

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
JUNE 9, 2014

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

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller  
Members absent: None

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m. No public present wished to speak and public input was closed.

Motion by Malkin supported by Miller to adopt the agenda.  
Motion carried.

Motion by Miller supported by Kochany to approve the minutes of the May 12, 2014 regular meeting as presented.  
Motion carried.

Motion by Malkin supported by Arnold to remove the bill from Brady Business and pay the bills in the amount of \$60,149.15 from General Fund.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

2013 Audit Report ó D. Quimby, Weinlander Fitzhugh

Mr. David Quimby from Weinlander Fitzhugh, presented the 2013 Audit report to the Board. Board members were provided the opportunity to ask Quimby questions concerning the audit. Mr. Quimby explained the various audit reports and how they comply with the GASB34 requirements.

Carpet Estimates ó Offices on North End of Building & Conference Room

Estimates were received from Valley Carpet, AT Frank Floor Covering, and Supreme Floor Covering to replace the 35 year old+ carpet in the main office, mail room, department offices, copy area, hallways and conference room.

There was discussion to also replace the carpeting in the Treasurer's office that was replaced in 2002.

Motion by Malkin supported by Miller to ~~reject the estimates received and~~ request new estimates to replace the carpeting in all carpeted areas of the township administrative office and conference room.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None  
Absent: None  
Motion carried.

Pike excused herself and left the meeting at 8:25 p.m.

Assessor's Report of Tax Tribunal

The Assessor gave the board background information leading up to the tax tribunal for Fabiano's, the tribunal proceedings and the events following the tribunal.

Motion by Malkin supported by Miller to go into closed session at 8:45 p.m. to 1) discuss pending litigation and 2) to discuss the confidential correspondence from attorney Duff to the Assessor.

Motion carried.

No motions were made in closed session.

Motion by Miller supported by Kochany to return from closed session and reconvene regular business at 10:00 p.m.

Motion carried.

Second Reading & Adoption of Ordinance 52-V Regulating Non-Conforming Lots and Provide Definitions for Building Inspector & Zoning Administrator

Motion by Miller supported by Kochany to have this meeting serve as Second Reading and Adoption of Ordinance 52-V, an ordinance regulating non-conforming lots and to provide definitions for the Building Inspector and Zoning Administrator as follows:

**ORDINANCE 52-V**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 52, AS AMENDED, TO REGULATE THE REPLACEMENT OF NON-CONFORMING STRUCTURES AND NON-CONFORMING LOTS OF RECORD, AND TO PROVIDE DEFINITIONS FOR THE TOWNSHIP BUILDING INSPECTOR/OFFICIAL AND ZONING ADMINISTRATOR**

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

**SECTION I**

A. Section 16.08 of Chapter XVI, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended to read as follows:

**SECTION 16.08 REPLACEMENT**

A nonconforming building or structure which has been damaged or destroyed by fire, wind, snow, acts of God, public enemy, or other similar causes and the cost of repair to said structure is greater than the equivalent State Equalized Value of the building or structure

to be repaired, then in such event the building or structure shall need to be replaced. No nonconforming structure may be replaced unless it conforms with all conditions and requirements of this Ordinance existing at the time of replacement- with the following exception:

- (a) Single family dwellings, which are so used and so existing in commercial and industrial zoning districts before the effective date of adoption or amendment of this Ordinance may be used and replaced if destroyed, subject to the following conditions:
  - 1) If an existing structure is destroyed, any replacement dwelling or accessory structure shall conform to all applicable yard dimensions, setbacks and other requirements specified in this Ordinance or in the alternative may be replaced within the same footprint with every intent possible.
  - 2) The use of the dwelling and associated parcel of land shall be maintained in conformance with the use provisions specified in this Ordinance for the same type of residential dwelling or structure.
  - 3) The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.

B. Chapter XVI, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended by the addition of Section 16.12 to read as follows:

**SECTION 16.12 NON-CONFORMING LOTS OF RECORD**

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- (a) Use of Non-Conforming Lots - Any nonconforming lot shall be used only for a use permitted in the zoning district in which it is located. In any district in which single family dwellings are permitted or on lots where single family dwellings exist, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory structures may be erected, maintained, or re-built if destroyed on any single lot of record at the effective date of adoption or amendment thereto. This provision shall apply even though such single family lot fails to meet the requirements for area, width or access (such as only having access via a recorded easement and no frontage along a public right of way), that are generally applicable in the district, provided that:

- 1) The lot width, area and open space requirements are not less than seventy five percent (75%) of the requirements established for the district in which the lot is located. Lots that only have access via a recorded easement and have no frontage along a public right of way are permitted to have single family structures and customary accessory structures erected, maintained, or re-built if destroyed.
- 2) The lot cannot be reasonably developed for the residential use proposed without such deviations;
- 3) The Residential Design Standards found in Section 3.29 apply.
- 4) The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety, and the lot is in conformance with all other applicable yard and lot requirements for the district in which it is located.

