

CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

JANUARY 25TH, 2018

PRESENT: Kirkanne Moseley, Chairperson
Ronald DiBartolomeo, Vice-Chairperson
Denise C. Trombley, Secretary
George Brumbaugh
Stephen Charron
Michael Deyak
Daniel Spatafora
Joie West

ABSENT: Lawrence Opalewski Jr. (Excused)

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

Ms. Moseley called the meeting to order at 6:30 p.m.

APPROVAL OF AGENDA

Motion by Ms. West, supported by Mr. Spatafora, to approve the agenda as submitted. Motion carried.

5.07 ACRES OF VACANT LAND FRONTING THE EAST LINE OF GARFIELD, SOUTH OF 19 MILE ROAD (PARCEL #16-11-08-101-034) (SECTION 8)

- **CONDITIONAL REZONING FROM OS-1 OFFICE/SERVICE (LOW-RISE)
TO RMH MULTIPLE-FAMILY RESIDENTIAL (HIGH-DENSITY) AND**
- **SITE PLAN: GARLAND APARTMENTS**
- **REQUEST FOR RECOMMENDATION FOR APPROVAL**
FILE #17-6134: PETITIONED BY MR. CHRIS COUSINO, OF
GARFIELD OFFICE RESIDUAL, LLC
REPRESENTED BY MR. WILLIAM THOMPSON, OF LEHNER ASSOCIATES

Ms. Trombley read the letter into the record dated January 12th, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 409

owners and/or occupants within 300 feet of the land in question, with 12 of those returned as undeliverable.

Mr. Bill Thompson, of Lehner Associates, Inc., 17001 19 Mile Road, Clinton Township, Michigan 48038, explained this project is located behind the Garland Commons office building and adjacent and to the south of Children's Hospital. They are proposing development of two-story apartment units. He replied to inquiry that they put the Conditional Rezoning Agreement together a couple of weeks ago.

Mr. Spatafora inquired as to whether the conditions specified in the letter have been resolved. He inquired as to a trash enclosure.

Mr. Thompson replied he believes they have all been resolved. He noted that a couple of the items mentioned by Mr. Santia, such as providing a clear rear yard at the southwest corner of Building #3, will be addressed as they are relatively minor revisions.

Mr. Santia confirmed the comments have been addressed, and Mr. Thompson assured he will be submitting plans showing those revisions for the Township Board.

Motion by Ms. Trombley, supported by Mr. Brumbaugh, with reference to File #17-6134 and application from Mr. Chris Cousino, of Garfield Office Residual, LLC, 12955 23 Mile Road, Shelby Township, Michigan 48316, as represented by Mr. William J. Thompson PE, of Lehner Associates, Inc., 17001 19 Mile Road, Suite 3, Clinton Township, Michigan 48038, concerning the proposed Conditional Rezoning from OS-1 Office/Service (Low-Rise) to RMH Multiple-Family Residential (High-Density) and the Site Development Plan for Garland Apartments, to be located on 5.07 acres of vacant land located east of Garfield and south of 19 Mile Road, known as Parcel #16-11-08-101-034, (Section 8), that recommendation for the Conditional Rezoning be forwarded to the Township Board for approval, subject to the conditions in Mr. Santia's letter being met, which also includes final review and approval of the Conditional Rezoning Agreement by the Township Attorney. Roll Call Vote: Ayes – Trombley, Brumbaugh, Charron, Deyak, DiBartolomeo, Moseley, Spatafora, West. Nays – None. Absent – Opalewski. Motion carried.

Ms. Moseley advised Mr. Thompson to meet with Mr. Santia and work out the details of the Conditional Rezoning Agreement, and once that is complete, this matter will be forwarded to the Township Board for their final determination.

4.98 ACRES OF VACANT LAND FRONTING THE NORTH LINE OF 15 MILE ROAD, WEST OF KELLY ROAD (PARCEL #16-11-29-481-026) (SECTION 29)

- **CONDITIONAL REZONING FROM B-1 NEIGHBORHOOD BUSINESS TO SP-1 SPECIAL PURPOSE (NURSING HOMES) AND**
- **SITE PLAN: HAMPTON MANOR OF CLINTON TOWNSHIP (A SENIOR LIVING FACILITY)**
- **REQUEST FOR RECOMMENDATION FOR APPROVAL**
FILE #17-6793: PETITIONED BY MR. ZOHAIB SYED, OF
CLINTON INVESTORS LAND HOLDING
REPRESENTED BY MR. WILLIAM THOMPSON, OF LEHNER ASSOCIATES

Ms. Trombley read the letter into the record dated January 15th, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 65 owners and/or occupants within 300 feet of the land in question, with none of those returned as undeliverable.

Mr. Bill Thompson, of Lehner Associates, Inc., 17001 19 Mile Road, Clinton Township, Michigan 48038, offered to answer questions about this project.

Mr. Charron noted the letter referred to “comments from the Township’s Fire Marshall”, and he inquired as to those comments. He stated he did not see that review included in their package.

Mr. Santia replied to inquiry that the comments from the Fire Marshall were routine and they are items to which they would normally have to conform, such as the possibility of requiring additional hydrants and spacing. He wanted to make sure their apparatus can get between Buildings #4 and #5, and they will provide a turn radius, and fire access lanes need to be posted.

Mr. Thompson clarified there is only one building on the site, and the other items have been addressed.

Ms. Moseley opened the floor for comments from the audience.

Ms. Ann Rattee, 18551 15 Mile Road, Clinton Township, Michigan 48035, questioned whether there will be walls around the development.

Mr. Santia replied there will be a 6-foot-high walls around the development.

Ms. Rattee inquired as to what happens to the development if the owner goes bankrupt.

Mr. Santia replied it could remain the same use, or it could be turned into apartments, which they would be allowed to do through a provision in the ordinance

Ms. Rattee inquired as to where the dumpster will be located.

Mr. Thompson showed Ms. Rattee the location of the dumpster on the site development plan.

Mr. George Barta, 18504 Whalen, Clinton Township, Michigan 48035, questioned whether there will be a fence along the rear of the project.

Mr. Santia clarified there will be a 6-foot wall along the rear and both sides of the proposed development.

Ms. Moseley inquired as to when they intend to start construction.

Mr. Thompson replied that they must get engineering approval, so they hope to start construction in late spring or early summer. He anticipated it will take three to four months to obtain all the approvals necessary to start construction.

Ms. Rattee inquired as to the distance of the proposed wall from her house.

Mr. Thompson and Mr. Santia confirmed that the wall will be situated on the property line.

Mr. Charron inquired as to whether there will be access from this site to any of the neighboring residential areas.

Mr. Thompson replied there will be no access from this site other than from 15 Mile Road.

Motion by Mr. Charron, supported by Mr. Spatafora, with reference to File #17-6793 and application from Mr. Zohaib Syed, of Clinton Investors Lands Holding, 4775 25 Mile Road, Shelby Township, Michigan 48316, as represented by Mr. William J. Thompson, of Lehner Associates, Inc., 17001 19 Mile Road, Suite 3, Clinton Township, Michigan 48038, concerning the proposed Conditional Rezoning from B-1 Neighborhood Business to SP-1 Special Purpose (Nursing Homes) and the Site Development Plan for Hampton Manor of Clinton Township (a senior living facility), to be located on 4.98 acres of vacant land fronting the north line of 15 Mile Road, west of Kelly Road, known as Parcel #16-11-29-481-026 (Section 29), that recommendation for the Conditional Rezoning be forwarded to the Township Board for approval, subject to the conditions in Mr. Santia's letter being met, which also includes final review and approval of the Conditional Rezoning Agreement by the Township Attorney. Roll Call Vote: Ayes – Charron, Spatafora, Brumbaugh, Deyak, DiBartolomeo, Moseley, West, Trombley. Nays – None. Absent – Opalewski. Motion carried.

Ms. Moseley advised Mr. Thompson to meet with Mr. Santia and work out the details of the Conditional Rezoning Agreement, and once that is complete, this matter will be forwarded to the Township Board for their final determination.

PART OF 160.7 ACRES OF LAND FRONTING THE WEST LINE OF GARFIELD ROAD, SOUTH OF CLINTON RIVER ROAD, KNOWN AS PARCELS #16-11-19-100-029, #16-11-19-200-013 AND #16-11-19-326-002 (SECTION 19)

- **SITE DEVELOPMENT PLAN: AT HOME IN CLINTON (STORAGE ADDITION) (FKA CHATEAU CLINTON MOBILE HOME PARK)**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL**
- FILE #17-0122: PETITIONED BY MR. RONALD K. WEISS AND
MR. DOUGLAS ARMITAGE, AT HOME IN CLINTON**

Ms. Trombley read the letter into the record dated January 12th, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 174 owners and/or occupants within 300 feet of the land in question, with 6 of those returned as undeliverable.

