

**ROSE TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING  
February 13, 2013**

The following residents and guests signed in as present:

Jim Porter	Mark Bolan	Charles Kittle	Roy Emmons
Bruce Proper	Tom Wirth	GE Noble	Jennifer Osborne
Pat Walls	Lawrence Bannerman	Frieda Bannerman	Tom Willwerth
Donna Boshell	Jim Weil	Don Walls	

Other(s) present: Susan Weaver (Recording Secretary)

Supervisor Gambka called the regular meeting of the Rose Township Board of Trustees to order at 7:30 p.m. at the Rose Township Hall, 9080 Mason Street, Rose Township, Michigan and led in the Pledge of Allegiance.

Board Members Present: Gambka, Miller, Trevethan, Kemp, Scheib-Snider  
Board Members Absent: None

**APPROVAL OF AGENDA:**

**A. Approval of Proposed Agenda for February 13, 2013**

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

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

**CONSENT AGENDA:**

**A. Approval of Minutes of December 12, 2012 and January 9, 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 Kemp, seconded by Miller, motion carried to approve the Consent Agenda as submitted.**

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

**PRESENTATIONS:**

None.

**PUBLIC COMMENT ON AGENDA ITEMS (limit comments to 3 minutes each item):**

Tom Willwerth, Resident, line item 9(A), Township Board has not approved the \$8,293.00. Plewes stated it was passed, was not. Certain individuals do not run Township, if so, Board should step down.

GE Noble, Resident, line item 9(A), cautions the Board that when more miscellaneous devices are placed on/at parks, more maintenance will be required. Line item 10(A), states the Zoning Administrator and Constable should have knowledge of this. Policies/procedures manual is a good project, too many inequities. Handicapped ramp should be removed if not ADA compliant. Be cautious of ADA officials' credentials, are they indeed experts?

**PUBLIC HEARINGS:**

None.

**OLD/CONTINUING BUSINESS:**

- A. Tabled until February 13, 2013 – Resolution PY 2013-XX – Reprogramming CDBG PY 2011 Funding \$8,293.00

**Moved by Gambka, seconded by Scheib-Snyder, motion carried to remove matter from table.**

**Voting Yes: Kemp, Trevethan, Scheib-Snyder, Miller, Gambka**

**Voting No: None**

Scheib-Snyder states monies should be going to park (trails, trash cans, etc.). Trevethan states the monies should go to parks, insurance company states we need liability signage and it will be expensive. Miller states we should use part of the \$15,977.00 for signage and \$8,293.00 for other projects (i.e., many township seniors and/or OLHSA and our lower income residents and seniors. Miller states we should listen to our residents, many do not favor parks, and too much money is going to parks when we have residents who really need help.

**Moved by Scheib-Snyder, seconded by Kemp, motion carried to approve CDBG PY 2011 Funding of \$8,293.00 to Parks and Recreation.**

**Voting Yes: Kemp, Trevethan, Scheib-Snyder, Gambka**

**Voting No: Miller**

**ROSE TOWNSHIP RESOLUTION 2013-08  
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

Civic Park Pavilion new metal roof

Proposed (To)

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

Funding development of passive recreation facility with interior hiking trails, signage, benches, trash cans, playground equipment and resting areas 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.

**B. Board of Review Appointment (1 Person) tabled until February 13, 2013**

**Moved by Gambka, seconded by Scheib-Snider, motion carried to remove matter from table.**

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

**Voting No: None**

**Moved by Gambka, seconded by Scheib-Snider, motion carried to approve the appointment of Dior Rushton and Pat Oxley to the Rose Township Board of Review for a two (2) year term.**

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

**Voting No: None**

**ROSE TOWNSHIP RESOLUTION 2013-09  
TO APPOINT MEMBERS TO THE BOARD OF REVIEW**

**WHEREAS**, several appointments to the Rose Township Board of Review expiring in December of 2012,

**NOW THEREFORE BE IT RESOLVED**, that the Rose Township Board of Trustees approves the appointment of Dior Rushton and Pat Oxley to the Board of Review to serve a two (2) year term beginning in January 2013 and ending in January 2015.

