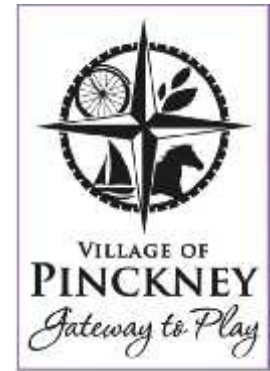

Fall 2020 Newsletter

Village of Pinckney

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villageofpinckney.org



From the desk of Village President, Linda Lavey:

To Live in Interesting Times

I hope you are doing well, keeping safe, staying engaged but not becoming overwhelmed. We can consider ourselves fortunate that we have not had much illness, but we still feel the effects of a pandemic. So much we took for granted is gone. If you are missing a job or a business or a loved one or an opportunity or a season or classmates or a break or a reason to care: hold on. We're with you. We're there, too. I like to think that here in the Village we are looking out for each other, showing each other respect and caring. If your neighbor's yard sign has a name on it you don't like, so what? The same rain and snow hitting his house will hit yours. We're in this together.

A little Village news:

- The new Village website is up and running pretty well. If you find a glitch or something not working, let us know. If you have a great idea for something to add, let us know that, too. It will be a work in progress, pretty much always.
- The saddest vote ever on Council was the one to cancel Spooktacular this year. The wonderful, growing success of it year after year (shout out to ZA/Treasurer Michelle Brunner as ring master) means trying to dial it down for social distancing is just too challenging for volunteers and visitors alike. We'll keep this year's energy like a battery to supercharge next year's event.
- At this writing we're not cancelling trick-or-treat on Halloween, with the understanding that it's an at-your-own-risk event. Whether collecting or handing out, please observe safe handling and social distancing. Wear a COVID mask under that hockey mask.
- Yes, we've heard it before, but we should start seeing some real progress on the new pump station building on Howell

With Sincere Apologies, the

PINCKNEY HALLOWEEN

SPOOKTACULAR 2020



is **CANCELLED**

for this year



2020

Fall CEMETERY CLEAN UP

**Saturdays, November 7th &
14th**

9 AM – 12 noon.

This day will be spent primarily cleaning up leaves and debris. Pinckney Historical Cemetery is located at 647 W. M-36, just west of downtown Pinckney. Bring gloves if you can (but not required).

Street. The contractors are scheduled to install the wet well and then begin construction on the building. Their schedules are posted on the website. It's a marathon, not a sprint, but hopefully now we've got our shoes on. Meanwhile the screening building has started operation. Please note: Just because we have a screen for those wipes doesn't mean you can flush them now. Put them in the trash! Seriously!

- Vote. Please vote. For the Village there are several Council positions running, and one ballot proposal. I strongly urge you to educate yourself about the proposal. This is sounding like an advertisement for the new website now, but you can find more information there.
- Wreaths Across America is still a go at this point, but expect a smaller, socially distanced, but still inspiring event.

This is my last message as your Village president, although I will just be shifting seats on Council as a trustee. You don't quit a job like this all at once, you know. I can make just as much trouble as a trustee, while stepping aside for someone with more time to dedicate to the ample work to be done. I might say that I did the best I could, but when you love something it never does seem like it's quite good enough. Thanks for all your support, and your complaints, too. Keep me honest! Until the next president is installed, contact me at president@villageofpinckney.org.

DPW:

Leaves, grass clippings, dirt and yard debris are NOT to be washed into the storm drains. This is an ordinance violation and as such you can receive a fine for doing so. Please place these items in yard bags, (weight limit of 30 pounds per bag,) and dispose of them on the appropriate collection dates. You are paying for this service, you may as well use it!

Business Owners! The Village is putting together a new Business Directory Page on its website. We'd like to have any contact details and business information you'd want local customers to know. Check the website under "Business Directory" to see if we list your business and confirm that the information is correct.



The date for Wreaths Across America is Saturday, December 19th. Gather about 11:45am at Pinckney Cemetery for the brief ceremony promptly at noon, then help distribute the wreaths to veterans' graves at this location and at St. Mary Cemetery. The theme for 2020 is "Everyone Plays a Part." Fundraising for wreaths is available through the WAA website and links on the Village Website and Pinckney Historical Cemetery Facebook page.



CHRISTMAS TREE PICK-UP



Christmas tree and brush pick-up will be on Tuesday, January 5th, 2021 The Department of Public Works will come around and chip these items. PLEASE make sure that all ornaments and lights are removed from the trees because these items can damage the chipper!

Q&A About Recreational Marijuana Businesses in the Village of Pinckney

Q: Is the Village an “opt in” or “opt out” community?

A: The Village of Pinckney is an “opt out” community. The Village Council voted to opt out when the Michigan Regulation and Taxation of Marijuana Act (MRTMA) was passed in 2018, taking a “wait and see” stance. The State of Michigan had no provisions for licensing and regulation in place. Council thought it would be prudent to wait until these were developed.

Q: Does being an “opt out” community prohibit the possession or consumption of marijuana and/or cannabis products in the Village for medical reasons or for recreation as provided in the MRTMA?

A: No.

Q: Had any residents requested that the Council consider becoming an “opt in” community prior to this petition?

A: No.

Q: Who started the petition?

A: A ballot initiative group based in Lansing and established especially for this petition, “Jobs for Pinckney.”

Q: When and where was this petition circulated?

A: The petition was circulated in a wide area in and around the Village only on July 23 and July 27, 2020. The deadline for ballot petitions was July 28. Paid circulators canvassed the area and gathered around 250 signatures, of which 78 were valid registered voters in the Village. The MRTA requires 5% of eligible voters (for the Village, 53) to sign for the question to go to the ballot.

Q: What does the ballot proposal call for?

A: The proposal requires adoption of an ordinance. (The full text is available for review on the Village website.) Village attorneys have indicated that the regulatory provisions in the ordinance exceed the scope of a ballot initiative of the 2018 Michigan Regulation and Taxation of Marijuana Act, which is limited to the number of establishments allowed.

Q: What IS in the ordinance, then?

A: To summarize, the proposed ordinance sets the number of marijuana-based business in the Village to up to ten (10). It would further require the Village Clerk to develop systems for licensing and regulating these businesses, within 30 days of the initial application window (Sec. 7), and to award at least three licenses within that timeframe.

There are numerous references in the ordinance that provide for programs for communities “which have been disproportionately impacted by marijuana prohibition and enforcement.” The State of Michigan identifies 184 geographical communities, but Pinckney is not one of them, and there are none in Livingston County. The parts of the ordinance referring to that and “Community Benefits” programs therefore do not apply. Jobs for Pinckney identifies two classes of persons with regard to “communities that have been disproportionately impacted,” that qualify under the ordinance -- registered caregivers and individuals with cannabis related convictions.

Q: Why did Jobs for Pinckney sue the Village Clerk and Council?

A: Council rejected the petition because the proposed ordinance exceeded the scope of a ballot initiative under the MRTMA, and therefore the Village Council lacked the legal authority to put the proposal on a ballot.

Q: What happened with the court cases?

A: Jobs for Pinckney sued the Village alleging that the Village Council and Village Clerk had a clear legal duty to put the ballot language on the November ballot. The Circuit Court determined that the Village had no duty to certify the proposed ballot language for inclusion on the ballots, which determination was affirmed by the Court of Appeals. Jobs for Pinckney attempted to sue the Putnam Township Clerk, but the case was dismissed as having been filed late. On appeal, the Court of Appeals ordered that the Circuit Court order the Township Clerk to certify the ballot language. The County Clerk rejected the proposal that was certified by the Township Clerk, as it was presented too late to have ballot materials delivered in time, and the ballots had already been printed. Jobs for Pinckney then sued the County Clerk to include the ballot language, but the case was dismissed. On appeal, the Court of Appeals remanded with direction that the Circuit Court order the County Clerk to include the proposal on the ballot. The County Clerk chose not to request a stay and appeal to the Michigan Supreme Court, and reprinted the ballots for the Village as ordered by the Circuit Court on remand from the Court of Appeals.

Q: How much money does the Village stand to make from these businesses?

A: There are license fees and tax revenue to consider. The proposed ordinance would limit application fees to \$100. The MRTMA allows municipalities to charge up to \$5,000 per license. The ordinance says maximum \$4,900 (plus the initial \$100, or \$5,000).

The State collects the state sales tax and the excise tax. After the State pays for the operations of its licensing agency, it will distribute funds based on the chart in the MRTMA (see below). The amount the Village gets is dependent on the number of municipalities allowing marijuana businesses statewide, and the number of businesses in each of those. The State started issuing licenses in November 2019, so a full tax year has not gone by for hard data. Projections cited by Jobs for Pinckney estimate statewide distributions of \$18 million in 2021.

Upon appropriation, unexpended balances must be allocated as follows:

- (a) 15% to municipalities in which a marijuana retail store or a marijuana microbusiness is located, allocated in proportion to the number of marijuana retail stores and marijuana microbusinesses within the municipality;
- (b) 15% to counties in which a marijuana retail store or a marijuana microbusiness is located, allocated in proportion to the number of marijuana retail stores and marijuana microbusinesses within the county;
- (c) 35% to the school aid fund to be used for K-12 education; and
- (d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

Q: What is the ballot language and what does it mean?

A: The ballot language is:

“A proposal, if adopted, to provide for the number of Marijuana establishments within the Village, including regulatory and application provisions incidental to a system of safe and legal access to marijuana within the municipality. Shall the proposal be adopted?”

What does it mean? Section 6 of the MRTMA allows that “Individuals may petition to initiate an ordinance to provide for the number of marijuana establishments allowed within a municipality...,” but does not call for or allow “...regulatory and application provisions...” The ballot language and the ordinance were developed by Jobs for Pinckney.

Check the website for a version of this document with links.