

**Montrose Township Planning Commission
Meeting Minutes
January 2, 2012**

The Meeting was called to order by Chairman Morrie Fikes at 7:00 PM.
The pledge of allegiance was recited.

Roll Call:

Present: Morrie Fikes, James Ingram, Gary Keeler, Don Pollard, & Harry Powell.

Absent: Janet Trueblood

Staff Present: Mark Emmendorfer - Supervisor, Dan Hill, Trustee, Richard Austin and Amanda Doyle - Attorneys, Dennis Miller - Building Department

Meeting Minutes – 12/5/2011 Regular Meeting:

A motion was made by H. Powell, and supported by D. Pollard, to accept the minutes from the December 5, 2011 regular meeting as presented. **Motion Carried: 5 – 0.**

New Business: None

Zoning Ordinance Review:

Medical Marijuana Dispensaries – Discussions with Attorney’s Richard Austin and Amanda Doyle.

Attorney Amanda Doyle explained that Mr. Austin was on his way and would be here shortly.

Chairman M. Fikes had indicated that we could begin to discuss the direction the Board feels it should go, prior to the arrival of Attorney Austin.

There was some discussion on the recent ruling by the State Attorney General and the existing moratorium that was put in place by the Township Board which was going to expire soon.

Attorney Austin arrived at 7:35 PM.

Attorney Austin started by explaining that the Township had two choices in dealing with medical marijuana either regulated the use or do nothing. The two other municipalities that he represents have taken the position and have passed ordinances to regulate the use of medical marijuana. He went on to say that under the Township’s police powers the Township through the Board could adopt a standalone ordinance outside of any Planning Commission review that would require a license and regulations with certain dos and don’ts. The Ordinance could also include various distance requirements.

Attorney Austin went on to explain that the other possible way to regulate the use of medical marijuana was to allow the use, distribution, and growing as a special land use under the Township's zoning ordinance. The ordinance would regulate which zoning classifications would allow such uses, regulate the distances from other and similar uses, and set standards that would also have to be met. He did mention that it would be the Planning Commission's responsibility to review the zoning map and determine the areas that it would allow the various uses of medical marijuana.

There was much more discussion between the Planning Commission and the two Attorney's on the issues and the unknowns that we are facing with trying to regulate medical marijuana.

Attorney Austin mentioned that in the City of Burton they have reviewed and approved four businesses that distribute medical marijuana. Three of the businesses have operated without any problems. A recent inspection of the fourth business found the business to be in violation of the requirements of the City of Burton Ordinance by growing medical marijuana within the same facility. Due to this it was his opinion that any new ordinances include a revocation procedure to remove such a business found to be in violation of any provisions of the zoning ordinance.

There was much discussion on the Township's existing moratorium which would be expiring soon. Attorney Austin mentioned that even though it is recommended that moratoriums only last a short period of time and the fact that the Township's moratorium has been in place for almost a year, it was his opinion that it should be extended until an ordinance was adopted and in place.

Chairman M. Fikes mentioned that Mr. Miller should continue to work with Attorney Austin and bring back a revised ordinance based on our discussions today.

Pond Ordinance – D. Miller mentioned that he did not have any new update on the changes discussed on pond excavations.

Other Business: None

Citizens Time: None

Adjournment:

A motion was made by G. Keeler supported by D. Pollard, to adjourn the meeting at 8:50 PM. **Motion Carried: 5 - 0.**

The next regular Planning Commission meeting is scheduled for February 6, 2012 at 7:00 PM

Respectfully,
Dennis Miller
Acting Board Secretary