

**ROSS TOWNSHIP  
TOWNSHIP BOARD – SPECIAL MEETING  
September 1, 2022**

**CALL TO ORDER:**

Supervisor Hutchings called the special meeting of the Ross Township Board to order at 4:00 p.m. at the Ross Township Hall.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**ROLL CALL:**

Present:       Christina Hutchings  
                  Cynthia Genung  
                  Michael Bekes  
                  Diana Langshaw  
                  Lynn Harmon  
                  Mike Sulka

Absent:         Carin Louis

**APPROVAL OF AGENDA:**

Upon a motion duly made and seconded the agenda was approved.

**CITIZEN COMMENT:**

Bob Cook, of 2754 Burlington Drive, indicated that if his neighbor planted a row of trees similar to the Carr property he would lose 80% of his view of the lake. He indicated that if the Township cannot protect the viewshed then a big problem exists. Public comment was closed at 4:06 p.m.

**MEDICAL MARIHUANA CAREGIVERS ORDINANCE:**

The Board engaged Township Attorney Thall in detailed discussion regarding the proposed Medical Marihuana Caregivers Zoning Ordinance amendment. Motion was made by Trustee Harmon to approve the Medical Marihuana Caregivers Ordinance amendment as written. Trustee Sulka seconded the motion. In discussion of the motion the Board addressed with Attorney Thall existing medical marihuana caregivers in the Township and the ability of the Township to regulate such operations. Attorney Thall addressed that the Zoning Ordinance amendment is subject to grandfathering concepts but that police power ordinances could still be enforced regarding nuisance violations. Further, he stated that the State Cannabis Regulatory Agency would have authority to enforce any violations of a caregiver's permit from the state. Finally, it

was noted that the Township Board will need to adopt a fee resolution setting the fee for a caregivers home occupation permit.

Upon roll call vote on the motion, the following voted:

Aye: Christina Hutchings  
Cynthia Genung  
Michael Bekes  
Diana Langshaw  
Lynn Harmon  
Mike Sulka

Nay: None

The motion carried unanimously.

CLOSED SESSION JOHN CARR & THERESA CARR v ROSS TOWNSHIP, KALAMAZOO COUNTY CIRCUIT COURT CASE NO. 2021-0409-AA:

It was moved by Trustee Bekes and seconded by Trustee Langshaw that the Board of Trustees of Ross Township assemble in closed session to consult with its retained Township counsel and litigation counsel regarding trial and settlement strategy in connection with the litigation filed in Kalamazoo County Circuit Court entitled: John & Theresa Carr v Ross Township, Kalamazoo County Circuit Court Case No. 2021-0409-AA since discussing the trial, litigation and/or settlement strategy in open meeting would have a detrimental financial effect on the litigating or settlement position of Ross Township.

Upon roll call vote on the motion, the following voted:

Aye: Christina Hutchings  
Cynthia Genung  
Michael Bekes  
Diana Langshaw  
Lynn Harmon  
Mike Sulka

Nay: None

The motion carried unanimously.

The Board went into closed session at 4:38 p.m. The Board then returned from closed session at 5:35 p.m. and Supervisor Hutchings called the special meeting back to order.

A motion was then made by Trustee Bekes, and seconded by Trustee Sulka, that the Board of Trustees of Ross Township follow the recommendations of counsel to not appeal the decision of the Circuit Court as discussed in closed session regarding the litigation filed in Kalamazoo

County Circuit Court entitled: John & Theresa Carr v Ross Township, Kalamazoo County Circuit Court Case No. 2021-0409-AA.

Upon roll call vote on the motion, the following voted:

Aye: Christina Hutchings  
Cynthia Genung  
Michael Bekes  
Diana Langshaw  
Lynn Harmon  
Mike Sulka

Nay: None

The motion carried unanimously.

ADJOURNMENT:

Upon a motion duly made and seconded the Board voted unanimously to adjourn the meeting at 5:37 p.m.

Respectfully Submitted,

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Robert E. Thall, Bauckham, Sparks, Thall, Seeber  
& Kaufman, PC  
Township Attorney

