

**PLANNING COMMISSION
REGULAR MEETING**

January 10, 2011

4884 W. Curtis St.

Meeting Canceled

Lack of Quorum

**PLANNING COMMISSION
REGULAR MEETING**

January 24, 2011

4884 W. Curtis St.

MEMBERS PRESENT

David Gaines, Chair
Herman Calkins, Vice Chair
Gerda Frimberger, Secretary
Rick Bernhardt

MEMBERS ABSENT

Brenda Case

Also, present Sheila Gaines.

Chair Gaines called the meeting to order at 6:35PM and led the Pledge of Allegiance.

#1 MOVED: by Herman Calkins, second by Gerda Frimberger, to approve the January 24, 2011 meeting agenda with additions of Ordinance Enforcement and Medical Marijuana discussions. Motion carried.

#2 MOVED: by Herman Calkins, second by Gerda Frimberger, to accept the December 27, 2010 meeting minutes as written. Motion carried.

Zoning Administrator Oliver is not here so Standards for special Land Use Permits, and Land Use/Zoning discussion tabled until next meeting. Bylaws update also tabled until Brenda Case returns.

Commission reviewed and discussed Ordinances for changes.

Ordinance 1.128-

Add civil infractions.

Section 4.11 delete "Political signs, not to exceed on sign per candidate or issue" change square feet of area per sign to "shall not exceed 16x16 square feet allowed on any lot"

Section 5.20 delete entire section.

Section 6.5 delete entire section.

Section 7.5 delete entire section.

Section 10.4 delete entire section.

Commission requests a copy of the sign permit application to review at the next meeting.

Ordinance 1.129

No changes

Ordinance 1.130

No changes

Ordinance 1.132

No changes

Ordinance 1.133

No changes

Ordinance 200.1

No changes

Ordinance 200.2

No changes

With the exception of the Zoning Ordinance this Commission has completed review of all active ordinances. We request a complete copy of all changes to be submitted at the next meeting for accuracy and recommendation to the Township Board.

Discussion held on medical marijuana. Rick Bernhardt will put something together for the next meeting.

In regards to the enforcement of ordinances and how the Township could legally recoup the administrative costs in prosecuting cases, Chair Gaines will speak with the Supervisor and contact MTA for advice on this issue.

Meeting adjourned at 8:00PM.

Gerda Frimberger, Secretary

Minutes prepared by Sheila Gaines

**PLANNING COMMISSION
REGULAR MEETING**

February 14, 2011

4884 W. Curtis St.

Meeting Canceled

**PLANNING COMMISSION
REGULAR MEETING**

February 28, 2011

4884 W. Curtis St.

Meeting Canceled

**PLANNING COMMISSION
REGULAR MEETING**

March 14, 2011

4884 W. Curtis St.

Meeting Canceled

**PLANNING COMMISSION
REGULAR MEETING**

March 28, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Brenda Case, Trustee
Gerda Frimberger, Secretary
Arthur Brood
Rick Bernhardt

MEMBERS ABSENT

Herman Calkins

Also, present Judy Wright, Clara James, and Donna Norkoli. Attendance 3.

Acting Chair Bernhardt called the meeting to order at 6:40PM.

#1 MOVED: by Gerda Frimberger, second by Brenda Case, to approve the March 28, 2011 meeting agenda with additions of Complete Streets presentation and discussion of extension of the moratorium on establishment of medical marijuana facilities. Motion carried.

#2 MOVED: by Brenda Case, second by Gerda Frimberger, to accept the January 24, 2011 meeting minutes as written. Motion carried.

PUBLIC COMMENT

Clara James of the Chippewa County Health Dept. and Donna Norkoli Project Coordinator of the Sault Tribe Strategic Alliance for Health presented the Complete Streets program to the commission. They stated that various grant opportunities exist for those who have written plans in place to establish non-motorized transportation routes as part of their master plans. The conference on Mackinac Island May 15-17, 2011, would be an excellent opportunity to network with similar communities in the U.P. that are enacting Complete Streets programs. A limited number of scholarships are available for those who wish to attend.

