

CLARK TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Tuesday, April 9, 2019 AT 7:00 PM

CALL TO ORDER: Meeting called to order by Mr. Merchberger.

PLEDGE OF ALLEGIANCE conducted at 7:02 PM

ROLL CALL: Members Present – Merchberger, Koster, Kozma, Patton, Pieri, Wilcox, Keighley

Others Present: Sergeant Ron Umbarger, Mackinac County Sheriff Department. Dave Murray *Deputy Supervisor*.

APPROVAL OF MINUTES: March 12, 2019

Motion: *Moved by Mr. Pieri, seconded by Ms. Patton to approve minutes of March 12, 2019*

Vote: *All aye. Motion carried.*

Mr. Keighley commented on last month's meeting as a "remarkable example of how local government is supposed to work." People from differing sides attended with differing expectations and they could leave the meeting with an agreement going forward. Mr. Koster supported Mr. Keighley's comments.

PUBLIC COMMENT: None

ADDITIONS TO AGENDA: None

Motion: *Moved by Ms. Patton, supported by Mr. Kozma to approve the agenda as presented.*

Vote: *All aye. Motion carried.*

ZBA REPORT: Mr. Pieri: as Mr. Pieri was not in attendance at the ZBA meeting, he deferred to Mr. Murray who said the ZBA approved a dimensional variance to Mr. Mike Hamberg for an addition to his storage building. Mr. Murray said the approval was given because the storage structure was fairly hidden from public view, the owner had significant land acreage, and there are storage structures directly across the road.

TOWNSHIP BOARD REPORT--Ms. Patton: identified the following items presented at the Township Board meeting 3/20/19:

- * a new ordinance for emergency services billing
- * Cedarville Harbor building at 83% complete
- * approved increasing sewer quarterly rate from \$90 to \$95
- * approved the Short-Term Rental Inspection form and posted on website
- * approved a raffle license for the Great Lakes Boat School
- * Jason and Jennifer preparing a grant for drainage and paving infrastructure work at the recycling center
- * a request for a DNR Recreation grant to install a dock in Hessel was tabled
- * drainage issue on Islington Road was being addressed by Jason and Mark with the Road Commission
- * Dunn family donating a flag pole and money toward the purchase of a new fire boat, and serving as the fund raiser for that boat.

OLD BUSINESS:

Marijuana discussion

Sergeant Ron Umbarger presented sheriff's office perspectives, concerns, confusions regarding implementing marijuana laws. (attached chart provides brief outline of concerns, and some of the positives highlighted in the discussion, though not all inclusive)

Mr. Keighley presented outline for ordinances for medical and recreational marijuana. Asked Commission members to vote on each to generate discussion, air ideas, sort questions, then to make a recommendation to the Township Board.

He noted the if the Township takes no action on medical marijuana, then medical marijuana dispensaries cannot be licensed in the Township. However, the Township must vote to opt out of recreational marijuana to prohibit licenses; if Township takes no action on recreational marijuana, then recreational marijuana dispensaries can be licensed in the Township.

Motion: Moved by Mr. Keighley, supported by Mr. Kozma, to draft an ordinance that recommends to the Township Board to enable all five (5) elements of the medical marijuana supply chain in Clark Township.

Roll call: Yes—Keighley, Kozma, Pieri, Wilcox. No: Merchberger, Patton, Koster.

Vote: 4 to 3 in favor. Motion passed.

Motion: Mr. Keighley moved, supported by Ms. Patton, to draft an ordinance that recommends to the Township Board to enable all six (6) elements of the recreational marijuana supply chain in Clark Township.

Roll call: No—Keighley, Pieri, Wilcox, Patton, Koster, Kozma, Merchberger. Yes- none.

Vote: 7 to 0 against. Motion failed.

Discussion followed about aspects of the recreational supply chain:

- * some elements may be beneficial to a medical marijuana dispensary
- * not a large enough market in the Township for a recreational dispensary
- * while medical marijuana is helpful, recreational marijuana is obtainable through other means than a dispensary
- * concern about edibles available to children and youth
- * medical dispensaries have failed miserably downstate
- * if Clark Township chooses not to have a recreational dispensary, a DeTour facility could apply for a license for a retail dispensary in Clark Township

Motion: Moved by Mr. Koster, seconded by Ms. Patton, that the Planning Commission recommends to the township Board that Clark Township opt out of allowing the six (6) elements of the recreational marijuana supply chain.

Roll call: Yes—Pieri, Koster, Patton, Merchberger, Kozma, Wilcox. No—Keighley.

Vote: 6 to 1 in favor. Motion passed.

NEW BUSINESS:

Review Ordinance Language regarding accessory structures per request of Township Zoning inspector.

Mr. Kozma said he spoke with Zoning Inspector Waybrant about the definition of terms regarding building and structures. He presented to the Commission a statement that supports ordinance language as sufficient to address the accessory structure issue.

Motion: Moved by Mr. Koster, seconded by Ms. Patton, that the Planning Commission recommends to the Clark Township Board that they use the Planning Commission's interpretation of the difference between a structure and a building as defined in the Clark township ordinance. (Mr. Kozma's prepared statement is attached)

**Roll call: Yes—Keighley, Pieri, Wilcox, Koster, Patton, Merchberger, Kozma. No—none.
Vote: 7 to 0. Motion passed.**

ADDITIONAL PUBLIC COMMENTS: None.

ADJOURNMENT: **Motion: Moved by Mr. Koster, seconded by Ms. Patton, to adjourn the meeting.**

Vote: All aye. Motion passed.

Meeting adjourned at 9:08 pm.

(see attachments below)

Comments listed from April 9, 2019 Planning Commission meeting regarding marijuana ordinances. Sergeant Ron Umbarger presented sheriff's office perspective and concerns. Below are summary points of his presentation.

Negative concerns, issues	Positive Aspects
Laws are ambiguous and changing	Some increase in jobs with legal supply chain operations
Marijuana is still illegal per federal laws	Local communities will see some increase tax dollars
State Attorney General ordered zero tolerance for drivers suspected of marijuana use, medical or otherwise	Legalization reduces criminalization, i.e. possession, personal use
Colorado study showed increase in fatal accidents with legalized marijuana	
No accurate test yet to determine blood level of marijuana in system	
Every plant of marijuana equals one pound; thus, individual allowed 12 plants, allowed 12 pounds	
Basically, a cash business; cannot put money into banks as it's considered 'ill-gotten gains'; thus, can't trace where money comes from	
Increase in edibles found in schools; concern of small schools that product is easily passed down to younger siblings	
Opinion: medical dispensaries unneeded as care givers can supply their clients easily; dispensaries may increase costs; care giver can grow 12 plants per client	
Recreational use already exists; why would an individual want to pay more at a dispensary?	
Law enforcement encouraged to use own judgment regarding marijuana situations; prosecutors and defense attorneys unclear on the laws application.	
Science is 'all over the board' as to how long THC stays in system, its affects	
Individual cannot carry a gun if THC in system	
Seeing increase in use of alcohol and marijuana	

Response To: Memo to Clark Twp. Planning Commission, per Ken Waybrant, 3-27-19

Re: Accessory Structures, Zoned Single Family Residential

4-9-19

As defined in the Michigan residential Building Code 2015, all buildings are structures but not all structures are buildings. Where reference is made to a building in the Clark Twp. Zoning ordinance, it is more specifically defined than a general structure and adheres to the more specific regulations governing a building.

In reference to Article 6.12 B of the Clark Twp. Zoning ordinance, the area of all accessory buildings will be used to determine the total square footage of accessory buildings, regardless of the dimensions of each individual building.