

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
SEPTEMBER 24, 2012

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 Malkin supported by Miller to adopt the agenda with the addition of Lions Club hall request and Medical Marijuana Moratorium.

Motion carried.

Motion by Kochany supported by Pike to approve the minutes of the September 10, 2012 regular meeting as presented.

Motion carried.

Motion by Miller supported by Brandt to approve the minutes of the September 13, 2012 special meeting as presented.

Motion carried.

Motion by Miller supported by Kochany to pay the bills in the amount of \$12,323.47 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 Miller to receive the Treasurer's Report for August 2012.

Motion carried.

Planning Commission Referral ó Draft Amendments ó Residential Design Standards & Signs

Draft Amendment to Section 3.29.

Motion by Pike supported by Arnold to advise the Planning Commission to increase the minimum square foot requirement of detached single family homes to 1,000 sq. ft. as depicted in the draft Section 3.29 (a)(2)(i), and proceed to set the date for public hearing of the ordinance.

Motion carried.

Draft Amendments Regarding Signs.

Motion by Miller supported by Arnold to approve the draft amendments regarding signs as recommended, and direct the planning commission to proceed with setting the date for public hearing.

Motion carried.

McKenna Referral ó Draft Master Plan

The board reviewed the recommended changes/corrections to the master plan dated September 18, 2012, as submitted by the planner on September 20, 2012. Although the planner does not believe the Planning Commission would have to re-review the plan, the board found additional omissions to the existing land use map (map 4) and the water service map (map 3), and has come to the consensus that if it cannot be verified the shaded areas depicted map 5 accurately reflect the current PA116 agreements, it is not the intention of the township board to spend additional resources for a map that is not needed in the master plan and should be omitted. Additionally, change is still needed to the second paragraph on page 25 regarding 2 bike paths that are referenced. Because neither project is definite, and subject to additional change, the board recommends deletion of the paragraph in its entirety. There is also a typo on the fifth line from the top on page 20.

As a result of the items discovered at the September 10<sup>th</sup> meeting and the additional items found by the board tonight, the board feels that additional and more thorough review of the master plan is needed before it is ready for public distribution. The board therefore directs the planning commission to do further review of the existing and future land use maps, the water service map, and the accuracy of the verbiage contained in the master plan. The board also requests to receive a copy of the new draft prior to distribution and a detailed listing of all changes contained in the new draft.

Second Reading & Adoption of Ordinance 56-C, Amending Sewer Ordinance Exhibit A

Motion by Malkin supported by Kowalski to have this meeting serve as second reading and adoption of Ordinance 56-C, an ordinance amending Exhibit A to correct typographical errors as follows:

**ORDINANCE NO. 56-C**

**AN ORDINANCE AMENDING ORDINANCE NO. 56, TO CORRECT  
TYPOGRAPHICAL ERRORS CONTAINED IN EXHIBIT A, THE TABLE  
OF UNIT FACTORS**

**WHEREAS**, Ordinance No. 56 provides for the operation of a public sanitary sewage disposal system within the Township of Monitor and establishes both connection and treatment charges therein, and

**WHEREAS**, the Township Board of the Charter Township of Monitor has found typographical errors contained in Exhibit A, The Table of Unit Factors.

**THE CHARTER TOWNSHIP OF MONITOR ORDAINS:**

**SECTION I**

Exhibit A, of the Monitor Township Ordinance No. 56, is hereby amended as follows:

**EXHIBIT A**

**TABLE OF UNIT FACTORS\***

Auto Dealers	1.0 + 0.25 per 1,000 sq. ft.
Banks or Savings & Loan	0.50 per 1,000 sq. ft.
Barber Shops	1.0 + 0.1/chair after 2
Bars	4.0/1,000 sq. ft.
Beauty Shops	1.0 + 0.1 per booth
Boarding Homes or Schools	1.0 + 0.25 per bedroom
Bowling Alleys (no bars or lunch facilities)	1.0 + 0.2 per alley
Car Wash Mechanical	10.00 per production line
Car Wash - Coin Operated (Do-it-yourself)	1.0 per stall
Churches	0.25 per 1,000 sq. ft.
Cleaners (pick up only)	1.0 per shop
Cleaners (pressing facilities)	1.0 + 1.0 per 1,000 sq. ft.
Clinics (medical or dental)	1.0 + 0.5 per exam room
Convalescent Homes	1.0 + 0.25 per bedroom
Convents	1.0 + 0.25 per bedroom
Country Clubs & Athletic Clubs	1.5/1,000 ft. + bar & restaurant
Drug Stores (w/out snack bars)	1.00
Factories (escl.of excessive ind.use)	0.75 per 1,000 sq. ft.
Fraternal Organizations	0.75 per 1,000 sq. ft.+ bar & restaurant
Funeral Homes	1.5 per 1,000 sq. ft. + residence computed separately
Grocery Stores & Super markets	1.0 + 0.8 per 1,000 sq. ft.
Hospitals	1.1 per bed
Hotels & Motels	0.40 per bedroom + bar & restaurant & swimming pool
Laundry (self service)	1.0 + 0.5 per washer
Mobile Home Park(central bath houses) (indiv. baths)	0.35 per pad 1.00 per pad
Mobile Homes (free standing)	1.00 per unit
Monitor Twp. Fire Hall	1.00
Monitor Township Hall	2.50
Monitor Township Offices	0.50 per 1,000 sq. ft.
Multiple Family Residence	
Duplex or Row Houses	1.0 per dwelling unit
Apartments	1.0 per dwelling unit
Office Building	0.50 per 1,000 sq. ft.
Public Institutions (other than hospitals)	0.75 per 1,000 sq. ft.
Restaurants	
(meals only)	2.5 per 1,000 sq. ft.
(meals & drinks)	6.5 per 1,000 sq. ft.
(auxiliary dining rooms used	

less than 20 hrs/wk)	2.0 per 1,000 sq. ft.
Rooming Houses (no meals)	1.0 + 0.30 per bedroom
Schools	1.5 per classroom & swimming pool & gym (same as Athletic Club)
Service Stations	1.5 per 1,000 sq. ft.
Single Family Residence	1.0
Snack Bars, Drive-ins	2.5/1,000 sq. ft.
Store(other than specifically listed)	1.0 + 0.1 per 1,000 sq. ft.
Swimming Pool (non-residential)	3.0 per 1,000 sq. ft. pool area
Theaters (Drive-in)	0.4 per car space
Theaters (Inside w/air conditioning)	0.4 per seat
Veterinary Facility	1.5 per facility
Veterinary Facility (w/kennels)	1.5 + 0.5 per each 5 kennels
Warehouses	0.2 per 1,000 sq. ft.

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Minimum factor shall be 1.0

\* Any premises not categorized above shall be assigned a unit factor by the Township Board when such premises make application for sewer connection.

## SECTION 2

All other Ordinances or Resolutions, insofar as the same or any part thereof may be inconsistent with any provision of this Ordinance, are hereby repealed.

## SECTION 3

This Ordinance shall be published in a newspaper generally circulated within The Charter Township of Monitor, Bay County, Michigan, and shall take effect immediately upon publication.

Roll call vote:

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

No: None

Absent: None

Motion carried.

### Approval of Sprint/Nextel Co-location Application ó Township Park Property

Motion by Kowalski supported by Miller to approve the special communication facility application submitted by KMB Design Group on behalf of Sprint and General Dynamics Wireless Services, to change out antennae and equipment at the cell tower in the leased area located at the 3 Mile Rd. township park.

Roll call vote:

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

No: Brandt

Absent: None

Motion carried.

R-2012-009 Resolution Setting Time to Consider IFT Application ó Metro Fabricating, LLC  
Motion by Kowalski supported by Malkin to adopt Resolution R-2012-009, a resolution setting the time to consider the IFT application submitted by Metro Fabricating, LLC as follows:

**RESOLUTION SETTING A TIME TO CONSIDER APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR METRO FABRICATING, LLC**

**WHEREAS**, pursuant to 1974 PA 198, as amended, that being MCLA Section 207.551 et seq., the Charter Township of Monitor has established an Industrial Development District encompassing a portion of property owned by Metro Fabricating, LLC; and

**WHEREAS**, Metro Fabricating, LLC has now applied for an Industrial Facilities Exemption Certificate under the provisions of 1974 PA 198, as amended; and

**WHEREAS**, 1974 PA 198, as amended, provides that before acting upon such an Application for Industrial Facilities Certificate, the Township Board shall afford the applicant, the assessor and a representative of the affected taxing units an opportunity for a hearing;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the application of Metro Fabricating, LLC for an Industrial Facilities Exemption Certificate shall remain on file in the office of the Township Clerk.
2. That the Township Board shall meet at the Monitor Township hall on October 22, 2012, at 7:00 p.m., and shall provide to the applicant, the local assessor and representatives of each of the taxing units an opportunity to be heard on the questions of Metro Fabricating, LLC's Application for an Industrial Facilities Certificate with regard to the acquisition of equipment within the District previously created.
3. That the Township Clerk inform, by letter, the applicant, the local assessor and the legislative body of each taxing unit which levies ad valorem taxes in the Township of Monitor on the property located within the Industrial Development District previously created of the meeting to be held and the purpose thereof.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2012-010 Resolution Setting Time to Consider IFT Application ó Michigan Sugar

Motion by Miller supported by Brandt to adopt Resolution R-2012-010, a resolution setting the time to consider the IFT application submitted by Michigan Sugar Company as follows:

**RESOLUTION SETTING A TIME TO CONSIDER APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR MICHIGAN SUGAR COMPANY**

**WHEREAS**, pursuant to 1974 PA 198, as amended, that being MCLA Section 207.551 et seq., the Charter Township of Monitor has established an Industrial Development District encompassing a portion of property owned by Michigan Sugar Company; and

**WHEREAS**, Michigan Sugar Company has now applied for an Industrial Facilities Exemption Certificate under the provisions of 1974 PA 198, as amended; and

**WHEREAS**, 1974 PA 198, as amended, provides that before acting upon such an Application for Industrial Facilities Certificate, the Township Board shall afford the applicant, the assessor and a representative of the affected taxing units an opportunity for a hearing;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the application of Michigan Sugar Company for an Industrial Facilities Exemption Certificate shall remain on file in the office of the Township Clerk.
2. That the Township Board shall meet at the Monitor Township hall on October 22, 2012, at 7:00 p.m., and shall provide to the applicant, the local assessor and representatives of each of the taxing units an opportunity to be heard on the questions of Michigan Sugar Company's Application for an Industrial Facilities Certificate which relates to real property and the acquisition of equipment within the proposed District to be created.
3. That the Township Clerk inform, by certified letter, the applicant, the local assessor and the legislative body of each taxing unit which levies ad valorem taxes in the Township of Monitor on the property located within the Industrial Development District.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2012-011 Resolution Setting Time to Consider IFT Application of Emcor, Inc.

Motion by Malkin supported by Kochany to adopt Resolution R-2012-011, a resolution setting the time to consider the IFT application for Emcor, Inc. as follows:

**RESOLUTION SETTING A TIME TO CONSIDER APPLICATION FOR INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR EMCOR, INC.**

**WHEREAS**, pursuant to 1974 PA 198, as amended, that being MCLA Section 207.551 et seq., the Charter Township of Monitor has established an Industrial Development District encompassing a portion of property owned by Emcor, Inc.; and

**WHEREAS**, Emcor, Inc. has now applied for an Industrial Facilities Exemption Certificate under the provisions of 1974 PA 198, as amended; and

**WHEREAS**, 1974 PA 198, as amended, provides that before acting upon such an Application for Industrial Facilities Certificate, the Township Board shall afford the applicant, the assessor and a representative of the affected taxing units an opportunity for a hearing;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the application of Emcor, Inc. for an Industrial Facilities Exemption Certificate shall remain on file in the office of the Township Clerk.
2. That the Township Board shall meet at the Monitor Township hall on October 22, 2012, at 7:00 p.m., and shall provide to the applicant, the local assessor and representatives of each of the taxing units an opportunity to be heard on the questions of Emcor, Inc.'s Application for an Industrial Facilities Certificate with regard to the acquisition of equipment within the District previously created.
3. That the Township Clerk inform, by letter, the applicant, the local assessor and the legislative body of each taxing unit which levies ad valorem taxes in the Township of Monitor on the property located within the Industrial Development District previously created of the meeting to be held and the purpose thereof.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2012-012 Resolution of Intent to Create Special Assessment District for Water Detention Area  
- 3 Mile, Monitor & Wilder Rd. Vicinity

Motion by Miller supported by Kowalski to adopt Resolution R-2012-012, a resolution of intent to create a special assessment district to provide for financing and maintenance of a storm water detention area servicing property located in Section 12 and to hold public hearing as follows:

**RESOLUTION OF INTENT TO CREATE A SPECIAL ASSESSMENT DISTRICT TO PROVIDE FINANCING FOR MAINTENANCE OF A STORM WATER DETENTION AREA SERVICING PROPERTY LOCATED IN SECTION 12 OF THE TOWNSHIP AND, TO HOLD PUBLIC HEARINGS REGARDING SAME PURSUANT TO PUBLIC ACT 188 OF 1954**

**WHEREAS**, the Township has received a request to create a special assessment district signed by the owners representing 90% of the property located within that proposed Special Assessment District; and

**WHEREAS**, the proposed special assessment district would provide funding for a storm water detention area servicing an area of land legally described as follows:

Commencing at the Southwest corner, Section 12, T14N, R4E, thence N 0 deg 19 min 30 sec East 433.00 feet along the West Section line to the Point of Beginning; thence continuing N 0 deg 19 min 30 sec East 612.1 feet; thence N 89 deg 55 min 50 sec East 1322.67 feet; thence S 0 deg 31 min 05 sec West 288.57 feet along the West 1/8 line; thence N 89 deg 28 min 55 sec West 33 feet; thence S 20 deg 16 min 35 sec West 214.93 feet; thence S 45 deg 54 min 15 sec West 450.00 feet; thence S 0 deg 17 min 30 sec East 240.00 feet; thence S 89 deg 42 min 30 sec West 463.54 feet along the South Section line; thence N 0 deg 19 min 30 sec East 433.00 feet; thence S 89 deg 42 min 30 sec West 433.00 feet to the Point of Beginning.

and,

**WHEREAS**, previously,, the current owners' predecessors in title, had executed an Agreement which agreement was recorded September 3, 1999, Liber 1634, Page 189 at the Bay County Register of Deeds, which Agreement gave authority to the township to create a special assessment district to provide funding for maintenance for this storm water detention area in the event the property owners failed to properly maintain the detention basin.

**WHEREAS**, the Township Supervisor has filed a Supervisor's Certificate verifying that the above-referenced request has been made on behalf of the record owners of land constituting more than fifty percent (50%) of the total land area in the proposed district;

**NOW THEREFORE BE IT RESOLVED** that the Monitor Township Board does hereby declare its intent to maintain the above referenced improvement, if necessary.



**BE IT FURTHER RESOLVED** that in the event the township does need to maintain the above referenced improvement, the initial assessment shall be established in an amount sufficient to provide sufficient funding to reimburse the Township all of its out-of-pocket expenses incurred in review and approval of this project. Further, the initial assessment and the first two annual assessments shall be established at a rate sufficient to create a reserve fund which shall be maintained by the Township and used as later may be required.

**BE IT FURTHER RESOLVED** that the Monitor Township Board does hereby declare its intent to create a Special Assessment District including the land specifically benefited by the annual maintenance of such improvements

**BE IT FURTHER RESOLVED** that a public hearing on any objections to the Petition, to the improvements, the estimate of costs, and to the Special Assessment District proposed to be established for the assessment of the cost of maintenance of such improvements, shall be held on **October 22, 2012**; at a regular meeting of the Township Board at the Monitor Township Hall at 2483 East Midland Road, Bay City, Michigan, commencing at 7:00 p.m.

**BE IT FURTHER RESOLVED** that in the event that the Township Board should adopt a Resolution Creating Special Assessment District for Storm Water Detention Area After Public Hearing, the Board shall proceed to convene a second public hearing to consider the final approval of the Special Assessment Roll at the Meeting to be held **November 26, 2012**.

**BE IT FURTHER RESOLVED** that the Clerk be instructed to give the notice of such hearings by mailing and publication in accordance with Act 188 of 1954.

Roll call vote:

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

No: None

Absent: None

Motion carried.

#### Estimates to Replace Furnace & Air Conditioners ó Office and Conference Room

The Supervisor supplied 3 estimates to replace the furnace & air conditioning units that service the township offices as well as 3 estimates to replace the stand-alone furnace/air conditioner in the conference room. All three units have outlived their useful life and there have been recent repairs needed. Some board members felt that an evaluation of the heating/cooling system was necessary before approving the expenditure for new units.

Motion by Miller supported by Malkin to direct the Supervisor to contact Gledhill Heating & Air Conditioning to have them do an evaluation of the ductwork, insulation, placement of thermostats etc. to determine if the units recommended would improve and balance out the current system or if another solution is needed.

Motion carried.

Fire Department Hall Request ó October 14, 2012

Motion by Kowalski supported by Malkin to grant the Monitor Township Fire Department use of the township hall on Sunday October 14, 2012 for their fire prevention open house; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Hall Request - Lions Club

Motion by Arnold supported by Malkin to grant the Lions Club of Bay City request to waive the hall rental fee for use of the township hall on December 5, 2012, March 6, 2013 and May 1, 2013; signed contract, damage deposit, clean-up fee, and security fee (if applicable) required for each rental date.

Roll call vote:

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

No: Kowalski

Absent: None

Motion carried.

Extension of Medical Marijuana Moratorium

Motion by Malkin supported by Kochany to extend the moratorium to prohibit the establishment of all Medical Marijuana Clubs (Aka Compassion Clubs), Medical Marijuana Dispensaries, or Medical Marijuana Growing Facilities in Monitor Township an additional period of twelve (12) months commencing September 24, 2012, while the township completes the process of adopting a township ordinance.

Roll call vote:

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

No: None

Absent: None

Motion carried.

The meeting adjourned at 9:30 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor