

# CLINTON TOWNSHIP PLANNING COMMISSION

## REPORT OF MEETING

MAY 24<sup>TH</sup>, 2018

**PRESENT:** Kirkanne Moseley, Chairperson  
Denise C. Trombley, Secretary  
Stephen Charron  
Lawrence Opalewski Jr.  
Daniel Spatafora  
Joie West

**ABSENT:** Ronald DiBartolomeo, Vice-Chairperson (Excused)  
George Brumbaugh (Excused)

**STAFF:** Carlo Santia

Ms. Moseley called the meeting to order at 6:31 p.m.

### APPROVAL OF AGENDA

Mr. Santia explained that consideration of the first item on tonight's agenda was contingent on their obtaining a variance from the Board of Appeals; however, that request for variance was postponed, so the first item will need to be deleted from tonight's agenda.

Motion by Mr. Spatafora, supported by Ms. West, to approve the agenda with the deletion of Item #2 – Site Development Approval for Sargent Appliance Warehouse. Roll Call Vote: Ayes – Spatafora, West, Charron, Moseley, Opalewski, Trombley. Nays – None. Absent – DiBartolomeo, Brumbaugh. Motion carried.

### **4.59 ACRES OF LAND FRONTING THE NORTH LINE OF 15 MILE ROAD, WEST OF HENGESBACH (SECTION 26) (PARCEL #16-11-26-352-006)**

- **SITE DEVELOPMENT PLAN: SARGENT APPLIANCE WAREHOUSE**
- **REQUEST FOR RECOMMENDATION FOR APPROVAL TO TOWNSHIP BOARD**

**FILE #18-6821:            PETITIONED BY MR. JOHN SKOLAS,  
   SARGENT APPLIANCE  
REPRESENTED BY MR. WILLIAM THOMPSON, P.E.  
   LEHNER ASSOCIATES, INC.**

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This item was deleted from tonight's agenda.

**LOTS 20 THROUGH 23, MEADOWS SUBDIVISION, BEING 2.59 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF GRATIOT AND IROQUOIS (SECTION 23)**

- **SITE DEVELOPMENT PLAN: MINI-MAXI STORAGE NORTH (AKA TAYLEY STORAGE)**
  - **REQUEST FOR RECOMMENDATION FOR APPROVAL TO TOWNSHIP BOARD**  
**FILE #18-6811: PETITIONED BY MR. KEN ZIELKE,**  
**TAYLEY STORAGE**  
**REPRESENTED BY MR. GARY GENDERNALIK,**  
**MUSILLI BRENNAN ASSOCIATES LLC**
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Ms. Trombley read the letter into the record dated May 18<sup>th</sup>, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of item on tonight's agenda was issued by regular mail to 60 owners and/or occupants within 300 feet of the land in question, with none of those returned as undeliverable.

Mr. John Monte, of Project Control Engineering, stated he is representing Mr. Ken Zielke, who is also present this evening. He stated he has nothing to add to the documentation but is willing to answer questions.

Mr. Charron inquired as to how many units are being proposed.

Mr. Monte replied they will have approximately 300 units. He replied to further inquiry that the Township ordinance requires one parking spot for every 100 units. He noted that their main office is across Iroquois in the first phase, and that phase is now being finalized.

Motion by Mr. Charron, supported by Ms. Trombley, with reference to File #18-6718-B and application from Mr. Ken Zielke, of Tayley Storage, 1550 Gratiot Avenue, Clinton Township, Michigan 48036, as represented by Mr. John Monte, Project Control Engineering, Inc., P.O. Box 307, Algonac, Michigan 48001, concerning the proposed Site Development Plan for Mini-Maxi Storage North, to be located on 2.59 acres of vacant land, also known as Lots 20 through 23, Meadows Subdivision, located at the northeast corner of Gratiot and Iroquois, that, in consideration of grant of variance by the Clinton Township Board of Appeals, recommendation be forwarded to the Clinton Township Board for approval of the site development plan as submitted. Roll Call Vote: Ayes – Charron, Trombley, Moseley, Opalewski, Spatafora, West. Nays – None. Absent – DiBartolomeo, Brumbaugh. Motion carried.

Ms. Moseley informed that the Planning Commission is a recommending body and this matter will be forwarded to the Township Board and placed on one of their agendas. She advised that 24 copies of the site development plan and

landscape plan will need to be submitted to the Planning Department, and they can advise as to when this will go to the Board.

**MEDICAL MARIHUANA FACILITY LICENSING ACT (MMFLA)**  
**- PROPOSED AMENDMENT TO THE PLANNING AND ZONING CODE**  
**-- REQUEST FOR RECOMMENDATION FOR APPROVAL TO TOWNSHIP BOARD**  
**FILE #18-6806**

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Ms. Moseley explained that the Planning Commission has discussed this issue at seven of their meetings. She provided a brief history, indicating that the Township Board charged the Planning Commission with putting together an ordinance for the Medical Marihuana Facilities Licensing Act (MMFLA) that will be considered for Clinton Township. Ms. Moseley reminded everyone that the Planning Commission is putting together the ordinance, and they are not taking a vote on any zoning tonight. She noted this is not a public hearing; however, she assured those in the audience will be allowed an opportunity to speak. She asked that, since they have had several meetings on this item prior to tonight, she would like those who have not yet spoken be able to speak first.

Mr. Santia stated they have made some revisions to the ordinance. At their last meeting, the Planning Commission directed the clean-up of the drafts, and that has been done. Some of the changes made included the number of dispensaries, which were increased from two to five, and the other change involved the distance between dispensaries from 2,000 feet to 500 feet. The larger distance was originally proposed with the thought that this would be Township-wide as opposed to the separate zones that are now proposed. He added that the Regulatory Ordinance is basically the same as presented other than adjusting the number of dispensaries.

