

**ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
October 9, 2013**

The following residents and guests signed in as present:

Tom Wirth	Tom Eddington	Adie Eddington	Jim Weil	GE Noble
Maura Jung	Kurt Jung	Tom Willwerth	Mark Bolan	Dior Rushton
Matt Weil	Darlyne Stanczyk	Sandi Villarreal	Tim Claus	Marilee Carstens

Other(s) present: Susan Weaver (recording secretary)

Supervisor Gambka called the regular meeting of the Rose Township Board of Trustees to order at 7:31 p.m. at the Rose Township Hall, 9080 Mason Street, Rose Township, Michigan and led in the Pledge of Allegiance.

Board Members Present: Miller, Trevethan, Kemp, Scheib-Snider, Gambka

Board Members Absent: None

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for October 9, 2013

Moved by Kemp, seconded by Scheib-Snider, motion carried to approve the Agenda as submitted.

Voting Yes: Scheib-Snider, Miller, Trevethan, Kemp, Gambka

Voting No: None

CONSENT AGENDA:

A. Approval of Minutes of September 11, 2013

B. Receipt of Monthly Reports

- Building Department
- Constable
- NOCFA
- HAYA
- Financial Reports (Revenue and Expense Reports/Balance Sheets by Fund)

C. Payment of Bills

Moved by Miller, seconded by Scheib-Snider, motion carried to approve the Consent Agenda as submitted.

Voting Yes: Kemp, Scheib-Snider, Miller, Trevethan, Gambka

Voting No: None

PRESENTATIONS:

None.

BRIEF PUBLIC COMMENTS - AGENDA ITEMS ONLY (limit comments to 3 minutes each item):

Tom Willwerth, Resident states two (2) months ago Supervisor Gambka asked for tree removal bids. Suggests to Board that they go with the lowest bid.

UNFINISHED BUSINESS:

A. Resolution 2013-XX Reprogramming of 2011 CDBG Funds

**ROSE TOWNSHIP RESOLUTION 2013-36
RESOLUTION APPROVING THE REPROGRAMMING OF 2011 COMMUNITY
DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the Rose Township Board of Trustees has duly advertised a public hearing on November 1, 2012 for the purpose of receiving comments regarding the proposed reprogramming of 2011 Program Year Community Development Block Grant funds in the amount of \$8,293, and;

WHEREAS, the Township of Rose determined that the following project meets the Federal objectives of the CDBG program and is prioritized by the community as a high priority need.

Existing (From):

Account Number	Activity Description	Amount
172170-731332	Parks-Recreation Facilities	\$8,293

Proposed (To)

Account Number	Activity Description	Amount
172170-731332	Parks-Recreation Facilities	\$8,293

Funding development of passive recreation facility with picnic tables at Dearborn Park.

NOW, THEREFORE BE IT RESOLVED, that the Rose Township CDBG application for reprogramming of PY 2011 funds is hereby authorized to be submitted to Oakland County and to the U.S. Department of Housing and Urban Development, and that the Township Clerk is hereby authorized to execute all documents, agreements or contracts which result from this application to Oakland County.

Moved by Scheib-Snider, seconded by Trevethan, motion carried to approve the Resolution 2013-XX Reprogramming of 2011 CDBG funds to be used toward picnic tables at Dearborn Park.

Voting Yes: Trevethan, Kemp, Scheib-Snider, Miller, Gambka

Voting No: None

NEW BUSINESS:

A. Resolution 2013-XX to Continue Moratorium Regarding Michigan Medical Marijuana

Supervisor Gambka states the Township has a moratorium on this matter, awaiting guidance from the State of Michigan.

**PROPOSED RESOLUTION #2013-37
TO CONTINUE MORATORIUM REGARDING MICHIGAN MEDICAL MARIJUANA ACT
MCL 333.26421, ET SEQ.**

WHEREAS, the State of Michigan, by voter referendum in November 2008 approved the use of Medical Marijuana, which resulted in the enactment of the Michigan Medical Marijuana Act (MMMA) MCL 333.26421 to 333.26430 effective December 4, 2008;

WHEREAS, the MMMA and State regulations have not addressed the appropriate land uses associated with these activities, including the sale or dispensing of Medical Marijuana;

WHEREAS, the Rose Township Board finds that it is desirable to forbid the establishment of facilities, which sell or dispense Medical Marijuana, in order to protect the public health, safety and welfare until such time as further direction is provided by State Legislation or until the Township adopts regulations pertaining to sales and dispensing.

