**Green Lake Township Board of Trustees**

**Special Meeting**

**November 21, 2022**

**MINUTES**

**CALLED TO ORDER**: Called to order at 5:00 p.m. by Supervisor Radtke.

**PLEDGE**: Was recited.

**ROLL CALL**: Kramer, Bieganowski, West, Marek, McDonald and Radtke present. Biondo was absent.

Township Attorney Bryan Graham was present.

**APPROVAL OF THE AGENDA:**

Motion by Marek, supported by Bieganowski to approve the agenda as presented. Motion carried 6/0.

**PUBLIC COMMENT:**

None

**NEW BUSINESS**:

**Review and possible enactment of a moratorium ordinance concerning accepting applications under the recreational marijuana-initiated ordinance.**

Attorney Graham was asked to review with the members the findings of draft Ordinance No. 11212022.1. Graham stated the polls of the November 2022 election, initiated this ordinance. The proposal did not contain administrative mechanisms and no permit information as needed. The township, through the Planning Commission need amended ordinances to provide administrative mechanisms, land use, and hold a public hearing. The moratorium proposed allows both the Planning Commission and Board to review, consider and establish reasonable application procedures and other ordinance provisions. Recommends township enact the moratorium and not accept applications until January 30, 2023 or, if zoning amendments and application mechanisms are in place, could be earlier. Radtke asked Zoning Administrator Alycia Reiten if a Planning Commission meeting had been scheduled. Reiten it has and is scheduled for December 7, 2022 where they will review the text. Radtke proposed a December 8, 2022 Special Board Meeting to adopt the voter initiative and accept zoning ordinance amendments. Bieganowski asked if the moratorium would trump those dates. Graham said it would. Marek asked if it is required after passage, Graham responded after certification by the Board of Canvassers. Radtke said the moratorium is a stop-gap measure, whether special or regular meeting could be in place December 22, 2022. Bieganowski said the application/selection process are 80% of lawsuits – doesn’t want a lottery system.

**Motion by Marek, supported by Bieganowski to enact Green Lake Township Ordinance No. 11212022.1, “AN ORDINANCE IMPOSING A MORATORIUM ON APPLICATIONS UNDER THE GREEN LAKE TOWNSHIP RECREATIONAL MARIJUANA ESTABLISHMENTS ORDINANCE BEING INITIATED ORDINANCE 1 OF 2022”. Radtke asked that it include, NOT TO EXCEED 60 DAYS. McDonald brought forward alteration to change the date included from November 15, 2022 to November 25, 2022. West corrected grammatical errors in Legislative Findings 7 & 8. Motion as amended, roll call vote: Roll call vote: Marek – Yes, Biondo – ABSENT, McDonald – Yes, Bieganowski – Yes, Kramer – Yes, West – Yes, Radtke – Yes. Carried, 6/0.**

**Review and possible enactment of ordinance amending the recreational marijuana-initiated ordinance.**

The ORDINANCE TO AMEND THE GREEN LAKE TOWNSHIP RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE, BEING INITIATED ORDINANCE 1 OF 2022, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE INITIATED ORDINANCE, presented to members for review.

Graham said this will be reviewed at the Planning Commission with the ordinance then brought to the Board for changes or approval.

Kramer asked if the section relating to signs was the same as for other businesses. Graham said it is, but Section 2C Standards for Approval and Regulations, and item (f) is irrelevant as the township does not allow for marihuana accessories to be sold in the township.

Graham was informed by the members of several grammatical changes, which Graham said would be corrected and a new version sent to the Trustees.

West asked if the 100’ buffer was enough, which led to discussion regarding 2,640 feet of any other lot, parcel or condominium unit on which another marihuana establishment is located. Bieganowski referenced setbacks in the current ordinance would apply. Item (4) in section 2C (k) will be struck. Graham recommends spacing requirements will be only way to limit and spacing is lawful.

Kramer polled the members on their thoughts on Section 2. Amendment of Section 2, “unlimited” number of marihuana establishments, herself believing in fair competition and the township should not dictate the number of businesses. McDonald does not want all the marihuana services unlimited. Bieganowski said whatever is in the State Statute. Radtke said the ballot language says two. Marek believes in letting the free market do its thing – restriction is not good and if we’re going to do it, let’s do it. Graham told the members the ordinance language sets a competitive process, spacing is a form of limitation without using detailed application process. Graham added being more expansive is better, Bieganowski agreed stating less restrictive rather than more. Radtke asked if unlimited is defensible and Graham answered yes. Bieganowski said lawsuits are typically related to competitive selection process.

Radtke asked audience member Steve Ezell his interpretation, being the petitioner of the ballot proposal. Ezell said voters wanted the service and voted on the two. Graham said unlimited means more competition, less economically viable. If there are two slots and 10 applicants the loser will bring a lawsuit.

Kramer asked for definition of a microbusiness, Ezell responded, sell what you grow. West asked if they are allowed under the Right to Farm Act. Radtke answered no.

Graham said we don’t know which zoning district, only certain districts to allow. Reiten could do an analysis of allowed businesses in each district, mirror what is in the Medical Marihuana ordinance. Identifying the districts will help with spacing requirements. No reason to make a snap decision tonight. Graham does not recommend approval tonight. Radtke told Graham there is now direction on the ordinance, bring back to December 8, 2022 Board meeting. Kramer does not believe the December 8, 2022 meeting will allow time for the Zoning Administrator to get recommendations to the Board, Planning Commission meets on December 7, 2022. Graham stated it is better to be right than fast. Radtke agreed to holding the public hearing at the regularly scheduled Board of Trustee meeting, December 12, 2022.

Motion by Marek, supported by Kramer to take no action on Police Power Ordinance based on receipt of document from counsel. Motion carried 6/0.

Marek stressed line items in ordinance should match other services, parking, buffer, etc. Graham said marihuana is different than other services and could be limited in certain areas. Township may want to consider an Overlay District. The Planning Commission will consider impacts to the districts. Kramer asked members how they feel about allowing in the J Maddy Parkway zone. Comments were split, Marek, Kramer and Radtke are ok with it, West and Bieganowski are a no and McDonald has no feeling one way or another.

**PUBLIC COMMENT**:

Steve Ezell 2074 J Maddy Parkway

In 2018 it was not about the money; he bought a parcel outside of J Maddy. Now it is about the money. Two were on the township draft received from attorney. Now companies will line the streets. Two were on the ballot. Legal action will be brought, the vote was for two dispensaries. Will remember in the 2024 election.

Joan Kilinsky 1392 Ryan’s Pond

Voted for two spots, not unlimited. My vote doesn’t matter. Passed, but not by a landslide. Allowing anyone to do it, not in the vote. If it helps our township and community – our community they will come from where ever.

ADJOURNMENT: Motion by Bieganowski, supported by Kramer to adjourn at 6:32 p.m.

Motion carried, 6/0.

Respectfully submitted,

Judith L. Kramer

Green Lake Township Clerk