

# NORTHFIELD TOWNSHIP

## Township Board

### Minutes

#### July 23, 2019

#### CALL TO ORDER

The meeting was called to order at 7:00 P.M. by Supervisor Chockley at 8350 Main Street.

#### INVOCATION/PLEDGE

Trustee Beliger provided a brief invocation. She also led those present in both a moment of silence in honor of former Township Treasurer Cindy Wilson, who passed away on July 16<sup>th</sup>, and the Pledge of Allegiance.

#### ROLL CALL

Marlene Chockley, Supervisor	Present
Kathleen Manley, Clerk	Present (left at 9:00 P.M.)
Lenore Zelenock, Treasurer	Present
Tawn Beliger, Trustee	Present
Janet Chick, Trustee	Present
Wayne Dockett, Trustee	Present
Jacki Otto, Trustee	Present

Also present:

Township Manager Steven Aynes  
Township Attorney Paul Burns  
Planning Consultant Paul Lippens  
Recording Secretary Lisa Lemble  
Members of the community

#### TOWNSHIP MANAGER UPDATE

Aynes:

- called for anyone interested in serving on a citizen Township road commission to contact him.
- said the Washtenaw County Road Commission will be repaving a portion of Main Street this summer using federal funds made available for specific routes.

#### CONSENT AGENDA:

- **July 9, 2019 Minutes**
- **Correspondence**

- **Motion:** Chockley moved, Manley supported, that the consent agenda be adopted as presented.  
**Motion carried 7—0 on a voice vote.**

#### BALANCE OF AGENDA

- **Motion:** Chockley moved, Manley supported, that the balance of the agenda be adopted as presented.

Chick said she does not think Ordinance 19-66 should be voted on for a variety of reasons, including lack of information in the packet, and added the Board should vote on holding public hearings that are not required by law. Otto said that contrary to Board policy no information was provided regarding the reason for the Employee Handbook item to be on the agenda. Zelenock agreed that sufficient information should be provided in Board packets.

**Motion carried 5—2 on a voice vote, Chick and Otto opposed.**

#### FIRST CALL TO THE PUBLIC

Mary Devlin, 9211 Brookside, Monica Miller, 67919 Eight Mile Road, and Doug Nelson, 5314 Walnut Creek, spoke in opposition to the proposed marijuana ordinances. Clyde Hatfield, 160 E. Shore Drive and John Gura, 7659 Edmund, spoke in favor of the proposed marijuana ordinances. Doug Nelson also said he is involved with a group that is collecting petition signatures to force a referendum on the issue of marijuana businesses in the Township.

#### BOARD MEMBER RESPONSE

Dockett urged voters to vote no on the two school millages which will be on the August 6<sup>th</sup> ballot. Manley noted additional poll workers are needed for the election.

Zelenock acknowledged the controversial nature of the marijuana issue and said she welcomes a referendum for or against the marijuana issue to see whether the result supports the 67% of Township voters who supported legalization in the state. Other Board members agreed.

#### ANNOUNCEMENTS

Chockley noted the check for the KaBoom! grant has been received and she thanked those who worked on the application. Beliger said she hopes a crosswalk at Barker which some members of the public have cited as a safety issue can be addressed as part of this project.

Beliger reported that the North Village Subcommittee met today to review qualifications of a new interested developer, A. R. Brouwer of Dexter. She added that a follow-up from Livonia Builders is expected later in the month.

Chick noted that on July 29<sup>th</sup> at 7:00 P.M. the DDA is holding an informational session.

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**PUBLIC HEARING:  
Marihuana Permit Regulations**

- **Motion:** Chockley moved, Manley supported, that the public hearing be opened.  
**Motion carried 7—0 on a voice vote.**

Members of the public made comments, including:

- Stan Wutka, 5985 Leland Drive, said the Township should opt out, he disagrees with some of the decisions made by the Planning Commission about the proposed ordinance, and expressed concern about lighting and other effects from some of the businesses.
- James Trunko, 9255 Lakewood Drive, asked what the Board and community are afraid of. He said Ann Arbor allows these businesses and is consistently one of the most desirable places to live, people will be selling marijuana privately in their homes so the Township should take advantage of the money to be made, and alcohol is already legal.
- Greg Kapolnek, 1090 Five Mile Road, said his house is next to an area (JoMar Park) where marijuana businesses would be allowed and he does not want to live next to them.
- Sam Iaquinto, 9876 Main Street, said State law for recreational marijuana will mirror alcohol laws, one business that would have located in Northfield Township has already been lost to Green Oak due to the Township's delay on these ordinances, fees could bring in \$280,000 per year to the general fund, downtown businesses could benefit from the traffic created by these new businesses, the Library Board and the Living Water Church pastor both said there is no need for setbacks from schools over what is required by the State.
- Jerod Maynard, 35956 Vaughn, Clinton Township, said he represents Organic Real Estate Holdings, a medical marijuana company backed by a \$3 billion dollar private equity fund which has spent \$20 million on such facilities in Michigan in the last eight months and plans to spend another \$30 million. He said from their exteriors their facilities could be mistaken for many commonly-accepted businesses, and they have already been given approval by a James Beard award-winning restaurant group to build a \$5 million restaurant with an attached medical marijuana store in Northfield Township, but restricting retail sales in the downtown area will prevent this development.
- Phil Pucillo, 5011 Walnut Creek Lane, urged the Board to consider waiting several more months to allow the people to have the last word via a referendum on the November ballot.
- Adam Olney, Whitmore Lake, said if the Board opts out tonight a referendum could not be placed on the ballot. He said the Library and a local church did not have objections to the proposed ordinances and did not think additional separation requirements were needed, he was disappointed that more information about this issue was not included in the packet for this meeting,

and he hopes the Board will adopt the Planning Commission's recommendations.

- Craig Warburton, 450 W. Joy Road, said the State sees this as a massive cash cow, the Planning Commission has done an exemplary job of creating a proposed ordinance, there is no reason to wait and nothing to be afraid of, and this could be part of the renaissance of downtown Whitmore Lake.
  - Jack Brugger, 5995 Leland Drive, said he does not see why the Township is going to the trouble of considering this ordinance. He said if the income is the Township's motivation, the Township should give the money received back to property owners rather than spending it the way the Board wants to.
- **Motion:** Chockley moved, Manley supported, that the public hearing be closed.  
**Motion carried 7—0 on a voice vote.**

**UNFINISHED BUSINESS**

**1.  
Ordinance 19-67:  
Marijuana Permit Regulations**

Board members made comments, including:

- The revenue will not be what some Board members are expecting, and it cannot be used for roads or infrastructure.
- Other states that have legalized marijuana have experienced crime problems, including the rise of a black market and an increase in drug abuse problems.
- Marijuana use is not good for anyone except for a very few who benefit from medical use, and there is very little for the community to gain.
- Some text corrections are needed to reflect prior Board changes.
- If the ordinance is adopted the Township should maintain the opt out status (until September 24<sup>th</sup>) until an application process is established.
- It appears the State issued emergency rules because they felt pressured for time, but they did not address administrative procedures.

Planning consultant Paul Lippens and attorney Paul Burns provided answers to questions from Board members, including:

- The State recently added four types of businesses, and those would not be permitted in Northfield Township if the proposed ordinance were to be adopted until such time as the ordinance is amended to include them.
- If the ordinance is adopted it would become effective 30 days after publication, and to avoid confusion the Board should also act to repeal the opt out action (which is in effect until September 24<sup>th</sup>).

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- If the Township accepts application fees and then a referendum to prohibit businesses in the Township passes, the Township would probably have to return the fees.
- If the Township does not pass an ordinance and a referendum to prohibit marijuana businesses fails, the Board should make sure the opt out period has been extended.
- Creating an application will not be a difficult task, and if more applications are submitted than are permitted in the ordinance a lottery system should be established, but otherwise applications would be processed as called for in the ordinance.

The Board discussed minor corrections to be made to the text of the ordinance.

- ▶ **Motion:** Chockley moved, Zelenock supported, to postpone action on Ordinance 19-67 until a revised ordinance and an application process in writing are received by the Board.

The Board discussed how to handle accepting applications and how a lottery system would work.

**Motion carried 7—0 on a voice vote.**

In answer to a question, Lippens explained how “stacked” licenses are handled.

- ▶ **Motion:** Chick moved, Chockley supported, to direct Lippens to create or develop a plan for accepting marijuana applications, create an application form and a vetting process, and to make the changes to Ordinance 19-67 as discussed by the Board. **Motion carried 6—1 on a roll call vote, Beliger opposed.**

**2.  
Ordinance 19-66:  
Marijuana Zoning Regulations**

Board members asked for a number of minor changes to the ordinance.

