

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
JANUARY 28, 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  
Also present: R. Austin, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

County Commissioner V. Begick stated support of the proposed Bay Area Water Treatment Plant and hoped Monitor Township would also support the plant by adopting the resolution approving the water supply agreement.

Public input closed at 7:03 p.m.

Motion by Kowalski supported by Kochany to adopt the agenda as presented.  
Motion carried.

Motion by Miller supported by Kochany to approve the minutes of the January 14, 2013 regular meeting as presented.  
Motion carried.

Motion by Malkin supported by Kowalski to pay the bills in the amount of \$40,334.81 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

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

Motion by Kowalski supported by Malkin to have this meeting serve as second reading and adoption of Ordinance 52-S, as follows:

**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**

**THE CHARTER TOWNSHIP OF MONITOR ORDAINS:**

## **SECTION I**

Section 3.29 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 3.29 RESIDENTIAL DESIGN STANDARDS**

The following design standards shall apply to any residential dwelling unit, including mobile homes or manufactured dwelling units constructed or installed subsequent to the effective date of this Ordinance or amendment thereto:

- (a) Dimensions.
  - 1) Residential structures shall be located on the lot so that the minimum width of the front yard façade is not less than 30 feet and the minimum façade length along any side or rear yard is not less than 24 feet. If the residential dwelling unit is located on a corner lot, the applicant may select which corner yard shall have the required minimum 30 foot façade width.
  - 2) Residential structures shall comply with the minimum floor area requirements specified below exclusive of uninhabitable basements, porches, garages, breezeways, crawlspaces, terraces or attics:
    - a) Detached single-family homes shall be a minimum of 1,000 square feet;
    - 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.
- (b) Foundations. All residential structures shall be placed on a basement, slab or crawl space foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted Building Code of the Township. All homes shall be securely anchored to basement or crawl space foundations in order to prevent displacement during windstorms.

## **SECTION II 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 III, 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, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

R-2013-002 Resolution Approving Bay County Water Supply Agreement

Malkin stated all the concerns and questions he expressed at the intergovernmental meetings regarding the agreement to build the new water treatment plant have been addressed.

Motion by Malkin supported by Kowalski to adopt resolution R-2013-002, as follows:

**RESOLUTION ADOPTING CONTRACT  
TO BUILD THE  
BAY AREA WATER TREATMENT PLANT**

**WHEREAS**, Bay City owns and operates the Bay City Municipal Water Treatment Plant and Transmission System which provides treated water to the various municipalities of the County of Bay including the Charter Township of Monitor; and,

**WHEREAS**, The various municipalities of the County of Bay including this municipality intend to finance and construct the Bay Area Water Treatment Plant pursuant which will be used to provide treated water to the users of Monitor Township; and,

**WHEREAS**, It is believed that over the course of forty years that the construction of the Bay Area Water Treatment Plant will benefit all of the users of the new plant by providing a better quality of water at more stable rates and long term system stability; and,

**WHEREAS**, The Monitor Township board has been actively involved in the many discussions, negotiations and meetings concerning the construction of the Bay Area Water Treatment Plant. The board believes it to be the best interest of Monitor Township to become a part of the new Bay Area Water Treatment Plant system;

**NOW THEREFORE BE IT RESOLVED:**

1. The Charter Township of Monitor hereby declares its acceptance of the final version of the WATER SUPPLY AGREEMENT by and between certain municipalities within the County of Bay with the Board of County Road Commissioners of the County of Bay, as designated county agency for the County of Bay pursuant to Act 342, Public Acts of Michigan, 1939, as amended (the "Commission"), being the operator.

2. That the Supervisor and Clerk are hereby authorized to execute the above referenced WATER SUPPLY AGREEMENT for and on behalf of the Charter Township of Monitor.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Roll call vote:

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

No: Brandt

Absent: None

Motion carried.

#### Initial Hazardous Structure Building Inspection Report ó 5110 Maplegrove

The building inspector submitted an initial inspection report regarding the potentially hazardous structure located at 5110 Maplegrove. The inspection was based on findings from the exterior of the structure. The property owner will need to be contacted by certified letter to request access to the interior of the structure for further inspection before any further action may be taken by the board.

#### Roth Request to Waive DWS Late Fee

A request was submitted by A. Roth to waive the DWS late fee for his fourth quarter bill. Mr. Roth stated he did not receive the bill in the mail.

DWS confirmed the bill was sent to the correct mailing address and was not returned to them.

Motion by Arnold supported by Miller to deny the request submitted by Mr. A. Roth to waive DWS late fee charges in the amount of \$22.07.

Roll call vote:

Yes: Brandt, Kowalski, Arnold, Kochany, Miller

No: Pike, Malkin

Absent: None

Motion carried.

#### Fire Chief Recommendation ó Reinstatement of C. Kelly as On-Call Firefighter

Motion by Kowalski supported by Malkin to hire C. Kelly as a probationary on-call firefighter as recommended by the Fire Chief.

Roll call vote:

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

No: Arnold

Absent: None

Motion carried.

#### Hall Request ó Monitor Township Softball League

Motion by Kowalski supported by Miller to waive all hall rental fees for the Monitor Township Softball League's use of the hall front entrance for registration to be held on Saturday March 2, 2013; the board further grants the Monitor Township Softball League use of the township hall on Monday May 13, 2013 for team picture night, rental fee waived, signed contract, damage deposit and hall clean-up fee required.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Sponsorship Request ó Monitor Township Softball League

The Monitor Township Softball League submitted a request to sponsor a team for the 2013 season. It was the attorney's opinion this is not a lawful or appropriate expenditure of general fund tax dollars.

Motion by Kowalski supported by Arnold to receive the request submitted by Monitor Township Softball League.

Motion carried.

2012 General Fund Budget Adjustments

Motion by Pike supported by Malkin to approve the following 2012 General Fund budget adjustments as recommended by the Clerk's office as follows:

Decrease 101-000-501.550 LWCF Park Grant Revenue by \$62,330.00 because it was booked as a receivable in 2011 to match the park expenses; Increase fund equity \$62,330.00.

Increase 101-401-801 Planner by \$ 2,050.00; Decrease 101-210-801 Atty by \$ 2,050.00.

Increase 101-448-920 Streetlights by \$ 850.00; Decrease 101-751-727 by \$850.00.

Increase 101-751-920 utilities by \$ 2,280.00; Decrease 101-751-956 by \$1,000.00, Decrease 101-751-958 by \$1,280.00.

Roll call vote:

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

No: None

Absent: None

Motion carried.

SUPERVISOR'S REPORT

Brandt stated we have received responses from some, but not all of the taxing entities regarding financial support for the Fabiano tax tribunal case. More information will follow.

D. Scherzer from Spicer Group submitted a proposal to do an I & I study of the township sanitary sewer system. The proposal will be placed on the February 11, 2013 meeting agenda.

The meeting adjourned at 8:20 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor