NORTHFIELD TOWNSHIP BOARD AGENDA February 25, 2020 – 7:00 PM 8350 Main Street, 2nd Floor

- ➤ CALL TO ORDER
- > INVOCATION / PLEDGE
- ➢ ROLL CALL
- CALL TO THE PUBLIC Any member of the public may address the Board at this time; however, this is not an opportunity for dialogue, or questions and answers. Please keep comments to 3 minutes or less.
- > BOARD MEMBER RESPONSE TO CALL TO THE PUBLIC
- CONSENT AGENDA
 - 1. Receive the Township Manager Report
 - 2. Fire Department Monthly Report
 - 3. Receive Correspondence
 - Letter from EGLE
 - Letter from James Kelly, attorney representing Sam Iaquinto
 - Letter from resident
- ➢ ADOPT BALANCE OF AGENDA
- > PUBLIC HEARING
 - 1. Public Hearing to Consider Removal of Sam Iaquinto from the Northfield Township Planning Commission due to Alleged Malfeasance
- ➢ AGENDA ITEMS
 - 1. Consider Removal of Sam Iaquinto from the Northfield Township Planning Commission due to Alleged Malfeasance
 - 2. Approve the February 11, 2020 Board of Trustees Meeting Minutes
 - 3. Approve Payment of Open Bills (expected check run date 2/26/2020) for a total of \$128,851.39 from all funds in the Municipal Investment Fund (MIF) account
 - 4. Consider Resolution 20-620: Resolution Authorizing Publication of Notice of Intent to Issue Capital Improvement Bonds and Declaration of Intent to Reimburse from Bond Proceeds
 - 5. Consider Resolution 20-619: Accept Resignation of Timothy Greene and Approve Severance Agreement
 - 6. Consider Police Department Request to Hire Part-time Police Officer Brandon Diacono pending medical and psychological exam
 - 7. Consider Hiring Front Desk Clerk/Building Department Assistant pending final interviews and completion of reference checks
 - 8. Receive Update on Goals & Priorities List

> ANNOUNCEMENTS

- > 2nd CALL TO THE PUBLIC Any member of the public may address the Board at this time; however, this is not an opportunity for dialogue, or questions and answers. Please keep comments to 3 minutes or less.
- ➢ BOARD MEMBER COMMENTS
- ADJOURNMENT

* Denotes previous backup; + denotes no backup in packet

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA 41.72A (2) (3) and the Americans with Disabilities Act. (ADA) individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Office, (734-449-2880) seven days in advance.

Township Manager's Report prepared by Steve Aynes for the February 25, 2020 Board Meeting

Upcoming Projects

Budget: 2020/21 Fiscal Year Budget Preparation has started now. This is for the Fiscal Year starting July 1, 2020.

Without money, goals and projects cannot be accomplished. The Staff will begin this process followed by discussions with the Board. The Capital Improvement Plan also needs to be updated each year. It is advisable for the Board to also establish goals for the Fiscal year in coordination with the Capital Improvement Plan and establishment of the budget for the next fiscal year.

Comments regarding future projects that should be included in the Budget can be submitted to the Manager at <u>ayness@northfieldmi.gov</u>

<u>Committee Meetings</u>: There are many Board appointed committees working on improving specific areas of service.

Meetings have been held since January 1, 2020 with the following committees.

- <u>North Village Committee</u>: Reviewed Offers to Purchase from two Developers. At Board direction, focus of discussions continue with Livonia Builders. Township Attorney Fink, Paul Lippens from McKenna and Associates, and the Township Manager will be meeting to evaluate information submitted by the Developer, direction from the Board, and the review comments by the committee in preparation for next meeting with Livonia Builders.
- <u>Personnel Committee</u>: Meetings to discuss current office staffing, duties of current employees, and ways in which further improvements may be made in service to the public.
- <u>Planning/Zoning/Building Committee</u>: Two meetings of the Planning/Zoning/Building Committee have been held plus visits by the committee to Green Oak and Webster Townships. A third meeting has been scheduled to continue review of the process of delivering Building Department services including options to contract services to a private firm, turn over the Building Department functions to Washtenaw County, or to hire a full time employee who could provide Building, Planning and Zoning services.
- <u>Legal Service RFP Committee</u>: The committee on selection of a new Township Attorney completed recommendations to the Board. This was followed by two firms interviewing for this position. The Board then voted to retain the services of Fink & Fink PLLC for these services. It has been a very busy time for both the new law firm and the Township staff to work on existing legal matters and to prepare for future tasks.
- <u>Roads Committee</u>: The Road Committee will be meeting in March to prepare recommendations to the Board on projects that should be scheduled for discussion with the Road Commission for the FY 2020/2021.

Northfield Township Public Safety

8350 Main Street, Whitmore Lake, MI 48189 Fire: 734-449-2385 • Fax: 734-449-2521 Police: 734-449-9911 • Fax: 734-449-0511 wagnerw@northfieldmi.gov

January 2020 Northfield Township Fire Department Statistical Report

Responses January 2020:			
Responses January 2019:			
Fire Calls:	6		
	Structure Fires	2	
	Vehicle Fire	0	
	Fire Alarms	2	
	Outside fire	0	
	Smoke investigation	2.	
Emergency	Medical Calls: 17		
	Chest Pain	0	
	Difficulty Breathing	2	
	Unconscious/Cardiac Arrest	4	
	Diabetic/ Seizure	0	
	Trauma	4	
	Overdose	1	
	Stroke	1	
	Other	4	
Motor Vehicle Accidents 10			
	Injury Crashes	3	
	Unknown	7	
	Fatal	0	

Public Service call	s: 2					
Electi	rical wire down	0				
Gaso	1					
Carbo	Carbon Monoxide Alarm					
Trees	down	0				
Citize	en assist	1				
Wate	er Rescue	0				
Othe	r	0				
Mutual Aid Given	6					
Ann Arbor	Fownship crashes on highway	2				
Hamburg	Structure Fires	1				
Salem	Structure Fires	1				
Mutual Aid Receiv	ved: 1					
Salem	Vehicle crash	1				
Responses in ham	let area:	20				
Responses in rura	9					
Responses on Hig	6					
Responses outsid	e the township:	2				
Average response	time for the month:	6:05				

William Wagner

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Northfield Township Public Safety

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January 2020 Director of Public Safety Board Communication

- 1. Fire department activity for January 2020: January was an unusually quiet month for the fire department with only 37 requests for service. The only real calls of significance were structure fire requests for assistance from Salem Township and Hamburg Township.
- 2. Fire Department training for January: Training for the month of January consisted of: Incident command and initial reports and planning on arrival to structure fires and other large incidents. We also reviewed and practiced with our ice rescue equipment.
- 3. Whitmore Lake Health Equity Leadership Team: For several months now there has been a group of us meeting in Whitmore Lake attempting to address medical and mental health access here in Whitmore Lake. While progress seems a little slow I think we are making progress towards our goal of improving access to medical care here in Whitmore Lake. More information to follow in months to come.
- 4. Red Barrel Project: While the Red Barrel project has been very successful and with that comes some hurdles. Every time we go to collect the dropped off medication we are finding inappropriate medications (liquid) and used needles. When we receive these types of things we then have to spend time and money to have item appropriately disposed of. We are considering moving then barrel behind the police counter. Office staff will then receive appropriate medications and place in the barrel. Staff will also assist citizens in where to dispose of the other items. This will still remain anonymous.
- 5. PFAS Foam: The fire fighting foam containing PFAS has been removed from both stations by US Ecology. The State has paid for proper disposal.



STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY



GRETCHEN WHITMER GOVERNOR LANSING DISTRICT OFFICE

LIESL EICHLER CLARK DIRECTOR

February 10, 2020

Violation Notice No. VN-010426

CERTIFIED MAIL: 7019-1120-0000-8832-2831

Mr. Steven Aynes, Township Manager Northfield Township 8350 Main Street Whitmore Lake, Michigan 48189

Dear Mr. Aynes:

SUBJECT: National Pollutant Discharge Elimination System (NPDES) NPDES Permit No. MI0023710 Designated Name: Northfield Twp WWTP Reconnaissance Inspection Violation Notice

On January 31, 2020, the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), staff inspected the Northfield Township Wastewater Treatment Plant (WWTP) located at 11500 Lemen, Whitmore Lake, Livingston County, Michigan, to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 415, as amended (NREPA); and NPDES Permit No. MI0023710, which was issued on July 1, 2014, and was effective August 1, 2014.

Mr. Dan Willis of the facility and Ms. Pamela Willard of the WRD participated in the inspection, which included an interview, site inspection, and inspection of a residential trunk line.

The facility operates a municipal wastewater treatment plant that includes grit removal, primary settling, a trickling filter, an intermediate clarifier, aeration activated sludge (i.e., secondary treatment), secondary clarification, gravity filter, chlorination/dechlorination, and cascade reaeration. The facility was operating normally the day of the inspection and housekeeping was satisfactory.

The facility reported the following Total Suspended Solids (TSS) and Ammonia Nitrogen (as N) monitoring violations occurring between January 2018 and July 2019. These monitoring results are violations of your permit.

Date	Parameter	Effluent Limitation		Reported	Values
		Maximum	Daily	Maximum	Daily
		7-Day Average	Maximum	7-Day Average	Maximum
2-22-2018	TSS	163 lbs/day		177.66 lbs/day	
2-23-2018	TSS	163 lbs/day		203.53 lbs/day	

CONSTITUTION HALL • 525 WEST ALLEGAN STREET • P.O. BOX 30242 • LANSING, MICHIGAN 48909-7742 Michigan.gov/EGLE • 517-284-6651 Northfield Township WWTP NPDES Permit No. MI0023710 Violation Notice No. VN-010426 February 10, 2020 Page 2

Date	Parameter	Effluent Limitation	Reported Values	203.53 lbs/day	
		Maximum 7-Day Average	Daily Maximum	Maximum 7-Day Average	Daily Maximum
2-24-2018	TSS	163 lbs/day		203.53 lbs/day	
2-27-2018	TSS	163 lbs/day		173.27 lbs/day	
6-3-2019	Ammonia Nitrogen (as N)		2.0 mg/L		4.0 mg/L
6-4-2019	Ammonia Nitrogen (as N)		2.0 mg/L		3.4 mg/L

Per the reported information and what was discussed during the inspection, these monitoring violations were caused by high flow wet weather events. The TSS exceedances were caused by aeration solids being washed out and the Ammonia Nitrogen exceedances were caused by slough-off from the trickling filter.

The WRD became aware of several discharges of partially-treated sewage from the facility where part of the treatment was bypassed due to wet weather events. The discharge of raw or partially-treated sewage from a sewer system onto land or into the waters of the state is a violation of Part 31 of the NREPA and your NPDES Permit.

The facility pumped partially-treated sewage into Horseshoe Lake Drain on the following occasions:

May 12-19, 20143.177 million gallons (MG)March 30, 2017bypass of 25 percent of the flow around secondary treatmentApril 6-9, 2017bypass of 25 percent of the flow around secondary treatmentApril 20, 2017bypass of 25 percent of the flow around secondary treatmentFebruary 22-24, 20180.7 (MG)January 11-12, 20200.5 (MG)

The facility failed to properly notify the WRD and submit a "Report of Discharges of Untreated or Partially Treated Sewage" at the conclusion of the discharge, as required, for the following events: March 30, 2017; April 6-9, 2017; and April 20, 2017. The failure to make the proper notifications and submit a written report is a violation of Part 31 of the NREPA and your NPDES Permit.

In addition to the above items, the following were reviewed and/or discussed during the inspection.

- 1. The trickling filter needs to be taken offline to perform maintenance. Since there is only one trickling filter, shutting it down would cause a bypass at the plant and is required to be reported via MiWaters as a notice of anticipated bypass.
- 2. During the Fall of 2019, the Barker Road trunk line had three blockages due to blocks and wipes that caused sewage backup into a residential home. The facility has cleaned

Northfield Township WWTP NPDES Permit No. MI0023710 Violation Notice No. VN-010426 February 10, 2020 Page 3

> out the line and checks it daily for additional blockages. The source of the wipes is assumed to be general residential use. It is recommended that the facility conduct more outreach and education to residents regarding flushing wipes.

- 3. Inflow and Infiltration (I/I) was discussed. Many of the collection system lines had been televised and no major issues were found. It was decided that there was no significant benefit to repair small leaks that had been found.
- 4. The WRD's copy of the facility's Operation & Maintenance (O & M) Manual was outdated. A request for the most current O & M Manual was made. A digital copy was received on February 3, 2020, and uploaded to MiWaters.
- 5. The prison across the street from the facility has their own collection system line that extends to the facility's grit building. If there is a sanitary sewer overflow on the line, the facility should report it through MiWaters, identifying the Michigan Department of Corrections as the Sewer System Owner on the Report of Discharge.

Due to recurrent bypasses of secondary treatment during periods of high flow, the violations identified in this violation notice are continuing.

The violations identified in this Violation Notice are violations of Part 31 of the NREPA and NPDES Permit No. MI0023710. The facility should take immediate action to achieve and maintain compliance with the terms and conditions of the NPDES Permit.

Please submit a written response to this office by <u>March 13, 2020</u>. At a minimum, the response shall include:

- 1. Any corrective actions deemed necessary to prevent further bypass incidents at the facility. The response shall also include what actions will be taken to reduce wet weather-related flow and to properly treat all wastewater delivered to the facility.
- 2. Describe what actions will be taken to ensure that untreated or partially-treated discharge events are properly reported.

If you have any factual information you would like us to consider regarding the violations identified in this Violation Notice, please provide them with your written response.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Violation Notice or you would like to arrange a meeting to discuss it, please contact me at 517-243-8809; <u>willardp1@michigan.gov</u>; or EGLE, WRD,

Northfield Township WWTP NPDES Permit No. MI0023710 Violation Notice No. VN-010426 February 10, 2020 Page 4

Lansing District Office, 525 West Allegan Street, Constitution Hall, 1st Floor South, P.O Box 30242, Lansing, Michigan 48909-7742.

Sincerely,

Pamela Willard Lansing District Office Water Resources Division

pw/sea

Enclosure: Inspection Report cc: Mr. Dan Willis, Superintendent, Northfield Township WWTP Ms. Christe Alwin, Acting District Supervisor, Lansing District, WRD

Northfield Twp WWTP: 12997

NPDES – Reconnaissance Inspection

Inspector: Pamela Willard Start Date: January 29, 2020

1. Date of Inspection:			January 31, 2020		
2. Approximate Start Time:			9:00 AM		
3. Permit No.:			MI0023710		
4. Facility Designated Name:			Northfield Twp WWTP		
5. Inspection Purpose/Description Scheduled			Scheduled		
6. Inspection Parti	icipant Informati	ion		n an	
Participant Name	Title	Affiliation	Phone Number	Email Address	
Pamela Willard	Environmental Quality Analyst	EGLE-WRD	517-243-8809	willardp1@michigan.gov	
Dan Willis	Superintendent	Northfield Twp WWTP	734-449-4159	willisd@northfieldmi.gov	

This reconnaissance was initiated to receive a tour of the facility, and discuss past partially-treated discharges and blockages that occurred on the Barker Road trunk line in 2019.

8. Observation and Discussion Notes:

1. Overall, the WWTP was operating normally on the day of the inspection and housekeeping was satisfactory.

2. While on the tour around the plant, it was pointed out that the trickling filter is going to need some maintenance, and Mr. Willis asked if he needed to report it being shut down. Since there is only one trickling filter, shutting it down would cause a bypass at the plant and is required to be reported per their NPDES Permit as a notice of anticipated bypass. This can be submitted through MiWaters as an NPDES Unscheduled Permit Required Report.

3. The Barker Road trunk line blockages were discussed. Three blockages occurred in the Fall of 2019, which caused a backup into a residence home in each instance. Each blockage happened in three different manholes in a row on the line. The first two blockages were a combination of blocks that had fallen into the truck line from manhole maintenance and wipes/rags attaching themselves to the blocks. The line was vacuumed out after each of these events. The third was wipes/rags that snagged on some rough concrete at another manhole. The rough concrete was smoothed out. The WWTP televised the line from the final blockage up to a school that is up-pipe of the line and found the line clear. In investigating the source of the wipes, the school was ruled out and it is assumed to be general residential use. Mr. Willis took Ms. Willard to the location where the blockages had occurred and showed her where WWTP personnel are checking daily for blockages in the line. Pictures were taken of the location. It was recommended to the WWTP to conduct more outreach and education to residents regarding flushing wipes. On the way back to the WWTP, we drove by one of the lakes that tends to flood every year. The manholes around the lake are sealed against flooding.

4. Several partially-treated discharges have occurred at the WWTP due to bypasses caused by high precipitation events on May 12-19, 2014; March 30, 2017; April 6-9, 2017; April 20, 2017; February 22-24, 2018; and January 11-12, 2020. Using blending during wet weather events does not fall under essential maintenance and is therefore considered a bypass and violation of the

1

Northfield Twp WWTP: 12997

NPDES – Reconnaissance Inspection

Inspector: Pamela Willard Start Date: January 29, 2020

NPDES – Reconnaissance Inspection

NPDES Permit, Part II, Section C.9. The 2017 discharges were not reported to the Department of Environment, Great Lakes, and Energy (EGLE) and are violations of the WWTP's NPDES Permit, Part I, Section A.5, for failing to notify EGLE of a discharge. The February 2018 event resulted in a TSS Maximum 7-Day Average NPDES Permit violation. An ammonia nitrogen (as N) Maximum Daily NPDES Permit violation occurred on June 3, 2019, due to high flows, even though the discharge from the WWTP was fully treated. EGLE does not authorize the discharge of partially-treated discharges. Treatment plants should have a remedial design standard that results in having an average of less than one overflow per ten years. A Part 41 Wastewater Construction Permit for a Wet Weather Storage Tank was submitted to EGLE to address these issues.

5. Inflow and Infiltration (I & I) was discussed. This was a subject brought up in previous inspections. Many of the collection system lines had been photographed and no major issues were found. It was deemed that there was no significant benefit to repair small leaks that had been found.

6. EGLE's copy of the WWTP's Operations and Maintenance (O & M) Manual was outdated. A request for the most current O & M Manual was made. A digital copy was received on February 3, 2020, and uploaded to MiWaters.

7. There is a prison across the street from the treatment plant and they have their own collection system line that extends to the WWTP grit building. Mr. Willis asked if there is an Sewer System Owner (SSO) on the line, could the WWTP report it for the prison. As long as the prison is identified as the SSO on the Report of Discharge, the WWTP can submit the report through MiWaters for the prison.

8. The township board has received a combination of 31 marijuana dispensary/grower permits. It was recommended that if growing facilities are established within the service area, that the WWTP have wastewater characterizations of the facilities to understand any influx in conventional pollutant discharges that may come from them.

9. Closing Conference Notes:

It was discussed that a letter would be sent with the findings from the inspection and would have the answers to the questions posed by Mr. Willis. He was going to check the dates of the bypasses and obtain a copy of the most current O & M Manual for EGLE. Note that the answers to the questions are in the Observation and Discussion Notes.

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10. Wei	re photographs taken?			Yes [No	
See att	ached PowerPoint for p	hotos				
11. Con	npleted By:			Pamela V	Villard	

Northfield Twp WWTP: 12997 NPDES – Areas Evaluated

Inspector: Pamela Willard Start Date: January 29, 2020

Areas Evaluated			
1. Biosolids/Sludge Disposal	Not Evaluated		
2. Compliance Schedule	Not Evaluated		
3. Effluent/Receiving Waters	Not Evaluated		
4. Facility Site Review	Satisfactory		
Operators were properly certified and provide adequate oversight. on the day of the inspection.	The facility was operating well		
5. Flow Measurement	Not Evaluated		
6. Laboratory	Not Evaluated		
7. Operations & Maintenance	Unsatisfactory		
Housekeeping was satisfactory. The facility has had several partially-treated discharges within the last six years due to high flow events. Using blending during wet weather events does not fall under essential maintenance, and are thus bypasses and violations of the NPDES Permit.			
8. Permit Review	Not Evaluated		
9. Records/Reporting	Unsatisfactory		
In 2017, several of the partially-treated discharges were not reported to EGLE.			
10. Sample Protocol	Not Evaluated		
11. Self-Monitoring Program	Not Evaluated		
12. Other	Not Evaluated		

From: Jim Kelly
Sent: Wednesday, February 19, 2020 9:09 AM
To: Jennifer Carlisle; Steven Aynes; james.fink@finkandfink.com
Subject: Sam Jaquinto - Removal Proceedings

Dear Township officials,

This office represents Sam Iaquinto in connection with the removal hearing that is apparently scheduled for <u>February 25, 2020</u>. We request that the attached letter and meetings minutes be included in the Board's packet for the meeting.

We also request an opportunity for Mr. Iaquinto to address the Board both personally and through the undersigned attorney.

Very truly yours, -Jim

James J. Kelly Jim Kelly Law, PC 30300 Northwestern Hwy, Suite 324 Farmington Hills, MI 48334 Main: (248) 449-4444 Fax: (844) 722-9161 Email: Jim@JimKellyLaw.com

James J. Kelly Attorney & Counselor 30300 Northwestern Hwy, Ste. 324 Farmington Hills, Michigan 48334 Main: (248) 449-4444 Jim@JimKellyLaw.com

February 19, 2020

Northfield Township Board of Trustees Northfield Township Office 8350 Main Street Whitmore Lake, MI 48189

Re: Public hearing for the removal of Sam Iaquinto from the Planning Commission

To the Board of Trustees:

This office represents Sam Iaquinto. Mr. Iaquinto was recently informed that Marlene Chockley in her capacity as Township Supervisor and on her own initiative served a Notice of Charges/Notice of Hearing on him. That notice was sent by certified mail on or about February 12, 2020 and scheduled a hearing for Feburary 25, 2020. Mr. Iaquinto wishes to submit the following for the Board's consideration:

- 1. The conduct described in the notice is not a conflict of interest;
- 2. The charges have not been properly brought; and
- 3. Under these circumstances, removal is not appropriate.

There is no conflict of interest.

The notice of charges claims that Mr. Iaquinto committed malfeasance in office by failing to disclose a conflict of interest or a potential conflict of interest. Specifically, the notice of charges claims that Mr. Iaquinto entered into an agreement regarding real estate that he owned. Following that, he "voted on matters affecting that real estate to ensure that marijuana establishments would be permitted there."

