

**Rose Township Board
Regular Meeting
Wednesday, August 11, 2021, 7:00pm
Rose Township Offices
9080 Mason Street, Holly, MI 48442**

AGENDA

PRESENT: Paul Gambka, Treasurer Patricia Walls, Trustee
Debbie Miller, Clerk Dianne Scheib-Snider, Supervisor
Glen Noble, Trustee

OTHER (S) PRESENT: Renee Kraft, Recording Secretary

OTHERS: Lani Cary, Rich Kulka, Jim Holton, David Schlaud

CALL TO ORDER: Supervisor Scheib-Snider called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE:

1. Approval of Agenda:

A. Approve the Regular Agenda:

Motion by Trustee Noble to approve the agenda with addition of 7F-Mask Mandate and 8C-address correction. Seconded by Trustee Walls.

VOTE: YES: Miller, Noble, Walls, Gambka, Scheib-Snider
NO: None
ABSENT: None

2. Approval of Consent Agenda:

A. Approve the Consent Agenda:

Motion by Supervisor Scheib-Snider to approve the consent agenda minus NOCFA, HAYA reports and July 14, 2021 meeting minutes for discussion and 2C-payment of bills. Seconded by Treasurer Gambka.

VOTE: YES: Noble, Walls, Gambka, Miller, Scheib-Snider
NO: None
ABSENT: None

Motion by Supervisor Scheib-Snider to approve the minutes with these changes: removing Paul Gambka being in Highland Township, and the other Trustees from being in Rose Township from where it says "present." Also, B under Architectural Proposals for Rose Town House-I would like it stricken that "Clerk Miller questions the father/daughter relationship would be a conflict of interest but Supervisor Scheib-Snider said it should not be." I would like that stricken and my comment to be "I didn't realize that was his daughter but there is a paper in there that says they have worked with Ron in the past and it is not an issue." Under H where it says "she asked the board if they want to have a discussion and vote on her applying for the funds." Would like the language added "if so, a special meeting will be needed." Plus, typo on address at top of page. Seconded by Trustee Noble.

VOTE: YES: Noble, Walls, Gambka, Scheib-Snider

NO: Miller

ABSENT: None

3. Presentation:

None

4. Brief Public Comments – Agenda Items Only: (limit comments to 3 minutes)

Dan Johnson: Mute swan problem on Tipsico Lake. He would like the board to approve another five (5) year resolution for the Canadian goose and amend it to include mute swans.

Resident: Questioned what zoning for moratorium for cultivating marijuana means.

Tom Ralston: Commented on Swan control.

Lani Cary: Commented on Swan control.

Rich Kulka: Stated the swans are aggressive.

5. Public Hearing:

None

6. Unfinished Business:

A. P.E.G. Equipment, Request for Proposal (RFP).

7. New Business:

A. Resolution Establishing a Zoning Moratorium for Cultivating Marijuana as a Patient Caregiver:

Motion by Trustee Walls to adopt resolution 2021-XX, a resolution establishing a moratorium on issuance of permits and/or approvals as they relate to modifications to structures in any zoning district and Rose Township zoning ordinances in order to cultivate marijuana as a patient caregiver. Seconded by Treasurer Gambka.

**ROSE TOWNSHIP
OAKLAND COUNTY, MICHIGAN
RESOLUTION 2021-15
RESOLUTION ESTABLISHING A MORATORIUM ON ISSUANCE OF PERMITS
AND/OR APPROVALS AS THEY RELATE TO MODIFICATIONS TO STRUCTURES IN
ANY ZONING DISTRICT AND ROSE TOWNSHIP ZONING ORDINANCES IN ORDER
TO CULTIVATE MARIJUANA AS A PATIENT CAREGIVER**

WHEREAS, on November 4, 2008, the Michigan voters passed the MICHIGAN MEDICAL MARIJUANA ACT (MMMA), Initiated Law 1 of 2008, to allow under State of Michigan law, the medical use of marijuana; to provide protections for the medical use of marijuana; to provide for a system of registry identification cards for qualifying patients and primary caregivers;

WHEREAS, on December 4, 2008, Michigan's Medical Marijuana Act (MMMA), MCL 333.26421, et seq. (the "Act"), took effect allowing both patients and/or their caregivers to cultivate medical marijuana within an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections. As such, these enclosed locked facilities have been located on various locations, been constructed of varying materials using various public resources, electrical and water resources within various zoning districts;

WHEREAS, since the passage of the Act, caregiver cultivation of marijuana has resulted in problems including but not limited to insufficient or improper electrical supplies, dangerous structures, inadequate ventilation leading to mold, offensive odors, noise, use of materials and toxins that may enter drains or groundwater and other health hazards and/or other hazards which are associated with the cultivation of marijuana in various zoning districts and settings classifications;

WHEREAS, the Township has been made aware through general reporting that these facilities tax the electrical systems and transformers which have caused fires related to growing and marijuana use, and use of propane to make concentrates implicating the health, safety, and welfare of the residents related to the design, erection, repair, removal, demolition, or use and occupancy of buildings, structures, or premises.

This health and safety concern is in relation to structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety and protecting the environment including wells, drains and sewer systems;

WHEREAS, the Supreme Court of Michigan, in *DERUITER v. TOWNSHIP OF BYRON*, 505Mich. 130 (2020) found that a township's zoning ordinance that geographically restricted such caregiver marijuana cultivation to a particular zoning district did not directly conflict with the Act and that a township has the authority under the Michigan Zoning Enabling Act (MZEA), to require zoning permits and permit fees for the use of buildings and structures within its jurisdiction;

WHEREAS, the Michigan Supreme Court of Michigan, *CHARTER TOWNSHIP OF YPSILANTI v. PONTIUS*, 948 NW2d 552. (SC: 158816) (2020) in lieu of granting leave to appeal, vacated a judgment of the Court of Appeals; and on remand the Court of Appeals on December 29, 2020 affirmed municipalities authority to enact zoning and regulatory ordinances related to locational restrictions for caregivers under the MMA cultivation of land uses;

WHEREAS it is a fundamental local unit of government's responsibility to provide by zoning for the regulation of land use under the Michigan Zoning Enabling Act, 110 of 2006, which allows the regulation of land and structures through compatibility of adjacent land use to ensure appropriate locations and relationships, to limit nuisances in order to promote public health, safety, and welfare of the township residents;

WHEREAS, Rose Township is amending its zoning ordinance for caregiver's cultivation activities, which will require additional time in terms of amending the Township Zoning Ordinances and a public hearing, pertaining to land uses and permits, zoning classifications and/or other requirements, and the Township is considering allowing patient caregiver cultivation as a home occupation or placement in other zones to address the health and safety issues under its authority of the MZEA;

WHEREAS, the Township Board has concluded that during the pendency of its consideration of possible amendments to the Township Zoning Ordinance, it would be counterproductive if zoning permits and/or other approvals or applications for patient caregiver cultivation were allowed or permitted to move forward in any zoning districts and, therefore, the Township Board has concluded that during the course of review and consideration of the possible Zoning Ordinance amendments there should be a deferral of review of all applications for land use and zoning permits, approvals, or certificates related to patient caregiver medical marijuana cultivation within any zoning district; and

WHEREAS an amendment to the Zoning Ordinance, pertaining to land use as it relates to the locations allowed for the patient caregiver to cultivate medical marijuana will require proceedings before the Township Planning Commission and the Township Board of Trustees under the process provided for in the Michigan Zoning Enabling

Act, which include, but are not limited to, a public hearing before the Planning Commission and deliberations by the Township Board which may take approximately One Hundred Twenty (120) days;

NOW, THEREFORE BE IT RESOLVED that Rose Township hereby adopts, effective immediately, a Moratorium on a temporary basis, upon the issuance of any and all permits, approvals, and/ or certificates as they relate to any modifications to structures or units in any zoning district in order to cultivate marijuana as a patient caregiver; and

BE IT FURTHER RESOLVED that this moratorium shall remain in effect for a period of six (6) months following the date of this Resolution or until a Zoning Ordinance amendment containing regulations for caregiver cultivation of medical marijuana activities has been adopted and becomes effective in Rose Township, whichever comes first, also before this expiration period, the Rose Township Board may adopt a new resolution to extend the moratorium as necessary.

VOTE: YES: Gambka, Miller, Noble, Walls, Scheib-Snider
NO: None
ABSENT: None

B. Resolution Regarding Michigan Department of Natural Resources, Canadian Goose and Mute Swan Nest and Eggs Destruction on Tipsico Lake:

Motion by Trustee Walls to adopt resolution 2021-XX, regarding Michigan Department of Natural Resources, Canada goose/mute swan nest destruction program. Seconded by Treasurer Gambka.

**ROSE TOWNSHIP
OAKLAND COUNTY, MICHIGAN
RESOLUTION 2021-16
REGARDING MICHIGAN DEPARTMENT OF NATURAL RESOURCES, CANADA GOOSE / MUTE SWAN NEST
DESTRUCTION PROGRAM**

WHEREAS, the Rose Township Board of Trustees has received complaints of overpopulation of Canada geese and aggressive mute swans inhabiting the properties surrounding Tipsico lake within the Township; and

WHEREAS, the Township Board has determined that the DNR Canada Goose and Mute Swan Nest and Egg Destruction Programs are an effective program for the control of site-specific problems for our residents; and

WHEREAS, the Residents, Lake Associations, Businesses, Subdivisions, etc. must apply for a DNR Permit for the Canada Goose program on a yearly basis and the Mute Swan program on a five year basis and must ensure that all Lakefront Residents, Tenants, have been informed

that this program is taking place at their lake/site, and understand if their site is located within more than one government unit, they are responsible to receive resolutions from each township/city/village, and are responsible for adhering to the requirements under their permit;

NOW, THEREFORE BE IT RESOLVED that the Rose Township Board of Trustees hereby formally requests the assistance of the Michigan DNR on behalf of the requests made in Rose Township by Residents of Tipsico Lake as long as they abide by the DNR Permit Requirements, in the implementation of the Canada Goose and Mute Swan Nest and Egg Destruction Program, for a five (5) year time period from 2022 through 2026 and additionally, to advise the Department that there shall be no cost to Rose Township for these programs.

VOTE: YES: Noble, Walls, Gambka, Scheib-Snider
NO: Miller
ABSENT: None

C. Approval for Treasurer Gambka to use Morgan Stanley as a Banking Depository:

Motion by Trustee Noble to allow the Treasurer to transfer \$1,000,000, plus or minus from the Wells Fargo Bank to Morgan Stanley, with the amount of money being in treasury bills. No second.

Motion by Trustee Walls to use Morgan Stanley as a banking depository. Seconded by Treasurer Gambka.

VOTE: YES: Walls, Gambka, Miller, Scheib-Snider
NO: Noble
ABSENT: None

D. American Rescue Plan Act of 2021 Discussion and Updates:

Discussed American Rescue Plan Act of 2021.

E. Rose Center Cemetery Fence RFP:

Motion by Supervisor Scheib-Snider to approve the removal of the tree, getting at least three bids (as long as they are insured) at Rose Center Cemetery. Including grinding the stump and permission for the Clerk to hire someone. Seconded by Trustee Walls.

VOTE: YES: Miller, Noble, Walls, Gambka, Scheib-Snider
NO: None
ABSENT: None

Motion by Supervisor Scheib-Snider to approve the RFP to be advertised and have Trustee Noble to approve the map that is going to go into this packet prior to anyone picking it up. Dates can be changed. Seconded by Trustee Walls.

VOTE: YES: Noble, Walls, Gambka, Miller, Scheib-Snider
NO: None
ABSENT: None

F. Mask Mandate:

Motion by Supervisor Scheib-Snider to do whatever the requirements are from the CDC regarding mask mandate. Seconded by Trustee Walls.

VOTE: AYE: Gambka, Walls, Scheib-Snider
NAY: Miller, Noble
ABSENT: None

8. Announcements:

- A. Planning Commission Meeting:** September 2, 2021 at 7:00 p.m.
- B. Zoning Board of Appeals Meeting:** September 7, 2021 at 7:00 p.m.
- C. North Oakland County Fire Authority (NOCFA):** August 17, 2021 at 3:00 p.m. at Rose Township Office.
- D. Assessing Office:** M-F, 9:00 a.m. – 5:00 p.m. (248) 858-2179, doyle@oakgov.com.
- E. Township Board Regular Meeting:** September 8, 2021 at 7:00 p.m.
- F. NoHaz Event:** Saturday, September 25, 2021 from 8:00 a.m. – 2:00 p.m. at Oakland County Service Center Campus, Pontiac, registration opens 3 weeks before the event at NoHaz.com.

9. Miscellaneous Reports:

- A. North Oakland County Fire Authority (NOCFA):** No meeting to discuss.
- B. Planning Commission:** They want to get started on the marijuana resolution.

- C. **Holly Area Youth Assistance (HAYA):** They are having their school supplies drive.
- D. **Cemetery Committee:** Applications for two (2) grants for signs have been submitted. **Elections:** August 3, 2021 had 157 Absentee Ballots and 28 in-person voters, totaling 185 voters. Proposal had passed.
- E. **Zoning Board of Appeals:** Meeting was cancelled.
- F. **Parks and Recreation:** Supervisor Scheib-Snider reached out to Kieft Engineers for advice on play surfaces.
- G. **Heritage Committee:** They are still working on the educational essays and videos.
- H. **Supervisor Report:** Consumer's Pipeline has been graveled and is completed. The box culvert at Buckhorn Creek, (Milford Road and Water Road) will be closed at Milford Road for about 60 days.

10. Brief Public Comments: (limit comments to 3 minutes.)

Eddingtons: Letter written and signed by William and Addy Eddington, opposing spending money on renovation of the old hall. Suggests forming a committee of residents to do research.

11. Adjournment: 8:23 p.m.

Approved/Corrected



Debbie Miller, MMC, MiPMC II
Rose Township Clerk