

NORTHFIELD TOWNSHIP

Township Board

Minutes

September 24, 2019

CALL TO ORDER

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

PLEDGE/INVOCATION

Supervisor Chockley 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
Planning consultant Paul Lippens, McKenna
Recording Secretary Lisa Lemble
Members of the community

ADOPT BALANCE OF AGENDA

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

Zelenock and Dockett said the agenda is too full.

Motion carried 5—2 on a voice vote, Zelenock and Dockett opposed.

CONSENT AGENDA:

- **Minutes of September 10, 2019, Regular Meeting**
- **Township Manager Update**

Board members asked for both items to be pulled for discussion.

MINUTES

- ▶ **Motion:** Chockley moved, Manley seconded, that the minutes of the September 10, 2019, regular Township Board meeting be approved as presented.
Motion carried 7—0 on a voice vote.

FIRST CALL TO THE PUBLIC

Mary Devlin, 9211 Brookside, Don McLean, 9650 Main, Dana Forrester and James Trunko, 9255 Lakewood, Cici Koenig and Shannon Koenig, 9540 Main, Coyote Windsong, 320 Delaware, Laurence Walter, 412 E. Shore, Barbara Wutka and Stan Wutka, 5985 Leland, Mary Czech, 9615 Main Street, Christina Dillen, 11747 Floreen, Ed Garipey, 7755 Nollar, Harrison Withers, 9246 Lake Pine, Kevin

Terry, 9972 Main Street, Katherine Walter, 9310 Lakewood, Dylan Atkinson, 17 Anna Drive, and Maurice Warner, 7551 Nollar, and Elizabeth Wheeler, 150 Pearl, commented on the issue of marijuana businesses in the Township.

In addition:

- John Gura, 7659 Edmund Street, urged Board members to be active on social media to improve communication with the public,
- Mary Devlin commented on Board member conduct at meetings,
- David Gordon, Hellner Road, commented on the Township Board's priorities,
- Harrison Withers, Craig Warburton, 450 W. Joy Road, Stacy Sloan, 9972 Main, and Meredith Counts, 8840 Main, commented on the involvement of some Board members being involved in the marijuana petition effort.
- Maurice Warner brought information to the Board about problems with the drain near his house.

BOARD MEMBER RESPONSE

Board members made comments, including:

- Board members have rights as individuals to participate in voter initiatives.
- Expressed concerns about various sections of the proposed marijuana ordinance, related development issues, the effect on the tax base, the ballot initiative, and medical uses of marijuana.
- Sample ballots and absentee ballots are available for the November election, and there is a need for poll workers.

AGENDA ITEMS

1.

Ordinance 19-69 to Amend Ordinance 18-62: Prohibition of Marihuana Establishments Ordinance to extend Sunset Clause

- ▶ **Motion:** Chockley moved, Beliger seconded, to approve Ordinance 19-69: Amendment to the Prohibition of Marihuana Establishments Ordinance, to extend the sunset clause to expire on January 14, 2020.

There was discussion about when the draft ordinance will be available and whether an earlier date should be chosen.

Motion failed 2—5 on a roll call vote, Otto, Zelenock, Manley, Chick, Dockett opposed.

- ▶ **Motion:** Chick moved, Zelenock seconded, to extend the sunset clause of the Prohibition of Marihuana Establishments Ordinance to November 12, 2019.

- ▶ **Motion to Amend:** Beliger moved, Chockley seconded, to amend the date in the motion to November 26, 2019. **Motion to amend failed 3—4 on a roll call, Dockett, Zelenock, Otto, Chick opposed.**

Motion carried 6—1 on a roll call vote, Beliger opposed.

2.
Ordinance 19-66: To Amend the Zoning Ordinance and to Establish Regulations and Standards for Marihuana Establishments

Planning consultant Paul Lippens referred to the maps he had prepared at the request of the Board to show the effect of buffers between marijuana businesses and various public facilities of 1,000 ft. (suggested by the Township Board), 500 ft. (recommended by the Planning Commission), and 300 ft. Board members made comments, including:

- The 1,000 ft buffer concentrates possible marijuana business sites in only one area, so the 500 ft. buffer is preferable.
 - There was a question about whether state and federal laws indicate a 1,000 ft. buffer is required for schools regarding controlled substances. [Later in the meeting, in answer to a question from Beliger, Lippens said he mistakenly did not change the buffer from 500 ft. to 1,000 ft. after the July 24th vote by the Board].
- ▶ **Motion:** Chick moved, Zelenock seconded, to direct Mr. Burns to make sure the Board proposal to set a 500 ft. separation between marijuana facilities and schools is legal. **Motion carried 7—0 on a voice vote.**

Burns said he is generally comfortable with the current draft of the proposed ordinance.

There was a brief discussion about what fees and fines can be charged by the Township under the State law and changes needed to text of the proposal. In answer to questions, Lippens said under the 500 buffer and under the minimum lot size regulations, “stacked licenses” at one location would be treated as a single business for separation and size purposes.