James J. Kelly Attorney & Counselor 30300 Northwestern Hwy, Ste. 324 Farmington Hills, Michigan 48334 Main: (248) 449-4444 Jim@JimKellyLaw.com

The charges are not accurate. Mr. Iaquinto believes the vote referred to in the notice of charges occurred at the May 15, 2019 Planning Commission meeting. At that meeting, Mr. Iaquinto was part of a 5-vote majority that returned *recommendations* regarding the Township's proposed marijuana ordinance from the Planning Commission to the Board of Trustees for the Board's consideration.

Mr. Iaquinto's vote at the May 15 meeting followed a 4-2 vote at the Planning Commission's May 1, 2019 meeting, in which the majority, which included Mr. Iaquinto, also voted to return the Planning Commission's original *recommendations* to the Board of Trustees for the Board's consideration. Both of those votes followed a 5-2 vote at the Planning Commission's March 20, 2019 meeting, in which Mr. Iaquinto again voted with the majority, to forward a recommended ordinance to the Board for its consideration. Minutes of the meetings accompany this letter.

Mr. Iaquinto wishes to draw your attention to the following facts. He consistently supported forwarding a recommended marijuana ordinance to the Board of Trustees for further consideration. He consistently supported the Planning Commission's original recommendation, which was formed after hours of study and significant public input. And, at no point was his vote a deciding factor.

Perhaps more importantly, the recommended ordinances did not affect Mr. Iaquinto's property specifically. To the contrary, the recommended ordinances were rules of general application that would apply to the entire Township. Mr. Iaquinto did not vote on a variance for his own property or a similar measure.

Mr. Iaquinto's vote was akin to voting for a master plan. If the logic behind the charges was applied consistently, the Township could never have a master plan, since members of the Planning Commission all own properties affected by the master plan or other general zoning rules. This is not a prohibited conflict of interest.

James J. Kelly Attorney & Counselor 30300 Northwestern Hwy, Ste. 324 Farmington Hills, Michigan 48334 Main: (248) 449-4444 Jim@JimKellyLaw.com

The charges have not been properly brought.

As would be expected, Mr. Iaquinto is eager to move on with this hearing, clear his name of the charges brought against him, and put this situation behind him. But, the undersigned attorney would be remiss if he failed to note several irregularities in the charges. These irregularities weigh against moving forward with the charges.

First, as of the date of the sending of this letter, the Township appears not to have posted any notice of the public hearing at the Township Office or on the Township's website. The Township also appears not to have published notice of the hearing in a newspaper of general circulation.

While Mr. Iaquinto does not wish to pursue any issues regarding proper notice under the Open Meetings Act (OMA), a failure to properly notice the hearing could result in a citizen invalidating any vote to remove Mr. Iaquinto. Further, failure to comply with the requirements of the OMA can involve other civil and even criminal penalties. It is in the interest of everyone, especially Mr. Iaquinto, to fully resolve these charges at a properly noticed public meeting conducted according to law.

In addition, this office questions the authority of the Township Supervisor to unilaterally bring charges and call a public hearing without a vote of the Board of Trustees. Certainly, the Township Planning Act, a township supervisor could remove a planning commissioner following a public hearing with support of a majority of the board. See MCL 125.324. The Township Planning Act, however, has been repealed.

In its place, the Legislature enacted the Michigan Planning Enabling Act. That act removes reference to a township supervisor and provides a township's "legislative

James J. Kelly Attorney & Counselor 30300 Northwestern Hwy, Ste. 324 Farmington Hills, Michigan 48334 Main: (248) 449-4444 Jim@JimKellyLaw.com

body may remove a member..." upon satisfaction of certain conditions. MCL 125.3815(9). Again, as discussed above, those conditions are not met in this case.

Northfield Township has also had a long-standing policy that one member of the Board, acting alone, was not sufficient to request action by the City Attorney. If the Supervisor really felt there was an issue here, she should have brought the matter to the Board, which could then have authorized a proper investigation. That investigation would have involved interviewing relevant witnesses, reviewing relevant documents, and researching the legal standards that apply to a decision to remove a public officer. As far as Mr. Iaquinto can tell, none of that has occurred.

The notice also does not specify what vote(s) gave rise to the charges. Mr. Iaquinto has done his best to respond to what he believes gave rise to the charges.

Removal is not appropriate.

Under these circumstances, removing Mr. Iaquinto is not an appropriate remedy. There was no conflict, and the Township has not followed the proper procedures in bringing these charges. If the Board voted to remove, it would be basing its vote on a gross misinterpretation of the facts and a serious misapplication of Michigan law.

The removal hearing has already needlessly consumed time and resources that could have been better spent serving the people of Northfield Township. But, now that it has started, Mr. Iaquinto is eager to clear his name. We urge the Board to vote against removal and adopt whatever policies the Board deems necessary to prevent any further recurrence of this situation.

James J. Kelly Attorney & Counselor 30300 Northwestern Hwy, Ste. 324 Farmington Hills, Michigan 48334 Main: (248) 449-4444 Jim@JimKellyLaw.com

Mr. Iaquinto plans to appear at the public hearing scheduled for February 25 with counsel to address the Board. Thank you.

Very truly yours,

JIM KELLY LAW, PC

James J. Kelly Attorney & Counselor

Enclosures cc: Sam Iaquinto

NORTHFIELD TOWNSHIP PLANNING COMMISSION Minutes of Regular Meeting March 20, 2019

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:00 p.m. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call: Janet Chi

Janet Chick	Present
Brad Cousino	Present
Eamonn Dwyer	Present
Sam laquinto	Present
Cecilia Infante	Present
Larry Roman	Present
John Zarzecki	Present

Also present:

Building/Planning/Zoning Coordinator Mary Bird Planning Consultant Paul Lippens, McKenna Associates Township Engineer Ronald Cavallaro, Jr., OHM Recording Secretary Lisa Lemble Members of the Community

4. ADOPTION OF AGENDA

Motion: Roman moved, laquinto supported, that the agenda be adopted as presented. Motion carried 7-0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

Tawn Beliger, Trustee of Northfield Township, 8365 Earhart, and Michael McClelland, 5313 Hilltop Court, spoke in opposition to allowing marijuana businesses in the Township.

David Gordon, 5558 Hellner Road, called attention to a rookery in the Township where Great Blue Heron are breeding.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

A letter was received and distributed to Commissioners.

8. PUBLIC HEARINGS

8A. Sign Ordinance.

Motion: Roman moved, Chick supported, that the public hearing be opened. Motion carried 7-0 on a voice vote.

Lippens explained that this proposed revision of the sign ordinance was undertaken to make the Township's ordinance consistent with the recent Supreme Court ruling that sign regulations are intended to address public safety and welfare purposes, but are to be content neutral.

Roman called for comments from the public. There were none.

- Motion: Roman moved, laquinto supported, that the public hearing be closed. Motion carried 7-0 on a voice vote.
- 8B. Recreational and Medical Marijuana Ordinance.
- Motion: Roman moved, Cousino supported, that the public hearing be opened. Motion carried 7--0 on a roll call vote.

Lippens explained that these regulations have been developed at the direction of the Township Board. He reviewed the various elements of the proposal, including the classifications of businesses allowed, the zoning districts where they would be allowed, and security and environmental standards. He also reviewed the adoption process for ordinances.

Roman called for comments from the public.

David Gordon, 5558 Hellner Road, questioned requiring 10 acres for growing operations, suggesting that it be lowered to five acres. He said the voters approved recreational marijuana, national laws are behind the times, the national war on drugs has been costly and violent, and the Township should welcome these businesses. Lippens clarified that only five acres is required for Medical and Recreational Class A growers.

Wayne Davidson, 8015 Coyle Road, said he has medical growing operation which does not require much space. He said all that is required for growing is a climatecontrolled building.

John Hufford, 5285 Tamarack Trail, said the link between marijuana use and negative effects on adolescent brain development and schizophrenia is strong, and just because the voters approved recreational use does not mean it is good thing.

Craig Warburton, 450 W. Joy Road, said recreational use by law will be only for people over 21, he found ambiguity in the proposed ordinances, and he questioned the large number of facilities that would be allowed. Lippens noted that the total number of growers that would be allowed is 20 for all classes, not for each class.

Chris Salata, 2920 Tepeyac Hill Drive, said allowing marijuana facilities in the Township is antithetical to the decades-long discussion about attracting families and rebuilding the community.

Doug Nelson, 5314 Walnut Creek, said his family moved to Northfield Township from Monroe County, partly because of the opioid epidemic there. He said there is a proven link between marijuana and opioid use. He said the Township should try to maintain its quaint characteristics, and he asked what the Public Safety Department's recommendation is.

Kevin May 2955 Tepeyac Hill Drive, said he moved out of two states that have legalized marijuana. He said he doubts that people in this community voted for legalizing marijuana. He said this is a money grab. Lippens said about 60% of voters in all three Township precincts voted in favor of legalizing recreational marijuana.

Kathryn Mayer, 5361 Sutton Road, spoke in favor of the proposed ordinances. She agreed this as familyoriented community, but that bringing Township ordinances into conformance with State law is not in conflict with that. She said families will continue to be attracted to Northfield Township, marijuana facilities in Ann Arbor have not made it unsafe, it is not true that use of marijuana leads to opioid use for the vast majority of users, and the Township should take advantage of the economic opportunities.

Motion: Iaquinto moved, Roman supported, that the public hearing be closed. Motion carried 7-0 on a voice vote.

9. REPORTS

9A. Board of Trustees

Chick reported that on March 12th the Board directed the Township Manager to provide information about possibly hiring a building official/zoning administrator, discussed building use and ethics policies, the Board chose not to rescind the decision to sell 75 Barker Road, and she invited the public to a discussion on March 26 about the Township's sewer system, including possible construction of a retention basin.

9B. ZBA Has not met.

9C. Staff Report Nothing to report.

9D. Planning Consultant Nothing to report.

9E. Parks and Recreation Has not met. The next meeting is March 21st at 7:00 p.m. and the public is welcome.

9F. Downtown Planning Group

Infante reported that discussion at the last meeting included the idea of creating two separate authority areas (for the downtown and for US-23 Territorial), the problem with the downtown area being dominated by non-profits and the effect on tax revenue, increased interest in participation in the DDA, and the lack of decisive action regarding 75 Barker.

10. UNFINISHED BUSINESS

10A. Revised Site Plan; LittleFish; 8425 Main Street, to Operate Graphics and Architectural Design Studio. Parcel 02-08-327-002.

Lippens reported that since the Planning Commission first approved this request the County Road Commission has agreed to a parking solution which changes the plan sufficiently to require re-approval by the Commission. He added that additional information has been submitted about a variety of details since that time.

He also noted the applicant has requested a temporary certificate of occupancy, and that can be issued if a performance bond is posted to insure completion of required elements. Township Engineer Ronald Cavallaro briefly reviewed his 3/8/19 memo noting only minor issues to be addressed.

Matt Hagerty of Myers & Myers, PLLC in Howell, attorney for LittleFish, thanked the Township for their helpful management of their application. He said time is of the essence in a certificate of occupancy being issued for operation of the business. Roman noted that issuance of any certificate of occupancy is up to the zoning administrator and building official.

Roman expressed concern about lack of building elevations with the application. Zarzecki agreed they should be supplied. In answer to a question from Cousino, applicant Angela Matthews said elevations are part of the architectural package that was submitted in

September to the Building Department, although that may not have been submitted to the Planning Commission. She said this is an existing building, and all they have done is removed old shingles. Roman said this can be worked out with Lippens; Mary Bird and Lippens said they can check with the Building Department.

Motion: Roman moved, Iaquinto supported, to approve the Revised Site Plan for LIttleFish, 8425 Main Street, to operate a graphics and architectural design studio, with the conditions set forth in the McKenna report dated 3/15/19 and the OHM report 3/18/19, and with building elevations to be provided to the Planning Commission at Mr. Lippens convenience. Motion carried 7–0 on a roll call vote.

108. Sign Ordinance.

Motion: Iaquinto moved, Chick supported, to recommend approval of the Sign Ordinance to the Northfield Township Board of Trustees. Motion carried 7-0 on a roll call vote.

10C. Recreational Medical Marihuana Ordinance

Lippens pointed out one typographical error.

Motion: Roman moved, laquinto supported, to approve and forward to the Northfield Township Board of Trustees the Recreational Medical Marijuana Ordinance as corrected.

Cousino read the proposition as written—about 100 words—on the State ballot last November and said he does not understand why the Township is considering an ordinance before the State has created their regulations. He said these are cash businesses because the sale of marijuana is in violation of federal law, so he questioned how the Township will be able to monitor sales and benefit from these businesses.

Roman and Chick said if the Township's regulations end up being in conflict with State regulations, they can be amended, but the Township Board wants the Township to be prepared for the issuance of licenses once State regulations are in place.

Cousino said the Commission has not consulted with the Public Safety Department, the Clerk's office, or the zoning administrator who this will affect their operations. Dwyer said the Commission has been charged with the task of how to restrict marijuana operations in the Township, and he does not believe commercial operations, particularly retail sales should be allowed in the AR district; Zarzecki agreed. In response to a statement from Zarzecki, Lippens noted that "caregiver" Is a protected activity, and medical marijuana home occupations do not require a permit. He also noted that the regulations regarding permitting do not require a public hearing, so any ambiguity could be addressed in the future.

In answer to a question from Cousino, Lippens said the requirements for certain distances between marijuana businesses would also apply for any nearby operations in neighboring townships.

Cousino said the map of potential facility locations shows a cluster near the new North Village park, and he questioned the wisdom of that. He said allowing marijuana facilities does not promote a wholesome community. Roman said he appreciates the comments made, and noted those were all included previously in the Commission's discussions.

Motion carried 5-2 on a roll call vote, Cousino and Dwyer opposed.

Motion: Roman moved, Iaquinto supported, for the recommendation of the permit regulations for marijuana facilities to be forwarded to the Township Board of Trustees and request that the Township attorney review them before they are placed on a Township agenda. Motion carried 5-2 on a roll call vote, Cousino and Dwyer opposed.

11. NEW BUSINESS

None.

12. MINUTES

March 6, 2019, Regular Meeting Chick made two corrections.

Motion: Roman moved supported, that the minutes of the March 6, 2019, regular meeting be approved as corrected, and to dispense with the reading. Motion carried 7–0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Jacki Otto, Township Trustee, 1075 St. Andrews Drive, noted that for medical marijuana the Township needed to opt in for sales to be allowed, but for recreational marijuana the Township needed to opt out, so the Township temporarily opted out while waiting for an ordinance to consider. She also noted that the Public Safety Director has commented on this subject, and that the law allows voters to petition to allow facilities if the Township were to opt out.

Kathryn Mayer, 5361 Sutton Road, asked if there will be future opportunities to the public to comment on this subject.

Wayne Davidson, 8015 Coyle, said 1,000 sq. ft. is sufficient to grow 100 plants in a climate-controlled building.

Adam Olney, Whitmore Lake, said the Township will have opted in unless the Township Board takes action to opt out at the end of the sunset clause it enacted.

14. COMMENTS FROM THE COMMISSIONERS

Commissioners made comments and responded to public comments about the marijuana ordinances, including:

- there will be time for further public comments before the Township Board.
- the Commission was charged by the Township Board with creating an ordinance, regardless of whether they agree with allowing marijuana facilities in the Township.
- It is not clear that Northfield Township residents who voted to allow recreational marijuana use understood that they could have marijuana businesses in the Township.

- The Planning Commission was not provided with input from the Public Safety Director.
- The ordinance as written is not at all as restrictive as it should be.
- Commissioners have been extremely careful to listen to and read all comments and information provided to them about this issue.

15. ANNOUNCEMENT OF NEXT MEETING

April 3, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

Motion: Roman moved, Iaquinto supported, that the meeting be adjourned. Motion carried 7--0 on a voice vote.

The meeting was adjourned at 8:36 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows: Wording removed is stricken through; Wording added is <u>underlined</u>.

Adopted on _____, 2019.

Larry Roman, Chair

John Zarzecki, Secretary

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/

NORTHFIELD TOWNSHIP PLANNING COMMISSION Minutes of Regular Meeting May 1, 2019

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call: Janet Chick Brad Cousino Eamonn Dwyer

Sam Jaquinto

Larry Roman

John Zarzecki

Cecilia Infante

Present Present Present Present Present Present Absent with notice

Also present:

Building/Planning/Zoning Coordinator Mary Bird Planning Consultant Paul Lippens, McKenna Associates Recording Secretary Lisa Lemble Members of the Community

4. ADOPTION OF AGENDA

Motion: Roman moved, Iaquinto supported, that the agenda be adopted as presented. Motion carried 6-0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

Doug Nelson, 5314 Walnut Creek Lane, and Craig Warburton, 450 W. Joy Road, made comments and asked questions about the marijuana ordinance.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

None.

8. PUBLIC HEARINGS

None.

9. REPORTS

9A. Board of Trustees

Chick reported that on April 23rd the Board heard two presentations regarding the proposed marijuana ordinance, made several recommendations for changes to the draft ordinance, and extended the expiration of the sunset clause to June 25th allow the Planning Commission more time to work on the ordinance and schedule a public hearing.

9B. ZBA Has not met.

9C. Staff Report Nothing to report.

9D. Planning Consultant

Lippens noted the 63 day review period for the Master Plan has expired, and he is reviewing comments that were made to incorporate into a revised plan. He said he hopes a public hearing can be held in June.

9E, Parks and Recreation

laquinto invited the public to the next meeting on May 9th at the Community Center. He noted:

- 53 community garden plots are available for \$10 each, and -picnic tables will be installed next week, On June 7th there will be an antique boat parade at
- 7:00 P.M. using the community park lakefront area.

9F. Downtown Planning Group

Infante reported that on April 22nd the Downtown Development Authority discussed

- two upcoming events (boat show and Trunkapalooza),
- having input on the Master Plan draft,
- redefining the DDA district to capture more income, and they passed a motion to hire an expert discuss TIF plan.

10. UNFINISHED BUSINESS

10A. Update: Littlefish, 8425 Main Street, Site Plan Approval.

Lippens provided a brief update and referred to his administrative approval letter. He reported the applicant had provided a performance bond and building elevations and made minors revisions regarding parking spaces and lighting. He said the Township is continuing to work with them through the process necessary to get their business up and running.

10B. Update: April 17, 2019 Zoning Ordinance **Revision Project Tasks Schedule Update**

Lippens said he thinks the proposed schedule is still ambitious. He said he will continue to make revisions during the next six weeks and will work with Commission officers to set a schedule for Planning Commission review.

10C. Update: Marihuana Ordinance

Lippens referred to the Township Board's review of the draft ordinance and permitting regulations and two memos he had prepared. He noted that he will update the permitting regulations with the Board's minor recommendations.

He reported the Board recommended that the number of permits be set at two per grower use and three for other facilities, and he reviewed the other ordinance changes recommended by the Board, including buffers between marijuana facilities and several other use types, eliminating all uses from the WLD districts, and eliminating microbusinesses from AR.

Lippens noted a public hearing is scheduled for the next Planning Commission meeting, and the Commission may make changes before making another recommendation to the Board or may chose not to make a recommendation.

laquinto reported that he and Chick attended a session of the Michigan Association of Planners (MAP) Conference about recreational marijuana, and a State representative indicated that State regulations regarding recreational marijuana will mirror the medical marijuana regulations. He said municipalities opting in may not make overly restrictive regulations, and results of legal challenges are indicating that sign regulations specific to marijuana facilities may not be different from regulations for other businesses.

Iaquinto said the income the Township would receive from issuing licenses could be used to improve services to residents, and limiting the number of licenses will reduce the potential income. He added that the Township Board asks Commissioners to educate themselves about planning issues and entrusts the development of ordinances to the Commission.

Motion: Iaquinto moved, Roman supported, to send back to the Township Board the ordinance as originally prepared by the Commission with all of the licenses originally suggested, but giving them the recommendation that if they want to restrict the North Village area out of availability, then to do so based on the income that would be generated from the licenses for the Township and the vacancy issues and lack of development downtown.

There was discussion about what changes the Commission can make at this point or later. Lippens said the Commission can send a revised recommendation to the Board after a public hearing. He recommended that since the motion includes a change to the ordinance which the Commission originally recommended that the Commission wait to send a revised ordinance to the Board until after a public hearing. He noted that at this point the Commission could send the same, unchanged recommendation they previously sent to the Board.

Roman said:

- the Commission recently revised the sign ordinance to ensure compliance with new State law, and the Township Board should consider the new law and ongoing litigation regarding signage before proposing specific sign requirements for marijuana facilities.
- The 1,000 foot separation—as opposed to the 500 feet recommended by the Commission—is too

restrictive, and adding parks, libraries, child care facilities, and religious institutions is in opposition to the State referendum which referred only to separation from K-12 schools. A 1,000 ft separation may create an unnecessary legal liability for the Township.

- The downtown is in need of help, and eliminating all marijuana uses downtown does not take that into consideration.
- The issue of microbusinesses in AR was fully discussed by the Commission before deciding that is where those businesses belong.

Chick said:

- The 500 ft. separation is based on the length of a standard city block, and Lippens explained now the number of grower licenses was arrived at in his memo.
- The Board may not understand what a micro business is. She said this is a much better classification than home occupations for caregivers because it provides better regulation.
- At the MAP conference the seminar presenter reported that Grand Rapids has experienced no increase in crime because of marijuana businesses, and they actually saw an increase in property values.

Infante said some of the Board's recommendations are not practical and may present legal liabilities.

Cousino said he is taken aback by the idea of simply sending the same recommendation back to the Board, and he is not in favor of it. He questioned what is too restrictive regarding the number of licenses. Lippens says the Act allows for reasonable restrictions, including capping the number of permits. He said the Township could set a 1,000 buffer and fewer permits, but those things should align. He said the Commission went through a reasonable process using a 500 foot buffer to set a certain number of permits, but the Board feels a large separation and fewer permits is more appropriate.

In answer to a question from Cousino, Lippens said the 1,000 foot buffer recommended by the Board probably effectively eliminates facilities in the WLD district especially when the additional locations—child care centers, places of worship, and parks—are taken into consideration.

Infante said microbusinesses are a wonderful opportunity in the AR district, and very appropriate for those areas.

In answer to a question from Cousino, Lippens said two operations with two State licenses could be colocated on the same site and would not be subject to separation requirements.

Cousino noted that Shelly Edgerton, former Michigan LARA Director who spoke at the Township Board

meeting, is now an attorney in private practice representing the pro-marijuana presenters in their efforts to obtain licenses.

Motion carried 4-2 on a roll call vote, Cousino and Dwyer opposed.

In answer to a question from Chick, Lippens said the State Act says the Board shall send recommended changes back to the Planning Commission, and the Commission has already held a public hearing, so it appears the Commission can send the ordinance back to the Board—as it just voted to do—without holding another public hearing.

