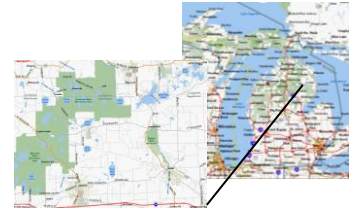


Diane Ratkovich
Supervisor
Michelle Stamboulellis
Clerk
Maris Metz
Treasurer,
Jeffrey McDole
Karen Nolte,
Laura Sanders,
Karen Sikkenga,
Trustees

DEXTER TOWNSHIP

6880 DEXTER-PINCKNEY RD.
DEXTER, MI 48130
(734) 426-3767



www.dextertownship.org

MEETING OF THE DEXTER TOWNSHIP BOARD TUESDAY DECEMBER 21, 2021 7:00 PM

Location: *In accordance with the provision of the amended Open Meetings Act, the meeting was a “virtual” meeting held over Zoom videoconferencing and was properly noticed and open to the public via computer or phone.*

CALL to ORDER: Supervisor Ratkovich called the meeting to order at 7:00 PM.

PLEDGE of ALLEGIANCE: Recited by all.

ROLL CALL: Present – Ratkovich, Stamboulellis, Metz, Sanders, Nolte, McDole, and Sikkenga. Absent – None. Also present: David Rohr, Director of Zoning and Planning, and Janis Miller, Recording Secretary.

SUPERVISOR’S REMARK/CONFLICT OF INTERERST: Chief Smith, Dexter Area Fire Department, is retiring in July 2022 and the position is posted, for internal candidates only, until December 31, 2021. No conflicts of interest.

1st CALL TO THE PUBLIC:

Opened 7:03 pm

Tom Moore, 6470 Meadow Ridge Ct.

As a long-term township resident, he wanted to thank the Stamboulellis family for handling the plastic bag recycling, reducing what went into landfills. He noted it was easy, convenient, great for the environment as well as great for the home values.

Buddy Dalton, 12196 N. Saginaw Rd, Clio, MI (Business)

He handed out a copy of the Charter Township of Flushing Ordinance regarding medical/caregiver marihuana. His issues were with the proposed Dexter Township Marihuana Caregiver Ordinance, regarding the law that protects home growing. He noted that the proposed Dexter Township Ordinance was restrictive and superseded state laws and asked the Board to table the vote.

Gershom Avery, 9205 Dexter-Chelsea Rd., Dexter, MI

He stated that the Dexter Township Marihuana Caregivers Ordinance attacked the people that should be protected.

Theresa Schmidt, 8765 Dexter-Townhall Rd.

She spoke in support of the Styrofoam and plastic bag recycling. She misses the bins for plastic collection and expressed her desire that the plastic recycling continue.

Ryan Bringold, 3846 Oakknol Rd, Waterford, MI

He expressed his concern that medical marihuana is a necessity for patients and that restrictions on growing caregiver marihuana hurt everyone.

Teresa Whitcraft-Moore, 6470 Meadow Ridge Ct

She expressed thanks to family that runs the plastic recycling program and stated that there is no other option for safe disposal of the plastics. As a medical marihuana user, she expressed the ordinance be less restrictive.

Jenny Lindeman, 6110 Deland Rd., Flushing, MI

She is a patient advocate for Americans for Safe Access and the township draft ordinance penalizes the caregivers. She stated the draft ordinance is unlawful/unreasonable and needs to be reviewed by a cannabis attorney.

Closed 7:27 pm

APPROVAL of the AGENDA:

Discussion: Move item C (4) Resolution to Approve the 3Q Budget Amendments to C (1). Include Barry Lonik presentation in D (1). Add to Future Agenda Recycling and add to the end of the meeting Set a Special Meeting in January for Hillside Acres Development Agreement. Motion by McDole, second by Metz, to accept the agenda with the changes. All ayes. Motion carried.

APPROVAL of the MINUTES:

Minutes of November 9, 2021 Board Workshop and November 16, 2021 Regular Board Meeting. Discussion: November 16th minutes: New Business (e) delete Drolett reference. New Business (h i) add language that Styrofoam and plastic recycling is a good idea but needs to be sustainable. New Business (j) Nolte and Sikkenga asked to be on the record.

