

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
MARCH 14, 2011

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

Members present: Brandt, Kowalski, Arnold, Kochany, Malkin, Miller  
Members absent: Pike  
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. Carmona, 5757 S. Two Mile Rd., requested the board to reconsider the October 25, 2010 motion to deny his request for a refund of a building permit issued in 2008.

Carmona also offered comment regarding the proposed amendment to Section 17.09 of Ordinance 52.

Public Input closed at 7:17 p.m.

Motion by Malkin supported by Miller to adopt the agenda with the deletion of the proposed Chip Rd. waterline extension.

Motion carried.

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

Motion carried.

Motion by Miller supported by Kochany to pay the bills in the amount of \$33,797.73 from General Fund.

Roll call vote:

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

No: None

Absent: Pike

Motion carried.

Review of Hall Rental Regulations and Fees

Austin gave his legal opinion regarding items discussed at the February 28<sup>th</sup> meeting. 1) In regard to discriminatory treatment, the statute does address discriminatory treatment however, it is only discriminatory if the board were to consistently waive the fee for one group but not another of the same type of group. 2) Regarding the lawfulness to waive hall fees, Austin stated municipal entities cannot use public money to donate to worthwhile causes. Municipal entities typically do not get sued by waiving a rental fee for an organization. 3) In regard to hall renter selling liquor at rental events, Austin stated the renter comply with the law and obtain a one day liquor license to sell liquor at their events.

Motion by Malkin supported by Miller to direct the Clerk to incorporate into the Hall Rental Regulations and Hall Rental Fee Schedule, the requirement that if liquor is sold at hall rental events, the renter must supply the township with a copy of their liquor license in addition to supplying proof of host liquor liability insurance coverage.

Motion carried.

Consideration of IFT Application for Metro Fabricating ó Real Property  
R-2011-003 Resolution Approving Metro Fabricating IFT Application & IFT Agreement

Motion by Kowalski supported by Malkin to adopt Resolution R-2011-003, as follows:

**RESOLUTION APPROVING THE APPLICATION OF METRO FABRICATING,  
LLC FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND  
INDUSTRIAL FACILITIES AGREEMENT**

**WHEREAS**, pursuant to 1974 PA 198, that being MCLA S 207.551 et seq., after a duly noticed public hearing, this Township Board, by Resolution previously established an Industrial Development District encompassing property now owned by Metro Fabricating, LLC; and

**WHEREAS**, Metro Fabricating, LLC, thereafter on or about January 20, 2011, submitted an Application, for Industrial Facilities Exemption Certificate with the Monitor Township Clerk, who, upon receipt of said Application, sent written notices to the local assessor and to the legislative bodies of each unit levying ad valorem taxes in Monitor Township, affording them an opportunity for a hearing at which representatives of Metro Fabricating, LLC would be present; and

**WHEREAS**, at a regular meeting of the Township Board held February 14, 2011, a Resolution Setting a Time to Consider the Application filed by Metro Fabricating, LLC, which Resolution set February 28, 2011, as the date for consideration of said Application; and

**WHEREAS**, pursuant to the Resolution approved by the Township Board on February 14, 2011, representatives of the Applicant, Metro Fabricating, LLC, the local assessor and representatives of the affected taxing units were afforded an opportunity to be heard.

**NOW THEREFORE, BE IT RESOLVED:**

1. That this Township Board finds:
  - a. That the application relates to new construction which will become affixed to the real property and is situated in the Industrial Development District established in Monitor Township by the Monitor Township Board on the 27th day of July, 1981, by Resolution of the Township Board.
  - b. That the construction will not have the effect of transferring employment from elsewhere in Michigan to the Township of Monitor.

- c. That the aggregate SEV of real property, exempt from ad valorem taxes within the Township of Monitor, after granting this certificate, will exceed five percent (5%) of an amount equal to the sum of SEV of the Township plus SEV of real property thus exempted. However, the Township Board specifically finds that the granting of the exemption applied for will not substantially impede the operation of, or, impair the financial soundness of any affected local government or other taxing authority.
2. That the Application of Metro Fabricating, LLC for an Industrial Facilities Exemption Certificate with regard to building improvements described in its application and situated in the Industrial Development District established previously by the Township Board be and hereby is approved for a period of five (5) years.
3. That the Township Board hereby approves the 2011 Industrial Facilities Exemption Certificate Agreement for Metro Fabricating, LLC.
4. That the Township Board authorizes the Township Supervisor and Clerk to sign the 2011 Certificate Agreement for and on behalf of the Charter Township of Monitor.