Mr. Douglas Armitage, petitioner, explained when they purchased the property from Hometown America, the storage was already in place, and the residents were storing their belongings there. He stated they were putting a stop to that a few months ago because they needed the space for their own maintenance operation. He assured that has been resolved, so there is no more outside storage at that location by the residents.

Mr. Santia explained they had a conversation, and the storage will be eliminated. They have started that process and have required the residents to move their boats and other equipment from the yard. They are proposing to construct a new storage building, which will accommodate their heavy equipment.

Mr. Armitage stated it is a distressed property, so they purchased earth movers and boom lifts and they need to protect those items by having covered storage.

Mr. Santia stated he would recommend asking the Township Board for a waiver of the masonry wall requirement, noting the area is adjacent to a heavily-wooded property and there are no other masonry walls surrounding the manufactured home community at this time.

Motion by Ms. West, supported by Mr. Spatafora, with reference to File #17-0122 and application from Mr. Ronald K. Weiss and Mr. Douglas Armitage, of At Home in Clinton, LP, 3000 Town Center, Suite 540, Southfield, Michigan 48075, concerning the proposed Site Development Plan for At Home in Clinton Storage Addition (fka Chateau Clinton Mobile Home Park), to be located on part of 160.7

acres of land located west of Garfield and south of Clinton River Roads, known as Parcel #16-11-19-100-029, #16-11-19-200-013 and #16-11-19-326-002 (Section 19), that recommendation be forwarded to the Clinton Township Board for approval of the Site Development Plan as submitted, subject to the removal of outdoor storage, which is not allowed; further, that recommendation be made for waiver of the required masonry wall along the west property line. Roll Call Vote: Ayes – West, Spatafora, Brumbaugh, Charron, Deyak, DiBartolomeo, Moseley, Trombley. Nays – None. Absent – Opalewski. Motion carried.

Ms. Moseley informed that the petitioner will need to submit 24 copies of the Site Development Plan and Landscape Plan to the Planning Department prior to February 7th, 2018 to be placed on the February 20th, 2018 Township Board meeting, which she noted is on a Tuesday because of President's Day.

WORK SESSION AND DISCUSSION

- **MEDICAL MARIHUANA FACILITY LICENSING ACT (MMFLA)**
 - **CONTINUED DISCUSSION ON PROPOSED AMENDMENT TO THE PLANNING & ZONING CODE TO ALLOW FACILITIES IN CLINTON TOWNSHIP**
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Ms. Moseley stated that at their last meeting, they had a presentation and the Planning Commissioners had indicated they would do additional research regarding medical marihuana.

Mr. Santia stated he presented the Commissioners with a draft of a Zoning Ordinance. He explained it is loosely written and does not provide a lot of detail, so the Commissioners will have to add the detail. He explained they did not look at specific numbers for the types of facilities. It is the duty of the Planning Commission to go through the document, look at the community make-up, and come up with areas where they feel facilities would fit in appropriately. They need to come up with numbers for the grow facilities, process facilities, dispensaries, safety compliance and secure transporters.

Mr. DiBartolomeo recalled when they have worked on ordinance in the past through committees, they have always had Township attorney representation. He questioned why the Township attorney is not present for these meetings.

Mr. Santia stated when the Ordinance Update Committee met, they typically did not have the Township attorney present, although he always weighs in on it. Mr. Santia confirmed he has weighed in on this as well. He replied to inquiry that they can ask him to attend their meeting, but he did not believe the Township attorney felt it was necessary up to this point.

Mr. Spatafora inquired as to whether Mr. Dolan has weighed in specifically with concerns that Mr. Santia can share.

Mr. Santia replied no, although he acknowledged that everyone has their personal opinions, and Mr. Dolan may also have his personal opinions as to whether the Township should be opting in or opting out of the process.

Mr. Spatafora inquired as to whether Mr. Dolan has explained the process and what is required. He stated he regrets missing the last meeting but was unfortunately called out of town the last minute. He assured that he has read all the material submitted, and he felt his colleagues, according to the minutes of the first work session, have set forth a lot of questions that were also concerns of his. He stated he does not have any specific questions at this moment, but he would be curious if there are legal issues for which they should be concerned, setting aside personal opinions. He mentioned issues such as the State law with regards to opting in or opting out, and whether any rules have been promulgated by the State. He stated this may be a step-by-step type of process that the Commission can look at

Mr. Santia felt most of that information has been provided. He noted that two weeks ago, they had a review of the state law, what it allows and does not allow. They talked about LARA and their obligation to provide some guidance. They have provided emergency rules under which they can work, and the final rules may not come out for some months. He explained the ordinance will conform to state law, and they will spell out types of facilities allowed, how the facilities will be secured, the aesthetics of the facilities, whether or not they will allow neon lights or a marijuana leaf on the building as a sign, or whether they will opt to require something more discreet, and since it is a medical facility, it should perhaps look more like a drug store. The Township Board is placing their faith on the Planning Commission to come up with an ordinance for them, which is the first time they have done that directly as opposed to having the Ordinance Update Committee put something together to present to Planning Commission. He felt this way may be a little more transparent, so everyone can see what is going on as opposed to having it discussed by a committee, in which case the public would not know until the very end what is being proposed.

Mr. Charron stated he looked over a few ordinances and other information. He explained one of his concerns, once they institute something new like this, is the overall cost of enforcement. He questioned how they are going to defray some or all the cost of enforcement and how that can be written into the ordinance. He was concerned that, even if the Township requires the highest quality security system on the market, they will not know if the owner is monitoring it and using it properly, so someone will have to go out and monitor it. He stated that if this is up to the Township's law enforcement, it could take away from some of the duties and responsibilities they already have, and he questioned who will pay when they must replace those officers on the road. Mr. Charron expressed concern about these facilities having proper ventilation, and how the Township is going to make sure they are using the systems properly.

Mr. Santia replied the Building Department would handle that monitoring, and they can charge inspection fees. If necessary, they can go back and charge additional fees. They have a regulatory ordinance to allow for that, and they will make sure they have the property equipment for safe air quality.

Mr. Charron questioned the specific rules that the States of Washington and Colorado use for their recreational growers and processors. He stated he has concerns about the number of provisioning centers, and if they are going to permit them, he felt they need to be spread out. He felt they may want to have one in the north end of the Township, one in the center of the Township, and one in the south end of the Township. Since this is for medical marihuana, it should be convenient for the users to acquire it. He anticipated that the growers and processors are easier to regulate because that is where the money is. They will want the best security, have everything running smoothly, and be able to process it as productively and efficiently as they can. He would anticipate having less provisioning centers and more growers and processors in the Township. They are easier to monitor and are in industrial areas, out of the area of most traffic and residential areas. He does not understand the secure transporter, because he pictures armored cars, but it was explained last week that it is “a van with two guys”. He was concerned that would create somewhat of a nuisance, and he does not know how to get around it. Mr. Charron inquired as to whether the secure transporters must be licensed by the Township, and whether they can travel across municipalities.

Mr. Santia clarified that they must be licensed by the State of Michigan and licensed by the Township if they located in this community. Secure transport can drive between communities to pick up the marihuana from their processing facilities and take it to provisioning centers in other communities.

Mr. Charron inquired as to whether it can be specified that they can only use security transporters to transport the product to a facility within the Township for which the Township approves.

Ms. Paula Givens replied the regulations for that are in the state law.

Mr. Santia explained the types of vehicles and how many people are to be in each one will be in the state rules as well. He noted there is already some information in the emergency rules, and he anticipated there will be more to follow.

Ms. Trombley inquired as to whether something can be put into the ordinance, like massage therapy facilities, where the Township can “shut it down” if they are in violation, as opposed to going through a court process.

Mr. Santia replied it can be specified in the ordinance that if they are not following the Township's rules and/or the State's rules, they can be shut down just like any other business. He pointed out that they can send Ordinance Enforcement to shut them down if they are violating any of the ordinances or are creating an unsafe condition. He noted they can be shut down immediately.

Ms. Moseley suggested that the Commissioners review the drafts that have been presented, including a draft that was prepared for the Township, as well as examples from Lenox and Orion Townships.

Ms. West stated that the ordinance for the City of Centerline was included in their last agenda packet.

