



COHOCTAH TOWNSHIP BOARD MEETING

October 14, 2021 at 8:00 PM

Township Hall | Fowlerville, Michigan

The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 72 hour advance notice by contacting Barb Fear, Township Clerk, by email: bfearclerk@gmail.com, phone: (517) 618-7404, or mail: 3530 Gannon Rd, Howell, MI 48855.

AGENDA

CALL TO ORDER

AGENDA APPROVAL

- [1.](#) Minutes Special Meeting 9-28-2021
2. Minutes Closed Session 9-28-2021

CONSENT AGENDA

- [3.](#) Minutes 09-09-2021
- [4.](#) Treasurer's Report
5. Expenditures

CALL TO THE PUBLIC

6. Livingston County Drain Commission Update

UNFINISHED BUSINESS

7. Large Item Day Follow Up Report

Road Commission

Howell Fire Authority

Hall

Cemetery

Parks and Recreation

NEW BUSINESS

- [8.](#) Audit Contract Renewal
- [9.](#) Quarterly Budget Review
- [10.](#) Medical Marijuana Temporary Moratorium Resolution
- [11.](#) Medical Marijuana Temporary Moratorium Ordinance
12. ARPA Funds

REPORTS

Zoning Board of Appeals

Planning Commission

Violations and Complaints

13. 1985 Gannon Rd, 04-2020 1850 Gannon Rd, 02-2021 1212 Faussett Rd.

CALL TO THE PUBLIC

NEXT REGULAR MEETING DATE - NOVEMBER 11, 2021

ADJOURN

September 28, 2021
Special Meeting Minutes

The special meeting of the Cohoctah Township Board was called to order at 7:03 pm. with a pledge to the flag. Present: Fosdick, Bock, Torigian, Fear, Charette, Attorney Cooper, and 2 citizens.

Agenda Approval- Motion by Charette, support by Torigian to approve the agenda with the addition of Civil Infractions. Motion carried 5 Ayes, 0 Nays.

Trash Services Contract- Update given by Granger.

Marijuana Ordinance Review and Enforcement- Motion by Torigian, support by Charette to adopt a resolution placing an Emergency Moratorium on Caregiver Home Occupation Permits subject to section 16.21 for 120 days for the health, safety and welfare of the residents. Roll call vote: Ayes: Charette, Torigian, Fosdick, Bock, Fear, Nays: none.

Closed Session Buckner Property- Motion by Bock, support by Torigian to enter into closed session at 8:42pm. Roll call vote: Ayes: Fosdick, Bock, Fear, Torigian, Charette, Nays: None.

Motion by Bock, support by Charette to leave closed session at 8:50pm. Roll call vote: Ayes: Fosdick, Bock, Fear, Torigian, Charette, Nays: None.

Call to the Public- None

There being no further business, meeting adjourned at 8:52 p.m.

Respectfully submitted,

Barb Fear
Cohoctah Township Clerk

**RESOLUTION FOR EMERGENCY MORATORIUM ON ALL APPLICATIONS
FOR MEDICAL MARIHUANA HOME OCCUPATIONS**

Cohoctah Township

WHEREAS, the Township Board has been made aware there has been an increase in the use of property in the Township for medical marijuana caregiver operations;

WHEREAS, the Board considered the risk of these uses not being sufficiently regulated and known to Township officials, and endangering the health, safety, and welfare of the residents of Cohoctah Township;

WHEREAS, the Board desired to halt all requests for medical marihuana caregiver home occupation permits for a period of 120 days to allow time to amend Township ordinances to put proper regulations of this type of use in place;

WHEREAS, authority is provided to the Board to establish such an ordinance pursuant to MCL 41.181;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board hereby directs all Township officials not to accept any home occupation permits relating to medical marihuana for a period of 120 days.
2. The Township attorney is directed to work with the Township planner on proposed amendments to Section 16.21 of the Zoning Ordinance and any other appropriate amendments.

The foregoing resolution offered by Board Member Torigian.

Second offered by Board Member Charette.

Upon roll call vote the board members voted as follows:

Fosdick: Y

Bock: Y

Fear: Y

Charette: Y

Torigian: Y

The Supervisor declared the resolution adopted at a special meeting of the Township Board held on September 28, 2021.

Barbara Fear, Clerk



COHOCTAH TOWNSHIP BOARD MEETING

September 09, 2021 at 8:00 PM

Township Hall | Fowlerville, Michigan

The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 72 hour advance notice by contacting Barb Fear, Township Clerk, by email: bfearclerk@gmail.com, phone: (517) 618-7404, or mail: 3530 Gannon Rd, Howell, MI 48855.

MINUTES

CALL TO ORDER

The meeting was called to order at 8:01PM with the Pledge of Allegiance.

PRESENT: Barb Fear, Phil Charette, Mark Fosdick, Tami Bock, Mark Torigian, Zoning Administrator Buckner, Park Manager Flanary, Recreation Rep Clapp and 5 citizens.

AGENDA APPROVAL

Motion made by Torigian, Seconded by Charette to approve the agenda with the addition of Closed Session under New Business.

Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

CONSENT AGENDA

Motion made by Charette, Seconded by Bock to approve the Consent Agenda as presented. Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

1. Minutes 8-5-2021
2. Treasurer's Report
3. Expenditures

CALL TO THE PUBLIC

Jay Drick, County Commissioner, gave an update to the Township Board and residents of issues currently affecting the County.

4. Audit Presentation

The Township received an "Unmodified Opinion" again this year. This is the highest rating given.

Motion made by Torigian, Seconded by Charette to accept the audit as amended, directing Pfeffer, Hanniford & Palka to file the audit with the State of Michigan. Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

UNFINISHED BUSINESS

5. Alchins Contract Renewal

Motion made by Bock, Seconded by Charette to approve the Alchins Contract for a period of 1 year. An updated contract will be drafted and presented for the remaining term of the original contract. Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

6. Large Item Day 10-2-2021

Large Item Day will be held October 2, 2021.

7. Updated August Expenditure List

Motion made by Charette, Seconded by Bock to approve the revised August Expenditures as presented. Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

8. Buckner Property

The property purchase option was discussed.

Road Commission

The Oak Grove Road project and recent work was discussed. The Township is dissatisfied with the quality of the work and have received numerous complaints. The Supervisor will contact the Road Commission to discuss how they will rectify the problem.

Howell Fire Authority

No report

Hall

No report

Cemetery

No report

Parks and Recreation

Motion made by Torigian, Seconded by Charette to authorize a \$100 gift card for the bull dozing work completed at the park. Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

NEW BUSINESS

9. Surf Broadband Metro Permit

Motion made by Torigian, Seconded by Fear to approve the Surf Broadband Metro Permit. Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

Motion made by Torigian, Seconded by Fear to adopt the Resolution to Waive Fees regarding Metro Act Application. Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, Nay: None, motion carried.

10. Mugg and Bopps revised pump plan

Motion made by Torigian, Seconded by Charette to approve the Mugg and Bopps revised pump plan based on the review provided by Carlisle and Wortman.

Voting Yea: Fear, Charette, Fosdick, Bock, Torigian, motion carried.

11. Marijuana Caregiver Grow Operations

A special meeting will be set up to review current ordinances.

REPORTS

Zoning Board of Appeals

No report.

Planning Commission

Report given.

Violations and Complaints

12. 1985 Gannon Rd, 04-2020 1850 Gannon Rd, 02-2021 1212 Faussett Rd.

Report given.

CALL TO THE PUBLIC

None

NEXT REGULAR MEETING DATE - October 14, 2021

ADJOURN

There being no further business, the meeting was adjourned at 10:10PM.

TAMI BOCK			
COHOCTAH TOWNSHIP TREASURER			
6153 BYRON ROAD			
HOWELL MI 48855			
517-546-2510			
			Sept 2021
RECEIPTS			
	LAND USE		\$ 365.00
	INTEREST		\$ 14.83
	TRASH PICK UP		\$ 828.00
	REVENUE SHARING		\$ 60,736.00
	RECEIPTS TOTAL		\$ 61,943.83
	CASH ACCOUNT ENDING BALANCE		\$ 796,468.40
	FLAGSTAR CD		\$ 111,912.38
	PNC BANK CD		\$ 114,199.51
	HUNTINGTON CD		\$ 109,214.19
	GENERAL FUND BALANCE		\$ 1,131,794.48
	TRUST AND AGENCY BALANCE		\$ 9,550.00
	CAPITAL IMPROVEMENT FUND		\$ 219,914.31
	ROAD FUND ENDING BALANCE		\$ 83,648.73

COHOCTAH TOWNSHIP
FISCAL YEAR 2022, 2023, AND 2024

PFEFFER, HANNIFORD & PALKA, Certified Public Accountants, registered to practice in the State of Michigan (hereinafter referred to as **CERTIFIED PUBLIC ACCOUNTANTS**) and the **COHOCTAH TOWNSHIP**, A municipal corporation, of the State of Michigan (hereinafter referred to as **TOWNSHIP**) contract on this day of , 2021, as follows:

1. For the fiscal year ending March 31, 2022, 2023 and 2024 the **CERTIFIED PUBLIC ACCOUNTANTS** shall conduct an audit of the financial statements of the **TOWNSHIP**. The financial statements are the responsibility of the **TOWNSHIP BOARD**. Our responsibility is to express an opinion on the financial statements based on our audits. We will conduct our audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the general purpose financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the **TOWNSHIP** as well as evaluating the overall financial statement presentation.

2. The **CERTIFIED PUBLIC ACCOUNTANTS'** audit shall meet the requirements of Act No. 2, P.A. 1968, or as amended, and the related Bulletin for Audits of Local Units of Government in Michigan, dated June 1, 1968, or as amended, which is available from the State Treasurer.

3. If the **TOWNSHIP** receives federal financial assistance, grants, or other contracts, we may be required to, not only conduct the audit in accordance with generally accepted auditing standards, but also in accordance with Government Auditing Standards and (or) in accordance with the Single Audit Act Amendments of 1996, OMB A-133. The testing of compliance and other fieldwork would be increased substantially because of the aforementioned. We would issue a separate engagement letter and fee proposal for the additional work to complete the audit in accordance with Government Auditing Standards and (or) the Single Audit Act Amendments of 1996, OMB A-133.

4. The reports on financial statements, as required by Act 2 of Public Acts of 1968, or as amended, shall contain an unqualified opinion by the **CERTIFIED PUBLIC ACCOUNTANTS** or such other opinion as he must render under the circumstances when he is unable to express an unqualified opinion.

5. The audit shall begin as soon after the signing of this contract as shall be convenient to the **CERTIFIED PUBLIC ACCOUNTANTS** and shall be completed with the **CERTIFIED PUBLIC ACCOUNTANTS'** reports issued not later than six months after the conclusion of the fiscal year.

6. The **TOWNSHIP** shall have closed and balanced all funds and bank accounts, agencies and operations to be examined by the **CERTIFIED PUBLIC ACCOUNTANTS**.

7. The estimated total audit fee for the years ended March 31, 2022, 2023, and 2024 will be \$7,800, \$7,800, and \$7,800 respectively. Additional services outside the scope of the audit will be billed at \$105 per hour.

8. The **TOWNSHIP** authorizes the **CERTIFIED PUBLIC ACCOUNTANTS** to immediately disclose any and all findings of suspected fraud, and/or embezzlement to the Deputy State Treasurer in charge of the Local Audit Division of the State Department of Treasury.

9. The **CERTIFIED PUBLIC ACCOUNTANTS** shall provide a reasonable number of reports for each of the funds to the **TOWNSHIP** officials.

10. This contract may be terminated by either party upon a ninety day (90) advance written notice.

Pfeffer, Hanniford & Palka, P.C.