OLD BUSINESS

It was suggested that due to the decline in newspaper circulation that the commissioners may want to consider alternate methods of communicating ordinance changes to the public.

The commissioners discussed current news regarding medical marijuana regulations within the State.

#3 MOVED: by Gerda Frimberger, second by Arthur Brood, to recommend that the Township Board extend the moratorium on establishment of medical marijuana facilities within the Township for six (6) months. Motion carried.

March 28, 2011

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NEW BUSINESS

A new business start-up package should be sent to the owner of record of the building at the corner of Meehan and M-80, rented by Cleary Rentals. This would advise them of regulations governing a new business at the location.

Next meeting will be Monday, April 11, 2011.

Meeting adjourned at 8:15PM.

Gerda Frimberger, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
REGULAR MEETING**

April 11, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Herman Calkins, Vice Chairman
Brenda Case, Trustee
Gerda Frimberger, Secretary
Arthur Brood
Rick Bernhardt

MEMBERS ABSENT

Also, present Judy Wright. Attendance 0.

Vice Chair Calkins called the meeting to order at 6:30PM.

#1 MOVED: by Gerda Frimberger, second by Brenda Case, to approve the April 11, 2011 meeting agenda with addition of a discussion about a Zoning Administrator. Motion carried.

#2 MOVED: by Brenda Case, second by Gerda Frimberger, to accept the March 28, 2011 meeting minutes as written. Motion carried.

PUBLIC COMMENT

New Commissioner Brood welcomed by other members.

#3 MOVED: by Rick Bernhardt, second by Arthur Brood, to send the list of Ordinance Review Recommendations to the Township Board. Motion carried.

After a short discussion it was decided to postpone election of a Chairman until the next meeting as May is the month designated for elections and organizational changes.

The Commissioners reviewed the current sign/sign repair permit application. Questions were raised as to the reasoning behind the different fees for different sizes of signs. Possibly the fee structure should address the type of sign rather than the size. Commissioner Bernhardt will investigate whether the building code applies to any sign construction and whether the county building inspector would be involved. The form, instructions, fees, and Ordinance #1.128 will be discussed at the next meeting.

#4 MOVED: by Brenda Case, second by Gerda Frimberger, to amend the Bylaws by adding the definitions of misfeasance, malfeasance, and nonfeasance as stated in Ordinance #1.134. Motion carried.

#5 MOVED: by Rick Bernhardt, second by Arthur Brood, to amend the Bylaws in Section 3.1 to state that meetings will be held the second Monday at a time to be determined annually at the organizational meeting and in Section 3.4 that a quorum will be a simple majority of the appointed members. Motion carried.

Members discussed the Rural Transportation Planning Process Questionnaire. It was mentioned that the establishment of an I-75 Business Spur connecting Gaines Highway and M-80 might be beneficial from a funding standpoint. Vice Chair Calkins will speak with Supervisor Palma about attending the next meeting where highway planning is discussed.

The residence at 4 Woodside Drive was discussed. The members are unaware of any code violations that might exist.

The Commissioners would like the Township Board to specify what the duties of the Zoning Administrator will be outside of those specified in the Zoning Ordinance #1.100. Possibly the inspections of quarries and junkyards should be included in the job description. Currently the Township does not have anyone authorized to sign zoning permits.

#6 MOVED: by Rick Bernhardt, second by Gerda Frimberger, to recommend that the Township Board expedite the hiring of a Zoning Administrator to oversee application of the Zoning Ordinance. Motion carried.

Next meeting will be Monday, May 9, 2011.

Meeting adjourned at 8:15PM.

Gerda Frimberger, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
REGULAR MEETING**

May 9, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Herman Calkins, Vice Chairman
Brenda Case, Trustee
Gerda Frimberger, Secretary
Arthur Brood
Rick Bernhardt

MEMBERS ABSENT

Also, present Judy Wright. Attendance 0.

