

ATTICA TOWNSHIP BOARD MEETING

November 9, 2017

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held November 9, 2017, at the Attica Township Hall, 4350 Peppermill Road, Attica, Michigan. The meeting was called to order at 7 p.m. by Supervisor Ochadleus. PRESENT: Supervisor Al Ochadleus, Clerk Nancy Herpolsheimer, Treasurer Pam Mason, Trustee Phil Madeline and Trustee Rich Lacey. Absent: None. ALSO PRESENT: Attorney Chris Stritmatter and the public per the sign-in sheet attached.

Pledge of Allegiance led by Chief Warford.

ACCEPT AGENDA:

Supervisor Ochadleus added the following items:

- a) Under New Business-4. Total Marine Request
- b) Under Attorney Report-Closed Session Regarding Litigation

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

REVIEW MINUTES:

The minutes of the October 12, 2017 regular Board meeting were reviewed by the Board; and there being no additions, corrections or deletions;

MOTION by Lacey, seconded by Madeline, to approve the October 12, 2017 regular Board meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

CORRESPONDENCE: Supervisor Ochadleus informed the board that although Giffels Webster will no longer be the township planner after December 1st the township will continue to have a relationship with the firm as they created the Clearzoning format. The township received an agreement from Giffels Webster to continue to maintain the zoning ordinance in Clearzoning format at a cost of \$30.00 per page replaced.

TREASURER'S REPORT: Treasurer Mason gave the following Treasurer's Report: General Fund Beginning Balance of \$328,352.44 receipts of \$6,824.76; Interest of \$128.73; Distributions of \$125,964.79 for a New Balance of \$209,341.14; General Fund CDARS savings account has \$202,829.77; General Fund ICS has \$300,070.48; Public Safety has \$3,929.38; Public Safety CDARS Savings account has \$50,707.44; Public Safety ICS has \$50,011.72; Fire Millage has \$13,492.87; Fire Millage CDARS Savings account has \$50,707.44; Fire Millage ICS has

\$50,011.72; Fire Escrow has \$1,500.79; Fire Escrow CDARS Savings account has \$50,707.44; Fire Millage ICS has \$80,025.06.

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

POLICE REPORT: Supervisor Ochadleus gave the following police report: there were 188 calls in the month of October with 99 of the calls handled by the Township deputies.

PUBLIC TIME: The head of the Attica Baseball program, Ryan Weber, reported:

- a) A rummage sale will be held November 18th at the township hall to raise funds for Attica Youth Sports and he thanked the board for the use of the facility.
- b) Flyers for the baseball program are in the Lapeer Schools
- c) There is an issue with the Young Guns Baseball program using Attica fields. Supervisor Ochadleus informed Mr. Weber that the Attica Baseball Program has priority on all fields in the Attica Park.

OLD BUSINESS:

1. **Motion to put a moratorium on accepting applications for wind farms in the township:**

Motion by Herpolsheimer, seconded by Mason, to adopt the attached resolution establishing a six month moratorium on accepting applications for commercial wind farms in Attica Township. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

2. **Motion to put a moratorium on non-conforming buildings and lots until the Planning Commission has a recommendation for the Board:**

Motion by Herpolsheimer, seconded by Mason, to put a six month moratorium on accepting applications for non-conforming buildings and lots in Attica Township. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

NEW BUSINESS:

1. **Attorney Chris Aiello, Medical Marijuana:** Attorney Aiello was not present.
2. **Agreement for Code Services-Giffels Webster:** Discussed in correspondence.
3. **Revisit 1200 Lake George, LLC Special Land Use:**

Supervisor Ochadleus informed the board that he, Attorney Stritmatter, Planning Coordinators Lemons and Schultz, Israel Ferrett and his associate met before the board meeting to discuss Mr. Ferret's non-compliance with the 11 conditions of his Special Land Use for 1200 Lake George Road, LLC.

MOTION by Herpolsheimer, seconded by Mason to rescind the approval of the Special Land Use for Israel Ferrett, 1200 Lake George Road, LLC, until revisited by the Planning Commission. A roll call vote was taken. Lacey: Aye; Mason: Aye; Herpolsheimer: Aye; Madeline: Aye and Ochadleus: Aye. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

4. **Total Marine Request:**

Supervisor Ochadleus explained that the owner of Total Marine, Jim Naughton, has a pending purchase of the land for his boat storing business and that due to the seasonal nature of his business boats need to be stored immediately. Supervisor Ochadleus recommended granting Mr. Naughton the right to store boats on the property while the Planning Commission works through the process of revising his Special Land Use.

MOTION by Mason, seconded by Madeline to give permission to Jim Naughton to store a maximum of forty shrink wrapped boats on property he currently has a purchase agreement for while the Planning Commission works through the process of revising his Special Land Use. A roll call vote was taken. Mason: Aye; Ochadleus: Aye; Herpolsheimer: Aye; Madeline: Aye and Lacey: Aye. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

COMMITTEE REPORTS:

1. FIRE: Chief Warford reported:
 - a) There were only a few runs last month.
 - b) The new tanker will be here by the end of the month.
 - c) Information on payment for the new tanker has been given to Treasurer Mason and Clerk Herpolsheimer.
 - d) With the change to Standard Time it is time to change smoke detector batteries and to test them and it is time to clean chimneys.
 - e) The fire department had a Jaws of Life call a few months ago in which the Attica firefighters were able to get a man free from his vehicle in 26 minutes from the time of the call. The man's family brought cookies to the fire hall and expressed their

gratitude at a firefighter's meeting. Chief Warford thanked the board for allowing them to purchase the rescue truck in 2000.

2. PARK: Park Manager Phil Madeline reported that there are still a lot of people walking the track therefore the park will officially be kept open longer than the usual closing date of November 15th.
3. PLANNING COMMISSION: Planning Administrator Maureen Lemons reported that because Dollar General changed their Site Plan addressing drainage their paper work will not be submitted until November 17th. Giffels Webster and Rowe Engineering have been informed.
4. ATTORNEY REPORT:

MOTION by Herpolsheimer, seconded by Mason, to go into closed session at 7:33 p.m. to discuss litigation regarding Hunt v. Zoning Board of Appeals. A roll call vote was taken. Ochadleus: Aye; Mason: Aye; Lacey: Aye; Herpolsheimer: Aye and Madeline: Aye. Ayes: All. Nays: None. Absent: None.
MOTION CARRIED.

The board reconvened the regular board meeting at 7:46 p.m. Supervisor Ochadleus stated that in the matter of Hunt v. Attica Zoning Board of Appeals the township board has the ability to accept the offer, counter the offer or go to court.

MOTION by Herpolsheimer, seconded by Mason, to accept the settlement agreement in the case of Hunt v. Attica Zoning Board of Appeals due to the following circumstances:

- a) The initial variance granted to Darlene Hunt was not what she initially requested.
- b) A variance to the rear parcel and parcel size was the requested variance.
- c) The Zoning Board of Appeals approved allowing two homes on one parcel.

A roll call vote was taken. Lacey: Abstain; Herpolsheimer: Aye; Ochadleus: Aye; Madeline: Aye and Mason: Aye. Ayes: All. Nays: None. Abstain: One (Lacey). Absent: None. **MOTION CARRIED.**

5. AMBULANCE: Supervisor Ochadleus informed the board that he attended a special meeting regarding the Lapeer County EMS 2018 budget. There were large raises proposed which he opposed. The budget will be submitted to the Lapeer County Commissioners.
6. COMMISSIONER'S REPORT: None.

7. Board: None.
8. Public Time: Resident Tom Tullio stated that Israel Ferrett's mining business, 1200 Lake George Road, LLC, is affecting his business with eight seasonal campers not returning due to the noise. Mr. Tullio requested that no business be conducted at the site on Saturdays and Sundays.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$35,353.96 (check #19142 through check #19208); Public Safety for the amount of \$13,100.29 (check #1234) and the Fire Fund for the amount of \$6,587.96 (check #4689 through check #4720). For a total of \$55,042.21. There being no further questions:

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

There being no further business before the Board, **MOTION** by Lacey seconded by Madeline to adjourn the meeting at 7:55 p.m. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

Submitted by:

Respectfully Submitted by:

Valerie Schultz, Deputy Clerk

Nancy Herpolsheimer, Clerk