

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
OCTOBER 23, 2017

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

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh  
Members absent: None  
Also present: Richard Sheppard, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

S. Carmona, 5757 S. Two Mile, voiced concerns regarding the project scope and protocols of the Fact Finding Committee.

County Commissioner V. Begick gave an update of County issues.

Public Input closed at 7:06 p.m.

Motion by Reder supported by Walsh to adopt the agenda with the addition of the Girl Scouts request for use of the township parking lot.

Motion carried.

Motion by Reder supported by Pike to approve the minutes of the September 11, 2017 regular meeting as presented.

Motion carried.

Motion by Reder supported by Walsh to approve the minutes of the October 17, 2017 special budget workshop meeting as presented.

Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amount of \$52,139.04 from General Fund.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Motion by Reder supported by Kochany to receive the Treasurer's Report for August & September, 2017.

Motion carried.

DDA Proposed 2018 Budget

Motion by Brandt supported by Pike to approve the proposed DDA 2018 Budget as submitted.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Reder, Walsh  
No: Kochany  
Absent: None  
Motion carried.

R-2017-025 Forster Drain Maintenance Authorization Resolution

Motion by Kowalski supported by Reder to adopt Resolution R-2017-025, a resolution authorizing the amount requested by the Bay County Drain Commissioner for maintenance of the Forster Drain as follows:

**RESOLUTION**

***WHEREAS,*** The Bay County Drain Commissioner has advised the Supervisor of the Township of Monitor, that, pursuant to Section 196 of the Michigan Drain Code 9MCL 280.196; MSA 11.1196), an inspection has been made of the Forster Drain; and it has been determined, as a result of the inspection, that certain maintenance must be performed upon the Drain; and,

***WHEREAS,*** The Bay County Drain Commissioner has the authority to expend Five Thousand Five and no/100 (\$5,000.00) Dollars per mile in any one (1) year for the maintenance of the drain, and where it is estimated that expenditures in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile are necessary, those amounts may not be expended until approved by Resolution of the governing body of each township, city and village affected by more than twenty (20%) percent of the cost; and,

***WHEREAS,*** The Bay County Drain Commissioner has advised the Supervisor for the Township of Monitor, that it will be necessary to expend funds in excess of Five Thousand and no/100 (\$5,000.00) dollars per mile for the maintenance of the Forster Drain, and that the Township of Monitor is affected by more than twenty (20%) of the cost; and

***WHEREAS,*** The Bay County Drain Commissioner estimates that the cost for the maintenance of the Forster Drain, will be approximately \$5,681.20 which constitutes \$681.20 in excess of the authorized Five Thousand and no/100 (\$5,000) per mile.

**Monitor Township's at large portion is 15% or approximately \$3,408.72.**

***NOW, THEREFORE, IT IS HEREBY RESOLVED*** by the Township Board of the Township of Monitor, that pursuant to Section 196 of the Drain Code, the Bay County Drain Commissioner is authorized to expend money for the maintenance and repair of the Forster Drain in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile and, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance or repair of the Drain, then the Bay County Drain Commissioner is authorized to levy a special assessment, as allowed by law.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh  
No: None  
Absent: None  
Motion carried.

R-2017-026 Resolution of Intent to Amend Trash Special Assessment Roll

Motion by Kowalski supported by Brandt to adopt Resolution R-2017-026, a resolution of intent to amend the township wide trash special assessment roll and set November 13, 2017 for the public hearing as follows:

**RESOLUTION OF INTENT TO AMEND SPECIAL ASSESSMENT  
ROLL REGARDING MONITOR TOWNSHIP TRASH PICKUP  
SERVICE, AND TO HOLD A PUBLIC HEARING REGARDING  
SAME**

**WHEREAS**, on August 24, 1998, a Resolution of Intent to Proceed After Public Hearing was adopted, which Resolution established a Township wide special assessment district for trash pick-up, and

**WHEREAS**, the special assessment roll of all parcels in the Township to be included in the special assessment district was confirmed by the Monitor Township Board after public hearing held September 14, 1998, and

**WHEREAS**, the Township has executed a Township Wide Residential Trash Removal Agreement to effectuate the trash pick-up program, and

**WHEREAS**, it has now become necessary to add as many as forty one (41) parcels and delete as many as twenty two (22) parcels from the special assessment roll as originally adopted, and

**WHEREAS**, any amendment to a confirmed special assessment roll for any special assessment district created pursuant to Public Act 188 of 1954, requires a public hearing and notice of said hearing;

**NOW THEREFORE BE IT RESOLVED** that a public hearing shall be conducted upon the amendment of the special assessment roll, which hearing will be held at the Monitor Township Hall at 2483 East Midland Road, Bay City, Michigan, commencing at 7:00 p.m. on November 13, 2017.