Roll call vote:

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

No: None

Absent: Pike

Motion carried.

R-2011-004 Resolution Adopting the Bay County Hazard Mitigation Plan

Motion by Kowalski supported by Miller to adopt Resolution R-2011-004, as follows:

**A RESOLUTION ADOPTING THE  
BAY COUNTY HAZARD MITIGATION PLAN**

**WHEREAS**, the Charter Township of Monitor, Bay County, Michigan has experienced risks that may damage commercial, residential and public properties, displace citizens and businesses, close streets and impair infrastructure, and present general public health and safety concerns; and

**WHEREAS**, the community of Bay County has prepared a "Hazard Mitigation Plan" that outlines the community's options to reduce damages and impacts from natural and technological hazards; and

**WHEREAS**, the "Hazard Mitigation Plan" has been reviewed by community residents, business owners, and federal, state and local agencies, and has been revised where appropriate to reflect their concerns;

**NOW THEREFORE BE IT RESOLVED**, that the Township Board hereby adopts the Bay County Hazard Mitigation Plan as an official plan of the Charter Township of Monitor, Bay County, Michigan.

Roll call vote:

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

No: None

Absent: Pike

Motion carried.

Cost Recovery Appeal ó Green

Motion by Kowalski supported by Kochany to deny the appeal of cost recovery charges submitted by D. Green for fire department response to the incident on January 17, 2011.

Roll call vote:

Yes: Brandt, Kowalski, Kochany, Malkin, Miller

No: Arnold

Absent: Pike

Motion carried.

Planning Commission Recommendations ó March 1, 2011 Meeting

The board reviewed the recommendations that were made at the Planning Commission March 1, 2011 meeting.

• Consideration for First Reading ó Ordinance 52-O

Motion by Malkin supported by Kowalski to have this serve as First Reading of Ordinance 52-O, an Ordinance amending Section 17.09 of Zoning Ordinance 52 and to set Second Reading for the March 28, 2011 regular meeting.

Roll call vote:

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

No: None

Absent: Pike

Motion carried.

• Revisions to Section 3.46

Motion by Malkin supported by Miller to set First Reading of Ordinance 52-P, an Ordinance amending Section 3.46 of Zoning Ordinance 52, to the March 28, 2011 regular meeting.

Motion carried.

• Board Review & Feedback ó Addition of Section 3.48

The board discussed the Planning Commission draft amendment regarding medical marijuana regulations. Of particular concern was the change to the separation requirements for medical marijuana grow facilities, dispensaries and clubs to be located 500 ft. from any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 yrs., places of worship or public parks, instead of the 1000 ft. previously proposed.

The board would like to review the zoning map McKenna supplied to the Planning Commission before offering comment.

The establishment of medical marijuana regulations for the township is taking more time than the board had originally foreseen. As a result, there was discussion regarding the adoption of a

moratorium.

Motion by Miller supported by Malkin to adopt a moratorium to prohibit the establishment of all Medical Marijuana Clubs (Aka Compassion Clubs), Medical Marijuana Dispensaries, or Medical Marijuana Growing Facilities in Monitor Township for a period of six (6) months while the township completes the process of adopting a township ordinance.

Roll call vote:

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

No: None

Absent: Pike

Motion carried.

Monitor Township Ball League Request ó April 11, 2011

Motion by Malkin supported by Miller to grant the Monitor Township Ball League's request for use of the front lobby of the township hall for the coaches meeting on April 11, 2011; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: Pike

Motion carried.

Monitor Township Ball League Request ó May 16, 2011

Motion by Brandt supported by Kochany to grant the Monitor Township Ball League's request for use of the township hall for team pictures on May 16, 2011; rental fee waived, signed contract, damage deposit and clean-up fee required.

Roll call vote:

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

No: None

Absent: Pike

Motion carried.

SUPERVISOR'S REPORT

Brandt referenced the Midland Road construction meeting the Road Commission held on March 10, 2011.

The meeting adjourned at 8:57 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor