

RAY TOWNSHIP TOWSHIP BOARD OF TRUSTEES
SPECIAL MEETING MINUTES
WEDNESDAY, NOVEMBER 1, 2017 AT 7:30 P.M.
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Location: Ray Township Hall
64255 Wolcott. Ray, MI 48096

Present: Joe Jarzyna, Supervisor
Lori Lascoe, Clerk
Doug Stier, Treasurer
Charlie Bohm, Trustee
Betty Grader, Trustee

Also Present: Five Residents.
(Attendance record on file with the Clerk)

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.
Supervisor Jarzyna called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited. All members were present.

Supervisor Jarzyna requested a moment of silence for the terror attack yesterday in New York City.

2. APPROVAL OF AGENDA
MOTION by Stier supported by Lascoe to approve the agenda as presented.
MOTION carried.

3. PUBLIC COMMENTS: Supervisor Jarzyna asked anyone that would like to speak to come to the podium and state their name and address.

No public comments at this time.

4. UNFINISHED BUSINESS
 - a. Businesses in Residential Areas – Jarzyna stated the Board has the proposed letter to send to the residents that has been reviewed and approved by the Township Attorney.

Lascoe stated the letter was out for the public in attendance at the meeting.

Jarzyna asked how the Board would like to send the letter to the residents.

Grader stated she does not like the letter.

Lascoe stated she would like the procedure to be set before the letter is discussed. She stated at the last meeting Grader distributed a packet to each Board member with questions and would like to discuss the issues. She asked what if a resident does not respond to the letter and is running a business. Further questioned if the Board would start litigation against the resident/business that donated to the Township or used their services.

Bohm stated in reviewing the letter he feels the Board needs to have the businesses respond to a questionnaire. He stated he likes the questionnaire Grader created. He recommended having the Planners and Attorney categorizes the businesses.

Grader stated the letter should be sent first class mail. She questioned why anyone would respond to the letter.

Bohm stated the mission is get each business registered within the Township.

Jarzyna stated if a business is on the list and they don't respond he will contact the business and inform them the Township is trying to work, with them, or otherwise the Zoning Ordinance will be enforced. He stated he talked with Christine Anderson and there could be a generic consent judgement for each individual business and the legal costs would range \$500.00-\$700.00, \$225.00 for title work and \$175.00 for filing fee.

Grader stated the business owners are our residents and she want to work in good faith with the residents.

Grader and Bohm agreed the Certificate of Zoning Compliance previously provided should not be attached to the letter to the residents as it is not relevant. Bohm stated he preferred the questionnaire Grader provided.

Stier stated if the Certificate of Zoning Compliance is not going to be enforced, it should be removed from the ordinance. He questioned if the Board could have an agreement with a business owner that they could continue to conduct the business from their homestead, as long as the neighbors are happy, a hand shake with the Township and a signed agreement in the presence of a notary republic.

Bohm stated a consent judgment would be required, filed with the Register of Deeds office. Further stated the Judge was in favor of Ray Township in the last lawsuit, but it was indicated if the Zoning Ordinance is not enforced the Judge would not rule in favor of Ray Township.

Discussion was held the only reason businesses in residential areas is being addressed is, so the Township can stop a new business from starting in a residential area and enforce the zoning ordinance.

Bohm stated there are businesses operating in Ray Township that this process does not apply to as their use has been approved.

Kevin Brown, 18955 29 Mile Road, stated he does not conduct business on his property, he only parks his truck on his property. He stated twenty years ago he came to the Township and was told they were not giving out special land uses. Further stated there are three new businesses in the Township.

Jarzyna explained the zoning ordinance addresses the gross motor weight for vehicles in residential areas. Further stated a semi is the heavy industrial use.

Discussion was held on simplifying the letter to the residents. The letter was reviewed, and paragraphs were deleted.

Susan Brown, 18955 29 Mile Road, questioned the Home Occupations for Type 1 and Type II. She stated a hair dresser can have vehicles coming and going in a residential area all day. Whereas, Kevco Transporting, has one truck leave in the morning and one truck return in the evening. Further questioned why they could not enter into an agreement and be signed by the Supervisor and the business owners.

Jarzyna explained for the type of business they conduct it would require a consent judgment and the legal binding agreement must be filed with Circuit Court and filed with the Register of Deeds Office.

MOTION by Bohm supported by Stier to Approve the Letter to the Residents for Businesses in Residential areas as discussed.

Lascoe and Grader agreed they would like to see the draft letter as discussed before it is approved.

Jarzyna read the proposed letter as follows:

“Residents of Ray Township,

The Board of Trustees has been working with the Planning Consultants and our Township Attorney to establish a procedure to address businesses operating on property zoned R-1 (Residential/Agricultural) without approval. *This procedure does not apply to Farming operations exempt under the Right to Farm Act.*

Ray Township is not seeking ways to have your business operation cease but rather is seeking ways to allow your business to continue legally in the Township.

We are asking all businesses (home/accessory building) operating on property zoned R-1 to register the business with Ray Township by completion of the attached Zoning Compliance Inquiry.

To keep this process moving forward, a thirty **(30) DAY RESPONSE TIME IS REQUESTED.** If you have a business operating on property zoned R-1, please complete and submit the attached Zoning Compliance Inquiry to Ray Township within 30 days of receiving this letter. While not our intent, legal action may be necessary, if this notice is ignored.

If you have any questions, contact Joe Jarzyna, Township Supervisor, at 586-749-5171 ext. 202.

Sincerely,

-Ray Township Board of Trustees

Attachment”

FOR THIS MOTION: Yes: Bohm, Stier, Jarzyna

No: Grader, Lascoe.

MOTION carried.

Bohm stated the letter should be sent to the Township Attorney for review.

Discussion was held on Zoning Compliance Inquiry as provided by Grader. It was determined, “Date when use will cease to exist” should be deleted from the form.

Bohm stated the form should address equipment stored on the site. Further stated he felt the form would classify the type of business that is being conducted on the site.

Kevin Brown, 18955 29 Mile Road stated he was interested in how much the Township is going to pay the Attorney for legal fees for the businesses.

Lascoe stated she does not feel the Township should pick up the legal fees for the businesses.

Jarzyna explained it would be cheaper for businesses to get a consent judgment rather than applying for a special land use application with the Planning Commission and the possibility that the application could be denied if the criteria is not met.

Lascoe stated the Planning Commission fees for a special land use application are \$1,535.00 for one acre, plus \$45.00 per additional acre.

MOTION by Bohm supported by Stier to Approve the Zoning Compliance Inquiry as discussed at the meeting, as follow:

Zoning Compliance Inquiry

This form is to be completed to initiate the process of an existing business, in Ray Township to proceed toward zoning compliance and to allow the business to operate legally within the Township.

Name:

Business Name:

Address:

Parcel No.:

Description of business:

Number of employees:

Equipment stored on-site:

FOR THIS MOTION: Yes: Bohm, Stier, Grader, Lascoe, Jarzyna.

No: None.

MOTION carried.

5. **PUBLIC COMMENTS:**

Sharron Diener, 18850 29 Mile Road, asked when she receives the letter would she have to complete the Zoning Compliance Inquiry?

Jarzyna stated she would not have to complete the zoning compliance form because the business has been approved by the Township.

Harold Diener, 18850 29 Mile Road, stated when Ray Township sued his brother and entered into a consent judgment, at that time there was a list of over two-hundred businesses in the Township.

Jarzyna stated a consent judgment is the best option for a business in a residential area.

6. **ADJOURNMENT**

MOTION by Bohm supported by Stier to adjourn the meeting at 9:21 p.m.

MOTION carried.

Joe Jarzyna, Supervisor

Lori R. Lascoe, Clerk
Recording Secretary

Date