Ms. Moseley stated this is very new, so she anticipated it will be a very involved and detailed process that will require a lot of research on their behalf. She indicated that, even if something is passed, she suspected they will constantly be updating their ordinance because they will find things that work well and some that do not. This will not be a quick process, but she felt this is something that is needed. She suggested they can obtain statistics from other States that currently allow the medical marijuana to find out how many robberies of transport trucks they have documented. She stressed they have to do their due diligence, and she stressed they do not want people coming into the Township, "running amuck".

Ms. Trombley questioned, in the sample ordinances they have received, whether it is common for communities to limit numbers of facilities.

Mr. Santia replied affirmatively, noting it can depend upon the size of the community, but not always. He stated the City of Centerline allows 15 of each type of facility, so that totals 15 grow operations, 15 processors, 15 dispensaries, 15 secure transport facilities and 15 safety compliance centers.

Ms. Paula Givens stated Bay City has 50, and Niles has two provisioning centers, four in an industrial park, but unlimited elsewhere. She explained Niles has struck a balance in an industrial park where the city wanted to limit it. She added some municipalities choose zones where they desire redevelopment.

Ms. Trombley inquired as to whether the growing and processing are generally in one area of the community, or whether they are spread out.

Ms. Givens identified herself as an attorney and a former federal attorney until 2014 when she entered the cannabis industry. She is now a cannabis compliance attorney and recently worked for a licensed New York company. She has written medical marijuana applications throughout the country, she has lived in Colorado, and has here for a year-and-a-half. She emphasized that she has

substantial experience with municipal applications. She replied to inquiry that she is an independent attorney and is not associated with a law firm but serves as a consultant.

Mr. Santia noted that Ms. Givens has clients in the area.

Ms. Givens explained her clients are cannabis business hopefuls. She replied to Ms. Trombley that the locations vary depending upon preference. She stated there are common zones that are attributed to processing and growing, and that is generally industrial or warehouse, depending upon the zones a community has and where they want to push the use. She explained that frequently there will be a retail zone or a medical zone where a community will allow a provisioning center. They may not view that zone appropriate for a grow operation.

Ms. Trombley pointed out that the Township has industrially-zoned land in the north end of the Township, they have some along Groesbeck, and there is some in the south end.

Mr. Santia stated each area will be different. In Centerline, most of their facilities will be along Sherwood, which is their industrial corridor. They have a lot of blighted facilities there, and they are looking for redevelopment. For the Township, it could be the south end of Groesbeck, and perhaps the north end of Groesbeck for grow operations, and possibly provisioning as well because it is somewhat of a commercial corridor.

Ms. Givens has witnessed where communities come up with maps, where they pick and choose certain areas. Some communities designate “industrial” and they provide a buffer zone, but in her experience in Colorado, regarding the buffer zone issue, she lived in a subdivision directly adjacent to a provisioning center. She claimed her condominium sold on the first day, over asking price, and it set the bar in her subdivision. She stated the fear some people have about being adjacent to a provisioning center has not been her experience. She has frequently witnessed communities that set a buffer zone from residential, but she stated from her experience, that is not required. If there are some areas of redevelopment where that is an issue, they may consider relaxing the buffer zone in those areas. She stated she has a client in Clinton Township who owns a vacant gym on Groesbeck that they would like to redevelop and invest millions of dollars into a facility if it is allowed on the buffering zone. She noted that some Planning Commissions target properties for redevelopment rather than a “blanket zoning”. She addressed Ms. Moseley’s comment about the concern over “people coming into the Township and running amuck”. She claimed drug dealers “run amuck” and do great harm to communities, but she felt licensed cannabis business people do not spend millions of dollars on buildings,

equipment and compliance attorneys to come into a community and “run amuck”. Her experience in Colorado is that it is very rare for licensed cannabis business people to do that. She does not foresee that happening in Michigan.

Ms. Moseley assured that is what she meant when she referred to “running amuck”, and that they need to put an ordinance in place.

Mr. Charron clarified he does not need more advocacy on this, and he has read a lot of sound research on marihuana, noting it depends “what side of the coin you want to be on”. He questioned who checks to see if an applicant has “financial capabilities”.

Ms. Jenn Zielinski, of Dunaskiss Consulting & Development, replied that the State verifies the financial capabilities. She stated they can demand bonds, and there are capitalization requirements. All financials must be attested by a CPA, so a CPA will testify that a certain entrepreneur has the funding and resources available to sustain a business.

Ms. Givens stated they can also establish merit-based criteria on the application where they “get the best and the brightest” and they can choose. She referred to Lansing’s application criteria and ordinance, it is very heavy on economic development and demonstrating financial capabilities. She recommended if they want to see what that looks like, they should look at Lansing. She recommended one of the ways to handle their concerns about secure transporters is to require a sally port, which is a secured pull-in entrance for the vehicle. She also noted that a secure transporter is like a taxi service, and provided they have enough cars, they can serve more than one provisioning center or grow operation. She noted that some of the Colorado communities have developed sophisticated rules to handle some of the issues they are looking at, and she suggested Aurora, Denver and Boulder as communities for which the Township may want to look at closely. She suggested that Mr. Santia could contact the Planning Director in one of these cities to discuss their regulations. Ms. Givens also emphasized that the numbers permitted for each type of facility does not have to be the same. She pointed out that test labs are very expensive, and there may only be one interested in locating here. She suggested limiting it to two testing labs, four grow operations and unlimited provisioning centers, noting that the provisioning centers can look like a chiropractor’s office from the outside so as not to impact neighboring property values.

Ms. Dawn Radzioch, 46231 Apple Lane, Macomb, Michigan 48044, stated she lives across the street from Clinton Township, and her children attended the Chippewa Valley schools, she expressed concern that this will impact the entire community and not just those in Clinton Township.

She stated she lives in Macomb Township but works in Clinton Township, and she urged the Township to consider the children and teens. She commented that they can also opt to have zero facilities in this Township. She recommended they consider Mr. Charron's concern about the impact it will have on local law enforcement. She pointed out the Township recently got a millage increase, and she stressed that will not cover it, so they will probably have to ask for another millage. She informed that she works for the Office of Substance Abuse, and their primary concern is making sure the kids are safe and they help people with addiction. She claimed the addiction rates have risen in Colorado, along with homelessness for teens. She urged Clinton Township to consider this. She did not know why Centerline chose to allow such a large number of these facilities for such a small community, and she has known of much larger communities that have only allowed one or two grow operations. She urged the Commission to consider keeping the kids safe.

Ms. Dunya Barash, 2277 Columbia Drive, Troy, Michigan, stated she is a community organizer at CARE of Southeastern Michigan, and she explained that about 50% of her job involves working with kids. She stated that people are confused as to why something like this is being implemented because they are told it is dangerous. She requested they consider whether they really need this in Clinton Township with all these other cities opting in.

Ms. Nancy Buyle, 50619 Pembroke, Chesterfield, Michigan 48047, stated she has worked 18 years at the Macomb Intermediate School District (MISD) in Clinton Township as a School Safety Student Assistance Consultant, stated in listening to comments this evening, the comment that struck her the most was the comment "it depends on where they want to push the use". She stressed that language is very concerning to her, and if they are considering medical marihuana, why do they need to "push the use". She pointed out this is still a cash business right now and is still a federal offense, and any income they will get will be offset by the increased costs for law enforcement, fire, uninsured citizens who need EMS for marihuana intoxication, and fighting increased crime. She cited an incident in Warren this past Christmas season where a grower was killed in the process of being robbed. She urged the Township to seriously look at these issues, and she felt it will negatively impact the youth because it will normalize marihuana and will send them all the message that it is ok. She added that the perception of harm from marihuana is going down, which typically precedes an increase in use, dropout rates, etc.

Mr. Vincent Calimazzo, 35851 Devereaux, Clinton Township, Michigan, stated his father recently had two lower discs removed from his spine from damage suffered over years of labor, and the pain that resulted after

surgery was mitigated by using marijuana edibles. He stressed his father being able to get relief from his pain by these edibles has had a very positive impact on his life. He stated he would like to see patients able to receive safe and clean medicine in the community in which they live, so he would like to advocate for provisioning centers. He also felt it would be beneficial to see some redevelopment of the industrial areas that have been vacant for some time. He stated as a homeowner in Clinton Township, he sees it as a positive move.

Mr. Shaun Mansour, Attorney, 38550 Garfield, Suite A, Clinton Township, Michigan 48038, stated he does not want to advocate on either side, noting there are residents who have issues with the marijuana facilities being near their homes, and there are business owners who want to get into this industry to make money. He talked about the need for control over these facilities and questioned why they cannot put provisioning centers in industrial areas where they are not retail-centered areas, but people would still be able to have access to them. He would like to see that idea being discussed.

Mr. Charron questioned whether the Planning Commissioners have to write the ordinance.

Mr. Santia stated if they tell him what they want, he will write it.

Mr. Charron stated he is confused about this whole process. He inquired as to whether they do this collectively or whether they send in their individual thoughts on it.

Mr. Santia stated there would have to be a consensus. They can add to or remove items from the ordinance after discussion. He hoped they will eventually create an ordinance with which they will all be happy. He stated they have provided a template.

Ms. Moseley suggested that each Planning Commissioner put their personal thoughts and comments about the ordinance in an email to Mr. Santia, so he has a visual of their concerns, can sort it out and try to incorporate those items. She stressed they are not all going to agree on everything, so this would be her suggestion for a starting point.

Mr. Brumbaugh commented that they are “jumping all over the place”. He agreed with Mr. DiBartolomeo that if they are going to discuss what should be included in an ordinance, he felt the Township attorney needs to be present. He recognized that Mr. Dolan’s time is valuable, but he felt they could discuss it in parts. He acknowledged the Regulatory Ordinance is lengthy, but he felt if they are concentrating only on one part at a time, and have Mr. Dolan present, they can find out why he did what he did.

Ms. Moseley understood that Mr. DiBartolomeo and Mr. Brumbaugh are suggesting that they meet with the Township attorney to discuss the Regulatory Ordinance and the Zoning Ordinance.

Mr. Brumbaugh suggested they start with the Planning and Zoning Ordinance and follow up with the Regulatory Ordinance.

Ms. Moseley inquired as to their goal when talking with Mr. Dolan.

Mr. Santia replied they want to make sure they are on the right track and that he has no objections to what they are proposing. If he does have any objections, he can explain his reasons and they can talk it out.

Mr. Brumbaugh stated they can then ask him why it is written that way.

Ms. West agreed it would be helpful to have Mr. Dolan attend. She inquired as to the State's role in inspecting. She inquired what they are inspecting, how much, and how often.

Ms. Zielinski replied that LARA, in conjunction with Michigan State Police, will be auditing these facilities on start-up and randomly throughout the process, as well as if they receive complaints. They will be looking at everything from the building structure, security systems, waste disposal, plans and what is being implemented, electrical, chemicals and storage of the chemicals, and it will be top-notch. Everything the Township wants their inspectors to look at, the State will also be looking at these items. She assured it will not be "fly-by-night", and she pointed out the fire safety requirements alone, as written in the emergency rules, are significant and at a significant cost to the prospects of this industry. They are requiring fire suppression systems, and it will not be short-changed in what is going to be required in each facility. She offered to provide the Planning Commission a synopsis of the building requirements specified in the emergency rules. Ms. Zielinski stated the department took a strong look and worked with the Building Enforcement office in Lansing, as well as the Fire Marshal in Lansing, and vetted any aspect that these buildings will confront. She realized the emergency rules are lengthy, but they provide a lot of guidance for the business operators as well as the local governments to include what is being regulated. She stated that odor control is one area, as well as ventilation requirements.

Ms. West inquired as to whether the State expects someone from the local government on site for these inspections.

Ms. Zielinski replied they are not expecting a local body, but if that is the Township's desire, then they have the right to attend.

Ms. West indicated that there may be something they may want to include in the ordinance.

Ms. Zielinski replied the Township could include that stipulation in their ordinance. She explained the business entrepreneur would notify the local government when their building inspection is up, and they can have someone from Building or Planning and Zoning on site for the inspection.

Mr. Santia informed that two weeks ago, he, along with Mr. Barry Miller, Building Department Superintendent, Mr. Mike Bobzin, the Fire Marshal, and a few of the Building Inspectors met with Mr. Keith Lambert, Director of the Bureau of Construction Codes for LARA, and they went through all this information. He assured it is a learning process, and they will not go into it blindly.

Ms. West assured she knows they are researching it, but she questioned how much the State will be doing as far as inspections, and how often.

Mr. Santia felt the majority will be on the Township, noting the State does not have enough staff to get everywhere as often as they probably should. He anticipated the State will issue the licenses and renew them, and the Township will do the same; however, he felt the Township is better equipped at this time to make sure the facilities within this community are inspected and running properly and safely.

Ms. West questioned whether the Township can opt in and only allow one of each type of facility, with the idea of looking at it again in three years.

Mr. Santia replied affirmatively, noting they do not have to do one of each, but they can choose. They can specify the numbers, and he provided the example of allowing three grow operations, one processing, one provisioning, one safety compliance, although he admitted they will probably not see a lot of labs.

Ms. Zielinski stated the labs have very little amount of medical product in them because they need such a small sampling for their testing procedures.

Mr. Santia stated they may also have one or two secure transporters.

Mr. Spatafora stated, as being a non-clinical employee in a very large health and hospital system in the area, his biggest overriding concern is end results, having to do with the THC levels. He questioned if there are any ordinances in existence, either in the State of Michigan or nationally, that can regulate the levels of THC during the processing.

Ms. Zielinski replied that the State is regulating the levels of THC. She replied to further inquiry that the maximum level has not yet been determined, but it will be decided.

Ms. Givens clarified there will be maximum dose levels and maximum overall product levels that will be reasonable. She cited an example of a dose being 10 mg., with the entire product not exceeding 500 mg. She stressed it is not common for a dose to be 500 mg., with a maximum of 10,000 mg. for the package.

Ms. Zielinski compared it to a prescription of antibiotics, with a total of 20 pills, and the patient is to take one pill twice a day, and each pill may contain 15 mg. of penicillin. The same would hold true for the prescription of marijuana, where they would have a specific dose based on their ailment, and they would be provided a specific number of doses.

Mr. Spatafora understood that analogy but questioned whether the THC can be reduced while still offering proper medicinal healing.

Ms. Zielinski replied affirmatively, stating the DNA of the plant has a lot of properties. It is covered in the Emergency Rules. She explained the THC has medicinal properties and explained it can increase the appetite of a patient with cancer, but CBD helps with inflammation, so it depends on the ailment and what area of the plant is best targeted to treat that ailment. She stated that, regarding the inspections, all the facilities will be audited by LARA in conjunction with the Michigan State Police prior to getting their license at the state level. She added that license application is renewed every year.

Ms. Givens noted the “Seed to Sale”, which is the method of tracking the product from the moment it is planted all the way to the point of sale. She stated it is helpful to understand that system to see how the product is accounted as it moves throughout the State, and that includes tagging and weighing requirements. The tag follows the plant through its growing, processing, transformation, waste and out the door.

Mr. Santia suggested the Commissioners provide him with some feedback and he will ask Mr. Dolan to attend the next meeting.

Discussion ensued as to what the Planning Commissioners will be forwarding to Mr. Santia.

Ms. Trombley inquired as to when this is supposed to be completed.

Mr. Santia replied there is no deadline. They have to submit their recommendation to the Board, but they were not given a deadline. He replied to inquiry that he is anticipating it will take two to three months.

Motion by Ms. West, supported by Ms. Moseley, to bring this item back to the next meeting, scheduled for February 8th, 2018, and invite the Township Attorney to be present; further, the number of pages to be discussed may be limited that night, depending upon the number of agenda items. Roll Call Vote: Ayes – West, Moseley, Brumbaugh, Charron, Deyak, DiBartolomeo, Spatafora, Trombley. Nays – None. Absent – Opalewski. Motion carried.

REPORT OF MEETING

-- APPROVAL OF THE JANUARY 11TH, 2018 REPORT

Motion by Ms. West, supported by Mr. Brumbaugh, to approve the report of the January 11th, 2018 Planning Commission Meeting, as submitted. Roll Call Vote: Ayes – West, Brumbaugh, Charron, Deyak, DiBartolomeo, Moseley, Trombley. Nays – None. Abstain – Spatafora. Absent – Opalewski. Motion carried.

PLANNING COMMISSION SCHEDULE OF MEETINGS

-- NEXT MEETING SCHEDULED FOR THURSDAY, FEBRUARY 8TH, 2018

Mr. Santia confirmed the meeting for Thursday, February 8th, 2018. He informed that they may have one other item on that agenda in addition to the work session.

Mr. DiBartolomeo stated that, due to a scheduling change at work, he will not be in attendance for the February meetings, and he may miss one of the meetings in March as well, so he requested to be excused.

ADJOURNMENT

Motion by Ms. West, supported by Mr. Charron, to adjourn the meeting. Motion carried. Meeting adjourned at 7:56 p.m.

Respectfully submitted,

Denise C. Trombley

Denise C. Trombley, Secretary

CLINTON TOWNSHIP PLANNING COMMISSION

ces:01/29/18

ces:01/30/18

Approved 2/22/18