**C. Zoning Board of Approval Appointment (1 person) tabled until February 13, 2013**

Scheib-Snider would like the Board of Review and Zoning Board of Appeals appointment Resolutions to be separate.

**Moved by Gambka, seconded by Kemp, motion carried to approve that the Board of Review and Zoning Board of Appeals be separate resolutions.**

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

**Moved by Gambka, seconded by Miller, motion carried to approve the appointment of Tim Claus to the Rose Township Zoning Board of Appeals for a three (3) year term ending December, 2015, subject to approval from the Township attorney.**

Kemp has heard that Mr. Claus would be a controversial ZBA member. Supervisor Gambka states Mr. Claus is a resident of Rose Township and self-employed. Supervisor Gambka states the Claus' used their legal rights to fight Rose Township's allegations and an agreement was reached to end the lawsuits (civil infraction, not criminal). Supervisor Gambka states a Resident should not be penalized for exercising their constitutional/legal rights.

Trevethan has liability/conflict concerns, would like to confer with the Township attorney.

**Voting Yes: Trevethan, Miller, Kemp, Gambka**  
**Voting No: Scheib-Snider**

**ROSE TOWNSHIP RESOLUTION 2013-10  
TO APPOINT MEMBERS TO ZONING BOARD OF APPEALS**

WHEREAS, several appointments to the Rose Township Zoning Board of Appeals expiring in December of 2012,

NOW THEREFORE BE IT RESOLVED, that the Rose Township Board of Trustees approves the appointment of Tim Claus to the Zoning Board of Appeals to serve a three (3) year term beginning in January 2013 and ending in January 2016.

**NEW BUSINESS:**

**A. Board Approval to Issue Citation (art. 1 Sec. 12-19 Anti-Litter Ordinance)**

**Moved by Gambka, seconded by Kemp, motion carried to approve issuance of Citation.**

Gambka states the issuance of citation(s) requires prior Board approval, could lose credibility, need to amend ordinance giving Constable Authority to do so without Board approval. Trevethan agrees that each time a citation/ticket is issued Board approval is necessary and the Constable should be given authority to issue citations. Scheib-Snider also agrees.

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

**B. Adopt Resolution FY 2013-XX – Allow Local Residents to Protest in Writing (Board of Review)**

**Moved by Scheib-Snider, seconded by Miller, motion carried to adopt the Resolution allowing local residents to protest in writing (Board of Review).**

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

**ROSE TOWNSHIP RESOLUTION 2013-06**  
**RESOLUTION TO ALLOW LOCAL RESIDENTS TO PROTEST IN WRITING**

**BE IT RESOLVED**, that the Rose Township Board of Trustees in order to ease the burden on taxpayers, the assessor and the Board of Review and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the Township of Rose hereby resolves, according to provisions of MCL 211.30(7) of the General Property Tax Act, that the Board of Review shall receive letters of protest regarding assessments from resident taxpayers from the first Tuesday in March until it adjourns from the public hearings for which it meets to hear such protests.  
All notices of assessment change and all advertisements for Board of Review meetings are to include a statement that the resident taxpayers may protest by letter to the Board.

**C. Adopt Resolution FY 2013-XX – Hardship Exemptions Policy and Procedures**

**Moved by Scheib-Snider, seconded by Gambka, motion carried to adopt the hardship exemptions policies and procedures Resolution.**

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

**Rose Township Resolution 2013-07**  
**Adopting Hardship Exemptions Policy and Procedures**

**WHEREAS**, Public Act 390 of 1994, which amended Section 7u of Act No. 206 of the Public Acts of 1893, as amended by Act No. 313 of the Public Acts of 1993, being sections 211.7u of the Michigan Compiled Laws, requires that the governing body of the local assessing unit determine and make available to the public the policy and guidelines used by the Board of Review in granting reductions in property assessments due to limited income and assets, referred to as “Poverty Exemptions.”

**NOW THEREFORE, THE ROSE TOWNSHIP BOARD OF TRUSTEES RESOLVES:**

The Principal residence of a person, who, in the judgment of the Board of Review, by reason of poverty, is unable to contribute toward the public charges, is eligible for exemption in whole or in part from taxation.

To be eligible for poverty exemption in the Township of Rose, a person shall do all of the following on an annual basis:

1. Be an owner of and occupy as a principal residence the property for which an exemption is requested.
2. File a claim with the Board of Review on a form provided by the local municipal office.
3. Submit the most recent year’s copies of the following:
  - a. Federal and State of Michigan Income Tax Returns.
  - b. Either Senior Citizens Homestead Property Tax Form MI-1040CR-1 or General Homestead Property Tax Claim MI-1040CR-4.

- c. Statement from Social Security Administration and/or the Michigan Social Services as to monies paid to applicant(s) during the previous year.
4. Produce a valid driver's license or other form of identification.
5. Produce a deed, land contract, or other evidence of ownership of the property for which the exemption is requested.

**BE IT FURTHER RESOLVED** that the applicant's total household income cannot exceed the most current Federal Poverty Guidelines set forth by the U.S. Department of Housing and Urban Development. These standards are updated annually by the U.S. Department of Health and Human Services as established by the State Tax Commission.

**BE IT FURTHER RESOLVED** that a poverty exemption shall not be granted to any applicant whose assets exceeds \$10,000. An applicant's homestead and principal vehicle shall be excluded from consideration as an asset. All other property, including from all other persons residing in the household, shall be included as an asset. Property shall include, but is not limited to: cash, savings, stocks, mutual funds, insurance commodities, coin collections, art, motor vehicles, recreation vehicles, etc.

**BE IT FURTHER RESOLVED** that a poverty exemption shall not be granted to any applicant who owns real property, whether singly or jointly, regardless of location, other than his or her homestead.

**BE IT FURTHER RESOLVED** that a poverty exemption shall not be granted to an applicant with cash on deposit in excess of the proposed tax obligation for the ensuing year, unless the applicant can show evidence that the cash is subject to a legitimate cost of living expense.

**BE IT FURTHER RESOLVED** that a poverty exemption shall not be granted to an applicant whose investments will produce an income, which when added to the applicant's household income exceeds the federal poverty guidelines.

**BE IT FURTHER RESOLVED** that meeting the income level guidelines does not guarantee 100% exemption, at their discretion, the Board may approve full or partial exemption if deemed appropriate. Those applicants granted partial exemptions will be required to pay a property tax equal to 3.5% (three and one-half percent) of their annual gross income.

**BE IT FURTHER RESOLVED** that the Board of Review shall follow the policy and guidelines set forth above when granting and denying poverty exemptions. The same standards shall apply to each taxpayer within the Township claiming the poverty exemption for the assessment year. However, if the Board of Review determines that there are substantial and compelling reasons that impose serious hardship, which warrant a deviation from the policy and guidelines, and these reasons are documented, such reasons constitute sufficient grounds upon which to grant a poverty exemption to a taxpayer even though the taxpayer does not satisfy the federal poverty income standards or the asset level established by the Township in accordance with Section 7u(5) of the General Property Tax Act.

**BE IT FURTHER RESOLVED** that to conform with the provisions of P.A. 390 of 1994, this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided.

**D. Adopt Resolution 2013-XX – To Continue Moratorium Regarding Michigan Medical Marijuana Act**

**Moved by Gambka, seconded by Scheib-Snider, motion carried to continue the Michigan Medical Marijuana Act Moratorium.**

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

**PROPOSED RESOLUTION #2013-11  
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 August 13, 2013 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.

**E. Approval for RFP for Site Grass Mowing**

**Moved by Gambka, seconded by Miller, motion carried to issue an RFP for the current year's grass cutting contract.**

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

**F. Discussion to Update Policies and Procedure Manual to Begin in spring of 2013**

Board consensus to update the policies and procedures manual.

**G. Discuss Handicap Ramp Retrofit v. Demolition**

Trevethan provided Board with ramp requirements. Currently ramp is not ADA compliant, needs to be removed or new ramp constructed. Trevethan proposes removal and an employee entrance stairwell constructed. Miller states the ramp is used by residents daily and the ramp should only be removed if the lift is made user friendly and no one will use it. We cannot have our elderly residents not be able to get into the office. Trevethan agrees that the lift is not user friendly, not good and we need access to all levels of the township hall and going forward things need to be changed with the lift. Ramp on the back is only good for top floor. Scheib-Snyder states if we do anything to the lift, we will have to pay back the CDBG fund for the cost of the lift, but was unsure if the full amount was paid by CDBG funds. Scheib-Snyder states if we make it an employee entrance only because then we could keep the ramp as is and we would refinish it because it does not have to be ADA approved. Miller states if employee entrance, then the ramp would have to be torn down to make it an employee only entrance and maybe we could table this and find out more information.