There was a discussion about whether large grow facilities, which are indoor operations, should be allowed in the AR district. Lippens said the Planning Commission recommended allowing grow facilities in AR, but he recommended they be in industrial districts and that micro-businesses be allowed in AR. In answer to a question about lot size, Lippens confirmed that the proposed ordinance requires a minimum lot size (of 10 acres) only in the AR district. The Board asked Lippens to find out how many acres of land are zoned industrial.

Chick noted that a variety of unattractive and/or large and/or noisy uses are allowed by right or with permits in AR, including gun ranges, government buildings, kennels, landscaping businesses, and child care. She added that hemp can be grown outdoors and has the same smell as marijuana. Beliger said the proposed marijuana businesses are different because they involve drugs and are targets.

- ▶ **Motion:** Zelenock moved, Manley seconded, to remove Class C medical and recreational facilities from the AR district in proposed Ordinance 19-66. **Motion carried 6—1 on a roll call vote, Dockett opposed.**
- ▶ **Motion:** Beliger moved, Manley seconded, to remove Class B medical and recreational facilities from the AR district in proposed Ordinance 19-66. **Motion failed**

4—3 on a roll call vote, Dockett, Zelenock, Otto, Chick opposed.

- ▶ **Motion:** Zelenock moved, Manley seconded, to remove Class B medical facilities from the AR district in proposed Ordinance 19-66.

Lippens said he would recommend against removing only medical or recreational of any class from a specific district. There was discussion about whether it would be legal. It was noted there are differing number of plants allowed depending on whether the license is medical or recreational, but the problem of smell would be the same. Concern was expressed about forcing all of the grow businesses into one zoning district.

Motion carried 4—3 on a roll call vote, Otto, Dockett, Chick opposed.

- ▶ **Motion:** Otto moved, Chick seconded, to extend micro-businesses into the AR district.

In answer to a question, Lippens said requiring certain businesses to be on a paved road is an option.

- ▶ **Amendment to motion:** Zelenock moved, Otto seconded, that the motion be amended to add that a condition for such businesses be that they be located on a paved road. **Amendment to motion carried 4—3 on a roll call vote, Manley, Beliger, and Dockett opposed.**
- ▶ **Amended motion:** Otto moved, Chick seconded, to extend micro-businesses into the AR district, subject to them being located on a paved road. **Amended motion failed 3—4 on a roll call vote, Beliger, Manley, Chockley, Dockett opposed.**

- ▶ **Motion:** Otto moved to remove from page 2: “Whereas, the Board considered the recommendations of the Planning Commission and public comments and voted on the modifications included herein.”

Beliger and Zelenock said the Commission’s recommendations were discussed by the Board after sufficient information was received. Beliger said the recommendations were reviewed, but the Board did not agree with all of them.

Otto withdrew her motion.

- ▶ **Motion:** Beliger moved, Manley seconded, to prohibit marijuana retailers and marijuana provisioning centers in the Township. **Motion failed 4—3 on a roll call vote, Otto, Dockett, Zelenock, Chick opposed.**
- ▶ **Motion:** Otto moved, Beliger seconded, that on page 10, number 13 (Section 36-761, item13), “Security Cameras shall comply with all State requirements.” be changed to, “Security Cameras, which include recordings and all recordkeeping, shall comply with all State requirements.” **Motion carried 7—0 on a voice.**

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▶ **Motion:** Otto moved, Beliger seconded, that on page 11, in item 16C, the wording be, "The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days, or according to manufacturer recommendations, whichever is less."
Motion carried 7—0 on a voice vote.

▶ **Motion:** Otto moved, Beliger seconded, to change "zoning code amendment" to "ordinance amendment" on page 13. **Motion carried 7—0 on a voice vote.**

▶ **Motion:** Chick moved, Otto seconded, to table the balance of the agenda beyond Ordinance 19-67.
Motion carried 7—0 on a voice vote.

3.

Ordinance 19-67: Add Chapter 23 to the Code of Ordinances to establish a Permitting Process for Marihuana Establishments

▶ **Motion:** Otto moved, Chick seconded, to change in section 23-4(1)(a) the number of grower facilities from 12 permits to six permits for recreation marijuana and six permits for medical marijuana.
Motion carried 7—0 on a voice vote.

▶ **Motion:** Zelenock moved, Chick seconded, that the statement in Section 23-7(2)(b)(i), be updated to add "to meet the State requirements."
Motion carried 7—0 on a voice vote.

There was discussion about whether the hours listed in Section 23-8(3) should conform to the hours of operation listed in Ordinance 19-66. It was agreed to leave the language as is.

Regarding the statement, "An application to amend an existing permit to change the location of the facility shall be submitted no later than 90 days before the existing permit expires," Chockley asked whether 90 days is sufficient time for processing of a revision to the CUP and new site plan.

