

**MONROE CHARTER TOWNSHIP
MONROE COUNTY, MICHIGAN
Special Meeting Minutes
May 4, 2023
7:00 p.m**

CALL TO ORDER

A special meeting of the Monroe Charter Township Board was called to order by Supervisor Alan Barron at 7:00 p.m. on Tuesday, May 4, 2023 from the Monroe Charter Township Hall, 4925 East Dunbar Road, Monroe County, Michigan.

ROLL CALL

Present: Supervisor Barron, Clerk Smith, Treasurer Barton, Trustee's Howe, Manor and Raymo.

Excused: Trustee Janssens

Others Present: Attorney's McCormick and Thall and nineteen (19) audience members.

PLEDGE OF ALLEGIANCE

NEW BUSINESS

Move that the Board of Trustees and Zoning Enforcement Officer/Community Development Director, Kim Fortner, convene in closed session under section 8(1)(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act, being a letter from its attorney dated May 2, 2023, for the reason that the letter is exempt from disclosure under State law due to the attorney-client privilege.

Motion #1. Motion by Howe, supported by Manor to move that the Board of Trustees and Zoning Enforcement Officer/Community Development Director, Kim Fortner, convene in closed session at 7:03 p.m. under section 8(1)(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act, being a letter from its attorney dated May 2, 2023, for the reason that the letter is exempt from disclosure under State law due to the attorney-client privilege, as presented.

Roll call vote: Howe yes, Manor yes, Barton yes, Smith yes, Raymo yes, Barron yes. **Motion carried.**

RECONVENE OPEN SESSION

Motion #2. Motion by Raymo, supported by Manor to reconvene open session at 7:43 p.m., as presented.

Roll call vote: Raymo yes, Manor yes, Smith yes, Barton yes, Howe yes, Barron yes. **Motion carried.**

Based upon the testimony presented at the special meeting of April 25, 2023, the pictures and videos provided, and admissions or information provided in the response letter from Jar Capital's attorney, all regarding violations alleged in the April 20 & April 22, 2023 notices to Jar Capital from the Township, I move that we find that the following violations are substantiated:

Violation 1: Temporary Signs under the name "Joyology" in Violation of the Township's Ordinance Chapter 5, Article II, Section 5-29.

Violation 2: Failure to receive approval from a change in the interest of ownership in Jar Capital both in January 2023 and again in April 2023 in violation of Township's Ordinance Chapter 5, Article II, Section 5-32, which states: "Marihuana Business approval is assignable or transferable . . . with the specific approval of the Charter Township Board of Trustees. . .

NEW BUSINESS (Con't)

Unapproved transfer, sale, or *other conveyance of interest* is grounds for suspension or revocation of the license or other appropriate sanction.”

Violation 3: Consumption of marihuana in the parking lot by Jar Capital's customers in violation of Ordinance 147, Section 5-31.

Violation 4: The odor from the Marihuana Business was not confined to the interior of the premises in violation of Ordinance 140, Section 6(C).

Violation 5: Jar Capital did not follow the requirements of the Odor Control Plan in violation of their Site Plan approval.

Violation 6: Jar Capital held a Special Event on April 20, 2023 in violation of Zoning Ordinance 52-2010, Article 3, Section 3.602.

Violation 7: Jar Capital allowed loud music in violation of Public Nuisance Ordinance, Section 10-26(2).

Violation 8: Jar Capital permitted unloading outside of the loading/unloading area in accordance with the approved Site Plan in violation of Zoning Ordinance 52-2010, Article 9, Section 9.08 and Article 17, Section 17.01.L.5.

Violation 9: Jar Capital permitted vehicles to block the fire lane, block ingress and egress to an adjoining business, and allowed temporary signage in violation of the Zoning Ordinance.

Violation 10: Jar Capital operated its marihuana business in a manner that adversely affects the public's health, safety, and welfare by allowing curb-side pick-up, permitting smoking marihuana in the parking lot, blocking the fire lanes, preventing ingress and egress to a neighboring business, and failing to control the odor emanating from the marihuana business.

Violation 11: Jar Capital operated its marihuana business without a valid Certificate of Occupancy.

And as such, based upon these findings that the Township take the following actions:

1. Assess fines and costs in an amount of \$5,500 (being \$500.00 for each violation) plus Township Attorney fees.
2. Continue the existing suspension until Jar Capital (a) installs and the Township approves an Odor Control Plan in compliance with the Site Plan approval and the Marihuana Ordinance; (b) provides and the Township approves a staffing plan to ensure customers do not smoke on site, loiter, or create other public nuisances; (c) is issued a C of O.
3. Impose immediate revocation if a proper C of O and ownership approval is not finalized in compliance with the Township Ordinances by August 1, 2023.
4. No outdoor events will be allowed.

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NEW BUSINESS (Con't)

Motion #3. Motion by Barton, supported by Smith based upon the testimony presented at the special meeting of April 25, 2023, the pictures and videos provided, and admissions or information provided in the response letter from Jar Capital's attorney, all regarding violations alleged in the April 20 & April 22, 2023 notices to Jar Capital from the Township, I move that we find that the following violations are substantiated:

Violation 1: Temporary Signs under the name "Joyology" in Violation of the Township's Ordinance Chapter 5, Article II, Section 5-29.

Violation 2: Failure to receive approval from a change in the interest of ownership in Jar Capital both in January 2023 and again in April 2023 in violation of Township's Ordinance Chapter 5, Article II, Section 5-32, which states: "Marihuana Business approval is assignable or transferable . . . with the specific approval of the Charter Township Board of Trustees. . . Unapproved transfer, sale, or *other conveyance of interest* is grounds for suspension or revocation of the license or other appropriate sanction."

Violation 3: Consumption of marihuana in the parking lot by Jar Capital's customers in violation of Ordinance 147, Section 5-31.

Violation 4: The odor from the Marihuana Business was not confined to the interior of the premises in violation of Ordinance 140, Section 6(C).

Violation 5: Jar Capital did not follow the requirements of the Odor Control Plan in violation of their Site Plan approval.

Violation 6: Jar Capital held a Special Event on April 20, 2023 in violation of Zoning Ordinance 52-2010, Article 3, Section 3.602.

Violation 7: Jar Capital allowed loud music in violation of Public Nuisance Ordinance, Section 10-26(2).

Violation 8: Jar Capital permitted unloading outside of the loading/unloading area in accordance with the approved Site Plan in violation of Zoning Ordinance 52-2010, Article 9, Section 9.08 and Article 17, Section 17.01.L.5.

Violation 9: Jar Capital permitted vehicles to block the fire lane, block ingress and egress to an adjoining business, and allowed temporary signage in violation of the Zoning Ordinance.

Violation 10: Jar Capital operated its marihuana business in a manner that adversely affects the public's health, safety, and welfare by allowing curb-side pick-up, permitting smoking marihuana in the parking lot, blocking the fire lanes, preventing ingress and egress to a neighboring business, and failing to control the odor emanating from the marihuana business.

Violation 11: Jar Capital operated its marihuana business without a valid Certificate of Occupancy.

And as such, based upon these findings that the Township take the following actions:

1. Assess fines and costs in an amount of \$5,500 (being \$500.00 for each violation) plus Township Attorney fees.
2. Continue the existing suspension until Jar Capital (a) installs and the Township approves an Odor Control Plan in compliance with the Site Plan approval and the Marihuana Ordinance;

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- (b) provides and the Township approves a staffing plan to ensure customers do not smoke on site, loiter, or create other public nuisances; (c) is issued a C of O.
3. Impose immediate revocation if a proper C of O and ownership approval is not finalized in compliance with the Township Ordinances by August 1, 2023.
 4. No outdoor events will be allowed.

BOARD COMMENTS

Trustee Raymo stated that he did not feel like the penalties are strong enough.

PUBLIC COMMENTS

Chris Yermian business owner apologized for the violations that occurred on 4/20 and stated that he's been working on things over that last week and a half. Mr. Yermian will be hiring security for the entire plaza to deter any smoking in the parking lot; add stop signs and speed bumps if permissible by the landlord; allocating parking for each of the businesses giving the closest spots to neighboring businesses; putting a buzzer in the neighboring unit to avoid customers entering the wrong business; already installed four new carbon filters and purchased two additional air filtration systems which are geared towards large grows; for noise control, zone control is being added to negate sound infiltrating neighboring businesses and no special events.

There were 6 public comments concerning children and disabled adults patronizing the businesses on both sides of the location; moving to another location; staffing plan procedure; traffic from other marihuana holidays; business application process and fines and revocation of licensure.

Roll call vote: Barton yes, Smith yes, Manor yes, Howe yes, Raymo yes, Barron yes. **Motion carried.**

ADJOURNMENT

Motion #4. Motion by Raymo, supported by Smith to adjourn the Special Board Meeting at 8:05 p.m.

Roll call vote: Raymo yes, Smith yes, Barton yes, Manor yes, Howe yes, Barron yes. **Motion carried.**

Attested:



Alan Barron, Supervisor
Monroe Charter Township



Christina Smith, Clerk
Monroe Charter Township