**Moved by Miller, seconded by Kemp, motion carried to table this line item.**

**Voting Yes: Miller, Kemp, Trevethan, Scheib-Snyder, Gambka**

**Voting No: None**

**H. Discuss Approval for RFP for Sidewalk to New Lock Box**

Trevethan states we need to add a sidewalk and lighting approaching the new lock box location. Miller, Trevethan and Scheib-Snyder would like to see more parking lot lighting, safety lighting. Miller said we don't want to blast lighting into the neighbor's houses and yards.

**Moved by Scheib-Snyder, seconded by Gambka, motion carried to send out an RFP for ADA approved sidewalk/lighting to the lock box and additional parking lot lighting.**

**Voting Yes: Scheib-Snyder, Kemp, Trevethan, Miller, Gambka**

**Voting No: None**

**ANNOUNCEMENTS:**

- A. Next Regular Planning Commission Meeting – March 7, 2013 – 7:30 p.m.
- B. NOCFA Board Meeting – February 25, 2013 – 7:00 p.m. – Rose Township Offices
- C. 24/7 Recycling – Rose Township Offices - 9080 Mason Street, rear of parking lot
- D. Assessing Office – 2<sup>nd</sup> Tuesday every month – 9:00 a.m. – 4:00 p.m.
- E. Next Township Board Meeting – March 13, 2013 – 7:30 p.m.
- F. Public Hearing – None
- G. Board of Review – March 7, 2013, 9:00 a.m. – 12:00 p.m.; March 11, 2013, 1:00 p.m. – 4:00 p.m. and 6:00 p.m. – 9:00 p.m.; March 13, 2013 – 9:00 a.m. – 12:00 p.m. and 1:00 pm. – 4:00 p.m.; for appointments please call 1-888-350-0900, ext. 84864 or 248-858-1464.

**MISCELLANEOUS REPORTS:**

- A. NOCFA – Trevethan states Mr. Kast resigned as citizen at large, appointed Alison Kalcec as citizen at large. Purchased a camera for intubation assistance.
- B. Planning Commission –. Scheib-Snyder states Bruce Proper approved as Chairperson. Handling Parks & Recreation planning/park rules. Township Planner is back to work.
- C. Holly Area Youth Assistance (HAYA) – Scheib-Snyder was unable to attend meeting.
- D. Cemetery Committee – Reviewing rules and regulations, once finalized will bring to Board.

**E. Parks and Recreation**

**F. Supervisor's Report** – Supervisor Gambka met with State Senator/Dave Robinson, discussed citizen concern over DTE outages. Need to move forward and stay on top of this problem. Senator Robinson will turn complaint(s) to Governor.

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

Don Walls, Resident does not remember ever having to bring ticket issuance to the Board prior to issuing citation/ticket.

Gisela Lendle-King, Resident inquires as to the type of materials that can be burned? Scheib-Snyder responds the fire department/state regulates burning, believes brush, paper, etc.

Unidentified Resident states he heard Oakland County is running Township Board of Review. Supervisor Gambka states the County anticipated many complaints so conducted pre-meeting. Formal Board of Review is upcoming.

Tom Wirth, Resident states that the County Assessing comes only once a month instead of once a week. When he met with Oakland County, felt personally attacked. Not in agreement of using Oakland County Assessing. Supervisor Gambka states we have a contract with the county and will review the contract closer to expiration time.

Mark Bolan, Resident does not believe money should be spent on parks until a Parks Master Plan has been submitted and approved by the Township Board.

Tom Willwerth, Resident is looking for a response to his conflict of interest question of last month. Supervisor Gambka states he will look into the matter. Resident states if conflict of interest exists, Alison Kalcec cannot serve on NOCFA.

**ADJOURNMENT:**

**Adjourned at 8:20 p.m.**

  
Debbie Miller, CMC  
Rose Township Clerk

Approved/~~Corrected~~—