

RAY TOWNSHIP TOWSHIP BOARD OF TRUSTEES
SPECIAL MEETING MINUTES
THURSDAY, JANUARY 11, 2018 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott. Ray, MI 48096

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

Absent: Doug Stier, Treasurer (excused)

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.

Supervisor Jarzyna called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Jarzyna, Lascoe, Bohm and Grader were present. Stier was absent due to the death of his father.

2. APPROVAL OF AGENDA:

**MOTION by Bohm supported by Grader 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.

There were no public comments at this time.

4. UNFINISHED BUSINESS:

A. Business in Residential Areas

Jarzyna presented the Board with the cost for mailing (via 1st class mail) the approved letter to the township residents. Bohm suggested the outside of the envelope be stamped with “Important Notice” or “Immediate Attention Required” to get the attention of the recipients. The cost of this mailing is estimated to be less than \$1,500.00. It will occur before the end of January 2018.

Jarzyna noted that the Tax Assessments will be mailed by February 28, 2018. He recommended that a reminder notice (of the Business in Residential Areas Letter that will be mailed in January) be included in the same envelope. The notice should be printed on different colored paper. This notice would cost approximately \$280.00 and save the township the full cost of a second mailing.

**MOTION by Lascoe supported by Bohm to mail out the initial letter and then mail the reminder notice (on colored paper) with the Tax Assessment.
MOTION carried.**

A sample Consent Judgment Casco Township vs. Ted Rattee, et al, entered on May 16, 2014, was discussed and could be used as a general template for Ray Township. It was suggested to keep them simple. The list of equipment should be general. An example of equipment was Exhibit D on the Casco Township vs. Ted Rattee Consent Judgment.

The Board discussed the cost comparison of a Consent Judgment versus Planning Commission/Rezoning/Special Land Use process to resolve this issue.

Cost is estimated to be as follows: Filing Fees \$175.00 + Title Search \$225.00 + Attorney Fees approx. \$700.00 to \$1,500.00. Discussion was held on splitting the cost of the attorney fees to show good faith and to demonstrate the Township is attempting to keep this legal action very friendly if the business uses this Consent Judgment process.

The alternative course of action for the businesses operating in residential zoning is to go before the Planning Commission to attempt to get a rezoning or special land use approval. The cost to a resident is estimated to be at least \$2,500.00 to \$3,000.00 to cover stamped blueprints, engineering costs, and filing fees. Attorney fees would be an additional cost and not split with the township. This alternative is clearly more costly and does not have an immediate conclusive resolution. In addition, some of these businesses would not be granted the rezoning or special land use by the Planning Commission because of certain restrictions.

Grader wanted clarification on the title search. It will show who specifically owns the property and what liens exist. Title search will be mandatory for the Consent Judgment. It will document ownership. Even though a Consent Judgment is filed with the Macomb County Circuit Court and Register of Deeds the intent of the Board is to resolve the issue of a business operating in residential areas in a “friendly” and “cost efficient” manner to the property owner.

MOTION by Bohm supported by Lascoe to use the Consent Judgment process. The Township would split all costs 50/50 with the property owner except for the attorney fees for the resident who uses their own attorney.

MOTION carried.

It was noted that each Consent Judgment will be unique, and each situation will be individually addressed. Jarzyna suggested a committee be formed to review each Consent Judgment. He recommended the following individuals:

- *Jack Dailey – Planner
- *Jerry Schmeiser – Planner
- *Joe Jarzyna – Board, Supervisor (resident)
- *Planning Commission Chairman (resident)
- *Township Attorney

This group would meet with the property owner and the property owner’s attorney to draft a proposed consent judgement to be submitted to the Township Board for approval. The Township Engineer and/or a Fire Department member could be consulted if items of concern need to be addressed. Some examples of items of concern were blight, dust control, and storage tanks.

MOTION by Grader supported by Lascoe that the only items to be addressed in each Consent Judgment are the items listed on the Zoning Compliance Inquiry Form: (Name, Business Name, Address, Parcel No., Description of Business, Number of Employees, Equipment Stored On-Site) - as in the Consent Judgment Casco Township vs. Ted Rattee.

MOTION carried.

The Committee will review the Consent Judgments and they should be on the zoning map, so future residents can see there is a legitimate business (via Consent Judgment) on a property.

Moving forward, the Consent Judgments will permit only businesses that have been operating presently without the proper approvals in the township to operate legally. New businesses will only be allowed to operate with the proper township approval from the Planning Commission via rezoning or special land use and site plan approval. This action will also ensure that Ray Township will be compliant with their Master Plan.

Jarzyna stated this action is this Boards attempt to allow a resident with a business in a residential district to operate legally with a mutually agreed upon Consent Judgment. In 2020 the next Board may have a different view. Further, in 20-25 years the issue may cease to exist.

Grader stated this Board is trying to be of assistance to the residents.

**MOTION by Bohm supported by Lascoe to table Businesses in Residential Areas.
MOTION carried.**

5. PUBLIC COMMENTS:

Tom Penzien, 20750 28 Mile Road.

Penzien reiterated that:

- All residents will get the letter.
- All businesses will have 30 days to respond to the letter.
- This will be those businesses' only chance to get a Consent Judgment with this Board.

6. ADJOURNMENT

**MOTION by Bohm supported by Lascoe to adjourn the meeting at 8:05 p.m.
MOTION carried.**

Joe Jarzyna, Supervisor

Lori Lascoe, Clerk

Date

Respectfully submitted,

Debra Dunn, Recording Secretary