

NORTHFIELD TOWNSHIP

Township Board

Minutes

May 28, 2019

CALL TO ORDER

The meeting was called to order at 7:07 P.M. by Supervisor Chockley at 8350 Main Street.

INVOCATION/PLEDGE

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 (left at 9:00 P.M.)
Jacki Otto, Trustee	Present

Also present:

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

ADOPT AGENDA

- ▶ **Motion:** Chockley moved, Manley supported, that the agenda be adopted as presented.
- ▶ **Motion:** Otto moved, Dockett supported, that item 10 be moved to precede item 12. **Motion carried 4—3 on a voice vote, Zelenock, Chockley, and Manley opposed.**
- ▶ **Motion:** Beliger moved, Dockett supported, that item 9 be moved to precede item 12 and to follow item 10. **Motion carried 4—3 on a voice vote, Manley, Zelenock, and Chockley opposed.**

FIRST CALL TO THE PUBLIC

Margaret Riddell, 65141 W. Eight Mile, asked that Kiwanis be allowed to use 75 Barker Road until the building is sold. George Brown, 7867 Shady Beach, said Kiwanis benefits many people in the community and it needs the Township's support.

Michael Laird, 7628 Oliver, spoke in favor of restricting marijuana use as much as possible. Clyde Hatfield, 160 E. Shore Drive, spoke in favor of legal marijuana businesses in the Township. Stan Wutka, 5985 Leland Drive, expressed concern about uncertainties regarding marijuana businesses at this point in Michigan. Brad Cousino, 2860 Tepyac Hill, expressed a variety of concerns about the proposed marijuana ordinance. Adam Olney, Whitmore Lake, commented on the disparity in description of comments from the public from meeting to meeting,

commented on Board members reading correspondence at meetings, opposed starting meetings with prayer, urged adoption of the marijuana ordinance, and made suggestions about upcoming committee appointments.

David Misko, Van Esley Real Estate, Novi, provided a variety of suggestions about marijuana operations. Wendy Cousino, 2860 Tepyac Hill, Doug Nelson, 5314 Walnut Creek, John Hufford, 5285 Tamarack Trail, Nancy Keough, 1407 W. Joy Road, and James Stephen Safranek, 5359 Hilltop Court spoke in opposition to allowing marijuana operations in the Township.

BOARD MEMBER RESPONSE

Board members made comments, including:

- Kiwanis should be allowed to continue to use 75 Barker Road.
- There is no problem starting meetings with prayer.
- The perception of problems between Board and Planning Commission members is in error; the Planning Commission did the job the Board gave them.
- It would have been helpful for the Planning Commission and Board to have met together to discuss the marijuana ordinance.
- The Township is considering putting a marijuana ordinance in place at the suggestion of the State prior to the State issuing its regulations.
- The marijuana Act does not allow fees received to be used for public works, and opting out is preferred.
- An update on the North Village development proposal would be helpful.

TOWNSHIP MANAGER UPDATE

Aynes reported that three DDA members expressed interest in serving on the committee to work with the North Village developer. He also provided a brief update on the development of the budget and recommendations for development of the capital improvements plan (CIP).

CORRESPONDENCE AND ANNOUNCEMENTS

Board members made announcements, as follows:

Upcoming events:

- June 29th: Whitmore Lake races.
- June 7th: Classic Boat Show on the lake.
- June 8th: Township Cleanup at the high school from 9:00 A.M. to 1:00 P.M.
- June 9th: Rescheduled date for Trunkapalooza at the middle school; 1:00 P.M. to 4:00 P.M.
- July 4th: Kiwanis Parade; Volunteers and participants are still needed.

Residents interested in serving on the DDA are invited to fill out an application, and those interested in serving with Parks and Recreation should contact Sam Iaquinto.

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APPROVAL OF MINUTES

May 7, 2019

One minor correction was made.

- **Motion:** Chockley moved, Beliger supported, that the minutes of the May 7, 2019, Regular Board Meeting be approved as amended.
Motion carried 7—0 on a voice vote.

May 14, 2019

Several minor changes were made.

- **Motion:** Chockley moved, Beliger supported, that the minutes of the May 14, 2019, Regular Board Meeting be approved as amended. **Motion carried 6—1 on a voice vote, Dockett opposed.**

ACTION AGENDA ITEMS

1.

**Approval of Conditional Use
for Pearl Onions, LLC (Small Potatoes),
9230 Main Street**

- **Motion:** Chick moved, Otto supported, to approve the Conditional Use for Pearl Onions, LLC (Small Potatoes), 9230 Main Street, Whitmore Lake. The parcel number is B-02-05-368-006 and is zoned WLD-W—Whitmore Lake Downtown Waterfront District. They are seeking to purchase the property to operate a commercial food service kitchen.

In answer to a question about the size of the garage, planning consultant Paul Lippens said that is a site plan condition unrelated to the conditional use permit being considered.

Motion carried 7—0 on a roll call vote.

10.

Contract Addendum for Township Manager

- **Motion:** Beliger moved, Otto supported, that the contract with the Township Manager be extended from July 31, 2019, to July 31, 2021.

There was a brief discussion about whether this contract should be extended into the term of a new Board, and it was noted that the dates listed in the packet needed to be updated. Zelenock said there should have been more discussion about this.

**Motion carried 4—3 on a roll call vote, Zelenock,
Manley, and Chockley opposed.**

9.

Resolution 19-606: Land Preservation

- **Motion:** Chockley moved, Zelenock supported, to approve Resolution 19-606, Preservation and Protection of Open Space, Natural Habitats, and Agricultural Land for the Benefit of the Residents of Northfield Township and Surrounding communities.

In answer to a question, Chockley said this resolution was recommended by the Township attorney as a companion

to the prior donation contribution by the Township for preservation of a farm in the Township.

Discussion included:

- The resolution does not state why the Township should pay to preserve land not owned by the Township,
- Using public funds to pay another individual for property not available for the public to use.
- Whether the resolution is needed since the Master Plan calls for this type of land preservation.

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

2.

**Planning Commission letter to Board of Trustees
regarding the Marihuana Ordinances**

- **Motion:** Chockley moved, Zelenock supported, to refer the marijuana ordinance and its districts, uses, and permits to the Township attorney to evaluate it, and to determine if the public hearing process used by the Planning Commission to evaluate it was proper.

Burns said he has been asked whether the actions of the Planning Commission regarding this matter comply with the zoning act, but he has not had an opportunity to look at any of the information. Chockley noted the Board does not have an ordinance to vote on which includes the changes recommended by the Board.

Lippens said:

- he has forwarded all memos he wrote on the subject for to Burns for review,
- the only recommendation from the Planning Commission is their original one, and the Board can approve, deny, table, or make suggestions back to the Commission.
- the Commission held a public hearing, and while there is nothing in the zoning act that speaks to the order in which the Commission acted, he would prefer to have the attorney's opinion.
- The Board and Commission both acted in good faith and there has been a lot of well-intentioned communications between the two entities.

Burns said he will review the original recommendation from the Planning Commission and the changes recommended by the Township Board. He said if the correct process is used the Board's recommendations can be incorporated into a proposal for the Board to consider as long as public hearing requirements are met after any substantive changes are made.

[Dockett left the meeting].

Motion carried 6—0 on a roll call vote.

- **Motion:** Beliger moved that the Board receive a legal opinion regarding the introduction of and permitting of marijuana businesses in the Township.

Burns said he does not need to research this; the uses are lawful if done correctly.

Motion withdrawn.

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{Doeckett left the meeting}.

3.

**Referral to Planning Commission
for consideration of Zoning Ordinance Amendments**

- **Motion:** Chockley moved, to refer the issues listed in the May 22nd *Zoning Ordinance Amendments* memo to the Planning Commission for their consideration to amend the zoning ordinance as necessary and request that the Planning Commission work with the attorney to insure the legality of the result.

Chockley referred to her May 22nd memo, noting that the three items included are misdemeanor vs. civil infractions, keyholing, and payment in lieu of parking. Some Board members expressed concerns about considering a keyholing ordinance.

Lippens said the payment in lieu of parking ordinance is intended to incentivize payments into a fund to provide public parking. Burns said civil infractions do not involve juries or jail time, so can be more appropriate for minor infractions.

Board members asked for more information about what payment in lieu of parking is, considered whether the parking area of 75 Barker Road can legally be split off from the building, discussed how to provide public parking for downtown businesses,

Motion withdrawn.

- **Motion:** Chockley moved, Chick supported, to refer the misdemeanor vs civil infraction issue to the Planning Commission for their consideration to amend the zoning ordinance and request that the Planning Commission work with the attorney to insure the legality of the result.
Motion carried 6—0 on a voice vote.

- **Motion:** Beliger moved, Zelenock supported, to delay referring to the Planning Commission for their consideration the issue of payment in lieu of parking until additional information is provided.
Motion carried 5—1 on a roll call vote, Chockley opposed.

4.