Ms. Moseley stated numerous emails and letters were received from the public.

Ms. Trombley read three of the letters into the record, which included a letter dated May 23<sup>rd</sup>, 2018 from numerous principals and assistant principals in the Chippewa Valley School District, a letter dated May 22<sup>nd</sup>, 2018 from Dr. David Richards, Superintendent of the Fraser Public Schools, and a letter dated May 24<sup>th</sup>, 2018 from two students in the Class of 2019 at Fraser High School. She did not read the remainder of the letters into the record, but indicated that there were 34 letters in opposition, with 1 letter in support, and these letters were all forwarded to the Planning Commissioners prior to this evening's meeting.

Ms. Moseley opened the floor to comments from the audience, requesting that comments be kept to two minutes.

Mr. Paul Gielegem, 37905 E. Horseshoe Drive, Clinton Township, Michigan 48036, stated he serves the residents of Clinton Township as their treasurer, has previously served as a state rep, a county commissioner, and he has been a policy-maker for a long time, but tonight he is here as a resident. He explained he grew up in Clinton Township, and he and his wife chose to raise their family in this community. He voted against “punting” this responsibility of drafting this ordinance and dealing with this controversial issue to the Planning Commission because he felt it was the responsibility of the Township Board. He thanked the Planning Commission for spending countless hours on this, noting he served on the Medical Marijuana Ordinance Exploratory Committee, which was created by the Township Supervisor; however, he noted those meetings were not open to the public. He studied this issue and concluded that this is not something that is right for Clinton Township. He explained that he toured the facilities, and although he assured he has no philosophical objections to marijuana and does not dispute its medicinal components for those who need this as medicine, but he stressed it cannot be exposed to children. He added that it should not be used by someone who is driving, and he does not want to smell it, but he clarified as policy-makers, they are supposed to listen to both sides and make their decision based on what is in the best interest of the community. He stated he came to his conclusions and voted no. Mr. Gielegem provided a brief history on the issue, stating that in 2008, voters in Michigan passed the Medical Marijuana Law, and since then, patients have been able to grow far more than they can possibly ingest, they can assign themselves to a caregiver who can grow up to 72 plants for their patients, and they can grow it in homes, industrial facilities and rental properties. The federal government has maintained that it is still a Schedule 1 narcotic and is in violation of federal law, but they will not enforce federal law if the state has a robust regulatory framework. He noted that was the previous administration, and this administration has taken a different approach. The State attempted to develop this regulatory framework, which is now referred to as the Medical Marijuana Facilities Regulatory Act (MMFLA). It includes requirements to track the plants from seed to consumer. There are different types of licenses, including a grower, processor, a dispensary, a tester or a transporter. They can only locate in local communities that say yes, or “opt in”. He felt there are a lot of questions that need to be considered, including whether this is right for Clinton Township. This Commission then needs to tell the Board of Trustees the judgments they have made. Mr. Gielegem noted that the Commissioners have seen the map, have seen the setbacks from churches, schools, etc., and pointed out that a quick look at the zoning map of Clinton Township shows there are very few places in Clinton Township where these could be located. He stressed this is a residential community and they do not have large industrial areas where this can be located. He added that not every community in Colorado permits recreational facilities, and he urged

the Planning Commissioners to investigate that on their own. He commented that not a lot of money comes to the local government from this, which amounts to a \$5,000 annual fee, and then 35% of a 3% tax comes to the local government. He mentioned that the claim of these properties skyrocketing in value are often followed by these new businesses going to the tax tribunal in Lansing to appeal their assessment. He cautioned about increased enforcement costs to the community and felt there are attorneys honing their skills on how to sue local communities that pass regulatory provisions over and above the State's rules. He questioned whether the State can be trusted with this, because the board they put in place has not yet come up with the rules and they are still operating under the emergency rules. He pointed out the State's track record on school policy, regulating bars, massage parlors, fireworks, etc. He questioned what Clinton Township has to say about this, and whether anyone has asked them. He pointed out the Exploratory Committee met "behind closed doors", they had a public hearing that was largely dominated by advocates, and he claimed when someone spoke against it, they were "booed" by the marijuana entrepreneurs and advocates. Mr. Gielegghem explained that when the City of Sterling Heights looked at this, they conducted a community survey and held numerous public hearings.

Mr. Gielegghem questioned the market need for this, noting the State approved this new law but failed to repeal the old law, so the caregiver model is still operating and there is still a huge surplus of the drug, and children know how to get it. He referred to a comment made at another meeting by a student who claimed many of her classmates know what doctor to go to, what to say and where to go and buy the drug. Mr. Gielegghem was concerned this will expand the market for edibles, THC and vape pens, and he claimed this is an attempt to professionalize and industrialize this as a product. He questioned the rush, noting the recreational use of this drug is on November's ballot, and because of the ambiguity that is currently in place in this law, he claimed if the Township approves this law now, the medical dispensaries automatically become recreational facilities, and anyone can walk in and the only question is whether they go to the 3% tax line or the 10% tax line. Mr. Gielegghem felt it was unfair of the Board to send this to the Planning Commission, although he stressed he voted no on it. He felt the Board, in doing this, possibly gave themselves a little political cover. He stated he wants to dispel the notion that the Planning Commission was given, which is that they must act on this because they were directed to develop these ordinances. He assured the Planning Commissioners were not appointed to be "drones" and "rubber-stamp" for whatever the majority of the Board wants. He reminded that referring this to the Planning Commission to go forward was a divided vote of the Board, with a 4-3 vote. He reminded the Planning Commission is there to reflect the voice of residents and they are

residents themselves. He commended them for the job they do, noting their minutes are fantastic, and they reach out to the residents and anytime they come to the meeting, their concerns are reflected. The Planning Commissioners' questions reflect they are a group of concerned citizens making decisions and the right recommendations, so he stressed they can make a recommendation to the Board that this is not right for this community. He wanted to make sure they know they have that option, and he believed whatever recommendations come forward, the Board will take them very seriously as they have with every other recommendation this Commission has made. He thanked the Commissioners for their service to this community.

Ms. Carrie Wozniak, 20900 Frazho, St. Clair Shores, Michigan 48081, Assistant Superintendent of Fraser Public Schools, thanked the Commission for giving her the opportunity to speak. Their school district recently discovered that the Clinton Township Board is considering the drafting of an ordinance which would allow commercial large-scale grow operations and retail sales of medical marijuana in two areas of the Township. She stressed they are greatly concerned about their academic achievement and that is the focus of her work in the Fraser schools. They have 5,000 students and strongly oppose this ordinance. She noted one of the areas they are considering is within the boundaries of Groesbeck, Kelly and 15 Mile Road, and that creates a threat to their schools, with two of their elementary schools are located. They are concerned that if this ordinance passes, it will expose their students to increased access to marijuana, but she claimed the scariest part is the normalization of its use. She is concerned about the increased use of the drug, the potential addiction, the decrease of academic achievement, which they work hard at each day to instill a strong sense of academics in their classrooms. They want to make sure that students start seeing that "marijuana is o.k." She stressed the opting in comes at too high of a cost for their students, families and their community. She requested the Planning Commission refuse to move forward with the ordinance, and she thanked the Commission for listening.

Ms. Dawn Radzich, 22550 Hall Road, Clinton Township, Michigan 48038, stated she has worked at this location for twelve years. She provided information on the results of a new study which was specific to medical marijuana and the advertising for it that takes place in California. They found that a number of students in 2010 who watched medical marijuana ads had gone from 25% to 70% of kids who now say they will use marijuana because they think it is safe. She cautioned that if the Township opts in, there will be advertising, and exposure to the medical marijuana advertising is also linked to the students' views that this drug "is ok" and it is "just used for relaxing". She asked the Planning Commission to reconsider this and make it more difficult for accessing

drugs. She pointed out that Warren, Centerline and Lenox Township have all opted in, so anyone in Clinton Township who needs it can get it in one of those communities.

Mr. Ronald Lanivich, 36266 Acton, Clinton Township, Michigan 48035, stressed he does not like marihuana and feels it is harmful to children. He felt children have enough difficulties in life while growing up and learning how to be a good citizen, and they do not need anything else that will hurt their development. He had a hard time figuring out why the Township is even considering this, and if they change ordinances to allow this into the Township, he felt they are making terrible choices. He claimed many of his neighbors feel the same as he does.

Ms. Maria Olsowy, 19417 Hampton, Macomb, Michigan 48044, stated she is a social worker and has treated the children who are addicted. She explained that a large percentage of patients in her unit use medical marihuana and she stressed it is not safe for everyone. She commented that giving it to an 80-year-old to treat myopathy is one thing but giving it to someone driving a car or working is not a good thing. She pointed out they cannot pass the drug test. She claimed it is addictive and she does not want her children around it, noting the research is staggering, including the following: bad for grade point averages, deteriorates the neighborhood and the family and depreciates property values in the area. She emphasized she does not want it in her neighborhood and is completely baffled that this is being considered. She understood there may be some money to gain for the Township, but she questioned whether they are going to take profit over the lives of their children. She stated she has been a social worker for 25 years and has worked in both substance abuse and medicine. She expressed anger that this proposal has been such a “secret” and felt everyone should be made aware of this and should be “screaming”. She suggested that if it is safe, it should be regulated by the FDA and distributed through pharmacies like other medications. She questioned whether people want their doctor or surgeon to be on marihuana, or possibly their social worker or teacher to be high at work. She commented that everyone is worried about drunk driving, but she questioned how many casualties there have been because of driving while high. Ms. Olsowy explained she has had to help her marihuana patients get it because they need it for a chronic condition that cannot be treated any other way. She claimed the medical marihuana is costlier than buying it on the street, so people who are disabled and really need it on limited funds, are not going to pay a couple hundred dollars more a month to go into the dispensary. She urged the Township to look at this closer and pay close attention to the facts, and she concluded that she does not want it in her neighborhood.

Ms. Andrea Stanton, 35381 Phillip Judson, Clinton Township, Michigan 48035, stated her children all attended Salk Elementary, and she has been a new mom at Fraser's Disney Elementary. She stated she was married to a doctor who was a cardiologist and surgeon. In the 1970's she indicated he attended medical school, viewing cadavers of lungs that belonged to marihuana smokers, which was not as potent then as it is today. She stated the lungs were black because there are no filters on marijuana. He examined the brains, which had holes in it like swiss cheese, and these were caused from marihuana use. Ms. Stanton stated she took training at the MISD for substitute teaching. She was looking to be a substitute teacher in Roseville, and she witnessed some girls who took a large bag of marihuana, put it under their shirt and went into the house like it was a drug-free zone. She reported it, noting it was directly across from the middle school. She stressed she does not want this in her community, and suggested if the Township is considering it, they should consult with more medical doctors and do their due diligence of seeing the long-term effects of marihuana on the body. She stressed that she came to Fraser because of the schools and their high rating in the state, even though they could have afforded to send their daughter to a private school. She hoped the Township will reach out to the community because they are not happy about this proposal.

Mr. Steve Puchalski, 19526 Slate Drive, Macomb Township, Michigan 48044, stated that although he wants to respect everyone's opinion on this, he would like to play "devil's advocate". He started by explaining that he is a husband and a father of three daughters, ages 14, 12 and 8 who attend Chippewa Valley Schools. He explained they have always been open and honest with their children and have educated them on the good and bad with everything. His wife is a certified holistic health coach and she helps people who have chronic health issues through natural supplementation, and she has done more research on the marihuana issue. He clarified that neither he nor his wife smoke marihuana, but he felt a lot of the information presented tonight is somewhat misleading and "a little bit scary intentionally". He clarified they are only discussing medical marihuana and they must have a card to obtain it. He stated there is a reason they are looking at industrial zonings for this type of use because they are more inconspicuous, further away from schools, day care centers, schools and residences, and not in the middle of retail centers. He understood the dispensaries will need to have a lot of security and anyone entering will have to have a medical card, which he claimed are not easy to obtain. He did not feel "people will be in our yards smoking pot, and that kids can walk next door and buy a bag of weed, or that our neighborhoods are going to smell like pot" is a false depiction. He claimed Harrison Township has approved grow facilities, and he suspected they already have some of them in their industrial areas where they are not easily identified by the residents. He added that, looking at it

from a medical aspect, they need to get the facts straight and do their homework and research this because he felt there is some benefit. He respected the Township in whatever they decide, but he wanted to point out the good from a health aspect and after doing his research.

Ms. Renee Johnson, 19655 Stratford, Macomb, Michigan 48044, understood everyone's concerns, but stated she is coming with her own experience of having a relative who has a medical marihuana card, which she claimed is very easy to get. Ms. Johnson commented that her relative does not have a debilitating condition but uses the marihuana to "get high" to cope with her daily stress and emotional issues. She can get it anywhere and gives it to her friends, which she has done. While Ms. Johnson understands it may be good for medical purposes for people who truly need it, she agreed with all the other comments expressing the concern that it opens it up to people who can get it through other avenues. She felt the communities need to make it harder for children to get this and adopting this ordinance will make it easier and more acceptable. She understood there is a minimum age to obtain a card, but many of those people are getting it and selling it or having it at a party where younger kids can get it. She commented her relative is posting on Facebook that this drug is helping her depression and anxiety, but Ms. Johnson claimed it is not helping and is feeding and causing those problems. She is not in favor of this in this community.

Mr. Ted McGregor, 38419 Wooster Street, Clinton Township, Michigan 48036, stated he has a former officer and person who has developed laboratory systems for analytical measurement. He worked 15 years for Genesee County as a special deputy. He stressed children should not have marihuana. For adults, it is a medical decision that could be good or bad, and it can be taken advantage of. He emphasized they need better regulations, and they are putting all of this on the Board, which he claimed is not fair. He pointed out it has already been decided by the State that medical marihuana is acceptable. Most of the marihuana being sold to children are through drug dealers, and he would like to see those drug dealers off the streets. If the control of selling marihuana to adults by drug dealers is gone, that minimizes the number of drug dealers on the street, so if this material is regulated analytically and it is a better quality for the adults who have the chronic situations, they will all be in a better situation. He does not believe in recreational marihuana, but he believes there is a business opportunity, and it is up to Clinton Township to determine whether the taxation should go into their community instead of Harrison Township or other local communities opting in. He felt if it is accepted here, all they have to do to make it as acceptable as possible is to control the environment. He admitted there are odors involved, but there are ways to take the odors out of the air. Mr. McGregor pointed out if this is approved, those who are operating these facilities will have those

responsibilities through investing in those safeguards in the buildings in Clinton Township. He felt that, analytically, it must be controlled, and if it is controlled, it will be safer for the children.

Ms. Irene Baryo, of Julia Drive, Clinton Township, Michigan 48035, lives across from Disney Elementary. She felt that putting a grow facility one-half mile away from an elementary school is wrong. She stated she selected to live in Clinton Township over any other community because the homes are beautiful and there is a great school across the street. She questioned whether this is the same community that has signs throughout advertising “Run Drugs Out of Town”. She did not feel this is a move that is running drugs out of town, and she felt they need to take those signs down because it does not represent the truth based on what is being proposed. She knows that Mr. Santia and the Planning Commissioners are fathers, mothers, grandparents who have children and grandchildren, and she questioned whether they would want them exposed to this. She complained that their neighborhoods will “smell like a skunk”. She understood that medical marihuana can help certain people, but she agreed with an earlier comment that it should be available in pharmacies. She hoped and prayed that their children do not become exposed to this.

Ms. D’Anna Gray, 36097 Capper Drive, Clinton Township, Michigan 48035, expressed opposition, noting the area proposed for rezoning for this marihuana district is in her backyard.

Ms. Moseley clarified that they are not rezoning any property tonight.

Ms. Gray stated this is an area that takes pride in home ownership and family values, and she has lived here for 13 years, adding it is one of the best neighborhoods in which she has ever lived. She claimed she did not know about this until two days ago. She pointed out the major draw to this area is the fact there are two Fraser elementary schools within one mile of this proposed facility. They work hard to protect their children, so she felt this is a major concern. She questioned the message being sent to these children by growing and selling marihuana in their neighborhoods. She felt if the community accepts this, then she is telling her child “it is ok”. She questioned the benefit it will bring to the community. There are a lot of vacant buildings and no new developments in this area, so she did not feel bringing in a marihuana facility is not beneficial to an area that is already struggling to bring productive businesses into that area. She anticipated more negative rather than positive outcomes if the Township opts in. She stressed she is vehemently opposed to this proposal and the negative impact it will have on the community, and she urged the Township to do what it is right and keep it out of their community.

Mr. David Nordstrom Jr., 15579 Timbers Edge, Clinton Township, Michigan 48035, stated he is here tonight as a parent, educator and coach. Their three daughters attend Disney Elementary, and as a parent, he does not want his daughters exposed to the marihuana. He claimed the principal also agrees with him. He stressed Clinton Township is a great community, which is why they have lived here and opted to stay in this community, and they believe what the Township stands for. As an educator, he explained he can smell the children who come into school with pot residue on them, and he stressed the kids are affected. As a coach, he stressed he does not need his athletes exposed to this, making it easier for them to obtain. He urged the Planning Commission to deny this ordinance, and he thanked them for their help on this concern.

Ms. Jen Zielinski, of Dunaskiss Consulting and Development, stated they are a government affairs consulting organization and do work on medical marihuana policy. She has been involved with this policy at state and local levels for the last three to five years and wanted to bring some insight to the comments made tonight. She understood the concern of bringing in some sort of cannabis in any capacity can be daunting for a community, as well as a daunting task for those who are requested to put forth rules and regulations for the community. She appreciated all the hard work put forth so far, noting that she has been at nearly every meeting so far, as well as other meetings, in assisting and providing education where she can on the subject. She addressed some comments she heard, confirming that marihuana is illegal at a federal level; however, relative to the previous administration, where it was left it up to the states, the Rohrabacher-Farr Amendment prevented the Department of Justice and Attorney General from going after any compliant patient or provider within the municipal cannabis community. That Resolution has been renewed from every six to twelve months. Last month, the House Committee put forth a bill that would approve a measure for renewing protections with states that have current municipal cannabis programs when the current budget is set to expire this September. She addressed concerns about advertising, explaining that Senator Jones has put forth a Senate Bill 463 which will restrict and reduce the amount of advertising in which this industry can participate in within the State of Michigan. She also indicated that every community has the ability to place strict enforcement on the type of signage and advertisements visible in the community. She also noted the State has very strict guidelines in which to prevent noxious fumes from omitting from these facilities, and the fumes do not leave the building. She added that the industry does not want to be non-compliant, either. Ms. Zielinski claimed the National Institute of Drug Abuse does not fully recognize marihuana as a gateway drug, and they say that those who seek marihuana generally start with alcohol or tobacco, but even in those instances, most marihuana users stop there. She explained there are people with addictive personalities, whom they

refer to as “seekers”, and they are going to seek out “the next best thing” for another high, but she emphasized this is not the majority of marihuana users. Regarding comments made about doctors who will issue a medical marihuana card to a patient, she did not feel that people, as citizens or public, should bash, condemn or pass judgement on a doctor and/or a patient that has deemed it necessary for the doctor to allow that patient to receive access to medicinal cannabis, or for a patient to have judgement passed on him/her. It is not up to the public to regulate that, and there are provisions in place. Ms. Zielinski provided background as to what a caregiver can do, and what they have observed is caregivers taking it to the next level, where they find an empty building or small warehouse and go in together with a couple of caregivers, so they may have five caregivers each growing 72 plants in the same building. Although this market is allowed by state law, there is a problem where caregivers may not always be compliant, although she did not suspect that many of them are conducting illicit activities. By adopting an ordinance that specifies a commercial market, it puts an end to that. It will no longer require the Township’s law enforcement to go into a house that has been booby-trapped with dogs and other provisions to keep the house safe. Access will be available for police at any time during any of the operations. She assured that these operators are here to be business partners and encourage and support the economic development and growth they see this industry have in other states. Ms. Zielinski concluded by thanking the Planning Commission and those involved in the hard work they have put into this, adding that they have done a phenomenal job.

Ms. Ann Perry, 16612 Sarjay, Clinton Township, Michigan 48038, claimed there is a new finding that recently came out from the U.S. Department of Health and Human Services, showing the impact this industry will have on the foster care system. She explained they have seen the highest point in over thirty decades of more children entering the foster care system than ever before, with last year totaling 92,000, and this rise is attributed to neglectful parents who are addicted to drugs, which also includes marihuana. She admitted the 92,000 children are not all in foster care because of marihuana, but in Michigan alone, over the past four years, there has been a 32% increase in children going into the foster care system because of drug addiction. She stressed these children are innocent in this because these are decisions their parents have made. She felt this needs to be looked at as the Planning Commission considers this.

Ms. Charlene McGunn, 3073 Greenspring Lane, Rochester Hills, Michigan 48309, explained she lives in Rochester Hills but has worked in Clinton Township for over thirty years, with her job being the compilation of data regarding substance abuse, as well as substance abuse treatment outside of the Chippewa Valley Schools. She claimed there has been some

serious misinformation and she would like to address those areas. She indicated that, after having done substance abuse treatment for many years, marihuana is a primary drug of first use. She stated the information cited from the National Institute on Drug Abuse is something she just looked at very recently to put into a curriculum, and it is not true that marihuana is not a preceding drug to the use of other drugs. She has heard from a lot of parents in the neighborhood who are concerned. She felt prohibiting certain types of signage will not make a difference because kids know where the marijuana is. She encouraged the Township Planning Commission to be careful with what they are doing, and she cautioned that they are not mandated to move forward with any ordinance. She explained that, as someone who has worked actively in her community on several committees, she stressed if she were to be faced with this dilemma, she would refuse to do this. She pointed out the Planning Commissioners are chosen to represent their community and are not mandated to do what they are being asked to do. Ms. McGunn emphasized that this is a community that is very concerned about this, and the area on Hall Road is very close to a L'Anse Creuse school and close to Dakota High School. She pointed out there are many other ways for people to obtain and use medical marihuana, and she recalled a student from their school district expressed to the Planning Commission her experience observing other students is that "anyone can get a medical marihuana card". She claimed those underaged are not getting drugs from drug dealers but rather from 18-year-olds and 19-year-olds that have medical marihuana cards and give or sell the drug to others. She urged the Planning Commission to think about this and deny it.

