**GREEN LAKE TOWNSHIP BOARD**

**GOLDEN FELLOWSHIP HALL**

**9700 RILEY ROAD**

**INTERLOCHEN, MICHIGAN**

 **FEBRUARY 28, 2022**

**SPECIAL MEETING**

**MINUTES**

1. **CALL TO ORDER**: By Supervisor Radtke at 4:30 pm.
2. **PLEDGE:** was recited.
3. **ROLL CALL:** Board members present were: Kramer, Radtke, West, Bieganowski, McDonald, and Marek. Biondo was absent and excused.
4. **NEW BUSINESS:**
5. ADULT USE MARIHUANA:

Radtke explained that the Board took semi-of an action in December; the Planning Commission sent a draft ordinance amendment to the Township Board, it was not adopted. Then McDonald evaluated what transpired at that meeting and altered some of the proposed language to accommodate the Trustees’ concerns, and it was brought back to the Township Board. No action was taken because the Board wanted to get an update and review from the Township Attorney.

Marc McKellar, Kuhn Rogers, PLC, explained that due to the changes to the draft ordinance it would be best to hold another Public Hearing, in front of the Planning Commission. He has no issue with the language, it just depends on what the Board thinks is best for the community. The Township already adopted the appropriate resolution to opted out of recreational marihuana sales and therefore they do not have to take any action. That action stands unless the Board decides to make a change. If they were to pass the zoning and police power ordinances, the opted in would be restricted only to the criteria of the ordinances. The police power ordinance is the opt in and the zoning ordinance articulates the restrictions. The State statue allows the Board to choose the types of uses by ordinance; not limiting the number of establishments is the safest route. A referendum is only allowed for the purpose of identifying the number of marihuana establishments to be allowed. If the State wanted the voters to address zoning or police power issues it would have been stated in the legislation. If the referendum passed the Township would have to draft the regulations. He doesn’t see any reason a referendum couldn’t come on top of the Ordinance. McDonald addressed the pertinent parts of the ordinance that needed to be retained and did not put a number on how many facilities are allowed.

Radtke asked if there is any interest in changing the Board’s opt out position. They have been talking about it since 2018/2019. Should we continue talking, take no action, take action to allow adult use marihuana or take action to be done with the discussion? Is there interest in sending it back to the Planning Commission with the changes? He said he is not impressed with the draft, let the market dictate. He stands behind the original draft sent from the Planning Commission. Removing sales takes away a benefit. We don’t write business plans for businesses. It is not our job.

West asked if the Office receives calls asking for adult use sales to be allowed. Kramer said no. Radtke said they have had a couple calls. West said there isn’t much of a market then, there must be enough places to buy from already.

Marek wondered if since the draft doesn’t allow any sales do the current establishments get grand fathered in. McDonald said it is an open question. A license is not as protected as a property right. Bieganowski said the statue states it isn’t a property right, it runs for one year.

Marek explained he voted for the initial draft because it is a way for the Township to get some revenue to pay for the costs associated with it, such as enforcement and fire protect. He has a hard time supporting more Township responsibilities without any benefit coming back for the Township. He also doesn’t think it is the job of government to create the environment for someone who took a risk.

McDonald said the other uses are still allowed and would bring monies to the area. He doesn’t like the changes either, but it is the only way the ordinance might pass. The Township lost over $50,000 by not having recreational retail, he would have left it in if he thought it would pass.

Kramer doesn’t like the proposed ordinance because you are allowing someone to stay in business while you are letting someone else go out of business, who has been here a while. When you go into a business you may succeed or fail.

Bieganowski said he caused McDonald to make the changes, he doesn’t want retail. The other establishments are less offensive and non-controversial. They wouldn’t have an impact on the Township. He said he would vote for it without sales, and he still would.

Radtke said it is time to make a decision and move onto other Township business. McDonald said he is waiting for a full Board to make a motion

Marek made a motion supported by Radtke to adopt the Planning Commission’s original recommended ordinance amendment, which they heard on December 20, 2021. Roll Call: Yes-Marek, McDonald, Radtke. No-Bieganowski, West, Kramer. Motion failed.

1. **PUBLIC COMMENT**

Steve Ezell, 2074 J. Maddy Parkway, asked the three no voters what their objections to what they are doing is. They have been doing it since 2013 and there have not been a whole lot of issues. This has inspired him to read the Green Lake Township Master Plan. He then read a few lines from the Plan. He said they definitely don’t promote new business. He has attended 30 some of these meetings and you are pretty much anti-marihuana for sure. He said elected officials are elected by their constituents to represent them and not to determine what they want. The election indicates with absolute clarity what the citizens want and support. We do not need the Board to interrupt the results. We look forward to the opportunity to unseat some of you, it is called democracy. The vast majority of people in the Township support what we are doing. We have passed five LARA inspections. A few Board members lied about him.

Patrick McDonald, 5502 Lakeview Drive, said the DDA is attempting to get a trail grant. They need a certified resolution, a public hearing and 7 days advanced notice legal ad, all done by the end of March. Can it get on March’s agenda?

Andy McQuillan, 6911 Sullivan Road, said we thought this was more of a workshop style meeting. Our attorneys could not attend today. We got false information because we were told no action would be taken. Townships are allowed to charge $5000 per license per year for administration. The excise tax for adult use retail is over and above.

1. **ADJOURNMENT:** By Radtke at 5:22 pm.

JUDITH KRAMER, CLERK

GREEN LAKE TOWNSHIP BOARD

RONDA ROBINSON, RECORDING SECRETARY

GREEN LAKE TOWNSHIP BOARD

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND /OR CORRECTION PRIOR TO THEIR ADOPTION.