

NORTHFIELD TOWNSHIP

Township Board

Minutes

November 12, 2019

CALL TO ORDER

The meeting was called to order at 7:03 P.M. by Supervisor Chockley at 8350 Main Street.

PLEDGE/INVOCATION

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

ROLL CALL

Marlene Chockley, Supervisor	Present
Kathleen Manley, Clerk	Present (arrived at 7:15 p.m.)
Lenore Zelenock, Treasurer	Present
Tawn Beliger, Trustee	Present
Janet Chick, Trustee	Present
Wayne Dockett, Trustee	Present
Jacki Otto, Trustee	Present

Also present:

Public Safety Director William Wagner
Wastewater Treatment Plant Superintendent Dan Willis
Township Manager Steven Aynes
Township Attorney Paul Burns
Township Planner Mario Ortega, McKenna
Township Planner Irvin Wyche, McKenna
Recording Secretary Lisa Lemble
Members of the community

FIRST CALL TO THE PUBLIC

Mary Devlin, 9211 Brookside, Barb Wutka, 5985 Leland, Sam Iaquinto, 9876 Main Street, Monica Miller, 67919 Eight Mile, Mary Czech, 6915 Main, John Gura, 7659 Edmund, Dana Forester, 9255 Lakewood, James Trunko, 9255 Lakewood, David Gordon, Wayne Davison, 8015 Coyle, Craig Warburton, 450 W. Joy, Adam Olney, Todd Hoffmeyer, Coyote Windsong, 320 Delaware, Shannon Koenig, Main Street, Marissa Prizgint, 32 Schrumm, Margaret Riddell, 65141 W. Eight Mile, and Brad Cousino, 2860 Tepeyac Hill, commented on the outcome of the November 5th marijuana ballot initiative, the process leading up to the vote, and/or ordinances that will be established regarding allowed businesses.

David Gordon also commented on use of the North Village property. Craig Warburton also commented on the rules regarding the Call to the Public. Dan Mclean, 9650 Main Street, commented on blight in the Township.

Denise Pollicella, Cannibis of Attorneys of Michigan, and Jerry Griffin, PincannaRx, commented on legal and business issues regarding marijuana ordinances.

[Manley arrived during the Call to the Public].

BOARD MEMBER RESPONSE

Board members responded to comments about the issue of marijuana businesses in the township, thanked community members who cleaned up graffiti, expressed concern about lack of progress on some blight issues. They also commented on the sale of 75 Barker Road, procedures for preparing Board packets and agendas and for the Call to the Public, the North Village property, and expansion of the sewer system.

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- **Motion:** Dockett moved, Beliger seconded, that the meeting be recessed for five minutes.
Motion carried 7—0 on a voice vote.
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ADOPT CONSENT AGENDA

- **Manager, Treasurer, and Department Reports**
- **Minutes of October 22, 2019 Meetings**
- **Paid Bills**
- **Correspondence**

- **Motion #1:** Chockley moved, Manley seconded, that the consent agenda be adopted as presented.

At the request of Board members Chief Wagner:

- explained that all foam containing PFAs (perfluoroalkoxy alkane) previously used by the Fire Department has been removed, but an acceptable foam is stored at Station 32.
- reported the Township has been reimbursed by the University of Michigan for the Drug Takeback event.
- said no one has asked him what the cost effect on the Police Department of having marijuana businesses in the community would be, and he could not estimate that until State rules are finalized.

The cost of the increase for the health insurance policy was added to the minutes of October 22nd.

Board members also made comments about the Wastewater Treatment Plant report, and administrative procedures regarding marijuana businesses.

- **Motion #2:** Zelenock moved, Chick seconded, that Aynes and Lippens provide the Board with the administrative procedures and form regarding marijuana businesses in the Township in at least draft form before the next Board meeting.
Motion carried 7—0 on a voice vote.

In answer to questions about code enforcement procedures, Aynes said he, the code enforcement officer,

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and attorney Burns work together on enforcement based on established procedures, some of which are specified in ordinances.

In answer to a question, Willis said the WWTP plant does not currently test for pesticides, but once marijuana grow houses come on line they can test for specific chemicals.

- ▶ **Amended motion #1:** Chockley moved, Manley seconded, that the consent agenda be adopted with the addition made to the minutes of October 22, 2019. **Amended motion #1 carried 7—0 on a voice vote.**

ADOPT BALANCE OF AGENDA

- ▶ **Motion:** Chockley moved, Beliger seconded, that the balance of the agenda be adopted as presented. **Motion failed 3—4 on a roll call vote, Chick, Otto, Zelenock, and Dockett opposed.**
- ▶ **Motion:** Chockley moved, Otto seconded, that the balance of the agenda be adopted with the addition of action on the opt out provision in Ordinance 19-70, *an Ordinance to amend Ordinance 18-62, Prohibition of Marijuana Establishments*, as item 9, and with items 7, 8, and 9 moved to follow item 1. **Motion carried 7—0 on a voice vote.**

AGENDA ITEMS

1.

**Approve Payment of Open Bills
(expected check run date 11-13-2019)**

- ▶ **Motion:** Chockley moved, Manley seconded, to approve payment of Open Bills (expected check run date 11-13-2019) for a total of \$159,338.40 from all funds in the Municipal Investment Fund (MIF) account. **Motion carried 7—0 on a voice vote.**

7.

**Ordinance 19-66:
Amend Zoning Ordinance to Allow Marijuana
Establishments, and to Establish Regulations and
Standards for the Operations**

- ▶ **Motion #1:** Chick moved, Otto seconded, to allow marijuana provisioning centers to locate in the Whitmore Lake District-Downtown (WLD-D) and the Whitmore Lake District-Waterfront (WLD-W). **Motion #1 carried 5—2 on a roll call vote, Chockley and Beliger opposed.**
- ▶ **Motion #2:** Chick moved, Otto seconded, to allow adult use marijuana in the Whitmore Lake District-Downtown (WLD-D) and the Whitmore Lake District-Waterfront (WLD-W). **Motion #2 carried 5—2 on a roll call vote, Chockley and Beliger opposed.**
- ▶ **Motion #3:** Chick moved, Otto seconded, to allow growers growing over 500 plants, which includes

medical Class B, medical Class C, and recreational Class C marijuana, in the Research, Technology, and Manufacturing (RTM) district. **Motion #3 carried 6—1 on a roll call vote, Beliger opposed.**

- ▶ **Motion #4:** Chick moved, Otto seconded, to adopt Ordinance 19-66 with the changes made to the Whitmore Lake District-Downtown (WLD-D) and Whitmore Lake District-Waterfront (WLD-W) at this meeting.

The Board discussed the various versions of the ordinance previously provided and confusion surrounding them. Zelenock said it might be time to hire a new planning firm.

- ▶ **Motion #5:** Beliger moved, Chockley seconded, to increase the buffer between marijuana businesses and schools to 1,000 feet from 500 feet.

There was discussion about the distance in other municipalities' ordinance and the legality of a distance under 1,000 feet. Burns said he does not think the law on that has been settled, and he cannot say whether a change in State law on this would affect local law.

- ▶ **Motion #5 failed 3—4 on a roll call vote, Otto, Zelenock, Chick, and Dockett opposed.**

- ▶ **Motion #6:** Beliger moved, Chockley seconded, to include public parks in the 500 buffer between marijuana businesses and schools. **Motion #6 failed 3—4 on a roll call vote, Otto, Chick, Zelenock, and Dockett opposed.**

- ▶ **Motion #7:** Beliger moved, Manley seconded, to add day care facilities in the 500 buffer between marijuana businesses and schools. **Motion #7 failed 3—4 on a roll call vote, Dockett, Zelenock, Chick, and Otto opposed.**

- ▶ **Motion #8:** Beliger moved, Chockley seconded, to disallow all marijuana establishments and adult uses as defined by the Michigan Marijuana Regulatory Agency from the AR-Agricultural district. **Motion #8 failed 2—5 on a roll call vote, Zelenock, Otto, Chick, and Dockett opposed.**

- ▶ **Motion #9:** Zelenock moved, Chockley seconded, to exclude the four new marijuana businesses—temporary marijuana event, marijuana event organizer, excess marijuana grower, and designated consumption establishment—from the ordinance until the Planning Commission reviews and the Township Board adopts an ordinance that includes them. **Motion #9 carried 6—1 on a roll call vote, Beliger opposed.**

- ▶ **Motion #10:** Chockley moved, Manley seconded, that recreational marijuana retailers be collocated with a medical marijuana establishment.

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Chockley explained that this is based on a requirement in East Lansing which they adopted to limit the number of marijuana business locations. Chick noted there are no existing medical marijuana facilities currently in the Township. Chockley also noted that East Lansing requires an annual donation from marijuana businesses to certain types of local 501(c)3 organizations. The Board discussed the pros and cons of that idea.

Motion #10 withdrawn.

Chockley also noted that State emergency rules are expiring January 3, 2020, and will be replaced by additional rules, so she questioned whether this ordinance is being adopted too early. She also noted Traverse City does not allow marijuana businesses in their DDA.

Motion #4 carried 6—1 on a roll call vote, Beliger opposed. Ordinance adopted.

**8.
Ordinance 19-67:
Add Chapter 23 to the Code of Ordinances
to Establish a Permitting Process
for Marihuana Establishments**

- ▶ **Motion:** Chick moved, Otto seconded, to adopt Ordinance 19-67 to add Chapter 23, Marihuana Facilities, to the Code of Ordinances. **Motion carried 4—3 on a roll call vote, Beliger, Manley, and Chockley opposed. Ordinance adopted.**
- ▶ **Motion:** Otto moved, Dockett seconded, to hire a temporary administrative assistant to assist with the permit processing once the marijuana business application process is in place.