Mr. Jared Maynard, 35956 Vaughn, Clinton Township, Michigan 48035, thanked the Commission for their hard work. He stated that recreational marihuana will be on the ballot this fall. He claimed that this municipality can put forward a vote to opt out of recreational, and he felt everyone should know that. He has heard that Dr. Sanjay Gupta, of CNN, has been treating children for Dravet Syndrome, which causes seizures and severe developmental delays, and has discovered that medical marihuana high in CBD and low in THC is helping these children. He reminded the Planning Commissioners to think about these children and other patients who benefit from marihuana, and their needs should be weighed equally. He thanked the Planning Commissioners for their hard work, whatever the outcome.

Ms. Kim Zuchora, 51777 Blue Spruce Drive, Macomb, Michigan 48042, stated she works at Kroger and she can smell it marihuana on some of her customers. She stated she is worried about them getting behind the wheel of a car and driving under the influence. She stressed she does not want it in this area.

Ms. Shannon Vesper-Balsamo, 18550 Shannon Court, Clinton Township, Michigan 48035, stated her oldest child attends Disney Elementary, and they live within walking distance of the school. She noted that her family has done a lot of building in the Township, and she does not want to see this allowed next to schools. She stressed that children already have so much to deal with in school without having to deal with the drug issue, noting that her six-year-old son came home from school and told her they had a drill learning to lock the door and hide “in case a bad guy comes into our school”. The police are also extremely busy, and there has already been increased crime in the area. She questioned whether there are enough police officers to keep the residents safe if the Township opts in for medicinal marihuana. She understands the money aspect of marihuana bringing revenue in to the Township, and during the recession, she pointed out that with reduced property values, there was less money coming in. She emphasized, however, that property values are going up, and starter homes in this area now average about \$155,000. Ms. Vesper-Balsamo explained that she works in commercial development, and she has clients who want to go north to be in the Utica Community School district because they are concerned about Fraser Schools and Chippewa Valley Schools. She suggests they do their research, and she does not tell them “good, bad or ugly” about any school, but she felt if they want to make Clinton Township “great again” and bring money into this community, they need to put their effort into making the schools better. She asked the Planning Commission to keep this away from kids by keeping it away from their schools and homes.

Mr. Steve Puchalski, 19526 Slate Drive, Macomb Township, Michigan 48044, stated he tries to keep an open mind, and questioned where his 14-year-old daughter will go if she wants to try pot. He has heard horror stories of marihuana laced with chemicals because there are no controls on it. He emphasized that he is not saying she will try it, but if she does, it is scary, and what is being proposed will provide a strict and controlled market where those who need it will receive the quality to which they are entitled.

Mr. John Marino ,35005 Automation Drive, Clinton Township, Michigan 48035, stated he owns an industrial building and paid just under \$1 million for that building twenty years ago. There are six units in the building, and in 2006, he lost about \$400,000 on that building. He explained that the building is starting to generate more money, and if the Township opts in, the industrial buildings in the area will increase in value. He stressed the business owners need this for the economy, and he urged the Township to approve this use for the industrial areas, where it needs to be located. He pointed out it is already in the residential areas and it needs to be taken out of those areas. He stated the value of his property is almost back to what it was when he purchased it, and he hopes it will continue to

go up. Mr. Marino noted he has a daughter and stated no one wants to see kids getting hooked on drugs, but he felt the Township needs to approve this use in the industrial districts. He urged the Planning Commission to think about the business community and the owners of the industrial buildings that took such a hit in the recession. He admitted this is a sticky situation and he thanked the Township for taking it on as they are.

Mr. Paul Gielegem claimed there has been a lack of public hearings on this issue, and while this is a great venue and a display of differences between politicians, public servants, industry lobbyists and residents. He clarified that this does not repeal the fact that marihuana is illegal, and he pointed out there is a difference between a budget amendment and a law. Supporters claim that the new framework, MMFLA, was designed to eliminate the 2008 law, which was the caregiver model, but it does not and cannot eliminate it because it was adopted by the voters, so those two laws will run parallel. He stressed there is already a surplus on the market, and he questioned what they think happens with the surplus growing through the caregiver model. He noted it was mentioned from local enforcement to state enforcement, and he commented that the State has a horrible track record of enforcement. He added that anything over and above the state law, which are the rules that have not fully been promulgated yet, fall to the local community and local enforcement. He suspected there are a flood of attorneys getting ready to figure out how they block any type of local enforcement that they create based on local ordinances that happens to be over and above state law. If the vote on recreational marihuana passes, he felt there is a limited window of opportunity for entrepreneurs to make their money before this product is sold in stores like CVS. He estimated this would occur within five to ten years, and he talked with a big developer on the west side who agreed, noting that the estimate is seven to ten years. He commented that this is a short window, but with severe consequences.

Mr. Ronald Lanivich, 36266 Acton, Clinton Township, Michigan 48035, does not have a doubt that these businesses will have security, but he questioned whether it is a business the community really wants. He stressed the federal government considers it illegal. He questioned whether the Township really needs the money from this type of business. He stated he is disappointed in the Township if they feel that is necessary.

Ms. Jen Zielinski commented that the goal is to move this out of homes, and they want medical cannabis to get into a regulated market, and the home grow model is what is taking place now. The way to move it out is by way of the commercial market, and she claimed the way to keep the marihuana out of neighborhoods, schools and communities, is to get it out of the homes.

Ms. Moseley stated the public comment portion of the meeting is now closed. She explained they have had several meetings, and she has tried to keep her opinion out of it; however, tonight she has observed a lot of misinformation and not enough information. She felt it is important to have regulations and that they need to continue to have this discussion until they “get it right”. She pointed out the Liquor Control Commission in in place with controls over liquor sales, and she felt the same will happen with the marihuana products as they get it off the streets, where it is much more dangerous. She does not believe the public is informed the way they should be, and she does not know if she has enough information to make her decision on this today. She does not know which way she is going to go but is leaning toward letting the Board take up the issue if they so desire. She felt there is too much unknown, and she questioned whether they should bring in more experts, doctors, etc.

Mr. Santia stated that is what the Exploratory Committee did. Those were not open meetings, but there was a committee created by the Township Board, and that committee gathered the facts and passed that information along to the Planning Commission through a report. He pointed out that everyone was aware of that information that was passed on by the Committee. They also had a presentation of the Medical Marihuana Facilities Licensing Act (MMFLA) so they know what is included in the Act and the intent of the State legislation, which went into effect in December 2017. He noted there is a host of other information, such as programs on television dealing with marihuana, with many of those being pro-marihuana for medical reasons, and some were against it. He reminded this is addressing medical marihuana, and it is not intended to be provided to children. He understood there is already an avenue for children to get this drug through the current law enacted in 2008, which is still in effect and has not been altered by the MMFLA. The Township has an ordinance which limits the grow operations but that must be vigorously patrolled, with only 200 square feet in a single-family residential structure to be used for growing, and that would in no way accommodate 72 plants for a caregiver. It is not allowed in industrial parks, and although they have had people set up shop in the industrial areas, the Township has taken them to court and shut them down. He assured the Township has tried their best to patrol it, and they will continue to do that to the best of their ability. He reminded the MMFLA was not intended to get rid of the original law. He did not know how much more information they will be able to provide and pointed out he has been involved with this for over a year. He admitted it is very confusing, and there is constantly new information coming out. He agreed that possibly the federal government should take this issue up, and the drug should be controlled by the Food and Drug Administration (FDA), so it is sold in pharmacies like other controlled medications. He pointed out the draft of the ordinance is what they have before them tonight.

Mr. Opalewski did not disagree with Ms. Moseley. He pointed out the Planning Commission has had seven meetings on this, in addition to countless hours they have spent listening and researching opinions and facts on both sides. He thanked the residents who care enough to attend. He felt they have had to explain the process each time because he claimed everyone thinks they are “handing out bags of marihuana to school kids”. He clarified that no one wants anything like that. He explained he has been troubled by the timing and process of this, noting they were instructed by the Board to develop some ordinance language, and that has been done. He acknowledged the work of the Planning Department who has worked hard on this, and he noted each of the Planning Commissioners have also worked hard on this. He stated he is not in favor of continuing along this current process if they are not going to vote tonight. He reminded the Planning Commission is a recommending body, and if they cannot come to a recommendation, he proposed they postpone this until after the election when they will know the outcome of the recreational marihuana issue.

Mr. Charron explained he got a different idea when this was referred to them by the Township Board. He felt the Planning Commission was given the responsibility of coming up with a comprehensive ordinance and regulations if the Township Board approves the medical marihuana facilities for growth, processing and distribution in the Township. He interpreted their direction as being assigned the task to come up with that, and through Mr. Santia’s office and the Township Attorney, he believed that is what they have done. He stated this does not mean they agree or disagree with it, but if the Board decides to do this as a Township, they will have the regulatory and zoning ordinances in place to facilitate management of it. He felt under Mr. Santia’s leadership, along with the combined hundreds of hours they have spent researching this and looking at ordinances of other communities, they have come up with something they can give to the Board. He emphasized the Planning Commission is not recommending whether to go forward with the medical marihuana, because that is the Board’s decision. The Planning Commission was assigned to create the most regulatory policy they can if the Township opts in to the MMFLA. He mentioned the recreational marihuana issue that will be on the ballot in November and pointed out that is another consideration the Planning Commission does not have address. It will be up to the Township Board how they want to handle that. He concluded that the Planning Commission was given this task, and he believes they did a great job, adding that he would vote in favor of moving this to the Board.

Ms. West stated when she, as a Board member, voted in favor of sending this to the Planning Commission, it was to put some structure and standards into what is happening. She has heard people voice their opinions that they do not want these grow operations in their Township, but she added it is likely they have one “down the street” already. She suggested if areas are zoned for this, it would be better, and parents do not have to let their children go there. She noted that Mr. Santia had indicated some of these places have been shut down, but they pop

up somewhere else. She emphasized that is her reasoning for trying to get this done. She clarified she is not saying she is all in favor or all opposed to it, but she wants to get it out of the homes and neighborhoods. The proposed ordinance would allow it in industrial areas only, although she stressed the map is “not a done deal”. There are two areas that have been indicated as overlay districts, and she clarified that people will still have to obtain a license for their business in those districts, and they may not be approved. She claimed that Disney Elementary School is two miles away from the proposed district.

Discussion took place as to the distance from Disney Elementary to the proposed overlay district.

Ms. West felt they should move this to the Board, and she stated she will walk the area from Disney Elementary to the proposed overlay district.

A few of the neighbors stated they would like to walk it with Ms. West, and she indicated that “is a deal”.

Ms. West clarified the map as presented is a suggestion at this point. She stressed she does not want this on Groesbeck because she does not want Groesbeck to turn into Eight Mile. She felt the industrial area to the north is better, but that will be up to the Township Board. She stressed she does not recreational marihuana and wants standards in place to which they can go back to and prohibit recreational.

Mr. Spatafora stated they have heard from Mr. Gielegghem tonight, not only as a Township Board member and Treasurer, but also as a citizen. He noted the Planning Commission has been charged by the Township Board to finalize a recommendation to the Board for a proposed amendment to the Planning and Zoning Code to consider a recommendation to the Township Board of the Clinton Township Medical Marihuana Facilities Licensing Ordinance. He stated they were tasked with a limited purpose and he agreed with the comments made tonight that they have read a lot of information on both sides. He has talked with a lot of people and has seen it daily in his role working with Southeastern Michigan’s largest hospital system, in a way he sees affects both pro and con with the uses of medical marihuana, and its debilitating effects as well. He clarified he is only one voice on the Commission, but felt that this ordinance overall, while drafted after a lot of work, does not promote the health, safety and welfare of the residents of Clinton Township. He stressed it is a very difficult decision, balancing everything in total, but he is persuaded the health, safety and welfare of the residents of Clinton Township will outweigh any propriety of a ordinance, especially with the upcoming November election and the proposed legalization of recreational marihuana on the ballot. He clarified he is mindful of both sides and reiterated this is a difficult decision, but for the reasons he stated, if there is a positive vote to go forward, he would like to recommend the Township Board opt out altogether, and he would vote no.

Mr. Opalewski questioned whether there is room for a recommendation to not support opting in to the MMFLA, but if the Board so decides to do so, they adopt this ordinance.

Mr. Santia believed that would also be appropriate. He noted the Planning Commission is a recommending body and the Township Board can overrule the Planning Commission, just as they can for any recommendation submitted to them. If the Planning Commission recommends denial of a rezoning all the way down to a site plan approval, the petitioner has the right to go to the Township Board and present his case. The Zoning Board of Appeals is quasi-judicial legislative body and can only be overruled by the courts. He reiterated his response that it would be appropriate.

Mr. Charron felt the Planning Commission was given this task and were not asked to “opt in” or “opt out”. He felt they did a great job under Mr. Santia’s guidance and came up with this proposed ordinance, safeguarding the community as much as they could. He compared this to the old prohibition days where people were making gin in their homes. He felt it is important to get this to a point where they can regulate it, and if they have the tools in place to send it to the Board, it will be up to the Board to make the decision whether to “opt in”. He stated as a citizen, he can come to the meeting and voice his opinion as to whether they should opt in or out, but he did not feel that is his job as a Planning Commissioner. He felt his job as a Planning Commissioner is to develop the most comprehensive ordinances possible to send to the Township Board. He did not feel their vote should reflect whether they feel they should opt in or opt out, but they should vote on what they were delegated to develop. He clarified he has the greatest respect for Mr. Spatafora and his opinions.

Ms. West agreed with Mr. Spatafora’s comments, but felt it is sad the companies with big money did the research and development on opioids, but the marijuana industry does not have that kind of money, so they can look at it and say it is good or it is not good. She acknowledged the opioid crisis across the nation, which is horrible. Ms. West also provided her business cards to anyone who would like to further talk with her about this issue.

Motion by Mr. Charron, supported by Ms. West, to approve sending to the Township Board the draft of the amendment to the Planning and Zoning Code for the Medical Marijuana Facility Licensing Act (MMFLA), as well as the Regulatory Ordinance and map. Discussion ensued.

Mr. Opalewski clarified they are recommending ordinance language if the Township Board were to opt in.

Mr. Santia replied that is correct.

Mr. Spatafora questioned the motion. He was concerned about the possibility of the Board coming back, claiming “the Planning Commission authorized this language to do that”. He clarified the Planning Commission was tasked with a limited duty to come up with ordinance language, and they put in a lot of work to do so, but he felt if it comes back to the Planning Commission in this way, he would consider it a breach of public trust. He considered it a “Catch 22” situation, and stressed the Planning Commissioners are not elected, they are appointed, and for a limited duty, and he wanted to make that point clear.

Ms. West felt there are two Board members present tonight that will not allow that to happen.

Roll Call Vote: Ayes – Charron, West, Moseley, Opalewski. Nays – Spatafora, Trombley. Absent – DiBartolomeo, Brumbaugh. Motion carried.

Ms. Moseley inquired as to when this will be placed on the Township Board agenda.

Mr. Santia replied that the amendment addressing the Planning and Zoning Code could go directly to the Board; however, the Regulatory Ordinance will need to go to the Budget/Ways & Means Committee for their oversight, and then back to the Board. He stated he will discuss this with some of the Board members, but he suggested they may both go to the Board at the same time once the Budget/Ways and Means Committee has vetted the Regulatory Ordinance. He clarified there is no specific date at this time but assured it will be published in the paper when it is going to be scheduled for a Township Board agenda.

The meeting recessed at 8:35 p.m. and reconvened at 8:40 p.m.

#### **REPORTS OF MEETINGS**

- **APPROVAL OF THE APRIL 26<sup>TH</sup>, 2018 REPORT**
  - **APPROVAL OF THE MAY 10<sup>TH</sup>, 2018 REPORT**
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Motion by Mr. Charron, supported by Ms. West, to approve the reports of the April 26<sup>th</sup>, 2018 and the May 10<sup>th</sup>, 2018 Planning Commission meetings, as submitted. Motion carried (Mr. Spatafora abstained on the April 26<sup>th</sup>, 2018 minutes).

#### **PLANNING COMMISSION SCHEDULE OF MEETINGS**

- **NEXT MEETING SCHEDULED FOR THURSDAY, JUNE 14<sup>TH</sup>, 2018**
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Mr. Santia noted there are two rezonings scheduled for the June 14<sup>th</sup>, 2018 meeting.

**ADJOURNMENT**

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Motion by Mr. Opalewski, supported by Ms. West, to adjourn the meeting.  
Motion carried. Meeting adjourned at 8:42 p.m.

Respectfully submitted,

*Denise C. Trombley*

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:05/29/18

ces:05/29/18

Approved 06/14/18