

Ross Township Board

November 14, 2017 Minute Report

12086 M-89

Richland, MI 49083

Meeting will also be held via teleconference at:

1598 San Silvestro Dr.

Venice, FL 34298

Prior to the regular Board meeting the following parties had a joint meeting with the Board and gave a presentation(s) starting at 6:00p.m. See attached handouts.

Road Commission of Kalamazoo County –Travis Bartholomew gave a presentation of RCKC projects and background of costs associated with road construction. Also reviewed was the status of Ross Township Roads. Travis also quizzed the Board and some residents about the costs that RCKC incurs to maintain our County Roads. Ross Township is rated near the bottom of Township road Quality in Kalamazoo County. With the Road Assessment Mr. Bartholomew expects our road quality to rapidly increase.

Ross Township Planning Commission- Rusty Fry and Jim Lauderdale. Mr. Lauderdale presented a progress report and Progress Related to the Work Plan for Fiscal Year 2017-2018 to the Board. Major points covered were Review of The Ross Township Master Plan. 1) The original Master Plan was done in 2002, with a subsequent review and revision in 2012. The Master Plan needs to be updated via review, revised, and rewritten with new Township resident input. 2) Address in Public Hearings site plans(s) as presented. 3) Continue to assist with implementations of the Recreation Plan for Ross Township, including cooperation with adjacent Townships and Gull Lake Association. 4)Address and resolve approach to Watershed Protection Strategies. 5) review and sign standards for golf courses. 6) Revisit “livestock facilities” per any 2016 modifications to the GAAMPS. 7) Hold Public Hearings for Proposed Zoning Ordinance (ZO) Text Amendments. 8) Opportunities presented subsequent to establishing the Work Plan for 2017-2018/ 9) Submit budget request to the Township Board on time in November 2017. 10) Participate in a joint meeting with members from the Township Board November 14, 2017. 11) PC members to attend Planning and Zoning education courses. 12) Review and revise as needed a draft of an Annual Report of fiscal year 2017-2018 during the March 26, 2018 meeting for submission to the Township Board following the April 2018 meeting. 13) Consistent with the By-laws, at the March 26, 2018 meeting: establish meeting dates for fiscal year 2018-2019 (restrict meeting duration to two hours; not a By-law requirement. Elect Planning Commission Officers for fiscal year 2018-2019.

Most of the related discussion was the review and revision of the Master Plan which is scheduled for every five years. Mr. Lauderdale asked for Board Assistance for direction and input. Attorney Rob Thall discussed that complete review of the Master Plan can cost anywhere from \$20,000 to \$40,000.

The Regular Meeting of the Ross Township Board was called to order by Supervisor Moore at 7:00pm

Roll Call was as follows:

Present:	Diana Langshaw-Trustee	Jeff Price-Trustee
	Norm Kellogg-Clerk	Gary Moore-Supervisor
	Rob Thall-Township Attorney	Cindy Genung-Treasurer
	Robb Blain-Trustee	Sid Durham-via teleconference

Absent: None

Also Present: Deputy Clerk- Alex Harris

Approval of the Agenda: Motion by Trustee Blain, supported by Trustee Langshaw and carried.

Approval of the Consent Agenda: Motion by Trustee Langshaw, supported by Trustee Price and carried. Trustee Durham asked that the motion, and Seconds for The Resolution to Sell land to the Gull Lake Marine Center, The Approval for the purchase of the new Township Sign and the Transfer of Signature Authority from Markillie to Kellogg be added to the minutes. This will be added to the final minutes.

Reports

Ross Township Park – Rusty Fry presented the Ross Township Master Plan Review to the Board. Mr. Fry spoke about taking 50 concepts from residents to develop the Consolidated Master Plan. These concepts were received during the Trucks and Tunes events at the Park this summer. The Master Plan looks at Lakeshore erosion control, Play area(s), a natural seating area, small band shell design, and separate parking from the play area and shoreline. Also included in the plan were some small nature trails on the south side of the property and upgrades to our current restroom/changing room facilities. Also included in the plan was a small floating dock along the south side shore. This would be used primarily for handicapped accessibility to the shoreline. Some residents expressed concerns that the dock would allow power boats into the designated swimming area. Mr. Fry stated that the dock is small and designed for accessibility for special needs users. No power boats will be allowed.

The next steps for the Parks Committee is to come up with cost estimates, from the Landscape Architect, Schedule a Public Hearing of the Plan, and Approval of the Master Plan. Once these are complete the Committee can apply for Grant funding in March 2018. Mr. Fry stated that it could take about 5 years to complete the final project.

Gull Lake Quality Organization – Mike Gallagher- President presented a report on the GLQO monitoring programs for Gull and Little Long Lake. See Attached report for details. The GLQO used a Secchi Disk for water transparency test. They also monitor total Lake Phosphorus, and Chlorophyll A. They also monitor

dissolve oxygen and temperature during the spring/summer seasons. They also have identified 26 different plants in Gull Lake, along with 2 invasive species. Zebra Mussels continue to be a problem in both lakes. A new invasive plant species Starry Stonewort invaded Gull Lake in 2014. It is a particularly aggressive algae. The GLQO organized a treatment and in 2017 it spread to about 5 acres of Gull Lake. GLQO funded two treatments at a cost of just under \$3000.00. Future treatment will be necessary and no lake in Michigan has found a way to eradicate the problem without causing more problems. The GLQO also does a test called Score the Shore. Every 1000 foot section on Gull Lake is scored for shoreline habitat. Overall the lakeshore habitat of Gull Lake is significantly below average when compared to other lakes in the program. This is due to many metal/stone seawalls along Gull Lake. The GLQO also installed a boat wash in Prairieville Park this summer at a cost of \$63,000. This project drove awareness of invasive lake species. Mike stated that they tracked that 50% of the boats that came to Gull Lake came from another lake. Every boat leaving the lake was washed. Approximately 6 to 8% of the boats entering the lake needed to be washed. The boat wash was staffed by Prairieville Park but paid through the GLQO.

Supervisors Report – Supervisor Moore state that the new Township Sign 50% down payment was made and the sign has been ordered. Our property sale to Gull Lake Marine is progressing , Devon Title is presently doing a Title Search in anticipation of preparing the closing documents. The Ross Township Fire Department’s Haunted House was a big success. 500 to 600 Children went through the Haunted House. It was a great job by our Fire Fighting Staff and volunteers. Clerk Kellogg introduced Alex Harris as the new Ross Township Deputy Clerk. Some dead trees on Township property will be addressed shortly. Tree companies have been hired to complete the removal of the dead trees. Also our budget process will start the first week of January 2018. Please prepare any items that that the Board should address during the budget process. One item that needs review, discussion and possible approval is our annual Police Protection Agreement with the Kalamazoo County Sheriff’s Department. This is due for renewal in January 2018. Supervisor Moore stated the new contract increased 1.7% from our previous one year contract to \$125,402.00 per year. Board Discussion ensued to inquire about possible alternatives to this agreement. Joint ventures with other local townships/villages, etc. A motion was made by Trustee Blain and supported by Trustee Price to renew the one year contract. The motion carried by all ayes. It is the understanding that the Board wishes to look at alternatives for next year for police protection. Supervisor Moore is already in discussion with other local officials to coordinate some possible cost savings. Renewing the contract now will give the Board a year to analyze and recommend any changes for calendar year 2019.

Public Comments – Non agenda items, 2 minute limit per topic.

Ron Kendall – Kalamazoo County Commissioner. Ron stated that part of the increase in our budget 1.7% is for OPEB benefit increases. Half of all municipalities are underwater in OPEB liabilities. This increase will balance out Kalamazoo Counties OPEB liability. His area does the budgets for all of the Courts, Sheriff Departments, etc. Please reach out for information to his office anytime. He wants our comments and concerns brought to the County Commission through his office. He is our voice on the County Commission.

Judy Geary-6191 N 37th Street - Ms. Geary has concerns about Township communication vis a vis our Board Meetings/ Agendas/ Planning Commission etc. and the timing of the posting for residents review prior to these meetings. She would like us to post on our website any public meeting issues so that more Township residents can see what meetings they may want to attend. Also the Road Assessment letter had no mention of any interest rate. She also wants our Road Assessment resolution put on the Township Website Also our Planning Commission meeting of November 27, 2017 has no detail for review. She is also not getting emails from the Township, and would like to have that rectified. She also stated that the staff at the Township has been very helpful with information when she came to the office in person.

