**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION**
**SAGINAW CHARTER TOWNSHIP HALL**
**JANUARY 2, 2019**

| Members Present | Members Absent | Others Present |
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| C. Nolan | S. McGraw (excused) | B. Rombalski, Asst. to the Township Manager |
| G. Fahndrich | | M. Mahlberg, Attorney |
| J. Howell | | C. Edlinger, Recording Secretary |
| B. Nelson | | |
| M. Peterson | | |
| B. Gombar | | |

Mr. Gombar called the meeting to order at 7:00 p.m.

**Approval of Minutes**:

Motion by Mr. Fahndrich, supported by Mr. Nelson, to approve the minutes of December 5, 2018.

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| **VOTE:** | **6 YEAS** | **0 NAYS** | **1 ABSENT** McGraw | **MOTION CARRIED** |

**New Business:**

**A.** **Z-18-03 –** The Saginaw Charter Township Planning Commission is requesting to amend Chapter 3, General Requirements, of the zoning ordinance by adding Section 315, Prohibition of (Recreational) Marihuana Establishments.

Mr. Rombalski introduced himself and stated after due diligence and countless conversations with many individuals, the Township has decided to stay consistent. In 2016, the Township Planning Commission and Board of Trustees approved Z-16-01, a text amendment disallowing medical marihuana facilities within the Township, in response to the passing of the MMFLA (Medical Marihuana Facilities Licensing Act). While medical marihuana facilities continue to be prohibited within the Township due to Z-16-01, a new class of “recreational” or “adult” marihuana facilities are now expressly to be allowed in Michigan due to the passing of MRTMA unless local governments adopt ordinances prohibiting those uses or restricting such facilities in some manner

Disallowing marihuana facilities within Saginaw Township will not in any way impact a person's now-legal ability to use such products in the manner allowed by MRTMA, and given that staff anticipates several communities within the region will have opted to allow medical and/or recreational marijuana facilities, reasonable regional access to such products is also afforded to Saginaw Township stakeholders who wish to purchase them.

Staff believes that neither the benefits nor the costs of the marijuana industry in Michigan can be reliably forecasted at this moment. While it may prove the case that such facilities – whether growers, processors, retailers, testers or transporters – provide positive net value to their host local governments, it is impossible to know this with reasonable certainty right now. Likewise, it is difficult to estimate what the negative effects may be of this new industry in our state, including some that are impossible to entirely quantify such as effects on the community's reputation and image. Based upon these aforementioned uncertainties, the Township needs to take action. Opting out will provide the Township with certainty so that we are not idle participants waiting for MRTMA to make its impact.

The main risk facing Saginaw Township is the potential for vested property rights claims. By opting out at this time and aligning our recreational marihuana policy with our medical marihuana policy, we can prevent such claims. Many residents voice concerns of the Township attempting to quell the voice of the people by prohibiting recreational sales facilities within our Township. However, MRTMA specifically allows local governmental units to disallow recreational marihuana facilities from opening in their municipality. Not only does opting out align with our own past policies, but will also align with a majority of neighboring communities.

Whereas the proposed zoning ordinance text amendment is consistent with recently-established policy affecting similar marihuana facilities within Saginaw Charter Township, staff recommends adoption of Z-18-03, prohibition of commercial marihuana facilities.

Mr. Gombar asked if the Planning Commission had any questions for staff. Having no questions at this time, Mr. Gombar then asked for public comments in favor or in opposition of allowing commercial marijuana facilities to operate in Saginaw Charter Township.

1. Tammy Sawyer, 3581 Desert, thanked the Township for providing this forum and then stated she is for having marihuana facilities in the Township. She felt it was the "will of the people" to have these facilities, the Township would benefit financially, and that the Township was making a moral decision instead of an economical decision.

2. Jimmie Green of 4591 Spurwood stated he supports the Township's decision to disallow marihuana facilities within Saginaw Township. Mr. Greene feels it's a question of community and "what kind of community do you want it to be".

3. Rol Jersevic of 3737 Mannion is concerned with the younger generation with drugs and alcohol and supports the Township's decision.

4. Tammy Sawyer stated she understands and shares the concerns regarding younger children. She feels allowing the marihuana facilities will get rid of the black market for marijuana sales.

5. Scott Schairer of 1105 Sauk Lane is concerned with the possibility that the entire State of Michigan could say “no” to the sales of marihuana.

6. Jimmie Greene stated the Township is in no way usurping the law. The law that was voted in allows municipalities to opt in or out of having marihuana facilities in their communities.

7. Andy Silk of 713 Lake Avenue, Traverse City, Michigan described Traverse City’s rules and regulations and feels the Township should be able to have stores in Saginaw Township. Mr. Silk feels the Township will be missing out economically and crime will decrease.

8. Bob Floerke of 1401 Timothy stated he is looking to invest in the Township and would like the Township to allow sales.

There being no further comments, Mr. Gombar closed the public hearing portion.

Discussion followed among the Planning Commission members.

Mr. Fahndrich inquired about the economic impact. Mr. Rombalski stated Community Development reported approximately $16.5 million dollars came into the Township this year which is twice as much as the previous year. The Township is doing very well economically. Mr. Nelson inquired how long the State of Michigan will take to get their rules and regulations in order. Mr. Rombalski stated the State of Michigan has up to one year to determine regulations and feels conservatively speaking that the Township would need to add another year or two to be able to evaluate the impact it will have. Mr. Gombar stated looking down the road, the Township will still have the option to reverse their decision and to “opt in”. Mr. Rombalski stated it would be easier to opt in later because if the Township opted in now and found it to be a detriment, it would be harder to “opt out” and those properties with a vested property interest claim may seek damage reparation from the Township based upon their private investment. Mr. Peterson stated some people voted for the marihuana proposal but they still want to “opt out”. Mr. Rombalski stated in Saginaw Township the vote was very close, by 86 votes, to pass the marihuana proposal. Mr. Gombar stated a township resident, Cindy Thompson, could not attend tonight’s meeting due to a conflict but wanted the Township to know she supports the prohibition of marihuana establishments.

Motion by Mr. Peterson, supported by Mr. Howell, to recommend approval of the proposed text amendment (Z-18-03) to the Township Board.

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| **VOTE:** | **6 YEAS** | **0 NAYS** | **1 ABSENT**<br>McGraw | **MOTION CARRIED** |

**<u>Receive and File All Correspondence</u>**:

A. A copy of the December 2018 <u>Planning & Zoning News</u> publication.

B. S-18-34 – Pumford Construction of Saginaw, Michigan on behalf of Consumers Energy of Saginaw, Michigan has received Administrative Site Plan approval to relocate a driveway on Weiss Road 18.8 feet westward from its current placement.

**Other New Business:**

A. Election of Officers:

Motion by Mr. Howell, supported by Mr. Fahndrich, to recommend approval of retaining the current officers for 2019.

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| **VOTE:** | **6 YEAS** | **0 NAYS** | **1 ABSENT**<br>McGraw | **MOTION CARRIED** |

**Old Business:** None

**Adjournment:**

Motion by Mr. Fahndrich, supported by Mr. Nolan to adjourn the meeting at 7:34 p.m.

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| **VOTE:** | **6 YEAS** | **0 NAYS** | **1 ABSENT**<br>McGraw | **MOTION CARRIED** |