

ATTICA TOWNSHIP BOARD MEETING

January 11, 2018

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held January 11, 2018, 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 Mike Gildner 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) Dollar General under Old Business
- b) Millage under New Business
- c) Update Zoning Fees under New Business

MOTION by Herpolsheimer, 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 December 14, 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 December 14, 2017 regular Board meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

CORRESPONDENCE: None.

TREASURER'S REPORT: Treasurer Mason gave the following Treasurer's Report: General Fund Beginning Balance of \$242,373.77; receipts of \$28,646.31; Interest of \$164.05; Distributions of \$38,773.55 for a New Balance of \$232,410.58; General Fund CDARS savings account has \$202,924.58; General Fund ICS has \$300,100.54; Public Safety has \$10,104.45; Public Safety CDARS Savings account has \$50,731.14; Public Safety ICS has \$25,016.10; Fire Millage has \$75,557.09; Fire Millage CDARS Savings account has \$50,731.14; Fire Millage ICS has \$50,016.69; Fire Escrow has \$1,529.12; Fire Millage ICS has \$80,035.75.

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: Deputy Barrett gave the following police report: there were 145 calls in the month of December with 61 of the calls handled by the Township deputies. There were 90 vacation checks performed by the Township deputies in the month of December

PUBLIC TIME: Attica Little League President Ryan Weber informed the board that sign up for Little League begins Monday, January 15th and that flyers have been distributed in all of the schools in Lapeer County. Supervisor Ochadleus reminded Mr. Weber that Attica Little League has first rights to use Attica Park baseball fields before all other leagues.

OLD BUSINESS:

1. Agreement with Giffels Webster for Code Services:

MOTION by Herpolsheimer, seconded by Mason to approve the attached contract for code services with Giffels Webster. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

2. GLTA: Supervisor Ochadleus informed the Board that the GLTA meeting has not taken place yet this month.

3. No Through Trucks Resolution:

There was discussion regarding the draft of the No Through Trucks Resolution. Attorney Gildner recommended waiting until the February Board meeting to vote on it to give everyone a chance to review it. The resolution was tabled until the February Board meeting.

NEW BUSINESS:

1. Dollar General Site Plan Approval:

MOTION by Lacey, seconded by Madeline, to approve the Site Plan for Zarema Group (developer for Dollar General Retail Store) as recommended by the Planning Commission. A roll call vote was taken. Madeline: Aye; Mason: Aye; Lacey: Aye; Ochadleus: Aye and Herpolsheimer: Aye. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

2. Chris Aiello, Michigan Medical Marijuana Committee: Attorney Aiello was not present.

3. Randy Owen:

Supervisor Ochadleus distributed a letter from Attorney Gildner to the board regarding whether the Department of Natural Resources considers harvesting trees to produce mulch as agricultural. Supervisor Ochadleus reviewed the letter and discussed Mr. Owen's tree service business and the fact that Mr. Owen would like to move the mulching part of his business 1,000 feet down the road on property for which he has a

purchase agreement. Randy Owen received a letter dated January 5, 2018 from the State of Michigan Department of Natural Resources clarifying that mulch produced from logs and timber harvest residues or urban tree removals to be a forest product. Additionally a January 9, 2018 letter from the State of Michigan Department of Agriculture and Rural Development reaffirmed the State of Michigan Department of Natural Resource's letter dated May 24, 2006 stating that the mulch Owen Tree Service produces in an agricultural product. Supervisor Ochadleus asked the board to do a finding of fact relative to Mr. Owen's current operation stating that it falls under agriculture pursuant to the letters from the Department of Natural Resources and Attorney Gildner.

Resident Mary Tullio stated that it does not look like an agricultural business and that the noise from the production of mulch will not only affect the campers on their property but also their own personal home.

There was lengthy discussion.

MOTION by Madeline, seconded by Mason to approve Randy Owen (Owen Tree Service) moving his mulching operation from his current location to his new site (parcel #44-003-021-014-00) based on the data he has presented and the fact that there will be no change in the operation from the current site to the new site. A vote was taken. Ayes: Four: Mason, Madeline, Herpolsheimer and Ochadleus; Nays: One: Lacey. Absent: None. **MOTION CARRIED.**

4. Millage

Supervisor Ochadleus discussed the fact that the Public Safety Millage and the Fire Millage both have a 20 year cap which will expire in 2019. Clerk Herpolsheimer will talk to Lapeer County Clerk Theresa Spencer about putting the renewal for both millage requests on the August 2018 ballot. Attorney Gildner requested Clerk Herpolsheimer send him a copy of the ballot language from the last millage election. There was discussion.

5. Zoning Fees:

Supervisor Ochadleus discussed the fact that fees are intended to be user based and requested Zoning Administrators Lemons and Schultz to look at the township's current fee structure and to bring to the Board a new fee structure in which any and all incurred costs are covered by the applicant. Attorney Gildner will look into fee structures.

COMMITTEE REPORTS:

1. FIRE: Fire Chief Warford reported that the Fire Department took delivery of the new truck Friday afternoon and are in the process of switching everything off of the old tanker to the new tanker.

2. PARK: Park Manager Phil Madeline reported: the park is closed but that he still sees footprints in the snow from walkers.
3. PLANNING COMMISSION: Planning Administrator Maureen Lemons reported:
 - a) Distributed year-end review of the Planning Commission.
 - b) She is working on a wind ordinance in sub-committee with Planning Commission Chairman Dave Penzien.
 - c) A Letter will be sent to Starr mining regarding violations found on their annual engineering inspection.
 - d) A letter will be sent to Jim's Tires due to violation of their Site Plan.
 - e) A letter will be sent to the owner of the Garling house due to blight.
4. ATTORNEY REPORT: Attorney Gildner reported that he appreciated being excused while he was on vacation over the holidays and that a lot is going on in the township and he is getting up to speed.
5. AMBULANCE: Supervisor Ochadleus reported:
 - a) A new base has opened in Goodland Township.
 - b) Russ Adams is taking over as interim director.
 - c) New director candidates are being interviewed.
6. COMMISSIONER'S REPORT: None.
7. Board: None.
8. Public Time:
 - a) Resident Carol Eisenhardt asked the location of the new parcel owned by Randy Owen and also asked if there will be precautions to prevent children from getting into the equipment.
 - b) Resident Tom Tullio stated that the noise from Owen Tree Service will be heard in his camp ground.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$48,648.09 (check #19294 through check #19356); Public Safety for the amount of \$10,240.01 (check #1236) and the Fire Fund for the amount of \$136,458.78 (check #4751 through check #4786). For a total of \$195,346.88. There being no further questions:

MOTION by Madeline, seconded by Mason to approve the bills as presented.in the amount of \$195,346.88. A roll call vote was taken. Herpolsheimer: Aye; Madeline: Aye; Mason: Aye; Lacey: Aye and Ochadleus: 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 7:40 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