**Washtenaw County Road Commission Maintenance
Agreement: Selection of Additional Road Work**

- **Motion:** Chockley moved, Beliger supported, to authorize the Township Manager to work with the Road Commission to complete the selection of projects at an additional cost not to exceed \$40,000.

After discussion of various projects it was agreed to delay action pending additional information.

Motion withdrawn.

5.

Hiring of Election Specialist

- **Motion:** Manley moved, Beliger supported, to hire Stacy McDonald as the Election Specialist at the rate of \$18/hour, 20+ hours per week and up to 40 hours per week closer to elections, not to exceed 1550 hours in the fiscal year (\$27,900 maximum per fiscal year).

Board comments included there should have been more discussion of this prior to selection of the candidate, and a candidate with elections experience would have been preferred.

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

6.

Lease of Farmland at Fire Station 2

Burns noted he prepared a lease, but it was not included in the packet, so he recommended it be tabled.

- **Motion:** Chockley moved, Beliger supported, to table this item to the next agenda.

In answer to a question, Chockley said she believes only a cover crop will be planted. Beliger asked that the proposal include that rental receipts be put in the Fire Station #2 fund.

Motion carried 6—0 on a voice vote.

7.

**Title Work for Railroad Easements
Behind the Community Center**

- **Motion:** Chockley moved, Beliger supported, to approve up to \$750 for title work for the railroad easements behind the Community Center.

Chockley explained that the purpose of the easements is to provide access to the rear of the building should it be needed for access in the future.

Motion carried 6—0 on a voice vote.

8.

Liability Insurance Contract Amendment

- **Motion:** Chockley moved, Beliger supported, to approve the commercial liability and property insurance contract with VHS BHS Insurance for the next fiscal year beginning July 1, 2019.
Motion carried 6—0 on a voice vote.

9.

Resolution 19-606: Land Preservation

Discussed earlier in the meeting.

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**10.
Contract Addendum for Township Manager**

Discussed earlier in the meeting.

**11.
Discussion of Capital Improvement Plan (CIP)
and effects on FY 2019/20 Budget**

Aynes reviewed his May 23rd memo and the draft 2019-24 CIP document.

- **Motion:** Beliger moved, Chick supported, to approve the proposed Capital Improvement Plan for 2019-24 with correction of the police vehicle numbers.

Zelenock asked for more details about the 2019-20 proposals, questioned the need or source of funds for the study of the Public Safety Building (PSB) HVAC system, asked which properties are proposed to be acquired, asked for more specifics about proposed amenities, and said she is not necessarily interested in spending more on the PSB in 2020-21. Aynes said some of the desired detail would come from bids or after the Board makes decisions about specifics of projects. In answer to a question from Zelenock, Aynes said he cannot say at this point what effect the items in the CIP will have on the 2019-20 budget.

Otto asked why website development is not included, suggesting that it could cost from \$10,000 to \$50,000. Aynes said he will be meeting with a website developer next week about a proposal, and the current company should be consulted as well.

Chockley asked that estimates be sought for sidewalk leveling/grinding where necessary.

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

Kiwanis Using 75 Barker Road

Aynes said Kiwanis is approved through June 1st and he will look into extending this.

- **Motion:** Chick moved, Beliger supported, to support extending the use of 75 Barker by Kiwanis for their rummage sell pending additional information from the Township attorney and planning consultants. **Motion carried 4—0—2 on a voice vote, Zelenock and Otto abstaining.**

**12.
Discussion of Goals and Priorities for Upcoming
Fiscal Year and Effects on FY 2019/20 Budget**

- **Motion:** Otto moved, Chick supported, to table this item to the next Board meeting. **Motion carried 6—0 on a voice vote.**

SECOND CALL TO THE PUBLIC

George Brown thanked the Board for their support of Kiwanis and spoke in support of opening meetings with prayer. Adam Olney spoke in support of the Kiwanis using 75 Barker.

BOARD MEMBER COMMENTS

Board members made comments, including:

- Parks & Recreation does not need approval to purchase a sign as long as there is money in their budget and the sign complies with Township ordinances.
- Radon testing and the environmental site assessment is needed before the grant money for the Community Center is received. The roof will be installed June 6/7.
- A number of businesses have been given 30 day notices to remove excess signage from windows.
- A bus tour for developers is being planned for the fall.
- LED bulbs have been installed in streetlights.
- Called for a moment of silence for those who have served protecting our country in honor of Memorial Day.

ADJOURNMENT

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

The meeting adjourned at 10:23 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 June 25, 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/