Motion by Sanders, second by Sikkenga, to approve the November 16th minutes as amended, and the November 9th [as presented]. All ayes. Motion carried.

REPORTS (oral presentations): None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

A. Presentations/Resolutions

- 1) Trumpet Swan Control Program – Supervisor Ratkovich
Supervisor Ratkovich noted the control program expires in March and she introduced Gary Peters to educate everyone on the Mute Swan Control Program.

Greg Peter lives in Dexter Township, is scientific advisor to the Portage/Baseline/Whitewood Lake Association and President of MUCC. Trumpet Swans are native to Michigan and identified with a straight neck and black beak. Mute Swans are non-native and considered invasive; upsetting the ecosystem, damaging vegetation, destroying wetland habitat, and competing with native wildlife. Mute Swans can be identified by their curved necks and orange beaks. Mute Swans, on State waters, have been successfully controlled but private property is different. Control is with help from the Great Lakes Research Fund, Federal Government monies, USDA Service personnel and DNR Program personnel. A Resolution, by the

Township, is needed for a permit from the DNR, issued to the USDA Wildlife Service, for Mute Swan control on private property. Mark Teicher, President of Portage/Baseline/Whitewood Lakes Association has written a letter in support of the [mute] swan removal program.

Discussion: How to notify lake residents when the culling is going to take place. More education needs to be done in the community.

Motion by Sikkenga, second by Nolte, to approve Resolution#21-629.

Roll Call Vote: Yea – Nolte, McDole, Metz, Stamboulellis, Sanders, Sikkenga, Ratkovich; Nays – None; Absent – None. **Motion carried 7-0.**

2) Resolution to Appoint Building Official to the Chelsea Area Construction Agency (CACA) - Jim Drolett

Jim Drolett noted that CACA was established in 2000 for the Village of Chelsea and four surrounding townships. They put together the Bylaws, Interlocal Agreement and established a Board with representatives from all five municipalities. The CACA Board is tasked with appointing the Building Official and Office Manager, as well as setting salaries. The Board sets policy and the Building Official enforces the building codes. Jim introduced Matt Forster as the new Building Official, pending the Dexter Township Resolution. Matt Forster introduced himself and his background.

Motion by Nolte, second by McDole, to adopt Resolution #21-630 as written.

Roll Call Vote: Yea – Sanders, Stamboulellis, Metz, McDole, Nolte, Sikkenga, Ratkovich;

Nays – None; Absent – None. **Motion carried 7-0.**

B. Guidelines for Open Meetings Act Communications – Attorney Roberts & Supervisor Ratkovich

In the Board packet is an overview/description/discussion of the Open Meetings Act principles. Attorney Roberts emphasized the use of email and The Open Meeting Act. Township email should be used for Township business only. Personal email should not be used for public Township business. He also cautioned about more than three trustees (less than a quorum) discussing and deliberating through email. Email chains, even forwarded emails discussing or deliberating, can easily violate the Open Meetings Act, ~~which would open the email's to FOIA's~~. Emails sent as information should not be discussed or deliberated through email. Regarding conveying/conversing with residents, a Trustee speaks as a Trustee unless specifically instructed to speak on behalf of the Township Board and only speak on messages that have been agreed upon, in an Open Meeting by the entire Board. The Township Supervisor is the Executive that is generally recognized as the person who speaks on behalf of the Township and can respond to a query, that hasn't been decided by the Township Board, and can convey what she believes to be the policy, which needs to be affirmed, or corrected, by the Township Board. The Township Board as a whole is the body that makes decisions and speaks for the township, not one person. Resident correspondence regarding Open Meeting Act principals will be added to the Township Communication Policy.

C. Resolutions

Agenda amendment: bring C4 to first item.

- 4) Resolution to Adopt Poverty Exemption 3Q Budget Amendments – Supervisor Ratkovich

Presentation by Colleen Coogan, Woodhill Consulting.

Discussion: Fund Balances, American Rescue Plan Act monies, General Fund, Disbursement of monies for Open Space and Land Preservation Consultant, Township Clean-Up Day, Multi-Lake Sewer and Water,

Motion by Nolte, second by Sanders, to adopt Resolution #21-634 to approve the third quarter budget amendments for 2021.

Roll Call Vote: Yea – Metz, Stamboulellis, Sikkenga, Sanders, McDole, Nolte, Ratkovich;

Nays – None; Absent – None. **Motion carried 7-0.**

- 1) Resolution to Establish a Standard for Petitions for Lake Improvement Projects – Supervisor Ratkovich

Discussion: Typically for a special assessment, establishing the special assessment is one issue, the actual amount assessed is a separate issue. The County DPW has the statutory authority to pass the procedures for establishing the resolution and this Resolution is their procedure, which gives the Township the option for a 2/3 signature petition. At issue is whether Dexter Township wants to adopt the County DPW's 2/3 signature petition to request a special assessment district for lake improvement. The purpose behind a Resolution, for a special assessment, is to insure before you go through the process of establishing the resolution, generating the proposed assessment roll, and conducting the public hearing, you know there is adequate support for the task.

Discussion: This Resolution is for new projects only, not continuing projects. Lowering the 2/3 (66%) to 60%. The Lakes Improvement Act, under the Inland Lakes and Streams Act does a 2/3 petition of freeholders of abutting land on the lake.

Motion by Nolte, to adopt Resolution #21-633, to establish a standard for petitions for lake improvement projects and determine the percentage of support required as 2/3's. No second, motion dies.

Discussion: Should it be a Resolution to establish 2/3's as the standard for petitions, for lake projects, as a portion of support required?

Attorney Roberts suggested rewording: Dexter Township Board of Trustees will require a 2/3's petition of the proposed special assessment district to pass the Resolution.

Motion by Sikkenga, to establish that the Dexter Township Board of Trustees will require a 2/3's petition, of the proposed special assessment district. Motion passed to Nolte.

Motion by Nolte, the Dexter Township Board of Trustees will require a 2/3's petition support, of the proposed special assessment district, to pass a resolution. Motion not completed, further discussion.

Discussion: Amendment to the Resolution is to strike, in paragraph five of the resolution, "with X percent support".

Motion by Nolte, second by Metz, to adopt Resolution #21-633 as amended.

All ayes. Motion carried.

- 2) Resolution to Dedicate a Portion of the Township's American Rescue Plan Act Grant Revenue to Capital Improvements in the Multi-Lake Water and Sewer Authority (MSLW) – Supervisor Ratkovich

Explanation by Supervisor Ratkovich on the itemized disbursement of funds.

So moved by Sikkenga, second by Metz.

Roll Call Vote: Yea – McDole, Nolte, Metz, Sanders, Stamboulellis, Sikkenga, Ratkovich;

Nays – None; Absent – None. **Motion carried 7-0.**

- 3) Resolution to Adopt Poverty Exemption Income Guidelines and Asset Test for the 2022 Tax Year – Supervisor Ratkovich

Motion by Metz, second by Stamboulellis, to adopt Resolution #21-632 as presented.

Roll Call Vote: Yea – Metz, McDole, Stamboulellis, Sanders, Sikkenga, Nolte, Ratkovich;

Nays – None; Absent – None. **Motion carried 7-0.**

- 4) Resolution to Adopt Poverty Exemption 3Q Budget Amendments – Supervisor Ratkovich

Moved to beginning of C. Resolutions.

D. Open Space and Land Preservation Committee

- 1) Approval to Approve the OSLP Consultant to apply to the State of Michigan Agricultural Preservation Fund – Stamboulellis/Sanders

OSLP consultant Barry Lonik says the application is due December 27th. The application needs a policy on conservation easement monitoring in place before submitting the application. Attorney Roberts concern was spelling out clearly, in the conservation easement document, who would be going onto private property once a year to verify compliance, and avoid Fourth Amendment issues. DPZ Rohr said it might not be a dedicated staff person but a third party that the Township contracts with. Lonik states that the application is for the Monier property, requesting 50% of the potential appraised property development rights. No funding needed at this time from the Township Board. Lonik also noted that three documents had to be in place to be eligible for a State Grant: A Master Plan, a PDR – Property Development Rights

Ordinance, and a Monitoring Policy. If approved, the Conservation Monitoring Policy can be amended at a late date.