▶ **Motion:** Chockley moved, Beliger seconded, that following the statement, "An application to amend an existing permit to change the location of the facility shall be submitted no later than 90 days before the existing permit expires." the wording "All site plan approvals and conditional use permit approvals shall be required." be added. **Motion carried 6—1 on a voice vote, Dockett opposed.**

▶ **Motion:** Otto moved, Beliger seconded, to change the wording "zoning code amendment" to "ordinance amendment." **Motion carried 7—0 on a voice vote.**

▶ **Motion:** Chick moved, Otto seconded, to approve the pre-application questionnaire for the Marijuana Facilities Permit.

There was discussion about the purpose of the questionnaire, how it fits into the timeline of an applicant

getting State approval and Township approval of permits, and specific wording of various sections.

Zelenock said submittal by the applicant of the proofs of land ownership, etc. should be required.

▶ **Amendment to motion:** Chockley moved, Otto seconded, to amend the motion to be subject to the following changes being made:

1. Instead of the application being returned to "the Township Clerk, Kathy Manley" that it be returned to "the Planning Department" and to change the telephone extension accordingly.
2. Change "Has the business received a Zoning Compliance Permit?" to "Has the business filed a Zoning Compliance Application?" and change "Has the business received a Certificate of Occupancy?" to "Has the applicant applied for a State license?"
3. Require attachment of documentation showing proof of (a) application for zoning compliance , (b) application to the State, and (c) of land ownership or lease.

In answer to a question from Dockett, Lippens said either proof of ownership or a lease be provided, and that the conditional use application be signed by the owner since CUP approvals go with the land.

Amendment to motion carried 7—0 on a voice vote.

▶ **Amended motion:** Chick moved, Otto seconded, to approve the pre-application questionnaire for the Marijuana Facilities Permit, subject to the following changes being made:

1. Instead of the application being returned to "the Township Clerk, Kathy Manley" that it be returned to "the Planning Department" and to change the telephone extension accordingly.
2. Change "Has the business received a Zoning Compliance Permit?" to "Has the business filed a Zoning Compliance Application?" and change "Has the business received a Certificate of Occupancy?" to "Has the applicant applied for a State license?"
3. Require attachment of documentation showing proof of (a) application for zoning compliance , (b) application to the State, and (c) of land ownership or lease.

Amended motion carried 7—0 on a voice vote.

▶ **Motion:** Zelenock moved, Chick seconded, that under "Type of Permit Requested" the application be amended as follows:

- a. The classes of Medical and Adult Use permits be listed separately with Class A, Class B, and Class C for each, and
- b. to add " Micro Business"

Motion carried 7—0 on a voice vote.

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The Board asked Aynes to check whether the Township must notify the State that the Township is still opted out of allowing marijuana businesses as of November 1st.

The Board asked Lippens to review the Grand Rapids scoring criteria and report to the Board, and that all documents related to the medical marijuana ordinances and the scoring criteria be provided to the Board by the next Board meeting.

- ▶ **Motion:** Chick moved, Otto seconded, to establish policy that neither individual Board members nor Northfield staff may edit, add, or delete any text language in any document submitted to the Board for approval prior to review and discussion by the entire Board at a scheduled or special Board meeting.

There was discussion about how to address spelling and similar errors. It was agreed that for transparency items submitted for inclusion in Board packets should not be edited by others. It was clarified that this policy applies to anything the Board votes on.

Motion carried 7—0 on a roll call vote.

- ▶ **Motion:** Zelenock moved, Chick seconded, that the changes requested by the Board at a meeting are to be included in a memo or through the minutes with the location, including the page number of the changes, and this is to be included in the package when the item returns to the Board, to be provided by whoever “owns” the agenda item.
Motion carried 7—0 on a voice vote.

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- ▶ **Motion:** Otto moved, Chick seconded, to table Correspondence and Announcements.
Motion carried 7—0 on a voice vote.
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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 _____, 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/

- 4. **2019 Master Plan Adoption**
- 5. **Review Draft Board Policy on Reading Letters from Residents at Board Meetings**
- 6. **Review Draft Board Policy on Allowing Residents to Share Time During Call to the Public**
- 7. **Township Manager Update and CORRESPONDENCE AND ANNOUNCEMENTS**

All tabled earlier in the meeting.

SECOND CALL TO THE PUBLIC

Dylan Atkinson and Stan Wutka commented on the proposed marijuana ordinances and avoiding potential Board member conflicts of interest with the establishment of marijuana businesses.

BOARD MEMBER COMMENTS

Comments included:

- Thank you to all members of the public who participated in the meeting.
- Board members have put a lot of time into researching and studying the marijuana issue, careful consideration must be given before the ordinances are adopted, and some Board members have legitimate concerns about the use of marijuana.
- Voters are urged to go to the polls or complete an absentee ballot for the November election.
- Speakers during calls to the public are not required to provide their name or address according to the Michigan Townships Association.

ADJOURNMENT

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

The meeting adjourned at 11:07 P.M.