PFEFFER, HANNIFORD & PALKA
Certified Public Accountants

COHOCTAH TOWNSHIP

		COHOCTAH TOWNSHIP 21-22 EXPENDITURES					-1-	
ACCOUNT		BUDGET	1ST	2ND	3RD	4TH	TOTAL	BALANCE
TOWNSHIP BOARD								
PAYROLL TAX EXPENSE		\$4,600.00	\$1,239.50	\$1,552.54			\$2,792.04	\$1,807.96
TRUSTEE WAGES		\$6,000.00	\$150.00	\$2,850.00			\$3,000.00	\$3,000.00
SECRETARY WAGES		\$9,500.00	\$2,583.75	\$2,718.75			\$5,302.50	\$4,197.50
SUPPLIES		\$1,000.00	\$341.95	\$1,076.43			\$1,418.38	(\$418.38)
CONTRACTED SERVICES		\$20,000.00	\$8,463.69	\$11,599.80			\$20,063.49	(\$63.49)
CONFERENCES		\$3,000.00					\$0.00	\$3,000.00
PUBLISHING		\$1,000.00	\$235.00	\$705.00			\$940.00	\$60.00
COMMUNICATIONS		\$1,500.00	\$880.00	\$233.18			\$1,113.18	\$386.82
ASSOCIATION DUES		\$2,400.00	\$20.00	\$10.00			\$30.00	\$2,370.00
EQUIPMENT		\$5,000.00					\$0.00	\$5,000.00
	TOTAL	\$54,000.00	\$13,913.89	\$20,745.70	\$0.00	\$0.00	\$34,659.59	\$19,340.41
SUPERVISOR								
SALARY		\$20,000.00	\$5,000.01	\$5,000.01			\$10,000.02	\$9,999.98
DEPUTY		\$0.00					\$0.00	\$0.00
SUPPLIES		\$0.00					\$0.00	\$0.00
	TOTAL	\$20,000.00	\$5,000.01	\$5,000.01	\$0.00	\$0.00	\$10,000.02	\$9,999.98
ELECTIONS								
WAGES		\$2,000.00	\$722.00	\$420.00			\$1,142.00	\$858.00
SUPPLIES		\$1,500.00	\$62.18				\$62.18	\$1,437.82
PUBLISHING		\$150.00	\$40.00				\$40.00	\$110.00
MAINTENANCE/REPAIR		\$500.00					\$0.00	\$500.00
EQUIPMENT		\$1,000.00					\$0.00	\$1,000.00
	TOTAL	\$5,150.00	\$824.18	\$420.00	\$0.00	\$0.00	\$1,244.18	\$3,905.82
ATTORNEY								
	TOTAL	\$22,000.00	\$8,563.90	\$3,800.55			\$12,364.45	\$9,635.55
ASSESSOR								
CONTRACTED SERVICE		\$37,000.00	\$9,150.00	\$9,400.00			\$18,550.00	\$18,450.00
LAND DIVISIONS		\$600.00						
SUPPLIES		\$3,000.00	\$1,863.34				\$1,863.34	\$1,136.66
	TOTAL	\$40,600.00	\$11,013.34	\$9,400.00	\$0.00	\$0.00	\$20,413.34	\$19,586.66
CLERK								
SALARY		\$20,000.00	\$5,000.01	\$5,000.01			\$10,000.02	\$9,999.98
DEPUTY		\$2,500.00	\$247.50				\$247.50	\$2,252.50
MILEAGE		\$700.00	\$110.88				\$110.88	\$589.12
SUPPLIES		\$500.00	\$63.00	\$42.00			\$105.00	\$395.00
EQUIPMENT REPAIR		\$100.00					\$0.00	\$100.00
	TOTAL	\$23,800.00	\$5,421.39	\$5,042.01	\$0.00	\$0.00	\$10,463.40	\$13,336.60
COHOCTAH TOWNSHIP 21-22 EXPENDITURES								
							-2-	
ACCOUNT		BUDGET	1ST	2ND	3RD	4TH	TOTAL	BALANCE

**RESOLUTION TO ADOPT AN ORDINANCE PLACING A TEMPORARY
MORATORIUM ON APPROVALS FOR MEDICAL MARIHUANA
PRIMARY CAREGIVER HOME OCCUPATIONS**

Cohoctah Township

WHEREAS, on November 4, 2008, the Michigan voters passed the MICHIGAN MEDICAL MARIJUANA ACT (MMMA), Initiated Law 1 of 2008, to allow under State of Michigan law, the medical use of marijuana; to provide protections for the medical use of marijuana; and to provide for a system of registry identification cards for qualifying patients and primary caregivers;

WHEREAS, on December 4, 2008, the MMMA, MCL 333.26421, et seq. ("Act"), took effect allowing both patients and/or their caregivers to cultivate medical marijuana within an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections. As such, these enclosed locked facilities have turned up in various locations with and without appropriate governmental approvals and been constructed of varying materials using various public resources including electrical and water resources within various zoning districts;

WHEREAS, since the passage of the Act, caregiver cultivation of marijuana has resulted in problems including but not limited to insufficient or improper electrical supplies, dangerous structures, inadequate ventilation leading to mold, offensive odors, noise, use of materials and toxins that may enter drains or groundwater, and other health hazards and/or other hazards which are associated with the cultivation of marijuana in various zoning districts;

WHEREAS, the Township has been made aware through general reporting that these facilities are or have the potential to tax the electrical systems and transformers leading to fires related to growing and marijuana use implicating the health, safety, and welfare of the residents. This health and safety concern is in relation to structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety and protecting the environment including wells, drains and other systems;

WHEREAS the Michigan Supreme Court, in *Deruiter v. Township of Byron*, 505 Mich 130 (2020), found that a township's zoning ordinance that geographically restricted such caregiver marijuana cultivation to a particular zoning district did not directly conflict with the Act and that a township has the authority under the Michigan Zoning Enabling Act, 110 of 2006 (MZEA), to require zoning permits and permit fees for the use of buildings and structures within its jurisdiction;