Motion by Sanders, second by Stamboulellis, to recommend that the Conservation Easement Policy is adopted tonight by the Board, in order for us to qualify for the Michigan State Agriculture Preservation Program.

Roll Call Vote: Yea – Nolte, McDole, Metz, Stamboulellis, Sanders, Sikkenga, Ratkovich;

Nays – None; Absent – None. **Motion carried 7-0.**

Motion by Sanders, second by Stamboulellis, for Barry Lonik, our Open Space consultant, to apply to the State of Michigan Agricultural Preservation Fund, for matching grant for the Monier property.

Roll Call Vote: Yea – Stamboulellis, Sanders, Metz, McDole, Nolte, Sikkenga, Ratkovich;

Nays – None; Absent – None. **Motion carried 7-0.**

- 2) Approve the Conservation Easement Monitoring Policy as recommended by the OSLP Committee – Stamboulellis/Sanders
See above.

E. Approval of New Board and Committee Assignments

Recommendation: reappoint Marty Straub and Bob Nester to the [Dexter Township] Planning Commission, terms expiring December 31, 2024; reappoint Marty Straub to be the Board Representative on the [Dexter Township] Zoning Board of Appeals, term expiring December 31, 2024; to appoint DPZ David Rohr, as alternate, to the Chelsea Area Construction Agency (CAC) Board term expiring 11/20/2024; and reappoint Thomas Ehman and David Moody to the Portage-Base Lakes Sewer Board, terms expiring December 31, 2025.

Motion by Metz, second by Sikkenga, to approve and appoint the Board and committee assignments as presented and also recommended by Supervisor Ratkovich.

Roll Call Vote: Yea – Sikkenga, Sanders, Stamboulellis, Nolte, McDole, Metz, Ratkovich;
Nays – None; Absent – None. **Motion carried 7-0.**

F. Acceptance of the Resignation of Jay Holland from the Zoning Board of Appeals (ZBA)

Motion by Metz, second by McDole, to accept the resignation of Jay Holland from the Zoning Board of Appeals, effective December 31, 2021. All ayes. Motion carried.

G. Second Reading and Vote for [amended] Ordinance No. 43 Medical Marijuana Caregivers Draft Ordinance – Supervisor Ratkovich/Director of Planning and Zoning Rohr

Discussion: A moratorium was passed in July (expiring December 31st), deferring zoning permits for any medical marihuana activities until such time as the township could review and adopt the appropriate regulations for zoning purposes. An ordinance was developed by township staff and submitted to the Planning Commission for consideration. The Planning Commission reviewed it, made comments, and scheduled it for a public hearing. After the public hearing, the Planning Commission adopted a motion to recommend adoption [of the Medical Marihuana Caregivers Ordinance] to the Township Board. The Township Board conducted a first reading and scheduled a second reading and potential adoption tonight. The townships ordinances are reflective of the township and is the decision of the township to regulate lands within its borders. This ordinance does not affect growing Recreational Marihuana as that is regulated by the State of Michigan. The safety net for the ordinance is a variance request to the Zoning Board of Appeals. Medical Marihuana Caregivers will require a Home Occupation permit from Dexter Township. Township Attorney Roberts is comfortable recommending the ordinance.

Motion by McDole, second by Metz, to extend the moratorium for six months, pending sending this ordinance back to the Planning Commission; to take in consideration reducing the scope of regulation as it affects individuals, to reexamine the property minimum size, maybe look for a different measurement, a performance based one that has more flexibility and, provide fewer restrictions for indoor growing.

Roll Call Vote: Yea – Sanders, Metz, McDole; Nays – Sikkenga, Stamboulellis, Nolte, Ratkovich; Absent – None. **Motion failed 3-4.**

Motion by Sikkenga, second by Nolte, to approve the adoption of the Medical Marihuana Caregivers Ordinance as presented.

Roll Call Vote: Yea – Sikkenga, Stamboulellis, Nolte, Ratkovich; Nays – Sanders, Metz, McDole; Absent – None. **Motion carried 4-3.**

H. Recommendation to Change the Time of the Regular [monthly] Meeting of the Dexter Township Board of Trustees – Supervisor Ratkovich

Motion by Sikkenga, second by Nolte, to approve the recommendation to move the start time of the regular Dexter Township Board of Trustees from 7:00 pm to 6:00 pm starting in January [2022]. All ayes. Motion carried.

I. Recommendation that [Attorney] Mark Roberts Meet with Township Staff and Township Board Members for Planning and Education – Supervisor Ratkovich
Supervisor Ratkovich proposed Attorney Roberts come early on meeting days, around 3:00 pm, to meet with any Board member, or do some education on something.

So moved by Sikkenga, second by Nolte. All ayes. Motion carried.

AUTHORIZATION of PAYMENTS – Treasurer Metz

Motion by Treasurer Metz to authorize payments for the General Fund for a total of \$72,485.79,

\$74,261.43 for the Fire Fund, \$84,841.98 for the Police Fund, \$3,181.75 for the General Agency Fund, and gross payroll at \$33,986.76, for a grand total of \$268,757.71. Motion second by Stamboulellis.

Roll Call Vote: Yea – Nolte, McDole, Metz, Sanders, Sikkenga, Stamboulellis, Ratkovich;
Nays – None; Absent – None. **Motion carried 7-0.**

2nd CALL TO THE PUBLIC:

Opened 10:17 pm

Ryan Bringold, 3846 Oakknol Rd, Waterford, MI

He stated that the Board had a lack of knowledge and the Board had no idea what the MMA is or how it is intended or run. He also stated that caregivers is not a business.

Buddy Dalton, 12196 N. Saginaw Rd, Clio, MI

He insulted Attorney Roberts and called some of the board members terrible liars. He threatened a public referendum, recalls and threatened lawsuits costing a huge amount of money.

Jenny Lindeman, 6110 Deland Rd., Flushing, MI

She advocates for patients for safe and affordable access to medical marihuana. She accused the Board of passing the ordinance too quickly, without knowing what they voted on. She offered to work with anyone, answering questions or sharing knowledge.

Tom Moore, 6470 Meadow Ridge Ct.

He questioned the vote count on passing the Medical Marihuana, Caregivers Ordinance.

Judith Avery, 9205 Dexter-Chelsea Rd., Dexter, MI

She lives in Lima Township and stated she is a caregiver as well as a patient. She said the Board did not do research before voting on the ordinance and that they don't know the consequences of their actions. She suggested using a cannabis attorney and talking to township residents.

Julie Knight, 150 Jeffords, Dexter, MI

She wanted to know when the Dexter Township Board of Trustees was going to act on the Development Agreement for the Guenther/Doletzky property.

Closed 10:21 pm

OTHER ISSUES, COMMENTS and CONCERNS of BOARD MEMBERS & STAFF:

Special meeting set for Wednesday, January 19, 2022, 6:00 pm, to discuss/adoption the Hillside Acres Development Agreement.

FUTURE AGENDA ITEMS:

- A. Lake Speed Limit
- B. International Safety [Fire] Code
- C. Prioritization of Township Road Projects – Sikkenga
- D. Recycling

ADJOURNMENT:

Motion by McDole, second by Nolte, to adjourn the meeting.
The meeting was **adjourned** at 10:27 PM.

Next Meetings:

Tuesday, January 11, 2022, 6:00 PM – Board of Trustees Work Session
Tuesday, January 18, 2022, 6:00 PM – Board of Trustees Regular Meeting
Wednesday, January 19, 2022, 6:00 PM – Discussion/Adoption of Hillside Acres
Development Agreement

Respectfully Submitted,

Michelle Stambouellis, Clerk
Dexter Township

I, THE UNDERSIGNED, MICHELLE STAMBOULELLIS, THE DULY QUALIFIED CLERK FOR THE TOWNSHIP OF DEXTER, WASHTENAW COUNTY, MICHIGAN, DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND COMPLETE COPY OF CERTAIN PROCEEDINGS TAKEN BY THE DEXTER TOWNSHIP BOARD OF TRUSTEES AT A REGULAR BOARD MEETING HELD ON THE 21ST DAY OF DECEMBER 2021 AND THAT THE FORGOING MINUTES ARE THE DRAFT MINUTES FOR THE MEETING HELD ON THE 21ST DAY OF DECEMBER, 2021.

MICHELLE STAMBOULELLIS, CLERK, DEXTER TOWNSHIP