RESOLUTION
OPPOSING LEGALIZATION OF MARIJUANA FOR GENERAL USE IN MACOMB COUNTY AND THE STATE OF MICHIGAN

WHEREAS, ballot proposals across the state of Michigan have decriminalized possession of small amounts of marijuana in municipalities including but not limited to Port Huron, Detroit, Ferndale, Oak Park, Hazel Park, Huntington Woods, Berkley, Pleasant Ridge, Ann Arbor, Traverse City, Flint, Saginaw, Mount Pleasant, Grand Rapids, Kalamazoo, Ypsilanti, Jackson and Lansing; and,

WHEREAS, there is significant evidence demonstrating that marijuana has a profoundly negative impact on our youth, particularly teenagers; and,

WHEREAS, Macomb County youth report a decreased perception of risk of marijuana use and the Macomb County Aggregate Michigan Profile For Healthy Youth Survey reports in 2012 that only 56 percent of Macomb County youth surveyed thought marijuana use was risky compared to 62 percent in 2010; and,

WHEREAS, Monitoring the Future, 2013 reports in states, like Michigan, that have legalized medical marijuana, about one-third of 12th grade students reported access to another person's medical marijuana supply; and,

WHEREAS, National Highway Traffic Association reports that driving under the influence of marijuana is associated with an increased risk of car crashes, especially fatal car crashes; and,

WHEREAS, the University of Colorado, Denver reports that in the state of Colorado, which has decriminalized the general use of marijuana, marijuana-impaired drivers and fatalities saw a 114-percent rise in fatalities involving drivers testing positive for marijuana; and,

WHEREAS, marijuana decriminalization ordinances approved through ballot initiatives do not address marijuana usage, sales, taxation, driving under the influence restrictions or location of use; and

WHEREAS, it is not possible to foresee or gauge all associated risks and impacts on the Shelby Township, Macomb County, and State of Michigan communities through decriminalization or legalization of marijuana for general use;

NOW, THEREFORE, it is resolved that the Shelby Township Board of Trustees opposes legalization of marijuana for general use or the decriminalization of marijuana in Macomb County and the State of Michigan,

FURTHER, that this resolution, having been adopted by the Shelby Township Board of Trustees, be announced to the public, and made a permanent part of the records of the Charter Township of Shelby.

Signed this _____ day of _______ 2015
MINUTES OF THE REGULAR MEETING OF THE CHARTER TOWNSHIP OF
SHELBY BOARD OF TRUSTEES HELD ON TUESDAY, FEBRUARY 17, 2015, IN THE
BOARD ROOM OF THE MUNICIPAL BUILDING, 52700 VAN DYKE, SHELBY
TOWNSHIP, MICHIGAN.

The meeting was called to order at 7:02 p.m. Supervisor Richard Stathakis.

An invocation was led by Chief Jim Swinkowski, Fire Department, followed by The
Pledge of Allegiance.

AWARDS & PRESENTATIONS

Chief Robert Shelide, Police Department, explained that when he first started with the
department five weeks ago, he was briefed on an ongoing investigation. A tip was
received from a very good source that approximately forty pounds of marijuana was
coming in from Cleveland. Over the course of a few weeks, the Police Department Drug
Unit surveyed a Shelby Township individual and also saw no activity at a storage facility
in Madison Heights. They suspected there were narcotics and drugs at the facility, but
were not one hundred percent sure. When the individual got back to Shelby Township,
his vehicle was stopped by the Police Department and one pound of marijuana was
found in his vehicle. From there, the Police Department was able to get a search
warrant and went back to the storage facility in Madison Heights and found thirty-two
and half more pounds of marijuana packaged and ready for sale. The individual was
arrested and is a habitual offender selling narcotics and drugs through his tenure as an
adult.

Chief Shelide made it clear to the community that the Shelby Township Police
Department has a zero tolerance policy with narcotics and marijuana. Individuals will be
brought to justice; and narcotics and assets will seized.

Chief Shelide also reviewed the policy of school buses and stopping at all bus stops.
When drivers see a school bus or any bus, caution should be used. Yellow flashing
lights tell drivers to be safe and careful by the school bus. Red flashing lights, along
with a popped out stop sign, tells drivers to stop and not pass the bus. Shelby Township
Police are watching drivers to make sure they are following rules regarding school
buses and issuing tickets to those drivers who fail to stop.

ROLL CALL

Members Present: Richard Stathakis, Stanley Grot, Paula Filar, Michael Flynn,
Nick Nightingale, Paul Viar, Douglas Wozniak

Also Present: Robert Huth, Township Attorney

PUBLIC HEARING

APPROVAL OF CONSENT AGENDA

A. Minutes: Board Meeting -- February 3, 2015 (Requested by Clerk’s Office)
   To approve the minutes, as presented.
B. Bill Run in the Amount of $1,870,327.22 (Requested by Financial Management)
   To approve the Bill Run in the Amount of $1,870,327.22.

MOTION by Grot, supported by Flynn, to approve the Consent Agenda, as presented.
Roll Call Vote: Ayes: Grot, Flynn, Nightingale, Stathakis, Viar, Wozniak, Filar
               Nays: none

Motion carried.
APPROVAL OF AGENDA

MOTION by Grot, supported by Nightingale, to approve the Agenda, with the move of Item 6 to Item 7 and Item 7 to Item 6, as presented.

Comments and questions were received from the floor and were addressed by Mr. Grot and Mr. Flynn.

Motion carried.

CORRESPONDENCE

PLANNING COMMISSION

DEPARTMENTAL & COMMITTEE

1. Community Development Block Grant Allocation (Requested by Planning and Zoning)

Mr. Stathakis reminded that two weeks ago, the Board of Trustees heard from a number of worthy Macomb County organizations that help the less fortunate from our community. Those organizations sought a contribution from the Township out of the Community Development Block Grant funding that is provided by way of a grant from the Federal Government. By law, a portion of those funds may be used to donate to those organizations, if the organization meets certain criteria which was discussed two weeks ago. The Township’s allocation for the Community Development Block Grant funding is $385,804.00.

MOTION by Filar, supported by Flynn, to allocated Fiscal Year 2015 Community Development Block Grant funds for the following projects:

Southwest Quadrant Road Improvements: $ 200,000
Auburn Road Landscaping: $ 99,304
DPW Building Handicapped Accessible Doors: $ 15,000
Counter Top Improvements: $ 20,000
Shelby Township Senior Center: $ 6,500
Shelby Township Library: $ 5,000
MCREST: $ 7,500
Turning Point: $ 3,000
Care House: $ 5,500
Samaritan House: $ 5,000
Shelby Lion’s Club: $ 9,000
Macomb Homeless Coalition: $ 5,000
Macomb Literacy Partners: $ 3,000
Macomb Warming Center: $ 2,000

Comments and questions were received from the floor and were addressed by Mr. Stathakis.

Motion carried.

2. A Resolution Opposing Legalization of Marijuana for General Use in Macomb County and the State of Michigan (Requested by Supervisor’s Office)

Mr. Stathakis stated that his concern is that ballot proposals across Michigan and in specific municipalities have started down the path to decriminalized marijuana use. Report after report has noted that marijuana use leads to among other things; increase fatalities in terms of driving; impaired mental capacities; and possible use of stronger
illegal drugs. Whether it is the full support the Board has shown with regards to the Police Department's DARE program, its narcotic unit, or the Board joining with local families to champion the fight against synthetic drugs in the community; the message remains the same. The Board is steadfast against drugs and the harm they cause our community, neighbors, and families.

**MOTION** by Grot to approve the resolution opposing legalization of marijuana for general use in Macomb County and the State of Michigan.

Motion failed for lack of support.

3. Discussion of Moratorium Resolution Regarding Marijuana Dispensaries
   (Requested by Supervisor's Office)

Mr. Stathakis explained that both Chief Shellede and Chief Swinkowski also support the Board's consideration of the moratorium. During the period of the moratorium, the Township Board will work with their attorneys to draft ordinance amendments that address directly changing the law with respect to marijuana in Michigan.

Chief Shellede expressed his concern to not have marijuana pollute the community. He understands that a state law was passed for medical marijuana. It is the Police Department’s experience that the people who are using and selling marijuana are doing it illegally 99.9% in the Township. Bottom line is that it creates havoc within the family; and creates the urge to experiment with harder drugs with the potential to lead to death. Through the experience of the Police Department’s investigations, it is not wanted within the community.

Chief Swinkowski explained that part of the problem the Fire Department has with people growing marijuana in the community are that special lights are needed to grow the plants 365 days a year around the clock for climate control. Therefore, the growers are augmenting their electrical systems and adding services to their houses without proper inspection. Butane is used in certain cases when working with a prescription to adjust the strength of the THC. Without proper ventilation that has been inspected, the growers end up hurting themselves. In one case, a rental house was burnt down with the grower ending up in the ICU with third degree burns. Everything that you can get out of marijuana you can get in pill form with the exception of getting high.

Mr. Huth explained that the purpose of the moratorium will give the Township an opportunity to regulate the Township’s ordinances regarding marijuana dispensaries, which is the growth and sale of marijuana. Currently the Township is not in position to regulate marijuana use and sale within the Township and the moratorium will give the Township that opportunity.

**MOTION** by Flynn, supported by Grot, to adopt a Moratorium regarding marijuana dispensaries, as presented.

Comments and questions were received from the floor and were addressed by Mr. Huth and Mr. Stathakis.

Roll Call Vote: Ayes: Flynn, Grot, Nightingale, Stathakis, Viar, Wozniak, Filar
Nays: none

Motion carried.

4. Oakland-Macomb Interceptor District Bond Prepayment (Requested by DPW)

Mr. Stathakis explained that in 2009, the Oakland-Macomb Interceptor Drainage District negotiated a purchase of approximately twenty-one miles of sanitary sewer from the Detroit Water and Sewage Department. David Miller, DPW Director, is seeking the Board's approval to pay the debt obligation of $952,820.00 now, as opposed to financing the expense, to save the Township's sanitary sewer customers approximately $300,000.00 in interest charges.
MOTION by Wozniak, supported by Nightingale, to concur with the recommendation David Miller, DPW Director, and prepay the Shelby Township portion of the Oakland-Macomb Interceptor Drainage District, 2015 Segment 4, Contract 5B long term debt obligation in the amount of $952,820.00 per the attached payment schedule.

Funding for this payment will come from the Water and Sewer Reserve Fund.

Motion carried.

5. **Macomb County Department of Roads Blanket Maintenance Permit (Requested by DPW)**

Mr. Stathakis noted that Board approval of this motion will allow the Department of Roads access to right-of-way for emergency repairs, water and sewer taps, and other necessary actions. The approval will be for four years.

**MOTION by Flynn, supported by Wozniak, to concur with the recommendation of David Miller, Director of Public Works and approve the attached resolution for the Blanket Maintenance Permit with the Macomb County Department of Roads and provide the necessary insurance coverage required to apply for the permit.**

Motion carried.

6. **Approval to Promote Employee to Fire Marshal Position (Requested by Fire Department)**

Chief Swinkowski explained that the current Fire Marshal will be retiring after twenty-five years of service.

**MOTION by Filar, supported by Wozniak, to concur with the recommendation of Fire Chief Jim Swinkowski, and in compliance with Article 11 of the Collective Bargaining Agreement between the Charter Township of Shelby and the Shelby Township Firefighters Association Local 1338, to promote employee #40675 to the position of Fire Marshal effective February 27, 2015.**

Comments and questions were received from the floor and were addressed by Chief Swinkowski.

Motion carried.

7. **Approval to Promote Employee to Vacant Deputy Marshal Position (Requested by Fire Department)**

Chief Swinkowski explained that the position of Deputy Marshal has been vacant since 2005. Unfortunately, the Deputy Marshal position has certain obligations not only to the Fire Department, but also to the Township. The Deputy Marshal is the Emergency Preparedness Coordinator that governs all departments and all buildings owned by the Township. The position also provides administrative support to the Fire Marshal.

**MOTION by Grot, supported by Wozniak, to concur with the recommendation of Fire Chief Jim Swinkowski, and in compliance with Article 11 of the Collective Bargaining Agreement between the Charter Township of Shelby and the Shelby Township Firefighters Association Local 1338, to promote employee #40684 to the position of Deputy Marshal effective February 27, 2015.**

Comments and questions were received from the floor and were addressed by Chief Swinkowski.

Motion carried.

8. **Approval to Purchase Two Replacement Ambulances (Requested by Fire Department)**

Chief Swinkowski, reported that with the Capital Improvement Plan the Fire Department has two 2005 ambulances that have meet the end of their life and need replacement. After much research, it was determined to purchase a type of ambulance where the ambulance box can be remounted on a new chassis when it wears out instead of replacing the whole vehicle. The ambulance box would be re-worked prior to remounting with a new warranty. Upfront cost will be high, but replacement will save...
about $50,000.00 off the purchase price since the ambulance box is already available to be remounted. Four bids were received and the company that was selected was because they were the only company to meet the specification requirements in the bid along with an all-aluminum box, with no wood.

**MOTION** by Filar, supported by Viar, to concur with the recommendation of Fire Chief Jim Swinkowski and approve the purchase of two (2) 2015 Type 1 F-450 4x4 Braun Emergency Rescue Ambulances from Kodiak Emergency Vehicles located at 10120 W. Grand River Hwy, Grand Ledge, MI 48837. The price, after trade-in of the old ambulances and including the exterior graphics by Majik Graphics in Clinton Township, is not to exceed $375,622.00. Funds are available for this budgeted item in Line Item 427.340-985.000 - Capital Improvement Fund.

Comments and questions were received from the floor and Board members and were addressed by Chief Swinkowski.

Motion carried.

9. Police Department New Hires (Requested by Police Department)

**MOTION** by Viar, supported by Nightingale, to concur with Police Chief Shelide and approve the hire of two replacement probationary entry level patrol officers. Background investigations have been completed and Kevin Bailey and Adam Terry from the current Police Department Civil Service Commission Patrol Officers’ eligibility list have been selected. They will begin probationary entry-level Patrol Officer employment no sooner than March 9, 2015. The selection of these individuals was made in full compliance with all applicable regulations and procedures.

Comments and questions were received from the floor and were addressed by Chief Swinkowski.

Motion carried.

10. Police Department Promotions (Requested by Police Department)

**MOTION** by Nightingale, supported by Grot, to concur with the recommendation of Chief Robert Shelide and approve the promotion of employee #50768 to the rank of lieutenant and employee #50796 to the rank of sergeant both effective upon the retirement of Captain Stephen Stanbury.

Comments and questions were received from the floor and were addressed by Chief Shelide.

Motion carried.

11. Police Department Promotions (Requested by Police Department)

**MOTION** by Flynn, supported by Grot, to concur with the recommendation of Chief Robert Shelide, and approve the promotion of employee #50763 and employee #50753 to the rank of lieutenant and promote employee, #50772 and #50776 to the rank of sergeant effective February 18, 2015.

Comments and questions were received from the floor and were addressed by Chief Shelide.

Motion carried.

12. Purchase of Ammunition (Requested by Police Department)

Mr. Stathakis explained that duty and training ammunition to be purchased in the motion presented to the Board, will be purchased throughout the year at various times, as buying in bulk will save time and shipping costs.

**MOTION** by Viar, supported by Filar, to concur with the recommendation of Chief Robert Shelide, and approve the purchase of duty and training ammunition for year 2015 in the amount not to exceed $15,000.

Comments and questions were received from the floor and were addressed by Chief Shelide.

Motion carried.
APPOINTMENTS TO COMMITTEES & COMMISSION

13. Historical Committee Appointment (Requested by Supervisor's Office)

Mr. Stathakis explained that by Board action he would like to amend the term of the appointment of Daniel Sheffer, which would have started last year, so that the Historical Committee appointments are in alignment with the established schedule.

MOTION by Flynn, supported by Nightingale, to concur with the recommendation of Historical Committee Chairman Clendon Mason and appoint Mr. Daniel Sheffer to fill a vacancy and serve as a Member of the Historical Committee for a three-year term expiring Sept. 21, 2017.

Motion carried.

14. Parks & Recreation Committee Reappointments (Requested by Supervisor's Office)

MOTION by Filar, supported by Flynn, to concur with the recommendation of Parks, Recreation and Maintenance Director Joe Youngblood and approve the reappointment of Ms. Stacy Cergert, Ms. Ryan Knost, Mr. Robert O'Brien and Mr. Brian Zilli to three-year terms of service on the Parks and Recreation Committee retroactive to Nov. 1, 2014 and to expire on October 31, 2017 in accordance with the Shelby Township Parks and Recreation Committee By-laws Article II.

And to approve the appointment of Ms. Beth Bryer to fulfill a vacated term expiring Oct. 31, 2015.

Motion carried.

TOWNSHIP ANNOUNCEMENTS

Community announcements were made by several Board Members.

BUSINESS FROM THE FLOOR

Comments were received from the floor and were addressed by Board Members.

CLOSED SESSION

MOTION TO ADJOURN

MOTION by Filar, supported by Viar, to adjourn.

Motion carried.

The meeting adjourned at 9:02 p.m.

AS PREPARED BY THE TOWNSHIP CLERK

TOWNSHIP SUPERVISOR

/lw
MINUTES OF THE WORK SESSION OF THE CHARTER TOWNSHIP OF SHELBY BOARD OF TRUSTEES HELD ON THURSDAY, FEBRUARY 11, 2015 IN THE LOWER LEVEL CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 52700 VANDYKE, SHELBY TOWNSHIP, MICHIGAN.

The work session was called to order at 2:00 p.m. by Supervisor Richard Stathakis.

Members Present: Richard Stathakis, Stanley Grot, Michael Flynn, Paula Filar, Nick Nightingale, Paul Viar, Doug Wozniak

Also Present: Robert Huth, Township Attorney

TOWNSHIP OWNED LOTS

Mr. Flynn reviewed the appraisal of the Township owned lots that was commissioned at a previous work session. It basically showed that the Township could make an extra $500,000 or more, if improvements are made to the lots or about $340,000 as they sit right now. If the improvements are made, there is the potential to make $1 million or more. The appraisal was for seventeen lots. Cherry Creek indicated that they will be highly cooperative on both of the two extra lots and for the fifteen lots that are on Cherry Creek, as they would not be opposed to making those lots a little deeper.

Mr. Flynn explained that if the Board agrees, the next step would be to formally put this item on a Board Meeting Agenda for a public vote for the improvements with an estimate of around $300,000 to $400,000. The water and sewer is already in place, however, the taps would need to be put in. Stub streets will also need to be put in and some trees would need to be cleared. Once the Board gives approval, engineering work could start and trees could be cleared. The properties could be ready to sell during the peak real estate season.

Mr. Flynn’s recommendation would be to get the improvements done and then have another work session to determine how the lots should be marketed.

Fazal Khan, Township Engineer, reported that it could take three to four months to complete the improvements.

The consensus of the Board was to move ahead with item as previously discussed.

TOWN HALL UPPER LEVEL COUNTER AREA RENOVATIONS

Mr. Flynn explained that there are three basic points for the Town Hall Upper Level Counter Renovations.

Mr. Flynn reviewed that the first point is modernization, as the upstairs area is forty-plus years old and it has never been updated. There is a mix of electrical, HVAC, and IT that is a complete nightmare. It has been hodgepoddged together over the years. There are also ergonomic issues for the employees that have to stand at the counter all day. The stress mats cannot be utilized without causing safety hazards, such as tripping. The plan would be to move the counters out a little bit to create some space, so bank teller windows could be built. Stress mats could fit into the cubby area and not be in the walkway. The huge lobby is under-utilized.

Mr. Flynn explained that the second point is related to safety and security. Attached exhibits were reviewed. In regards to the Treasurer’s Office counter, the security gates
come down on the wrong side of the computers. It is a major issue with regards to security, IT, and the money that was put into the hardware. At the Clerk’s Office counter, the security gate stops at the top counter leaving a big open space at the handicap counter where someone could crawl through the opening. The Human Resources Department also has security issues. There are confidential files in the Human Resources Department, along with sensitive information in the Clerk’s Office. The security issues are the most pressing of the issues.

Mr. Flynn continued to explain that the final point is the accessibility. There is only one handicap area which is by the Clerk’s Office. The Treasurer’s Office has a ton of activity at their counter for tax and water bill payments and there should be modern handicap facilities available.

Mr. Viar asked Mr. Glenn Wynn, Planning Director, if some of the Community Development Block Grant (CDBG) money being received could be used for the handicap improvements. Mr. Wynn said that yes it could, but the approval of the grant money is taking place at the next Board meeting on February 17, 2015.

Discussion followed regarding the Community Development Block Grant.

Mr. Wynn said he would find out if funds could be used from the CDBG to cover handicap costs. He explained that CDBG money can be used for professional fees, but the money is not available until July 1, 2015. You cannot incur costs and then get reimbursed. Any fees to be paid would have to be after July 1, 2015. The CDBG money could be used for any retrofitting of handicap areas. Mr. Wynn suggested that the funds should come off the Auburn Road Street Project.

Mr. Flynn’s proposal was to add the item to the first Board meeting in March. He will work with Tim Wood, Building Director, to come up with the appropriate motion language. He proposed to take out $12,000 from CDBG in a separate motion and set it aside for counter renovations and pay the engineering costs out of the General Fund.

Mr. Wynn, will re-do the memo with the CDBG split and send it back to Mr. Grot with revised the motion.

Discussion followed and it was agreed to allocate $20,000 from CDBG. Any extra funds left over will be re-allocated.

Board members agreed to put the item on the March 3, 2015 Board Meeting’s Agenda to authorize engineering costs.

MEDICAL MARIJUANA DISPENSARY MORA TORIUM

Chief Robert Shelide, Police Department and Chief Jim Swinkowski, Fire Department spoke on behalf of the Medical Marijuana Dispensary Moratorium.

Chief Shelide explained that both he and Chief Swinkowski thought it would be a great idea to put a moratorium out for the community to say Shelby Township does not tolerate medical marijuana in the Township. The Township does not tolerate or accept medical marijuana regardless of what other communities are doing with passing laws, etc. Studies have shown that this poison is causing fatalities, and is causing kids to try harder drugs which are leading to their deaths. So they both want to start a campaign in the Township saying the Township will not tolerate medical marijuana and the Township will be very strict on the issue.
Chief Swinkowski reviewed that an individual in Shelby Township growing medical marijuana blew himself up and burned down the rental house he was living in. This activity is taking place in residential areas. The people who are commercially growing marijuana have no oversight of the exhaust and electrical system changes they make.

Mr. Huth explained that during the six month medical dispensary marijuana moratorium, an ordinance would be written to address issues. It was requested by the Supervisor for Mr. Huth to provide moratorium language by Friday, February 13, 2015. The moratorium language would be presented at the next Board meeting with the request for Board approval.

Board members agreed with moving forward with the moratorium.

MOTION by Filar, supported by Wozniak, to adjourn.

Motion carried.

The work session adjourned at 2:35 p.m.

lw