WHEREAS the Michigan Supreme Court, in the *Charter Township of Ypsilanti v. Pontius*, 506 Mich 916 (2020), in lieu of granting leave to appeal, vacated a judgment of and remanded to the Court of Appeals which, on December 29, 2020, affirmed a municipality's authority to enact zoning and regulatory ordinances related to locational restrictions for caregivers under the MMMA;

WHEREAS it is a fundamental responsibility of a municipality to provide by zoning for the regulation of land use under the MZEA, through compatibility of adjacent land use to ensure appropriate locations and relationships, and to limit nuisances in order to promote public health, safety, and welfare of the township residents;

WHEREAS, Cohoctah Township desires to amend its zoning ordinance relating to a primary caregiver's cultivation activities, which will require time to conduct a public hearing and consider amendments to address the health and safety issues under its authority of the MZEA;

WHEREAS, the Township Board has concluded that during the pendency of its consideration of possible amendments to the Township Zoning Ordinance, it would be counterproductive if home occupations permits and/or other approvals or applications for primary caregiver cultivation operations were allowed or permitted to move forward in any zoning districts and, therefore, the Township Board has concluded that during the course of review and consideration of the possible Zoning Ordinance amendments there should be a deferral of acceptance or review of all applications related to primary caregiver medical marijuana cultivation within any zoning district; and

WHEREAS, an amendment to the Zoning Ordinance, pertaining to land use as it relates to primary caregivers cultivating medical marijuana will require proceedings before the Township Planning Commission, the Livingston County Planning Commission, and the Township Board of Trustees under the process provided for in the MZEA which may take approximately One Hundred Twenty (120) days;

WHEREAS, the Township Board desires to establish an ordinance that provides for a 120 day moratorium on the Township's acceptance of applications or issuance of any permits or approvals for any use related to medical marijuana primary caregivers including but not limited to home occupations for this purpose;

WHEREAS, the Board has reviewed and wishes to adopt a general law ordinance entitled Ordinance to Place a Temporary Moratorium on Medical Marijuana Primary Caregiver Home Occupations to be numbered and known as general law Ordinance 21;

WHEREAS, authority is provided to the Board to establish such an ordinance pursuant to MCL 41.181;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board hereby enacts the Ordinance to Place a Temporary Moratorium on Medical Marijuana Primary Caregiver Home Occupations, which shall be known as General Law Ordinance No. 21, as presented.
2. All other ordinances, policies, and procedures that are in conflict are hereby repealed.

The foregoing resolution offered by Board Member _____.

Second offered by Board Member _____.

Upon roll call vote the board members voted as follows:

Fosdick:

Bock:

Fear:

Charette:

Torigian:

The Supervisor declared the resolution adopted at a regular meeting of the Township Board held on October 14, 2021.

Barbara Fear, Clerk

**ORDINANCE TO PLACE A TEMPORARY MORATORIUM ON
MEDICAL MARIHUANA PRIMARY CAREGIVER HOME OCCUPATIONS**

**COHOCTAH TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
Ordinance No. 21**

An ordinance to impose a temporary moratorium on all medical marihuana caregiver operations in Cohoctah Township, which are currently only permitted as home occupations, in order to allow the Township to institute appropriate and comprehensive regulations of these operations to protect the health, safety, and welfare of the residents of Cohoctah Township.

Section 1: Findings. The findings supporting this Ordinance have been set forth in detail in the authorizing resolution.

Section 2: Moratorium. There is hereby imposed a temporary moratorium upon the issuance of all Township permits and approvals for the cultivation of marijuana as a primary caregiver pursuant to Michigan's Medical Marihuana Act, MCL 333.26421, et. seq., including but not limited to those requests for a home occupation in accordance with Section 16.21(J) of the Cohoctah Township Zoning Ordinance.

Section 3: Exceptions to Moratorium. The moratorium imposed under this Ordinance shall not apply to any requests for a home occupations permit for any purpose permitted by Section 16.21 of the Cohoctah Township Zoning Ordinance other than medical marihuana primary caregivers.

Section 4: Term of Moratorium. This moratorium imposed hereunder shall expire upon the earlier of (a) 120 days from the effective date of this Ordinance, unless extended by Board of Trustees resolution; or (b) the effective date of any amendments to current Township ordinances addressing this matter.

Section 5: Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, work, section or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof.

Section 6: Effective Date. This Ordinance shall take effect the day following publication. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

CERTIFICATION

I hereby declare the above is a true copy of an ordinance adopted by the Cohoctah Township Board at a meeting held on October 14, 2021, at the Cohoctah Township Hall, pursuant to the required statutory procedures.

Respectfully submitted,

Barb Fear, Cohoctah Township Clerk