

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES  
DECEMBER 19, 2016 WORK STUDY MEETING  
TENTATIVE AGENDA**

**ROLL CALL:**

Supervisor McNamara	_____	Trustee Miller	_____
Clerk Wright	_____	Trustee White	_____
Treasurer Budd	_____	Engineer Nummer	_____
Trustee Frazier	_____	Attorney McCauley	_____
Trustee Martin	_____	Secretary Montgomery	_____

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. Discussion on the combination of lots 83-018-02-0134-006; 83-018-02-0134-007; 83-018-02-0134-008; 83-018-02-0134-009 and 83-018-02-0134-010 (Supervisor's Van Buren Plat No. 3) with conditions.
2. Discussion on the creation of a Long Term Debt Fund.
3. Discussion on the re-appointment of Robert McKenna as a full member of the Board of Zoning Appeals with a term to expire 12-1-2019.
4. Discussion on the reappointment of Carol Thompson and Joan Franzoi to the Planning Commission with terms to expire 10-1-2019.
5. Discussion on the re-appointment of Angela Netro, Juanita Jensen, Harry Roesch and Loretta Speaks (Alternate) to the Board of Review with terms to expire 12-31-2018.
6. Discussion on the Residential Field Appraiser Job Description.
7. Discussion on the Human Resource Director Job Description.
8. Discussion on the Executive Assistant Job Description.
9. Discussion on Resolution 2016-21 a moratorium to defer the review of applications pertaining to Medical Marihuana Cultivation Facilities until May 20, 2017.

**PUBLIC COMMENT:**

**ADJOURNMENT:**

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

Agenda Item: \_\_\_\_\_

**WORK STUDY: 12-19-16**

**BOARD MEETING DATE: 12-20-16**

Consent Agenda  New Business \_\_\_\_\_ Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Consider approval to combine lots 83-018-02-0134-006; 83-018-02-0134-007; 83-018-02-0134-008; 83-018-02-0134-009 83-018-02-0134-010
<b>DEPARTMENT</b>	Assessing Office
<b>PRESENTER</b>	Linda M. Stevenson, Assessment Coordinator Parcel Division Board
<b>PHONE NUMBER</b>	734-699-8946
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

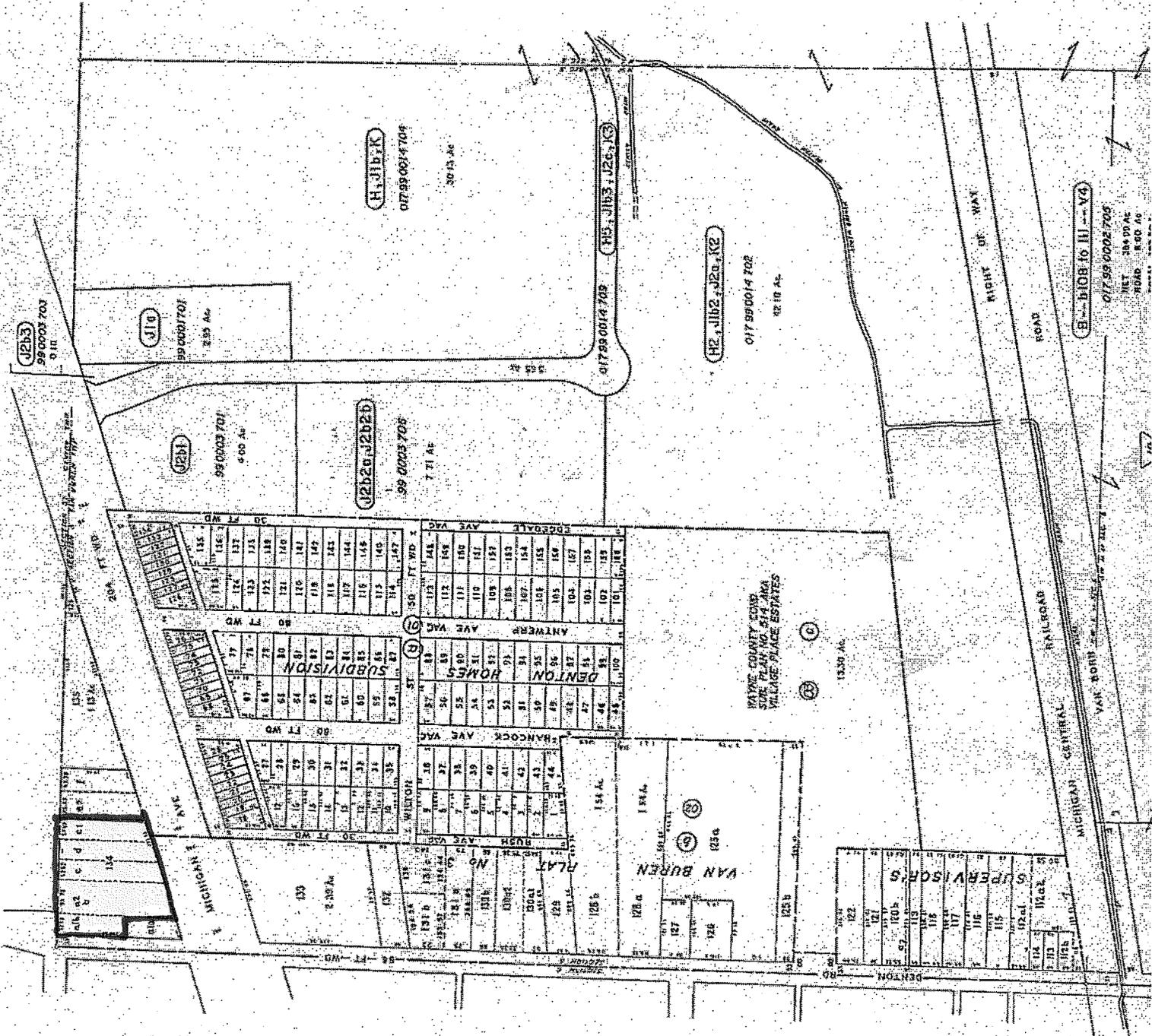
Agenda topic: LOT COMBINATION

<b>ACTION REQUESTED</b>	
<p>Township Board approval of the combination of lots: 83-018-02-0134-006; 83-018-02-0134-007; 83-018-02-0134-008; 83-018-02-0134-009; 83-018-02-0134-010 (Supervisor's Van Buren Plat No. 3) with the following conditions:</p> <ol style="list-style-type: none"> <li>1. The cost of any and/all utility improvements must be borne by the property owners(s).</li> <li>2. Approval in no way changes requirements of zoning of the parcels.</li> <li>3. Approval in no way implies or guarantees permits and/or approvals from federal, state, county or local agencies; this shall include but not be limited to roadway access point(s), natural feature requirements, utility requirements or any other valid requirement(s) from regulatory agencies.</li> <li>4. We are in receipt of all fees and costs as well as a certified survey.</li> </ol>	

This combination is in compliance with the Township's Lot Split Ordinance and the Land Division Act. It was reviewed by the Parcel Division Board on December 6, 2016 and given preliminary approval at that time. A lot split or combination in a platted subdivision is required to have Township Board approval before final processing. These parcels are zoned commercial and the Planning Commission has required that the property owner combine these lots for their proposed development. Per the enclosed map these parcels are located on the Northeast corner of Michigan Ave. and Denton Rd.

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Assessing Office to Process
<b>DEPARTMENT RECOMMENDATION</b>	Approve
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	





N.W. 1/4 SECTION 5  
**VAN BUREN TOWNSHIP**  
 T. 3 S. R. 8 E.  
 WAYNE COUNTY, MICHIGAN  
 SCALE: 1 INCH = 200 FEET  
 DEPARTMENT OF MANAGEMENT AND BUDGET  
 ASSESSMENT AND EQUALIZATION DIVISION  
 © 2002 COUNTY OF WAYNE, STATE OF MICHIGAN  
 PLAT NO. 82-11-051

NET 304.00 AC  
 ROAD 8.00 AC

017 99 0014 702  
 82.18 AC

017 99 0014 709  
 30.13 AC

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# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

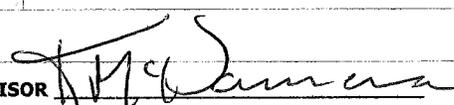
Agenda Item \_\_\_\_\_

*Work Study 12-19-16*  
**MEETING DATE: JANUARY 10, 2017**

New Business                      Unfinished Business                      Public Hearing

<b>ITEM (SUBJECT)</b>	Creation of a Long Term Debt Fund
<b>DEPARTMENT</b>	Treasurer
<b>PRESENTER</b>	Treasurer Sharry Budd
<b>PHONE NUMBER</b>	
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
Approve the formation of a Long Term Debt Fund	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
To create a Long Term Debt Fund and transfer \$4,000,000 into it from: General Fund \$2,500,000 and \$1,500,000 from the Landfill Fund. To also transfer \$1,000,000 in each following year, \$500,000 from each fund. The 2015 audit listed \$4,000,000 to be put into reserve. This will set the money aside in its own fund.	
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	See attached charter of accounts
<b>DEPARTMENT RECOMMENDATION</b>	
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

GL NUMBER	DESCRIPTION	2016 AMENDED BUDGET	BEG. BALANCE 01/01/2016	YTD ACTIVITY DR	YTD ACTIVITY CR	PERIOD BALANCE DR (CR)
Fund 301 - Long Term Debt Fund						
Assets						
Dept 000						
301-000-001-000	Cash	0.00	0.00	0.00	0.00	0.00
Total Dept 000		0.00	0.00	0.00	0.00	0.00
TOTAL ASSETS						
Fund Equity						
Dept 000						
301-000-390-000	Fund Balance	0.00	0.00	0.00	0.00	0.00
Total Dept 000		0.00	0.00	0.00	0.00	0.00
TOTAL FUND EQUITY						
Revenues						
Dept 000						
301-000-664-000	Interest Earned On Deposits	0.00	0.00	0.00	0.00	0.00
301-000-688-000	Transfer From Landfill Fund	0.00	0.00	0.00	0.00	0.00
301-000-689-001	Transfer from General Fund	0.00	0.00	0.00	0.00	0.00
Total Dept 000		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES						
Total Fund 301 - Long Term Debt Fund		0.00	0.00	0.00	0.00	0.00

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING**

**DATE: 12-19-16**

**BOARD MEETING DATE: 12-20-16**

Consent Agenda X \_\_\_\_\_

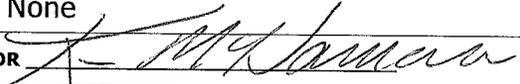
New Business \_\_\_\_\_

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Board of Zoning Appeals Appointment
<b>DEPARTMENT</b>	Supervisor's Office
<b>PRESENTER</b>	Supervisor McNamara
<b>PHONE NUMBER</b>	734-699-8910
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
Consider the re-appointment of Robert McKenna as a Full Member of the Board of Zoning Appeals with a term expiring 12-1-2019.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Mr. McKenna has served on several Commissions and Committees in Van Buren Township and has indicated his interest in continuing to serve the community by being re-appointed to the Board of Zoning Appeals. Mr. McKenna is an asset to this board and to our residents.	
<b>BUDGET IMPLICATION</b>	NA
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	NA
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING**

**DATE: 12-19-16**

**BOARD MEETING DATE 12-20-16**

Consent Agenda

New Business \_\_\_\_\_

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Planning Commission Reappointments
<b>DEPARTMENT</b>	Supervisor
<b>PRESENTER</b>	Supervisor McNamara
<b>PHONE NUMBER</b>	734-699-8910
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

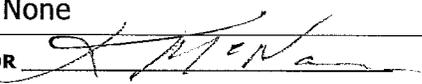
### Agenda topic

<b>ACTION REQUESTED</b>	
To consider the reappointment of Carol Thompson and Joan Franzoi to the Planning Commission with terms to expire 10-1-2019.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Ms. Thompson and Ms. Franzoi currently are serving as members of the Planning Commission and has indicated an interest in continuing to serve. Ms. Thompson and Ms. Franzoi have contribute greatly to this committee and will continue to serve the community well in this capacity.	

<b>BUDGET IMPLICATION</b>	None: Stipends for Commissions' meeting attendances are currently included in the budget.
<b>IMPLEMENTATION NEXT STEP</b>	

<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	

<b>ATTORNEY RECOMMENDATION</b>	NA
(May be subject to Attorney/Client Privilege and not available under FOIA)	

<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	

# Charter Township of Van Buren

Agenda Item \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY : DECEMBER 19, 2016**  
**MEETING DATE: DECEMBER 20, 2016**

New Business       Unfinished Business       Public Hearing       Consent Agenda

<b>ITEM (SUBJECT)</b>	Consider the Reappointment of the Board of Review Members
<b>DEPARTMENT</b>	Assessing Office
<b>PRESENTER</b>	Linda M. Stevenson, Assessment Coordinator
<b>PHONE NUMBER</b>	699-8946
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
Consider the reappointments of Angela Netro, Juanita Jensen, Harry Roesch and Loretta Speaks (alternate) to the Board of Review with terms that will expire on 12-31-18	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Angela Netro, Juanita Jensen, Harry Roesch and Loretta Speaks (alternate) all currently serve as members of the Board of Review and each have indicated interest in continuing to serve in their respective capacities. Each of these members have contributed greatly to this committee and have devoted their own personal time to training sessions along with keeping up with current property tax laws. I look forward to continuing to work with them as they serve another term.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

# Charter Township of Van Buren

Agenda Item

## REQUEST FOR BOARD ACTION

**WORK STUDY: DECEMBER 19, 2016**  
**BOARD MEETING: DECEMBER 20, 2016**

X New Business      Unfinished Business      Public Hearing      Consent Agenda

<b>ITEM (SUBJECT)</b>	Residential Field Appraiser
<b>DEPARTMENT</b>	Assessing
<b>PRESENTER</b>	Linda M. Stevenson, Assessment Coordinator
<b>PHONE NUMBER</b>	734-699-8946
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Gina Dorazio
<p>To consider approval of the Residential Field Appraiser Job Description and Personal Service Agreement between Gina Dorazio and the Township, and authorize Supervisor McNamara and Clerk Wright to execute the agreement.</p>	
<p><b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b></p> <p>Gina has been employed with Van Buren Township as the Assessing Account Clerk since July 2015. In September 2015 she received her Michigan Certified Assessing Technician (MCAT) and in October of this year after doing a challenging self-study program through the State Tax Commission, she successfully passed their comprehensive exam to be awarded the designation of a Michigan Certified Assessor Officer. She is a valuable hard working employee who has displayed daily the desire to learn the assessing profession along with showing her skills to work alone or as a team. She has proven to and will continue to be an asset to Van Buren Township.</p> <p>Due to the resignation of our current Residential Appraiser William Guenther, the opportunity arose to promote within the Assessing Department and move Gina into this position. Her promotion to Residential Appraiser will enable the Assessing Department to continue a planned out succession system for the upcoming future.</p> <p>Gina possesses a Bachelor of Arts degree from Western Michigan University and is a resident of Van Buren Township.</p>	
<b>BUDGET IMPLICATION</b>	\$35,360 annual salary which was included in the approved 2017 Budget
<b>IMPLEMENTATION NEXT STEP</b>	Supervisor and Clerk to execute the agreement
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>ATTORNEY RECOMMENDATION</b>	Was reviewed and suggestions were incorporated.
<b>APPROVAL OF SUPERVISOR</b>	



## CHARTER TOWNSHIP OF VAN BUREN JOB DESCRIPTION

**Position Title:** Residential Appraiser

### **Position Summary**

Under the general supervision of the Assessment Coordinator, the position will be responsible for determining taxability and value of properties, using methods such as field inspection, structural measurement, calculation, sales analysis & market trend studies. This is a full-time position Monday through Friday from 7:30 am to 4:00 pm. The residential appraiser may be required to attend March, July and December Board of Review; interface with Wayne County Assessment and Equalization as deemed necessary. Travel is primarily local during the business day, although some out-of-area and overnight travel may be expected.

### **Essential Job Functions, Duties and Responsibilities**

The Residential Appraiser may be called upon to perform any or all of the following essential job functions, duties and responsibilities. The following describe the general nature and level of work to be performed by the Appraiser and is not to be construed as an exhaustive list of all job duties performed in this position.

- Field verification of all residential/agricultural building permits and residential/agricultural sales data. All data must be properly documented.
- New construction appraisals for residential and/or agricultural properties
- Apex sketches on all Residential/and or Agricultural Properties.
- Digital photography of all Residential/and or Agricultural Properties.
- Assist in answering telephone and taxpayer guidance
- Inspect properties, considering factors such as market value, location, and building or replacement costs to determine appraisal value..
- Prepare and maintain current data on each parcel assessed, including maps of boundaries, inventories of land and structures, property characteristics, and any applicable exemptions.
- Assist in updating residential and/or agricultural properties in the Assessing software program.
- Process Personal Property Statements.
- Process Property Transfer Affidavits and Principle Residence Exemptions along with Sales Disclosure Forms.
- Assist in the process of the yearly review of the Economic Condition Factors; assist in establishing Land Values on Residential/Agricultural Properties
- Prepare residential and agricultural property appraisals for defense at the Michigan Tax Tribunal along with acting as the Representative.
- Maintain appropriate State of Michigan Certifications.
- Maintain valid Michigan Drivers' License.

The above list of job requirements, duties and responsibilities, physical abilities and other abilities are meant to be representative only and not all encompassing. The Township reserves the right to add to, delete from, change and/or amend the requirements, duties and responsibilities, physical abilities, and other abilities herein above set forth at any time and without prior notice.

### **Physical Abilities and Work Environment**

While performing the duties of this job, with or without reasonable accommodations, the employee is frequently required to talk or hear. The employee must have normal sight and vision and be able to identify and distinguish colors. The employee is frequently required to read paper documents and view information on a computer screen. The employee frequently is required to stand and walk. The employee is frequently required to use hands to finger, handle or feel. The employee is frequently required to reach with hands and arms above the employee's head or at ninety degrees to the employee's shoulders. The employee is frequently required to climb and descend stairs and ladders. The employee is frequently required to squat, bend, stoop, kneel, crouch or crawl. The employee must occasionally exert up to 20 pounds of force and be able to lift and/or move items of up to fifty (50) pounds.

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

**Work Study: December 19, 2016**  
**Board Meeting Date: December 20, 2016**

## REQUEST FOR BOARD ACTION

	Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	Human Resources Director			
<b>DEPARTMENT</b>	Supervisor Office			
<b>PRESENTER</b>	Supervisor McNamara			
<b>PHONE NUMBER</b>	734.699.8910			
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Nicole D. W. Sumpter			

### Agenda topic

<b>ACTION REQUESTED:</b>	
To consider approval of Human Resource Director Job Description and Personal Service Agreement between Nicole D. W. Sumpter and the Township, and authorize Supervisor McNamara and Clerk Wright to execute the agreement.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<p>Nicole Sumpter has been selected for consideration as the Director of Human Resources which primarily serves as a transformational leader of all things related to human capital. Within this last year as the Benefits Coordinator, she has alleviated the elected officials pressures of analyzing solution of employment trends, staying abreast of labor laws, ACA, organizational culture changes, creating procedures and researching ideas for employee-management relationships.</p> <p>Employees now have on time periods of service recognition, educational seminars, fun activities and a confidential setting to voice work-life concerns. She has focused on strategizing employee cross training, emphasis on contract negotiations and succession planning. Most importantly removal of the management versus union mentality that creates communication barriers.</p> <p>She has contributed to the positive advertising for the community through the Van Buren Street Eats Series. Implemented with nothing more than a vision and desire to create a relaxed lunch environment for our employees and other local area businesses.</p> <p>As a final note to compliment her ten year experience in public administration, Mrs. Sumpter self-funded her education. She now holds a Bachelors in Business and Accounting, Masters in Public Administration from the University of Phoenix, a Human Resource Masters Certification from Central Michigan University and currently is studying to sit for the Society of Human Resource Management (SHRM) certified professional exam. Within this one year’s time she has continued to take initiative and work hard, forever going the extra mile towards goals set before her.</p>	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Execution of Personal Services Agreement
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A

**ATTORNEY RECOMMENDATION**

Attached

(May be subject to Attorney/Client Privilege and not available under FOIA)

**ADDITIONAL REMARKS**

**APPROVAL OF SUPERVISOR**

*[Handwritten signature]*



## CHARTER TOWNSHIP OF VAN BUREN JOB DESCRIPTION

**Position Title:** Human Resource Director

### **Position Summary**

Under the general supervision of the Township Supervisor, the position will be responsible for the overall administration of the day-to day employee-employer operations of the Township. The human resource director is directly responsible for the overall administration, coordination and evaluation of the human resources function. This is a full-time position Monday through Friday from 7:30 am to 4:00 pm. The director may be required, sometimes on a regular basis to work additional hours for job performance without overtime pay. Travel is primarily local during the business day, although some out-of-area and overnight travel may be expected. Candidate should have at minimum a Bachelor's degree or equivalent in Business, Human Resource and Public Administration or equivalent combination of education and experience. A Master's Degree in a related field is preferred.

### **Essential Job Functions, Duties and Responsibilities**

An employee in this position may be called upon to perform any or all of the following essential job functions, duties and responsibilities. These examples are intended to describe the general nature and level of work to be performed by an employee assigned this classification and are not to be construed as an exhaustive list of all job duties performed in this position.

- Annually reviews and makes recommendations to officials and directors for improvement of the township's policies, procedures and practices on personnel matters.
- Maintains knowledge of industry trends and employment legislations and ensures township's compliance.
- Maintains responsibility for township compliance with federal and state legislations pertaining to all personnel matters.
- Communicates changes in township personnel policies and procedures and ensures proper compliance is followed.
- Coordinates or conducts exit interviews to determine reasons behind separation.
- Consults with legal counsel as appropriate, or as directed by officials on personnel matters.
- Works directly with department directors to assist them in carrying out their responsibilities on personnel matters.
- Recommends, evaluates and participates in staff development for the township.
- Develops and maintains a human resource system that meets township personnel information needs.
- Participates on committees and special projects and seeks additional responsibilities.
- Oversees the implementation of Human Resources programs that identifies opportunities for improvement and resolves problems.
- Works closely with consultants, attorneys, and training specialists, and coordinates company use of insurance brokers, insurance carriers, pension administrators, and other outside sources.
- Conducts a continuing study of all Human Resources policies, programs, and practices to keep township employee and officials informed of new developments.

- Leads the development of department goals, objectives, and systems. Provides leadership for Human Resources strategic planning.
- Manages the preparation and maintenance of such reports as are necessary to carry out the functions of the department. Prepares periodic reports for officials, as necessary or requested, to track strategic goal accomplishment.
- Develops and administers programs, procedures, and guidelines to help align the workforce with the strategic goals of the township.
- Participates in directors meetings and attends other meetings and seminars as needed.
- Coordinates the development and maintenance of the Human Resources sections of both the township website, particularly recruiting, culture, and township information; and the employee Intranet.
- Utilizes the HRIS system to eliminate administrative tasks, empower employees, and meet the other needs of the organization.
- Training and Development of employees and officials.
- Coordinates all Human Resources training programs. Provides necessary education and materials to directors and officials including workshops, manuals, employee handbooks, and standardized reports.
- Leads the implementation of the performance management system that includes performance development plans (PDPs) and employee development programs.
- Establishes an in-house employee training system that addresses township training needs including training needs assessment, new employee onboarding or orientation, management development, production cross-training, the measurement of training impact, and training transfers.
- Assists directors with the selection and contracting of external training programs and consultants.
- Maintains employee training records.
- Establishes and leads the standard recruiting and hiring practices and procedures necessary to recruit and hire a superior workforce.
- Interviews candidates; serves as part of the interview team for position finalists.
- Formulates and recommends Human Resources policies and objectives for the township on any topic associated with employee relations and employee rights.
- Partners with directors and officials to communicate Human Resources policies, procedures, programs, and laws.
- Determines and recommends employee relations practices necessary to establish a positive employer-employee relationship and promote a high level of employee morale and motivation.
- Conducts periodic surveys to measure employee satisfaction and employee engagement.
- Coaches and trains directors in their communication, feedback, recognition, and interaction responsibilities with the employees who report to them.
- Conducts investigations when employee complaints or concerns are brought forth.
- Monitors and advises directors and officials in the progressive discipline system of the company. Monitors the implementation of a performance improvement process with non-performing employees.
- Reviews, guides, and approves management recommendations for employment terminations.
- Leads the implementation of company safety and health programs. Monitors the tracking of OSHA-required data.
- Assists staff through leave of absences, short and long term disability and FMLA issues.
- Manages and coordinates the township benefits program, deferred compensation and flexible spending accounts.
- Reviews employee appeals through the township complaint procedure.
- Leads competitive market research to establish pay practices and pay bands that help to recruit and retain superior staff.

- Monitors all pay practices and systems for effectiveness and cost containment.

The above list of job requirements, duties and responsibilities, physical abilities and other abilities are meant to be representative only and not all encompassing. The Township reserves the right to add to, delete from, change and/or amend the requirements, duties and responsibilities, physical abilities, and other abilities herein above set forth at any time and without prior notice.

### **Required Knowledge, Skills, Abilities and Minimum Qualifications**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions, duties and responsibilities of the position.

- Bachelor's degree with major in Public Administration, Business Administration, or related field.
- Must have Knowledge of principles and procedures for personnel recruitment, selection, training, compensation and benefits, labor relations and negotiation, and personnel information systems.
- Knowledge of business and management principles involved in strategic planning, resource allocation, human resources modeling, leadership technique, production methods, and coordination of people and resources.
- Knowledge of principles and processes for providing customer and personal services. This includes customer needs assessments, meeting quality standards for services, and evaluation of customer satisfaction.
- Knowledge of laws, legal codes, court procedures precedents, government regulations, executive orders, agency rules, and political process.
- Minimum 5 years experience

### **Physical Abilities and Work Environment**

While performing the duties of this job, with or without reasonable accommodations, the employee is frequently required to talk or hear. The employee must have normal sight and vision and be able to identify and distinguish colors. The employee is frequently required to read paper documents and view information on a computer screen. The employee frequently is required to stand and walk. The employee is frequently required to use hands to finger, handle or feel. The employee is frequently required to reach with hands and arms above the employee's head or at ninety degrees to the employee's shoulders. The employee is frequently required to climb and descend stairs and ladders. The employee is frequently required to squat, bend, stoop, kneel, crouch or crawl. The employee must occasionally exert up to 20 pounds of force and be able to lift and/or move items of up to fifty (50) pounds.

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

Work Study: December 19, 2016  
 Board Meeting Date: December 20, 2016

## REQUEST FOR BOARD ACTION

	Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	Executive Assistant			
<b>DEPARTMENT</b>	Supervisor Office			
<b>PRESENTER</b>	Supervisor McNamara			
<b>PHONE NUMBER</b>	734.699.8910			
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Daniel Selman			

### Agenda topic

<b>ACTION REQUESTED:</b>	
To consider approval of Executive Assistant Job Description and Personal Service Agreement between Daniel Selman and the Township, and authorize Supervisor McNamara and Clerk Wright to execute the agreement.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<p><i>In order for a premiere community such as Van Buren Township, to attract and retain the best of a new generation of graduates, we have to have a focus for on the job experience and self-directed learning. Every organization has a certain type of person in mind when an important position becomes open. Supervisor McNamara chose Daniel Selman with a distinctive new emphasis on collaboration and coaching. The role of Executive Assistant provides the chosen candidate with an informal developmental training approach, giving an opportunity for the township leaders to nurture his talents. Daniel has a Bachelor's of Arts with a major in Political Science from the University of Michigan-Dearborn with a GPA of 3.70.</i></p> <p><i>Courses and Projects that are key to the Executive Assistant position include:</i></p> <ul style="list-style-type: none"> <li>• Conflict Resolution, Critical thinking and Political analysis.</li> <li>• Constitutional Evidential Civil Liberties for Citizens' Rights Project</li> <li>• Congressional Hearing and Statutes</li> <li>• Roles of Public Opinion</li> <li>• Research Analysis of Economic Public Policy Project</li> <li>• Examination of the Budgetary process and Fiscal Responsibility</li> <li>• Communication and Customer Service</li> </ul> <p><i>As the Executive Assistant he will handle complex tasks and solve problems in a challenging workforce where he can personalize a career in Public Administration.</i></p>	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Execution of Personal Service Agreement
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A

**ATTORNEY RECOMMENDATION**

(May be subject to Attorney/Client Privilege and not available under FOIA)

**ADDITIONAL REMARKS**

**APPROVAL OF SUPERVISOR**

*K.M. Bouma*



## CHARTER TOWNSHIP OF VAN BUREN JOB DESCRIPTION

**Position Title:** Executive Assistant to the Township Supervisor

### **Position Summary**

Under the general supervision of the Township Supervisor, the Executive Assistant to the Township supervisor is responsible for a variety of administrative and technical duties to support the operations and activities of the office.

### **Essential Job Functions, Duties and Responsibilities**

An employee in this position may be called upon to perform any or all of the following essential job functions, duties and responsibilities. These examples are intended to describe the general nature and level of work to be performed by an employee assigned this classification and are not to be construed as an exhaustive list of all job duties performed in this position.

- Directs and coordinates the administrative and operational activities of the Supervisors Office as directed by the Township Supervisor.
- Serves as a liaison with department directors, employees, consultants, legal counsel, other governmental units and Township residents. Employee will perform a variety of tasks that are confidential in nature.
- Attends meetings of the Township Board, committees and/or commissions, as directed; takes meeting minutes, as directed.
- Receives and analyzes sensitive phone calls, correspondence, citizen inquiries and complaints. Determines appropriate course of action and provides information, resolves problems or refers issues to the appropriate Township officials, department or agency.
- Composes correspondence and documents for Supervisor's review, as directed. Ensures the department addresses community and residents' needs in a timely and effective manner.
- Disseminates information, instructions and directions to department heads, boards and committees/commissions, as directed.
- Provides support and assistance on administrative matters. Works closely with other departments to resolve issues and concerns.
- Builds and maintains relationships with internal Township staff and external agencies to ensure projects are completed and concerns are addressed.
- Schedules meetings and appointments for the Supervisor; establishes and maintains a calendar of appointments, events and meetings; secures meeting space, audio visual equipment or other logistical items; and reviews and prepares agenda items and program materials. Processes registrations and arranges accommodations for conferences and meetings for Supervisor and Trustees, as directed.
- Drafts resolutions and agreements, with the assistance of legal counsel as needed, for adoption by the Township Board.
- Conducts research, compiles data and prepares reports for consideration and presentation by executives, committees and Board.
- Prepares and reviews operational reports and schedules to ensure accuracy and completeness.
- Analyzes internal processes; recommends procedural changes that may impact the Township and keeps Supervisor informed of findings.
- Works under strict deadlines and with multiple priorities.
- Performs other related duties and projects, as assigned.

The above list of job requirements, duties and responsibilities, physical abilities and other abilities are meant to be representative only and not all encompassing. The Township reserves the right to add to, delete from, change and/or amend the requirements, duties and responsibilities, physical abilities, and other abilities herein above set forth at any time and without prior notice.

### **Required Knowledge, Skills, Abilities and Minimum Qualifications**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions, duties and responsibilities of the position.

- Bachelor's degree with major in Public Administration, Business Administration, or related field.
- Must be service oriented and possess a passion for public service.
- Knowledge of Township structure, organization, ordinances, policies, regulations and terminology.
- Skill in planning, organizing and prioritizing work to meet objectives and deadlines.
- Ability to make decisions quickly and effectively, based on all available information.
- Must have excellent interpersonal, verbal and written communication skills and ability to effectively communicate with others inside and outside of the organization.
- Skill in identifying root causes and resolving complex problems.
- Must possess excellent time management skills and have the ability to effectively manage multiple projects simultaneously.
- Ability to exercise discretion and maintain confidentiality.
- Ability to establish and maintain effective working relationship with elected and appointment officials, department heads, employees, governmental agencies and community groups.
- Skill in displaying tact, integrity and professionalism in all situations.
- Must possess excellent problem solving and critical thinking skills with an ability to identify strengths and weaknesses of alternative solutions and approaches to problems.
- Skill in conducting administrative research and report preparation.

### **Physical Abilities and Work Environment**

While performing the duties of this job, the employee is frequently required with or without reasonable accommodations to do the following: talk or hear, must have normal sight and vision and be able to identify and distinguish colors. The employee is frequently required to read paper documents and view information on a computer screen. The employee frequently is required to stand and walk. The employee is frequently required to use hands to finger, handle or feel. The employee is frequently required to reach with hands and arms above the employee's head or at ninety degrees to the employee's shoulders. The employee is frequently required to climb and descend stairs and ladders. The employee is frequently required to squat, bend, stoop, kneel, crouch or crawl. The employee must occasionally exert up to 20 pounds of force and be able to lift and/or move items of up to fifty (50) pounds.

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 12/19/16**

**BOARD MTG. DATES: ~~12/20/16~~**

1/10/17

Consent Agenda \_\_\_\_\_

New Business X

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Medical Marihuana Cultivation Facilities Temporary Moratorium
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Matt Best, Deputy Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
To consider the adoption of a resolution to place a temporary moratorium to defer the review of applications pertaining to Medical Marihuana Cultivation Facilities until May 20, 2017.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
See attached letter dated 12-14-2016.	
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	After adoption of the resolution it will be signed and placed on file in the Township Clerk's office.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	Attorney has reviewed resolution and is comfortable with language.
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	



# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR  
Kevin McNamara

CLERK  
Leon Wright

TREASURER  
Sherry A. Budd

TRUSTEE  
Sherry A. Frazier

TRUSTEE  
Kevin Martin

TRUSTEE  
Reggie Miller

TRUSTEE  
Paul D. White

December 14, 2016

Kevin McNamara  
Township Supervisor  
46425 Tyler Road  
Van Buren Township, MI 48111

RE: Medical Marihuana Facilities Licensing Act

Supervisor McNamara,

Per our discussion this letter is a brief summary of what the Medical Marihuana Facilities Licensing Act, includes as well as what the Township's options are with regards to Medical Marihuana Facilities in Van Buren Township.

### **Current Regulations**

The Township's current regulations for Medical Marihuana Facilities were adopted in June of 2016. During the review of what could/should be allowed there was confusion over what commercial/industrial uses could be allowed under the voter enacted Michigan Medical Marihuana Act of 2008. Based on other community's regulations and our review of the various court cases, attorney general opinions, etc. We recommended that the best course of action was to allow for Medical Marihuana Cultivation Facilities (a building other than the personal residence of a primary caregiver where one or more primary caregivers are cultivating medical marihuana) and prohibit dispensaries/provisioning centers. The Medical Marihuana Cultivation Facilities would be allowed in the M-2 (Industrial) zoning district and subject to a series of other regulations to limit their impact on adjacent properties.

### **Medical Marihuana Licensing Act**

I have attached to this summary letter, the Michigan Municipal League's Fact Sheet on the Medical Marihuana Licensing Act and McKenna & Associates October 2016 bulletin regarding this legislation. Regarding land use regulation, the Medical Marihuana Facilities Licensing Act allows the Township to choose whether to allow any of the following medical marihuana facilities in its jurisdiction:

- A. Growers (i.e. cultivation facilities)
- B. Processors (i.e. creation of marihuana based products)
- C. Provisioning Centers (i.e. dispensaries)
- D. Secure Transporters
- E. Safety compliance facilities (i.e. marihuana testing labs)

The Township has to enact an Ordinance which allows these uses, but alternatively can also choose to not allow any of these uses in the Township.

Additionally, there are provisions in the law which would provide for additional taxes and fees to the Township from these facilities. These include

- A. Authorizes municipalities to charge an annual fee of up to \$5,000 on licensing marihuana facilities to defray administrative and enforcement costs.



# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR Kevin McNamara	CLERK Leon Wright	TREASURER Sharry A. Budd	
TRUSTEE Sherry A. Frazier	TRUSTEE Kevin Martin	TRUSTEE Reggie Miller	TRUSTEE Paul D. White

- B. The state imposes a 3% excise tax on the retail sale of medical marihuana by licensed provisioning centers. The tax would go into a single fund administered by the State Treasurer, with 60% being returned to municipalities and counties using the following breakdown:
- 25% to municipalities in which a marihuana facility is located.
  - 30% to counties in which a marihuana facility is located.
  - 5% to counties to be used to support the county sheriffs.

The 25% being shared with municipalities would be will be allocated in proportion to the number of facilities within its boundaries compared to the total number of facilities in the state, without regard for size or sales of each facility.

Please note that under the new law the state cannot issue licenses for these facilities until December of 2017, but because of our existing zoning regulations there could be opportunities for cultivation facilities to be approved in Van Buren Township before then.

### Moving Forward

Further review and discussion with stakeholders is recommended to determine what course of action is best for Van Buren Township. Ultimately, this will be a policy decision made by the Township Board as to whether they want to allow any medical marihuana uses in the community or not. At this time Township staff is proposing a temporary six (6) month moratorium on medical marihuana cultivation facilities (which we currently allow) to evaluate and consider our new options offered by the Medical Marihuana Facilities Licensing Act. If the moratorium is approved, staff will work with the Supervisor's office, Public Safety, the Planning Commission, and legal counsel to develop a recommendation for the Township Board.

If you have any questions or would like to discuss this matter further, please contact me.

Sincerely,

Ron Akers, AICP  
Director of Planning and Economic Development

# CHARTER TOWNSHIP OF VAN BUREN

RESOLUTION 2016 - 21

December 20, 2016

## A RESOLUTION TO DEFER THE REVIEW OF APPLICATIONS PERTAINING TO MEDICAL MARIJUANA CULTIVATION FACILITIES

### PREAMBLE

A resolution to defer the consideration and review of applications for uses, rezoning and/or for special land uses pertaining to medical marijuana cultivation facilities within Van Buren Township.

**THE CHARTER TOWNSHIP OF VAN BUREN, WAYNE COUNTY, MICHIGAN, ORDAINS:**

**WHEREAS**, Van Buren Township desires to secure the public safety, health, and welfare of the residents and property owners of the Township of Van Buren, Wayne County, Michigan, by providing for the regulation, control, and prohibition where necessary, of medical marijuana cultivation facilities within Van Buren Township.

**WHEREAS**, the State of Michigan in September of 2016, adopted the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) which created new requirements for Medical Marijuana Facilities including, Growers, Processors, Provisioning Centers, Secure transporters, and Safety compliance facilities;

**WHEREAS**, Van Buren Township amended its Zoning Ordinance in June of 2016 to allow for and regulate medical marijuana cultivation facilities prior to the adoption of the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016).

**WHEREAS**, the Van Buren Township Board of Trustees is currently studying the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) to potentially revise the Van Buren Township Zoning Ordinance;

**WHEREAS**, the Van Buren Township Board of Trustees will require time to study how to regulate these uses under the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) and recommends a six (6) month moratorium to allow it sufficient time to study and prepare any necessary ordinance amendments;

**WHEREAS**, continuing to allow medical marijuana cultivation facilities prior to any potential amendment of the Zoning Ordinance would be contrary to the goals of the current zoning ordinance and master plan;

**WHEREAS**, Van Buren Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marijuana Act, Being PA 2008; MCL 333.26421, et. al., and the Medical Marijuana Facilities Licensing Act (PA 281-283 of 2016) in order to protect the public health, safety, and welfare;

**WHEREAS**, the Van Buren Township Board of Trustees has concluded that until the new laws are reviewed and ordinances are revised that it would be counter-productive if new development or expansion of development relating to medical marijuana cultivation facilities or a rezoning or special land use application for such type facilities were permitted to move forward. Therefore, the Van Buren Township Board of Trustees has determined that for this period that there shall be a deferral of consideration or review of any requests for new development, establishment and of the rezoning of property and special land uses for property pertaining to medical marijuana cultivation facilities.

**THEREFORE**, be it resolved that a moratorium is hereby declared effective from December 20, 2016 until May 20, 2017.

**THEREFORE**, be it further resolved that, for the period commencing on the date of this Resolution and terminating on May 20, 2017, there shall be no consideration or action taken by a Township entity, official, and/or agent on a proposal for the establishment of a medical marijuana establishment/facility in Van Buren Township and that during the moratorium medical marijuana establishments shall not be permitted in the Township.

**CERTIFICATE**

Upon the motion made by \_\_\_\_\_, and seconded by \_\_\_\_\_, the above Resolution was adopted.

The following members voted:

Yeas:

Nays:

Absent/Abstain:

**The Supervisor Declared the Resolution Adopted.**

\_\_\_\_\_  
Kevin McNamara, Supervisor

\_\_\_\_\_  
Date

**Certification of Clerk**

I, LEON WRIGHT, Clerk of Van Buren Township, Wayne County, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Moratorium established, which Resolution was adopted by the Van Buren Township Board at a meeting held on \_\_\_\_\_, 2015

\_\_\_\_\_  
Leon Wright, Clerk

\_\_\_\_\_  
Date

## Medical Marijuana Facilities Licensing Act

### Introduction

On September 21, Governor Snyder signed a package of bills (2016 PA 281-283) that significantly expand the types of medical marijuana facilities permitted under state law, and establishes a licensing scheme similar to the scheme for liquor licenses. Notably, these bills do not require a state license to operate as a primary caregiver under the Michigan Medical Marijuana Act, nor do they allow municipalities to prohibit operation as a primary caregiver. The existing regulatory scheme regarding primary caregivers remains in effect.

### Requirements under the new Act

Among other things, the legislation:

1. Legalizes the medical use of marijuana-infused products, commonly known as “edibles,” for purposes of state law.
2. Creates the Medical Marijuana Licensing Board within the Michigan Department of Licensing and Regulatory Affairs (LARA) to issue licenses for various medical marijuana facilities.
3. Requires an annual license for any of the following entities to operate a marijuana facility:
  - Growers—licensees that cultivate, dry, trim, or cure and package marijuana for sale to a processor or provisioning center. Registered patients and primary caregivers who lawfully cultivate marijuana in the quantities and for the purposes permitted under the Medical Marijuana Act are not considered “growers” under the new legislation.
  - Processors—licensees that purchase marijuana from a grower and extract resin from the marijuana or create a marijuana-infused product for sale and transfer in packaged form to a provisioning center.
  - Provisioning centers—licensees that purchase marijuana from a grower or processor and sell, supply, or provide marijuana to patients, directly or through the patient’s caregiver.
  - Secure transporters—licensees that store marijuana and transport it between marijuana facilities for a fee.
  - Safety compliance facilities—licensees that receive marijuana from a marijuana facility or primary caregiver and test it for contaminants and other substances.
4. **Allows municipalities to choose whether to allow any of these marijuana facilities within their jurisdictions.** If the municipality takes no action, none of the facilities are allowed. A municipality that wishes to allow these facilities must enact an ordinance explicitly authorizing them.
5. Authorizes municipalities to charge an annual fee of up to \$5,000 on licensed marijuana facilities to defray administrative and enforcement costs.
6. Authorizes municipalities to adopt ordinances relating to marijuana facilities within their jurisdiction, including zoning ordinances.
7. Prohibits municipalities from imposing regulations regarding the purity or pricing of marijuana or interfering or conflicting with statutory regulations for licensing marijuana facilities.
8. Requires municipalities to provide to the Medical Marijuana Licensing Board within 90 days after notice that a license application was filed: (a) a copy of any ordinance authorizing the marijuana facility, (b) a copy of any zoning regulation applicable to the facility, and (c) a description of any previous medical-marijuana related ordinance violation.
9. Exempts from FOIA disclosure any information a municipality obtains in connection with a license application.
10. Requires the state to establish a “seed to sale” computer tracking system to compile data regarding marijuana plants throughout the chain of custody from grower to patient. The system will be able to provide this data in real-time to local law enforcement agencies.

This publication was written by the law firm of Dickinson Wright.



## Medical Marijuana in Michigan

### WHAT HASN'T CHANGED?

Initiated Law 1 of 2008, the Michigan Medical Marijuana Act, MCL 333.26421 *et seq.*, is unaffected by the new legislation. Patients and qualifying caregivers, as defined by the Act, continue to be protected from “arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including, but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau for medicinal use or possession of marijuana.” Medicinal use means:

*The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient’s debilitating medical condition or symptoms associated with the debilitating medical condition.*

Nonetheless, marijuana continues to be classified as a Schedule 1 drug under the Michigan Public Health Code, i.e. one that has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision. Federal law continues to construe the possession and/or distribution of marijuana as a crime. The United States Supreme Court has ruled that, under the Constitution’s Commerce Clause, Congress may ban the use of cannabis, even where states approve of its use. However, the current Department of Justice targets marijuana distributors only when they violate state and federal law.

### WHAT HAS CHANGED?

On September 22, 2016, Governor Snyder signed three new bills that expand the regulatory framework affecting medical marijuana in Michigan. These are Public Acts 281-283 of 2016, which provide, respectively, for the licensing of “marijuana facilities,” as defined therein, for the creation and use of marijuana-infused products (such as “edibles” and oils), and the tracking of medical marijuana from seed to sale. Of these, PA 281, the Medical Marijuana Facilities Licensing Act, MCL 333.27101 *et seq.*, is the one which will be of particular interest to local units of government, both because it provides a range of land uses that the state will be licensing, which a municipality may choose to allow within its jurisdiction, and because there are license fees, and potential tax-sharing revenue, available to municipalities related to those facilities. PA 281 will become effective on December 20, 2016, and it provides that licensing of marijuana facilities, by the State, will begin 360 days after its effective date, i.e. in December of 2017. Thus, municipalities also have about that long to consider what actions they would like to take in response to it, though proprietors will certainly want to be securing sites in anticipation.



## **MARIJUANA FACILITIES**

PA 281 authorizes five kinds of marijuana facilities:

1. Class A-C Growers (500-1,500 plants);
2. Processors;
3. Secure Transporters;
4. Provisioning Centers (commonly called dispensaries); and
5. Safety Compliance Facilities (testing labs).

## **LOCAL REGULATION**

A municipality may adopt an ordinance to authorize one or more of the five types of marijuana facilities within its boundaries and to limit the number of each type of marijuana facility, but shall not impose regulations regarding the purity or pricing of marijuana or interfering or conflicting with statutory regulations for licensing marijuana facilities.

## **TAXES AND FEES**

Act 281 imposes a 3% excise tax on the retail sale of medical marijuana by licensed provisioning centers. This tax goes into a single fund administered by the State Treasury, with 60% being returned to municipalities and counties as follows:

- 25% to municipalities in which a marijuana facility is located;
- 30% to counties in which a marijuana facility is located;
- 5% to counties in which a marijuana facility is located, to be used exclusively to support the county sheriffs.

The “shared funds” to a municipality or county will be allocated in proportion to the number of facilities within its boundaries compared to the total number of facilities in the state, without regard for the size or sales of each facility.

Based upon the estimates of the Senate Fiscal Agency, municipalities in Michigan are expected to receive \$5.3 million annually in revenue from the excise tax, shared in proportion to the relative number of facilities that they have. In addition, the State has indicated its intention to apply the sales tax to the retail sales of medical marijuana.

Municipalities that choose to regulate marijuana facilities are also authorized to charge up to a \$5,000 annual license fee per facility to administer their regulatory program.

## **POLICY CONSIDERATIONS**

Michigan municipalities face a host of policy considerations in response to the new law. The medical marijuana industry is likely to generate a great deal of economic activity. Communities must consider whether any of the newly licensed land uses fit the character of the community, and the values of its residents and other key stakeholders. Are there facilities in your community that might be rehabilitated if they are made available for marijuana facilities, which would otherwise not? Do you, as a community, feel that medical marijuana products should be readily accessible, at retail, to qualifying patients and caregivers in your community? Do you want to share in the excise tax revenue that the state will collect?

At the same time, there are unanswered questions regarding the interrelationship between the new law and the Michigan Zoning Enabling Act. Under the latter’s exclusionary zoning prohibitions, will municipalities have a duty to provide for marijuana facilities if there is a demonstrated need? Regardless, if those facilities are to be allowed, where do they belong?

We are recommending that communities have an informed policy discussion regarding the approach they will take to the regulation of land uses associated with the new medical marijuana distribution system. Our planners are considering thoughtful ways for communities to address this new legislation and will assist you with that process. Contact Greg Elliott, AICP, or your McKenna planner for more information.

**McKenna Associates provides community planning, landscape architecture, urban design, zoning, economic development, community relations, public participation, and municipal wireless services to more than 150 cities, counties, townships, villages and select private firms across the Midwest. For more about McKenna, call 888.226.4326 or visit [mcka.com](http://mcka.com).**