

ALPENA TOWNSHIP PLANNING COMMISSION

MINUTES - Regular Meeting

Monday, December 11, 2017

MEETING COMMENCED: 7:00 PM

PLEDGE OF ALLEGIANCE

THOSE PRESENT

Secretary Lisa Brendle, Larry Dehring, Chairperson Tom Hilberg, Chuck LeFebvre, Norm Poli, Ann Marie Rich, and Vice-chairperson Fred Sterns

ABSENT

None

OTHERS PRESENT

Mike Taylor – SSP

Scott Schroeder - SSP

Mike Rose - SSP Alpena

John Werth - SSP Alpena

Nathan Skibbe - Township Supervisor

Tim Gulden - Township Attorney

David Overholt - 4716 S Derby, Sheridan

Kathlyn Biggins - 440 Sunbrook SE, Grand Rapids

Brandon Gardner - 250 Monroe NW, Grand Rapids

Larry Clark - 199 Bear Point Rd

Michael Athins - 4255 Nagel, Rogers City

ADOPTION OF AGENDA

F. Sterns made a **motion** to adopt the agenda, **supported** by C. LeFebvre. *Motion passed.*

PUBLIC MEETING PARTICIPATION RULES

PRESENTATION - Medical Marihuana Trade

Attorney Brandon Gardner represents medical marihuana caregivers, patients and businesses. He explained how the newer legislation, the Medical Marihuana Facilities Licensing Act (MMFLA), clears up most of the gray area in terms of marihuana processing and testing. There had been no testing under the prior legislation. Every Michigan municipality may choose, at its discretion and at any time, to “opt in” and to allow one or more of the five facility licenses provided in the legislation. A municipality is not required to “opt out”; if it does nothing, it has not opted in. Those facility licenses provide for growers, processors, provisioning centers, and secure transporters. The closest provisioning center is reportedly two hours away. With the MMFLA, the licensees when in operation must pay 6% sales taxes and 3% other taxes for a total of 9% taxes along with their original license fees to the state. Of those taxes and license fees, the Township would receive a portion of those dollars. Attorney Gardner stated that these facilities would provide local jobs and a safe access for patients. He also stated that there are 3 classes for a growers license, all based upon the number of plants, and that no single business can have all 5 facility licenses. Dave Overholt represented the American Legion, is a medical marihuana grower, and spoke about the needs in our area. He reported that there are more than 500 patients being provided services from 80 – 100 caregivers. The American Legion supports the medical marihuana trade, as many veterans utilize medical marihuana rather than the use of prescribed narcotics. Overholt has been involved with this legislation since 2008 and worked with the Governor’s office on establishing procedures for tracking. If municipalities do not elect to opt-in, caregivers will still be able to operate. Attorney Gardner spoke about the regulatory assessment or tracking, which would be self-funded at the

state and local agencies. This regulatory assessment allows for warrantless police raids and/or zoning raids. For tracking purposes, each seed will have a bar code which will be used through the entire process from 'seed to sale'. Franwell, an independent company, will be used for this tracking. Franwell is currently being utilized in Florida and Colorado.

PUBLIC COMMENT

Specification Stone Products representatives, Mike Taylor and Mike Rose, informed the Planning Commission on their purchase of 70 acres of land. They will be preparing a site plan for the property. Their initial plan is for a berm along Long Lake to protect the community from noise when blasting is planned. Currently there are no regulations for berms regarding blasting on Forest and Recreational zoned lands.

Larry Clark spoke to the latest updates to the South Bay projects including the Alpena Bi-Path Extension North and South and the 45th Parallel Park. The Alpena Bi-Path Extension South and 45th Parallel Park projects are in the process of scheduling pre-application meetings with the Michigan Department of Environmental Quality (DEQ). Clark reported that he did not see the future upkeep of these projects as a burden to the Township as the Michigan Department of Natural Resources (DNR) requires planning of future maintenance costs to be included in their grant process.

APPROVAL OF MINUTES

A. Rich made a **motion** to approve the November 13, 2017 minutes, **supported** by F. Sterns. ***Motion passed.***

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

a. Review of Case #P-08-14 - Travis O'Connor:

Travis O'Connor, TCORP, LLC, provided a written update on the corrective action to the property since the site plan was revoked at the July 31, 2017 meeting. Items which were cited at that meeting were 1. Dust control has not been taken care of, 2. Debris is coming on site, 3. The definition of a berm in accordance with the Alpena Township Zoning Ordinance has not been complied with, and 4. The 6' to 8' berm height has not been complied with. O'Connor's update indicated that north and west berms have been shaved to the proper heights and verified by Wayne Lewis, Lewis & Lewis Surveying.

Supervisor Skibbe reported that he had made 2 site visits on the north and west berms.

F. Sterns made a **motion** to table case #P-08-14 until May 2018 to verify remediation has been completed as stated, **supported** by C. LeFebvre.

Roll call vote: L. Brendle-aye; L. Dehring-aye; T. Hilberg-aye; C. LeFebvre-aye; N. Poli-nay; A. Rich-nay; and F. Sterns-aye. Motion passed.

NEW BUSINESS

1. Resolution to Opt-in/Opt-out of Medical Marihuana

Commission discussion included the need for additional information on the MMFLA and the Township's option for an enabling ordinance to opt-in/opt-out of medical marihuana. Poli stated that in fairness to the medical marihuana participants a decision needs to be made. The Commission will be getting with our consultant, Rick Duell, and our legal counsel, Tim Gulden, for sample language and their experience with other local communities. The Commission will need to determine the types and number of each facility license to allow. Poli also stated that besides becoming educated ourselves that the public needed to be educated. It was concluded that a public input session should be scheduled in early February. The date of February 6, 2018 at 6pm was suggested for the Public Input Session but the official date will be posted when it has been determined. All agreed that by waiting the Township may miss out on an opportunity for new business. The Commission chose to table this action until more information is received.

NEXT MEETING - January 8, 2018

ADJOURNMENT - Meeting adjourned by Chairperson Hilberg at 9:35 p.m.

Respectfully submitted,

Lisa Brendle
Secretary

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