Cousino questioned the procedure of holding a public hearing after the Commission has already made a motion to send the ordinance back to the Township Board. After discussion, it was agreed to delay sending the recommended ordinance to the Township Board until after the public hearing scheduled for May 15th to allow the public to comment.

11. NEW BUSINESS

None.

12. MINUTES

Motion: Roman moved, Iaquinto supported, that the minutes of the April 17, 2019, regular meeting be approved as presented, and to dispense with the reading. Motion carried 6–0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Wayne Davidson, 8015 Coyle Road, Craig Warburton, 450 W. Joy Road, and Doug Nelson, 5314 Walnut Creek lane, made comments about the proposed marijuana ordinance.

14. COMMENTS FROM THE COMMISSIONERS

Commissioners comments included:

• It may be a legal liability for the Township not to review the annual permit for a marijuana business without cause.

- The Township has a responsibility to create ordinances based on the needs of and what is good for the community.
- There has been majority agreement, but not consensus, within the Commission about this issue.
- The Board's recommendations are not unreasonable and the merits of them should have been discussed. Not doing so leaves the impression Commissioners are closed-minded.
- Procedurally the Planning Commission listened to the public and worked diligently for many months, carefully creating an ordinance, yet the Board seemed very surprised at the ordinance the Commission recommended, and in a very heated moment quickly made recommendations without hearing public comment on it. The document is very raw at this point and public comment should be sought. The impression that the Commission is simply throwing the document back to the Board is wrong, rather the Commission will be hearing comments from the public before discussing it further.

Lippens said it is his understanding that the passing the motion was an attempt to confirm the Commission's work and prior recommendation, but that the Commission is still interested in hearing public input on the Board's comments, and the Commission could decide to rescind and replace its motion after the hearing.

15. ANNOUNCEMENT OF NEXT MEETING

May 15, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

 Motion: Roman moved, Iaquinto supported, that the meeting be adjourned.
 Motion carried 6—0 on a voice vote.

The meeting was adjourned at 8:37 P.M.

Prepared by Lisa Lemble. Corrections to the originally issued minutes are indicated as follows: Wording removed is stricken through; wording added is <u>underlined</u>.

Adopted on _____, 2019.

Larry Roman, Chair

John Zarzecki, Secretary

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/

NORTHFIELD TOWNSHIP PLANNING COMMISSION Minutes of Regular Meeting May 15, 2019

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:00 p.m. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Present

Present

Present

Present

Present

Present

Present

Roll call:

Janet Chick Brad Cousino Eamonn Dwyer Sam Iaquinto Cecilia Infante Larry Roman John Zarzecki

Also present:

Building/Planning/Zoning Coordinator Mary Bird Planning Consultant Paul Lippens, McKenna Associates Recording Secretary Lisa Lemble Members of the Community

4. ADOPTION OF AGENDA

Motion: Roman moved, Iaquinto supported, that items 11a and 11b be heard before item 10. Motion carried 7-0 on a voice vote.

Motion: Roman moved, Iaquinto supported, that item 10c be heard before item 10b. Motion carried 7–0 on a voice vote.

Motion: Roman moved, Iaquinto supported, that the agenda be adopted as amended. Motion carried 7-0 on a voice vote

5. FIRST CALL TO THE PUBLIC

No comments.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

Cousino read a letter from the Northfield Township Library stating they take no position on the issue of buffers between libraries and marijuana facilities. Iaquinto said he received three emails from residents.

8. PUBLIC HEARINGS

- 8A. Case #JPC190004; Pearl Onions, LLC (Small Potatoes), Applicant; 9230 Main Street, Conditional Use Permit (CUP) for commercial food service kitchen. Parcel B-02-05-368-006; zoned WLD-W
- Motion: Iaquinto moved, Chick supported, to open the public hearing. Motion carried 7–0 on a voice vote.

Tom Guffy, applicant, said he and his wife are both professional chefs, and their business currently provides meals for about 30 families per week. He said they have submitted a site plan, will have a survey done on May 24th, and if the Commission approves their proposal and will make modest improvements to the property's exterior and interior.

Lippens recalled that the Planning Commission rezoned this property to WLD-W, and he referred to his May 2^{nd} memo. He said he recommends approval of both the CUP and the site plan, noting that removal of the existing garage will eliminate the need for a site coverage variance

Adam Olney, Whitmore Lake, said this would be a great addition to the community. He said there is not a lot of parking, but the proposed use does not require it, so it will be a good fit.

Karen Alexa, 7210 Whitmore Lake Road and owner of the subject property, said this is an ideal business for the site and Whitmore Lake needs more businesses.

- Motion: Roman moved, Iaquinto supported, to close the public hearing. Motion carried 7-0 on a roll call vote.
- 8B. Recreational Medical Marihuana Ordinance

Roman noted this public hearing concerns recommendations from the Township Board at their April 23rd meeting as reference in Paul Lippens report.

Motion: Roman moved, Iaquinto supported, to open the public hearing. Motion carried 7--0 on a roll call vote.

Stan Wutka, 5985 Leland Drive, said he is concerned about these businesses starting up then leaving vacant buildings after a few years, whether there is sufficient power in the grid for the grow lights that will be required for grow businesses, the potential for noise, light, and other types of pollution, that these businesses will be in temporary buildings, how frequently delivery trucks will operate, the impact of

water use on aquifers, where the waste will end up, and whether zoning requirements should be stricter.

Kathryn Mayer, 5361 Sutton Road, said concerns are valid, and a way to minimize those would be to not allow large corporate growers in favor of smaller operations.

Doug Nelson, 5314 Walnut Creek, questioned why this hearing is being held since the Commission voted on May1st to return the proposed ordinance to the Township Board as originally recommended without any of the changes recommended by the Board on April 23rd. He said he agrees with the recommendations of the Board.

Paul Tylenda, said he is an attorney and the Commission is not alone and not the first to deal with this. He said the Commission has approached this intelligently. He said any separation requirements should correspond to the number of permits allowed. He said the Commission's view of microbusinesses is correct.

Peter Ziolkowski, 5014 Walnut Creek, said he is opposed to any medical or recreational marijuana and the Commission should accept the recommendations of the Township Board. He said the facts about absenteeism from work, juvenile delinquency, etc. due to marijuana use is well documented.

Dana Forster, 9255 Lakewood Drive, and owner of Lovely Monkey on Main Street, said marijuana is here to stay, and the issues referred to by the previous speakers are all things they will have to deal with anyway. She said she is concerned about the 1,000 foot separation recommendation, and while she understands the desire for a 500 buffer from schools, she does not see that churches need to be protected. She said she agrees with the Planning Commission's recommendations.

James Trunko, 9255 Lakewood Drive, agreed with the previous speaker's comments. He said he does not see why a separation from school, churches, etc. is needed noting that it is not required for liquor stores.

Craig Warburton, 450 W. Joy Road, agreed that the motion to return the original proposed ordinance to the Township Board is an issue, but he understands that the Commission did this because it is obvious the Board did not read the proposal. He said the proposal the Commission prepared is insightful, detailed, and well thought out, but the Commission should have accepted the Board's offer to meet with them to discuss the proposal. He said the downtown could benefit from these businesses, and he hopes the Commission stands their ground and sends the original proposal back to the Township Board.

Marissa Prizgint, 32 Schrumm. said the Board's recommendations were not well thought out, and she agrees with the Commission's proposal.

Adam Olney said he teaches children and has his own children and he supports the Commission's proposal. He said he agrees microbusinesses belong in the AR district, he noted the Library is not concerned about a marijuana ordinance, and he has spoken to people with churches who are also not concerned. He said the Commission should return their original proposal to the Township Board.

Bruce Price, 605 Six Mile Road, said as a former law enforcement officer he has always been in favor of medical marijuana, but not recreational marijuana. He said he is not very familiar with the proposal, but he wants there to be rules for having these businesses. He noted the federal government still considers marijuana use to be illegal.

Stephen Safranek, 5359 Hilltop Court, ZBA Chair, said he is a lawyer, has been a City Councilman, and has argued cases before supreme courts, and the Commissioners do not have the competence, intelligence, or ability to make decisions about this. He said it is mudheaded and idiotic, Commissioners do not have the prudence to wait to do the right thing, and if they spent time considering what is happening nationally they would think twice about allowing marijuana in the community. He said with alcohol and tobacco communities have local, state, and federal police backing up communities. He said the Township thinks they are going to get revenue from this, but they are going to get a few crummy businesses, and every accident that happens due to marijuana use will be on their heads.

Jim Nelson, 7777 Sutton Road, said it was sad to just see the Planning Commission insulted by the Zoning Board of Appeals Chair.

Wayne Davidson, 8015 Coyle Road, said the more permits the better for the Township due to the revenue that will be received, a 500 foot buffer from schools is good and up to 300 feet from other public uses is okay, there is no reason to have a separation from child care centers because children to do not use marijuana and being close to it is no more dangerous than children being taken into pharmacies with their parents, and a lot of land is not needed to grow marijuana since it is done indoors.

Tawn Beliger, 8365 Earhart Road, Township Trustee, thanked Commissioners for executing the task given them by the Township Board. She said he has heard from many Township citizens who are not in favor of marijuana businesses in the Township, and she remains unwavering in her opposition. She said such businesses pose unnecessary risks and are not in keeping with the family friend character of the community. She said the marijuana Act says governments may charge up to \$5,000 to defray application, administrative and enforcement costs, but it does not say the money can be used for roads, etc. She said the amount of revenue distributed from the State will probably not be significant.

Motion: Roman moved, laquinto supported, to close the public hearing. Motion carried 7-0 on a roll call vote.

9. REPORTS

9A. Board of Trustees

Chick reported that on May 14th the Board heard a residential and park proposal for the North Village site, decided on some of the 2019 road projects, and passed a motion confirming that any projects assigned to the Planning Commission must be made by motion by the entire Township Board.

9B. ZBA

Cousino noted the ZBA will meet on May 20th.

9C. Staff Report Nothing to report.

nouning to report

9D. Planning Consultant No report.

9E. Parks and Recreation

laquinto reported there are five new picnic tables in the North Village park and there will be trash cans and a porta-potty. He noted that for large group events Jennifer Carlisle in the Township office should be contacted and anyone interested in renting a community garden plot should also contact her.

9F. Downtown Planning Group

Infante said she had a work conflict with the DDA's meeting on Monday, so she will provide a summary from the minutes at the next meeting.

11. NEW BUSINESS (Heard out of order)

- 11A. Case #JPC190004; Pearl Onions, LLC (Small Potatoes), Applicant; 9230 Main Street, Conditional Use Permit (CUP) for commercial food service kitchen. Parcel B-02-05-368-006; zoned WLD-W
- 11B. Case #JPC190004; Pearl Onions, LLC (Small Potatoes), Applicant; 9230 Main Street, Site Plan for commercial food service kitchen. Parcel B-02-05-368-006; zoned WLD-W

Lippens recommended approval of the CUP subject to final site plan approval.

He also recommended approval of the site plan subject to administrative review and approval of the final site plan showing compliance with the lot coverage requirement and documentation of an easement on the site.

laquinto asked whether the applicants would be interested in either reducing the size of the garage or getting a variance for the lot coverage rather than removing it. Mr. Guffy said the lot coverage regulations would allow for a 215 sq. ft. building of some site, but they are trying to expedite the approval process, so they may present a revised site plan showing a 200 sq. ft. structure to allow them to build one in the future. Lippens said the Commission could approve the project subject to that plan revision.

Regarding the tree on the site Roman said he would be in favor of mitigation not being required.

Dwyer asked if walk-in business could be accommodated even thought it is not anticipated at this time. Duffy said they do not plan on that type of operation. Lippens said that use would, however, be consistent with the zoning since it is a walking district and there is some limited parking on that back of the site.

- Motion: Roman moved, Iaquinto supported, in Case # JPC190004 to recommend approval of the Conditional Use Permit for Pearl Onions at 9230 Main Street, Parcel B-02-05-368-006. Motion carried 7-0 on a roll call vote.
- Motion: Roman moved, Chick supported, to approve the site plan in case JPC190004, Pearl Onions, 9230 Main street, Parcel B-02-05-368-006. subject to the McKenna report dated May 2, 2019, with its three recommendations, and submittal of a revised site plan to the planning consultant showing the potential for a future garage on the site and waiving mitigation for the tree removal. Motion carried 7–0 on a roll call vote.

10. UNFINISHED BUSINESS

10A. Procedural Guidelines for Planning Commission and Board of Trustee Recommendations

Lippens noted that the Planning Commission made a motion at their May 1st meeting to return their original proposed marijuana ordinance to the Board without the revisions recommended by the Township Board, but that they saw value in holding the public hearing on the Township Board's recommendations. He said the Commission may decide to make a different recommendation to the Board, but it would first have to pass a motion to rescind the prior motion, which would have to be made and seconded by the two people who made and seconded the prior motion, and only those who voted on that motion could vote on the motion to rescind, which would mean that Zarzecki could not vote on that motion.

There was discussion about possible scenarios for eventual disposition of the proposed ordinance should the Commission and Board not come to an agreement. Lippens said from his reading of the State Act substantive changes by the Board to a recommendation made by the Planning Commission is subject to a public hearing at the Planning Commission. Cousino said he is concerned that this will result in an unending back and forth between the Board and Commission.

Lippens said from his reading of the State Act the Board would eventually have to act on the proposal recommended by the Commission. He urged the Commission to really consider the recommendations of the Board, and that the Board do the same regarding the Commission's recommendations, working collaboratively to find a recommendation that is in the best interest of the community based on the input provided.

Infante said the Commission made a recommendation to the Board after months of intense work, and it appears the Board was pressed for time and under pressure following the public input they heard when they made their recommendations on April 23rd. Chick said there was no time pressure as the Board received the Commission's proposal weeks before their April 23rd meeting.

laquinto said he will not agree to rescind the motion he made to send the proposal back to the Board. He said the Commission prepared an ordinance based on many hours of work and research. He noted the Library Board and at least one church have stated they do not have an issue with the proposed 500 foot buffer for marijuana facilities only from schools.

Cousino said the Board listened to the public, a drug enforcement agent, and someone who operates a medical marijuana business before making their recommendations for changes. He said he asked for law enforcement, zoning enforcement, and the Clerk's office to be asked for input, and the Commission did not do any of that. He said he believes the Commission did not do its due diligence.

Roman said he feels the Commission did do their due diligence, it is not fair to ask staff for input, the Clerk said she is not an expert on this, and Chief Wagner said he is not an expert but would enforce the law.

10C. Recreational Medical Marihuana Ordinance (Heard out of order)

Commissioners discussed some of the recommendations from the Board of Trustees made at their April 23rd meeting which were summarized in the April 30th McKenna letter.

There was general agreement on the following items. Lippens said, however, that he believes them to be minor enough that the changes could be made at the Board level without further input from the Commission. He said he will consult with the Township attorney about these:

• Security cameras and air scrubbing/filter changing. Commission response: While the State has not released their requirements yet, and while there would be no harm in adding the wording recommended by the Board, the language in the Commission's original proposal is adequate and will have to conform to any rules eventually issued by the State. Clerk may delegate permit processing. Commission response: The Clerk is the proper person to be responsible for processing zoning applications, although the Clerk may delegate responsibilities covered under the marijuana permit regulations, which are not zoning regulations and are not subject to public hearings.

Commissioners also discussed:

Number of licenses; zoning districts for microbusinesses, provisioning centers, and retail centers. Dwyer said this is his greatest concern because the 56 proposed by the Commission is too many, there could be a demand for 20 of those to be grower permits for up to 2,000 plants, important potential issues (sufficient power in the grid, pollution of various kinds, effect on the aquifer levels, etc.) were brought up during the public hearing, and the \$5,000 per license that could be charged should not be a consideration. Infante said the proposed ordinance addresses these valid concerns because applications will need to have complete site plan and CUP review. Chick said applications must also be reviewed by a variety of State and County agencies.

Zarzecki said the 20 growers, the retail facilities, and provisioning centers are different in character from micro businesses, and the testing, processing, and transporter businesses will be relatively small in comparison. He said he would rather see microbusinesses in AR areas rather than downtown, but there would only be six of those permits. He also noted some of the permits would be for medical facilities.

Chick said a wide variety of products are sold in microbusinesses which are do not resemble the traditional image of a "head shop." She added that micro-businesses are preferred over medical marijuana home occupations because the former are regulated and the latter are not.

Cousino said the number of permits can be set by the Board regardless of the Commission's recommendation. Roman confirmed that is true.

Signage. Regarding signs, Lippens said the marijuana Act allows reasonable sign regulations to be set, and although care should be taken in doing so to avoid litigation, this is a matter of local preference and sign character.

Zarzecki said it appears the Board was adding sign regulations only for medical marijuana provisioning centers.

10B. Planning Commissioner's Letter to Township Board of Trustees Regarding Marihuana Regulations

Commissioners briefly discussed the letter to the Township Board drafted by laquinto in response to the Board's recommendations for changes to the proposed ordinance.

Motion: Roman moved, Iaquinto supported, that the Planning Commission send forward this document, to be revised by Iaquinto, with the addition of the items discussed tonight, including the information regarding microbusiness being preferable to home occupations because they are regulated, to the Board of Trustees as a official Planning Commission document. Motion carried 5—1—1 on a roll call vote, Cousino abstaining, Dwyer opposed.

12. MINUTES

▶ Motion: Roman moved, laquinto supported, that the minutes of the May 1, 2019, regular meeting be approved as presented, and to dispense with the reading. Motion carried 7-0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Regarding marijuana businesses being required to follow regulations, Stan Wutka, 5985 Leland Drive, said one of the presenters at the April 23^{rd} Board meeting said he has been an Ann Arbor resident for a year, but came to the meeting driving a car with Indiana license plates, so his claim that he follows rules is questionable.

Kathryn Mayer, 5361 Sutton Road, said anyone who applies to operate in Northfield Township will already have had to comply with many State requirements, such as having cameras.

14. COMMENTS FROM THE COMMISSIONERS

Commissioners:

- questioned whether they are serving the Board well,
- said the Commission also serves the public in addition to the Board,
- said this is a very difficult topic, which can lead to displays of emotion, but Commissioners did a good job of having a non-emotional conversation with respect for each other.
- thanked the public for their participation, and said public comments were very helpful, so the public should continue to give input to the Township Board.
- said applicants for marijuana operations will have to comply with a myriad of regulations, they require a conditional use permit at the Township level, and these are the only businesses in the State that have to apply for their licenses annually.
- said there are very smart people on the Commission and they did their homework, and it was verbally abusive to have to listen to an appointed official imply otherwise.

15. ANNOUNCEMENT OF NEXT MEETING

June 5, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

Motion: Roman moved, Chick supported, that the meeting be adjourned. Motion carried 7–0 on a voice vote.

The meeting was adjourned at 9:29 P.M.

Prepared by Lisa Lemble. Corrections to the originally issued minutes are indicated as follows: Wording removed is stricken through; Wording added is <u>underlined</u>.

Adopted on _____, 2019.

Larry Roman, Chair

John Zarzecki, Secretary

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/

From: Marlene Chockley
Sent: Thursday, February 20, 2020 3:19 PM
To: Jennifer Carlisle
Subject: FW: Please Don't Sell our Waterfront Park on Feb. 11

From: David Gordon < 2020 4:26 PM Sent: Sunday, February 09, 2020 4:26 PM To: Marlene Chockley < <u>chockleym@Northfieldmi.gov</u>> Cc: Jacqueline Otto < <u>ottoj@Northfieldmi.gov</u>>; Janet Chick < <u>chickj@Northfieldmi.gov</u>>; Kathy Manley < <u>manleyk@Northfieldmi.gov</u>>; Kitty Burkhart < <u>selected a selected a se</u>

Dear Board of Trustees:

I can't believe it.

Without informing the residents; without having even a basic cost/benefit analysis, you are moving forward ASAP to sell off the majority of the only public parkland left on Whitmore Lake.

At the Jan. 14 Board meeting (and at the first "Question & Answer" session that preceded it), Trustees assured residents that this deal was nowhere near complete, and yet here is it, up for a vote less than a month later.

You seem willing to close out all your other options and sell off 18 acres of the 23-acre park for only \$765k, about the same as the cost for one nice lake house.

Why is this even on the agenda?

Because Paul Lippens wrote a memo?

Because the developers are pushing for a deal which is so GREAT for them that they can hardly believe it?

Of course the developer agreed to your terms. You are rank amateurs negotiating with a seasoned professional and you didn't ask for enough - not enough land for our park and not enough money for the land you're selling. Of course he agreed!

How can you sell before you have answers to the many questions below?

Will the sale cover the cost of the park? How about the cost for ongoing maintenance and liability insurance? Can the taxes from the planned subdivision be separated from the General Fund and earmarked only for the park? Is that even legal? Will it be enough?

Have you hired your park design firm, Madam Supervisor, or it that just another good idea that gets forgotten in the rush to "do something"?

Will the sale pay for engineering a beach?

Will it cover the \$1M cost for expanding the sewer trunk line these 100 rooftops will overload? (Obviously not.)

I can't believe you have answers to these questions in the last month, yet you're still pressing on.

Why?

Before you approve this sale, <u>without informing the taxpayers who will foot the bill</u>, please show us the financial projections, the cost/benefit analysis supporting your claim that sacrificing 80% of our waterfront park will revitalize downtown.

I have provided you with plenty of evidence that residential development doesn't pump up public coffers, it drains them. This finding has been proven in nearly 100 communities in 28 states that have done "Cost of Services Studies".

There won't be any surplus taxes from the proposed new subdivision. None. It'll all go to provide services.

You disagree? Well then, show us your figures that support your claims.

Approving a sale without having answers to these questions <u>and especially without sending</u> <u>notice to the taxpayers</u>, is the opposite of fiscal responsibility and transparency and would violate your Oath of Office.

We count on you, our Trustees, to make decisions based on evidence, not bias or belief, and to do your utmost to get community buy-in on all major decisions.

The decision you are contemplating is irreversible and the impacts will last for generations.

What is truly irresponsible is that you have negotiated this without the professional guidance of an attorney or a realtor. Would you do that with your own home?

A recommendation from the Township Planner, whose firms stands to profit handsomely from the deal, fails the "smell test" and certainly isn't the "due diligence" one would expect from our Trustees.

Your own subcommittee gave this developer's proposal a grade of "D".

You may we'll be squandering the last best chance you to revitalize our downtown, and you're doing it badly.

Sincerely, David Gordon

<u>PS - Please include this email in "Correspondence".</u> If it is too late to be included in the <u>Feb. 11</u> packet, please add it to the following meeting's packet; and if that is the case, I would like my objections to be part of the Feb. 11 record; on the record before you vote on Item #6.

PPS- I was thinking of adding the entire "Brittanica" as an attachment, but decided better of it.

Thank you.

Memo

From:	Marlene Chockley, Supervisor
Subject:	Public Hearing for Removal of Sam laquinto from the Planning Commission
Date:	February 25, 2020

Trustees,

The Board received an email communication from Mr. laquinto on January 24, 2020 advising them that his property was under a purchase agreement with Pure Roots LLC for a marijuana establishment. Pure Roots LLC submitted their application to the Township that same day.

Because Mr. laquinto serves on the Northfield Township Planning Commission and the Township just approved a zoning ordinance on November 12, 2019 and a permitting process on December 10, 2019, the timing of the purchase agreement in relation to the development of the ordinance was important to determining whether there may have been an undisclosed conflict of interest.

The Pure Roots application contains a purchase agreement that Mr. laquinto signed on May 10, 2019, six months prior to adoption of the ordinance and nine months before informing anyone on the Planning Commission or Board of Trustees of the conflict. During some of those six months, the Planning Commission was still considering changes the Board recommended. One of those changes would eliminate his property from eligibility.

By not disclosing his financial interest in the outcome of the ordinance that he was actively developing for the siting and regulation of marijuana establishments in the Township, Mr. laquinto has compromised the integrity of the process and put the Township at risk of litigation. The processes and procedures moving forward must be above reproach. The Board was very concerned about this very issue when it decided to hold a public lottery to order the evaluation of applications.

Allowing a commissioner to continue to serve on the Planning Commission sullies the Commission and its work. Offering to recuse himself *only* when his property is before the Commission is inadequate and does not recognize his breach of the public trust. The Commission will have many important projects before it in the years to come and must have Commissioners who are fully engaged, with integrity and above reproach.

Since Mr. laquinto refused to resign, the request for his removal is before the Board for your deliberation. He has received a notice of written charges and this public hearing is the next step in the removal process.

Below is a summary of the various pertinent meetings concerning the development and ultimate approval of the marijuana ordinance.

March 20, 2019 Planning Commission¹ -- The Planning Commission held a public hearing and recommended a marijuana ordinance and permit regulations to the Board of Trustees.

April 9, 2019 Board Meeting² – The Board reviewed the marijuana ordinance received from the planning commission and invited the planning commission to attend a joint meeting on April 23 with the Board to discuss the ordinance and hear presentations by experts.

April 23, 2019 Board Meeting³ – The Board reviewed the draft ordinance and heard presentations. The Board sent 10 changes back to the Planning Commission for consideration <u>including eliminating</u> <u>provisioning centers and retail facilities from the Whitmore Lake Districts</u> and increasing the distance requirements to 1000 feet between facilities and schools, existing childcare centers, parks, libraries, and places of worship. Although this meeting was intended to be a joint meeting with the Planning Commission, only one planning commissioner (Brad Cousino) attended.

May 1, 2019 Planning Commission⁴ – The Planning Commission received a 4-30-19 memo⁵ from Lippens detailing the changes requested by the Board of Trustees. laquinto made a successful motion to send the original ordinance back to the Board. The Planning Commission noted that a public hearing on the Board's revisions was still planned for **May 15** and to delay sending the original ordinance back to the Board until after allowing the public to comment.

Minutes Page 2: [Lippens] reported the Board recommended that the number of permits be set at two per grower use and three for other facilities, and he reviewed the other ordinance changes recommended by the Board, including buffers between marijuana facilities and several other use types, eliminating all uses from the WLD districts, and eliminating microbusinesses from AR.

[Livestream 36:20] - Motion: Iaquinto moved, Roman supported, to send back to the Township Board the ordinance as originally prepared by the Commission with all of the licenses originally suggested, but giving them the recommendation that if they want to restrict the North Village area out of availability, then to do so based on the income that would be generated from the licenses for the Township and the vacancy issues and lack of development downtown....

Page 3: Motion carried 4-2 on a roll call vote, Cousino and Dwyer opposed.

After discussion, it was agreed to delay sending the recommended ordinance to the Township Board until after the public hearing scheduled for **May 15th** to allow the public to comment.

May 10, 2019 - laquinto signed a purchase agreement on his marina with Pure Roots, LLC.

May 15, 2019 Planning Commission⁶ – The Planning Commission held another public hearing on the marijuana ordinance. (Note: At the May 1 Planning Commission meeting, laquinto voted to send the original ordinance which kept his property eligible for a marijuana establishment back to the Board.) laquinto refused to rescind his motion whereby the Planning Commission would not consider the Board's recommendation to remove provisioning and retail centers from the Whitmore Lake Districts. A letter, drafted by laquinto responding to the Board's recommendations for changes to the proposed ordinance, was discussed briefly and was further revised by laquinto and sent to the Board with Larry Roman's signature, dated May 16th.

Minutes Page 4: Iaquinto said he will not agree to rescind the motion he made to send the proposal back to the Board.

10B. Planning Commissioner's Letter to Township Board of Trustees Regarding Marihuana Regulations Commissioners briefly discussed the letter⁷ to the Township Board drafted by laquinto in response to the Board's recommendations for changes to the proposed ordinance.

Minutes Page 5: Motion: Roman moved, laquinto supported, that the Planning Commission send forward this document, to be revised by laquinto⁸, with the addition of the items discussed tonight, including the information regarding microbusiness being preferable to home occupations because they are regulated, to the Board of Trustees as a official Planning Commission document. Motion carried 5—1—1 on a roll call vote, Cousino abstaining, Dwyer opposed.

May 28, 2019 Board Meeting⁹ – The Board discussed the Planning Commission's letter and referred it to the attorney.

July 23, 2019 Board Meeting¹⁰ – The Board held a public hearing on the marijuana permit regulations. The Board decided to delay action on the ordinance and permitting until after a revised ordinance was provided to the Board. Both Sam Iaquinto and Jerod Maynard (representing Pure Roots LLC) addressed the Board referring to an up-scale restaurant. Mr. Maynard remarked that one was approved for Whitmore Lake, but neither revealed that a purchase agreement had been signed 10 weeks earlier on May 10 between Iaquinto and Pure Roots.

November 12, 2019 Board Meeting¹¹ – The Board adopted a marijuana ordinance.

December 10, 2019 Board Meeting¹² – The Board adopted a Marijuana Permit Application and established December 26 through January 24 as the dates to accept the first batch of applications.

January 24, 2020 – Pure Roots, LLC submitted two applications for marijuana establishments at laquinto's marina and laquinto sent a letter to the Board of Trustees and the Planning Commission advising them of the purchase agreement on his marina and stating that he would recuse himself from any vote on his property¹³. He did not mention that the option was executed May 10, 2019, six months prior to the adoption of the marijuana ordinance.

For ease of reading, the pertinent portions of State Law, Northfield Township Code of Ordinances, and Planning Commission bylaws are copied below:

Standards of Conduct for Public Officers and Employees (Act 196 of 1973) Excerpt

MCL 15.341 Public officer or employee; prohibited conduct.

Sec 2. (7) . . . a public officer or employee shall not participate in the . . . regulation or supervision relating to a business entity in which the public officer of employee has a financial or personal interest.

MICHIGAN PLANNING ENABLING ACT (Act 33 of 2008) Excerpt

MCL 125.3815

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by
ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

Northfield Township Code of Ordinances Excerpt 14

Sec. 2-149. – Removal

The Township Board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Sec. 2-150. Conflict of Interest

- (a) Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this division constitutes malfeasance in office.
- (b) For the purposes of this section, the planning commission shall define conflict of interest in its bylaws.

Northfield Township Planning Commission Bylaws Excerpt¹⁵

Section 8.9 – Voting

... Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member may abstain from voting on the matter, and may absent him- or herself from the room in which discussion of the matter takes place. In addition, the member may be disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the commission. Failure of a member to disclose a potential conflict of interest as required by this division constitutes malfeasance in office.

Potential conflict of interest is defined by the Northfield Township Planning Commission as involving:

- a. Property the Commissioner owns, leases, or rents.
- b. Property owned by a Commissioner's relative or employer.
- c. A party with whom a Commissioner shares pecuniary interests (such as partner, employer, lender, renter, or investor).

Notice of Charges / Notice of Hearing

To: Mr. Sam Iaquinto, Northfield Township Planning Commissioner

From: Marlene Chockley, Supervisor

Re: Notice of Charges and Notice of Hearing

Date: February 12, 2020

Please take notice that a public hearing to consider removing you from the Northfield Township Planning Commission will be held at 7:00 p.m., Tuesday, February 25, 2020 at the Northfield Township Hall. Pursuant to MCL 125.3815(9), the Township Board "may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing."

The reason for recommending removal from office is malfeasance – it is alleged you failed to disclose a potential conflict of interest to the planning commission. Specifically, it is alleged that after entering into an agreement regarding real estate you owned, you voted on matters affecting that real estate to ensure that marijuana establishments would be permitted there.

Pursuant to MCL 125.3815(9), "[b]efore casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.'

Potential conflict of interest is defined by the Northfield Township Planning Commission as involving:

- A. Property the Commissioner owns, leases, or rents.
- B. Property owned by a Commissioner's relative or employer.
- C. A party with whom a Commissioner shares pecuniary interests (such as partner, employer, lender, renter, or investor).

You may, but are not required to, attend the hearing.

Northfield Township Planning Commission Minutes of Regular Meeting Public Safety Building; 8350 Main Street March 20, 2019

September to the Building Department, although that may not have been submitted to the Planning Commission. She said this is an existing building, and all they have done is removed old shingles. Roman said this can be worked out with Lippens; Mary Bird and Lippens said they can check with the Building Department.

Motion: Roman moved, Iaquinto supported, to approve the Revised Site Plan for LIttleFish, 8425 Main Street, to operate a graphics and architectural design studio, with the conditions set forth in the McKenna report dated 3/15/19 and the OHM report 3/18/19, and with building elevations to be provided to the Planning Commission at Mr. Lippens convenience. Motion carried 7–0 on a roll call vote.

10B. Sign Ordinance.

Motion: Iaquinto moved, Chick supported, to recommend approval of the Sign Ordinance to the Northfield Township Board of Trustees. Motion carried 7–0 on a roll call vote.

10C. Recreational Medical Marihuana Ordinance

Lippens pointed out one typographical error.

Motion: Roman moved, Iaquinto supported, to approve and forward to the Northfield Township Board of Trustees the Recreational Medical Marijuana Ordinance as corrected.

Cousino read the proposition as written—about 100 words—on the State ballot last November and said he does not understand why the Township is considering an ordinance before the State has created their regulations. He said these are cash businesses because the sale of marijuana is in violation of federal law, so he questioned how the Township will be able to monitor sales and benefit from these businesses.

Roman and Chick said if the Township's regulations end up being in conflict with State regulations, they can be amended, but the Township Board wants the Township to be prepared for the issuance of licenses once State regulations are in place.

Cousino said the Commission has not consulted with the Public Safety Department, the Clerk's office, or the zoning administrator who this will affect their operations. Dwyer said the Commission has been charged with the task of how to restrict marijuana operations in the Township, and he does not believe commercial operations, particularly retail sales should be allowed in the AR district; Zarzecki agreed. In response to a statement from Zarzecki, Lippens noted that "caregiver" is a protected activity, and medical marijuana home occupations do not require a permit. He also noted that the regulations regarding permitting do not require a public hearing, so any ambiguity could be addressed in the future.

In answer to a question from Cousino, Lippens said the requirements for certain distances between marijuana businesses would also apply for any nearby operations in neighboring townships.

Cousino said the map of potential facility locations shows a cluster near the new North Village park, and he questioned the wisdom of that. He said allowing marijuana facilities does not promote a wholesome community. Roman said he appreciates the comments made, and noted those were all included previously in the Commission's discussions.

Motion carried 5—2 on a roll call vote, Cousino and Dwyer opposed.

Motion: Roman moved, Iaquinto supported, for the recommendation of the permit regulations for marijuana facilities to be forwarded to the Township Board of Trustees and request that the Township attorney review them before they are placed on a Township agenda. Motion carried 5—2 on a roll call vote, Cousino and Dwyer opposed.

11. NEW BUSINESS

None.

12. MINUTES

March 6, 2019, Regular Meeting Chick made two corrections.

Motion: Roman moved supported, that the minutes of the March 6, 2019, regular meeting be approved as corrected, and to dispense with the reading. Motion carried 7–0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Jacki Otto, Township Trustee, 1075 St. Andrews Drive, noted that for medical marijuana the Township needed to opt in for sales to be allowed, but for recreational marijuana the Township needed to opt out, so the Township temporarily opted out while waiting for an ordinance to consider. She also noted that the Public Safety Director has commented on this subject, and that the law allows voters to petition to allow facilities if the Township were to opt out.

Kathryn Mayer, 5361 Sutton Road, asked if there will be future opportunities to the public to comment on this subject.

ACTION AGENDA ITEMS

1.

Review Marijuana Ordinance

The Board discussed options for proceeding, including postponing action until the State publishes its regulations, opting out until that time, opting out completely, extending the sunset clause previously set by the Board, recommending changes for the Planning Commission to make, and discussing the proposal in a joint working session of the Planning Commission and Township Board.

John Jackson, Township Planner with McKenna, reviewed the proposed ordinance, including the uses, zoning districts, and number of permits to be allowed, the approval process (conditional use permit required), and the licensing process.

Board members made comments including concern about operations being in AG-zoned areas which are used mainly residentially, the amount of staff time required for processing applications, the total number of permits that would be allowed, the distance required between marijuana facilities and public uses (schools, religious institutions, etc.), and potential stress placed on the sewer plant. <u>Chick Otto</u> noted the Planning Commission approached this ordinance to mirror regulation of alcohol.

Chick read the subtitle of the ballot proposal which included "regulate marijuana like alcohol." A question about having to wait until the State comes down with its rules to adopt an ordinance was asked. In response, Chick noted we do not have to wait; an ordinance can be amended easily and the State had recommended that ordinances be in place prior to their announcing their regulations. Chick commented that there are 1773 communities in Michigan, and while 400 had opted out to date, over 1,000 had not. She expressed disappointment that the marijuana ordinance had been provided to the Board weeks before the April 9th meeting and only two Trustees ha asked questions; questions should have been asked before this meeting if only for efficiency.

Additional comments from Board members included:

- Strenuous objection to allowing any marijuana facilities in the community due to it being illegal at the federal level and the effect on children and the community as a whole.
- Concern about the processing of applications.
- Concern about allowing facilities in any residential district or the Whitmore Lake district.
- Recommended that the Planning Commission look at the Grand Rapids ordinance.
- Said it should not be approached the same as liquor licenses because most of those require the alcohol to be consumed on-site.
- Said the proposal is extreme for something that has so many unknowns about it.

Chief Wagner said:

- He would prefer to wait for the presentation by the DEA representative scheduled for the next meeting before he comments because he is not an expert on this, and whatever the Board decides the Police Department will enforce the law.
- He would be more concerned if Northfield Township is one of only a few communities in the area that opts in because in that case the marijuana-related calls they already get would increase.
- He is also concerned about the odor.
- It is not clear who will <u>be</u> responsible for inspection of facilities.
- Motion: Beliger moved that the Township opt out of allowing any marijuana facilities indefinitely.

Burns said he would prefer an opportunity to prepare a proper amendment to Ordinance 18-62.

Motion withdrawn.

▶ Motion: Beliger moved, Chockley supported, that the Township attorney prepare a proposed amendment to ordinance 18-62 regarding the sunset provision to be provided for the next Board agenda.

Burns said he will prepare two ordinances—for permanent opting out and for an extension of the sunset provision.

Motion carried 6-1 on a roll call vote, Chick opposed.

Chick asked that someone from the City of Ann Arbor be asked to make a presentation at the next Board meeting in addition to the DEA officer.

Motion: Chockley moved, Chick supported, to invite the Planning Commission to the April 23rd Board meeting to discuss the proposed marijuana ordinance. Motion carried 7–0 on a voice vote.

2. Reaffirm Prior Vote on Ordinance 19-63: Amendments to Zoning Ordinance

Motion: Beliger moved, Chick supported, to reaffirm the prior vote on Ordinance 19-63: Amendments to Zoning Ordinance, sign regulations.

Chockley explained that this action is necessary because publication requirements were not met when it was first approved. Beliger expressed concern that sign limitations are too restrictive based on the temporary sign allowed at 75 Barker Road. Planning consultant John Jackson explained that permanent signs may be much larger. Dockett said he is opposed to most sign restrictions.

Motion carried 4-3 on a roll call vote, Beliger, Dockett, and Zelenock opposed. Ordinance adopted.

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.

Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street April 23, 2019

- 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 <u>revenues</u> <u>residues</u> 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

Kreuger 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 <u>Anderson Edgerton</u>, 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 prequalified by the State.

RECESS

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.), sand aid <u>and said</u> 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. Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street April 23, 2019

Motion: Beliger moved, Chockley supported, to eliminated 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 growerfacilities 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 Marihuana 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

Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street April 23, 2019

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.

Submitted by Lisa Lemble. Corrections to the originally issued minutes are indicated as follows: Wording removed is stricken through; wording added is <u>underlined</u>.

Approved by the Township Board on May 14, 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/

NORTHFIELD TOWNSHIP PLANNING COMMISSION Minutes of Regular Meeting May 1, 2019

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:00 p.m. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call:

Janet Chick Brad Cousino Eamonn Dwyer Sam Iaquinto Cecilia Infante Larry Roman John Zarzecki Present Present Present Present Present Absent with notice

Also present:

Building/Planning/Zoning Coordinator Mary Bird Planning Consultant Paul Lippens, McKenna Associates Recording Secretary Lisa Lemble Members of the Community

4. ADOPTION OF AGENDA

Motion: Roman moved, Iaquinto supported, that the agenda be adopted as presented. Motion carried 6—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

Doug Nelson, 5314 Walnut Creek Lane, and Craig Warburton, 450 W. Joy Road, made comments and asked questions about the marijuana ordinance.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

None.

8. PUBLIC HEARINGS

None.

9. REPORTS

9A. Board of Trustees

Chick reported that on April 23rd the Board heard two presentations regarding the proposed marijuana ordinance, made several recommendations for changes to the draft ordinance, and extended the expiration of the sunset clause to June 25th allow the Planning Commission more time to work on the ordinance and schedule a public hearing. 9B. ZBA Has not met.

9C. Staff Report Nothing to report.

9D. Planning Consultant

Lippens noted the 63 day review period for the Master Plan has expired, and he is reviewing comments that were made to incorporate into a revised plan. He said he hopes a public hearing can be held in June.

9E. Parks and Recreation

Iaquinto invited the public to the next meeting on May 9th at the Community Center. He noted:

- 53 community garden plots are available for \$10 each, and -picnic tables will be installed next week,
- On June 7th there will be an antique boat parade at 7:00 P.M. using the community park lakefront area.

9F. Downtown Planning Group

Infante reported that on April 22nd the Downtown Development Authority discussed

- two upcoming events (boat show and Trunkapalooza),
- having input on the Master Plan draft,
- redefining the DDA district to capture more income, and they passed a motion to hire an expert discuss TIF plan.

10. UNFINISHED BUSINESS

10A. Update: Littlefish, 8425 Main Street, Site Plan Approval.

Lippens provided a brief update and referred to his administrative approval letter. He reported the applicant had provided a performance bond and building elevations and made minors revisions regarding parking spaces and lighting. He said the Township is continuing to work with them through the process necessary to get their business up and running.

10B. Update: April 17, 2019 Zoning Ordinance Revision Project Tasks Schedule Update

Lippens said he thinks the proposed schedule is still ambitious. He said he will continue to make revisions during the next six weeks and will work with Commission officers to set a schedule for Planning Commission review.

10C. Update: Marihuana Ordinance

Lippens referred to the Township Board's review of the draft ordinance and permitting regulations and two memos he had prepared. He noted that he will update the permitting regulations with the Board's minor recommendations. Northfield Township Planning Commission Minutes of Regular Meeting Public Safety Building; 8350 Main Street May 1, 2019

He reported the Board recommended that the number of permits be set at two per grower use and three for other facilities, and he reviewed the other ordinance changes recommended by the Board, including buffers between marijuana facilities and several other use types, eliminating all uses from the WLD districts, and eliminating microbusinesses from AR.

Lippens noted a public hearing is scheduled for the next Planning Commission meeting, and the Commission may make changes before making another recommendation to the Board or may chose not to make a recommendation.

Iaquinto reported that he and Chick attended a session of the Michigan Association of Planners (MAP) Conference about recreational marijuana, and a State representative indicated that State regulations regarding recreational marijuana will mirror the medical marijuana regulations. He said municipalities opting in may not make overly restrictive regulations, and results of legal challenges are indicating that sign regulations specific to marijuana facilities may not be different from regulations for other businesses.

Iaquinto said the income the Township would receive from issuing licenses could be used to improve services to residents, and limiting the number of licenses will reduce the potential income. He added that the Township Board asks Commissioners to educate themselves about planning issues and entrusts the development of ordinances to the Commission.

Motion: laquinto moved, Roman supported, to send back to the Township Board the ordinance as originally prepared by the Commission with all of the licenses originally suggested, but giving them the recommendation that if they want to restrict the North Village area out of availability, then to do so based on the income that would be generated from the licenses for the Township and the vacancy issues and lack of development downtown.

There was discussion about what changes the Commission can make at this point or later. Lippens said the Commission can send a revised recommendation to the Board after a public hearing. He recommended that since the motion includes a change to the ordinance which the Commission originally recommended that the Commission wait to send a revised ordinance to the Board until after a public hearing. He noted that at this point the Commission could send the same, unchanged recommendation they previously sent to the Board.

Roman said:

- the Commission recently revised the sign ordinance to ensure compliance with new State law, and the Township Board should consider the new law and ongoing litigation regarding signage before proposing specific sign requirements for marijuana facilities.
- The 1,000 foot separation—as opposed to the 500 feet recommended by the Commission—is too

restrictive, and adding parks, libraries, child care facilities, and religious institutions is in opposition to the State referendum which referred only to separation from K-12 schools. A 1,000 ft separation may create an unnecessary legal liability for the Township.

- The downtown is in need of help, and eliminating all marijuana uses downtown does not take that into consideration.
- The issue of microbusinesses in AR was fully discussed by the Commission before deciding that is where those businesses belong.

Chick said:

- The 500 ft. separation is based on the length of a standard city block, and Lippens explained now the number of grower licenses was arrived at in his memo.
- The Board may not understand what a micro business is. She said this is a much better classification than home occupations for caregivers because it provides better regulation.
- At the MAP conference the seminar presenter reported that Grand Rapids has experienced no increase in crime because of marijuana businesses, and they actually saw an increase in property values.