Vice Chair Calkins called the meeting to order at 6:30PM.

#1 MOVED: by Gerda Frimberger, second by Arthur Brood, to approve the May 9, 2011 meeting agenda with addition of discussions about a Zoning Administrator, Frontier railway easement, and time of meetings. Motion carried.

#2 MOVED: by Gerda Frimberger, second by Rick Bernhardt, to accept the April 11, 2011 meeting minutes as written. Motion carried.

PUBLIC COMMENT

- When is the Brimley planning commission meeting?

Bernhardt stated that BOCA code does include requirements for the construction of signs. The Township should have a copy of at least that section of the code available for applicants and the Zoning Administrator to reference. Additionally the members were informed that all signs along M-80 need to be approved by MDOT. Calkins will communicate with the supervisor's office about the need to send a letter to Naughty & Nice about the MDOT requirements.

#3 MOVED: by Rick Bernhardt, second by Gerda Frimberger, to include a statement on the sign permit application that all signs along M-80 must meet MDOT specifications and to have the Township secure a copy of the BOCA code covering signs. Motion carried.

At a recent Township Board meeting with Edward D Jones investment professional, Bill McLeod, Commissioner Bernhardt learned that it would be beneficial for the Township to communicate to Mr. McLeod when significant sums of money would be needed in advance of the money being invested he could better structure the investments. This information would eliminate the need to sell an investment before it reaches maturity. A capital improvement plan like DPW has would make this information readily available. **The Commission recommends that the Township Board appoint a committee to devise a capital improvement plan for all other Township departments.**

The presentation of the Complete Streets program at the March meeting was discussed. Commissioner Brood asked if this was something that the Township was interested in pursuing. It was stated that Trustee Kauer has begun preliminary planning for a bicycle route through the special assessment district. As staff liaison to the Planning Commission, Wright will be attending the "Taking Action for Healthy Communities" conference May 15-17 with a fully funded scholarship.

The following officers were elected by unanimous ballot to serve for a period of one year: Chairman-Herman Calkins; Vice Chairman-Rick Bernhardt; Secretary-Arthur Brood.

#4 MOVED: by Herman Calkins, second by Arthur Brood, to approve the renewal of quarry licenses for Reid Contractors, Northern Sand & Gravel, and ConAgg, Inc.
Motion carried.

Diagrams for a railway, sewer and water easements for Frontier Renewable Resources were reviewed.

#5 MOVED: by Rick Bernhardt, second by Arthur Brood, to ask the Township Board to proceed with negotiations with the State of Michigan and Frontier Renewable Resources for a land swap and easements for railway, water, and sewer lines.
Motion carried.

The Zoning Administrator should be the first line of communication with residents wanting to build, alter, and remodel structures within the Township. According to our ordinance (#1.100) all residences and businesses need to have a certificate of compliance from the Zoning Administrator before the buildings can be used. There is no definition of the requirements necessary for this certificate within the ordinance. The criteria that must be met need to be defined in writing.

After a short discussion it was decided to keep meeting at 6:30 PM on the second Monday of each month for the upcoming year.

Next meeting will be Monday, June 13, 2011.

Meeting adjourned at 8:30PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

June 13, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Arthur Brood, Secretary
Chris Schroeder
Brenda Case

MEMBERS ABSENT

Herman Calkins, Chair
Gerda Frimberger

Also, present Larry Palma, Sheila Gaines, Rick Bernhardt, Kathy Noel, Ivan Martysz and Ken Nielsen.

Commissioner Brood called the meeting to order at 7:00PM.

#1 MOVED: by Brenda Case, second by Chris Schroeder, to appoint Arthur Brood to chair the meeting. Motion carried.

#2 MOVED: by Brenda Case, second by Chris Schroeder, to approve the June 13, 2011, meeting agenda as presented. Motion carried.