There was a discussion about whether buffers should (a) be only between marijuana businesses and schools or whether other types of establishments should also be included, and (b) whether the distance should be 500 or 1,000 feet. There was also discussion about whether marijuana businesses should be allowed downtown or in North Village in particular.

[Manley left the meeting].

- ▶ **Motion:** Beliger moved, Chockley supported, to postpone action on Ordinance 19-66 until the revised Ordinance 19-67 is provided to the Board. **Motion carried 6—0 on a voice vote.**

**Motion:** Chick moved, Otto supported, to change the 1,000 foot buffer to 500 feet throughout the ordinance, to eliminate anything but schools from the buffer, and to permit medical and recreational marijuana uses in the Whitmore Lake Downtown and Whitmore Lake Waterfront districts. **Motion failed 3—3 on a roll call vote, Beliger, Zelenock, and Chockley opposed.**

**NEW BUSINESS**

**1.  
Hiring of Community Center Assistant**

- ▶ **Motion:** Chockley moved, Beliger supported, to approve the hiring of Laura Atwell as the new Community Center Senior Nutrition Program Assistant.

Chockley answered questions about the salary, hours, and number of applicants interviewed. Dockett said the Community Center budget has grown considerably and it should be supported by its own millage.

**Motion carried 5—1 on a roll call vote, Dockett opposed.**

**2.  
Rescind Employee Handbook Adopted July 9, 2019**

- ▶ **Motion:** Beliger moved, Chockley supported, to rescind the Employee Handbook adopted on July 9, 2019.

It was noted this is being proposed to allow the Public Safety Director and attorney to review the change allowing guns to be carried by concealed carry permit holders. There was a brief discussion about the issue.

**Motion failed 2—4 on a voice vote, Otto, Dockett, Chick, and Beliger opposed.**

**DISCUSSION**

**1.  
Goals and Priorities in Context of Budget**

- ▶ **Motion:** Zelenock moved, Chockley supported, that Aynes take the list of Goals and Priorities as presented and provide more detail about what has been accomplished and what still needs to be done. **Motion carried 6—0 on a voice vote.**

**2.  
Deadline for Agenda and Packet Materials**

- ▶ **Motion:** Zelenock moved, Dockett supported, that materials for the Board packet be presented by noon on Tuesday.

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Zelenock said by moving the deadline from Wednesday to Tuesday the Supervisor and Clerk will have time to make sure there are complete materials for each item by Wednesday. Chick said the previous Board was able to act more quickly on agenda items because complete information was provided.

- ▶ **Amended motion:** Beliger moved, Zelenock supported, that materials for the Board packet be presented by 3:00 P.M. on Tuesday.  
**Amended motion carried 6—0 on a voice vote.**
- ▶ **Motion:** Otto moved, Beliger supported, that a draft agenda be provided to the Board by noon on Wednesday. **Motion carried 6—0 on a voice vote.**
- ▶ **Motion:** Zelenock moved, Dockett supported, that the Board packet be available to Board members by 4:30 P.M. on Thursday. **Motion carried 4—2 on a roll call vote, Chockley and Beliger opposed.**

**SECOND CALL TO THE PUBLIC**

Stan Wutka suggested that Township meetings be broadcast on Channel 8 rather than 191 to improve communications between the Township and residents.

Adam Olney expressed disappointment that public comments were not taken into consideration in the discussion of the marijuana ordinances and that action was postponed again. He also commented on the hiring of the Assistant at the Community Center, law regarding concealed carry, and broadcasting of Township meetings.

**BOARD MEMBER COMMENTS**

Board members made comments about their approaches to the marijuana ordinances, the many ways residents can get information about Township business, and the need for complete information on issues to be provided to Board members.

**ADJOURNMENT**

- ▶ **Motion:** Chockley moved, Beliger supported, that the meeting be adjourned.  
**Motion carried 6—0 on a voice vote.**

The meeting adjourned at 9:52 P.M.

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Submitted by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:  
Wording removed is ~~stricken through~~;  
Wording added is underlined.

Approved by the Township Board on August 13, 2019.

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Kathleen Manley, Clerk

Official minutes of all meetings are available on the Township's website at [http://www.twp-northfield.org/government/township\\_board\\_of\\_trustees/](http://www.twp-northfield.org/government/township_board_of_trustees/)