Kaye Dack – 14061 East B Ave. – She had a question as to our Road Assessment and the date to pay the assessment with no interest charge. Treasurer Genung stated that the balance can be paid prior to March 1st, 2018 with no interest charge. Your tax statement may show the road assessment payment due to mailing and printing deadlines. Tax bills need to be printed and mailed by Dec. 1st, 2017 for the winter tax bills. Interest is anticipated to be around 4% for the Road Assessment if not paid off. She also wanted the Township to communicate the Bond Issue details when finalized.

Diane Charles -11490 E G Ave. – What happens if the Bond purchased for the Road Assessment is defaulted? Attorney Thall addressed this issue and explained on how this won't happen. The assessment is designed to raise the money to make all bond payments. If individual residents don't pay the road assessment they are liable for foreclosure on their property as any delinquent property taxes trigger. Are the October 10, 2017 Board Minutes available on the website, yes they are after approval. She also had a question as to what date was the Road Assessment Tax roll approved. October 26, 2017 was the approval date. Residents have until November 27, 2017 to appeal to the Michigan Tax Tribunal.

Old Business

Medical Marijuana: Supervisor Moore has had several meetings with the County Sheriff and local County Officials to discuss the Townships options. Additionally Trustee Blain attended the County Meeting at Kalamazoo Valley Community College that gave information and detail for opt in and opt out issues and costs for each of the 5 areas of licensing required by the State. Trustee Blain stated that the State had not finalized the emergency rules (framework) of accepting Licenses on December 15, 2017. There are now 30 to 40 pages of emergency rules under review. One option discussed by the Board was to wait on a motion to opt in until the emergency rules are finalized. These rules may never be finalized as the document will be an ongoing framework to this new business operation in the State of Michigan. There are already legal Medical Marijuana growers in Kalamazoo County. (Ross Township) This new law will now have them be licensed by the State under their laws and guidelines. A way for the State to regulate the Production, Sales, Transportation, Quality control and Growing of Marijuana in the State of Michigan. Attorney Thall discuss the possibility of multiple licenses in all five areas of Marijuana production. Owners can possibly stack licenses to expand production. A License to grow say 1500 plants (one license) the business can apply for a get more to grow more plants. There can be many license options allowed under the statute and local ordinances if approved. Attorney Thall state that if the Township authorizes the business request, they can apply for a license through the State. The State will do all of the due diligence required to be approved for any Marijuana license. The Township can also revoke our specific Marijuana Ordinance anytime in the future. The Township would have to revoke a specific ordinance to stop or cease a Marijuana business, the Township could not stop a specific business once approved for the license. This could only be done by changing our Township Ordinance. Grow operations are generally approved in Agriculture Zoned land. A special use permit would be needed for other operations such as Transportation/ Production/Lab Testing.

The Board discussed what If the Township Opts in on any of the 5 areas, what is the cost to the Township? Possible additional costs to the Township are to Fire Service, water and enforcement issues. These can be offset by the Licensing fees charged by the Township.

Trustee Price talked about the **Pros** to opt in: Revenue to the Township (fees) and the possible 3% State revenue sharing (provisioning center) First to market matters as to attracting new businesses. **Con** the emergency rules are not finalized. Trustee Price also had concerns about the Township supplying the State with information for their due diligence . Copy of out Zoning Ordinances, and any description of any Zoning Violations by the applicant in a timely manner (90day limit)
The Township could authorize a grower on a provisional basis subject to all ordinances now and in the future.

It was discussed that the Planning Commission needs to verify the detail of our Ordinance and Zoning issues, as to spacing, lighting, noise, etc, to go forward so we may apply the rules uniformly. Planning Commission will need to Change Zoning to show where the Marijuana facilities will be allowed and how.

Trustee Blain was asked if all of the information he received changed his mind set. His response was no. Treasurer- Genung asked can the State change our zoning ordinances? – possibly through legislation. There are presently 214,000 people in Michigan able to grow Marijuana for medical use. This allows 14 plants for care givers. These new rules will allow the State to monitor Seed to Sale tracking of all Marijuana growing/production/transportation, sales and lab testing. Trustee Blain stated that a licensed transporter is needed even if the grow facility and production facility are in the same building.

