

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
NOVEMBER 28, 2016

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: Richard Sheppard, Township Attorney
Jay Wheeler, Township Engineer (Kibbe)

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

K. Gray, 5115 Baxman Rd., spoke regarding an ordinance violation letter she received regarding the placement of their utility trailer. Gray spoke to the Zoning Ordinance Enforcement officer who stated he only investigates violations for which he receives a complaint. Ms. Gray stated her trailer is parked 26ø from the road and 7.5ø from the property line. Ms Gray also stated there are at least 10 properties in her immediate vicinity that also have trailers parked in the front yard. To turn those neighbors in would only create animosity amongst neighbors.

Mr. Gray stated they keep their yard in immaculate condition and he uses the trailer year round for hunting, fishing, etc. Mr. Gray stated their home was built in the 1950ø and due to the house placement, they do not have access to put the trailer in the side or rear yards.

Malkin stated there are other residents in the same situation who have to park their trailer off site when not in use to comply with the ordinance.

Walsh stated trailers were not as prevalent when their home was built in the 1950ø and that could contribute to not allowing for access.

Mr. Gray stated the trailer is a brand new and custom built at a cost of \$2,000. It is well off the road and does not impede visibility. Had he known about this provision of the ordinance, they would not have purchased their home.

Kochany asked if they had a 2-car garage.

Mr. Gray replied it is a brick home with only a 1.5 car garage and they have barely enough room to get their zero turn mower from the front to the back yard.

H. Peterson, 3289 Fisher Rd., stated she complained to the township about the proximity to the side lot line at the time the home was built.

L. Peterson, 5131 Baxman Rd. asked why the township has this ordinance when other neighboring townships and the city do not.

Malkin replied it could just as be that people move to the township because it does have this ordinance in place. Malkin stated at the time this provision of the ordinance was adopted, there had been many work sessions between the township and the planning commission and meetings where the township asked for and considered public opinion regarding trailers. The amendment that was ultimately adopted was less restrictive.

County Commissioner V. Begick, stated the County would adopt the budget at the December meeting.

Fire Chief J. Kramer introduced himself to the new board members and stated he maintains an open door policy should any board member have questions regarding the department.

Public Input closed at 7:24 p.m.

Motion by Pike supported by Reder to adopt the agenda as presented.

Motion carried.

Motion by Kochany supported by Brandt to approve the minutes of the October 24, 2016 regular meeting, the November 14, 2016 special meeting, and the November 17, 2016 special meeting as presented.

Motion carried.

Motion by Reder supported by Pike to pay the bills in the amount of \$50,216.60 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Kowalski supported by Kochany to receive the Treasurer's Report for October 2016.

Motion carried.

Reder asked what action could be taken regarding the Gray's situation.

Attorney Sheppard stated the Gray's could apply to the ZBA for a variance. It would be up to the ZBA to determine if there are reasons the placement of the trailer cannot comply with the Ordinance. It was Sheppard's opinion, this should be their 1st option to explore.

Malkin stated if they do apply to the ZBA, they should request a copy of Section 18.10 where it states the requirements the ZBA follows to grant a variance.

Motion by Reder supported by Kochany to refer the letter submitted by K. Gray to the Planning Commission to revisit the section of the Zoning Ordinance that regulates the placement of trailers.

Motion carried.

Final Plat Approval of Holly Springs Phase 2

Mr. R. Schauman, the developer and his engineer M. Rybicki, MLR Engineering, were present to answer any questions the board had concerning final plat approval for Holly Springs Subdivision Phase 2.

Township Engineer J. Wheeler, Kibbe & Associates, stated he inspected the site on two separate occasions. All water, storm sewers, sanitary sewers, and lot service leads have been installed.

The rear yard drainage and streetlights and underground power have also been installed.

Wheeler stated the concrete sidewalks are to be constructed by each lot owner at the time of lot development, but voiced concern that the area of land designated for the future walk is in an area

of several feet on uncompacted clay which may have severe settling if it is not removed and replaced with sand.

The Consumers Power contractor was on site during Wheeler's inspection and stated the gas main should be installed by December 2, 2016. Due to the late season install, hydro-seeding of the right-of-way area cannot be done until spring.

Wheeler also noted the rear yard drainage has been installed but noted there were soil erosion measures around the drain that will be in need of routine maintenance.

Motion by Pike supported by Reder to grant Final Plat Approval for Holly Springs Subdivision of Phase 2.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Binder Request to Waive DWS Late Fee Charges

Motion by Reder supported by Walsh to approve the request submitted by C. and P. Binder to waive DWS late fee charges in the amount of \$35.09 based on the inability of the newly installed payment software to process their credit card payment at DWS on the due date.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Restatement of the Monitor Township DDA Development Agreement 2016

Sheppard stated some modifications were made to the agreement that the board signed on 11/14/2016. The change in wording was minimal but does require board approval.

Motion by Reder supported by Walsh to approve and authorize the Supervisor and Clerk to sign the Restatement of the Monitor Township DDA Development Agreement 2016, between the DDA, Monitor Township, NMLI and Bay County.

Roll call vote:

Yes: Malkin, Pike, Brandt, Reder, Walsh

No: Kowalski, Kochany

Absent: None

Motion carried.

Monitor Township DDA Revenue Sharing Agreement 2016

NMLI (Fabiano) has been separated and not made part of this agreement. Sheppard stated this agreement would require 100% tax capture to be returned to the taxing entities. It would allow the TIF to stay in place but puts it in limbo until a new development comes and the capture needs to change. It would also require the DDA to request yearly the 2-mil tax on properties in the DDA.

County Commission Chairman E. Krieger asked if the 2-mil tax levy would be on the taxable value.

Sheppard replied, yes it would.

Kochany questioned Sheppard concerning Section II, of the revenue sharing agreement.

Kowalski asked Sheppard, in the event a new development comes along, would it require a new agreement and an amendment to Ordinance 36 to amend the development and TIF plan?

Sheppard stated if the infrastructure for the new development is located outside the area currently in the Development Plan, a new agreement and ordinance amendment would be needed. If however, the infrastructure for the new development is located inside the Development Plan area, only a new revenue sharing agreement would be needed.

Motion by Brandt supported by Reder to approve and authorize the Supervisor and Clerk to sign the Monitor Township DDA Revenue Sharing Agreement 2016 between the DDA, Monitor Township and Bay County.

Roll call vote:

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

No: Kochany

Absent: None

Motion carried.

Possible First Reading of Ordinance 36-F to Amend the DDA Development & TIF Plan

Motion by Reder supported by Walsh to have this meeting serve as First Reading of Ordinance 36-F, an Ordinance to amend the DDA Development and TIF Plan and set the public hearing and possible Second Reading and adoption of this ordinance to the special meeting to be held on December 19, 2016.

Roll call vote:

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

No: Kochany

Absent: None

Motion carried.

First Reading of Ordinance 56-D Amending Article IV, Section 1, B

Motion by Pike supported by Brandt to have this meeting serve as First Reading of Ordinance 56-D, an Ordinance amending Article IV, Section 1,B of the Township ~~Water Sewer~~ Ordinance and set Second Reading and possible adoption of this Ordinance to the December 12, 2016 regular meeting.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Farmland Preservation PA116 Applications (3) ó Kernstock

Motion by Kowalski supported by Pike to table the three PA116 Applications for Farmland Agreement submitted by Arlene H. Kernstock, in order to receive clarification regarding the information provided for item 12 on all three applications.

Motion carried.

Board Appointments to the Bay Area WTP Advisory Committee Member & Alternate Positions

Motion by Reder supported by Kochany to appoint the Supervisor, Ken Malkin as a member of the Bay Area Water Treatment Plant Advisory Committee and appoint the Clerk, Cindy L. Kowalski as the alternate member.

Roll call vote:

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

No: None

Absent: None

Motion carried.

2017 Township Holiday Dates

Motion by Pike supported by Reder to approve the following 2017 Township Holiday Dates:

January 2, 2017 ó New Years Day; January 16, 2017 ó Martin Luther King Jr. Day; February 20, 2017 ó PresidentsøDay; April 14, 2016 ó Good Friday; May 29, 2017 ó Memorial Day; July 4, 2017 ó Independence Day; September 4, 2017 ó Labor Day; October 9, 2017 ó Columbus Day; November 10, 2017 ó VeteransøDay; November 23 & 24, 2017 ó Thanksgiving; December 24, 2017 ó Christmas Eve for Fire Department; December 25, 2017 ó Christmas; December 26, 2017 ó Christmas for township office; December 31, 2017 - New YearsøEve for Fire Department.

Roll call vote:

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

No: None

Absent: None

Motion carried.

2017 Township Meeting Dates

Motion by Pike supported by Brandt to approve the following 2017 Meeting Dates:

2017 Township Board Meeting Dates

| | |
|---------------------------|----------------------------|
| Monday, January 09, 2017 | Monday, June 26, 2017 |
| Monday, January 23, 2017 | Monday, July 10, 2017 |
| Monday, February 27, 2017 | Monday, July 24, 2017 |
| Monday, March 13, 2017 | Monday, August 14, 2017 |
| Monday, March 27, 2017 | Monday, August 28, 2017 |
| Monday, April 10, 2017 | Monday, September 11, 2017 |
| Monday, April 24, 2017 | Monday, September 25, 2017 |
| Monday, May 08, 2017 | Monday, October 23, 2017 |
| Monday, May 22, 2017 | Monday, November 13, 2017 |
| Monday, June 12, 2017 | Monday, December 11, 2017 |

2017 Planning Commission Meeting Dates

| | |
|----------------------------|-----------------------------|
| Tuesday, January 03, 2017 | *Wednesday, July 05, 2017 |
| Tuesday, February 07, 2017 | Tuesday, August 01, 2017 |
| Tuesday, March 07, 2017 | Tuesday, September 05, 2017 |
| Tuesday, April 04, 2017 | Tuesday, October 03, 2017 |
| Tuesday, May 02, 2017 | Tuesday, November 07, 2017 |
| Tuesday, June 06, 2017 | Tuesday, December 05, 2017 |

2017 Zoning Board of Appeals Meeting Dates*

ZBA meetings are held only as needed. The following dates have been set should a meeting date be needed.

Thursday, January 19, 2017 Thursday, July 20, 2017
Thursday, February 16, 2017 Thursday, August 17, 2017
Thursday, March 16, 2017 Thursday, September 21, 2017
Thursday, April 20, 2017 Thursday, October 19, 2017
Thursday, May 18, 2017 Thursday, November 16, 2017
Thursday, June 15, 2017 Thursday, December 21, 2017

Roll call vote:

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

No: None

Absent: None

Motion carried.

Fire Chief Recommendation ó J. Sawatzke Resignation as On-Call Firefighter

Motion by Reder supported by Kochany to accept the resignation of on-call firefighter J. Sawatzke effective November 17, 2016 as recommended by the Fire Chief.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Hall Request ó Firefighters Christmas Party

Motion by Reder supported by Pike to grant the Fire Department's November 7, 2016 request for use of the township hall on December 2, 2016 for their annual Christmas Party; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Supervisor Recommendation Regarding Board Representative Positions ó
Planning Commission, ZBA & Personnel Committee

Motion by Brandt supported by Pike to appoint Trustee Bill Reder to the Planning Commission, as the board representative, for the four-year term expiring 11/20/2020.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Kochany supported by Pike to appoint Trustee Gary Brandt to the Zoning Board of Appeals, as the board representative, for the four-year term expiring 11/20/2020.

Roll call vote:

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

No: None
Absent: None
Motion carried.

Motion by Reder supported by Pike to appoint Trustees Bill Reder and Bob Walsh to the Personnel Committee for the four-year term expiring 11/20/2020.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Reder supported by Brandt to appoint Trustees Elaine Kochany and Bob Walsh to the Election Commission for the four-year term expiring 11/20/2017.

Roll call vote:

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

No: None

Absent: None

Motion carried.

REPORTS

The BCTOA dinner meeting is December 14, 2016.

Malkin reported the December Board of Review will be December 16th from 10 am to noon. The Treasurer recommended an earlier date for the Board of Review so the corrections could be transmitted to the State before the end of the year.

Malkin reported Sheriff Deputy S. Lee got bumped to Western High School. A temporary deputy will be assigned to cover his shifts through year end. A new deputy will be assigned permanently in January.

Malkin stated the new Medical Marijuana legislation has been referred to the Planning Commission.

Sheppard stated the township has until September 2017 to opt out or provide an amendment for the legislation.

Brandt stated the chimney has been removed and the vent work has been completed.

The meeting adjourned at 8:48 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor