

MIDLAND CHARTER TOWNSHIP
REGULAR BOARD MEETING
March 14, 2018
7:00pm
1030 S POSEYVILLE RD
MIDLAND, MI 48640

Present: All Members except Leach

Also Present: 4 guest

Pledge of Allegiance

Meeting Minutes: February 14th approved as written

Public Comment: Was heard by board

Building report:

1 building permit
1 electrical permit
\$130.00

Fire Report:

32 Runs
NO tires yet.

Enforcement Report:

No report given

Planning Commission:

Still nothing on LED signs. Started work on General codes work books, will get rest of the book done next meeting.

Financial Report:

Radosa motions to pay the bills, Northup supports
Yeas: Radosa, Northup, Clarey, Avery, Armstrong-Miller, Holt

Unfinished Business:

DEQ Asset Management plan, Hiring Wade Trim to complete for us. Terry Holt overseeing this project. Might roughly cost between 20,000-30,000.

New Business:

Salary Wage Resolution for Supervisor
RESOLUTION TO ESTABLISH TOWNSHIP OFFICERS SALARY

This resolution is used when NO ANNUAL MEETING is held.

A separate resolution should be adopted for each office for which a change is proposed (Attorney General Opinion 6422).

WHEREAS, according to MCL 41.95(3), in a township that does not hold an annual meeting, the salary for officers composing the township board shall be determined by the township board, and

WHEREAS, the township board deems that an adjustment in the salary of the office of *Supervisor*, is warranted in consideration of *the increase in the cost of living and/or additional responsibilities taken by the supervisor* since township board members' salaries were last adjusted, now

BE IT RESOLVED, that as of *March 14, 2018*, the salary of the office of *supervisor* shall be as follows:

Supervisor: \$ 15003.00 salary (*not directly performing assessing*)

\$ _____ salary if properly certified as assessor and directly performing assessing

OR:

Clerk: \$ _____ salary

OR:

Treasurer: \$ _____ salary

OR:

Trustee: \$ _____ (*If paid by salary. Per diem/per meeting compensation is NOT subject to the annual meeting.*)

This resolution offered by board member Armstrong-Miller.

Supported by board member Clarey.

Upon a roll call vote, the following voted: Yes: Armstrong-Miller, Clarey, Radosa, Northup, Avery Abstain: Holt

The supervisor declared the resolution adopted.

Shelly Armstrong-Miller, Clerk

Ordinance review for Consumers Energy:

ORDINANCE NO. 101

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CHARTER TOWNSHIP OF MIDLAND, MIDLAND COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF MIDLAND ORDAINS:

SECTION 1. GRANT, TERM. The CHARTER TOWNSHIP OF MIDLAND, MIDLAND COUNTY, MICHIGAN, hereby grants to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers, and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CHARTER TOWNSHIP OF MIDLAND, MIDLAND COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No street, alley, bridge, highway, waterways, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Charter Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Charter Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. EXTENSIONS. Said Grantee shall from time to time extend its gas and electric systems to and within said Charter Township, and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said Charter Township for gas and/or electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas and electric rates and rules regulating such service in said Charter Township, are hereby granted. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Charter Township acting by its Charter Township Board, or by said Grantee.

SECTION 8. REVOCAION. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service, both gas and electric, not herein fixed, be and remain subject to reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said Charter Township.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas and/or electric ordinance adopted by the Charter Township Board on April 13, 1988 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate certain gas mains pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the Charter Township of Midland, Midland County, Michigan, for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas and/or electric franchise was granted to Consumers Energy Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after sixty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Charter Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Charter Township and said Grantee

Flood Control and Maintenance agreement between Midland Township and Johnston Contracting Poseyville Road Flood Control Maintenance & Operations Agreement

The following is the agreement between Johnston's Contracting, Inc. (Johnston's) and the Charter Township of Midland (Township) for maintaining the flood control pump to a level of preparedness for use as

Maintenance costs shall not exceed four hundred dollars (\$400.) without prior Township Board approval for either single occurrence, or accumulated total. Maintenance will be performed on the flood control pump as determined by Johnston's.

Johnston's will be the deciding authority when determining when the flood control dike should be deployed. The Township shall provide monetary compensation for the installation, removal, and operation of the flood control dike.

In the absence of a Johnston's representative or designee, the Township shall have complete authority and right to employ a contractor to construct the dike and operate the pump on Poseyville Road in the case of an emergency.

TOWNSHIP OF MIDLAND
MIDLAND COUNTY, MICHIGAN
RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES AUTHORIZED
BY PA 281 OF 2016

DATED: March 14, 2018

WHEREAS, Public Act 281, of 2016, the Michigan Medical Marihuana Facilities Licensing Act (MCL 333.27101, et seq.) (the Act), authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and WHEREAS, Section 205 of the Act (MCL 333.27205) provides that "[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility;" and WHEREAS, Section 205 of the Act further provides that "[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...;" and WHEREAS, Section 205 of the Act requires a municipality to respond to the State of Michigan Medical Marihuana Licensing Board within 90 days after the municipality receives notification from an applicant that a license for one of the five types of medical marihuana facilities authorized by the Act has been applied for; and WHEREAS, the Township Board of Midland Township, Midland County, Michigan, is cognizant of its authority to adopt an ordinance or ordinances to authorize one or more of the five types of medical marihuana facilities authorized by the Act, but desires not to do so.

NOW THEREFORE, it is hereby resolved as follows:

Midland Township, Midland County, Michigan, (the Township) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by the Act.

As a result of the Township's declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by the Act, a medical marihuana facility shall not operate in the Township.

The Township Clerk is authorized to provide a copy of this resolution to the State of Michigan Medical Marihuana Licensing Board in response to a request to locate a medical marihuana facility authorized by the Act within the Township or for any other reason authorized by or in response to a request from the State of Michigan Medical Marihuana Licensing Board, the State of Michigan Department of Licensing and Regulatory Affairs, or any successor agency of either.

The Township Clerk is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana facility in the Township as evidence that the same shall not be allowed in the Township.

All resolutions in conflict herewith are repealed.

This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

Adopted by the Township Board, Township of Midland, Midland County, Michigan, at a meeting of the Township board held on the 14 day of March 2018.

Public Comment:

Was heard by board

Adjourn: 8:29 pm

Terry Holt, Supervisor _____

Shelly Armstrong-Miller, Clerk _____