

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
November 19, 2018

MINUTES

Supervisor Rogers called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m., with the Pledge of Allegiance. The following members were present constituting a quorum for the transaction of business: Bill Rogers, Paulette Skolarus, Robin Hunt, Jim Mortensen, Terry Croft, Diana Lowe and Jean Ledford. Also present were Township Manager, Michael Archinal; Township Attorney, Joe Seward; and no persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Croft and supported by Lowe to approve all items under the regular agenda as requested. The motion carried unanimously.

1. Payment of Bills.

2. Request to Approve Minutes: November 5, 2018

3. Request for approval; for reappointments to the Planning Commission, Zoning Board of Appeals and Board of Review as recommended by Rogers.

4. Request Board approval to adjust the Refuse Special Assessment Roll, #X0012, and to include on the 2018 Winter tax roll, tax parcel numbers 11-07-200-046, 11-13-100-021, 11-14-300-022, 11-23-200-014, 11-25-301-035, 11-34-402-022, and 11-35-200-019.

Approval of Regular Agenda:

Moved by Ledford and supported by Croft to approve for action all items listed under the Regular Agenda as requested. The motion carried unanimously.

5. Request to consider action related to recreational marijuana.

Written comments from Manager Michael Archinal:

- Township voters approved Proposal 1 by 294 votes, 5,632 voting YES and 5,338 voting NO.
- The proposal was approved in eight out of 13 precincts, failed in four, and tied in one.
- We do not have a police department and would be difficult to enforce.

Township Attorney Joe Seward addressed the board with the following comments:

- The Township must opt-out or else we are in because the State authorizes the permit otherwise.
- Opting out is done by Township Ordinance and could be considered for both medical and recreational marijuana.

- The \$5,000 application fee is to defray and cost of administration, otherwise it is known as a tax.
- The State imposes a 10% tax on the process with a township receiving 15% of that tax.
- This new provision pre-empts all other statutes with regard to Marijuana in Michigan.
- All other laws inconsistent with this act do not apply to conduct that is permitted by this act.
- Any attempts to regulate that would be considered restrictive, may result in litigation.
- We may reverse our ordinance and opt-in at any time that we choose – again by ordinance.
- There is a chance that voters could petition the board to opt-in since the act passed in the township. That petition would need signatures from 5% of the voters who voted in the gubernatorial election.
- The petition and signatures once approved would then require a ballot question.

It was the consensus of the board to opt-out. Moved by Mortensen and supported by Croft to allow staff to consult with the township attorney to opt-out of both recreational and medical marijuana and provide a draft ordinance to accomplish this action. The motion carried unanimously.

6. Request to enter into a closed session pursuant to MCL 15.268(h) material exempt from disclosure by state statute, MCL 15.243 (g) regarding complaints from the Oak Pointe Community Association.

Moved by Hunt and supported by Lowe to move to closed session at 7:05 p.m. to discuss complaints from the Oak Pointe community Association. The motion carried by roll call vote as follows: Ayes – Ledford, Croft, Hunt, Lowe, Mortensen, Skolarus and Rogers. Nays – None. Absent – None. The regular meeting of the board was re-opened at 8:00 p.m.

Township staff will meet with Attorney Seward to discuss possible actions to be taken to discuss the issues raised by the Oak Pointe Community.

Mortensen asked that a page marked “No Check Written” for accounts with no activity be included with the payment of bills.

Moved by Mortensen and supported by Croft to adjourn the regular meeting of the Genoa Charter Township Board at 8:03 p.m.

Paulette A. Skolarus, Clerk
Genoa Charter Township Board