerk's Office, dated April 8, 2019.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

#### Hall Request – Cortland Farms South Homeowners Assn.

Motion by Malkin supported by Kowalski to approve the request submitted by Cortland Farms South Homeowners Association to hold their annual meeting on June 25, 2019; signed contract, all fees waived.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Update to Township Application Fees List - Planning & Zoning Fees

Motion by Reder supported by Malkin to approve the update to the township application fees list as follows:

<u>PLANNING COMMISSION:</u>	
<u>APPLICATION FOR:</u>	
Rezoning – per parcel	\$1,000.00
Ordinance Amendment	\$1,000.00
Special Use Permit	\$ 700.00
* Each Additional Site Plan Submitted for Review	\$ 600.00
Extension, prior to expiration	\$ 390.00
Site Plan Review	\$ 700.00
* Each Additional Site Plan Submitted for Review	\$ 600.00
Site Sketch Review	\$ 450.00
Special Planning Commission Meeting	\$ 750.00
Subdivision Review, first 20 lots or less	\$ 850.00
(Preliminary, Final Preliminary, and Final Plat) Each	\$ 850.00
Each lot in excess of 20 lots	\$ 8.00
Site Condo	\$1,000.00
Home Occupation	\$ 700.00
Enlargement of non-conforming structures 1 & 2 Family dwellings and their accessory structures when submitted with a site sketch (Sec. 16.05)	\$ 600.00
Waiver Fees – Signs/Accessory Buildings/Solar	\$ 700.00
Additional fees for professional services of Township Attorney and/or Planner and/or Engineer etc. Note*	ACTUAL COST

<u>ZONING BOARD OF APPEALS:</u>	
Application for variance	\$ 250.00
Building & Ordinance Appeals/Interpretations	\$ 250.00
Additional fees for professional services of Township Attorney and/or Planner and/or Engineer etc. Note**	ACTUAL COST

LAND DIVISION APPLICATION + \$30 per each split	\$ 200.00
---	-----------

APPLICATION FOR I.F.T.	\$ 350.00
------------------------	-----------

<b>WIRELESS COMMUNICATIONS PERMIT:</b>	
Application	\$ 250.00

<b>CONSTRUCTION BOARD OF APPEALS:</b>	
Application for variance	\$ 500.00

<b>BUILDING/ZONING:</b>	
AG Building Permit	\$ 50.00
Pond Permit (Not requiring a SLUP)	\$ 100.00
Pool Permit	\$ 50.00
Sign Permits – Zoning	\$ 100.00
Stop Work Order – Building & Zoning	\$ 100.00
Building Dept. Permit Penalty – Work without a permit	\$ 100.00
Temporary Dwelling for RV's	\$ No Charge
Temporary Use during Construction	\$ 100.00
Temporary Use – Structure	\$ 250.00
Zoning Compliance Permit	\$ 100.00

Note\*. In the event the application requires additional services, these professional services will be billed to the applicant on an actual cost basis. Such charges must be paid prior to the issuance of any permits by the Township.

Note\*\* Applications for variances or for appeals of administrative decisions generally do not require the services of the Township attorney or professional planner. In the event that, at the Township's sole discretion, any professional services are required by the Zoning Board of Appeals, the cost of such services will be billed to the applicant on an actual cost basis. Such charges must be paid prior to the issuance of any permits by the Township.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Kochany, Reder, Walsh

No: Brandt

Absent: None

Motion carried.

R-2019-005 Resolution Adopting Storm Water Design Standards

Motion by Reder supported by Pike to adopt Resolution R-2019-005, a resolution adopting the Bay County Storm Water Management Plan and Design Standards established by the Drain Commissioner as follows:

**RESOLUTION ADOPTING STORM WATER MANAGEMENT PLAN AND DESIGN STANDARDS FOR COMMERCIAL, INDUSTRIAL, SUBDIVISION, CONDOMINIUM AND MANUFACTURED HOME SITE DEVELOPMENTS**

**WHEREAS:** The Charter Township of Monitor falls within the urbanized area of Bay County and is subject to the provisions of the Federal Clean Water Act of 1974 through the National Pollution Discharge Elimination System Phase II guidelines; and

**WHEREAS:** Under the current guidelines developed by the MDEQ. The Charter Township of Monitor has applied for permit. As part of the application, the Township is committed to carry out a number of storm water quality improvement activities, including developing a “Storm Water Pollution Prevention Initiative” or SWPPI and an Environmental Response Program ERP; and

**WHEREAS:** The permit requirements submitted by Monitor Township includes a strategy to reduce harmful peak storm water flows entering the Township’s storm water system; and

**WHEREAS:** The Bay County Drain Commissioner has developed standards to protect land, personal property and the inherent and prescriptive rights of the citizens served for non-residential site development; and

**WHEREAS:** The Office of the Bay County Drain Commissioner has the expertise and ability to review project plans to insure developments comply with post-construction control standards for peak flow management of storm water.

**THEREFORE BE IT RESOLVED:** The Charter Township of Monitor Board of Trustees formally adopts the “Storm Water Management Plan and Design Standards for Commercial, Industrial, Subdivision, Condominium and Manufactured Home Site Developments” issued by the Bay County Drain Commissioner on June 16, 2003 as amended;

**BE IT FURTHER RESOLVED:** All proposed non-residential, subdivision or condominium site developments within the Township are required to submit storm water management plans for the review and approval Bay County Drain Commissioner prior to approval of the Township Planning Commission.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

R-2019-006 Resolution Adopting BASWA Storm Water Quality Management & Discharge Regulations

Motion by Reder supported by Walsh to adopt Resolution R-2019-006, a resolution adopting the Bay Area Storm Water Authority (BASWA) storm water quality management and discharge regulations as follows:

**RESOLUTION ADOPTING BAY AREA STORM WATER AUTHORITY STORM WATER QUALITY MANAGEMENT AND DISCHARGE REGULATIONS**

**WHEREAS:** The Charter Township of Monitor falls within the urbanized area of Bay County and is subject to the provisions of the Federal Clean Water Act of 1974 through the National Pollution Discharge Elimination System Phase II guidelines; and

**WHEREAS:** Under the current guidelines developed by the MDEQ. The Charter Township of Monitor has applied for a permit. As part of the application, the Township is committed to carry out a number of storm water quality improvement activities, including developing “Storm Water Regulations; and

**WHEREAS:** The permit requirements submitted by Monitor Township includes a strategy to reduce harmful peak storm water flows entering the Township’s storm water system; and



**WHEREAS:** The Bay Area Storm Water Authority has developed the Bay Area Storm Water Authority Storm Water Quality Management and Discharge Regulations approved by the MDEQ to protect general health and natural resources; and

**THEREFORE BE IT RESOLVED:** The Charter Township of Monitor Board of Trustees formally adopts the “Bay Area Storm Water Authority Storm Water Quality Management and Discharge Regulations”

**BE IT FURTHER RESOLVED:** The Charter Township of Monitor Board of Trustees endorses all proposed enforcement of the regulations as outlined in the Regulations and the MDEQ approved Bay Area Storm Water Authority Environmental Response Program.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Refund Request – Electrical Permit PE19-005

Motion by Pike supported by Reder to approve the refund request submitted by Escon Group for electrical permit PE19-005 in the amount of \$47.50 (\$130 permit fee less \$50 non-refundable app fee and 25% admin fee) due to the customer cancelling the job.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Personnel Committee Recommendation – Park Custodian

The applicant the personnel committee was going to recommend for the park custodian position withdrew. The committee will continue to interview for the positions.

REPORTS

Special Meeting Date Needed to Discuss Sidock Fire Station Assessment Report – The meeting will be held on Tuesday, May 7, 2019 at 2:00 p.m.

The meeting adjourned at 8:35 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor