

MONTCALM TOWNSHIP BOARD MEETING MINUTES

1880 S Greenville Rd, Greenville, MI 48838

July 10, 2019

MEMBERS PRESENT: Douglas Crowley, Supervisor; Rosemary Hyde, Treasurer, Jessica Shearer, Clerk, Steve Sprague, Trustee and Tim Rau, Trustee

MEMBER ABSENT:

Meeting was called to order at 7:00 p.m. by Supervisor Douglas Crowley

Pledge to the Flag

A **Motion** was made by Rau to approve the Agenda, Second Hyde. **Motion** carried.

A **Motion** to approve the June 12, 2019 regular Township board meeting minutes was made by Hyde, Second Rau. **Motion** carried.

Treasurer's Report: The report was distributed to the audience and Board Members. A **Motion** to approve the Treasurer's report as presented was made by Shearer, Second Sprague. **Motion** carried.

Payment of Bills: A **Motion** to approve the Payment of Bills was made by Rau, Second Hyde **Motion** carried.

Supervisor's Comments: Wise Rd Bridge is on scheduled to be finished first to middle of August.

Reports:

- Sheriff Report: The Deputy gave his report.
- Planning Commission: Richard Karnatz talked about the planning commission meeting and the public hearing on July 3, 2019.
- Zoning Board of Appeals: No meeting since last Board Meeting.
- Cemeteries: No report.
- Library Board: The Library Board meeting agenda and report is posted on the Township bulletin board.
- Zoning Administrator: Zoning Administrator Mike Nelson issued 9 permits since the last meeting.
- County Commissioner: County Commissioner Adam Peterson gave an update of what was going on at the County level.
- Fire Department: Chief Dickinson read the fire report.
- Trustees: Rau welcomed everyone to the meeting, Hoped that everyone had a safe 4th of July. Sprague thanked everyone for coming.
- Clerk: Thanked everyone for coming.

Public Comment – Concerning Reports:

- A resident from Sidney Township asked the sheriff deputy of how many accidents have been reported since there is no more road control. He also asked Adam Peterson about a millage for road patrol.

- A resident asked if we could put the agenda on the website. Rau liked that her idea.

Old Business:

- **Paving at the Fire Station has been completed.**

New Business:

- **Renewal of Township Compensation Insurance**

A **Motion** was made by Hyde to accept the renewal policy. Second by Rau **Motion** Carried.

- **Approve an application from Casair for a right-of-way permit regarding installation of fiber optic**

A **Motion** was made by Sprague to approve the application from Casair Second by Shearer **Motion** Carried

- **Approve Steve Nichols as the township representative to the Perch Lake-Lake Board**

A **Motion** was made by Shearer to accept Steve Nichols to the Perch Lake-Lake Board. Second by Rose **Motion** Carried.

- **Increase the inspection fee for Mike Nelson for Short Term Rentals to \$75.00 per rental unit.**

A **Motion** was made by Shearer to increase the inspection fee for Mike Nelson Second by Rau **Motion** Carried.

- **Change Rental Hall fee from \$100.00 to \$125.00 dollars**

A **Motion** was made by Sprague to change rental fee. Second by Rau Motion Carried.

- **Approve the Montcalm County Rescue unit 20 to be stationed at the Fire Station**

A **Motion** was made by Sprague to approve the Montcalm County Rescue unit 20 to be stationed at the fire station Second Hyde. **Motion** Carried.

- **Montcalm Township Ordinance to regulate the licensing of medical marihuana faculties.**

Rau spoke to the board about his feelings about the ordinance.

A **Motion** was made by Shearer to accept Montcalm Township Ordinance to regulate the licensing of Medical Marihuana Faculties Second Hyde

ROLL CALL

Sprague- No

Shearer- Yes

Crowley-Yes

Hyde- Yes

Rau-No

Motion Carried.

- **A purposed Ordinance to amend Article 7 of the Montcalm Township Zoning Ordinance by adding a new section 7.30 entitled “Medical Marihuana Facilities.”**

A **Motion** was made by Shearer to accept the purposed Ordinance.

No Second-**Motion** Died.

- A **Motion** was made by Hyde to table Article 7 of the Montcalm Township Zoning Ordinance by adding a new section 7.30 entitled “Medical Marihuana Facilities.” for the next meeting Second Shearer **Motion** Carried.

- **Approve Tom Smith as the township representative to the Turk Lake Improvement Board.**

A **Motion** was made by Sprague to accept Tom Smith to the Turk Lake Improvement Board Second Rau Motion Carried.

Public Comment:

- Three residents spoke up on how they are for the Ordinance.
- Three residents spoke up on how they are against the Ordinance.
- A resident expressed his concerns about the youth in the community if the ordinance passes.
- A resident read a letter from his lawyer about short term rentals and asked the board if we could put it in the meeting minutes.
- A resident expressed his feelings about the short term rentals.

A **Motion** to adjourn was made by Shearer, Second Hyde. **Motion** carried.

Meeting adjourned at 8:00 p.m.

Submitted by: Jessica Shearer, Clerk

Posted:

July 18, 2019 @ 10:45 p.m.

_____ Approved

REED & GLOVICK, PLC
ATTORNEYS AND COUNSELORS

July 9, 2019

Ronald Price
601 Oak Drive
Turk Lake
Greenville, MI 48838

Re: Collateral effects of a consent judgment among private parties

Dear Mr. Price,

This letter is in response to your question as to whether the October 16, 2018 consent judgment resulting from *Ron Price and Brian Lovellette v. David Ellis and Cynthia Ellis*, case no. 18-S-24325-CZ in the Montcalm County Circuit Court, affects a municipality's ability to enforce and/or interpret its rules. It does not.

The consent judgment applies only to the consenting parties. This is an intuitive principle; if two parties could consent to an interpretation of law that then binds third parties subsequently, it would create an untenable situation wherein two parties could theoretically enter into lawsuits for the sole purpose of legislating by means of private litigation. Fortunately for our democracy, this situation does not exist, and private parties may not unilaterally establish binding interpretation of rules.

The consent judgment only requires the parties to the lawsuit to permit the Ellises to use property for rental purposes—the township and any other non-party is in no way required to grant such permissions.

You may contact me by mail, by email at glovickp@reedglovick.com, or by phone at (616) 754-1860 with any questions or concerns regarding the subject matter of this letter.

Very truly yours,

Philip Paul Glovick
Attorney and Counselor

PPG/cd