The Board discussed hours, rate of pay, qualifications, and increasing the size of government.

Otto withdrew her motion.

Beliger asked when it will be appropriate to consider the effect of these ordinances on the Police Department. Comments included that a survey of townships which have had medical marijuana businesses could be done, medical marijuana ordinances have been shown not to affect police calls, and any new business has an effect on local government services.

**9.
Extension of Sunset Clause in Ordinance 19-70,
an Ordinance to amend Ordinance 18-62,
Prohibition of Marijuana Establishments**

Burns said the expiration of the opt out should expire at the same time the adopted ordinances take effect, and the zoning ordinance will take effect on December 17, 2019. Township Planner Mario Ortega said it is best to clarify this for the benefit of those who have been waiting to submit applications. The Board discussed options

- ▶ **Motion:** Zelenock moved, Chick seconded, that the sunset clause of Ordinance 19-70, *an Ordinance to amend Ordinance 18-62, Prohibition of Marijuana Establishments*, be extended to December 17, 2020. **Motion carried 7—0 on a roll call vote.**

**3.
Update on Sewer Back-up Claim**

Otto noted the affected property owners have already spent over \$17,000 on two claims. She said she would like a report from the Township's insurance company by the next meeting and the Township should pay for the property owners' expenses out-of-pocket, to be reimbursed by its insurance company, if necessary.

**2.
Resolution 19-613:
Fiscal Year 2019-20 Budget Amendment #1**

- ▶ **Motion:** Chockley moved, Chick seconded, to adopt Resolution 19-613 to amend the fiscal year 2019-20 budget. **Motion carried 7—0 on a roll call vote. Resolution adopted.**

**4.
Purchase Offer for 75 Barker Road**

- ▶ **Motion:** Chockley moved, Otto seconded, to postpone to the next Board meeting action on the purchase offer for 75 Barker Road.

Aynes reported there are currently offers of \$275,000 and \$350,000.

Motion carried 7—0 on a voice vote.

**5.
TerraFirma Request to Rezone Properties
from AR to LI**

- ▶ **Motion:** Chockley moved, Chick seconded, to approve the rezoning from AR-Agricultural to LI-Limited Industrial for 6410 Whitmore Lake Road to operate a landscaping business with outdoor storage of materials; Parcels 02-29-200-003 and 02-29-200-004. **Motion carried 7—0 on a voice vote.**

**6.
TerraFirma Request for Conditional Use Permit
to Operate Landscaping Business
with Outdoor Storage of Materials**

- ▶ **Motion:** Chick moved, Otto seconded, to approve TerraFirma's request for conditional use to operate a landscape business with outdoor storage at 6410 Whitmore Lake Road subject to the conditions for approval of the Planning Commission. **Motion carried 7—0 on a voice vote.**

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TRUSTEE/LIAISON REPORTS

- ▶ **Motion #1:** Beliger moved, Manley seconded, that the Trustee/Liaison Reports be accepted as presented.
- ▶ **Motion #2:** Zelenock moved, Otto seconded, to accept with regret the resignations of Patrick Kelley, Jacob Donner, and David Perry from the Land Preservation Committee. **Motion #2 carried 7—0 on a voice vote.**

Motion #1 carried 7—0 on a voice vote.

ANNOUNCEMENTS

Board members made announcements, including:

- Appointments for DDA, Planning Commission, and Parks and Recreation will be coming up soon and applications from the public are welcome.
- Thanks to everyone who worked on the very successful Trunk or Treat event.
- Congratulations to the Northfield Township Historical Society on the receipt of a grant.
- Kiwanis Christmas Tree sales will begin Saturday, November 29th at 75 Barker Road. There is a shortage, so only 50 will be available.
- There is great need for people to participate in the Adopt-A-Family program operated by Northfield Human Services.

SECOND CALL TO THE PUBLIC

Dan McLean, 9650 Main Street, made suggestions for handling multiple versions of documents. Adam Olney noted that appointments by the Board need to be updated on the Township website and thanked the Board for listening to voters about the marijuana issue. David Gordon thanked the Board for adopting the marijuana ordinances, asked for action on energy savings, suggested the extension of fast internet service down Main Street to attract businesses, and suggested indexing Board packet documents with page numbers.

BOARD MEMBER COMMENTS

Comments included:

- Adoption of the marijuana ordinances will be transformational for the community.
- Community members are welcome to make donations to repay Adam Chabaan for the expenses he incurred to remove graffiti from the Barker Road/US-23 overpass. Consideration of using Parks and Recreation funds was suggested.
- Thanks to voters and those who attended the meeting.
- Agendas and packets still need to be improved.

ADJOURNMENT

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

The meeting adjourned at 10:44 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 _____, 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/