

NORTHFIELD TOWNSHIP

Special Township Board Meeting

Minutes

August 12, 2019

CALL TO ORDER

The meeting was called to order at 7:06 P.M. by Supervisor Chockley at 8350 Main Street.

INVOCATION/PLEDGE

Beliger provided a brief invocation and led those present in the Pledge of Allegiance.

ROLL CALL

| | |
|------------------------------|---------|
| Marlene Chockley, Supervisor | Present |
| Kathleen Manley, Clerk | Present |
| 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
Recording Secretary Lisa Lemble
Members of the community

ADOPT AGENDA

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

It was noted no materials had been distributed to the public regarding the one agenda item because the only thing available was an attorney-client privileged memo.

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

FIRST CALL TO THE PUBLIC

Members of the public present made comments on the petition to prohibit marijuana businesses in the Township, including:

Lawrence Walter, 412 East Shore Drive, said he was unclear what the agenda item is about. Adam Olney, Whitmore Lake, expressed concern about lack of information available to the public and about the Township attorney providing the wording for the marijuana petition.

[Manley left the room to make copies for the public].

Chockley read the proposed resolution regarding the petition, including the ballot language: *Should the Township of Northfield (law citation) completely prohibit any marihuana establishment (law citation) within its boundaries?*

[Manley returned].

Dana Forster Forrester, 9255 Lakewood Drive, questioned the legality of Township Board members circulating petitions for signatures, said she is frustrated as a member of the DDA because the Township needs businesses.

James Trunko, 9255 Lakewood Drive, said it is frustrating that 70% of Township residents approved the State referendum, yet this petition is being considered. He said Ann Arbor has dozens of marijuana facilities and it is a very desirable place to live. He said many dispensaries are very nice places and the Township will lose out on opportunities if this is adopted.

David Misko, Van Esley Real Estate, said the resistance to the marijuana industry is similar to past proposals for subdivisions in the Township, and both are contrary to stated desires for growth.

Susan Leslie, 568 Castleberry Drive in Saline, said as a registered nurse she has concerns about the health effects of marijuana on children, it is a Class 1 drug so it has been difficult to study the effects on the mind and body but has been shown to be dangerous to developing minds, and THC attaches to human DNA.

Doug Nelson, 5324 Walnut Creek, said the comments being made do not matter because 407 signatures were submitted and 378 were verified, so the Board must approve ballot language. He said the 67% of people who voted for the State initiative also voted in favor of allowing petitions like this to be submitted.

Craig Warburton, 450 W. Joy Road, said the public has already voted on the marijuana issue, yet with practically no notice a petition is submitted. He said the Township will miss out on yet another opportunity for more businesses in the Township.

Michael Laird, 7628 Oliver, said a petition has been submitted which is allowed under the law, and this will determine whether voters meant to approve marijuana businesses in the Township.

Meredith Counts, 8840 Main Street, said if people are opposed to marijuana they should not use it, but it is not wise to close the door to business opportunities. She said the time spent debating this issue could have been spent working on other issues such as the sewage treatment plant.

Marissa Prizgint, 32 Shrum Drive, said information about this should have been shared earlier. She said it was a violation of law for the anti-marijuana materials Mr. Warburton found at a polling place to be there.

John Gura, 7659 Edmund Street, said low voter turnout this November may allow the proposed petition to pass, but it will just be overturned next November when turnout is high. He said marijuana is recreationally legal and will not stop people in the Township from using it, but it will

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prevent businesses, jobs, and tax revenue from coming here.

Mary Devlin, 9211 Brookside Drive, said she does not care that people use marijuana in their own homes, but if this is approved the people will have indicated they do not want marijuana businesses here.

Adam Olney said this referendum was created by the Township Board with the attorney's assistance, rather than those proposing the initiative having their own attorney write it. He said the referendum should not state the Township wishes to proceed with this because it is a citizen-initiated referendum. He said the people proposing this should have submitted it earlier to prevent the Township from having to spend money for this meeting.

In answer to a question, Manley said there will also be two school millages on the November ballot. She also asked Mr. Warburton to talk to her about the materials he referred to that he found at the polling place.

BOARD MEMBER RESPONSE

Board members made comments, including:

- Release of the attorney-client privileged information should have been on the agenda, and that included the Resolution language which Chockley read without the Board voting on releasing it.
- The Township is not considering legalizing marijuana use for anyone under the age of 21, developers are not being scared away by the prospect of marijuana businesses being allowed in the Township, and voters knew what they were voting for last November.
- While some people have said the Township needs the money that would be generated by marijuana businesses, the costs of allowing these businesses is unknown.
- Only the language for the ballot is before the Board tonight, not the pros and cons of marijuana use.
- The annual fees that may be charged for marijuana businesses cannot be used for general purposes such as roads, and the initiative voters passed last year required them to approve all of the elements of the law or none, and some people wanted only some of the provisions.

AGENDA ITEM

I.

Resolution Adopting Language Consistent with a Petition Concerning the Prohibition of Marihuana Establishments within the Township

Dockett asked if the voters turn down the ballot initiative whether ~~than that~~ would mean the Township must opt into allowing marijuana businesses. Attorney Burns said the presumption would be that the Township is opting in

to allow marijuana businesses, but the Township Board would still have to enact ordinances.

Zelenock asked how and when Burns got involved in developing the ballot language. Burns said the citizen petition came in at the end of July after the last Board meeting, Manley was instructed by the Washtenaw County Deputy Clerk that the language would have to be submitted by certified resolution of the Township Board to the County by August 13th, so Manley asked for his review of the matter. He said he recommended that the Board hold a special meeting to meet the County Clerk's deadline.

Burns said the law allows for citizens to "petition to initiate an ordinance" regarding marijuana businesses in the Township, but there is disagreement among lawyers about whether the petition must be accompanied by a proposed ordinance or whether the Township must write the ordinance. He said the question now before the Board is whether to approve putting the language on the ballot, which may result in a legal challenge maintaining that an ordinance must be attached, or not to approve it, which may lead to a legal challenge to force an election to vote on the petition.

Chick said the language on the petitions that were circulated to get signatures is not the same language that has been prepared to appear on the ballot. Burns said this complies with what was presented to petitioners and with the law regarding a "petition to initiate an ordinance."

Otto asked why—if the petitioning group had an attorney—they did not write language acceptable for a ballot. She said she wants to be sure the ballot language reflects what people thought they were signing. Mr. Nelson said the County Elections staff said the language on the circulated petitions does not have to be the same as the ballot language.

Chockley said the ballot language is clear and she does not have any problem with it. Dockett said ~~taxpayer~~ taxpayer money should not have been used to have our attorney spend time on this after the petition group came in at the last minute.

Manley said the petitions were received on July 29th and signatures verified on the 30th. She said she contacted the County and Burns as soon as she received the petitions and the County said she should consult with the Township's attorney.

Otto said she also spoke with the County's Deputy Clerk who said the Township has to validate the petition signatures and the ballot language, which must contain reference to a specific Act. She said she also asked Manley about the fact that two Board members circulated petitions. Manley said those Board members collected 89 signatures, and if those were disqualified there would still be 293 signatures verified, which is more than the 241 required. Manley also noted that the Board members are allowed to initiate petitions. Burns said the conflict of interest statute says the parties would have to have a pecuniary interest in the matter to have a conflict.

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Burns recommended that this be put on the ballot, even though there may be challenges, rather than not putting ~~in~~ it on which may lead to challenges to put it on a ballot.

Otto recommended amendments to the Resolution language:

- July 29 rather than July 30
- The law on *petitioning for ballots* issue has not been settled
- The Township Board is *certifying to proceed* (rather than wishing)

► **Motion:** Chockley moved, Beliger seconded, to approve Resolution 19-610 as amended.

In answer to a question from Otto, Burns said this could still be challenged, even though the Township has not passed an ordinance allowing marijuana businesses in the Township.

Motion carried 5—2 on a roll call vote, Chick and Dockett opposed.

Chick said she voted in opposition because she does not want to go through a legal challenge.

2.
**Release of Attorney-Client Privileged
Communication Regarding Petition Concerning
the Prohibition of Marihuana Establishments
within the Township**

► **Motion:** Otto moved, Chick, seconded, to release the attorney-client privileged letter dated August 7, 2019.

In answer to a question, Burns said he has no objection to this.

Motion carried 7—0 on a voice vote.

SECOND CALL TO THE PUBLIC

Adam Olney said he is glad this will be on the ballot, and regardless of the outcome he hopes the Board accepts and acts accordingly.

Mary Devlin thanked petitioner circulators and signers.

Doug Nelson said the 2018 ballot measure clearly does not require an ordinance to be in place for an initiative of this type to be submitted.

Craig Warburton said he is opposed to starting meetings with prayer and the parliamentary procedure used at this meeting is lacking.

Gerry Hermann, 8365 Earhart Road, said petitioner gatherers were threatened with having the police called while they were legally collecting signatures and that is wrong.

Lawrence Walter said he also happy this will be on the ballot because both sides now have an opportunity to educate the public.

Marissa Prizgint said there has been plenty of time for this petition to be presented and she questioned why the Township is bending over backward to make sure it gets on the ballot with short notice.

BOARD MEMBER COMMENTS

Board members made comments, including:

- They thanked everyone for coming to the meeting, and although there is disagreement about issues and the meaning of the marijuana law, there is now an opportunity to decide the issue for the Township.
- The petition would have been handled exactly the same by the Township regardless of which side of the issue was bringing a petition.
- The handling of this petition was executed well by Manley and Burns with little time and in the middle of an election.

ADJOURNMENT

► **Motion:** Chockley moved, Beliger seconded, that the meeting be adjourned.
Motion carried 7—0 on a voice vote.

The meeting adjourned at 8:42 P.M.

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 27, 2019.

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/