

**NORTHFIELD TOWNSHIP**  
**Township Board**  
**Minutes**  
**November 26, 2019**

**CALL TO ORDER**

The meeting was called to order at 7:05 P.M. by Supervisor Chockley at 8350 Main Street.

**PLEDGE/INVOCATION**

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
(arrived at 7:12 P.M., left at 9:05 P.M.)	
Jacki Otto, Trustee	Present (arrived at 7:14 P.M.)

Also present:

Wastewater Treatment Plant Superintendent Dan Willis  
Township Manager Steven Aynes  
Township Attorney Paul Burns  
Township Controller Yvette Patrick  
Planning Consultant Paul Lippens, McKenna Associates  
Members of the community

**PRESENTATION AND RECEIPT  
OF 2019-20 AUDIT**

John Pfeffer of Pfeffer, Hanniford and Palka, introduced Kristen Pfeffer of the company. He thanked Controller Yvette Patrick, Treasurer Zelenock, and all of the staff who helped with the audit.

He made brief comments about the audit, including:

- His firm has issued an unmodified opinion, the highest the auditor can issue, which tells the State of Michigan that the Township's finances are in good condition, which is important for State shared revenues and for bonding.
- The Township's fund balance—at 90% of the projected expenditures—exceeded the Board's 85% goal.
- Each fund should be able to stand on its own with revenue from millages without needing contributions from the general fund

[Dockett arrived].

In response to a comment from Zelenock, Pfeffer said the sewer fund is an "enterprise fund," which operates like a business, although not to make a profit; it generates fees to cover expenses, but also to save for future expenses. Dockett said the Township is not saving for capital sewer improvements, though, and that is a problem.

- ▶ **Motion:** Beliger moved, Chick seconded, to accept the audit report as presented.  
**Motion carried 6—0 on a roll call vote.**

[Otto arrived].

**FIRST CALL TO THE PUBLIC**

Sam Iaquinto, 9876 Main, and Adam Olney, Whitmore Lake, commented on the marijuana ordinances. Kim Thompson, 9307 Lakewood, Kat Walsh, 9242 Lakewood, and Adam Olney commented on the sewer backup agenda item. Craig Warburton, 450 W. Joy, asked the Board to authorize release of materials for a Freedom of Information Act (FOIA) request he made.

**BOARD MEMBER RESPONSE**

Board members responded to comments from the public regarding FOIA requests, the sewer backup issue on the agenda, and legal services to the Township. Zelenock announced that winter tax payments will be accepted starting December 2<sup>nd</sup> and thanked Burns, who has submitted his resignation, for his years of service to the Township.

**CONSENT AGENDA:**

- **Audit Report**
- **Township Manager Report**
- **November 12, 2019, Board Minutes**
- **Inclusion of Additional Planning Commissioner on the North Village Subcommittee**
- **Correspondence**

- ▶ **Motion:** Chockley moved, Manley seconded, that the consent agenda be adopted with removal of *Inclusion of Additional Planning Commissioner on the North Village Subcommittee*.

Multiple minor and substantive corrections were made to the minutes of November 12, 2019.

Dr. Griffith's correspondence was pulled to be discussed during Item 5, *75 Barker Road*.

The Board referenced correspondence from David Gordon and agreed to discuss options for getting input from and having open dialogue with interested members of the public on a regular basis near the top of the December 10<sup>th</sup> Board meeting agenda. Chockley said she will also be available December 3<sup>rd</sup> to meet with any interested members of the public.

- ▶ **Amended motion:** Chockley moved, Manley seconded, that the consent agenda be adopted with *Inclusion of Additional Planning Commissioner on the North Village Subcommittee* removed, changes to the November 12<sup>th</sup> minutes as noted, and Dr. Griffith's correspondence pulled for later discussion.  
**Amended motion carried 7—0 on a voice vote.**

**ADOPT BALANCE OF AGENDA**

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

**AGENDA ITEMS**

**1.  
Update on Sewer Backups**

Referencing the request from the Spinass, homeowners who experienced multiple sewer backups recently, Township Manager Aynes explained that the Township's insurance carrier will not cover damage to residents' homes because State law protects government units from liability for unforeseen events. Wastewater Treatment Plant (WWTP) Superintendent Willis said the backups may be due to a manhole block (from a sidewalk project two years ago), material pushed down the line from the school, or a combination of both.

The Board discussed whether the Township should pay for any of the damages, whether the sidewalk contractor could be held liable, and whether the Spinass had filed a claim with their homeowner's insurance carrier. Ms. Spina said damages have exceeded their \$10,000 policy cap, and if they file a claim and their insurance company pays it their premiums will increase \$513/year for the next five years.

- ▶ **Motion:** Otto moved, Beliger seconded, that an agreement be drafted between the Township and the Whitmore Lake Schools that when maintenance with the sewer line is either ordered or performed that the Township Wastewater Treatment Plant is notified prior to such work order, and that the Township inspect the work to be done prior to the work being started. **Motion carried 7—0 on a roll call vote.**
- ▶ **Motion:** Zelenock moved, Otto seconded, that the Township attorney provide the Board with a legal opinion as to whether the Township will be liable for all sewer backup claims submitted by homeowners if this claim is paid regardless of whether the Township is liable or not according to the Michigan Complied Laws and the Public Act.  
**Motion carried 7—0 on a roll call vote.**

At Zelenock's suggestion, Aynes said he will ask the auditor what the contingent liability would be and whether it would impact bonding.

**2.  
Ordinance 19-71: Amendment to Prohibition of Marijuana Establishments Ordinance to Extend Sunset Clause until December 21, 2019 to coincide with Marihuana Zoning Ordinance and Marihuana Permitting Ordinance effective dates**

- ▶ **Motion:** Chockley moved, Beliger seconded, to extend the sunset clause of Ordinance 18-62, the Prohibition of Marijuana Establishments Ordinance, to December 21, 2019.

Chockley explained that this is being proposed due to a delay in publishing the legal notice.

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

There was a brief discussion about the need to have the application procedure in place starting the first business day—December 26<sup>th</sup>—following the December 21<sup>st</sup> effective date of the ordinance.

**3.  
Draft Marihuana Business Permit Application and Procedures for Marihuana Business Permits**

Township planner Lippens explained that at this point a process for the initial set of applications is being set, and the procedures may be changed in the future. He reviewed the various documents and examples, including scoring criteria for ranking applications. He said the biggest issues to discuss are whether applications should be accepted in order of receipt or by lottery, how to staff receipt of the initial applications, and whether to set a moratorium on acceptance of applications.

Lippens said the Board should also authorize the administrative process and designate who is in charge of the process. Township attorney Burns recommended that an administrative ordinance outlining the procedures and criteria be approved at the December 10<sup>th</sup> Board meeting so they are in place by the effective date of the ordinance.

Board discussion included a proposal to hire additional staff to handle initial applications, the pros and cons of using a lottery vs accepting applications in order of submittal, how to be fair in awarding permits, and whether to delay acceptance of applications. Board members suggested using a checklist for application completeness to streamline the acceptance process and notifying applicants regarding the completeness of their application within 30 days of receipt.

[Dockett left the meeting].

It was agreed to begin accepting applications on December 26<sup>th</sup> with the assistance of additional McKenna staff. It was also agreed that a committee of Chick, Otto, and Zelenock would meet with Lippens to prepare the proposal for the Board to consider on December 10<sup>th</sup>.

**4.  
Offers for Development of North Village**

Lippens referred to his memo of November 19<sup>th</sup> and the second purchase offer from A.R. Brouwer. He added that Livonia Builders told him verbally that they are still interested and would like feedback from the Board about their offer.

Lippens recalled the Board asked for a template to use to standardize the language of purchase offers and noted that Burns had provided that. He also said the Township engineer recommends that the surveyor used previously by the Township be used to prepare a legal description of the property the Township wishes to retain for a park. Chockley reported that the Township Assessor feels an appraiser should be hired to produce a revised appraisal.

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Lippens also said the North Village committee decided that they would score the proposals after they receive the financial offers that have been provided to the Board.

- ▶ **Motion #1:** Beliger moved, Chick seconded, to attach to the template provided by Mr. Burns a legal description of the property the Township wishes to sell, and to give it to Livonia Builders and A.R. Brouwer to prepare their best offers.

Zelenock suggested that the Parks and Recreation Committee approach Washtenaw County Parks to see if they are interested in purchasing all or part of the property. Lippens said he can work on that. She also recalled that the Board passed a motion requiring any proposal regarding North Village to be scored in order for the Board to consider it.

Lippens noted the Township will have to pay for the preparation of the legal description first. There was discussion about having the developers provide the legal description. Burns said those descriptions would have to be reviewed by the Township engineer. It was agreed to have the Township's surveyor prepare the legal description.

- ▶ **Motion #2:** Beliger moved, Otto seconded, to have a legal description prepared of the area of the North Village property to be retained as park, to be at least five acres, at a cost not to exceed \$2,000.  
**Motion carried 6—0 on a voice vote.**

**Motion #1 carried 6—0 on a voice vote.**

- ▶ **Motion #3:** Otto moved, Chick seconded, to hire John Widmer to appraise the North Village property both "as is" and for the highest and best use.  
**Motion carried 6—0 on a voice vote.**

**5.  
Offers for Purchase of 75 Barker**

- ▶ **Motion #1:** Beliger moved, Chockley seconded, to table consideration of the offers to purchase 75 Barker Road until the first meeting in January.

There was discussion about whether the parcel can be split to allow the parking area to be retained by the Township. Lippens said he would have to review minimum lot size for the district, but said an easement for the parking could be retained. Aynes said at least one of the potential purchasers said they would be willing to consider such an easement without reducing the price of their offer.

- ▶ **Motion #2:** Chick moved, Otto seconded, to direct Lippens to do a lot split study regarding 75 Barker Road for consideration by the Board at their December 10, 2019, meeting.

There was discussion about using proceeds of the sale to fund parking in another location, what the terms of an easement could be, what the effect could be on applications for marijuana businesses that would be proposing use of this site, and whether the site should be sold.

**Motion #1 carried 6—0 on a voice vote.**

**Motion #2 carried 5—1 on a roll call vote, Zelenock opposed.**

Chick noted that Planning Commission Chair Roman had sent correspondence to the Board asking for the issue of sale of the property to be sent to the Planning Commission for consideration. Zelenock asked that the issue be placed on the next agenda for a vote of the Board with Roman's memo being included in the packet.

**6.  
Renewal of Contract with  
Assessment Administration Services**

- ▶ **Motion:** Chockley moved, Chick seconded, to approve the contract with Assessment Administration Services LLC from December 15, 2019, to December 15, 2022, with the first year's cost being \$98,460 and with a 2% increase per year thereafter. Paul Burns has reviewed and approved the language.  
**Motion carried 6—0 on a voice vote.**

**7.  
Contract with Point & Pay for Credit Card  
Processing Services**

- ▶ **Motion:** Beliger moved, Zelenock seconded, to approve the contract with Point & Pay for Credit Card Processing Services.  
**Motion carried 6—0 on a voice vote.**

**8.  
Waive Zoning Compliance Application fee for  
Kiwanis Christmas Tree Sales**

- ▶ **Motion:** Beliger moved, Chick seconded, to waive the zoning compliance application fee for Kiwanis Christmas tree sales.

The Board the zoning ordinance requirement for the permit the desire to be fair with all non-profits. Otto noted the proceeds of the sales goes to the Fourth of July Parade fund. It was noted the Township supports the Parade in the form of police services.

Both Otto and Zelenock recused themselves from voting due to being Kiwanis members.

**Motion failed 1—3—2 on a roll call vote, Manley, Chick, Chockley opposed, Otto and Zelenock abstaining.**

9.

**Creation and Distribution of an RFQ by the Township Manager for Legal Services**

- ▶ **Motion:** Chockley moved, Beliger seconded, to authorize the Township Manager and Township attorney to create and distribute an RFQ for municipal legal counsel immediately, have the attorney review it, and have a recommendation from a committee consisting of Otto, Chockley, Beliger, and Aynes available for the January 10, 2020 Board meeting. **Motion carried 6—0 on a voice vote.**
- ▶ **Motion:** Chockley moved to accept Mr. Burns letter of resignation with appreciation and regret. **Motion carried 6—0 on a voice vote.**

Otto requested that Burns provide a summary of outstanding issues and cases for the December 10, 2019, agenda. Board members expressed their great appreciation for Burns' service over many years.

10.

**Conditional Use for Whitmore Lake Climate Storage, LLC**

- ▶ **Motion:** Chockley moved, Beliger seconded, to approve JPC190007, Whitmore Lake Climate Storage, LLC, for a Conditional Use Permit to allow mini-warehousing storage facilities under Article XXIII. **Motion carried 6—0 on a voice vote.**

**ANNOUNCEMENTS**

- Parks and Recreation will be making a recommendation to the Board for a new member.
- The Land Preservation Committee has received three applications for three vacancies and welcomes additional applications.
- The DDA needs business owner members.
- A Board of Review Alternate position is open.
- The Planning Commission may have two open positions.
- Kiwanis Christmas tree sales start this Saturday, with only 50 Frazier firs available at \$45 each.

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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 December 10, 2019.

**SECOND CALL TO THE PUBLIC**

Adam Olney, Whitmore Lake, commented on the sewer backup issue, the sale of 75 Barker Road, the North Village purchase offers, and unsightly boat storage along Main Street. Marissa Prizgint, 32 Schrum, commented on the discussion about opportunities for community input and the Township response to a FOIA request, and she thanked Paul Burns for his service to the Township. Omar Fakhouri, 2642 Creek Bend, Troy, said he is a cannabis licensing consultant and applicant, and he commented on the application process for marijuana facilities.

Aynes explained legal requirements and practical considerations regarding fulfilling FOIA requests, and noted that offers for the purchase of 75 Barker Road have expiration dates.

**BOARD MEMBER COMMENTS**

- There was discussion about the need to have applications for marijuana facilities available before the date applications will be accepted.
- Burns explained that communications between the Board and staff and the Township attorney are considered privileged and exempt from FOIA request responses, although that can be appealed to the Board in writing as stated on the request form.
- The popular response regarding the sewer backup would have been for the Township to pay the claim, but the Board needs more information to fulfill its fiduciary responsibilities.
- Board members thanked the public for their participation and attendance, welcomed their input at public forums to be held, and wished everyone a Happy Thanksgiving.

**ADJOURNMENT**

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

The meeting adjourned at 10:46 P.M.

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Kathleen Manley, Clerk