

ATTICA TOWNSHIP BOARD MEETING

June 13, 2019

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held June 13, 2019, at the Attica Township Hall, 4350 Peppermill Road, Attica, Michigan. The meeting was called to order at 7 p.m. by Supervisor Al 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.

ACCEPT AGENDA:

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

REVIEW MINUTES:

The minutes of May 9, 2019 regular Board meeting were reviewed by the Board; and there being no additions, corrections or deletions;

MOTION by Lacey, seconded by Mason, to approve the May 9th, 2019 regular Board meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

CORRESPONDENCE:

- a) Supervisor Ochadleus read a memo from Ruth Hughes Memorial Library Director Tracy Aldrich regarding the summer reading program, Fines Forgiveness Days and bilingual story time at the Attica Park.
- b) Supervisor Ochadleus informed the public that flyers are available to register for the Lapeer County Emergency Notification System.

TREASURER'S REPORT: Treasurer Mason gave the following Treasurer's Report: General Fund Beginning Balance of \$378,167.36 receipts of \$78,844.78; Interest of \$638.99; Distributions of \$47,181.78 for a New Balance of \$410,469.35; General Fund CDARS savings account has \$203,728.32; General Fund ICS has \$300,370.27; Public Safety has \$89,484.40; Public Safety CDARS Savings account has \$50,932.08; Public Safety ICS has \$25,038.50; Fire Millage has \$58,114.06; Fire Millage CDARS Savings account has \$50,932.08; Fire Millage ICS has \$20,045.51; Fire Escrow has \$8,485.86; Fire Escrow ICS has \$41.52; Deposited Escrow has \$50,023.29.

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 155 calls in the month of May with 65 of the calls handled by the Township deputies.

PUBLIC TIME: Resident Theresa Russell shared the benefits of Qigong and volunteered to hold an hour class each week in the park as her gift to the community. Supervisor Ochadleus asked Ms. Russell to stop into the township office to discuss the details.

OLD BUSINESS: None.

NEW BUSINESS:

1. Approve Budget and Wage recommendations for the 2019-2020 Fiscal Year:

MOTION by Mason, seconded by Herpolsheimer, to approve the July 1, 2019 through June 30, 2020 budget and the attached wage distribution for Attica Township employees and the Attica Township Board as presented at the May 9, 2019 Attica Township Board meeting. A roll call vote was taken. Madeline: Aye; Ochadleus: Aye; Herpolsheimer: Aye; Mason: Aye and Lacey: Nay. Ayes: Four (4); Nays: One (1). Absent: None. **MOTION CARRIED.**

2. Owen Tree Service Special Land Use:

Supervisor Ochadleus reviewed the Special Land Use request of Owen Tree service and gave his recommendation to changes in the Special Conditions.

MOTION by Lacey, seconded by Madeline, to deny the proposed Owen Tree Service Special Land Use based upon the following:

1. The proposed use is not of a location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and of the applicable regulations of the AG zoning district. Specifically, the applicant's proposed techniques to meet performance standards, or proposed greenbelt buffers, will not make the use harmonious with the development of neighboring properties.
2. The proposed use would interject large commercial vehicles onto Lake George Road, a roadway that is ill-suited to accommodate such vehicles.

3. Notwithstanding any nuisance mitigation strategies that the applicant proposes to employ, the use will generate noise, dust or other side effects that will be noxious to neighboring properties.
4. Although there is nothing about proposed structures on the property that might affect the values of neighboring properties, the proposed use is not harmonious with existing uses or with those permitted in the AG district.
5. A mulching operation does not relate harmoniously with the physical and economic aspects of adjacent land uses in the AG district.
6. A mulching operation is not necessary for the public convenience at the location.
7. The mulching operation will generate sound, dust and other side effects that are harmful to the public health, safety and welfare, all while introducing a use that is not consistent with existing neighboring uses or those allowed in the AG zoning district.

Further, I do not believe that the proposed use meets the standards of an agribusiness under Section 4.29 because it is not located on a paved County Primary Road and I do not believe that the use is seasonal in nature.

I further find that the proposed use is not similar to the principal permitted uses and special land uses in the AG zoning district. Even if it was, for the reasons found in Nos. 1-7 above, I do not believe that the use satisfies the standards required under Section 4.58.

A roll call vote was taken. Ochadleus: Nay; Herpolsheimer: Nay; Lacey: Aye; Mason: Nay and Madeline: Aye. Ayes: Two (2); Nays: Three (3). Absent: None. **MOTION FAILED.**

MOTION by Herpolsheimer, seconded by Mason to approve the Owen Tree Service Special Land Use request as recommended by the Attica Township Planning Commission, and for all the reasons given by the Planning Commission, subject to the Special Conditions recommended by Supervisor Ochadleus (attached). A roll call vote was taken. Lacey: Nay; Ochadleus: Aye; Madeline:

Nay; Herpolsheimer: Aye and Mason: Aye. Ayes: Three (3); Nays: Two (2). Absent: None. **MOTION CARRIED.**

MOTION by Herpolsheimer, seconded by Mason, to approve the Owen Tree Service Site Plan as recommended by the Attica Township Planning Commission. A roll call vote was taken. Ochadleus: Aye; Herpolsheimer: Aye; Mason: Aye; Lacey: Nay and Madeline: Nay. Ayes: Three (3); Nays: Two (2). Absent: None. **MOTION CARRIED.**

3. Planning and Zoning Retreat:

MOTION by Herpolsheimer, seconded by Mason, to authorize Planning and Zoning Administrators Lemons and Schultz and Planning Commission and Zoning Board of Appeals members to attend the Michigan Township Association Planning and Zoning Retreat held July 9th through July 10th in Bellaire, Michigan. Attica Township will pay all expenses related to attendance. A roll call vote was taken. Herpolsheimer: Aye; Madeline: Aye; Lacey: Aye; Mason: Aye and Ochadleus: Aye. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

4. Appoint Planning Commission Member:

Supervisor Ochadleus recommended the appointment of Cara Capizzo to the Attica Township Planning Commission to fill a vacancy left by Maureen Lemons.

MOTION by Mason, seconded by Herpolsheimer, to appoint Cara Ann Capizzo to fill the vacancy left by Maureen Lemons on the Attica Township Planning Commission. The term expires March 31, 2021. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

COMMITTEE REPORTS:

1. FIRE: None.
2. PARK: Park Manager Madeline reported that the park track has been repaired and resurfaced.
3. PLANNING COMMISSION: Planning Commission Secretary Lemons reported:
 - a) Mike Carpenter, of Rowe Engineering, reviewed Starr Mining's annual conditions reports so the process of applying for a four year mining permit extension may go forward.
 - b) The Planning Commission will discuss the use of storage containers on property at the June meeting.

4. ATTORNEY REPORT: None
5. AMBULANCE: Supervisor Ochadleus informed the Board that the EMS is reviewing language for a millage request to go on the March 2020 Republican Primary ballot.
6. COMMISSIONER'S REPORT: None.
7. Board: None.
8. Public Time: None.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$51,677.46 (check #20589 through check #20669); Public Safety for the amount of \$11,313.87 (check #1255) and the Fire Fund for the amount of \$17,882.43 (check #5311 through check #5341). For a total of \$80,873.76. There being no further questions:

MOTION by Lacey seconded by Madeline to approve the bills as presented in the amount of \$80,873.76. A roll call vote was taken. Ochadleus: Aye; Mason: Aye; Herpolsheimer: Aye; Madeline: Aye and Lacey: 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 7:25 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