#3 MOVED: by Brenda Case, second by Arthur Brood, to accept the May 9, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENTS

- Welcome and introduction of new member Christopher Schroeder.

Kenneth Nielsen, Vice President of Operations for Frontier and Ivan Martysz Senior Project Engineer for AECOM presented the site plan for the ethanol plant being built on Gaines Highway. Discussion regarding the rail spur right of way. The opening to the wood chipper will be directed away from the residential area with a tree buffer completely around the plant. Soil erosion and storm water permits have been obtained as well as state permits for structure size. There will be no wet lands impacted. Land zoned correctly. All storm water will remain on site. Sanitary sewer will be the only thing discharged. Odor from the plant will be minimal. Truck route is one way only around the plant with security on site. They will have chain link fencing around the entire property with the exception of tracks for rail. Ken stated they are waiting on the amendment to the air quality assessment. They plan to hire about seventy workers from the local area, with several hundred spin off jobs. Site plans are available at the township for viewing. The DEQ will hold a public hearing on Tuesday, June 21, 2011 beginning at 5:00PM.

#4 MOVED: by Brenda Case, second by Chris Schroeder, to approve the site plan as presented and direct the Zoning Administrator sign the zoning application to allow Frontier to move forward with their building permit application. Motion carried.

DPW Advisory member Rick Bernhardt discussed the water and sewer easement as well as

possible land swap with the state.

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June 13, 2011

#5 MOVED: by Chris Schroeder, second by Brenda Case, to recommend that the township board approve water & sewer easements. Motion carried.

#6 MOVED: by Chris Schroeder, second by Brenda Case, to recommend the township board pursue a land swap with the state of MI as per attached maps. Motion carried.

#7 MOVED: by Brenda Case, second by Chris Schroeder, to table annual report to township board and election of vice chair until the next regular meeting of July 11, 2011. Motion carried.

Trustee Case commented on the sale of cars at a local business on M-80.

Meeting adjourned at 8:25PM.

Arthur Brood, Secretary

Minutes taken and prepared by Sheila Gaines

**PLANNING COMMISSION
REGULAR MEETING**

July 11, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Brenda Case, Trustee
Gerda Frimberger
Arthur Brood
Dan Mitchell

MEMBERS ABSENT

Chris Schroeder

Also, present Ron Munro, Treasurer Julie Munro, & Judy Wright. Attendance 2.

Secretary Brood called the meeting to order at 6:32PM.

#1 MOVED: by Gerda Frimberger, second by Dan Mitchell, to approve the July 11, 2011, agenda. Motion carried.

#2 MOVED: by Brenda Case, second by Gerda Frimberger, to accept the June 13, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENT

- Ron Munro stated that as the new Zoning Administrator I am here to help the Commission whenever I can.
- Welcome to new Commissioner Dan Mitchell.

NEW BUSINESS

#3 MOVED: by Brenda Case, second by Gerda Frimberger, to elect by unanimous ballot Dan Mitchell as Chairman and Gerda Frimberger as Vice Chairman. Motion carried.

OLD BUSINESS

Items that need to be addressed in the Sign Ordinance (#1.128) include portable signs (specifically for churches and other non-profit organizations or for special sales and special permits), size requirements, the fee structure, BOCA requirements and building permits. It was stated that BOCA code does include requirements for the construction of signs and that the Township should have a copy of at least that section of the code available in the Administrative Office. This Ordinance will be addressed at the next meeting for final revisions to be submitted to the Township Board.

Discussion held regarding the May 9, 2011 planning minutes recommending the Township Board require all department managers develop a Capital Improvement Plan.

The content of the Commission's Annual Report to the Township Board was discussed.

Trustee Case, Zoning Administrator Munro, and Treasurer Munro left the meeting at 7:00 PM.

PUBLIC COMMENTS

- Shouldn't we be getting important information on a timely basis rather than waiting until the meeting packets are made up?
- Recent legislation may be impacting our Quarrying Ordinance (#047A).
- Action needs to be taken on the Medical Marijuana Ordinance before the moratorium expires so that we have legal standing to do so.
- Recent legislation may limit the Township's liability in regards implementing a Medical Marijuana Ordinance.