**BE IT FURTHER RESOLVED** that the Clerk and the Assessor shall prepare an Amended Assessment Roll which shall include all parcels necessary to be added and all parcels to be deleted from the Special Assessment Roll previously confirmed by this Board, and

**IT IS FURTHER RESOLVED** that the Clerk shall mail notification to the owners of record of each parcel being added to or deleted from the special assessment roll, and publish notice two times in a newspaper of general circulation within the Township in a manner consistent with the notice requirements of Act 188 of 1954.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Consideration of Draft Medical Marihuana Facilities Ordinance No. 65

The Supervisor prepared for the board's consideration a draft ordinance for Medical Marihuana facilities. Malkin stated the draft was an amalgamation of various marihuana ordinances and contains various references to state statute and has been reviewed by the township attorney. Reder recommended referring the draft ordinance to the Planning Commission. Sheppard stated the planning commission would need direction from the board to review the ordinance.

Kowalski stated it was her opinion to allow growing and processing facilities as they are similar to agricultural operations like Michigan Sugar but to not allow provisioning (distribution) centers in the township.

Another concern in Section III (2.) is the requirement that after receiving the complete application and fee, the application is submitted to the township board and not the planning commission for the initial review.

Kowalski also questioned the reasons behind the requirements listed in Section III (4.B.) and (C.3) as well as (6.iv) stating the material safety data sheets for the facilities would be required by OSHA and not necessarily by the township.

The last concern was in Section V regarding the annual fee for the facilities payable by the anniversary date the facility is authorized by the township. Kowalski stated such dates could be staggered throughout the year and where it would be easy to keep track of those dates initially, it would be more difficult as the years go by. Kowalski asked if such a fee could be put on the taxes or at a fixed date so that collection of the annual fees would not be missed.

Brandt & Kochany suggested the township consider adding an additional sheriff deputy if such facilities are allowed.

Kowalski stated the growing and processing facilities pretty much keep a low profile to not draw attention to themselves.

Brandt stated the addition of provisioning centers in surrounding townships could increase crime.

Sheppard stated allowing marihuana facilities would enable the township to receive a percentage of the revenue collected by the state for licensing these facilities.

The state is currently working on the licensing requirements for these facilities to go into effect after the first of the year.

The township would need to have an ordinance in place to participate or by not doing anything would opt out.

Sheppard stated the new law does not however prohibit the growing of marihuana for caregivers up to six patients as is currently allowed.

Motion by Reder supported by Pike to refer the draft Medical Marihuana Ordinance to the Planning Commission for review.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Moratorium for Temporary Uses-See the new proposed 17.23

Malkin submitted proposed substantive changes to be incorporated into the new zoning ordinance the planning commission is working on. Malkin stated one of the new provisions 17.23 would allow the Supervisor or his designee the authority to grant permission for temporary uses that occur during construction phasing.

If the township board is in favor of such a change, Malkin stated there are currently instances where this could be beneficial and inquired of the board would be in favor of adopting this policy prior to ordinance adoption.

It was the consensus of the board that all proposed changes to the zoning ordinance would be discussed at the scheduled November 29, 2017 joint meeting of the township board, planning commission and zoning board of appeals and any changes made would not take place until after the new zoning ordinance is adopted.

ZBA Recommendation to Waive Special Use Permit Fees for Westside Storage ó ZBA Minutes ó September 21, 2017 Meeting

J. Mulders appealed to the ZBA requesting an interpretation of the zoning ordinance that would require him to submit an amended special use permit and site plan to conduct a business at 5964 S. Two Mile Rd. (Westside Storage). The property was purchases by Mulders in November 2016 and he was unaware it was not compliant. It was suggested by the ZBA Chairman and the Supervisor to request the township board waive the planning commission special use and site plan review fee.

Kowalski stated that such fees are set to cover the township costs for planning commission and planner review as well as required publication and mailing costs. To waive the fee makes the township assume these costs.

Motion by Malkin supported by Walsh to waive the special use permit fee for Westside Storage as recommended by the Supervisor and ZBA.

Roll call vote:

Yes: Malkin, Pike, Brandt, Reder, Walsh

No: Kowalski, Kochany

Absent: None

Motion carried.

Fire Station Fact-Finding Committee Recommendation ó 2 Wolgast Proposals

The Fire Station Fact-Finding Committee had requested Rick Keith from Wolgast to prepare two proposals to be submitted to the township board for approval.

The first proposal would be for preliminary architectural services to assist in determining the costs to either remodel the current fire station or build a new station to meet the needs of the department and create a functional fire station.

The second proposal would be for preliminary architectural services to determine the costs for remodel or alterations of the township offices, since the current fire station is connected to the main building.

Malkin recommended approving the first proposal to determine if building new or remodeling the station was an option before proceeding to look at the rest of the building.

Kowalski stated the committee had interviewed three architectural firms that specialized in fire stations and felt that Wolgast was the best fit for the township. The analysis would provide the information needed to know the costs for each option and provide a report to submit to the board. Without knowing the costs the board could not make a decision as to the budget needed or to determine the amount to request for a possible millage question.

L. Ramseyer stated the committee recommended Wolgast to submit a proposal to do a feasibility study. Ramseyer stated the needs approach works and the committee does not have the time to put together a detailed RFP to sent it out for preliminary architectural bid as suggested by Carmona. Ramseyer suggested the committee review the proposal and refer it back to the board.

Malkin stated he will send the proposals back to the fact-finding committee for review. Building Inspector D. DeGrow stated his knowledge and expertise could be of benefit to being a member of the committee.

Personnel Committee Recommendation to purchase a cell phone for the Building Inspector

Building Inspector D. DeGrow stated he no longer wants to use his personal cell phone for township business and made a request to the Supervisor. The Supervisor in turn requested feedback from the personnel committee before bringing this to the township board. Kowalski stated the Fire Department has a data plan with Verizon for the laptops in the fire department vehicles. It may be possible to piggyback onto that plan to reduce the cost to the township for cellular service.

Motion by Pike supported by Reder for the township to provide a cell phone for the Building Inspector.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Kochany, Reder, Walsh

No: Brandt

Absent: None

Motion carried.

Recommendations for Appointments to the Planning Commission and ZBA

Motion by Pike supported by Reder to reappoint James E. Bellor and Daniel W. Darland to the Planning Commission to a three (3) year term, effective January 1, 2018 to December 31, 2020.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Motion by Pike supported by Walsh to reappoint Daniel W. Darland to the Zoning Board of Appeals to a three (3) year term effective January 1, 2018 to December 31, 2020.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Hall Request ó Dirtbags Baseball Banquet November 12, 2017

Motion by Kochany supported by Reder to deny the request submitted by R. Facundo Jr., to waive the hall rental fee for Dirtbags Baseball to hold their banquet on Sunday November 12, 2017.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: Malkin

Absent: None

Motion carried.

Girl Scouts of Bay County Request to Use Parking Lot for Cookie Distribution.- November 13, 2017

Motion by Pike supported by Malkin to allow the Girl Scouts of Bay County use of the east parking lot for their cookie distribution on November 13, 2017.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

REPORTS

Reder stated there was a recent issue with electrical work being done at Meijer without a permit. There is a process whereby a business could request an annual permit and the board would need to set the fee.

Malkin stated this was explored by the board a few years ago. The township attorney opinion at that time was the township could not require such a permit; it would need to be requested by the individual businesses. Malkin stated it would need to come back to the board for further review.

Malkin stated the park is officially closed for the season and the auto-lock on the doors to the restrooms and security camera worked well to reduce vandalism of the facility.

The Haberland Road and drainage project has been completed.

Malkin reported the no swimming sign has been installed at Steih Park.

A park grant may be available in the future. W.I.N is an organization that offers funds to provide grant matching dollars.

Assistant Assessor Update ó The candidate for the assistant assessor position has taken employment elsewhere. The position will be advertised through the Assessing Associations boards and by sending letters to those that have passed their initial tests or are a Level 2 Assessor.

Deputy Supervisor Appointment ó Malkin appointed the Administrative Secretary as his Deputy Supervisor.

Malkin provided a copy of recent legislation that supported townships regarding dark stores.

The meeting adjourned at 9:10 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor