

Township Response

From: Joellen Shortley

Sent: Wednesday, August 4, 2021 2:35 PM

To: KBlair@honigman.com

Cc: Kim Markee <kmarkee@waterfordmi.gov>; gwall@waterfordmi.gov; Tom Schultz <tschultz@rsjalaw.com>; Steve Joppich <sjoppich@rsjalaw.com>; Gary L. Dovre <gdovre@rsjalaw.com>

Subject: FW: Medical Marihuana Facility License Ordinance Question

Kevin,

Gary Dovre forwarded your question to me to respond to as he has retired. You were correct in looking to section 10-303 (f) for the answer to when a decision of the Board is final.

“The Township Board decision shall be made by an approved motion during an open meeting of the Board but shall not be final until it has been placed in writing and adopted by the Board as its final decision at a subsequent meeting, **which shall be considered the date of the decision** for all purposes. The Board’s final decision shall be sent by the Clerk to the Named Applicant. “

The Board adopted its final decision for the denials based on no other available licenses, at its July 26 meeting.

From: Blair, Kevin M. <KBlair@honigman.com>

Sent: Wednesday, August 04, 2021 11:02 AM

To: Gary L. Dovre <gdovre@rsjalaw.com>; kmarkee@waterfordmi.gov

Cc: 'John Abbo' <john.abbo@lume.com>

Subject: Medical Marihuana Facility License Ordinance Question

Good morning, Ms. Markee.

I understand there is a right to appeal under Section 10-307 of the ordinance, which would need to be filed within 21 days after the final decision. But the ordinance isn't super clear about what constitutes a final decision. Under Section 10-303(f), a denial is not final until a motion is passed during an open meeting and adopted in writing "at a subsequent meeting[.]" I'm not seeking legal advice, of course, but I also don't want there to be any unnecessary confusion and/or disputes about timelines, so this seems like something where an ounce of prevention would equal a pound of cure, and the Township could proactively resolve the uncertainty by publicly clarifying whether you're treating the 7/26 resolutions as the final decisions, or whether you're planning to have the Board adopt them at a subsequent meeting.

Thank you in advance for your time and attention to this matter.

Kevin M. Blair

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