Trustee Langshaw asked Planning Commission Chair Lauderdale, can the Planning Commission figure out our issues in time for the December deadlines for licensing? Chair Lauderdale said yes, but there will need to be public hearings in Feb. 2018 to address any issues. It will take some work and diligence of all involved to come up with our Ordinance plan.

With the end of the Board Discussion the Board moved on to address the Opt in and Opt out decisions for Authorization to Operate by License (Uses) in Ross Township.

1) Number of Growers in Ross Township. Unlimited Class A, Class B and Class C Licenses. Trustee Price-Aye, Trustee Langshaw Aye, Clerk Kellogg-Aye, Supervisor Moore-Aye, Treasurer Genung-Aye, Trustee Blain-Aye, Trustee Durham-Nay. **Approved to opt in.** 6 ayes, 1 nay votes to Opt in for unlimited growers in Ross Township

2) Processors –lotions, oils etc. **Approve to opt in** for unlimited processing. 7 Aye votes to allow Processors in Ross Township

3) Provisioning Center – Dispensaries **Approve to Opt Out** 7 Aye votes to Opt out of allowing Dispensaries in Ross Township

4) Safety Compliance Facilities – Lab Testing. **Approve to Opt In** 7 Aye votes to Opt In to allow Safety Compliance Facilities in Ross Township

5) Secure Transporter – **Approve to Opt In** 7 Aye votes to Opt in to allow Secure Transporters in Ross Township.

A further Board discussion ensued as to what date can the Township accept applications? Attorney Thall stated that we can accept applications 30 days after the public publishing under the Ordinance. Attorney Thall will prepare the publication, and publish in the Kalamazoo Gazette. We would then be able to accept applications December 18, 2017 at the Township.

Planning Commission Chairman Lauderdale asked can the Planning Commission authorize co-located growers/processors under our Zoning/ Ordinance guidelines? Yes, it is something the Planning Commission can consider in their recommendations.

A Board discussion was initiated by Attorney Thall as to the Townships fee structure for Licenses. Consensus was to charge \$5000 per license. Money to go into a segregated account only to be used to offset Township costs associated with Marijuana facilities/transporters costs. (Fire protection, possible hazmat issues, law enforcement and security)
Any revenue from the States 3% revenue sharing would be deposit into our general fund for Township uses.

New Business

Ordinance #138- review of land divisions, parcel depth not to exceed 4 times the width. Presently Ross Township has a depth to width ratio of 3. This change would move us to the State of Michigan standard of a parcel depth not to exceed 4 times its width. This will revise our old ordinance.

Motion to approve the adoption of Ordinance #205, motion by Trustee Blain, supported by Trustee Price.

Roll call vote, Trustee Durham- Nay, Trustee Price-Aye, Trustee Langshaw-Aye , Trustee Blain-Aye, Clerk Kellogg-Aye, Treasurer Genung-Aye, Supervisor Moore-Aye. Motion carried with 6 Ayes 1 Nay vote.

Planning Commission Ordinance #206 – to allow the collection of escrow fees and fees by resolution to cover site plans, zoning approval etc. Motion by Trustee Langshaw, supported by Treasurer Genung and carried unanimously.

Attorney Thall to prepare all updated Ordinances and public notices. When received these will be part of the meeting minutes as well as updated in our Township Ordinance file.

Member Time

Treasurer Genung – The special road assessment software has been installed. Software training was completed on November 14th by her and Deputy Treasurer Gene McKay. Also the Township has already collected \$125,000 in Road Assessment payoffs.

Clerk Kellogg – welcomed new Deputy Clerk Alex Harris and asked for Board approval of his \$13.00 per hour rate of pay. By voice vote of the Board his pay rate was approved.

Trustee Price- Wants to get information to our website using PDF files in a timely manner. Also we have much information to share with our residents. He volunteered to help in this endeavor to upgrade our website to allow better communication with our residents.

Trustee Langshaw – Can we produce a Township newsletter more than once per year. Quarterly possible. She also would like to set a date for our 2018-2019 Budget. Board has decided that we will meet the 1st week of January, dated to be determined.

Supervisor Moore stated that there will be no Scheduled Board Meeting in December of 2017.

Motion to adjourn the meeting was issued by Trustee Price, supported by Trustee Blain and carried.

The meeting was adjourned at 9:28 p.m.

Respectfully submitted

Norm Kellogg
Township Clerk