WHEREAS, the Rose Township Board finds that a moratorium from the date of the adoption of this resolution until April 9, 2014 is appropriate to prevent the establishment of any facilities which sell or dispense Medical Marijuana to protect the public health, safety and welfare until such time as the Rose Township Planning Commission is able to make a decision pertaining to the adoption of regulations, if necessary, regarding the sale and dispensing of Medical Marijuana.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Rose Township Board hereby adopts a Moratorium on the establishment of any facilities which cultivate, process or store Medical Marijuana for sale or dispensing within the Township for a period of 6 months from the passage of this Resolution. Said Moratorium prohibits the issuance of permits and licenses pertaining to facilities which cultivate, process or store Medical Marijuana for sale or dispensing including, but not limited to, Building Permits, Sign Permits, Certificates of Zoning Compliance and Certificates of Occupancy. During the 6-month period, this matter will be referred to the Rose Township Planning Commission to consult with its Planner and Legal Counsel to further research the foregoing issues and draft the appropriate zoning regulations, if necessary, in conformity with the MMMA and any further pending bills which may be forthcoming from the Michigan Legislature.

Moved by Miller, seconded by Kemp, motion carried to approve the Resolution continuing the moratorium regarding the Michigan medical marijuana matter.

Voting Yes: Miller, Trevethan, Kemp, Scheib-Snider, Gambka

Voting No: None.

B. Discussion of Property Transfer Affidavit Penalty

Moved by Trevethan, seconded by Gambka, motion carried to discuss the property transfer affidavit penalty.

(no vote)

Trevethan states property transfer affidavit penalties were previously discussed and presents a pamphlet describing same. Fifty-three fines total: ten (10) fines cancelled due to Rose Township not

filing paper work with Oakland County, five (5) waived by Rose Township Board of Trustees, twenty (20) fines paid (by mortgage companies), and eighteen (18) remain unpaid. Realized \$2,500.00 out of \$8,000.00. Trevethan does not see a benefit, no real revenue source, consider eliminating fees. Kemp supports eliminating penalties. Supervisor Gambka does not believe imposing penalties is a service to the Township.

Moved by Trevethan, seconded by Kemp, motion carried to waive the property transfer affidavit penalties effective going forward as of this date.

Scheib-Snider asks if past penalties will be waived. Trevethan explains only going forward. Miller asks if residents can ask for a refund if they previously paid penalties. Trevethan responds no, this decision is going forward from this date.

Voting Yes: Scheib-Snider, Miller, Trevethan, Kemp, Gambka

Voting No: None.

C. Discussion of the Cameras, Monitor, Equipment for Township Hall

Supervisor Gambka states a bid was received from Covet Security in the amount of \$4,025.00 (materials) and \$2,400.00 (installation) (6 cameras, LCD monitors, connectors, posts, etc.). Kemp suggests obtaining more quotes. Kemp will contact other providers, discuss at next month's meeting.

D. Discussion of Retro-Fit Ramp or Removal

Moved by Trevethan, seconded by Miller, motion carried to add tree removal under line item D.

Voting Yes: Trevethan, Kemp, Scheib-Snider, Miller, Gambka

Voting No: None

Moved by Miller, seconded by Kemp, motion carried to approve the Agenda as amended.

Voting Yes: Miller, Trevethan, Kemp, Scheib-Snider, Gambka

Voting No: None

Moved by Trevethan, seconded by Gambka, motion carried to discuss the ramp and removal of trees.

(No Vote)

Miller has applied for a polling place grant, waiting for response from the State of Michigan. Would like to repair the ramp, complaints from seniors and those using strollers. Scheib-Snider supports ramp repair. Trevethan states the door/ramp does not meet ADA approval. If grant money is used, need to fix door which will cost more than retro-fitting the ramp. Kemp asks if the Board agrees the ramp should stay. Trevethan states the ramp only serves one (1) floor and the elevator does not work properly, needs repair. Supervisor Gambka states even if working properly, elevator is small.

Moved by Miller, seconded by Kemp, motion carried to repair the existing ramp.

Voting Yes: Scheib-Snider, Miller, Trevethan, Kemp, Gambka

Voting No: None

Supervisor Gambka states the bids are all within same range.

Moved by Gambka, seconded by Trevethan, motion carried to award the contract to Smart Services to repair the ramp and to award the tree removal contract in the amount of \$3,400.00 to Smart Services.

Voting Yes: Kemp, Scheib-Snider, Miller, Trevethan, Gambka
Voting No: None

E. Polling Location Grant Applied for by Clerk Miller to Retro-Fit Ramp

Previously discussed. Miller going through grant process.

F. Rose Township Treasurer's Report

Trevethan states going forward, Board members will receive monthly reports. Working on investment policy, should be on the Agenda by November.

ANNOUNCEMENTS:

- A. Planning Commission Meeting – October 3, 2013 – 7:30 p.m. (Cancelled)
- B. Zoning Board of Appeals Meeting – October 1, 2013 – 7:30 p.m. (Cancelled)
- C. NOCFA Board Meeting – October 21, 2013 – 6:30 p.m. – Rose Township
- D. Assessing Office – 2nd Tuesday of every month – 9:00 a.m. – 4:00 p.m.
- E. Next Township Board Meeting – November 13, 2013 – 7:30 p.m.
- F. Cemetery Committee Meeting – TBD (August) – Rose Township Offices
- G. 24/7 Rose Township Recycling/Rose Township Offices, 9080 Mason Street

Miller - Election to be held November 5, 2013, **Precinct 1 only** – Mott Community College Bond Proposal, Fenton Area Schools Operating Millage renewal proposal.

Miller- Road Commission holding an open house/meeting on October 29, 2013 from 4:00 p.m. – 7:00 p.m. at the Highland Township Hall regarding the Clyde Rd. paving project.

MISCELLANEOUS REPORTS:

- A. NOCFA – Open house Saturday, October 12, 2013
- B. Planning Commission – None.
- C. Holly Area Youth Assistance (HAYA) – Toy project.
- D. Cemetery Committee – Will meet in November.
- E. Parks and Recreation – None.
- F. Supervisor's Report – Gambka planted 100 trees in Dearborn Park.

PUBLIC COMMENT (limit comments to 3 minutes each item):

GE Noble, Resident states he was a member of the original ADA Committee and tonight's motion makes no reference to ADA compliance. Cautions the Board not to award a contract until appropriate information as to ADA compliance is obtained.

Adie Eddington, Resident states the Property Transfer Affidavit process is a federal matter, Board should look into. Resident complains about weed cutting on Rose Center Road. Resident asks if the Board could request the County pave Rose Center Road. Supervisor Gambka states the expense is great \$4-5 million dollars, but we have been asking for years.

Tom Wirth, Resident asks how the Board awarded a bid to Smart Services for ramp repair without

knowing what necessary ADA compliance work will be? Resident feels we need signs erected, not just cameras.

Tom Willwerth, Resident states residents are confused by the ramp and tree removal matter. Resident was at the old Township Hall and feels the Township should be ashamed by the condition of the ramp/front of building. There is an odor.

Tim Claus, Resident states he supports keeping/repairing the ramp. Resident states there should also be a camera located in the Board meeting room.

Unidentified Resident asks if the Board meeting minutes are on the web page. Miller explains they cannot be published until they are approved by the Board. Miller states they can be reviewed in draft form in the office.

Adie Eddington, Resident states there should be public comment on each Agenda item. Supervisor Gambka states there is time available during the meetings for residents to voice their opinions, cannot allow residents to speak throughout, no order.

Tim Claus, Resident asks if Bruce Proper resigned. Supervisor Gambka states no, his term expires in November and he will not return.

ADJOURNMENT:

Meeting adjourned at 8:46 p.m.

Approved/Corrected


Debbie Miller, CMC
Rose Township Clerk