

DRAFT MINUTES OF THE AU GRES TOWNSHIP SPECIAL MEETING

**To review ordinances recommended for approval
by the Planning Commission
February 5th, 2025 ~ 10:00 A.M.**

IN ATTENDANCE: Supervisor Jim Herzog, Clerk Michael Oxley, Treasurer Patricia Tremble, Trustee Jan Bullock and Trustee Penny Kurchak

ABSENT: None

ATTENDEES: In order of signing in: Becky Woodward and Melanie Brewer. (plus, five attendees who did not sign the sheet: Clyde Ward, Duane Willett, Jim Osborn, Derek Porritt and another).

CALL TO ORDER: The meeting began at 10:00am with the pledge of allegiance.

BOARD COMMENT: None at this time.

APPROVAL of AGENDA: Treasurer Pat Tremble added 'Discuss STR and Noise Ordinances' to the agenda items. Motion made by Tremble to approve the agenda as with additions. Motion supported by Trustee Jan Bullock. Voice vote: All yeas. No nays. Agenda approved.

PUBLIC COMMENT (2-minute limit per person/group): Derek Porritt questioned the posting of the special meeting on the website within an incorrect date (Clerk's typing error caught by Tremble). And questioned the daytime scheduling of these meetings being a barrier to many residents who work. Suggesting that this gives a perception of exclusion - transparency is important. Duane Willett pointed out that the board members have busy schedules and lives outside of the township hall.

HISTORY of the BLIGHT ORDINANCE: Clerk Michael Oxley stated that up until Summer of 2023 there was no Blight Ordinance to the knowledge of the board members. That is until Supervisor Jim Herzog discovered, while searching the old minute books, that a blight ordinance was adopted by the board on March 16th, 1992. A copy of Ordinance 17-01 (1992) was mailed to all taxpayers with their 2023 Winter tax bills. Residents who requested a copy of a township blight ordinance prior to this time were denied 'as none existed'. Criticisms suggesting that the blight ordinance was purposely hidden are totally false.

REVIEW OF THE PROPOSED BLIGHT ORDINANCE (recommended by the PC for adoption): At the Planning Commission Meeting held on December 2nd, 2024 an updated Blight Ordinance was approved by the PC board members and sent to the township board for Approval, Denial or Return to the PC board with changes. Kurchak said this meeting was more of a workshop than a regular board meeting.

Supervisor Herzog commented on two situations in the township, yard full of junk, one the resident does not have the financial resources to clean up their property, and the other does but just will not do the work to clean up. Kurchak added that hardship (income) is one thing but blight cannot be ignored, even in that situation, perhaps the township could put a dumpster on a property and sponsor a volunteer cleanup. And would that bring up a situation of helping one resident and not another?

Oxley spoke on several issues in the proposed Blight Ordinance, board discussion/comments followed each topic. Definitions: Item (c) 'building materials' - lumber, bricks, shingles... etc. As a homeowner on agricultural property. I keep these items on my property. Should I need to fix something like a porch railing, I am not going out to buy new. This would apply to many households, especially farmers.

Item (h) 'public nuisance' dead weeds grass and brush. If this is translated as to how much of my homestead I mow, I have a 5 acre field which could be considered blight, but I call it wildlife habitat.

Section 4 'blighted structures' denoting that structures have to be kept securely locked/windows glazed. Is this even enforceable. My garage door doesn't even exist, let alone locked. And what about old barns?

Section 5 'enforcement' Oxley questioned notification by first class mail - should that be certified mail, so proof of delivery/receipt can be used in court? Also the 'within ten days of receipt', that is too short of time, especially if the resident works out of town, is not a primary residence, is away for the fall/winter (forwarded mail).

Section 7 'penalties' concerning the wording "... each day violation.. shall constitute as separate offense" needs clarification.

Section 8 'removal by township' Oxley had concerns that '...30 days after notification, with nothing done by resident, allows access to property and chattels'. This needs to be checked by our attorney, not sure if this is legal or not. After back and forth board discussion Oxley made a motion to table any decision on the proposed Blight Ordinance, for further discussion and attorney opinion. Motion supported by Kurchak. Voice Vote: All Ayes, No Nays, Motion approved. Blight ordinance tabled.

REVIEW OF THE PROPOSED ABANDONED VEHICLE (recommended by the PC for adoption): At the Planning Commission Meeting held on December 2nd, 2024 an Abandoned Vehicle/'Junk Car' Ordinance was approved by the PC board members and sent to the township board for Approval, Denial or Return to the PC board with changes.

Oxley spoke on issues with the proposed Abandoned Vehicle/Junked/Scrapped/Discarded Car... Ordinance. First questioning why 'House Trailers were included under the description paragraph. And under 'Purpose' how could the township expect every vehicle in the township to be insured and licensed, seeing that many of our residents do not have the finances to do so. Does this apply to farmers/agricultural equipment. How about a resident who has an used car in their yard, just waiting for the car they drive to fail. How about a family with a son or daughter in the military. How about a boat, which is owner who due to age or health has a boat on their property but no longer uses it. Or has intent to sell, or is trying to sell? This requirement is also called out in Definitions 2.3. Section 4 Violations (1), Oxley questioned the intent of wording 'new or used parts' needing licensing. of time (2) temporarily inoperable due to mechanical failure... giving 14 days to be fixed before being a violation. Is that enough time?

(3) only 24 hours to make a repair (outside of a garage), again is that enough time to get a vehicle fixed? Then there are issues with outlawing '...major repair, compared to minor work.' - who decides major versus minor work? Section 6 Penalty (1), fines of \$100 to \$500. Who decides and on what grounds?

Lastly Oxley asked about (3) Township location to store towed vehicles. Tremble explained that a towing service would have their own lot. No specific service provider is defined in the ordinance.

Board discussion between members followed each of these issues. Tremble suggested that the board send this proposed ordinance back to the Planning Commission. Oxley made a motion to table any decision on the proposed Abandoned/Junk Vehicle Ordinance, for future discussion and attorney opinion. Motion supported by Tremble. Voice Vote: All Ayes, No Nays, Motion approved. Abandoned/Junk Vehicle ordinance tabled.

SHORT TERM RENTALS (STR) AND NOISE ORDINANCES: Tremble reported on existing rentals within the township. Been happening for years and is not a problem in our township. Regulating what a resident does with their home, with respect to STRs, is being discussed in the state legislature. Regulating 'Noise' falls to the County Sheriff's department under 'Public Nuisance' regulations, as advised by our attorney. Jim Osborn spoke about weekend rentals being 'party time' by renters, with no concern for neighbors on either side of that rental unit. This sort of business should incur higher taxes on a property at the very least. Derek Porrit reported having fireworks shot off at 10:00pm, and not on legal holidays either. And relying on the county to come out, takes too long for an officer to arrive, even if they follow up on the complaint at all.

Motion made by Tremble to take Short Term Rentals and Noise Ordinances off the table. Motion supported by Jan Bullock. Voice Vote: All Ayes, No Nays, Motion approved.

BOARD COMMENT: Trustee Kurchak appreciated the meeting, being able to talk these issues out, and to value other board members' opinions. Treasurer Tremble agreed.

PUBLIC COMMENT: Porrit, former teacher at Western Michigan University, also agreed that this round-table meeting was good for all. Then stated that there are two types of houses in the township. Habitable ones, and ones which should be taken down. Referencing structures on Green Drive, owned by Mrs. Olsen who lives in Florida and will never come back to the township due to age. Can the township take them down, they are vacant, blighted eyesores.

ADJOURNMENT: TIME – 11:21am. Motion made by Tremble to adjourn the meeting. Supported by Kurchak. Voice vote: All yeas. No Nays. Meeting adjourned.

Minutes approved at the regular Board of Trustees Meeting on _____

James Herzog, Supervisor _____

Michael Oxley, Clerk _____