Infante said some of the Board's recommendations are not practical and may present legal liabilities.

Cousino said he is taken aback by the idea of simply sending the same recommendation back to the Board, and he is not in favor of it. He questioned what is too restrictive regarding the number of licenses. Lippens says the Act allows for reasonable restrictions, including capping the number of permits. He said the Township could set a 1,000 buffer and fewer permits, but those things should align. He said the Commission went through a reasonable process using a 500 foot buffer to set a certain number of permits, but the Board feels a large separation and fewer permits is more appropriate.

In answer to a question from Cousino, Lippens said the 1,000 foot buffer recommended by the Board probably effectively eliminates facilities in the WLD district especially when the additional locations—child care centers, places of worship, and parks—are taken into consideration.

Infante said microbusinesses are a wonderful opportunity in the AR district, and very appropriate for those areas.

In answer to a question from Cousino, Lippens said two operations with two State licenses could be colocated on the same site and would not be subject to separation requirements.

Cousino noted that Shelly Edgerton, former Michigan LARA Director who spoke at the Township Board

Northfield Township Planning Commission Minutes of Regular Meeting Public Safety Building; 8350 Main Street May 1, 2019

meeting, is now an attorney in private practice representing the pro-marijuana presenters in their efforts to obtain licenses.

Motion carried 4—2 on a roll call vote, Cousino and Dwyer opposed.

In answer to a question from Chick, Lippens said the State Act says the Board shall send recommended changes back to the Planning Commission, and the Commission has already held a public hearing, so it appears the Commission can send the ordinance back to the Board—as it just voted to do—without holding another public hearing.

Cousino questioned the procedure of holding a public hearing after the Commission has already made a motion to send the ordinance back to the Township Board. After discussion, it was agreed to delay sending the recommended ordinance to the Township Board until after the public hearing scheduled for May 15th to allow the public to comment.

11. NEW BUSINESS

None.

12. MINUTES

▶ Motion: Roman moved, Iaquinto supported, that the minutes of the April 17, 2019, regular meeting be approved as presented, and to dispense with the reading. Motion carried 6–0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Wayne Davidson, 8015 Coyle Road, Craig Warburton, 450 W. Joy Road, and Doug Nelson, 5314 Walnut Creek lane, made comments about the proposed marijuana ordinance.

14. COMMENTS FROM THE COMMISSIONERS

Commissioners comments included:

 It may be a legal liability for the Township not to review the annual permit for a marijuana business without cause.

- The Township has a responsibility to create ordinances based on the needs of and what is good for the community.
- There has been majority agreement, but not consensus, within the Commission about this issue.
- The Board's recommendations are not unreasonable and the merits of them should have been discussed. Not doing so leaves the impression Commissioners are closed-minded.
- Procedurally the Planning Commission listened to the public and worked diligently for many months, carefully creating an ordinance, yet the Board seemed very surprised at the ordinance the Commission recommended, and in a very heated moment quickly made recommendations without hearing public comment on it. The document is very raw at this point and public comment should be sought. The impression that the Commission is simply throwing the document back to the Board is wrong, rather the Commission will be hearing comments from the public before discussing it further.

Lippens said it is his understanding that the passing the motion was an attempt to confirm the Commission's work and prior recommendation, but that the Commission is still interested in hearing public input on the Board's comments, and the Commission could decide to rescind and replace its motion after the hearing.

15. ANNOUNCEMENT OF NEXT MEETING

May 15, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

Motion: Roman moved, Iaquinto supported, that the meeting be adjourned. Motion carried 6—0 on a voice vote.

The meeting was adjourned at 8:37 P.M.

Prepared by Lisa Lemble. Corrections to the originally issued minutes are indicated as follows: Wording removed is stricken through; wording added is <u>underlined</u>.

Adopted on May 15, 2019.

Larry Roman, Chair

Official minutes of all meetings are available on the Township's website <u>http://www.twp-northfield.org/government/</u>

John Zarzecki, Secretar

MCKENNA



April 30, 2019

Planning Commission Northfield Township 8350 Main Street Whitmore Lake, MI 48189

Memo included in May 1 Planning Commission packet. Excerpt.

MEMORANDUM: Marihuana Zoning Regulations

Dear Commission Members,

Per your request, we have prepared the following Zoning Ordinance revisions to accommodate medical and recreational marihuana uses in the Township. These standards are provided for your consideration and comment. If Planning Commission finds these standards to reflect the preferences of recent discussions, a Public Hearing must be scheduled prior to making a recommendation and forwarding the standards to the Township Board for consideration and adoption.

Please refer to the supportive memorandums and packet material from Planning Commission meetings on December 19, 2018, January 2, 2019, and January 16, 2019. This memorandum has been updated per Board resolutions at the April 23, 2019 meeting.

Summary of Board recommendations are as follows:

- Section 36-729, Medical Marijuana Caregivers. Home Occupation buffer changes back to 1,000 feet.
- Sec. 36-761, Standards for Marihuana Establishments and Facilities
 - o Security cameras must comply with State requirements
 - Air scrubbing and filter changing to comply with manufacturing regulations
 - o Sign requirements added
 - o Buffer changed to 1,000 feet between facilities and from schools
 - Religious establishments, child care facilities, parks, and libraries added to uses that require a 1,000-foot separation from Marihuana facilities.
 - o Clerk may designate application processing
 - Article XII. WLD-Whitmore Lake District. Sec. 36-340. Uses permitted. Deleted. No uses
- marihuana uses permitted in Downtown (WLD) districts
- Article VI. AR—Agriculture District. Sec. 36-157. Conditional uses. No microbusinesses permitted in (AR) Agricultural District

Text that is struck through shall be deleted and text that is underlined shall be added.

A: RECOMMENDED REVISIONS TO ZONING ORDINANCE:

ARTICLE II. - DEFINITIONS SEC. 36-29. - DEFINITIONS.

Marihuana Establishments and Facilities: The term Marihuana Facilities, shall encompass all use classes specifically defined and authorized by the State of Michigan Medical Marihuana Act, MCL333.26421, et seq;

HEADQUARTERS 235 East Main Street Suite 105 Northville, Michigan 48167

O 248.596.0920 F 248.596.0930 MCKA.COM

Communities for real life.

Northfield Township Planning Commission Minutes of Regular Meeting Public Safety Building; 8350 Main Street May 15, 2019

 Motion: Roman moved, Iaquinto supported, to close the public hearing.
 Motion carried 7–0 on a roll call vote.

9. REPORTS

9A. Board of Trustees

Chick reported that on May 14th the Board heard a residential and park proposal for the North Village site, decided on some of the 2019 road projects, and passed a motion confirming that any projects assigned to the Planning Commission must be made by motion by the entire Township Board.

9B. ZBA

Cousino noted the ZBA will meet on May 20th.

9C. Staff Report

Nothing to report.

9D. Planning Consultant No report.

9E. Parks and Recreation

Iaquinto reported there are five new picnic tables in the North Village park and there will be trash cans and a porta-potty. He noted that for large group events Jennifer Carlisle in the Township office should be contacted and anyone interested in renting a community garden plot should also contact her.

9F. Downtown Planning Group

Infante said she had a work conflict with the DDA's meeting on Monday, so she will provide a summary from the minutes at the next meeting.

11. NEW BUSINESS (Heard out of order)

- 11A. Case #JPC190004; Pearl Onions, LLC (Small Potatoes), Applicant; 9230 Main Street, Conditional Use Permit (CUP) for commercial food service kitchen. Parcel B-02-05-368-006; zoned WLD-W
- 11B. Case #JPC190004; Pearl Onions, LLC (Small Potatoes), Applicant; 9230 Main Street, Site Plan for commercial food service kitchen. Parcel B-02-05-368-006; zoned WLD-W

Lippens recommended approval of the CUP subject to final site plan approval.

He also recommended approval of the site plan subject to administrative review and approval of the final site plan showing compliance with the lot coverage requirement and documentation of an easement on the site.

Iaquinto asked whether the applicants would be interested in either reducing the size of the garage or getting a variance for the lot coverage rather than removing it. Mr. Guffy said the lot coverage regulations would allow for a 215 sq. ft. building of some site, but they are trying to expedite the approval process, so they may present a revised site plan showing a 200 sq. ft. structure to allow them to build one in the future. Lippens said the Commission could approve the project subject to that plan revision.

Regarding the tree on the site Roman said he would be in favor of mitigation not being required.

Dwyer asked if walk-in business could be accommodated even thought it is not anticipated at this time. Duffy said they do not plan on that type of operation. Lippens said that use would, however, be consistent with the zoning since it is a walking district and there is some limited parking on that back of the site.

- Motion: Roman moved, Iaquinto supported, in Case # JPC190004 to recommend approval of the Conditional Use Permit for Pearl Onions at 9230 Main Street, Parcel B-02-05-368-006. Motion carried 7—0 on a roll call vote.
- Motion: Roman moved, Chick supported, to approve the site plan in case JPC190004, Pearl Onions, 9230 Main street, Parcel B-02-05-368-006. subject to the McKenna report dated May 2, 2019, with its three recommendations, and submittal of a revised site plan to the planning consultant showing the potential for a future garage on the site and waiving mitigation for the tree removal. Motion carried 7–0 on a roll call vote.

10. UNFINISHED BUSINESS

10A. Procedural Guidelines for Planning Commission and Board of Trustee Recommendations

Lippens noted that the Planning Commission made a motion at their May 1st meeting to return their original proposed marijuana ordinance to the Board without the revisions recommended by the Township Board, but that they saw value in holding the public hearing on the Township Board's recommendations. He said the Commission may decide to make a different recommendation to the Board, but it would first have to pass a motion to rescind the prior motion, which would have to be made and seconded by the two people who made and seconded the prior motion, and only those who voted on that motion could vote on the motion to rescind, which would mean that Zarzecki could not vote on that motion.

There was discussion about possible scenarios for eventual disposition of the proposed ordinance should the Commission and Board not come to an agreement. Lippens said from his reading of the State Act substantive changes by the Board to a recommendation made by the Planning Commission is subject to a public hearing at the Planning Commission. Cousino said he is concerned that this will result in an unending back and forth between the Board and Commission. Northfield Township Planning Commission Minutes of Regular Meeting Public Safety Building; 8350 Main Street May 15, 2019

Lippens said from his reading of the State Act the Board would eventually have to act on the proposal recommended by the Commission. He urged the Commission to really consider the recommendations of the Board, and that the Board do the same regarding the Commission's recommendations, working collaboratively to find a recommendation that is in the best interest of the community based on the input provided.

Infante said the Commission made a recommendation to the Board after months of intense work, and it appears the Board was pressed for time and under pressure following the public input they heard when they made their recommendations on April 23rd. Chick said there was no time pressure as the Board received the Commission's proposal weeks before their April 23rd meeting.

Iaquinto said he will not agree to rescind the motion he made to send the proposal back to the Board. He said the Commission prepared an ordinance based on many hours of work and research. He noted the Library Board and at least one church have stated they do not have an issue with the proposed 500 foot buffer for marijuana facilities only from schools.

Cousino said the Board listened to the public, a drug enforcement agent, and someone who operates a medical marijuana business before making their recommendations for changes. He said he asked for law enforcement, zoning enforcement, and the Clerk's office to be asked for input, and the Commission did not do any of that. He said he believes the Commission did not do its due diligence.

Roman said he feels the Commission did do their due diligence, it is not fair to ask staff for input, the Clerk said she is not an expert on this, and Chief Wagner said he is not an expert but would enforce the law.

10C. Recreational Medical Marihuana Ordinance (Heard out of order)

Commissioners discussed some of the recommendations from the Board of Trustees made at their April 23rd meeting which were summarized in the April 30th McKenna letter.

There was general agreement on the following items. Lippens said, however, that he believes them to be minor enough that the changes could be made at the Board level without further input from the Commission. He said he will consult with the Township attorney about these:

• Security cameras and air scrubbing/filter changing. Commission response: While the State has not released their requirements yet, and while there would be no harm in adding the wording recommended by the Board, the language in the Commission's original proposal is adequate and will have to conform to any rules eventually issued by the State. Clerk may delegate permit processing. Commission response: The Clerk is the proper person to be responsible for processing zoning applications, although the Clerk may delegate responsibilities covered under the marijuana permit regulations, which are not zoning regulations and are not subject to public hearings.

Commissioners also discussed:

Number of licenses; zoning districts for microbusinesses, provisioning centers, and retail centers. Dwyer said this is his greatest concern because the 56 proposed by the Commission is too many, there could be a demand for 20 of those to be grower permits for up to 2,000 plants, important potential issues (sufficient power in the grid, pollution of various kinds, effect on the aquifer levels, etc.) were brought up during the public hearing, and the \$5,000 per license that could be charged should not be a consideration. Infante said the proposed ordinance addresses these valid concerns because applications will need to have complete site plan and CUP review. Chick said applications must also be reviewed by a variety of State and County agencies.

Zarzecki said the 20 growers, the retail facilities, and provisioning centers are different in character from micro businesses, and the testing, processing, and transporter businesses will be relatively small in comparison. He said he would rather see microbusinesses in AR areas rather than downtown, but there would only be six of those permits. He also noted some of the permits would be for medical facilities.

Chick said a wide variety of products are sold in microbusinesses which are do not resemble the traditional image of a "head shop." She added that micro-businesses are preferred over medical marijuana home occupations because the former are regulated and the latter are not.

Cousino said the number of permits can be set by the Board regardless of the Commission's recommendation. Roman confirmed that is true.

Signage. Regarding signs, Lippens said the marijuana Act allows reasonable sign regulations to be set, and although care should be taken in doing so to avoid litigation, this is a matter of local preference and sign character.

Zarzecki said it appears the Board was adding sign regulations only for medical marijuana provisioning centers.

10B. Planning Commissioner's Letter to Township Board of Trustees Regarding Marihuana Regulations

Commissioners briefly discussed the letter to the Township Board <u>drafted by Jaquinto</u> in response to the Board's recommendations for changes to the proposed ordinance. Northfield Township Planning Commission Minutes of Regular Meeting Public Safety Building; 8350 Main Street May 15, 2019

Motion: Roman moved, Iaquinto supported, that the Planning Commission send forward this document, to be revised by Iaquinto, with the addition of the items discussed tonight, including the information regarding microbusiness being preferable to home occupations because they are regulated, to the Board of Trustees as a official Planning Commission document. Motion carried 5—1—1 on a roll call vote, Cousino abstaining, Dwyer opposed.

12. MINUTES

Motion: Roman moved, Iaquinto supported, that the minutes of the May 1, 2019, regular meeting be approved as presented, and to dispense with the reading. Motion carried 7–0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Regarding marijuana businesses being required to follow regulations, Stan Wutka, 5985 Leland Drive, said one of the presenters at the April 23rd Board meeting said he has been an Ann Arbor resident for a year, but came to the meeting driving a car with Indiana license plates, so his claim that he follows rules is questionable.

Kathryn Mayer, 5361 Sutton Road, said anyone who applies to operate in Northfield Township will already have had to comply with many State requirements, such as having cameras.

14. COMMENTS FROM THE COMMISSIONERS

Commissioners:

- questioned whether they are serving the Board well,
- said the Commission also serves the public in addition to the Board,
- said this is a very difficult topic, which can lead to displays of emotion, but Commissioners did a good job of having a non-emotional conversation with respect for each other.
- thanked the public for their participation, and said public comments were very helpful, so the public should continue to give input to the Township Board.
- said applicants for marijuana operations will have to comply with a myriad of regulations, they require a conditional use permit at the Township level, and these are the only businesses in the State that have to apply for their licenses annually.
- said there are very smart people on the Commission and they did their homework, and it was verbally abusive to have to listen to an appointed official imply otherwise.

15. ANNOUNCEMENT OF NEXT MEETING

June 5, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

Motion: Roman moved, Chick supported, that the meeting be adjourned. Motion carried 7—0 on a voice vote.

The meeting was adjourned at 9:29 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows: Wording removed is stricken through; Wording added is underlined.

Adopted on June 5, 2019.

Larry Roman, Chair

14 John Zarzecki, Se

Official minutes of all meetings are available on the Township's website as <u>http://www.twp-northfield.org/government/</u>

Draft Letter written by Inquinto for May 15 Planning Commission packet

The Planning Commission would like to clarify its position on the Board of Trustees recommendations regarding the Marihuana Zoning and Permit Regulations from their April 25, 2019 meeting as presented on the McKenna memo dated April 30, 2019.

The following is a summary of Board of Trustees recommendations including the Planning Commission opinion, along with supporting reasons the Planning Commission differs on certain recommendations presented from the Board:

- Number of Permits Available Board recommends a total of 27 permits available. With the Planning Commission recommending 56 potential licenses at a \$5000 application fee per license per year, the potential result would be \$280,000 in gross revenue to the township per year. With this understanding the Commission would ask the Board to reconsider the number of facilities allowed. The Commission also considered the Marihuana Facility Zoning Analysis Map confirming such locations would not be excessive per zoning districts as proposed.
- Medical Licensed Caregivers As a home occupation requiring a buffer of 1,000 feet is excessive considering this business is unlike any other type of facility.
- Security cameras compliance with State requirements The Commission has no objection to compliance with State requirements.
- Air scrubbing and filter changing to comply with manufacturing regulations The Commission has no objection.
- Sign requirements added by the Board In respect to signage, due to current ongoing litigation in other municipalities and townships regarding marijuana facility signage, and the recent Supreme Court decision of Reed vs Town of Gilbert, the Commission reviwed and suggested no additional requirements would best benefit the township from any potential future litigation.
- Buffer changed to 1,000 feet between facilities and from schools by the Board The Commission recommend a 500 foot buffer between facilities and schools due to the size of our zoning districts, the unique location of schools to possible zoning districts, and the possible limiting effect the 1,000 foot buffer could have on possible zoning districts. Again, the 500 foot model was demonstrated on the Marihuana Facility Zoning Analysis Map.
- Religious establishments, child care facilities, parks, and libraries added to uses that require a 1,000 foot buffer from marihuana facilities by the Board - The Commission recommended not to include additional uses to the restriction on buffers due to the language in the recreational marijuana ballot proposal (MRTMA). This Act contains the term "unreasonably impractical" which the medicinal marijuana act (MMFLA) does not. Local ordinance buffers more stringent than what is presented in the proposal – K-12

schools – may invite potential future litigation against the township. While these locations may be applied for MMFLA, the Commission recommends the Board not apply these restrictions for MRTMA.

• Clerk may designate application processing - The Commission has no objection.

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- WLD Whitmore Lake District deleted from possible zoning district The Commission feels the present downtown is in dire need of rejuvenation. Downtown has suffered from a declining business element for many years. Complementing developments which include restaurants and retail along with dispensaries would enhance downtown and provide additional businesses. This would also attract potential foot traffic to encourage future growth in the downtown zoning district.
- No Microbusinesses permitted in the AR District by the Board The Commission's vision and understanding of what a Microbusiness facility entails mostly mirrors the agritourism industry where specific crops or produce are grown and sold on the same premises. Restricting Microbusinesses from the AR zoning eliminates where this facility appears to be most suitable.

May 16, 2019

To: Northfield Township Board of Trustees

The Planning Commission would like to clarify its position on the Board of Trustees recommendations regarding the Marihuana Zoning and Permit Regulations from their April 25, 2019 meeting as presented on the McKenna memo dated April 30, 2019. The Commission voted 4 in favor, 2 against, 1 absent to resubmit the original recommendations to the Board of Trustees.

The following is a summary of the Board of Trustees recommendations including the Planning Commission opinion, along with supporting reasons the Planning Commission differs on certain recommendations presented from the Board:

- Number of Permits Available Board recommends a total of 27 permits available. With the Planning Commission recommending 56 potential licenses at a \$5000 application fee per license per year, the potential result would be \$280,000 in gross revenue to the township per year. With this understanding the Commission would ask the Board to reconsider the number of facilities allowed. The Commission also considered the Marihuana Facility Zoning Analysis Map confirming such locations would not be excessive per zoning districts as proposed.
- Medical Licensed Caregivers As a home occupation requiring a buffer of 1,000 feet is excessive considering this business is unlike any other type of facility.
- Security cameras compliance with State requirements The Commission specified a requirement under Section 36-761 13. but an applicant would also have to comply with any requirement from the State which may be more inclusive than was recommended. This section can be modified to reflect the State requirement when the final regulations are provided from the State.
- Air scrubbing and filter changing to comply with manufacturers recommendations "Air scrubbing" is commonly an industrial air purification system that removes gases or particles from the air typically used to clean industrial exhaust systems and gas emissions. Wet scrubbers often use water as the scrubbing liquid, and dry scrubbers use a fabric filter to clean the air. Dry scrubbers for example use a HEPA or carbon filters. The Commission recommendation under Section 36-761 15. already included this requirement as well as maintenance. Again, this section can be modified to reflect the State requirement when the final regulations are provided from the State.

- Sign requirements added by the Board In respect to signage, due to current ongoing litigation in other municipalities and townships regarding marijuana facility signage, and the recent Supreme Court decision of Reed vs Town of Gilbert, the Commission reviewed and suggested no additional requirements would best benefit the township from any potential future litigation.
- Buffer changed to 1,000 feet between facilities and from schools by the Board The Commission recommend a 500 foot buffer between facilities and schools due to the size of our zoning districts, the unique location of schools to possible zoning districts, and the possible limiting effect the 1,000 foot buffer could have on possible zoning districts. Again, the 500 foot model was demonstrated on the Marihuana Facility Zoning Analysis Map.
- Religious establishments, child care facilities, parks, and libraries added to uses that require a 1,000 foot buffer from marihuana facilities by the Board The Commission recommended not to include additional uses to the restriction on buffers due to the language in the recreational marijuana ballot proposal (MRTMA). This Act contains the term "unreasonably impractical" which the medicinal marijuana act (MMFLA) does not. Local ordinance buffers more stringent than what is presented in the proposal K-12 schools may invite potential future litigation against the township. While these locations may be applied for MMFLA, the Commission recommends the Board not apply these restrictions for MRTMA.
- Clerk may designate application processing Although the Commission does not wish to recommend administrative duties, most ordinance models the Commission reviewed assigns the Clerk as the responsible party for the application process. If the Board feels the Clerk may delegate application processing, perhaps it could be specified in the Marihuana Permit Regulation amendment which is where the actual process is spelled out. The same result could be achieved while also maintaining a concise Marihuana Zoning Regulation document.
- WLD Whitmore Lake District deleted from possible zoning district The Commission feels the present downtown is in dire need of rejuvenation. Downtown has suffered from a declining business element for many years. Complementing developments which include restaurants and retail along with dispensaries would enhance downtown and provide additional businesses. This would also attract potential foot traffic to encourage future growth in the downtown zoning district.
- No Microbusinesses permitted in the AR District by the Board The Commission's vision and understanding of what a Microbusiness facility entails mostly mirrors the agritourism industry where specific crops or produce are grown and sold on the same premises. Restricting Microbusinesses from the AR zoning eliminates where this facility appears to be most suitable. The Commission would like to encourage the Board to reconsider allowing the AR zoning district be included for Microbusiness as a conditional use. Information from a recent workshop provided by the Michigan Association of

Planners and attended by two commissioners, suggested the State added microbusinesses as a facility type in effort to ultimately replace caregivers as a home occupation. Reason being, this would ensure monitoring and regulation as opposed to none. Including the AR district also allows entrepreneurship and income generating opportunities for residents in the AR district.

Respectfully submitted,

Larry Roman

Northfield Township Planning Commission Chair

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.

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.

Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street July 23, 2019

PUBLIC HEARING: Marihuana Permit Regulations

Motion: Chockley moved, Manley supported, that the public hearing be opened. Motion carried 7—0 on a voice vote.

Members of the public made comments, including:

- Stan Wutka, 5985 Leland Drive, said the Township should opt out, he disagrees with some of the decisions made by the Planning Commission about the proposed ordinance, and expressed concern about lighting and other effects from some of the businesses.
- James Trunko, 9255 Lakewood Drive, asked what the Board and community are afraid of. He said Ann Arbor allows these businesses and is consistently one of the most desirable places to live, people will be selling marijuana privately in their homes so the Township should take advantage of the money to be made, and alcohol is already legal.
- Greg Kapolnek, 1090 Five Mile Road, said his house is next to an area (JoMar Park) where marijuana businesses would be allowed and he does not want to live next to them.
- Sam Iaquinto, 9876 Main Street, said State law for recreational marijuana will mirror alcohol laws, one business that would have located in Northfield Township has already been lost to Green Oak due to the Township's delay on these ordinances, fees could bring in \$280,000 per year to the general fund, downtown businesses could benefit from the traffic created by these new businesses, the Library Board and the Living Water Church pastor both said there is no need for setbacks from schools over what is required by the State.
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Jerod Maynard, 35956 Vaughn, Clinton Township, said he represents Organic Real Estate Holdings, a medical marijuana company backed by a \$3 billion dollar private equity fund which has spent \$20 million on such facilities in Michigan in the last eight months and plans to spend another \$30 million. He said from their exteriors their facilities could be mistaken for many commonly-accepted businesses, and they have already been given approval by a James Beard award-winning restaurant group to build a \$5 million restaurant with an attached medical marijuana store in Northfield Township, but restricting retail sales in the downtown area will prevent this development.

- Phil Pucillo, 5011 Walnut Creek Lane, urged the Board to consider waiting several more months to allow the people to have the last word via a referendum on the November ballot.
- Adam Olney, Whitmore Lake, said if the Board opts out tonight a referendum could not be placed on the ballot. He said the Library and a local church did not have objections to the proposed ordinances and did not think additional separation requirements were needed, he was disappointed that more information about this issue was not included in the packet for this meeting,

and he hopes the Board will adopt the Planning Commission's recommendations.

- Craig Warburton, 450 W. Joy Road, said the State sees this as a massive cash cow, the Planning Commission has done an exemplary job of creating a proposed ordinance, there is no reason to wait and nothing to be afraid of, and this could be part of the renaissance of downtown Whitmore Lake.
- Jack Brugger, 5995 Leland Drive, said he does not see why the Township is going to the trouble of considering this ordinance. He said if the income is the Township's motivation, the Township should give the money received back to property owners rather than spending it the way the Board wants to.
- Motion: Chockley moved, Manley supported, that the public hearing be closed. Motion carried 7—0 on a voice vote.

UNFINISHED BUSINESS

1. Ordinance 19-67: Marijuana Permit Regulations

Board members made comments, including:

- The revenue will not be what some Board members are expecting, and it cannot be used for roads or infrastructure.
- Other states that have legalized marijuana have experienced crime problems, including the rise of a black market and an increase in drug abuse problems.
- Marijuana use is not good for anyone except for a very few who benefit from medical use, and there is very little for the community to gain.
- Some text corrections are needed to reflect prior Board changes.
- If the ordinance is adopted the Township should maintain the opt out status (until September 24th) until an application process is established.
- It appears the State issued emergency rules because they felt pressured for time, but they did not address administrative procedures.

Planning consultant Paul Lippens and attorney Paul Burns provided answers to questions from Board members, including:

- The State recently added four types of businesses, and those would not be permitted in Northfield Township if the proposed ordinance were to be adopted until such time as the ordinance is amended to include them.
- If the ordinance is adopted it would become effective 30 days after publication, and to avoid confusion the Board should also act to repeal the opt out action (which is in effect until September 24th).

Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street November 12, 2019

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.

Amended Motion #4: Chick moved, Otto seconded, to adopt Ordinance 19-66 with the changes made in the the Whitmore Lake District-Downtown (WLD-D), the Whitmore Lake District-Waterfront (WLD-W), and the Research, Technology, and Manufacturing (RTM) districts, and excluding the four new marijuana businesses under the State emergency rules.

<u>Amended</u> 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 Ordinance18-62, 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 bene 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 Ordinance18-62, 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. 1

Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street December 10, 2019

Amended motion #1: Chockley moved, Manley seconded, that the balance of the agenda be adopted with the removal of item 5, moving items 11 and 12 to follow item 3, and correction of two resolution numbers. Amended motion #1 carried 6—0 on a voice vote.

ACTION AGENDA ITEMS

1. Approve Payment of Open Bills (expected check run date 12-11-19)

Motion: Chockley moved, Otto seconded, to approve payment of Open Bills (expected check run date 01-09-2019) for a total of \$55,571.42 from all funds in the Municipal Investment Fund (MIF) account. Motion carried 6—0 on a voice vote.

2. Hiring of Paid On-call Firefighter Trainee

Motion: Beliger moved, Otto seconded, to hire Paid On-call Firefighter Trainee James Pierce at the rate of \$10.50 per hour contingent on passing background check and physical. Motion carried 6—0 on a roll call vote.

Hernerscher Berner Stellungen (M. 2014). In 2000 Internet auf der Keinen der Auferner der Keinen der Kein

Chief Wagner reported that the two police vehicles previously approved for purchase by the Board will not be produced by the auto manufacturer, so two other vehicles will be purchased at about the same cost.

3. Update on Sewer Back-Up Claim

Aynes reported the insurance company has indicated the claim does not meet the criteria establishment <u>established</u> in State law.

[Beliger left the room].

11.

Resolution 19-72: Amend Chapter 23, Marihuana Facilities, Section 23-6, Application Requirements for and Issuance of Township Permit

Motion: Chockley moved, Otto seconded, to adopt Resolution 19-72 to Amend Chapter 23, Marihuana Facilities, Section 23-6, Application Requirements for and Issuance of Township Permit.

Burns said the purpose of this is to make sure the criteria and the ordinance are woven together more tightly.

Motion carried 5-0 on a roll call vote, Beliger out of the room. Resolution adopted.

[Beliger returned].

12.

Review Revised Procedures and Permit Application for Marihuana Business Permits

Lippens recalled that the Board established a subcommittee to work on creation of the application and procedures for acceptance of applications for marijuana businesses. He briefly reviewed his memo of December 4th about the proposed documents. He noted the Township will be using a window for initial applications, rather than a first-in-line method, and he answered a variety of questions from Board members about how applications will be processed.

Chick noted the application window will be December 26, 2019, through January 2, 2020, with the public random drawing for application order on January 28, 2020, at 6:00 P.M. prior to the Township Board meeting.

Burns stated he had reviewed the documents and is satisfied with them.

Motion: Chick moved, Otto seconded, to adopt the marijuana facility application procedures dated December 4, 2019, as presented in the packet. Motion carried 5—1 on a roll call vote, Beliger opposed.

Aynes indicated forms and other information will be available on the Township website no later than Friday morning.

4. Status Report on Evaluation of North Village Development Offers

Lippens said both of the developers whose qualifications have been approved by the Board have reformatted their offers according to the instructions of the Board. Aynes noted A. R. Brouwer is proposing apartment buildings using MSHDA (state subsidized) funding, and they need to know by January 15th whether the project will be going forward. Mr. Kornan Korinek with A. R. Brouwer described the MSHDA funding process and timing.

Lippens asked for guidance from the Board about the scoring and what it wants from the committee regarding a recommendation if it wants to move forward with one of the proposals. The Board indicated the financials need to be compared, and the changes to the template made by the developers.

Zelenock said the two proposals do not meet the vision of the public for all of the land to be a park or the synthesis plan developed by the Township and asked the subcommittee to consider that. She also asked that the Parks and Recreation Committee contact Washtenaw County about their possible involvement in developing the park.

Received 1-24-2020 by email

1-20-2020 Northfield Township BOT Northfield Township PC

Notification to Northfield Township Boards

With tremendous respect to Northfield Township Board of Trustees and the Planning Commission, I wanted to share that my Property at 9876 Main Street is under a purchase agreement with Pure Roots, LLC to operate a marihuana provisioning center.

Serving on the Planning Commission is a responsibility I take very seriously. I will recuse myself from any discussions at the PC regarding my property.

If Pure Roots LLC is chosen as a licensed provisioning center my residency will continue to be in Northfield Twp.

My family has loved living and serving in and for this special community, and school district. We look forward to the continuation of service on the PC, Parks and Rec, DDA, Michigan Pond Hockey, and The Whitmore Lake HS Football Coaching Staff.

Respectfully

Samuel laquinto Anne laquinto

Code of Ordinances

- (d) An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his term on the township board.
- (e) No other elected officer or employee of the township is eligible to be a member of the planning commission.

(Ord. No. 11-14, § 3, 6-14-2011)

Sec. 2-149. - Removal.

The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

(Ord. No. 11-14, § 4, 6-14-2011)

Sec. 2-150. - Conflict of interest.

- (a) Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this division constitutes malfeasance in office.
- (b) For the purposes of this section, the planning commission shall define conflict of interest in its bylaws.

(Ord. No. 11-14, § 5, 6-14-2011)

Sec. 2-151. - Compensation.

The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

(Ord. No. 11-14, § 6, 6-14-2011)

Sec. 2-152. - Officers and committees.

- (a) The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be one year, with opportunity for re-election as specified in the planning commission bylaws.
- (b) The planning commission may also appoint advisory committees whose members are not members of the planning commission.

(Ord. No. 11-14, § 7, 6-14-2011)

Sec. 2-153. - Bylaws, meetings and records.

(a) The planning commission shall adopt bylaws for the transaction of business.

Planning Commission Bylaws Excerpts Northfield Township Bylaws - Adopted April 6, 2015

member of the Township Board shall be a member of the Planning Commission. One member of the Planning Commission shall be appointed to the Zoning Board of Appeals.

SECTION 5.2 - APPOINTMENT

All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. The Township Board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

SECTION 5.3 - TERM

The term of each member shall be for three (3) years such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year. A commissioner may keep his or her seat past the end of the appointed term until replacement nominations have been accepted. The term of the member of the Township Board shall expire with his or her elected term.

SECTION 5.4 - SUCCESSION

Each member shall serve until his/her term shall expire. Members may be re-appointed by the Township Supervisor with the approval of the Township Board. Vacancies resulting from resignation and/or removal shall be filled in the same manner and shall be appointed for the remainder of the term of the resigning member.

SECTION 5.5 - COMPENSATION

- A. Planning Commissioners may be compensated as provided by the Township Board.
- B. Planning Commissioners may be compensated for travel expenses incurred as travel to conferences and meetings.

SECTION 5.6 - COMMISSION EMPLOYEES

The Township Board may employ appropriate and other employees and/or contract for parttime or full-time service of individuals or firms to assist the Planning Commission in its responsibilities and duties.

ARTICLE VI - OFFICERS

SECTION 6.1 - SELECTION

The first meeting in January shall be considered the Planning Commission's organizational meeting, at which the Planning Commission shall elect from its membership a Chairperson, Vice Chairperson, Secretary and any other officers deemed necessary. All officers are eligible

- N. Comments from Commission
- O. Adjournment

SECTION 8.8 - MOTIONS

Motions shall be restated by the Secretary before a vote is taken. The name of the maker and the supporter of a motion shall be recorded for the minutes.

SECTION 8.9 - VOTING

Voting on minutes, opening and closing of public hearings, election of officers, adoption of agenda, recess and adjournment shall be by voice and shall be recorded by yeas and nays, unless a roll call vote is requested by any member of the Commission. Roll call votes will be recorded on all other matters before the Commission. A member of the Planning Commission can only abstain from voting on a motion if he/she finds a conflict of interest on a motion.

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member may abstain from voting on the matter, and may absent him- or herself from the room in which discussion of the matter takes place. In addition, the member may be disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as noted above constitutes malfeasance in office.

Potential conflict of interest is defined by the Northfield Township Planning Commission as involving:

- A. Property the Commissioner owns, leases, or rents.
- B. Property owned by a Commissioner's relative or employer.
- C. A party with whom a Commissioner shares pecuniary interests (such as partner, employer, lender, renter, or investor).

The affirmative vote of a majority of the seated Commissioners shall be necessary for the adoption of a master plan or any part thereof.

SECTION 8.10 - NOTICE OF DECISION

A written notice containing the decision of the Planning Commission will be transmitted to petitioners and originators of a request for the Planning Commission to study an issue within the purview of the Commission. Such notice shall be transmitted by the Planning Commission Secretary or staff.

SECTION 8.11 - ADJOURNMENT OF MEETING

Planning Commission meetings should adjourn no later than 10:00 pm. New agenda items

NORTHFIELD TOWNSHIP Township Board Minutes February 11, 2020

CALL TO ORDER

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

PLEDGE/INVOCATION

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 (arrived at	7:05 р.м.)
Wayne Dockett, Trustee	Present
Jacki Otto, Trustee Present (arrived at	7:08 р.м.)

Also present:

Public Safety Director William Wagner Wastewater Treatment Plant Superintendent Dan Willis Township Engineer Brian Rubel, Tetra Tech Township Planner Paul Lippens, McKenna Township Manager Steven Aynes Township Attorney James Fink, Fink &: Fink PLLC Recording Secretary Lisa Lemble Members of the community

FIRST CALL TO THE PUBLIC

[Chick and Otto arrived].

Dale Brewer, representing the Connect Five Veteran's Foundation, presented Chief Wagner with a plaque and two label pins to thank him for his support. Those present stood and applauded Wagner. Wagner said he and his officers thank the organization for allowing them to be part of their activities.

Sam Iaquinto, 9876 Main, Parks & Recreation Committee Chair, Mike Cicchella, 7789 Sutton, Jack Secrist, 7140 Nollar Road (reading a letter from Jenni Olney, Lakewood Court, DDA member), Brian Trim, 254 Lake View, Scott Chisholm, 8006 Lakeshore, Faith Wheeler, 371 Grove, and Tim Offerle, 8105 Lakeshore, commented on the North Village Park. Anne Hunter, 8176 Fair Oaks Drive, Jessica Mizner, 8176 Fair Oak Drive, Dale Brewer, Burke O'Berry, 8176 Fair Oaks?, commented on the proposed sewer plant retention basin. Jack Secrist, Nollar Road. Marissa Prizgint, 32 Schrumm Drive, commented on 75 Barker Road, the sewer plant retention basin, and updating the Township website. She also read a letter from L.J. Walters, 412 East Shore Drive, regarding Call to the Public rules.

BOARD MEMBER RESPONSE

Board members thanked Dale Brewer for his volunteer work and addressed comments and provided information about the issues brought up during the Call the Public.

CONSENT AGENDA

- Reports
- Notes of January 28, 2020 Drawing
- Check Disbursement for 1/10/20-2/6/20
- Correspondence
- Motion: Chockley moved, Beliger seconded, that the consent agenda be adopted as presented.

Board members asked questions about the Wastewater Treatment Plant report and Planning Commission annual report. Willis provided information about planned repair work and new technology being implemented, and Lippens explained how work will proceed on the Planning Commission work plan.

Motion carried 7-0 on a voice vote.

CORRESPONDENCE AND ANNOUNCEMENTS

- Zelenock noted property tax payments are due by Friday, February 14th.
- The Board of Review will meet on March 10th and 12th.
 The Board will hold an informal question and answer
- The Board will hold an informal question and answer period at 6:00 P.M. on February 25th.

AGENDA ITEMS

1. Approve Payment of Open Bills (expected check run date 2/12/2020)

Motion #1: Chockley moved, Chick seconded, to approve payment of Open Bills (expected check run date 2/12/2020) for a total of \$176,730.63 from all funds in the Municipal Investment Fund (MIF) account.

Dockett said he is opposed to paying SEMCOG dues.

Motion #2: Beliger moved, Dockett seconded, to not to pay 2019 SEMCOG dues of \$1,223.

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

Motion #1 carried 5—2 on a roll call vote, Beliger and Dockett opposed.

2. People's Express Contract for 2020

 Motion: Chockley moved, Chick seconded, to adopt the contract with People's Express for January 1 – December 31, 2020, and to authorize the Township Supervisor and Manager to sign the agreement pending attorney approval.

Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street February 11, 2020

Beliger said the Township should not be subsidizing People's Express, which should be thanking the Township for the services the Township provides to it given that it does not contribute to the Township's tax base. Zelenock, a People's Express board member, answered questions from Dockett about the cost and scheduling of rides. Chick and Otto noted rides are provided at very low price for those in the greatest need in the community.

Motion carried 4-2-1 on a roll call vote, Dockett and Beliger opposed, Zelenock abstaining.

3. Fire Department Request to Purchase Jaws of Life

Motion: Chockley moved, Otto seconded, to purchase one full set of Jaws equipment, including the extras of spreader, ram, combi tool, direct electrical power cord, and set of chains, at a cost of \$41,400.

In answer to questions, Chief Wagner said the department was not able to get a grant for this, this equipment will probably be used about 10 times per year, and older equipment will be traded in as part of the purchase.

Motion carried 7-0 on a voice vote.

4. Contract with Fink & Fink, PLLC

Motion: Chockley moved, Beliger seconded, to authorize the Township Manger to sign the letter pf agreement with Fink & Fink PLLC for legal services as detailed in the proposal received by the Board dated January 13, 2020.

The Board discussed whether the agreement should include more specific information (term, duties to be performed, etc.) and a statement regarding the issue of the Township attorney acting only at the direction of the entire Board. Fink said the governing document is the proposal from his firm which was accepted by the Township Board. He said he does not need a contract, and the Board can dismiss his firm at any point without notice. He added that he would expect full Board direction for written opinions, but there may be matters that come up between Board meetings that need to be addressed.

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

5.

Funding Options for Wastewater Treatment Plant Equalization Basin Construction

▶ Motion: Chockley moved, Chick seconded, that the Township Manager and Township legal counsel draft a resolution to be considered at the February 25, 2020, meeting to authorize the publication of the intent to issue General Obligation Bonds in the amount of \$6,240,225 for the construction of an equalization basin at the wastewater treatment plant. In answer to questions, Brian Rubel, Tetra Tech, said:

- Tetra Tech has completed drawings needed for bids, but there are costs in addition to what is paid to the contractor (engineering, legal, financial) as well a 25% contingency amount, which would allow the project to proceed if bids come in high.
- He is not sure what the speakers during Call to the Public were referring to about using more modern technology, but there are three ways to address the issue: (a) find and correct infiltration sources, (b) push more water through the pipes (both of which the plant staff do), and (c) to manage the flows, which the proposed tank would assist with.
- He does not know of another logical location for the tank given limitations on the site, including wetlands, and the need to drain the tank using gravity. He confirmed trees are being removed.

Board members made comments including that this proposal will need to be approved by Green Oak Township (which has issued a letter stating the proposal meets all site plan requirements), a 25% contingency seems excessive and specifics of what is included should be provided, what the cost to sewer customers is should be clear, the Township should consider a time of sale inspection program to help correct infiltration issues, residents not on sewer should not be liable for future expenses, and more information should be provided about the cost of preventing infiltration.

There was discussion about the need for the basin, and Aynes noted the Township has now been given an official notice that the plant is in violation in a number of areas, with a response required by March 13th indicating what the Township intends to do to prevent future violations. Willis said the State is stepping up their enforcement in all community regarding stormwater management.

Motion carried 5-2 on a roll call vote, Zelenock and Dockett opposed.

6. Sale of A Portion of the North Village to Livonia Builders with Conditions

Motion: Beliger moved, Chick seconded, that the Township accept the offer by Livonia Builders to purchase the portion of the North Village site as indicated for the placement of approximately 90 single-family homes for a price of \$765,000, including the seven changes, which includes approximately 6.5 acres of park.

There was discussion about whether this action would be binding. Fink suggested that the Board direct the him to work with the Township Manager to bring a recommendation to the Board about next steps.

Beliger withdrew her motion.

Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street February 11, 2020

Motion: Beliger moved, Chick seconded, that the Township Manager work with the Township attorney to review the current offer from Livonia Builders and bring back to the Board recommendations for proceeding.

Board members made statements for and against retaining the entire property as park, discussed the history of the decision-making process about how to use the property, and questioned what the market value of the property is.

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

7.

Sale of 75 Barker Road and Public Parking

Motion: Chockley moved, Otto seconded, to authorize the Township Manager to communicate with Thomas Duke the preference of the Board to sell 75 Barker with the expectation that an easement will be negotiated with the buyer to provide public parking on the parcel.

The Board questioned whether any of the offers made are still valid and whether the Township can change what it is offering for sale at this point. Fink said the Board does not have to accept any of the offers and may take the property off the market. He recommended that the Board decide what it wants to do before proceeding. Several Board members indicated they would prefer to retain the parking via an easement for public use.

Fink noted details such as who is responsible for maintenance, whether the new owner has the right to use any of the parking, whether specific spaces are to be reserved for public use, etc. must be determined.

There was discussion about whether any offers not including such an easement would be considered, the need to decide on what the Township's parking requirements are, and whether to ask the DDA to make a recommendation. Lippens noted the number of parking spaces available will depend on the design of the lot and recommended that he and Township Manager work with Thomas Duke on the details.

Motion carried 6-1 on a roll call vote, Docket opposed.

8. Amendment to Employee Handbook: Updated Harassment Policy

Motion: Chockley moved, Manley seconded, to replace the draft harassment policy in the Employee Handbook with the version provided in the Board packet.

Chockley said the proposed language was reviewed by the Township's labor attorney. Aynes recalled that the Board had previously discussed a desire to provide employees concerned with harassment with someone they would feel comfortable speaking with.

Motion carried 7-0 on a roll call vote.

