

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
OCTOBER 26, 2020

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

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh
Members absent: None

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

E. Marter, 270 Midland Rd., discussed the October 23, 2020 letter he submitted to the board (via email) regarding the lights shining onto his property from the grow facility at 391 Midland Rd. Township Attorney Sheppard stated this is against the township Zoning Ordinance and Planning Commission approval.

Malkin stated the grow facility will be contacted to correct this matter.

County Commissioner V. Begick stated the county is working on their 2021 budget.

Public Input closed at 7:06 p.m.

Motion by Reder supported by Walsh to adopt the agenda with the addition of Location for Rescue Vehicle.

Motion carried.

Motion by Reder supported by Walsh to approve the minutes of the September 28, 2020 regular meeting as presented.

Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amended amount of \$58,010.76 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 September 2020.

Motion carried.

DDA 2020 Budget Adjustment

Motion by Brandt supported by Reder to approve the 2020 DDA Budget adjustments as submitted by the DDA Administrator, S. Pike in her letter to the board dated October 14, 2020.

Roll call vote:

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

No: None

Absent: None
Motion carried.

DDA 2021 Budget

Motion by Brandt supported by Reder to approve the DDA 2021 Budget as approved by the DDA board on October 13, 2020.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Invitation to Opt-In – New Bay County Brownfield Redevelopment Authority

A letter was received from County Executive J. Barcia dated September 17, 2020, and received by the township on October 13, 2020, inviting the township to opt-in to the new Bay County Brownfield Redevelopment Authority.

Motion by Brandt supported by Reder to adopt Resolution R-2020-012, a resolution consenting to opt-in for inclusion of Monitor Township in the Bay County Brownfield Redevelopment Authority.

**RESOLUTION CONSENTING TO OPT-IN FOR INCLUSION OF MUNICIPALITY
IN BAY COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY (BRA)**

WHEREAS, the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), authorizes the County of Bay to establish a Brownfield Redevelopment Authority; and

WHEREAS, Brownfield Redevelopment Authorities are eligible for state grants and loans for projects that promote economic development and revitalization of brownfield properties through environmental assessment, cleanup or blight elimination; and

WHEREAS, the Board of Bay County Commissioners under Resolution 2020-027 has determined that it is in the best interest of the County to establish and provide for the operation of a Brownfield Redevelopment Authority ("Authority") pursuant to the Act; and

WHEREAS, the Authority shall exercise its power as provided by the Act over property located within the boundaries of the County, provided that the Authority does not exercise its power over property located within a city, village or township located in the County unless such city, village or township has adopted a resolution concurring to the inclusion of such property; and

WHEREAS, the Local Unit has determined that it is in the best interest of the Local Unit to join the Authority, so it permits property located within its municipal boundaries to be included in the Bay County Brownfield Redevelopment Authority.

NOW THEREFORE BE IT RESOLVED:

1. The Local Unit hereby agrees to opt into the Authority so that property located within its municipal boundaries shall be included under the Brownfield Redevelopment Authority the County of Bay.
2. The Township Clerk shall promptly file a certified copy of this Resolution with the Bay County Clerk.
3. All resolution and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

Roll call vote:

YES: Malkin, Pike, Brandt, Reder, Walsh

NO: Kowalski, Kochany

ABSENT: None

RESOLUTION DECLARED ADOPTED.

Second Reading & Adoption of Ordinance 67-D - Rezoning Parcel 09-100-038-400-060-00 From R-3 to C

Motion by Pike supported by Reder to have this meeting serve as Second Reading and adoption of Zoning Ordinance 67-D, an ordinance rezoning parcel 09-100-038-400-060-00 From R-3 to C.

ORDINANCE 67-D

AN ORDINANCE AMENDING ORDINANCE 67, AS AMENDED, TO REZONE CERTAIN PROPERTIES WITHIN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION I

Monitor Township Ordinance 67, designated "Monitor Township Zoning Ordinance", effective March 25, 2019 and the zoning district map, attached thereto and made a part thereof, are hereby amended by re-zoning the following described property in the Charter Township of Monitor, Bay County, Michigan, from R-3 (Medium Density Multiple Family Residential District) to C (Commercial).

Property located in the Township of Monitor, County of Bay, and State of Michigan, and legally described as:

Parcel No: 09-100-038-400-060-00

Legal Description

COM AT INTER OF C/L M-84 & N LI OF LOT 26 TH N 22D 15M E ALG C/L M-84 376 FT TH S 79D 50M E 293.38 FT TH S 15D 12M W 306.53 FT TH W ALG N LI

LOT 26 350.75 FT TO BEG. PT OF LOT 27, SUB OF SEC.31, T14N,R5E & PT OF NW 1/4 SEC.6, EX THAT PT LYG NWLY OF A LI 50 FT SELY OF CONSTRUCTION C/L OF HWY M-84, T13N,R5E

SECTION II

The violation of this Ordinance shall be deemed a Municipal Civil Infraction and shall be punishable as provided by the terms of Section V of Ordinance No. 53.

SECTION III

This Ordinance shall be published in a newspaper circulated within the Township of Monitor, Bay County, Michigan, and shall take effect on the 31st day after the date of such publication.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Mammel PA116 Agreement - 09-100-036-100-010-01 26.64 acres 10 yrs.

Motion by Reder supported by Brandt to approve the PA116 application for farmland agreement submitted by Michael R. Mammel, Deanne M. Mammel, Gordon C. Mammel and Lois Mammel, to put 26.64 acres of parcel 09-100-036-100-010-01 into the farmland preservation program with an initial term of 10-years.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Girl Scouts Area 554 Request for Use of Parking Lot for Cookie Distribution

Motion by Brandt supported by Walsh to allow the Girl Scouts Area 554 use of the east parking lot for their cookie distribution on Tuesday, December 8, 2020.

Roll call vote:

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

No: None

Absent: None

Motion carried.

DWS Request to Discontinue Sewer Billing – 102 S Huron Rd.

Motion by Kowalski supported by Reder to approve the DWS October 16, 2020 recommendation to discontinue billing for sewer debt and close the account effective August 21, 2020 102 S. Huron Rd., due to the confirmation the building has been demolished.

Roll call vote:

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

No: None

Absent: None

Motion carried.

DWS Annual REU Recommendation

Motion by Reder supported by Walsh to table the DWS recommendation to adjust the REU billing to the next regular meeting.

Motion carried.

Location for Rescue Vehicle

The Fire Chief in a letter to the board dated October 23, 2020, stated the Rescue vehicle will not fit into the back shed (pole barn) with the other fire vehicles.

Chief Kramer outlined two options for the board to consider to correct this problem.

Option 1 – To build a fourth roll up style garage door at the west end of the back shed and move the man door to the east side of the building. This will cost between \$10,000 and \$15,000 for engineering and design which is required by code. This option would allow the fire department to temporarily store the rescue truck in the heated pole barn with the other fire vehicles. This door would be useful to the township after the fire department is finished with the temporary use.

Option 2 – To purchase a portable garage unit which must be at least 13x24x10 in size. This unit can be placed outside the shed in the back to keep the rescue truck out of the elements and still ready to respond. It must be secured to the ground and heated to keep the Rescue truck ready for immediate response by utilizing a portable heater fan. Kramer predicts this could be costly during the cold winter and the constant running of the fan. The cost of a portable garage unit ranges from \$1000 to 1500. A portable heater will cost between \$100 and \$350 depending on the style and coverage and not be useful to the township after the fire department moves into the new station.

Of the two options, Chief Kramer recommends Option 1.

Motion by Reder supported by Malkin to approve the Fire Chief's October 23, 2020 recommendation to add a fourth roll up door to the north pole barn and move the man door to the west end of the pole barn to allow for the temporary storage of the Rescue vehicle at an estimated design and engineering cost of \$10,000 to \$15,000.

Roll call vote:

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

No: Brandt

Absent: None

Motion carried.

R-2020-011 Resolution of Intent to Amend Township Wide Trash Special Assessment Roll

Motion by Reder supported by Kowalski to adopt Resolution R-2020-011, a resolution of intent to amend the township wide trash special assessment roll and set the date for the public hearing for the next regular meeting of November 23, 2020.

**RESOLUTION OF INTENT TO AMEND SPECIAL ASSESSMENT
ROLL REGARDING MONITOR TOWNSHIP TRASH PICKUP
SERVICE, AND TO HOLD A PUBLIC HEARING REGARDING
SAME**

WHEREAS, on August 24, 1998, a Resolution of Intent to Proceed After Public Hearing was adopted, which Resolution established a Township wide special assessment district for trash pick-up, and

WHEREAS, the special assessment roll of all parcels in the Township to be included in the special assessment district was confirmed by the Monitor Township Board after public hearing held September 14, 1998, and

WHEREAS, the Township has executed a Township Wide Residential Trash Removal Agreement to effectuate the trash pick-up program, and

WHEREAS, it has now become necessary to add as many as twenty-five (25) parcels and delete as many as fourteen (14) parcels from the special assessment roll as originally adopted, and

WHEREAS, any amendment to a confirmed special assessment roll for any special assessment district created pursuant to Public Act 188 of 1954, requires a public hearing and notice of said hearing;

NOW THEREFORE BE IT RESOLVED that a public hearing shall be conducted upon the amendment of the special assessment roll, which hearing will be held at the Monitor Township Hall at 2483 East Midland Road, Bay City, Michigan, commencing at 7:00 p.m. on November 23, 2020.

BE IT FURTHER RESOLVED that the Clerk and the Assessor shall prepare an Amended Assessment Roll which shall include all parcels necessary to be added and all parcels to be deleted from the Special Assessment Roll previously confirmed by this Board, and

IT IS FURTHER RESOLVED that the Clerk shall mail notification to the owners of record of each parcel being added to or deleted from the special assessment roll, and publish notice two times in a newspaper of general circulation within the Township in a manner consistent with the notice requirements of Act 188 of 1954.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Closed Session – Pending Litigation 1600 S. Euclid

Motion by Kowalski supported by Reder to go into closed session at 7:55 p.m. to discuss pending litigation 1600 S. Euclid.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Reder supported by Walsh to return from closed session at 8:15 p.m.

Roll call vote:

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

No: None

Absent: None

Motion carried.

No motions were made during closed session.

Motion by Reder supported by Malkin to direct the township attorney to file a motion with Judge Sheeran to enforce the 12/23/2019 court order in case of the Charter Township of Monitor vs. Harold Miller, file number 19-3621-CZ.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Kowalski supported by Reder that no occupancy permits are to be issued for any addressed encompassed by the 1600 S. Euclid property until this court case is settled and an approved site plan is on file with the township and all construction has been completed.

Roll call vote:

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

No: None

Absent: None

Motion carried.

REPORTS

The Fire Station bond issuance has been completed and the proceeds have been received by township.

The meeting adjourned at 8:20 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor