

**NORTHFIELD TOWNSHIP**  
**Township Board**  
**Minutes**  
**April 23, 2019**

**CALL TO ORDER**

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

**PLEDGE**

Trustee 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:

Public Safety Director William Wagner  
Wastewater Treatment Plant Superintendent Dan Willis  
Township Manager Steven Aynes  
Township Attorney Paul Burns  
Planning Consultant Paul Lippens, McKenna  
Recording Secretary Lisa Lemble  
Members of the community

**ADOPT AGENDA**

- ▶ **Motion:** Chockley moved, Otto supported, that the agenda be adopted as presented.
- ▶ **Motion to amend:** Dockett moved, Manley supported, to add a discussion and vote on the Wastewater Treatment Plant.  
**Motion to amend failed, 3—4 on a voice vote, Otto, Chockley, Chick, Zelenock opposed.**

**Original Motion carried 7—0 on a voice vote.**

- ▶ **Motion:** Zelenock moved, Otto supported, that the Wastewater Treatment Plant equalization basin be on the next Board agenda.  
**Motion carried 7—0 on a voice vote.**

**FIRST CALL TO THE PUBLIC**

Mary Devlin, 9211 Brookside, Adam Olney, 9315 Lakewood, Dana Forrester, 9255 Lakewood, Becky Faraj, James Trunko, 9255 Lakewood Drive, Cooper -----, 2912 Sheffield Court, Doug Nelson, 5314 Walnut Creek, Marissa Prizgint, 32 Schrum, Erin Deemer, 8845 Kearney, John Gura, 7659 Edmund, Erin Walters, 28 Emerald Circle, Kathy Walters, 9310 Lakewood Court, Stan Wutka, 5985 Leland Drive, Matthew LaFave, Pastor of Calvary Baptist Church, 7521 Whitmore Lake, Polly McNichol, 7024 Nollar, Wayne Davidson, 8015 Coyle, John Hufford, 5285 Tamarack Trail, Jordan Steflauf, North Territorial, Brynn Raupagh, 5445 Hellner Road, Mike McClelland, 5313 Hilltop, David Gordon, 5558 Hellner, Charlie Carter, 1300

W. Joy Road, Katheryn Mayer, 5361 Sutton, comments regarding the proposed marijuana ordinance.

Craig Warburton, 450 W. Joy Road, and David Gordon, 5558 Hellner, 450 W. Joy Road, commented on the Township Manager's contract extension, and Warburton commented on starting Board meetings with prayer.

Stan Wutka, 5985 Leland Drive, asked about two group homes in his neighborhood.

**BOARD MEMBER RESPONSE**

Board members thanked the public for their comments and responded to comments about the proposed marijuana ordinance, extension of the Township Manager's contract, and opening meetings with prayer and the Pledge.

**TOWNSHIP MANAGER UPDATE**

Chockley referred to the written report. Aynes acknowledged those who worked on the successful grant application for improvements to the Community Center and responded to comments about his contract extension.

**CORRESPONDENCE AND ANNOUNCEMENTS**

*On-Line Survey Responses.* Chockley referred to responses from those who elected to take the survey regarding spending priorities for the Township.

**APPROVAL OF MINUTES**

Several Board members made changes or additions.

- ▶ **Motion:** Beliger moved, Zelenock supported, that action on the minutes of the April 9, 2019, Regular Board Meeting be delayed until a revised draft is available. **Motion carried 7—0 on a voice vote.**

**PRESENTATIONS**

**1.**  
**Law Enforcement Marijuana Expert,**  
**Bruce McColley**

Bruce McColley, Assistant Special Agent in Charge with the Drug Enforcement Administration (DEA), gave a presentation about what the DEA has learned from other States where marijuana has been legalized. His comments included:

- Marijuana is not legal under federal law.
- There are psychological and physical effects of marijuana use.
- In other states risks to public safety have increased.
- Many grow houses overburden local utilities and present a variety of building code risks (code violations, dangerous chemicals, mold, etc.) increasing risks for first responders.

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- Many licensed facilities sell on the black market and launder money from profits.
- Packaging of products is attractive to children, and emergency room visits related to them have increased in Colorado.
- A medical doctor says marijuana concentrates should be banned.
- Pesticide ~~revenues~~ residues are commonly found in products.
- Traffic fatalities have increased and more drivers have tested positive for marijuana use.
- Colorado's homeless problem has increased.

In answer to questions, McColley said:

- Drug cartels have set up ~~illegal~~ legal growing operations in Colorado, often using them for illegal activities including money laundering, and the DEA anticipates that will happen in Michigan to supply east coast states.
- He cannot say why there is apparently no increase in crime related to medical marijuana businesses in Michigan other than data collection varies from state-to-state.
- The issue of banking within the industry is being investigated.

**2.**

**Marijuana Facilities Discussion and Presentation,  
Andrew Sereno and Matthew Krueger**

Krueger and Sereno of Glacial Farms gave a presentation about medical marihuana business viability. Their comments included:

- There are three different markets for marijuana: the black market, medical, and recreational.
- A medical marijuana business license is currently the hardest license to get in Michigan due to the thorough investigation undertaken of the operator.
- Their business has a fully transparent relationship with the federal government through a local credit union.
- Physical locations are thoroughly vetted by the State and must meet stringent building and fire codes.
- Townships have considerable controls over facilities through zoning and permitting regulations, inspections, etc.
- After legalization black market use decreases.
- Increases in traffic fatalities due to marijuana use is a fallacy, and this is proven when statistics are compared across all states.
- Both Michigan and the federal government have released statements regarding banking related to these businesses.
- Dangers related to marijuana come from the unregulated (black) market.

Shelly ~~Anderson~~ Edgerton, former Director of Licensing and Regulatory Affairs (LARA), and now a practicing attorney, made comments, including:

- The point of the Michigan legislation was to keep illegal operators out of the business.
- Local communities have a great deal of control (hours, locations, time/place/manner, signage, etc.).
- Licenses are issued for one year only.
- A substantial up-front investment is required after a thorough background check is performed by the State,
- Applicants want to cooperate with local governments to protect their investment.
- The State is working closely with banking institutions and this industry.

- The State worked with an analytics company so the State will be able to track sales to insure black market sales are not involved in the business operation.

She noted a procedural problem in the Township's proposed ordinance. (The State will not issue a license to an operator before the Township gives approval; page 9, Sections 20/21).

In answer to questions, ~~Anderson~~ Edgerton and Kreuger said:

- Anytime there is a new industry LARA is charged with regulating it, and the cost of regulation must be paid for by licensees.
- The Township should require any applicants to be pre-qualified by the State.

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**RECESS**

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**AGENDA ITEMS**

**1.**

**Review of Draft Marihuana Ordinances**

a. *Zoning Regulations.* The Board discussed the types of marijuana facilities and the zoning districts they would be allowed in per the proposed ordinance. Comments included:

- Growing facilities in the AR district would have negative effects incompatible with residential uses.
  - The AR district allows a variety of intensive uses including shooting ranges and airports as long as minimum lot sizes are met.
  - Northfield Township is not Ann Arbor.
  - Ann Arbor does not allow growing facilities in agricultural areas.
  - The number of facilities allowed per the proposal is far too many.
  - Odors emitted from these facilities are a serious problem.
  - The proposed 500 foot separation between marijuana facilities and schools should be 1,000 feet. [Lippens said 500 feet is commonly used distance for zoning, and the Planning Commission chose 500 feet to avoid being prohibitive, and they did not include churches and parks along with schools for the same reason].
  - Facilities should not be allowed downtown or in AR, and the separation distance from schools should be 1,000 feet.
- **Motion:** Chockley moved, Beliger supported, to eliminate growing operations from agricultural districts for both recreational and medical marijuana.

Board members discussed severe problems with odors, light pollution, and noise from growing facilities in agricultural areas. They also noted the variety of noxious odors from other agricultural uses (manure, chemicals, animals, rotting plant materials, etc.), ~~said and said~~ said the Township has light pollution and noise ordinances.

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

Chockley suggested increasing the area for notice of public hearings for these operations. Lippens advised against treating conditional uses for one use differently than for another.

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- ▶ **Motion:** Beliger moved, Chockley supported, to eliminate Class B and C from both medical and recreational growers, leaving Class A in each. **Motion failed 2—5 3—4 on a roll call vote, Zelenock, Chockley, Otto, Chick, and Dockett opposed.**
- ▶ **Motion:** Beliger moved, Manley supported, to extend the distance requirement between ~~marijuana grower facilities~~ other businesses and schools from 500 feet to 1,000 feet. **Motion carried 4—3 on a roll call vote, Dockett, Otto, and Chick opposed.**
- ▶ **Motion:** Chockley moved, Beliger supported, to add to the separation requirement between marijuana growers and schools the following: parks, existing child care facilities, libraries, and places of worship. **Motion carried 6—1 on a roll call vote, Dockett opposed.**

The Board asked Lippens to prepare a Township map showing areas that would be eliminated with the 1,000 foot separation to determine whether it would still be possible to site these types of facilities with those restrictions.

- ▶ **Motion:** Beliger moved, Chockley supported, that a total of three grower licenses be allowed in the Township for medical marijuana growers.

Otto noted that the total number of operations allowed in other Townships of similar size varies widely. Beliger said problems related to growing operations in agricultural areas include outside investors and imported soils.

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

- ▶ **Motion:** Beliger ~~Zelenock~~ moved, ~~Chockley~~ Otto supported, that a total of six grower licenses be allowed in the Township for medical marijuana growers. **Motion carried 4—3 on a roll call vote, Chockley, Manley, and Beliger opposed.**
- ▶ **Motion:** Chockley moved, Beliger supported, that provisioning centers not be allowed in the Whitmore Lake District. **Motion carried 4—3 on a roll call vote, Dockett, Chick, and Zelenock opposed.**
- ▶ **Motion:** Beliger moved, Chockley supported, to set the distance requirement between all marijuana facilities and schools, existing child care centers, parks, libraries, and places of worship at 1,000 feet. **Motion carried 5—2 on a roll call vote, Dockett, Zelenock opposed.**
- ▶ **Motion:** Zelenock moved, Chick supported, to allow a total of three permits for provisioning centers and three permits for retail facilities, for a total of six permits. **Motion carried 4—3 on a roll call vote, Manley, Chockley, and Beliger opposed.**
- ▶ **Motion:** Beliger moved, Chockley supported, that no recreational grow facilities be allowed in the Township. **Motion failed 3—4 on a roll call vote, Zelenock, Otto, Chick, and Dockett opposed.**

- ▶ **Motion:** Otto moved, Chick supported, to allow a total of six recreational growers in the Township. **Motion carried 4—3 on a roll call vote. Chockley, Manley, and, Beliger opposed.**
- ▶ **Motion:** Chockley moved, Beliger supported, to remove the Whitmore Lake District for retail facilities. **Motion carried 4—3 on a roll call vote, Chick, Dockett, and Zelenock opposed.**
- ▶ **Motion:** Beliger moved, Chockley supported, to remove microbusinesses from the agricultural district. **Motion carried 4—3 on a roll call vote, Chick, Dockett, and Otto opposed.**
- ▶ **Motion:** Zelenock moved, Otto supported, to allow three permits each for microbusinesses, processors, secure transporters, and safety compliance facilities in the Township. **Motion carried 4—3 on a roll call vote, Manley, Chockley, and Beliger opposed.**
- ▶ **Motion:** Otto moved, Zelenock supported, to ask the Planning Commission to reevaluate limitations on signage for marijuana facilities in the conditional use standards. **Motion carried 7—0 on a voice vote.**
- ▶ **Motion:** Manley moved, Chockley supported, to replace “Township Clerk” with “Township Clerk or designee” throughout the ordinance and permit regulations. **Motion carried 7—0 on a voice vote.**

The Board briefly discussed the language in several sections regarding controlling external effects, assessing penalties, and security camera and insurance requirements.

b. *Permit Regulations.* It was agreed that Board members will submit questions and feedback to Mr. Lippens, and that any changes needed to conform the document with the motions made by the Board will be made before it is further reviewed by the Board.

In answer to a question from Lippens, Chockley confirmed that each of the motions passed by the Board is a direction for the Planning Commission to consider in revising the draft ordinance.

## 2.

### **Amendment Options for Ordinance 18-62: Prohibition of Marijuana Establishments**

a. *Opt out.*

- ▶ **Motion:** Beliger moved, Manley supported, to adopt version #1 of the amendments to Ordinance 18-62, which would prohibit marijuana establishments in the Township.

Beliger noted the Board could choose to opt in at any point in the future, and added that work on the ordinance should continue so an acceptable document will be ready if opting in is desired.

There was discussion about whether the Board has an interest in moving forward with allowing marijuana facilities in the Township. Chockley said she is not sure she would ever be in favor of allowing them, but wants to

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see what the State rules will be. Manley said she is concerned about the procedures and processes, and she does not think this is right for the community. Otto said opting out now would be dodging the question, and although she did not vote for the referendum the Township's voters did. Chick said the ordinance can be revised before the Board's sunset clause deadline, and it can be revised again at any time. Zelenock said she wants to honor the vote of the people on the marijuana referendum. Beliger said marijuana is illegal.

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

b. *Extend Sunset Clause.*

- ▶ **Motion:** Otto moved, Chick supported, to extend the Sunset provision of Ordinance 18-62 to expire on June 25, 2019. **Motion carried 6—1 on a roll call vote, Manley opposed.**

**3.**

**Budget Discussion: General Fund**

- ▶ **Motion:** Otto moved, Zelenock supported, to table the budget discussion of the general fund to the next meeting. **Motion carried 7—0 on a voice vote.**

[Dockett left the meeting].

**4.**

**Community Garden Fees**

- ▶ **Motion:** Beliger moved, Manley supported, to set the fee for community garden boxes at \$10 each. **Motion carried 6—0 on a voice vote.**
- ▶ **Motion:** Beliger moved, Chockley supported, to add a \$25 cleanup fee per community garden box for boxes not cleaned up by the renter. **Motion failed 2—4 on a roll call vote, Zelenock, Manley, Otto, and Chick opposed.**
- ▶ **Motion:** Otto moved, Beliger supported, to approve the Garden Usage Agreement without the \$25 cleanup fee. **Motion carried 6—0 on a voice vote.**

**5.**

**Community Center  
Phase 1 Environmental Site Assessment**

- ▶ **Motion:** Chockley moved, Beliger supported, to approve the application to the Washtenaw County Brownfield Redevelopment Authority (WCBRA) Environmental Assessment Grant Program for a Phase 1 Environmental Site Assessment (ESA) at a cost of \$2,500 to be reimbursed by the Brownfield Authority and authorize the Township Manager to sign the contract. **Motion carried 6—0 on a voice vote.**
- ▶ **Motion:** Chockley moved, Beliger supported, to authorize the Township Manager to obtain a radon test for the Community Center at a cost not to exceed \$400. **Motion carried 6—0 on a voice vote.**

**6.**

**Investment of Township Funds  
with Ann Arbor State Bank**

- ▶ **Motion:** Zelenock moved, Beliger supported, to invest \$250,000 in a Money Market account with Ann Arbor State Bank. **Motion carried 6—0 on a voice vote.**

**SECOND CALL TO THE PUBLIC**

Adam Olney, 9315 Lakewood, Craig Warburton, 450 W. Joy Road, Marissa Prizgint, 32 Schrum, and John Gura, 7659 Edmund, commented on the proposed marijuana ordinance.

Craig Warburton also commented on renewal of the Township Manager's contract and maintenance of the Township roads. David Gordon commented on the length of the meeting.

**BOARD MEMBER COMMENTS**

Board members thanked the public for attending and commented briefly on the proposed marijuana ordinance.

**ADJOURNMENT**

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

The meeting adjourned at 12:15 A.M.

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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 May 14, 2019.

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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/](http://www.twp-northfield.org/government/township_board_of_trustees/)