

## Sharon Township PUBLIC HEARING Meeting Minutes

APPROVED

June 5, 2014

**CALL MEETING TO ORDER:** The Sharon Township Board held its PUBLIC HEARING meeting, regarding an ordinance violation by Farmer Sand & Gravel, on June 5, 2014. Supervisor Psarouthakis called the meeting to order at 6:00 pm. There were 11 public attendees.

**ROLL CALL:** Mikel, Psarouthakis, Simons: PRESENT.

Farmer: PRESENT- DISQUALIFIED for participation as a board member due to having a financial interest in Farmers Sand & Gravel, which is a conflict of interest.

**SUPERVISOR REPORT:** Supervisor Psarouthakis gave a brief history of what brought about this Public Hearing. He informed the public that it was brought to the attention to the board, back in April, that there was mining taking place on the property owned by Farmer Sand & Gravel, on the West side of M52. The board had a duty to investigate. Farmer Sand & Gravel admitted to mining without the acquiring the appropriate permits and the township sent them a "stop and cease" letter on April 9, 2014. Supervisor Psarouthakis and Zoning Administrator Dave Wilson had a meeting with Farmers Sand & Gravel where they admitted to mining since sometime in 2011. The board held a special meeting, to meet with the township attorney, Ed Plato, via the township ordinance. The attorney drafted and sent a legal letter to Farmers Sand & Gravel informing them of the Public Hearing being held tonight.

**After Supervisor Psarouthakis gave his report, he asked if representatives of Farmers Sand & Gravel would like to make any comments. He also opened up time for public comments, discussion, and questions.**

Angela Farmer (of Farmer Sand & Gravel) referenced ordinance section 3.05 asking why the board chose to jump into legal action. She stated that she believed the ordinance said you could remove 500 yards/year on your property. She also said she would like the township to look at their current ordinance and create a new ordinance about the removal of 100 tons, which she says happens regularly throughout the township.

Clerk, Chelsea Mikel, asked Angela Farmer for clarification on whether or not she had come into the township hall to start the Special Use Permit process for the West Side of the road property. Angela agreed to having come in and stopping due to financial reasons. Mikel then summarized that Angela and Farmers Sand & Gravel were clearly aware of the actions that needed to take place before anything happened on that piece of property.

Angela responded back that she would like the township to change the ordinance.

A member of the public audience asked how much had been removed. Supervisor Psarouthakis informed the resident that the township would have to hire an engineer in order to find out exact amounts as Farmers Sand & Gravel could not provide amounts. Mikel responded by saying, regardless of how much was removed, Angela Farmer knew she was supposed to come in and get the appropriate permits before taking action and stopped due to financial reasons. They then continued to move forward with mining on that side of the road, without permits, clearly knowing that they were in the wrong.

Supervisor Psarouthakis followed by asking Angela and Patricia Farmer what they would like the township to do? Angela replied "well, you're going to do something" and Patricia asked "what are you going to do, shut us down?" Supervisor Psarouthakis stopped the conversation to clarify to the public and Farmers Sand & Gravel that it is not the intention of any board member to see the gravel pit shut down or put out of business, however, he clarified the township board has a legal obligation to uphold township ordinances and follow through with penalties.

A member of the public audience asked about how much its costs for permit feeds. A brief discussion took place between Zoning Administrator Dave Wilson and Clerk Mikel and it was estimated that the entire permitting process to get a mining operation would be around \$20,000.000. Patricia Farmer insisted that the number could quite possibly be too low.

Township Attorney, Ed Plato, explained that in fact two violations are being broken: 1. No special use permit and 2. No Mineral Licensing Permit and referenced our township ordinance which says each violation is punishable up to \$500/day or imprisonment for no more than 90 days, or both. "Each day such violation continues shall be considered a separate offense" Sec 3.06 Sharon Township Zoning Ordinance.

Psarouthakis asked for any other public input and then asked the board if they had read over the township ordinance violation penalties and opened discussion for further board action. Treasurer Simons stated that each day the operation is open is a violation, and based on the admitted 2011 date by Farmer Sand & Gravel if we start with December 31, 2011 and go to the date the board sent the "stop and cease" letter we are at 829 days. Angela Farmer insisted they had not been operating at all in the 2014 year.

Simons suggested that because it is their first offence and they have been a well-established and honest business in the township for 22 years that the fine should be \$60/day. Clerk Mikel suggested that the fine should be from December 31, 2011 until the date of the "stop and cease" letter dated on April 9, 2014. Discussion took place.

**Motion by Simons to fine Farmers Sand & Gravel from December 31, 2011 to December 31, 2013 in the amount of \$60/day, supported by Psarouthakis.**

**Roll Call Vote: Mikel: No, Psarouthakis: Yes, Simons: Yes. Motion Carried.**

**HEARING ADJOURNED at 6:58 p.m.**

*Chelsea Mikel*

*Sharon Township Clerk*