9. January 28, 2020, Minutes of Special Board Meeting

 Motion: Chockley moved, Otto seconded, that the minutes of the January 28, 2020, Special Board Meeting be approved as presented.

There was discussion about whether any members of the public were present.

Amended Motion: Chockley moved, Beliger seconded, that the minutes of the January 28, 2020, Special Board Meeting be approved with the elimination of "Members of the Public" listed among those present.

Amended motion carried 7-0 on a voice vote.

10. January 28, 2020, Minutes of Regular Board Meeting

 Motion: Chockley moved, Otto seconded, that the minutes of the January 28, 2020, Regular Board Meeting be approved as presented.
 Motion carried 7–0 on a voice vote.

TRUSTEE/LIAISON REPORTS

Motion: Chockley moved, Beliger seconded, to approve the Trustee/Liaison reports.

Dockett made comments about the cost of the Washtenaw County Community College millage renewal and the issue of ingress and egress to the North Village site. Zelenock noted the Township will be moving to a different credit card processing company.

Regarding the General Fund report, Zelenock said she will be asking the controller to list marijuana fees as a separate revenue line in the future.

Motion carried 7-0 on a voice vote.

ANNOUNCEMENTS

No comments.

SECOND CALL TO THE PUBLIC

Dale Brewer, 11548 East Shore Drive, commented on the issue of parking to be retained at 75 Barker Road. Aynes answered a question from Mike Cicchella about the appraisal of the North Village site. Cicchella, Anne Hunter, Jessica Mizner, and Michael Repa, 8002 Fair Oaks Drive, commented on the proposed sewer plant retention basin. Jim Nelson, 7777 Sutton, and Faith Wheeler commented on the North Village site. Marissa Prizgint said she was glad to see progress being made on several issues. Northfield Township Board Meeting Minutes of Regular Meeting Public Safety Building; 8350 Main Street February 11, 2020

BOARD MEMBER COMMENTS

Board members made comments, including:

- More information is needed about screening of the proposed retention basin and heavy equipment using the road.
- The size of the parcel being reserved for park on the North Village site was increased from 5 acres to at least

6.5 acres to account for some area being needed for roads and parking.

ADJOURNMENT

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

The meeting adjourned at 10:38 P.M.

Submitted by Lisa Lemble.			
Corrections to the originally issued minutes are indicated a Wording removed is stricken through ; Wording added is <u>underlined</u> .	as follows:		
Approved by the Township Board on	, 2020.	Kathleen Manley, Clerk	

Official minutes of all meetings are available on the Towns http://www.twp-northfield.org/government/township_boar	hip's websit rd_of_truste	e at <u>res/</u>	

Memo

From:Jennifer CarlisleSubject:Open Bills Report

Date: February 20, 2020

Normally the "Open Bills" report is only included on the agenda for the first meeting of each month. With the first meeting in March being held on the third Tuesday of March due to the election on the second Tuesday, this would push back when I am able to pay bills until March 18th or later. I have received several bills since the last meeting that will become due prior to March 18th, so I am requesting that the Board approve a second round of bill payments in February to avoid late payments. I will include an "Open Bills" report on the March 17th agenda as usual.

Sincerely,

Jennifer Carlisle Assistant to the Township Manager

02/20/2020 12:17 PM User: JEN DB: Northfield	INVOICE G EXP B(Page: 1/3		
GL Number	Invoice Line Desc	BANK CODE: M Vendor	Invoice Description	Amount Check #
Fund 101 GENERAL FUND Dept 253 TREASURER 101-253-860.000	FUEL & MILEAGE	EMILY HOFSESS	MILEAGE 12/9/19-2/19/20: TRIPS TO BAN	113.44
		Total For Dept 253 TREAS	URER	113.44
Dept 270 LEGAL/PROFESSION 101-270-800.000 101-270-803.000 101-270-803.000	AL OTHER PROFESSIONAL FEES LEGAL LEGAL	TREEMORE ECOLOGY & LAND FINK & FINK, PLLC PAUL E BURNS	LANDOWNER CALLS & GREENBELT CALLS LEGAL SERVICES JAN 2020 LEGAL SERVICES JAN 2020	90.00 312.50 690.00
		Total For Dept 270 LEGAL	/PROFESSIONAL	1,092.50
Dept 448 STREET LIGHTS 101-448-920.000	UTILITIES	DTE ENERGY	STREETLIGHTS 1/1/20-1/31/20	2,583.01
		Total For Dept 448 STREE	T LIGHTS	2,583.01
		Total For Fund 101 GENER	AL FUND	3,788.95
Fund 207 LAW ENFORCEMENT :	FUND			
Dept 000 207-000-214.000 207-000-214.000	DUE TO OTHERS DUE TO OTHERS	STATE OF MICHIGAN STATE OF MICHIGAN	SEX OFFENDER REGISTRY - JAN 2020 SEX OFFENDER REGISTRY FEB 2020	30.00 30.00
		Total For Dept 000	—	60.00
Dept 226 PERSONNEL 207-226-741.000	UNIFORMS/GEAR & ALLOWANCE	EMBLEM ENTERPRISES, INC.	200 PATCHES	336.91
		Total For Dept 226 PERSO	NNEL	336.91
Dept 301 OPERATING COSTS 207-301-727.000 207-301-727.000 207-301-818.000 207-301-972.000	SUPPLIES CONTRACTUAL SERVICES COMPUTER		PD 3 - 5 ARTESIAN WATER, SERVICE CHAR WHEEL LOAD WEIGHER CALIBRATION YEARLY CONTRIBUTION 1/1/20-12/31/20 PD CONTRACT - 30 HOURS	39.50 145.00 3,000.00 2,640.00
		Total For Dept 301 OPERA	TING COSTS	5,824.50
Dept 333 TRANSPORTATION 207-333-860.000 207-333-930.000 207-333-930.000 207-333-930.000 207-333-930.000	FUEL & MILEAGE REPAIRS & MAINTENANCE REPAIRS & MAINTENANCE REPAIRS & MAINTENANCE	SHANNON CLARK BOB'S BODY SHOP CREATIVE CARS INC CREATIVE CARS INC	TRAINING IN DIAMONDALE 2/7/20 2014 EXPLORER REPAIR PER INSURANCE ES 2017 TAHOE OIL CHANGE 2014 EXPLORER OIL CHANGE	56.47 5,469.33 53.48 58.09
		Total For Dept 333 TRANS	PORTATION	5,637.37
-	x	Total For Fund 207 LAW E	NFORCEMENT FUND	11,858.78
Fund 216 MEDICAL RESCUE F Dept 301 OPERATING COSTS 216-301-727.000 216-301-820.000 216-301-920.000	UND SUPPLIES DISPATCH SERVICES UTILITIES		ELECTRODE, AED INF/CHILD F/LIFE FIRE DISPATCHING SERVICES FEB 2020 PROPANE DELIVERY 411 GAL	111.23 918.82 701.13
		Total For Dept 301 OPERA	TING COSTS	1,731.18
Dept 333 TRANSPORTATION 216-333-930.000 216-333-930.000 216-333-930.000 216-333-930.000	REPAIRS & MAINTENANCE REPAIRS & MAINTENANCE REPAIRS & MAINTENANCE REPAIRS & MAINTENANCE	ADVANCE AUTO PARTS - FD BOULLION SALES, INC. BOULLION SALES, INC. BREATHING AIR SYSTEMS	SAF-T-FLATE VALVES CUB CADET GENERAL SERVICE, SHARPEN BL TRIMMER, OIL ANNUAL PREVENTATIVE MAINTENANCE	84.58 520.60 327.94 753.75

02/20/2020 12:17 PM User: JEN DB: Northfield	PM INVOICE GL DISTRIBUTION REPORT FOR NORTHFIELD TOWNSHIP EXP CHECK RUN DATES 02/26/2020 - 02/26/2020 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: MIF		Page: 2/3		
GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 216 MEDICAL RESCUE F	UND				
Dept 333 TRANSPORTATION		Total For Dept 333 TRANSI	PORTATION	1,686.87	
		Total For Fund 216 MEDICAL RESCUE FUND		3,418.05	
Fund 248 DOWNTOWN DEVELOP	MENT AUTH				
Dept 301 OPERATING COSTS 248-301-800.000	OTHER PROFESSIONAL FEES	DANA FORRESTER	DDA LOGO DESIGN	150.00	
		Total For Dept 301 OPERA:	TING COSTS	150.00	
		Total For Fund 248 DOWNTOWN DEVELOPMENT AUTH		150.00	
Fund 571 WASTEWATER TREAT	MENT FUND				
Dept 301 OPERATING COSTS 571-301-740.000 571-301-740.000 571-301-740.000 571-301-929.000 571-301-930.000 571-301-930.000	OPERATING SUPPLIES OPERATING SUPPLIES OPERATING SUPPLIES GRANT EXPENSE REPAIRS & MAINTENANCE REPAIRS & MAINTENANCE	ATCO INTERNATIONAL HAVILAND PRODUCTS COMPAN NCL OF WISCONSIN, INC. TETRA TECH INC STATE OF MICHIGAN STATE OF MICHIGAN	1 CS QUICKIES FERRIC CHLORIDE POTASSIUM PERSULFATE, KIMWIPES, CHLOR SAW GRANT SERVICE THRU 1/24/20 WWTP STORM WATER ANNUAL PERMIT FEE 20 TWP STORM WATER ANNUAL PERMIT FEE 202	$ \begin{array}{r} 157.50\\ 5,696.99\\ 447.88\\ 17,544.12\\ 260.00\\ 500.00\\ \end{array} $	
		Total For Dept 301 OPERA	Total For Dept 301 OPERATING COSTS		
Dept 900 CAPITAL OUTLAY 571-900-970.000 571-900-970.000	EQUIPMENT EQUIPMENT	TETRA TECH INC TETRA TECH INC	WWTP STORAGE TANK PLANNING, DESIGN & WWTP AERATION BLOWER IMPLEMENTATION S	71,848.62 12,680.50	
		Total For Dept 900 CAPITA	AL OUTLAY	84,529.12	
		Total For Fund 571 WASTEN	WATER TREATMENT FUND	109,135.61	
Fund 825 WHITMORE LAKE SE Dept 905 DEBT SERVICE	WER DISTRICT - 2035				
825-905-954.000	AGENT FEES	THE HUNTINGTON NATIONAL	2016 SPECIAL ASSESSMENT BOND ADMINIST	500.00	
		Total For Dept 905 DEBT S	SERVICE	500.00	
		Total For Fund 825 WHITM	DRE LAKE SEWER DISTRICT - 203	500.00	

. . . .

02/20/2020 12:17 PM User: JEN DB: Northfield	INVOICE GL DISTRIBUTION REPORT FOR NORTHFIELD TOWNSHIP EXP CHECK RUN DATES 02/26/2020 - 02/26/2020 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: MIF			Page: 3/3
GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount Check #
			Fund Totals:	
			Fund 101 GENERAL FUND	3,788.95
			Fund 207 LAW ENFORCEME	11,858.78
			Fund 216 MEDICAL RESCU	3,418.05
			Fund 248 DOWNTOWN DEVE	150.00
			Fund 571 WASTEWATER TR	109,135.61
			Fund 825 WHITMORE LAKE	500.00
			Total For All Funds:	128,851.39
TO:BoardFrom:Steve Aynes, Township ManagerRE:Financing Retention Tank Project at the WWTPDate:February 20, 2020

The following are included as Backup:

- Bond Counsel Service Letter from Miller Canfield
- Resolution of Intent explanation letter from Miller Canfield
- The Resolution of Intent
- Bendzinski & Company municipal financial advisors Letter

The Notice is to not exceed \$ 4,665,000. The estimated construction cost prior to bidding is \$ 3,700,000.

The Bond Counsel and the municipal finance advisors will be present for the Board Meeting on Tuesday, February 25, 2020.

Founded in 1852 by Sidney Davy Miller

STEVEN D. MANN TEL (313) 496-7509 FAX (313) 496-8451 E-MAIL mann@millercanfield.com



Miller, Canfield, Paddock and Stone, P.L.C. 150 West Jefferson, Suite 2500 Detroit, Michigan 48226 TEL (313) 963-6420 FAX (313) 496-7500 www.millercanfield.com

February 19, 2020

Via email only

Mr. Steve Aynes Northfield Township 8350 Main Street Whitmore Lake MI 48189-0576

Re: Bond Counsel Services – 2020 Capital Improvement Bonds

Dear Steve:

We are delighted at the opportunity to again assist the Township of Northfield (the "Township") as bond counsel in connection with the proposed issuance of capital improvement bonds (the "Bonds") to finance the costs of the wastewater treatment plant equalization tank. We value highly our client relationships and you may be assured of our prompt and complete attention to this financing. It is our practice when beginning work on a new matter to send an engagement letter like this which sets forth the scope of our services as bond counsel, our conflict of interest policy, and the nature of our compensation.

Bond Counsel's Role

The role of bond counsel was created a century ago in response to requests from prospective purchasers of municipal bonds for an independent opinion about the legality and validity of bonds issued by local governments. Over the years, bond counsel's role has expanded to include advising issuers on the means available to finance public improvements and passing upon the tax status of interest paid to bondholders, to cite two examples. These days bond counsel prepares most of the documentation related to a bond financing and leads the bond issuer through the process of issuing bonds.

In performing our services as bond counsel, our client is the Township and we will represent its interests. However our representation of the Township does not alter our responsibility to render an objective opinion as bond counsel. Upon delivery of the opinion our responsibilities as bond counsel will be concluded with respect to the Bonds.

MICHIGAN ILLINOIS NEW YORK OHIO WASHINGTON, D.C. CANADA CHINA MEXICO POLAND

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. Steve Aynes

-2-

Scope of Bond Counsel Services – What We Will Do

As bond counsel, we would provide the following services customarily performed by bond counsel respecting the authorization, sale, issuance and delivery of bonds:

1. Consult with Township officials, its consultants, and others to explain the legal nature of a proposed borrowing, the Township's power to borrow and the limitations on that power, and consult with Township officials in the design of the bonding program and timing schedules.

2. Prepare all of the necessary resolutions, notices, agreements, and other documents necessary to authorize, issue and deliver the bonds. We also would assist you or your financial advisor in preparing applications to the Michigan Department of Treasury, if necessary, for approval to issue the bonds.

3. Examine the federal tax issues related to the bonds (done by an attorney specializing in the requirements of the Internal Revenue Code as they apply to municipal tax-exempt bonds) to assure that all requirements of the Internal Revenue Code are complied with . and that any adverse tax consequences are minimized.

4. Review and pass on the legal accuracy of certain information regarding the bonds and the exclusion of interest on the bonds from gross income for taxation purposes and other legal matters relating to the bonds contained in the official statement, offering circular, or request for proposals respecting the bonds.

5. Prepare the official Notice of Sale (if any) respecting the bonds and the bond form for printing definitive bonds for delivery to the purchaser. We will also participate in the sale and delivery of the bonds to the purchaser in order to handle legal matters that may arise at those times.

6. Render the approving opinion as to validity and enforceability of the bonds and their authorizing documents and as to the excludability of the interest on the bonds from federal and state income taxation.

Our professional responsibilities as attorneys in this matter will be limited to interpretations of law and other legal issues and the drafting of legal documents. We are not registered municipal advisors under the federal Dodd-Frank Act and therefore we will not assume the responsibilities of a municipal finance advisor or the professional responsibilities of any other advisor with respect to non-legal matters. The Township has engaged Bendzinski & Co., municipal finance advisors, as its registered municipal advisor for the Bonds.

Mr. Steve Aynes

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Additional Services

We believe that the above services encompass the normal scope of bond counsel activities. Our services as bond counsel do not include activities outside of the scope of activities described above. Review of construction contracts, land acquisition, or representation of the Township in litigation or administrative proceedings that might arise in connection with the Bonds or the project are beyond the scope of our role as bond counsel. In the event that serious matters or matters outside the norm arise in these areas, we would provide you at that time with a fee quote for such additional services.

Our engagement does not include any obligation to monitor compliance with the federal tax requirements found in the Internal Revenue Code of 1986 (the "Code") and applicable to the Bonds, including the rebate requirements of Code Section 148(f), if applicable, as described in an exhibit attached to the Nonarbitrage and Tax Compliance Certificate that the Township will execute in connection with the issuance of the Bonds, or in connection with any audit or examination of the Bonds by the Internal Revenue Service. However, we would be available to assist with rebate calculations or any audit or examination as a separate engagement.

Conflict of Interest Policy

Our firm is one of the largest in Michigan. In addition to having the largest public finance practice in the State, our attorneys represent a great many clients and our practice is in many different legal areas. At one time or another our firm has represented nearly every large and many smaller commercial and investment banks and other bond purchasers that do business in Michigan.

We are not representing and do not intend to represent any other party in this financing. We do not believe that our representation in unrelated matters of the various other parties both in and out of the municipal area will affect our ability to serve the Township as bond counsel.

Because we are a large firm with many clients we are asked occasionally to represent a client in a matter adverse to the Township. We, of course, would decline to represent any client in a matter involving the Township that would conflict with our services to the Township as bond counsel for the above issue. Moreover, before we would represent a client adverse to the Township in any area not involving the bond issue, we would advise the Township before undertaking such representation.

Mr. Steve Aynes

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Bond Counsel Fee

It is our understanding that the Township is considering the issuance of a single series of Bonds in the approximate amount of \$4,665,000. Based on the terms, structure, size and schedule of financing, the time we anticipate devoting to the financing, and the responsibilities that we assume, our legal fee as bond counsel would be \$29,500. Such fee may vary: (i) if the principal amount stated above is changed substantially, (ii) if material changes in the structure of the financing occur, or (iii) if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility. If at any time we believe that circumstances require an adjustment of our original fee estimate, we will consult with you. In addition, we will expect to be reimbursed for all out of pocket expenses, including travel costs, document production, deliveries, long distance telephone charges, filing fees, and other necessary office disbursements. We estimate that such out of pocket expenses will be about \$300 for a capital improvement bond issue of this type. Our customary practice is to submit our invoice for payment at the time of the delivery of the Bonds. The invoice may be paid from the proceeds of the Bonds.

We welcome this opportunity to be of service to the Township and look forward to working with you. If you have any questions regarding this letter, please give me a call.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: _____ Stor D. Man____

Steven D. Mann

35288387.1\065459-00019

Founded in 1852 by Sidney Davy Miller

STEVEN D. MANN TEL (313) 496-7509 FAX (313) 496-8451 E-MAIL mann@millercanfield.com



MICHIGAN

ILLINOIS

MEXICO POLAND

OATAR

NEW YORK OHIO

WASHINGTON, D.C. CANADA CHINA

Miller, Canfield, Paddock and Stone, P.L.C. 150 West Jefferson, Suite 2500 Detroit, Michigan 48226 TEL (313) 963-6420 FAX (313) 496-7500 www.millercanfield.com

February 19, 2020

Via email only

Mr. Steve Aynes Northfield Township 8350 Main Street Whitmore Lake MI 48189-0576

> Re: Resolution Authorizing Publication of a Notice of Intent to Issue Capital Improvement Bonds (WWTP Equalization Tank Project)

Dear Steve:

Enclosed please find the *Resolution Authorizing Publication of Notice of Intent to Issue Capital Improvement Bonds*, which we have prepared for consideration by the Township Board of the Township of Northfield at its regular meeting on February 25, 2020. The resolution declares the Township's intent to issue capital improvement bonds in an amount not to exceed \$4,665,000 to finance the cost of the wastewater treatment plant equalization tank. The actual amount of the bonds will be finalized after project bids are received and this item will come back to the Township Board for approval prior to issuance of the bonds. The amount listed in the notice serves only as an absolute ceiling on the amount of bonds that may be issued. This resolution serves two purposes as explained below.

Publication of Notice of Intent

The resolution's first purpose is to authorize the publication of a bond notice. Adoption of the resolution does not obligate the Township to issue the bonds, but instead indicates the intention of the Township to issue bonds and authorizes the publication of a notice of intent to issue bonds generally describing the project, the maximum bond amount, the security for the bonds, the right of referendum, and related information.

The Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended, requires the Township to notify the Township's electors of its intent to issue the bonds by publishing a notice in the newspaper which gives the voters a referendum right on the issuance of the bonds. The bonds can be issued without a vote of the Township's electors, unless a valid petition is filed with the Township Clerk within 45 days of the publication of the Notice of Intent signed by at least 10% of the registered electors. *The form of Notice is set forth on Exhibit A of the resolution and must be published as a display advertisement at least one-quarter page in*

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. Steve Aynes

-2-

February 19, 2020

size. We have indicated in Section 1 of the resolution that the Notice will be published in the Ann Arbor News. If you plan to use a different newspaper, please revise Section 1 accordingly. Note, however, that the newspaper used must qualify as a newspaper of general circulation qualified to publish official legal notices.

The notice must be published as a display advertisement of not less than one-quarter page in size. A fine print legal notice will not satisfy Michigan law as interpreted by the Michigan courts. Please make sure that only the notice which appears on Exhibit A is published and not the entire resolution.

Declaration of Intent to Reimburse

The resolution's second purpose is to meet the requirements of the federal tax law regulations pertaining to tax-exempt bonds. Treasury Regulation § 1.150-2 provides in effect that an issuer of municipal bonds may reimburse itself for expenditures made prior to the issuance of bonds only if it has declared its intention to do so in advance. (There is a 60 day grace period in the regulation. That is, the resolution covers expenditures made up to 60 days prior to the date of the resolution.) The resolution makes this declaration in Section 4.

The language of the resolution is taken from the regulation and, not surprisingly, it therefore reads as tax jargon. The essential notion of the reimbursement declaration can be found in subparagraphs (a)-(b). Subparagraph (c) is a reminder of the need to keep a careful paper trail of expenditures and of reimbursements. Both the expenditure and the subsequent reimbursement must be specifically linked to the project.

After the resolution has been adopted, please send me three (3) original signed copies. In addition, after publication of the notice please send me three (3) publisher's affidavits of publication (with "tear sheets" attached). These proceedings will become part of the official bond transcript.

If you have any questions, please do not hesitate to call.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: ______ Steven D. Mann

Brian Rubel, Tetra Tech cc: Bendzinski & Co., municipal finance advisors 35272571.1\065459-00019

RESOLUTION 20-620

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE CAPITAL IMPROVEMENT BONDS AND DECLARATION OF INTENT TO REIMBURSE FROM BOND PROCEEDS

TOWNSHIP OF NORTHFIELD

County of Washtenaw, State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Northfield, County of Washtenaw, State of Michigan, held on the 25th day of February, 2020, at 7:00 p.m., prevailing Eastern Time.

PRESENT:	Members
ABSENT:	Members
ADSERT.	

The following preamble and resolution were offered by Member: ______ and supported by Member: ______:

WHEREAS, the Township of Northfield, County of Washtenaw, State of Michigan (the "Township") intends to issue general obligation limited tax capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Four Million Six Hundred Sixty-Five Thousand Dollars (\$4,665,000) (the "Bonds"), for the purpose of paying part of the costs of acquiring, constructing, furnishing and equipping improvements to the township's sewage disposal system, consisting generally of a wastewater treatment plant equalization tank, including all related appurtenances and attachments thereto (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the Township intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the Township for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Clerk is authorized and directed to publish a notice of intent to issue bonds in *The Ann Arbor News*, a newspaper of general circulation in the Township.

2. The notice of intent shall be published as a display advertisement not less than onequarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A. 3. The Township Board does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the Township's electors and taxpayers residing in the boundaries of the Township of the Township's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) The Township reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from funds of the Township subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$4,665,000.
- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the Bonds to reimburse the Township for a capital expenditure made pursuant to this resolution.

5. The Township hereby approves the retention of Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel in connection with the issuance of the Bonds.

6. The Township hereby approves the retention of Bendzinski & Co. as registered municipal advisor in connection with the issuance of the Bonds and authorize the Supervisor and the Clerk to execute an agreement with Bendzinski & Co., subject to approval of bond counsel.

[Remainder of Page Intentionally Blank]

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

 AYES:
 Members:

 NAYS:
 Members:

RESOLUTION DECLARED ADOPTED.

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Kathy Manley Township Clerk

I hereby certify that the attached is a true and complete copy of a resolution adopted by the Township Board of the Township of Northfield, County of Washtenaw, State of Michigan, at a regular meeting held on the 25th day of February, 2020, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by said Act.

Kathy Manley Township Clerk

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE TOWNSHIP OF NORTHFIELD OF INTENT TO ISSUE BONDS AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the Township of Northfield, County of Washtenaw, State of Michigan (the "Township"), intends to issue and sell its general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an aggregate principal amount of not to exceed Four Million Six Hundred Sixty-Five Thousand Dollars (\$4,665,000), in one or more series, for the purpose of paying part of the costs of acquiring, constructing, furnishing and equipping improvements to the township's sewage disposal system, consisting generally of a wastewater treatment plant equalization tank, including all related appurtenances and attachments thereto.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the general funds of the Township lawfully available for such purposes including property taxes levied within applicable constitutional and statutory tax rate limitations. The township anticipates paying debt service on the bonds from revenues of the township's sewage disposal system.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty (20) in number for each issue and will bear interest at the rate or rates to be determined at a public or private sale but in no event to exceed the maximum rate permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Kathy Manley Township Clerk, Township of Northfield

33042617.4\065459-00019



February 18, 2020

Mr. Steven Aynes, Township Manager 8350 Main Street Whitmore Lake, MI 48189

RE: Township of Northfield, County of Washtenaw, State of Michigan, Capital Improvement Bonds, Series 2020 (WWTP Improvements)

Dear Steve,

Bendzinski & Co. Municipal Finance Advisors would like to thank you for the opportunity to serve as the Registered Municipal Advisor for the issuance of the above referenced bond issue. This letter will confirm the terms of our engagement:

- Act on behalf of the Township of Northfield (the "Issuer") with a fiduciary duty, which shall include dealing fairly with all persons in accordance with the rules and regulations set forth by the Municipal Securities Rulemaking Board ("Board" or "MSRB") and the Securities and Exchange Commission ("SEC");
- If necessary, prepare with officials, the forms required by the Municipal Finance Division of the Michigan Department of Treasury;
- Prepare complete financial information in cooperation with officials and engineers in order to arrive at the amount of the issue to be sold;
- Analysis of revenue sources to meet the principal and interest obligations on the proposed bonds;
- Prepare a time schedule, illustrating the steps necessary to issue the bonds for the project;
- With input from the Issuer, determine whether a private placement, competitive or a negotiated sale is the most beneficial to the issuance of the bonds depending on the selected bond issue type and current market conditions, and then develop a plan of finance;
- Prepare bond specifications for bond counsel including interest rate limitations, redemption provisions, bidding, and good faith details;
- Assist with the selection of registrar/transfer/paying agent, if necessary;
- Assist the Issuer with the selection of an underwriter or placement agent, if necessary;
- Prepare Preliminary and Official Statements, or any other form of disclosure that may be required based on information provided by Issuer, in accordance with the provisions of S.E.C. Rule 15c2-12;

Mr. Steven Aynes February 18, 2020

- If the Bonds are to be rated, advising and assisting with the selection of rating agencies. Preparation of materials to be provided to ratings agencies and in developing strategies with officials for meetings with ratings agencies;
- A representative of Bendzinski & Co. shall review the bids for compliance with the terms set forth by the Issuer;
- After the bids are received, Bendzinski & Co. will calculate and verify the True Interest Cost on the bids submitted.
- Prepare an easy to read comparison of all the bids received;
- Prepare final closing memo, pricing numbers including the final debt service schedule, pricing summary, and sources and uses of funds based on lowest bid; and
- Usual and customary Registered Municipal Advisor services as may be requested by the Issuer.

Bendzinski & Co. proposes a fee of \$28,330

We believe this provides you with the outline of the services we provide. The Registered Municipal Advisor fee is contingent upon the closing and delivery of the bonds. Although this form of compensation may be customary, it presents a conflict because Bendzinski & Co. may have an incentive to recommend unnecessary financings or financings that are disadvantageous to the Issuer. For example, when facts or circumstances arise that could cause the financing or other transaction to be delayed or fail to close, Bendzinski & Co. may have an incentive to discourage a full consideration of such facts and circumstances, or to discourage consideration of alternatives that may result in the cancellation of the financing or other transaction. Bendzinski & Co. manages and mitigates this conflict primarily by adherence to the fiduciary duty which it owes to municipal entities such as the Issuer which require it to put the interests of the Issuer ahead of its own.

The Municipal Advisory Council of Michigan (the "MAC") assesses Bendzinski & Co., a \$400.00 fee for every bond issue where we act as municipal advisor in the State of Michigan. Our membership in the MAC is voluntary, but the per bond issue assessment is meant to cover costs for credit reports and similar information available from the MAC that is used in the offering document and in other states is billed directly by a third-party. The MAC is a singlesource municipal database for essential bond and note details for all local government issuers in Michigan. Among 23 distinctive credit reports, the MAC is the primary source for Issuer's debt statements, overlapping debt and indirect debt, as used to determine suitability and as disclosed in official statements, (if applicable). The MAC tracks, monitors and records all Michigan new issue bond sales, whether competitive, negotiated or private placements and bond calls. The MAC does not do any lobbying.

Bendzinski & Co. is registered as a "municipal advisor" pursuant to Section 15B of the Securities Exchange Act and rules and regulations adopted by the SEC and the MSRB. As part of this registration Bendzinski & Co. is required to disclose to the SEC information regarding any criminal actions, regulatory actions, investigations, terminations, judgments,

liens, civil judicial actions, customer complaints, arbitrations and civil litigation involving Bendzinski & Co. Pursuant to MSRB Rule G-42, Bendzinski & Co. is required to disclose any legal or disciplinary event that is material to the Issuer's evaluation of Bendzinski & Co. or the integrity of its management or advisory personnel. Bendzinski & Co. has determined that no such event exists as there are no criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations or civil litigation involving Bendzinski & Co. that were required to be reported to the SEC.

The MSRB has made available on its website (www.msrb.org) a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the appropriate regulatory authority.

Copies of Bendzinski & Co.'s filings with the SEC can currently be found by accessing the SEC's EDGAR system Company Search Page, which is currently available at https://www.sec.gov/edgar/searchedgar/companysearch.html and searching for either Bendzinski & Co. or for our CIK number which is 1614475.

It is understood and agreed that either party to this contract of employment may terminate the contract for any reason upon thirty (30) days prior written notice to the other party. If our employment on this basis is agreeable to you, please endorse your acceptance hereof on this letter which will constitute our contract of employment.

Should you have any questions or require any additional information, please do not hesitate to call.

Sincerely,

BENDZINSKI & CO. Municipal Finance Advisors

Robert J. Bendzinski, CIPMA President Registered Municipal Advisor

Accepted: _____, 20___

TOWNSHIP OF NORTHFIELD, STATE OF MICHIGAN

By:

Name, Title

Bendzinski & Co.

\$4,665,000 TOWNSHIP OF NORTHFIELD COUNTY OF WASHTENAW, STATE OF MICHIGAN CAPITAL IMPROVEMENT BONDS, SERIES 2020 (WWTP Improvements)

ESTIMATE OF COST

	Amount
CONSTRUCTION, ENGINEERING, AND CONTINGENCIES	\$ 4,537,687
COST OF ISSUANCE	
Bond Counsel	\$ 29,500
Registered Municipal Advisor	28,330
Official Statement	4,000
Rating Fees	15,000
MAC Fee	400
Bond Discount (1.0%)	46,650
Printing and Publishing	2,500
Michigan Treasury Fee (.02% of par \$1,000 max)	933
TOTAL COST OF ISSUANCE	\$ 127,313
TOTAL PROJECT COST	\$ 4,665,000

17000 Kercheval Ave. Suite 230, Grosse Pointe, Michigan 48230 PHONE: (313) 961-8222 FAX: (313) 961-8220

The information contained herein was derived from sources generally recognized as reliable and does not make any representations as to correctness or completeness and has in no way been altered except to the extent that some information may be summarized, and is in no way intended to be a solicitation for orders.

Memo

From:	Steve Aynes
Subject:	Accept Resignation of Timothy Greene and Approve Severance Agreement
Date:	February 20, 2020

Township Labor Attorney, Stacy Belisle, has been working with the Police Union to negotiate a settlement agreement with former Northfield Township Police Lieutenant, Timothy Greene. The Board met in Closed Session on January 28, 2020 to determine the terms of the agreement and instructed Ms. Belisle to move forward with the settlement. Mr. Greene has agreed to the terms set by the board and signed the settlement agreement. Attached is a Resolution for the Board to accept Mr. Greene's resignation and severance. By approving this resolution, the board is authorizing the Township Manager to sign the settlement agreement and authorizing the agreed upon pay-out amount.

NORTHFIELD TOWNSHIP

RESOLUTION 20- 619

RESOLUTION TO ACCEPT THE RESIGNATION OF TIMOTHY GREENE AND APPROVE SEVERANCE AGREEMENT

At a regular meeting of the Township Board of Trustees of Northfield Township, Washtenaw County, State of Michigan, held in the Township Hall of said Township on Tuesday, February 25, 2020 at 7:00 p.m.

PRESENT:	
ABSENT:	
The following Resolution was offered by Board Member	and supported by
Board Member	

NOW THEREFORE, IT IS HEREBY RESOLVED that the Township Board hereby accepts the resignation of Timothy Greene effective February 25, 2020, and approves the Severance and Release Agreement signed by Mr. Greene on February 18, 2020. The Township Manager is hereby authorized to execute the Severance and Release Agreement on behalf of Northfield Township.

AYES:

NAYS:

Resolution declared adopted.

CERTIFICATION

I, Kathy Manley, being duly elected and qualified Clerk of the Northfield Township, Washtenaw County, Michigan, do hereby certify and declare that the foregoing is a true and complete copy of a Resolution adopted by the Northfield Township Board of Trustees, County of Washtenaw, and State of Michigan, at a regular meeting held on Tuesday, February 25, 2020 at 7:00 p.m.

> Kathy Manley Northfield Township Clerk

Northfield Township Police Department



. گ	Township Board Members
From:	Chief, William Wagner
CC:	
Date:	February 25, 2020
Re:	Part time police officer hire

I am requesting approval to hire Brandon Diacono as a part time police officer. This approval would be pending medical physical clearance as well as a physiological exam passage.

Brandon has passed the background check and the Schoolcraft Police academy and Oakland County recertification. Brandon has no previous police experience.

Starting pay for Brandon will be: \$18.60 per hour according to the Police Union contract.

Motion: I move to hire Brandon Diacono as a part time police officer contingent on passing a medical and psychological exam.

Memo

From:Steve AynesSubject:Hiring of Front Desk Clerk/Building Department AssistantDate:February 20, 2020

We received over 125 applicants for our Front Desk position. Jennifer Carlisle did the initial screening of candidates, and after discussing select candidates with myself, our Deputy Treasurer and our Planning/Zoning/Building Coordinator, narrowed the pool down to four final candidates to interview, all strong candidates. The interviews have been scheduled for Wednesday, Thursday and Friday this week. Jennifer is working on checking the candidates' references, and we hope to have a final candidate selected by Tuesday.

The next board meeting is about three weeks away. In order to prevent further delay in hiring someone for this position, I am asking that the board authorize extending an offer to one of these individuals for the Front Desk Clerk/Building Department Assistant position, for 30-32 hours per week at \$15.00 per hour. I am expecting to provide the final candidate's information to the board prior to the meeting on Tuesday, and will add that information as an addendum to the Board packet once it is available.

TO:BoardFrom:Steve Aynes, Township ManagerRE:Goal Setting by BoardDate:February 20, 2020

Board Member Otto assisted me in providing a report on the status of goals adopted in 2017 by the Board and goals discussed since that time.

Attached is the updated report. The Board had discussions on this in 2018 and the first half of 2019. However, due to the many other matters for discussion/action this was tabled by the Board several times.

I recommended that further discussion should be focused on goals to be accomplished for Fiscal Year 2020/2021 and coordinated with the Budget Process.

I appreciate Board Member Otto working with me to prepare the attached update report.

Goals	Category	Risk Status	Priority Ranking (L, M, H)*	% Completion	Responsibility	Next Step	Targeted Completion Date
Land Use & Development					_		
Downtown Revitalization	Master Plan				Board/DDA/PC		
North Village Development	Master Plan		Н	60%	Building Committee/Board/DDA/ PC/Attorney	 Draft purchasing agreement for board approval Board needs to determine if another appraisal is needed 	
Downtown Revitalization Goals	Master Plan		Н	100%	Board/DDA/PC	Next update starts in 2023 for 2024 completion	Completed
Parking Lot Improvements	Master Plan		N/R	70%	Board/DDA/PC	 Identify parking in North Village 75 Barker – make current parking community parking lot 	
Sale of 75 Barker	Master Plan		Н	70%	Board	 Legal to review for recommendations Parking Lot Easement Sale of Building only Board needs to determine if an appraisal is needed for Building only Realtor - Updates sale proposal – needs direction from board 	
Residential and Commercial Development	Master Plan and North Village		Н	60%	Board/Township Manager/PC	 Identify the land for commercial zoning in North Village Master Plan - completed 	
Complete and Approve Master Plan – 2019/2020	Master Plan		н	100%	Board/PC	 Next update starts in 2023 for 2024 completion 	Complete
Land Preservation	Master Plan		М	30%	Board/Land Preservation Committee	 Resolution to be updated for \$2K motion Determine budget allocation Board to decide on Ordinance Proposal 	

Code Enforcement/Ordinance Evaluation - Changes	Other	Μ	Ongoi ng	Board/Township Manager/PC	Property Rental InspectionsBlight - ongoing	
General ordinance and zoning ordinance – Review	Other	Μ	Ongoi ng	Board/PC		
Capital Improvements			I			1
Community Center Improvements						
Implement Grant Project to Building – parking lot and grounds	Community Center	N/R	40%	Township Manager/CC Director/Board	 3 Quotes on landscaping and parking lot costs Grant funding for landscaping and parking lot and general fund allocation Landscaping firm identified and approved by board (if over \$5K) Parking lot firm identified and approved by board (if over \$5K) Board needs to determine priority for Capital Improvements for Community Center 	
Access Lower Door	Community Center	N/R	40%	Township Manager/CC Director/Board	 3 Quotes on construction cost Funding for construction Construction firm identified and approved by board Alternative Board needs to determine priority for Capital Improvements for Community Center 	
Evaluate Signage – Building and Freestanding Sign	Community Center	N/R	40%	Township Manager/CC Director/Board	 3 Quotes on signage cost Funding for signage Sign Company identified and approved by board Board needs to determine priority for Capital Improvements for Community Center 	
Radon Evaluation – Basement	Community Center	N/R	100%	Township Manager	Complete	Complete
Community Improvements	•					
Identify culvert Improvements needed and repair	Township	L	30%	Road Committee /Board/County Road Comm & Drain Comm	 Include as part of the Road Committee Identify culverts needing repairs and log 	

Non-Motorized Pathways and Trails throughout the Township	Township	M	30%	Board/P&R/County P&R	 Provide to board for annual review and consideration Include as part of the Park and Rec Committee – Board needs to determine Identify areas for pathways and trails Determine cost and funding Provide to board for annual review and consideration
Sidewalk Improvements for East Shore – determine source of funds	Township	L	30%	Road Committee /Board/County Road Comm	 Include as part of the Road Committee – Board needs to determine Identify costs and funding Provide to board for review and consideration
Identify road improvements within the Township	Township	М	Ongoi ng	Road Committee /Board/County Road Comm	 Road Committee identify all roads in the community and log within the matrix Rating comparison with Road Commission Identify roads needing repairs and maintenance Identify costs and funding with the Road Commission Provide to board for annual review and consideration Annual meeting with the Road Commission
Wastewater Treatment Plant - Improvements					
Evaluate need for Residential Connection Study	WWTP	Н	90%	Board/Township Manager/WWTP Supervisor/Tetra Tech	 Board authorized WWTP to video the lines (that are owned by the township) SAW Grant
Equalization Basin	WWTP	Η	80%	Board/Township Manager/WWTP Supervisor/Tetra Tech	 Bond Attorney/Bond Advisors – Bonding for basin Board Motion for Bonding Communications for 30 day notification and public hearing

						Public Hearing	
Evaluate upgrades and repairs to lines	WWTP		Н	On- going	Board/Township Manager/WWTP Supervisor	Capital Improvement Plan	
Public Safety Building Improvements	Public Safety Building						
Evaluate HVAC System for Building/Grounds Capital Improvement Plan	Public Safety Building		N/R	40%	PS Director/Township Manager/Board	 Quote from 3 engineering firms Quote from 3 HVAC companies Board needs to determine priority 	
 Implement Capital Improvement Plan for Building/Grounds Sidewalks and parking lot – concrete work Conference room and small office Employee Safety – protective glass for front desk 	Public Safety Building		N/R	40%	PS Director/Township Manager/Board	Board needs to determine priority	
Operations and Efficiencies	-	-	1	1	-	-	1
Record Retention Evaluation of Additional Office Staff	Administrative Administrative		N/R L	60%	Township Manager/ Board/Attorney Township Manager/ Controller/Personnel	 3 Quotes for record retention company (1 quote rec'd, 2 needed) Record Retention company identified and approved by board Contract agreement drafted with Legal review Implement agreement Evaluation of responsibilities and duties 	
					Committee/Board	 Realignment of responsibilities and duties Recommendations 	
Building Usage Policy	Policy		N/R	100%	Township Manager/ Board	Complete	Complete
Park Usage Policy	Policy		N/R	10%	Township Manager/ Board	Policy will be drafted when township park is completed.	
Building Department Process Improvements and Fee Schedule	Administrative		Н	40%	Township Manager/ Board	 Evaluation of fees Evaluation of building department operations Washtenaw County Inhouse Outsource to Planning Firm 	

Evaluation of Software new or upgrades - Website Feasibility Evaluation (In House or Web Consultation Services)	Administrative	N/R	40%	Township Manager/ Board	 Identify new website vendor or update existing website with upgrades Funding identified and approved by board Contract agreement drafted, if applicable, with Legal review Install new website or upgrade
Employee Compensation/Job Description Study	Administrative	L	20%	Personal Committee/Board	 Personal Committee to create the criteria for the study Data gathering and evaluation for study Provide to board for review and consideration Update budgeted items, if applicable, for board approval
Employee Manual	Administrative	L	Ongoi ng	Personnel Committee/ Township Manager/ Board/Labor Attorney	Revise any policies that need to be updated.
Independent Contractors	Administrative	N/R	90%	Township Manager/ Board/Labor Attorney	 Independent Contractor agreement drafted Defined which were actually Independent Contractors and who were considered an employee Identified Independent Contractors needing a contract Execute Independent Contract agreements
Board Ethics Policy	Administrative	N/R	90%	Board	 Draft Ethics Policy Board Reviewed with comments Motion to accept Ethics Policy
Review of Board Policies	Administrative	N/R	10%	Board	Comprise of documents, policies and motions on policies
Public Relations				- -	
Print and Social Media Communications	Administrative	Μ	10%	Township Manager/ Board	 Board needs to determine intent of communications, frequency, type, and establish budget funding

Develop Marketing and PR Plan for Township	Administrative	Ν	M	10%	Township Manager/ Board	 Determine if the Blue Skies SWOT analysis can be used in the township marketing plan Board needs to determine intent of marketing and public relations and establish budget funding 	
Financial Visibility							
 Sale of Surplus Property Township owned property Township owned equipment 	Township	٢	N/R	Ongoi ng	Township Manager/ Board		
Acquisition of Summer Home Properties (behind the Township Offices)	Township	Ν	N/R	Ongoi ng	P&R/ Board	 Include as part of the Park and Rec Committee – Board needs to determine Identify properties that still need to be acquired Identify areas for pathways and trails Determine cost and funding Provide to board for annual review and consideration 	
General Fund Balance at or above 85%	Township	H		Ongoi ng	Board		
Legal Secure Legal Council	Township	Ν	N/R	100%	Township Manager/Legal Review Comm/Board		Complete
Fink & Fink – letter of agreement	Township	Ν	N/R	100%	Township Manager/ Board/Attorney	Execute Letter	Complete
Outstanding Legal cases – review and update to board	Township	Ν	N/R	30%	Township Manager/ Board/Attorney	Update the board on next steps for legal cases	
Outstanding Insurance cases – review and update to board	Township	Ν	N/R	30%	Township Manager/ Board/Attorney	Update the board on next steps for legal/insurance cases	
Outstanding Township Real Estate cases – review and update to board	Township	Ν	N/R	30%	Township Manager/ Board/Attorney	Update the board on next steps for legal real estate cases	

Percentage of Completion Key						
Starting	10%					
Evaluation	20 - 40%					
In Progress	50 – 70%					
External Review	80%					
Board Approval	90%					
Executed/Complete	100%					
Annual Continuation	Ongoing					

Risk Status Key	
High Risk	
Medium Risk	
Low Risk	

Priority Ranking	
High	16 to 32 Points
Medium	6 to 15 Points
Low	1 to 5 Points
N/R	Not Rated

*Based on 2017 Priority Ranking