Next meeting will be Monday, August 8, 2011.

Meeting adjourned at 7:30PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
REGULAR MEETING**

August 8, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Brenda Case, Trustee
Gerda Frimberger
Arthur Brood
Dan Mitchell

MEMBERS ABSENT

Chris Schroeder

Also, present Treasurer Julie Munro, & Judy Wright. Attendance 0.

Chairman Mitchell called the meeting to order at 6:30PM.

#1 MOVED: by Gerda Frimberger, second by Brenda Case, to approve the August 8, 2011, agenda. Motion carried.

#2 MOVED: by Brenda Case, second by Gerda Frimberger, to accept the July 11, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENT

NONE

NEW BUSINESS

#3 MOVED: by Brenda Case, second by Arthur Brood, to ask that the Township Board hold a special meeting to tentatively approve the recommended changes to current ordinances. Motion carried.

OLD BUSINESS

A brief discussion of Ordinance #1.114 brought to light sections that may need to be revised.

The sign ordinance #1.128 will be the primary topic discussed at next month's meeting.

There needs to be more definition from the State regarding Medical Marijuana in order to properly formulate an ordinance.

PUBLIC COMMENT

NONE

Next meeting will be Monday, September 12, 2011 at 6:30 PM.

Meeting adjourned at 7:30PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
SPECIAL MEETING**

September 13, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Brenda Case, Trustee
Gerda Frimberger
Arthur Brood
Dan Mitchell

MEMBERS ABSENT

Chris Schroeder

Also, present Judy Wright & Clara James. Attendance 0.

Chairman Mitchell called the meeting to order at 6:30PM.

#1 MOVED: by Arthur Brood, second by Gerda Frimberger, to approve the September 13, 2011, agenda with the addition of medical marijuana moratorium and commission member replacement. Motion carried.

#2 MOVED: by Gerda Frimberger, second by Arthur Brood, to accept the August 8, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENT

NONE

NEW BUSINESS

Clara James of the Chippewa County Health Department presented a draft of a Complete Streets Resolution. Having a resolution in place would put the Township in a priority position for grant funding. The concept of Complete Streets is a strategy that encourages planning for non-motorized transportation routes when streets are built or repaired. It is a more cost effective method than developing walking paths, bike routes, etc. outside of the road planning process.

#3 MOVED: by Arthur Brood, second by Gerda Frimberger, to recommend that the Township Board pass the Complete Streets Resolution. Motion carried.

OLD BUSINESS

#4 MOVED: by Gerda Frimberger, second by Arthur Brood, to recommend that the Township Board extend the moratorium for the development of a Medical Marijuana Ordinance for an additional six months. Motion carried.

Sign Ordinance #1.128 was discussed. Members will bring their suggestions for a pared down version to the October meeting.

#5 MOVED: by Brenda Case, second by Gerda Frimberger, to recommend that the Township Board remove Commissioner Chris Schroeder due to violation of the Commission's bylaws and appoint a new member to complete his term which expires May 2014. Motion carried.

PUBLIC COMMENT

NONE

Next meeting will be Monday, October 10, 2011 at 6:30 PM.

Meeting adjourned at 7:30PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
REGULAR MEETING**

October 10, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Gerda Frimberger
Arthur Brood
Dan Mitchell

MEMBERS ABSENT

Brenda Case, Trustee

Also, present Denise Frasure, Donna Norkoli, Julie Trotter, and Judy Wright. Attendance 0.

Chairman Mitchell called the meeting to order at 6:30PM.

#1 MOVED: by Arthur Brood, second by Gerda Frimberger, to approve the October 10, 2011, agenda as written. Motion carried.

