

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
APRIL 11, 2011

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

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller
Members absent: None
Also present: R. Austin, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

B. Shaw requested board support for the Kawkawlin Metro Water District expansion to extend the Chip Road waterline.

S. McCafferty, 5451 Easy St., urged the board to support the amendments recommended by the Planning Commission regarding non-conforming lots.

S. Carmona, 5757 S. Two Mile Rd., questioned the legal opinion regarding his previous requests for reconsideration of the action taken by the township board at the October 25, 2010 meeting.

Public Input closed at 7:25 p.m.

Motion by Kowalski supported by Kochany to adopt the agenda with the addition of DDA member appointments.

Motion carried.

Motion by Malkin supported by Miller to approve the minutes of the March 28, 2011 regular meeting as presented.

Motion carried.

Motion by Pike supported by Kochany to pay the bills in the amount of \$40,773.60 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Proposed Chip Rd. Waterline Extension

The Board discussed the 3/30/2011 preliminary estimate of cost for the proposed Chip Road Water Main Extension project prepared by Spicer.

The total preliminary estimate to install 3,900 ft. of eight inch waterline with hydrants and contingencies is \$245,000.00. Payback of revenue associated with this line would be approximately 9.5 yrs. contingent upon if the developer maintains the estimated levels of water consumption.

Concern was expressed regarding the length of time needed to recoup this expenditure given the fact that should the developer decide to discontinue the oil generating method, the payback time would be considerably longer as only one township resident would be serviced by the waterline. More than one board member expressed the opinion that should the township decide to expend that amount of township funds to extend a waterline, it should be in an area that would not only benefit the water system but more importantly, benefit the most number of residents who are not currently receiving public water.

Additionally, the township has not received a formal request from the developer for the township to extend the waterline. It has been past practice that if a waterline extension is requested, and the developer receives the primary benefit, the developer paid for the water extension.

Regarding the verbal inquiry from the Kawkawlin Metro Water District to expand their water district to service this developer, the township board is hesitant to make a decision either way before a formal proposal, plans and draft agreement are submitted to the township.

No action was taken.

Second Reading and Adoption of Ordinance 52-P, Amending Wind Energy

Motion by Malkin supported by Miller to have this meeting serve as Second Reading and adoption of Ordinance 52-P, as follows:

ORDINANCE 52-P

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF MONITOR (ORDINANCE NO. 52) TO AMEND THE STANDARDS AND PROCEDURES BY WHICH THE INSTALLATION AND OPERATION OF A WIND ENERGY CONVERSION SYSTEM (WECS) SHALL BE GOVERNED WITHIN THE TOWNSHIP TO PROTECT THE HEALTH, WELFARE, SAFETY, AND QUALITY OF LIFE OF THE GENERAL PUBLIC, AND TO ENSURE COMPATIBLE LAND USES IN THE VICINITY OF THE AREAS AFFECTED BY WIND ENERGY FACILITIES AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION I

Subsection (c) of Section 3.46 of Chapter III of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 3.46 WIND ENERGY CONVERSION SYSTEMS

(c) Type of Review Required and Applicable Regulations

- 1) A building permit, and adherence to the regulations set forth in this Section shall be required for all Building-Mounted and Small-scale Wind Energy Conversion Systems located in all zoning districts.

- 2) Site sketch plan approval, a building permit, and adherence to the regulations set forth in this Section shall be required for all Mid-scale Wind Energy Conversion Systems located in all zoning districts.
- 3) Special land use review (as set forth in Section 17.20 of this Ordinance), site plan approval, a building permit, and adherence to the regulations set forth in this Section shall be required for Large-scale Wind Energy Conversion Systems located in any zoning districts.
- 4) Special land use review (as set forth in Section 17.20 of this Ordinance), site plan approval, a building permit, and adherence to the regulations set forth in this Section shall be required for all Utility Grid Wind Energy Conversion Systems. Utility Grid WECS shall not be permitted in any zoning district other than the AG and I zoning districts.

Required Review Process		
Type of WECS	Residential Districts	Non-Residential Districts
Building-Mounted	Building Permit	Building Permit
Small-scale	Building Permit	Building Permit
Mid-scale	SKP	SKP
Large-scale	SU	SU
Utility Grid	Not permitted in residential districts	SU in AG and I districts; not permitted in C or FP districts
	Sketch Plan Review	SKP
	Site Plan Review	SP
	Special Use Review (follow procedure in §17.20)	SU

SECTION II

Subsection (d), subparagraph 6), of Section 3.46 of Chapter III of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 3.46 WIND ENERGY CONVERSION SYSTEMS

(d) Standards for Building-Mounted Wind Energy Conversion Systems

- 6) Sound Pressure Level and Vibrations. The sound created by a Building-Mounted WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds

55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). Vibrations shall not be produced which are humanly perceptible beyond the property on which the Building-Mounted WECS is located.

SECTION III

Subsection (e), subparagraph 2), of Section 3.46 of Chapter III of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 3.46 WIND ENERGY CONVERSION SYSTEMS

(e) Standards for Small-scale and Mid-scale Wind Energy Conversion Systems

2) Height. The maximum permitted height, measured from the average grade to the center of the hub, for Small-scale WECS and Mid-scale WECS is as follows:

Type of WECS	Minimum Height	Maximum Height to Hub
Small-scale	No minimum	60 feet
Mid-scale	60.1 feet	120 feet

For the purposes of this section, grade shall be defined as the average grade of the lot or parcel of land upon which the WECS is located.

SECTION IV

Subsection (e), subparagraph 3), of Section 3.46 of Chapter III of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 3.46 WIND ENERGY CONVERSION SYSTEMS

(e) Standards for Small-scale and Mid-scale Wind Energy Conversion Systems

3) Setbacks. The minimum required setback for Small-scale WECS and Mid-scale WECS are as follows:

Type of WECS	Minimum Setback
Small-scale	150% of tower height
Mid-scale	150% of tower height in AG and I districts 200% of tower height in all other districts

*Height shall be as measured from the average grade to the highest point of the tower including the top of the blade in its vertical position.

No part of the WECS structure, including guy wire anchors, may extend closer than 10 feet to the owner's property lines, or the distance of the required principal structure setback in the respective zoning district, whichever results in the greater setback.

SECTION V

Subsection (e), subparagraph 4), of Section 3.46 of Chapter III of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 3.46 WIND ENERGY CONVERSION SYSTEMS

(e) Standards for Small-scale and Mid-scale Wind Energy Conversion Systems

- 4) Minimum Lot Area. The minimum lot area for a property to be eligible to have a Small-scale or Mid-scale WECS shall be as follows:

Type of WECS	Minimum Lot Area
Small-scale	1 acre
Mid-scale	5 acres

On property less than 5 acres in area, there shall be no more than one building mounted WECS or one small-scale building mounted WECS.

On property 5 acres or greater, there shall be no more than one small-scale or mid-scale WECS in addition to any building mounted WECS.

Special use, site plan approval, and adherence to the regulations set forth in this section shall be required for any property over five acres requesting more than one small or mid-scale WECS. There shall be a minimum of 1 acre for each small-scale WECS, and five acres for each mid-scale WECS.

SECTION VI

Subsection (e), subparagraph 6), of Section 3.46 of Chapter III of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 3.46 WIND ENERGY CONVERSION SYSTEMS

(e) Standards for Small-scale and Mid-scale Wind Energy Conversion Systems

- 6) Sound Pressure Level and Vibrations. The sound created by a Small-scale or Mid-scale WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This

sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). Vibrations shall not be produced which are humanly perceptible beyond the property on which the WECS is located.

SECTION VII

Subsection (f), subparagraph 6), of Section 3.46 of Chapter III of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 3.46 WIND ENERGY CONVERSION SYSTEMS

(f) **Standards for Large-scale and Utility Grid Wind Energy Conversion Systems**

- 6) Sound Pressure Level and Vibrations. Audible noise or the sound pressure level from the operation of the Large-scale or Utility Grid WECS shall not exceed fifty-five (55) dB(A), or the ambient sound pressure level plus five (5) dB(A), whichever is greater. The audible noise or sound pressure shall be measured at the property lines or the lease unit boundary where the WECS is located, whichever is farther from the source of the noise. This sound pressure shall not be exceeded for more than three minutes in any hour of the day. Vibrations shall not be produced which are humanly perceptible beyond the property on which the WECS is located.

SECTION VIII, PENALTY

Any person who shall violate any provision of this Ordinance shall be deemed responsible for the violation of a municipal civil infraction and shall be subject to all of the allowable fines, costs and penalties which shall be applicable for such violation in accordance with Ordinance No. 53, as amended.

SECTION IX, EFFECTIVE DATE

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

Roll call vote:

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

No: Kowalski

Absent: None

Motion carried.

Planning Commission Recommendation to Amend Sections 7.04 & 16.05 of Ord. 52

The Board discussed the proposed amendments to Sections 7.04 and 16.05 of Zoning Ordinance 52 that were submitted by the Planning Commission at their April 5, 2011 meeting.

The Clerk will work with the township attorney to prepare a draft ordinance for board consideration at the April 25, 2011 meeting.

Planning Commission Request for Joint Meeting

The Planning Commission at their April 5, 2011 meeting requested a joint meeting to discuss the board's position regarding the draft medical marijuana ordinance.

The Clerk has been in contact with the Planning Commission Chairman to clarify the changes the board recommended at the March 28, 2011 meeting. The Chairman will pass the information to the Planning Commission members.

Request for Review of Draft Amendment to WS Regional Sewage System Contract

DWS Director T. Paige submitted a draft of the 6th Amendment to the Westside Regional Sewage System Contract for Local Unit review and comment.

A copy of the document was also submitted to Austin for attorney review prior to tonight's meeting.

A concern was raised regarding paragraph #2 of the amendment relating to the basis by which each Local Unit's quarterly contribution to the Capital Improvement Fund would be calculated. It was the opinion of the Monitor Township Board that language should be added to specify that each of the local units shall be supplied a copy of the calculations whereby the CIP Fund quarterly invoice is calculated for each of the participating units, including the I & I and REU actual usage data.

The request will be submitted to DWS.

Hall Request of Monitor Township Firefighters Assoc. Pancake Breakfast March 2012

Motion by Kowalski supported by Kochany to grant the Monitor Township Firefighters Association request for use of the township hall March 22-25 for the 41st Annual Pancake Breakfast; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Personnel Committee Recommendations of Weekend Hall Custodian & Park Grounds Maintenance Custodian

Motion by Kowalski supported by Miller to terminate the employment of A. Dehmel as weekend hall custodian effective immediately.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Malkin supported by Miller to accept the resignation of R. Benjamin as Parks Grounds Maintenance Custodian.

Motion carried.

The job descriptions for the Parks Custodian and Parks Grounds Maintenance Custodian positions were discussed.

Motion by Malkin supported by Miller to authorize the Personnel Committee to post and conduct interviews for the Parks Grounds Maintenance Custodian and Weekend Hall Custodian positions.

Motion carried.

DDA Member Appointments

Motion by Malkin supported by Arnold to reappoint G. Ayotte and J. Dearrington to the Monitor Township DDA Board for the terms of office commencing on April 1, 2011 and ending on March 31, 2015.

Roll call vote:

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

No: None

Absent: None

Motion carried.

SUPERVISOR'S REPORT

Brandt reported he met with R. Eggers from Spicer Group to review the preliminary plans for the Park Improvement project.

The meeting adjourned at 10:45 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor