

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
JANUARY 14, 2013

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

Motion by Pike supported by Miller to approve the minutes of the December 10, 2012 regular meeting as presented.
Motion carried.

Motion by Kowalski supported by Kochany to pay the bills in the amount of \$51,719.75 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Kowalski supported by Malkin to receive the Treasurer's Report for December 2012.
Motion carried.

Second Reading & Adoption of Ordinance 52-S Amending Zoning Ordinance 52 - Residential Structures

Malkin stated the minimum floor area requirements specified for two-family homes and multi-family dwelling units in Section 3.29 (a)(2)(b) and (a)(2)(c), could be misinterpreted and suggested the following wording change:

- b) Two-family homes shall be a minimum of 720 square feet *per individual home*;
- c) Multi-family dwelling units shall be a minimum of 620 square feet *per individual unit*.

The board had first reading of this ordinance at the December 10, 2012 meeting. Though the change in wording is not a substantive change to warrant referral back to the planning

commission for another public hearing, it is a change from the original draft. It was the opinion of board members to reintroduce First Reading of this ordinance with the amended wording.

Motion by Malkin supported by Miller to have this meeting serve as First Reading of Ordinance 52-S, an ordinance amending the zoning ordinance of the Charter Township of Monitor (Ordinance No. 52) to revise the design standards for residential structures constructed or located in Monitor Township and to provide penalties for the violation of such regulation, and to set Second Reading of this ordinance to the next regular meeting of January 28, 2013.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Second Reading & Adoption of Ordinance 52-T Amending Zoning Ordinance 52 - Signs

Motion by Malkin supported by Pike to have this meeting serve as Second Reading and Adoption of Ordinance 52-T, as follows:

ORDINANCE 52-T

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF MONITOR (ORDINANCE NO. 52) TO DEFINE AND REGULATE SIGNS AND BILLBOARDS WITHIN RESIDENTIAL, COMMERCIAL, AND INDUSTRIALLY ZONED AREAS IN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATION

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION I

Section 2.80 of Chapter II of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 2.80 SIGNS AND BILLBOARDS

A sign shall mean and include every sign, billboard, pole sign, monument sign, free standing sign, tower sign, roof sign, sign painted or printed on the exterior surface of a building or structure, illuminated sign and temporary sign, and shall include any announcement, declaration, display, illustration or insignia used to advertise or promote the interest of any person or product when the sign is placed out-of-doors in view of the general public. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city, township or other political unit; nor shall it include any official notice of a nation, state, city or township indicating public hearings or meetings, voter registration or voting places, permits connected with the construction, alteration or removal of a building or structure, or the like.

- (a) Billboard (advertising sign) - Any structure, including the wall of any building, trucks, automobiles, farm machinery and other such equipment on which lettered, figured or pictorial matter is displayed for advertising a business, service or entertainment which is

not conducted on the land upon which the structure is located, or products not primarily sold, manufactured, processed or fabricated on such land.

- (b) Bulletin Board - A sign, either free standing or attached to a building or structure, which announces religious or public events.
- (c) Business Sign - A sign which directs attention to a business, profession, service, product or entertainment conducted on the premises where the structure is located.
- (d) Electronic Changeable Copy Sign ó A sign, or portion thereof, that displays electronic static images, static graphics or static pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, lights bulbs, or other illumination devices within the display area where the message is displayed.
- (e) Free Standing Sign ó A monument, pole or pylon sign.
- (f) Identifying Sign - Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public or recreation space, club, lodge, church or institution; (2) to tell the name or address of an apartment house, hotel or motel; or (3) to inform the public as to the use of a parking lot.
- (g) Marquee Sign - A projecting sign attached to, or hung from, a marquee; said marquee shall be known to mean a canopy or covered structure projecting from, and supported by, a building when such canopy or covered structure extends beyond the building, building line, or property line.
- (h) Memorial Sign ó A sign or tablet which is cut into the face of a masonry surface or is constructed of bronze or other incombustible material as is located flat on the face of a building. These signs note information such as when a structure was built and by whom or other non-commercial language or images.
- (i) Monument Sign ó A type of sign supported by a solid base, pole(s), or post(s) up to a maximum permitted height of eight (8) feet.
- (j) Portable Sign - A sign painted on, or in any manner affixed to, a supporting structure which is not permanently attached to the ground or another stationary structure.
- (k) Pylon Sign or Pole Sign - A type of sign supported by a post(s) or pole(s) in higher than eight (8) feet in height and lower than the maximum permitted height in the zoning district where the sign is located.
- (l) Professional Sign or Announcement - A sign affixed flat against the wall of a building which serves solely to designate the name or the name and profession, or the business occupation of a person or persons occupying the building to which it is attached.

- (m) Roof Sign - A sign structure that is erected on or above a roof, or that is installed directly on a roof's surface.
- (n) Scrolling Sign - An electronic changeable copy sign that changes more frequently than permitted by the standards in this ordinance or does not display static images.
- (o) Sign Face - The exposed surface area of a sign including any background constructed, painted or installed as an integral part of such sign, including border or trim, but excluding the base, supports or other structural members; the area of a sign used to convey an advertisement of other information. (Effective 4/1/96).
- (p) Subdivision Sign - A permanent sign which identifies the name of a residential subdivision or development and is located on the same premises.
- (q) Temporary Real Estate Sign - A sign which advertises the sale, rental or lease of the premises upon which it stands or a sign which directs attention to the opening and location of a building, structure, subdivision or other development.
- (r) Temporary Sign - Temporary signs shall include any sign, banner, pennant, valance or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to announce a specific event and can be displayed for a short period of time only.
- (s) Tower Sign - A type of free standing sign permitted in limited circumstances according to the provisions of this Ordinance, that is supported by post(s) or pole(s) to a height in excess of the usual height limitations of the zoning district where the sign is located.
- (t) Wall or Flat Sign - Any sign painted directly on or attached to an outside wall or parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects beyond the face of such wall.

SECTION II

Section 2.81 of Chapter II of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 2.81 SIGN MEASUREMENTS

- (a) Area - The exposed face area, measured in square feet, including any background, constructed, painted or installed as an integral part of such sign, including border or trim, but excluding the base, supports or other structural members.
- (b) Height - The vertical distance between the base or ground and the highest point on a sign structure.

- (c) Structure - The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more facings where the angle formed between the reverse side of each facing (or the projection thereof) exceeds forty-five (45) degrees, each facing shall be considered a separate sign structure.

VARIOUS TYPES OF GROUND OR FREESTANDING SIGNS:

Monument Sign

Monument Sign

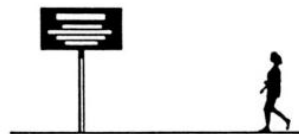
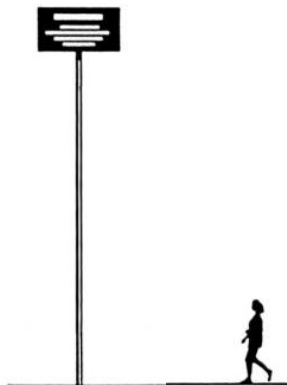


Tower Sign



Pole

Sign



SECTION III

Section 15.03 of Chapter XV of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 15.03 EXEMPTED SIGNS

- (a) Unchanged.
- (b) Unchanged.
- (c) Unchanged.
- (d) Unchanged.
- (e) Unchanged.
- (f) Unchanged.
- (g) Memorial signs when less than twelve (12) square feet and with text that does not exceed one and one-half (1 ½) inches in height. Memorial signs greater than twelve (12) square feet and with text that does not exceed one and one-half (1 ½) inches in height will be considered wall signs.
- (h) Unchanged.

- (i) Unchanged.
- (j) Unchanged.

SECTION IV

Section 15.04 of Chapter XV of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 15.04 PROHIBITED SIGNS

- (a) Unchanged.
- (b) Unchanged.
- (c) Unchanged.
- (d) Unchanged.
- (e) Unchanged.
- (f) Unchanged.
- (g) Unchanged.
- (h) Unchanged.

- (i) Portable signs except as otherwise provided in Section 15.05(e).
- (j) Unchanged.
- (k) Any sign with scrolling electronic messages.

SECTION V

Section 15.06 of Chapter XV of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 15.06 GENERAL CONDITIONS

- (a) Unchanged.
- (b) Unchanged.
- (c) Unchanged.
- (d) Unchanged.
- (e) Unchanged.
- (f) Unchanged.

- (g) Electronic changeable copy (LED) signs may be permitted in the C and I Districts, subject to the following conditions:
 - 1) Such sign shall not produce blinking, scrolling, flashing or animated images; blinking scrolling, flashing or animated messages; or have audio and video components similar to television images.

- 2) The changeable copy or message delivered by the sign shall not be changed more often than once every 10 seconds.
- 3) The change sequence shall be accomplished instantaneously.
- 4) Such sign may be a maximum of twenty four (24) square feet.
- 5) LED signs may only be incorporated into free standing signs.
- 6) Such signs shall be limited to 50 foot-candles power output.

SECTION VI

Section 15.08 of Chapter XV of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 15.08 SIGNS IN THE R DISTRICTS

- (a) Unchanged.
- (b) Unchanged.
- (c) Unchanged.
- (d) Unchanged.
- (e) Unchanged.
- (f) Two (2) signs, one (1) monument sign and one (1) wall sign, with no one sign exceeding of an area of fifteen (15) square feet for a maximum of thirty (30) square feet in area advertising the name and/or activities of other permitted nonresidential uses. Said signs shall be located on the same parcel as the use it is advertising.

SECTION VII

Section 15.09 of Chapter XV of the Monitor Township Ordinance 52, as amended, designated "Monitor Township Zoning Ordinance", effective December 14, 2003, is hereby amended as follows:

SECTION 15.09 SIGNS IN THE C DISTRICTS

- (a) **Single Tenant and Single Entrance Buildings.** The following sign standards shall apply to buildings which contain only one (1) tenant, and buildings which contain more than one (1) tenant but where all tenants share a common building entrance or entrances (for example, an office building or other type of building where access to individual tenant space is off of a common hallway or atrium.)
 - 1) One (1) free standing sign per site. The total permitted free standing sign area (excluding Tower Signs, if permitted) for buildings shall be as follows:

Free Standing Sign Requirements (Per Street Frontage)

| Building Type | Building Size | Maximum Height | Maximum Size |
|------------------------|-----------------------------|-----------------------|---------------------|
| Single Tenant Building | Any size | 8 ft. | 32 sq. ft. |
| Multi-Tenant Building | Less than 20,000 sq. ft. | 8 ft. | 32 sq. ft. |
| Multi-Tenant Building | 20,000-40,000 sq. ft. | 8 ft. | 64 sq. ft. |
| Multi-Tenant Building | Greater than 40,000 sq. ft. | 20 ft. | 100 sq. ft. |

2) The total permitted wall sign area for buildings shall be as follows:

| Building Mounted Sign Requirements | |
|---|---|
| Setback From ROW | Building Mounted Sign Maximum Size |
| Less Than 100 ft. | 100% of the building's linear street frontage or 200 sq. ft., whichever is less |
| 101-149 ft. | 125% of the building's linear street frontage or 200 sq. ft., whichever is less |
| 150-249 ft. | 150% of the building's linear street frontage or 200 sq. ft., whichever is less |
| More Than 250 ft. | 200% of the building's linear street frontage or 200 sq. ft., whichever is less |

- a) Sign may be placed on any building face.
 - b) Applicant has the discretion to determine how to distribute permitted square footage on building faces, but no more than three (3) wall signs shall be permitted.
- 3) If a business establishment is located in a site with frontage on US-10 or I-75, the business establishment may be permitted to place one (1) additional wall sign on the wall facing US-10 or I-75.
- 4) Any free standing sign shall not be located closer to adjacent properties than a distance equal to its height.
- 5) Tower signs, as permitted by other provisions of this Ordinance, shall not be included in the sign display area limitation.
- (b) **Multi-Tenant Buildings.** The following sign standards shall apply to shopping centers and similar multi-tenant buildings, where each tenant has building frontage and their own entrance to the outside:
- 1) Any such development shall be permitted a total of up to three (3) signs, consisting of wall or free standing signs, for group identification or to advertise the name of the

shopping center or premises, provided that no more than one free standing sign shall be permitted.

- 2) The total sign area for a building mounted sign shall not exceed the requirements of Section 15.09(a)(1) and 15.09(a)(2). The total area of free standing sign shall not exceed the requirements of Section 15.09(a)(1).
 - 3) For buildings with a setback of 100 feet or less, wall sign lettering shall be a maximum of eighteen (18) inches in height.
 - 4) In addition, individual tenants or uses shall be permitted to have one (1) wall sign not to exceed one (1) square foot per lineal foot of store frontage, up to the maximum wall sign area as permitted in Section 15.09(a)(2), located on the face of the building area occupied by the tenant or use.
 - 5) Tower signs, as permitted by other provisions of this Ordinance, shall not be included in the sign display area limitation.
 - 6) If a business establishment is located in a site with frontage on US-10 or I-75, the business establishment may be permitted to place one (1) additional wall sign on the wall facing US-10 or I-75.
 - 7) Any free standing sign shall not be located closer to adjacent properties than a distance equal to its height.
- (c) Unchanged.
- (d) Unchanged.
- (e) Unchanged.
- (f) Unchanged.
- (g) Gasoline price signs may be permitted in the C District, subject to the following:
- 1) Gasoline price signs shall be considered ground and/or freestanding signs for the purpose of this Section.
 - 2) One (1) gasoline price sign shall be permitted per site.
 - 3) The portion of the gasoline pricing sign dedicated displaying the price of gasoline per state law is exempt from the maximum square footage requirements of this ordinance.
- (h) Unchanged.

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, Kowalski, Pike, Kochany, Malkin, Miller

No: Arnold

Absent: None

Motion carried.

DDA 2012 Budget Adjustment

Motion by Kowalski supported by Miller to approve the amendment to the 2012 DDA Budget as submitted by the DDA in their correspondence to the board dated January 8, 2013 as follows:

Increase property tax line item by \$492.95; Decrease misc. line item by \$492.95.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Resolution R-2013-001 ó Muskegon Development Project

The township board has received multiple public notices, two most recently, from the United States Environmental Protection Agency (USEPA, Region 5 office, regarding applications submitted by Muskegon Development Company for proposed Class II injection well permits.

As requested at the December 10, 2012 meeting, Miller submitted a resolution for board consideration to provide township response to not only the two recent applications but any further applications that may be submitted for this type of permit.

Motion by Miller supported by Malkin to adopt Resolution R-2013-001, a resolution opposing any and all Muskegon Development projects to use potable water to be pumped in the ground for the purpose of residual oil recovery as follows:

RESOLUTION ON THE MUSKEGON DEVELOPMENT PROJECT

WHEREAS, the U.S. Army Corps of Engineers reported in 2012 that water levels in Lakes Michigan and Huron will be 21 inches below normal and predict future lower levels of water due to increased evaporation and less precipitation as a result of global climate change; and

WHEREAS, the U.S. Environmental Protection Agency, in *Midwest Impacts and Adaptation* reports, that "...there will likely be longer periods without precipitation. Increased evaporation during warmer summers could increase the likelihood of water shortages or drought in the Midwest"; and

WHEREAS, the Michigan Department of Community Health in a 2011 paper entitled *Michigan Climate and Health Adaptation Plan* warns of "drought leading to declining water levels with poorer water quality..."; and

WHEREAS, Monitor Township draws its drinking water from Lake Huron, has parks that utilize water resources, and is heavily agricultural and dependent on irrigation; and

WHEREAS, state and federal permit requests for Muskegon Development Company call for an eight year project involving purchasing 1,000 barrels (42,000 gallons) of potable water drawn from Lake Huron daily to be pumped underground; and

WHEREAS, this water will mix with saline and petroleum product to facilitate oil extraction in a process called Secondary Recovery, and will be lost for human consumption, recreation or use in irrigation; and

WHEREAS, this is inconsistent with the conservation of water resources necessary for predicted lower lake levels; will have potentially negative impacts on drinking water, recreation and farming done by Monitor Township residents,

NOW THEREFORE BE IT RESOLVED, the Monitor Township Board of Trustees, Bay County, Michigan, on this 14th day of January, 2013, herein opposes the Muskegon Development project as a threat to the beneficial uses of our lakes and the welfare of its residents; and

BE IT FURTHER RESOLVED, requests that the U.S. Environmental Protection Agency take into consideration this project's cost not only in relation to its impact on drinking water aquifers but on its impact on surface waters and best management practices associated with water conservation given the regulatory and scientific consensus on global climate change and its specific impact on Lake Huron waters.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Fire Chief Recommendation - Resignation of On-Call Firefighters ó D. Jean, D. Meschke, & A. Abraham

Motion by Kowalski supported by Malkin to accept the resignations of on-call firefighters Danielle Jean, Doin Meschke and Aaron Abraham as recommended by the Fire Chief.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Fire Chief Recommendation ó Hiring of J. Weiland as Probationary On-Call Firefighter
Motion by Kowalski supported by Arnold to hire Joseph Weiland as a probationary on-call firefighter as recommended by the Fire Chief.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Supervisor Recommendation for Appointment to Board of Review; Planning Commission; ZBA
Motion by Kowalski supported by Pike to reappoint Rose Marie Periard, Gordon Kimmerly and Robert Kienbaum to the Board of Review for a term of office commencing January 1, 2013 and expiring on December 31, 2014 and to further reappoint Kenneth Thomas as Board of Review Alternate Member for a term of office commencing January 1, 2013 and expiring on December 31, 2014, as recommended by the Supervisor.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Pike supported by Miller to reappoint Carole Hoyle and Robert óBobö Campbell to the Planning Commission for a term of office commencing January 1, 2013 and expiring on December 31, 2015 and to further reappoint Earl Arnold as Township Board Representative on the Planning Commission for the term of office commencing November 21, 2012 and expiring on November 20, 2016, as recommended by the Supervisor.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Malkin supported by Kochany to reappoint James Horen to the Zoning Board of Appeals and Joy Krueger as an Alternate Member of the ZBA for the term of office commencing January 1, 2013 and expiring on December 31, 2015 and to further reappoint Terry Miller as the Township Board Representative to the ZBA for the term of office commencing November 21, 2012 and expiring on November 20, 2016, as recommended by the Supervisor.

Roll call vote:

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

No: None

Absent: None

Motion carried.

SUPERVISOR'S REPORT

Township Assessor M. Ford submitted a memo dated January 10, 2013, to inform the board Fabiano Brothers has filed a petition to the Michigan Tax Tribunal to appeal their assessment /taxable value of their property in Monitor Township for the 2012 year. Because the amount

they are requesting would result in a significant reduction to both values, Ford wanted the board to be aware she will be contacting an attorney to represent the township in this case. Board members suggested the Assessor contact the other taxing entities that would be negatively impacted by the potential reduction in Fabiano's assessment/taxable value to contribute toward offsetting the attorney expense.

Brandt reported DWS has a program listed in their 2013 budget to video 1/7th of the Monitor Township sanitary sewer system, map it, and install manhole inflow protectors for a cost of estimated at \$45,000 to \$50,000 per year. There is a State Revolving Fund/Strategic Water Quality Initiatives Fund (S2) Grant available to provide communities for up to 90 percent of the planning, design, and revenue system development costs for prospective SRF and SWQIF applicants. Brandt stated he contacted Spicer and requested they provide a proposal to obtain the grant, clean, video and map the sewer lines; monitor the flow from different locations in the sewer system in order to find where I & I is coming from; and implement a plan and engineering to correct the problem. Neither plan would cover the cost to repair any problems in the system. Though board members do not oppose the investigation of the sanitary sewer, concern was raised that in the event the grant is awarded, if repairs are not done within 3 years of the first grant disbursement, Monitor would be required to repay the grant with accrued interest. Questions were also raised that the DWS plan would result in inspection and mapping of the complete sewer system over a 7-year period and if the Spicer proposal would include the same scope of work. Further information will be submitted.

Brandt reported a company has inquired if the DDA would be interested in offering an agreement similar to that with Fabiano Brothers in the event they purchase property in the DDA district.

New business coming into the DDA area is always good for the township. Without specifics in what is actually being proposed, the board was unable to give a consensus.

Are they (the potential company) asking if we would be interested in establishing an industrial development district so they can apply for an IFT? We cannot do that until the Fabiano agreement is final.

Is the DDA asking if we are interested in extending the term of the DDA? There is the DDA sunset clause to consider once the obligation to Fabiano is paid. Given the County was not receptive to amending the current sunset provision it is doubtful they would be receptive to an extension.

The meeting adjourned at 8:37 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor