

ATTICA TOWNSHIP BOARD MEETING

August 9, 2018

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held August 9, 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, Trustee Phil Madeline and Trustee Rich Lacey. Absent: Treasurer Pam Mason. ALSO PRESENT: Attorney Michael Gildner and the public per the sign-in sheet attached.

Pledge of Allegiance.

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 July 12, 2018 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 July 12, 2018 regular Board meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

REVIEW MINUTES:

The minutes of the July 12, 2018 closed session were reviewed by the Board; and there being no additions, corrections or deletions;

MOTION by Herpolsheimer, seconded by Madeline, to approve the July 12, 2018 closed session 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 \$415,239.18 receipts of \$66,332.45; Interest of \$396.80; Distributions of \$179,962.34 for a New Balance of \$302,006.09; General Fund CDARS savings account has \$203,254.42; General Fund ICS has \$300,205.04; Public Safety has \$54,799.44; Public Safety CDARS Savings account has \$50,813.59; Public Safety ICS has \$25,023.55; Fire Millage has \$34,904.62; Fire Millage CDARS Savings account has \$50,813.59; Fire Millage ICS has \$40,028.60; Fire Escrow has \$1,530.26; Fire Escrow ICS has \$41.52.

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 Barrett gave the following police report: there were 181 calls in the month of July with 100 of the calls handled by the Township deputies.

PUBLIC TIME: None.

OLD BUSINESS:

1. Fee Structure-Planning and Zoning:

Supervisor Ochadleus reviewed Attica Township's Planning and Zoning fee structure and informed the board that it has not been changed in many years. Supervisor Ochadleus went on to explain that applicants do not always provide the necessary information which results in tax payers picking up the cost for the additional reviews. Supervisor Ochadleus proposed an applicant fee based structure which adds escrow and engineering fees. A simplified accessory building approval process with a reduced fee is in the new fee structure.

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

2. Jim's Tires:

Supervisor Ochadleus informed the board that Attorney Gildner sent Jim Morris, owner of Jim's Recycling New and Used Tire, letters on June 25th and July 27th informing him that he is not complying with his Special Land Use. Supervisor Ochadleus read a letter from the township planner detailing the revocation of a Special Land Use process and stated that if Mr. Morris continues to be in violation of his Special Land Use it will be revoked. There was discussion between Mr. Morris, Attorney Mike Nolan (Mr. Morris's attorney), Attorney Gildner and Supervisor Ochadleus. Mr. Morris also went on to state that there is not an apartment above his building as the township has been informed.

MOTION by Ochadleus, seconded by Herpolsheimer, to schedule a Public Hearing for the September 13, 2018 Township Board meeting to consider revoking Jim's Recycling New and Used Tire Special Land Use. A roll call vote was taken. Madeline: Aye; Ochadleus: Aye; Lacey: Nay and Herpolsheimer: Aye. Ayes: Three (Madeline, Ochadleus, Herpolsheimer). Nays: One (Lacey). Absent: One (Mason). **MOTION CARRIED.**

NEW BUSINESS:

1. **Noise Ordinance:**

Supervisor Ochadleus informed the board that the Noise Ordinance will be reviewed at the September meeting. The resident with the majority of noise complaints worked out the issue with her neighbor.

2. **Amend Zoning Ordinance to Regulate Short Term Lakefront Rentals:**

Supervisor Ochadleus informed the board that the Planning Commission has spent considerable time creating a rental property ordinance and reviewed the created ordinance. Supervisor Ochadleus recommending adopting the ordinance.

MOTION by Herpolsheimer seconded by Madeline to amend the Attica Township Zoning Ordinance adding Section 4.64 Short Term Rentals and to add Local Agent and Short Term Rental under Article 2.2 Definitions and to include revisions to 3.1 as attached as recommended by the Attica Township Planning Commission. A roll call vote was taken. Ochadleus: Aye; Lacey: Nay; Herpolsheimer: Aye and Madeline: Aye. Ayes: Three (Madeline, Ochadleus, Herpolsheimer). Nays: One (Lacey). Absent: One (Mason). **MOTION CARRIED.**

3. **Change Accessory Building Process:**

Planning Secretary Lemons reviewed the new process for approving accessory building applications.

4. **Assessor's Report:**

Supervisor Ochadleus discussed bills before the house and senate regarding assessors and how it would affect the township assessing process if passed. Supervisor went on to review the State of Michigan's audit of Attica Township's Minimum Assessing requirements (AMAR).

5. **Rescind 1200 Lake George Road, LLC Special Land Use:**

Supervisor Ochadleus informed the board that the Planning Commission is holding a Public Hearing at their August 23rd meeting to receive public comments on a request by Israel Ferrett to revise his Special Land Use for 1200 Lake George Road, LLC. Supervisor Ochadles stated that Mr. Ferrett has never signed his Special Land Use application or paid the required \$50,000.00 bond. Attorney Gildner stated he received a letter from Mr. Ferrett's attorney threatening litigation and suggested addressing this issue at the Planning Commission meeting..

6. **Truck Route Ordinance Discussion:**

Supervisor Ochadleus informed the board that the Attica Truck Route ordinance was sent to the Lapeer County Road Commission three months ago for approval. The Road Commission tabled it and never reviewed it. Supervisor Ochadleus realized there is a mistake in

the language of the ordinance which needs to be amended and brought back to the board. Attorney Gildner will draft an amendment.

7. **ISD Issue:**

Supervisor Ochadles reviewed the process for the Lapeer County Intermediate School District (ISD) delegation of plan review and inspection authority.

MOTION by Herpolsheimer, seconded by Madeline, to authorize Supervisor Ochadles to sign the application (attached), from the Michigan Department of Licensing and Regulatory Affairs Bureau of Construction Codes, accepting the ability to inspect the Lapeer County Intermediate School District (ISD) Building using Lapeer County Construction Code as the township's agent. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

COMMITTEE REPORTS:

1. FIRE: None.
2. PARK: Park Manager Madeline reported that he has received a price for resealing the track for \$4,000.00 plus eighty cents per linear foot to repair cracks. There was discussion and the subject was tabled until further bids are received.
3. PLANNING COMMISSION: Planning Administrator Maureen Lemons reported:
 - a) A Public Hearing for 1200 Lake George Road, LLC is scheduled for the August Planning Commission meeting.
 - b) Changing the definitions of buildings to exclude travel trailers on vacant property will be discussed at the August Planning Commission meeting.
4. ATTORNEY REPORT: Attorney Gildner informed the board that he filed a brief in the Owen Tree Service appeal and updated the board on the court case.
5. AMBULANCE: None.
6. COMMISSIONER'S REPORT: None.
7. Board:
 - a) Supervisor Ochadles thanked the public for renewing Attica Township's Public Safety and Fire millages at the August 7, 2018 election.
 - b) Clerk Herpolsheimer reviewed the topics of classes offered at the MTA on the Road meeting to be held October 2nd in Frankenmuth. Board members and department

heads wishing to attend the meeting must inform Clerk Herpolsheimer by September 18th.

MOTION by Herpolsheimer, seconded by Lacey, to authorize board members, department heads and township employees that could benefit, to attend the Michigan Township Association (MTA) on the Road classes on October 2, 2018 in Frankenmuth, Michigan. A roll call vote was taken. Herpolsheimer: Aye; Madeline: Aye; Ochadleus: Aye and Lacey: Aye. Ayes: All; Nays: None. Absent: One (Mason). **MOTION CARRIED.**

8. Public Time: None.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$100,398.47 (check #19826 through check #19901); Public Safety for the amount of \$11,380.24 (check #1244) and the Fire Fund for the amount of \$8,198.14 (check #5000 through check #5029). For a total of \$119,976.85. There being no further questions:

MOTION by Lacey seconded by Madeline to approve the bills as presented in the amount of \$119,976.85. A roll call vote was taken. Herpolsheimer: Aye; Ochadleus: Aye; Lacey: Aye and Madeline 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 7:52 p.m. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

Submitted by:

Respectfully Submitted by:

Valerie Schultz, Deputy Clerk
Recording Secretary

Nancy Herpolsheimer, Clerk