

**MACKINAW TOWNSHIP REGULAR BOARD MEETING
10595 WALLICK RD, MACKINAW CITY, MI
JANUARY 15, 2019**

Supervisor Smydra called the meeting to order at 5 PM. The Pledge of Allegiance was recited.
All Board members present: Brew, Closs, Falor, Munns, Smydra.
Also present: Joe Lavender, Richard Mahlmeister and Tim MacArthur.

Motion by Brew, supported by Closs to approve the Agenda as presented. Motion carried.
Motion by Brew, supported by Closs to approve the November 20, 2018 minutes, as presented. Motion carried.

Reports

1. The new Assessing reform bill will require BOR members to attend mandatory training and townships will be required to provide a link on their websites to assessing records. Lavender is finalizing the 2019 assessments and Mackinaw will realize a large reduction in commercial property values.
2. Smydra encouraged all Board members to attend the monthly MTA meetings.

Unfinished Business

1. Upon motion of **DONNA FALOR** and support by **CHARLES BREW** the following Ordinance was adopted by roll call vote:

**TOWNSHIP OF MACKINAW
COUNTY OF CHEBOYGAN
STATE OF MICHIGAN
ORDINANCE NO. 19-01
ADOPTED: January 15, 2019
EFFECTIVE: February 14, 2019**

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Mackinaw Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF MACKINAW, CHEBOYGAN COUNTY, MICHIGAN ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the Mackinaw Township Prohibition of Marihuana Establishments Ordinance.

**SECTION II
DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

**SECTION III
NO MARIHUANA ESTABLISHMENTS**

Mackinaw Township hereby prohibits all marihuana establishments within the municipal boundaries of Mackinaw Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

**SECTION IV
VIOLATIONS AND PENALTIES**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

**SECTION V
SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance, which shall continue in full force and effect.

**SECTION VI
REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VII
EFFECTIVE DATE**

This ordinance shall take effect on February 14, 2019.

Those voting aye: **MICHAEL SMYDRA, MARIA MUNNS, DONNA FALOR,
DEBORAH CLOSS and CHARLES BREW**

Those voting nay: None

Those absent: None

The Supervisor declared the Ordinance adopted.

CERTIFICATION OF TOWNSHIP CLERK

The undersigned Clerk of the Township of Mackinaw does hereby certify that the foregoing MACKINAW TOWNSHIP PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE: Ordinance #19-01 was duly adopted and passed by resolution of the Township Board for the Township of Mackinaw at a regular meeting thereof, held on the 15th day of January 2019.

Dated: 01/15/2019

/s/ Maria Munns
MARIA MUNNS
Mackinaw Township Clerk

2. Motion by Brew, supported by Closs to appoint Steven Bryers as alternate Board of Review member for 2019/2020. Motion carried.

New Business

1. Attorney MacArthur reviewed the Attorney Client privileged communication regarding the Michigan Section 218 Agreement. There was extensive dialogue as to whether a board member is required to participate in the Gleaner Money Purchase plan adopted by the Mackinaw township Board or whether they can opt to participate in Social Security instead. Attorney MacArthur will continue to research this issue.
2. Motion by Falor, supported by Brew to adopt the 2019 Poverty Exemption Guidelines Resolution, as presented. Roll call vote: Ayes: Brew, Closs, Smydra, Falor, Munns. Nays: None. Motion carried.
3. Motion by Falor, supported by Closs to approve the following Budget Amendment:
MOVE: Plus \$60 (101-191-960.000) Election Conference & Workshops
Plus \$40 (101-191-956.000) Election Miscellaneous
Minus \$100 (101-101-726.000) Governing Body Office Supply
Roll call vote: Ayes: Falor, Munns, Brew, Smydra, Closs. Nays: None. Motion carried
4. 2019/2020 Preliminary Budget was reviewed. A Budget workshop is scheduled for January 29 at 5:30.

Treasurers Report/ Bills/ Financial Report

1. The Treasurers reports were presented.
2. Motion by Falor, supported by Closs to approve the bills for December.
Roll call vote: Ayes: Smydra, Munns, Falor, Closs, Brew. Nays: None. Motion carried.
Motion by Brew, supported by Closs to approve the bills for January.
Roll call vote: Ayes: Munns, Falor, Smydra, Closs, Brew. Nays: None. Motion carried.
3. The December and January Standard budget financial reports were reviewed.
The township will not meet the 88 million taxable value threshold for publishing minutes for 2019.

Correspondence

Cheb. Co Road Commission annual meeting with Mackinaw Township is Wednesday, February 20.
The Dept of Agriculture and Rural Development has Farmland Preservation program brochures

Public Comments

The County has monies to loan for road projects for up to five years.

Non-agenda Items

The Local Emergency Planning committee will be surveying local townships to determine where warming stations can be set up and how many residents are homebound and would need to be evacuated to these warming stations during an emergency.

Meeting was adjourned by call of the chair at 7:05 PM.

Respectfully submitted,

Maria Munns, Clerk