#2 MOVED: by Gerda Frimberger, second by Arthur Brood, to accept the September 13, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENT

NONE

NEW BUSINESS

Donna Norkoli and Michelle Conway of the Sault Tribe Strategic Alliance for Health told the Commission that the Sault Tribe had received a Community Transformation Grant of \$3,000.00 that they were proposing to use toward the development of a non-motorized transportation plan. Jeff Hagen of EUP Regional Planning office in Sault Ste. Marie has informed Ms. Norkoli that if the Township was able to share the cost a more comprehensive non-motorized transportation plan could be developed. This addition to the Township's master plan would put the Township in a better position to apply for grant funding. It was suggested that this information should be more appropriately directed to the Road Advisory Committee.

Julie Trotter of the Chippewa County Health Department described the effects of some of the smoking cessation and healthy families/communities programs that are taking place in the community. While acknowledging that tobacco-free outdoor recreation areas would be hard to actually "police" she stated that most citizens have demonstrated a willingness to comply with such a policy when appropriate signage and peer pressure are present.

#3 MOVED: by Arthur Brood, second by Gerda Frimberger, to recommend that the Township Board pass the Tobacco-Free Outdoor Recreation Areas Resolution #2011-12, with direction to the Planning Commission to develop an ordinance that will allow for enforcement of the policy. Motion carried.

OLD BUSINESS

It was brought to the attention of the Commission that the Medical Marihuana Moratorium needed to be in written form to clarify the Township Board's intention in passing it.

#4 MOVED: by Gerda Frimberger, second by Arthur Brood, to recommend that the Township Board pass the Medical Marijuana Moratorium Resolution #2011-13. Motion carried.

Sign Ordinance #1.128 was discussed. The Board asked that this ordinance be revised, but the Commission has no indication what revisions are desired. It was suggested that an appendix be developed for all definitions contained in Township ordinances. This would make each ordinance less cumbersome. There is no need for section 4.6 pertaining to gasoline service stations. Section 4.11 in reference to political signs needs to be fine-tuned. Many of items prohibited in Section 5 seem to discriminate against business promotion. Specifically, subsections 5.1, 5.2, 5.3, 5.4, 5.16, and 5.20 need to be deleted or revised. Section 14 regarding portable signs should apply to all businesses and organizations, not just non-profit and religious organizations. The size should be at least 18 square feet to accommodate the actual size of current portable signs.

The Commission requests that the Township Board give written direction as to the course it wishes the Commission to take in reference to the Sign Ordinance #1.128, and the Civil Infractions Ordinance #1.132.

Commissioner Brood informed the members that the Board, at its September 26, 2011 Special Meeting, had asked that the following items be addressed by the Planning Commission:

- Ordinance #55-Business Registration-Simplify the registration process
- Ordinance #1.107-Junkyard/Junk Vehicle-Establish a fee schedule
- Ordinance #1.109-Anti-Noise and Public Nuisance- Obtain input from Kinross District Police Department
- Ordinance #1.127-Parking-Obtain input from Kinross District Police Department

PUBLIC COMMENT

NONE

Next meeting will be Monday, November 14, 2011 at 6:30 PM.

Meeting adjourned at 8:30PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
REGULAR MEETING**

November 14, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Arthur Brood, Secretary
Gerda Frimberger, Vice Chair
Dan Mitchell, Chairman
Brenda Case, Trustee
Linda Hofbauer

MEMBERS ABSENT

Also, present Judy Wright. Attendance 0.

Chairman Mitchell called the meeting to order at 6:35PM.

#1 MOVED: by Gerda Frimberger, second by Linda Hofbauer, to approve the November 14, 2011, agenda as written. Motion carried.

#2 MOVED: by Gerda Frimberger, second by Arthur Brood, to accept the October 11, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENT

NONE

NEW BUSINESS

The budget worksheet was reviewed. A total budget of \$17,150.00 will be submitted to the Township Board.

The commission requests that the Township Board set aside unexpended funds from the fiscal year in a designated retained earnings account to be used for future consultant fees regarding updating the Master Plan.

OLD BUSINESS

A discussion of Sign Ordinance #1.128 yielded the following suggested changes:

- Change the time limit for removal of political signs from ten (10) days to seven (7) in section 4.11.
- Signs not currently allowed by sections 5.1, 5.2, 5.3, 5.4, 5.16 & 5.20 should be moved to the “permitted” section(s) of the ordinance.
- Section 5.4 prohibits strings of flags, streamers or cloth flags. The commissioners feel that these items should be allowed on a temporary basis of 30 days with a renewal of 15 days being available.
- Maintenance requirements should be established for bench signs

- Section 5.12 prohibits signs that extend above the height of the structure. Waiver applications should be developed for exceptions.
- Permit fees should be set at \$100.00 for billboard signs and \$25.00 for all other signs, as most sign permit applications would require approximately the same amount of labor to process, billboards being the exception.

There was a lengthy discussion about the Sample Concept of Licensing & Regulation Ordinance for Consideration on pages 51-63 of the October 5, 2010, white paper “A Local Government View of the Michigan Medical Marihuana Act” by Gerald A Fisher. Commissioners will bring specific paragraph by paragraph language to be correlated into a draft ordinance to the next meeting. A public hearing is planned for the December 12, 2011, regular meeting to gain public input.

PUBLIC COMMENT

NONE

Next meeting will be Monday, November 28, 2011 at 6:30 PM for the sole purpose of formulating a Medical Marihuana Control Ordinance.

Meeting adjourned at 8:30PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
SPECIAL MEETING
For the Purpose of Developing a Medical Marihuana Control Ordinance**

November 28, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Arthur Brood, Secretary
Gerda Frimberger, Vice Chair
Dan Mitchell, Chairman
Brenda Case, Trustee
Linda Hofbauer

MEMBERS ABSENT

Also, present Assessor David Kauer and Judy Wright. Attendance 3.

Chairman Mitchell called the meeting to order at 6:32PM.

#1 MOVED: by Gerda Frimberger, second by Arthur Brood, to approve the November 28, 2011, agenda as written. Motion carried.

#2 MOVED: by Arthur Brood, second by Linda Hofbauer, to accept the November 14, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENT

NONE

BUSINESS

The following comments and questions were raised during the discussion of the development of a Medical Marihuana Control Ordinance:

- We don't want caregivers growing in the housing area.
- Could permitting address the safety issues of electrical circuitry overload?
- How could we eliminate duplicate license applications if the name of the caregiver is not attached to the premises being licensed?
- We are not required, as a Township, to have an ordinance. We only have to decide if the Township wants to regulate aspects of Medical Marihuana as described in Public Act 1 of 2008, the Michigan Medical Marihuana Act.
- We cannot license an illegal activity.
- If the Township was to develop an ordinance that recognizes that the Act provides an affirmative defense to prosecution as long as patients and caregivers are functioning in accordance with the Act we should not be viewed as condoning an activity that is illegal.
- Caregivers could be restricted to commercial, industrial, or agricultural areas in addition to restrictions on how close they could be to schools, churches, etc.
- Could we require buildings to be brought up to code, in regards to electrical, plumbing, heating, etc., whenever there is a sale? This could address the electrical circuitry overload concerns.

- The Zoning Ordinance (#1.100) should be updated to reflect the definition of Medical Marihuana as a reference to the separate ordinance.
- Possibly MTA would aid in the development of an ordinance that uses the affirmative defense logic. It could then be used by other townships that are struggling with this same issue.

PUBLIC COMMENT

NONE

Next meeting will be Monday, December 12, 2011 at 6:30 PM at which there will be a public hearing to receive public comment on the development of a Medical Marihuana Control Ordinance.

Meeting adjourned at 8:15PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright

**PLANNING COMMISSION
REGULAR MEETING**

December 12, 2011

4884 W. Curtis St.

MEMBERS PRESENT

Arthur Brood, Secretary
Gerda Frimberger, Vice Chair
Dan Mitchell, Chairman
Brenda Case, Trustee
Linda Hofbauer

MEMBERS ABSENT

Also, present Judy Wright, Trustee Kauer, Dep. Supervisor Calkins, & Trustee DeWitt.
Attendance 12.

Chairman Mitchell called the meeting to order at 6:35PM and led the Pledge of Allegiance.

#1 MOVED: by Brenda Case, second by Gerda Frimberger, to add discussion of wood-fired outdoor boilers to the agenda. Motion carried.

#2 MOVED: by Arthur Brood, second by Gerda Frimberger, to approve the agenda as amended. Motion carried.

#3 MOVED: by Arthur Brood, second by Gerda Frimberger, to accept the November 28, 2011, meeting minutes as written. Motion carried.

PUBLIC COMMENT

Was this hearing posted in compliance with the Open Meetings Act?

NEW BUSINESS

The Township Supervisor's office has received an inquiry about the Township's rules relating to outdoor wood-fired boilers. It was mentioned that when this was explored in the recent past that the installation requirements of the various manufacturer's required set-backs that would not make installation feasible within the special assessment district. Chairman Mitchell will investigate further.

Trevor Quinlan, purchaser of building 316, dba Smoke Signals, informed the Commission that there had been some vandalism at the building necessitating that the windows on the south side be boarded up temporarily. Due to work scheduling and health issues, he was not able to operate the business this past summer. However he fully intends to be operational this spring and will be replacing windows at that time. He has already replaced the roof on the building.

PUBLIC HEARING OPENED 7:00 PM

First draft copies of a Medical Marijuana Control Ordinance were distributed to those in attendance. Comments received were as follows:

- Our Zoning Ordinance will need to be amended to reflect that all Home Occupation Businesses must be legal in accordance with State and Federal statutes.
- Since Federal law prohibits growing of marijuana, the Township must be very careful about the wording of any ordinance it enacts to regulate this activity.
- Can we regulate where it is grown?
- We can only control where caregivers grow, not patients.
- Could a caregiver grow the marijuana somewhere else and bring it into a commercial, industrial or agricultural area in the Township to dispense it to patients?
- How can you discriminate against caregivers by telling them they cannot grow in their own homes?
- There is no allowance in the draft ordinance to “grandfather” existing caregiver growing facilities.
- Has anyone contacted our representatives in Lansing about pending legislation?
- It is illegal to let anyone else into the secured growing facility other than my patient. I cannot let law enforcement or anyone else in.
- The inspection provisions in the draft are intended for use before a facility contains any plants or other products.
- How many growing facilities are we going to allow in our Township?
- Do you know who are taking narcotics legally?
- I have been told that a caregiver is considered a farming operation and is exempt from building codes.
- The right-to-farm act allows anyone to grow on their own property.
- The State should have set up the rules and regulations to administer the Act instead of causing the local municipalities to have to deal with such a vague law.
- If you’re concerned with complying with Federal law you could prohibit growing marijuana anywhere in the Township.
- You can’t submit this to the Township Board the way it is.
- According to the whitepaper commissioned by the Michigan Municipal League and the Michigan Township’s Association, a municipality should appoint a Medical Marijuana Officer.
- The Act is very strict about patient confidentiality.
- Residents who share a common wall in a duplex should have equal protection of their rights and property, not just the person who wants to grow marijuana.
- In these hard economic times why would you want to discourage someone who is making thousands of dollars a week by providing medicine to patients who need it?
- What kind of taxes do caregivers pay? What licenses do they have to have?
- All new construction in Kinross Township, even farming operations, has to comply with the Township’s Zoning Ordinance.

December 12, 2011

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PUBLIC HEARING CLOSED 8:30 PM

Meeting adjourned 8:30 PM

Next meeting will be Monday, January 9, 2012, at 6:30 PM.

Arthur Brood, Secretary

Minutes prepared by Judy Wright