

ATTICA TOWNSHIP BOARD MEETING

October 12, 2017

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held October 12, 2017, at the Attica Township Hall, 4350 Peppermill Road, Attica, Michigan. The meeting was called to order at 7:07 p.m. by Supervisor Ochadleus. PRESENT: Supervisor Al Ochadleus, Clerk Nancy Herpolsheimer, Trustee Phil Madeline and Trustee Rich Lacey. Absent: Treasurer Pam Mason. ALSO PRESENT: Attorney Mike Gildner and the public per the sign-in sheet attached.

Pledge of Allegiance led by Chief Warford.

ACCEPT AGENDA:

MOTION by Lacey, seconded by Madeline, to accept the agenda as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

REVIEW MINUTES:

The minutes of the September 14, 2017 regular Board meeting and the minutes of the September 22, 2017 special Board meeting were reviewed by the Board; and there being no additions, corrections or deletions;

MOTION by Lacey, seconded by Madeline, to approve the September 14, 2017 Regular Board Meeting minutes and the September 22, 2017 Special Board Meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

CORRESPONDENCE: None.

TREASURER'S REPORT: Supervisor Ochadleus gave the following Treasurer's Report: General Fund Beginning Balance of \$275,830.15 receipts of \$86,428.33; Interest of \$128.43; Distributions of \$34,034.47 for a New Balance of \$328,352.44; General Fund CDARS savings account has \$202,783.16; General Fund ICS has \$300,055.69; Public Safety has \$13,754.07; Public Safety CDARS Savings account has \$50,695.78; Public Safety ICS has \$50,009.26; Fire Millage has \$20,426.94; Fire Millage CDARS Savings account has \$50,695.78; Fire Millage ICS has \$50,009.26; Fire Escrow has \$1,500.79; Fire Escrow CDARS Savings account has \$50,695.78; Fire Millage ICS has \$80,019.80.

MOTION by Lacey seconded by Madeline to approve the Treasurer's Report as presented. A vote was taken. Ayes: All; Nays: None. Absent: One (Mason). **MOTION CARRIED.**

POLICE REPORT: Deputy Vandenberg gave the following police report: there were 158 calls in the month of September with 83 of the calls handled by the Township deputies.

PUBLIC TIME: None.

OLD BUSINESS:

1. **Fire Truck Loan:** Attorney Gildner stated that he has prepared the paperwork for the fire truck loan and it is ready for the bank.

MOTION by Lacey seconded by Herpolsheimer to authorized Supervisor Ochadleus, Treasurer Mason and Clerk Herpolsheimer to sign loan documents as necessary to purchase Attica Township Fire Department's new fire truck. A roll call vote was taken. Lacey: Aye; Madeline: Aye; Herpolsheimer: Aye and Ochadleus: Aye. Ayes: All. Nays: None. Absent: One (Mason).

MOTION CARRIED

NEW BUSINESS:

1. **Andy Shango, RYO:** Mr. Shango informed the board that he needs to know if the township is going to opt in or opt out of allowing medical marijuana facilities so that he can apply to the State of Michigan. Supervisor Ochadleus stated that the Attica Township Board instructed the Planning Commission to table any decision regarding medical marijuana to wait to see what Lapeer decides to do regarding it. Supervisor Ochadleus asked for a straw vote of the board member and stated that he is in favor of opting in to allow medical marijuana facilities in the township. Clerk Herpolsheimer, Trustee Lacey and Trustee Madeline each stated that they are not in favor of allowing medical marijuana facilities in the township. There was discussion.

2. **Barrett Bond Release:** Supervisor Ochadleus stated that he received a call to release a bond for Barrett Paving.

MOTION by Herpolsheimer seconded by Lacey to authorize Clerk Herpolsheimer to write a letter to release Barrett Paving from their bond. A vote was taken. Ayes: All; Nays: None. Absent: One (Mason). **MOTION CARRIED.**

3. **Special Land Use for Simpson Attica Properties/Dusty Customs:**

MOTION by Herpolsheimer seconded by Lacey to approve the Special Land Use for Simpson Attica Properties/Dusty Customs, (44-003-155-001-00) located at 41 South Lake Pleasant Road, Attica, MI 48412.A vote was taken. Ayes: All; Nays: None. Absent: One (Mason). **MOTION CARRIED.**

4. **Legal Proceedings ZBA:** Supervisor Ochadleus explained that in August the ZBA granted Darlene Hunt a variance to allow two homes on the parcel with the condition that the trailer home and all sheds and outbuildings be removed within one year of the death of Darlene Hunt. Mrs. Hunt asked the ZBA to reconsider their decision due to the fact

that a mortgage could not be obtained. The ZBA then met in September to reconsider their decision and decided to stay with their original position. Attorney Gildner informed the board that Mrs. Hunt filed an appeal to the ZBA decision in Circuit Court. Attorney Gildner explained the legal process of the appeal.

Supervisor Ochadleus requested the board go into closed session to discuss the Darlene Hunt's lawsuit appealing Attica Township's ZBA decision. The board went into closed session at 7:30 p.m. and reconvened the regular board meeting at 7:45 p.m.

MOTION by Herpolsheimer seconded by Lacey to reaffirm the decision to go into closed session to discuss pending litigation. A roll call vote was taken. Herpolsheimer: Aye; Madeline: Aye; Ochadleus: Aye and Lacey: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

5. **Drone Ordinance:** Supervisor Ochadleus discussed blight situations in the township which led to considering the use of drones to see blight. Supervisor Ochadleus read Attorney Gildner's opinion regarding the use of drones in the township and his recommendation to adopt a drone ordinance. Attorney Gildner discussed drones as a use for enforcement action. There was discussion.

MOTION by Herpolsheimer seconded by Lacey to authorize Attorney Gildner to draft a police powers ordinance regarding the use of drones to enhance enforcement action in the township. A roll call vote was taken. Madeline: Aye; Herpolsheimer: Aye; Lacey: Aye and Ochadleus: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

COMMITTEE REPORTS:

1. FIRE: Chief Warford reported:
 - a) There were four runs in the last month.
 - b) Five new firefighters were hired out of seven applicants.
 - c) There was a fire complaint against Mr. LaCroix so he spoke with him.
2. PARK: Park Manager Phil Madeline reported that he had T.G. Priehs Paving look at the cracks in the walking trail and is waiting for an estimate to repair the trail. Supervisor Ochadleus stated that the township owns \$2,000.00 worth of equipment that needs to be utilized to repair the trail.
3. PLANNING COMMISSION: Planning Administrator Maureen Lemons reported:

- a) A letter has been sent to the Dollar General with examples of elevations of the building that would be acceptable to the township. Supervisor Ochadleus brought the board up to date on the Dollar General project.
 - b) A letter has been to Jim Naughton regarding storing boats on the property he plans on purchasing from Mr. Chapman.
 - c) An email has been sent to Planner Scott Kree asking him to review Attica Township's non-conforming structure ordinance.
 - d) The Planning Commission meeting dates for November and December have been changed to November 30th and December 21st due to the holidays.
4. ATTORNEY REPORT: None.
5. AMBULANCE: Supervisor Ochadleus reported:
- a) The lawsuit EMS is involved in is now in the court of appeals.
 - b) EMS is looking for a location for another base.
6. COMMISSIONER'S REPORT: Commissioner Jarvis reported:
- a) Discussed cost allocation of the police contract.
 - b) The Vietnam 50th Commemorative Anniversary is bringing the moving wall to North Branch next week.
7. Board: Supervisor Ochadleus followed up on the request of a resident at last month's board meeting to participate in GLTA (Greater Lapeer Transit Authority): 378 residents used the GLTA last month with only three of those residents being paid riders. Kelly Balles of the GLTA is researching the cost for Attica to participate.
8. Public Time: None.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$122,116.08 (check #19064 through check #19141); Public Safety for the amount of \$9,824.69 (check #1232 through check #1233) and the Fire Fund for the amount of \$5,998.65 (check #4657 through check #4688). For a total of \$137,939.42. There being no further questions:

MOTION by Lacey seconded by Madeline to approve the bills as presented. A roll call vote was taken. Lacey: Aye; Ochadleus: Aye; Madeline: Aye and Herpolsheimer: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

There being no further business before the Board, **MOTION** by Lacey seconded by Madeline to adjourn the meeting at 8:20 p.m. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

Submitted by:

Respectfully Submitted by:

Valerie Schultz, Deputy Clerk

Nancy Herpolsheimer, Clerk