

CARROLLTON TOWNSHIP BOARD
REGULAR MEETING
Monday, November 25, 2013

<u>Roll Call:</u>	Supervisor Kozara	Present
	Clerk Fritz	Present
	Treasurer Riley	Present
	Trustee Dudek	Present
	Trustee Loperena	Present

There being a full board, Supervisor Kozara called the meeting to order at 5:30 p.m. Also in attendance: Director Craig Oatten and Office Manager Megan Weaver.

Acceptance of Agenda:

It was board consensus to approve the agenda as presented.

Public Comments:

Amy Reynolds, 3621 Madison, complained of the smell and smoke coming from Yeager Asphalt during the past week. She understood that the Township was waiting for the district court judge to make a decision on the pending case (Township vs. Yeager Asphalt); but she asked if there was anything that could be enforced in the meantime to stop them from burning asphalt. Oatten explained that the Township must wait for the judge's decision. Until then, the Township's attorney had issued a legal opinion that the Township cannot control the noise issue because Yeager Asphalt's location is in an M-1 (Industrial – Limited Manufacturing) zoning district. Discussion followed.

Steve Locky, 1201 S. Madison (Bay City), introduced himself as the realtor representing Mr. Bachint Rathor who had filed for the rezone of the property at 3695 N. Michigan. He explained that his client's intention for the use of the property was not to include a gas station. He felt the rezone application was very vague and the Township staff filled in the blanks which required the property to be rezoned to M-1 (Industrial – Limited Manufacturing) for gasoline sales. Mr. Locky further explained that his client was thinking of adding the gas station sometime in the future if possible; but only wanted to ask for a rezone to provide for a liquor store and delicatessen. He asked if it would be possible to not have the board act on the current rezone request that evening and refer it back to the Planning Commission as they would like to request a rezone to B-2 (Business – Neighborhood) instead. He also asked if the application fee of \$750 could be applied to the "revised" request. Discussion followed. Kozara informed Mr. Locky that the board must act on the Planning Commission's recommendation as presented and that the costs had already been incurred for this rezone request. If they were to apply for a different rezone, the process would start over and the fee would need to be paid again.

Robert Gubody, 3562 N. Monroe, stated that he is on the Carrollton Township Fire Department and had received an invoice from the Township to replace a lost pager. He stated that the pager was not lost; it was inoperable. Mr. Gubody's paycheck for November had half of the cost of the

pager deducted from his pay. He questioned why this had happened as he did not lose the pager. He felt that if the pager was not operable; it should be replaced and the cost covered by the Township. Mr. Gubody stated that Mr. Dennings (also a firefighter) received the same invoice. Oatten stated that he would contact the fire chief and get back with Mr. Gubody.

Andy Lamia, 2836 N. Michigan, voiced his concerns about Township board members violating the Open Meetings Act. He also presented a list of complaints that he has made over the past few years that were never addressed. Mr. Lamia's opinion was that the Township's administration did not care about his (or other residents') concerns and he felt the only resolution was to initiate a recall. Discussion followed. Clerk Fritz adamantly denied that any of the board members had violated the Open Meetings Act.

It was board consensus to move New Business item #1 up on the agenda to after public comments.

New Business:

The recommendation from the Planning Commission reference the rezone request for the property located at 3695 N. Michigan was reviewed along with the zoning administrator's report. It was clear that a rezone of this property would go against the Township's future land use as stated in the master plan.

It was moved by Dudek and supported by Loperena to support the recommendation from the Planning Commission to deny the rezone request for the property 11-12-4-12-2022-001 (more commonly known as 3695 N. Michigan) from R-1 (Residential: Low Density) to M-1 (Industrial – Limited Manufacturing). There being all ayes, the motion carried.

Approval of Minutes:

It was moved by Loperena and supported by Fritz to approve minutes for: October 28, 2013 – regular meeting and November 11, 2013 – departmental meeting. There being all ayes, the motion carried.

Correspondence:

It was moved by Dudek and supported by Riley to receive and file the correspondence as listed for November 2013. There being all ayes, the motion carried.

Accounts Payable:

It was moved by Fritz and supported by Riley to approve the November Accounts Payable for the amount of \$196,786.00. There being all ayes, the motion carried.

Committee/Commission/Board Reports:

Board reports were reviewed.

It was noted that the new outdoor warning sirens were installed and tested. It was board consensus to run the battery backup test after the County performs its test on the first Wednesday of every month at 12:00 noon.

The Fire Department’s rescue mannequin (for training) needed to be replaced as it was 29 years old. It was moved by Fritz and supported by Dudek to approve the purchase of a new rescue mannequin in the amount of \$1,005.00 (includes shipping). There being all ayes, the motion carried.

It was also noted that the Fire Dept. would be participating in the annual “Shop With a Hero” program again this year.

New Business:

It was moved by Kozara and supported by Riley to adopt Resolution #2013-34 (copy attached) to amend the FY 2013-14 Recreation Fund budget. It was noted that this budget amendment had been approved November 11, 2013; however, the resolution number was incorrect.

Roll call:	Riley	Yes
	Dudek	Yes
	Loperena	Yes
	Fritz	Yes
	Kozara	Yes

There being all ayes, the resolution was declared adopted.

It was moved by Dudek and supported by Fritz to adopt Resolution #2013-35 Granting a Charitable Gaming License to Heck’s Bar Charities (copy attached).

Roll call:	Dudek	Yes
	Loperena	Yes
	Fritz	Yes
	Kozara	Yes
	Riley	Yes

There being all ayes, the resolution was declared adopted.

Oatten stated that he would be meeting with OHM Advisors reference the master plan update and hoped to have a draft ready for the Planning Commission’s next meeting on December 16. If the board members had any revisions, he would need them as soon as possible.

Oatten reminded the board that he also needed any revisions for the Parks and Recreation Master Plan turned in soon as he would be meeting with Spicer Group the first part of December.

Public Comments:

Robert Gubody, 3562 N. Monroe, asked if the Township had received any funds from the grant

that the City of Saginaw applied for to demolish vacant homes. Oatten explained that Carrollton Township was to receive funds from the TARP grant; however, he was unsure on the amount. The Saginaw County Land Bank currently owns seven homes in Carrollton that are slated for demolition. Mr. Gubody asked if a home in the 3300 block of Jackson was on the list. Oatten stated that it was on the “secondary list” as it was privately owned and not owned by the Land Bank.

Frank Sheridan, 2835 Eddy, informed the board that a cottonwood tree at 2828 N. Michigan that had been struck by lightning years ago looked like it was falling down. Oatten stated he would take a look at it.

Amy Reynolds, 3621 Madison, stated that she was very frustrated as even her calls to the Michigan Department of Environmental Quality regarding Yeager Asphalt have gone unanswered. She felt that she was wasting her time calling 911 as the judge had not made a decision and if the Township cannot do anything until then, what would be the point? Oatten explained that there were a couple of issues going on with this matter. First of all, Yeager Asphalt has temporary machines that they have permanently mounted. The DEQ does not enforce regulations on temporary machines. Secondly, if the judge would’ve made a decision immediately, the Township would have requested a “cease and desist” order that would’ve stopped all activity at Yeager Asphalt’s current site. Because the judge is still weighing the evidence and has not come to a decision, the Township’s hands are tied at this point. Discussion followed.

Tim Gnatkowski, 3546 Madison, thanked the board members for supporting the Planning Commission’s recommendation on the rezone request for 3695 N. Michigan. As a member of the Planning Commission, Mr. Gnatkowski wanted it noted that even if the rezone was presented to change from R-1 to B-2 (Business: Neighborhood), he would vote to deny because it goes against the Township’s future land use in the master plan.

Frank Sheridan, 2835 Eddy, stated that he was upset that he was not notified about the recent changes at the truss company located at 2795 Harrison. He understood that the company was adding on to the building and widening the road. Mr. Sheridan stated that he dealt with noise and dust from that business 24/7 and he questioned what rights he had as a taxpayer. Oatten responded that the company submitted a site plan review to do a small addition. He invited Mr. Sheridan to come into the office to view the plans. As far as widening the road, that would be controlled by the Saginaw County Road Commission. Discussion followed.

Director Comments/Updates:

Oatten stated that the Township’s SAW grant application had been signed and would be submitted to the State that week.

Board Comments:

Dudek asked if there was anything that could be done about the noise at the truss company that Mr. Sheridan addressed the board about during public comments. Response: No, as the property is zoned M-1 (Industrial: Limited Manufacturing).

Loperena addressed the public and let them know that he had an open-door policy and they could contact him whenever they had a concern.

Adjournment:

It was moved by Dudek and supported by Riley to adjourn. There being all ayes, the meeting adjourned at 7:03 p.m.

Respectfully submitted,

Jerry W. Fritz, Clerk

Public in attendance:

Andy Lamia	2836 N. Michigan
Robert Gubody	3562 N. Monroe
Frank Sheridan	2835 Eddy
Frank Rivette	534 Nylon
Dennis Anklam	3630 Jefferson
Bachint Rathor	597 W. Center Rd
Steve Locky	1201 S. Madison
Rose King	3427 N. Michigan
Charles Pappas	3875 Vanguard
Amy Reynolds	3621 Madison
Sid Hess	3615 Madison
Danielle Davenport	3600 N. Michigan
Wally Davenport	3600 N. Michigan
Charles Jones	3556 N. Michigan
Jackie Anklam	3630 Jefferson
Tim Gnatkowski	3546 Madison