Any application for such single family housing construction shall be submitted to the Building Inspector and Official. Where applicable, the application shall include three (3) copies of the results of soil percolation tests performed by a registered civil engineer at the exact location of a proposed subsurface sewage disposal (septic) system. The application must be approved by both the Bay County Health Department and the Building Inspector and Official prior to issuance of any permit.

- (b) Variance to Building Area, Setback, and Side Yard Requirements - If the use of a nonconforming lot requires a variation from the building area, setback, and side yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- (c) Non-Conforming Contiguous Lots Under the Same Ownership - If two or more lots or a combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot which does not meet the lot width or area requirements of this Ordinance.

Upon application to the Township Board, the Township Board may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size

requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

## **SECTION II**

A. Section 2.21 of Chapter II, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended to read as follows:

### **SECTION 2.21 BUILDING INSPECTOR AND OFFICIAL**

The Building Inspector and Official is the Official appointed by the Township Board responsible for the issuance of building and related permits in the Township to protect the health and safety of the public. The Building Official is responsible for reviewing construction plans (Building Department Review) and working with the Zoning Administrator to conduct inspections of construction-in progress to ensure compliance with state, local building codes, and Township ordinances. At the direction of the Township Board, the roles of the Building Inspector and Official may be fulfilled by other Official(s). In this Ordinance, the term Building Inspector and Official may be used interchangeably with Zoning Administrator.

B. Chapter II, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended by the addition of Section 2.97 to read as follows:

### **SECTION 2.97 ZONING ADMINISTRATOR**

The Zoning Administrator Official is the Official appointed by the Township Board to coordinate with the Building Inspector and Official for the enforcement of Township ordinances to protect the health, safety and general welfare and attractiveness of the Township. The Zoning Administrator enforces Township ordinances by performing field investigations and responding to complaints. The Zoning Administrator is to ensure that Township ordinances are applied fairly to all residents. At the direction of the Township Board, the roles of the Zoning Administrator may be fulfilled by other Official(s). In this Ordinance, the term Zoning Administrator may be used interchangeably with Building Inspector and Official.

## **SECTION III**

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

Roll call vote:

Yes: Brandt, Kowalski, Arnold, Kochany, Malkin, Miller  
No: None  
Absent: Pike  
Motion carried.

Fire Truck Bids Unit 407

All bids received for Unit 407 were extremely low with the high bid of \$2,861 and the lowest bid of \$1,776.

Motion by Kowalski supported by Miller to reject all bids received for the sale of fire truck Unit 407.

Roll call vote:

Yes: Brandt, Kowalski, Arnold, Kochany, Miller  
No: Malkin  
Absent: Pike  
Motion carried.

Motion by Arnold supported by Malkin to submit Unit 407 out for bid again, publishing in the Bay City Democrat, and schedule the next bid opening for July 11, 2014 with consideration of the bids at the regular board meeting of July 14, 2014.

Motion carried.

Fireworks Permit ó S. Miller

Motion by Malkin supported by Miller to approve the fireworks permit submitted by S. Miller for a fireworks display at 5315 Four Mile Rd. on August 2, 2014, contingent upon Fire Department inspection of the site prior to the event.

Roll call vote:

Yes: Brandt, Kowalski, Arnold, Kochany, Malkin, Miller  
No: None  
Absent: Pike  
Motion carried.

BASA Request to Waive Portable Sign Permit Fee

Motion by Malkin supported by Miller to grant the request submitted by BASA to waive the \$25.00 portable sign permit fee to advertise Travel Soccer Tryouts.

Roll call vote:

Yes: Brandt, Malkin, Miller  
No: Kowalski, Arnold, Kochany  
Absent: Pike  
Motion Defeated.

Hall Request ó Monitor Firefighters Association 45<sup>th</sup> Annual Pancake Breakfast March 2015

Motion by Kochany supported by Malkin to grant the Monitor Township Firefighters Association request for use of the township hall March 20-22, 2015 for the 45th Annual Pancake Breakfast to be held on Sunday March 22, 2015; signed contract, all fees waived.

Roll call vote:

Yes: Brandt, Kowalski, Arnold, Kochany, Malkin, Miller

No: None  
Absent: Pike  
Motion carried.

Road Improvements for 2014

Due to the length of the meeting, this item will be placed on the next meeting agenda.

The meeting adjourned at 10:14 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor