

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
AUGUST 26, 2019

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

Members present: Malkin, Kowalski, Pike, Brandt (7:32 p.m.), Kochany, Reder, Walsh
Members absent: None
Also present: R. Sheppard, township attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

Mr. K. Lind stated he is an agent for EMC Insurance and would like to submit a bid for the township's insurance and liability coverage.

Kowalski stated the township just paid our yearly premium for August 2019 to August 2020.

Planning Commissioner C. Schweitzer stated she was extremely concerned with the behavior and disrespectful comments made by the Building Inspector against both the Supervisor and township at the August Planning Commission meeting. Schweitzer stated the township board has a responsibility to take action regarding this issue.

Public Input closed at 7:05 p.m.

Motion by Kochany supported by Pike to adopt the agenda as presented.
Motion carried.

Motion by Reder supported by Walsh to approve the minutes of the July 22, 2019 regular meeting as presented.
Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amount of \$137,616.40 from General Fund.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

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

Dangerous Building Hearing for 615 Wheeler 09-100-005-300-030-00

Mr. W. Humphrey, owner of the property representing the H2 Group Inc. was present.

Malkin stated the reason for the hearing today is a result of the address being deemed a dangerous building by the hearing officer at the initial hearing in May and noncompliance of the hearing officer's orders.

Malkin stated as of today, the property has been cleaned up and blight is no longer an issue but the property owner has still not applied for a building permit for restoration.

Humphrey stated there was an initial delay to remove a squatter from the building. The building has since been secured and a contractor hired. The contractor has completed gutting the main floor of the building and reported there was no mold present.

Sheppard stated mold was not the only issue and read from the May 28, 2019 dangerous building hearing minutes the buildings deficiencies found by the hearing officer that made the building unsafe and the order that a building permit was obtained by the second week of June.

Humphrey stated he needs to get a new contractor because the current contractor is not licensed to pull a building permit.

Malkin stated the demo did not need a permit but the lack of a permit is the issue.

Humphrey responded he will get a contractor and permit this week.

It was also stated that as the owner of the property, he could apply for the permit.

Motion by Reder supported by Walsh to require a building permit is issued for 615 Wheeler Rd. parcel 09-100-005-300-030-00, by close of business on Wednesday, September 4, 2019 and further, in the event the time elapses and a building permit is not issued, that the township starts the process to seek bids for demolition of the structure on the property.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

Draft Township Noise Ordinance No. 68

A revised draft noise ordinance was prepared for board consideration.

The question was raised again by multiple board members regarding who would be designated to enforce the ordinance.

Malkin stated our Ordinance Administrator could do it and he could ask the Bay County Sheriff if the township deputy could do the enforcement.

Kowalski supplied a db report generated today from a db recording app on her phone. Kowalski stated this recording was done at her home during the lunch hour. The conditions were: no neighbors were outside; the normal sound of the wind; traffic sounds from Euclid; a siren and train noise from Salzburg. The average decibel reading was 62 db. Given that the max decibel level per the ordinance is 65 db, Kowalski feels the level is set way too low for average daytime hours where people are out mowing grass, using leaf blowers for fall cleanup, children are out playing, enjoying the pool or having outdoor family parties.

Kowalski stated the decibel max would be fine for evening hours of 10:00 p.m. to 7:00 a.m.

Motion by Reder supported by Malkin to have this meeting serve as First Reading of Noise Ordinance No. 68 and to set Second Reading to the next regular meeting of September 23, 2019.

Roll call vote:

Yes: Malkin, Kochany, Reder

No: Kowalski, Pike, Walsh

Absent: Brandt

Motion defeated.

Brandt arrived at 7:32 p.m.

Board Approval of Boundary Line Adjustment ó 09-100-R25-000-002-00

A request has been made to adjust a property line 6 ft. between parcels 09-100-R25-000-002-00 (624 E. Salzburg Rd.) and 09-100-R25-000-003-00 (612 E. Salzburg Rd.). Because this adjustment affects lots in a platted subdivision, it requires approval of the township board.

Sheppard stated the adjustment would make 624 E. Salzburg less nonconforming by increasing the width of the property from 90ø to 96ø and would not affect the required side yard setbacks for either property.

Motion by Reder supported by Pike to approve the boundary line adjustment for 624 E. Salzburg Rd. 09-100-R25-000-002-00 to allow a 6 ft. increase to the width of the property (from 90ø to 96ø) and further approve the resulting 6 ft. decrease to the width of the property 612 E. Salzburg Rd. 09-100-R25-000-003-00 (from 120ø to 114ø).

Roll call vote:

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

No: None

Absent: None

Motion carried.

Board Approval of Assessing Dept. Applications and Fees

Motion by Reder supported by Walsh to approve the applications and fees as proposed in the Assessing Department memo to the Board dated August 16, 2019.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Medical Marihuana Growing Facility License Application ó 1484 Straits Dr. Suite 1

Nicole Forwerck was present to represent the Medical Marihuana Facility License application submitted by OTEAL 2 LLC, for a Class A growing operation to be located at 1484 Straits Dr. Suite 1.

Malkin stated in review of the application submitted, there were concerns regarding discovery of a past criminal record in the criminal history report that was not reflected in the application and the lack of growing experience of either partner.

Forwerck stated she is a part owner of a bar in Saginaw and has managerial experience. She and her partner have hired a grower (Ron Hayes ó also present) with 12 years experience and have a plan in place for odor control.

Brandt asked what would happen with the waste water from the growing operation.

R. Hayes stated the water would be recycled as much as possible and hold the residual waste water until it reaches the required parts per million to then be disposed into the sanitary sewer. Brandt was concerned that this building already has existing floor drains that flow directly into the sewer system. Brandt asked if they have been into contact with the Bay County Department of Water & Sewer to discuss their requirements.

R. Hayes responded no, they had not.

Board members raised the question regarding security of the facility.

Margaret Hayes, the safety compliance officer hired for this facility, responded security cameras would be installed at all doors and windows. Entry doors would require visitors to be buzzed in and employees would have security cards to swipe for entry. The facility would not be open to the general public.

Pike stated the Visiting Nurses and Physicians also share this building and asked if they had been notified.

Forwerck stated the owner of the building D. Peden notified them prior to leasing Suite 1 of the building to OTEAL 2 LLC.

Sheppard stated pretreatment of the waste water would need to be designed into the facility from the beginning and was concerned that there may not be adequate size in the leased area for the waste water holding tanks.

Motion by Reder supported by Walsh to approve the Medical Marihuana Facility License Application submitted by OTEAL 2 LLC, for a Class A Growing operation to be located at 1484 Straits Dr. Suite 1, contingent upon DWS review and approval of the waste water treatment plan and planning commission special use approval.

Roll call vote:

Yes: Pike, Reder, Walsh

No: Malkin, Kowalski, Brandt, Kochany

Absent: None

Motion defeated.

First Reading of Ordinance 18-A Repealing Swimming Pool Ordinance No. 18

The provisions and regulations for swimming pools have been incorporated into Zoning Ordinance No. 67. This has created the need to repeal the former stand alone ordinance No. 18.

Motion by Kowalski supported by Reder to have this meeting serve as First Reading of Ordinance 18-A, repealing the stand alone swimming pool ordinance and to set Second Reading and Adoption of the ordinance to the next regular meeting of September 23, 2019..

Roll call vote:

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

No: None

Absent: None
Motion carried.

Fire Chief Recommendation to Hire S. Erikson as Probationary On-Call Firefighter

Motion by Brandt supported by Kochany to hire S. Erikson as a probationary on-call firefighter as recommended in the Fire Chief's memo to the Board dated August 7, 2019.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Hall Request of Bay City Lions Club for December 4, 2019

Motion by Brandt supported by Pike to grant the request submitted by the Bay City Lions Club to waive hall rental fees for use of the township hall on December 4, 2019; signed contract, damage and security deposits required.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Memorandum of Understanding of BCRC & Townships for NPDES Permit

Motion by Brandt supported by Reder to approve and authorize the Supervisor to sign the Memorandum of Understanding between the Bay County Road Commission and Monitor Township for the purpose of administering and enforcing permits issued by the Michigan Department of Environment, Great Lakes and Energy (formerly MDEQ) under the National Pollutant Discharge Elimination System program (NPDES).

Roll call vote:

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

No: None

Absent: None

Motion carried.

EMCOG Letter of Agreement for Steih Park Grant

Motion by Reder supported by Kochany to accept the East Central Michigan Prosperity Region 5 (PR-5) Council of Governments grant award of \$9,168 for improvements to Steih Park to support improvements to the kayak/canoe launch, increased erosion control, additional fishing access and other improvements to encourage users to enjoy the Kawkawlin River.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Board Discussion & Possible First Reading of Blight Ordinance No. 5-B

There was board discussion regarding the proposed amendment to Blight Ordinance 5b.

Kowalski suggested the following draft changes:

1. Change the start of the first sentence in Section 2. - A, B, C, and E to read, *In any area zoned and/or used for residential purposes (including residentially used property)*
2. Section 2. B - Delete in the third line *or Zoning Compliance permit*
3. Section 2. D ó Keep as it is in the amendment 5a.
4. Section 2. G ó Clear vision corner requirements and restrictions are contained in Zoning Ordinance No. 67 and are not a condition of blight which should deal strictly with overgrown, neglected or vacant properties.
 - Delete the second to the last sentence in paragraph G.
 - Delete the last sentence in paragraph G. 1.
 - G. 2. and G. 3. could be combined as follows: *Grass on all commercial or 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.*
 - Delete the last sentence in G. 5.
5. Section 6 ó If Section 2, D. (1.), D. (2.), and Section 4. B. from Ordinance 5a, are included in 5b, then there is no need for the second sentence in 5b, Section 6.

The Attorney will take the items discussed tonight into consideration and prepare a new draft for the next meeting.

Hall Request ó Auburn Cornfest Comedy Night Fundraiser September 20, 2019

Motion by Pike supported by Reder to grant, in part, the request from Auburn Improvement and Management and waive one-half (1/2) the hall rental fee for them to hold an Auburn Cornfest comedy night fundraiser on September 20, 2019; signed contract and damage deposit required; security deposit required if applicable.

Roll call vote:

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

No: None

Absent: None

Motion carried.

The meeting adjourned at 8:29 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor