

RAY TOWNSHIP TOWSHIP BOARD OF TRUSTEES
WORKSHOP MEETING MINUTES
TUESDAY, JANUARY 24, 2017 AT 1:00 P.M.
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Location: Ray Township Conference Room
64255 Wolcott. Ray, MI 48096

Present: Joe Jarzyna, Supervisor
Lori Lascoe, Clerk
Doug Stier, Treasurer
Charlie Bohm, Trustee
Betty Grader, Trustee

Also Present: Christine Anderson, Township Attorney
Jack Dailey, Planner
Jerry Schmeiser, Planner
8 Residents

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.
Supervisor Jarzyna called the meeting to order at 1:30 p.m. The Pledge of Allegiance was recited. All Board members were present.
2. APPROVAL OF AGENDA:
**MOTION by Bohm supported by Grader to approve the agenda as presented.
MOTION carried.**
3. PUBLIC COMMENTS:
Ken Goike, 22440 32 Mile Road, stated the Medical Marijuana State law changes that will be effected by the end of the year, should help local government. He stated Michigan Township Association opinions should not dictate local government. Further stated local government governs the citizens.
4. MEDICAL MARIJUANA ORDINANCE.
Supervisor Jarzyna stated the current zoning ordinance requires medical marijuana to be grown in the R-1 zone, in the primary residence only. Further stated no one has ever applied to the Planning Commission, for an approval.

Jack Dailey, Planner stated the Township has to make the decision regarding licenses for medical marijuana. He explained the current zoning ordinance allows a caregiver to grow medical marijuana in the primary residence as a home occupation. To date no one has approval from the Township or has ever applied to the Township. He explained New Baltimore has adopted the medical marijuana ordinance they wrote which allows medical marijuana to be grown in Industrial zoned property only. He explained the ordinance is in effect in New Baltimore which allows medical marijuana to be grown in the Industrial zone only and the ordinance is working. He stated the State law changes will go into effect in December of 2017, which states medical marijuana can only be grown in Agricultural/Industrial zoned property. He stated the new act addresses provision centers, which are licensed through the State of Michigan and the Township will have to address if they want to opt-in or opt-out.

Jerry Schmeiser, Planner stated Macomb Township felt medical marijuana should not be grown in residential areas for the safety of the community. He explained they met with the Macomb County Sheriff's Office when writing the ordinance and they felt by providing medical marijuana to be grown in the Industrial zoned areas it was the safest for the community. Further recommended Ray Township amend the current ordinance to not allow medical marijuana in the residential area and to allow it in the Industrial area only.

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Christine Anderson, Township Attorney stated a medical marijuana cardholder can grow for their own use a total of twelve plants. The County Prosecutor will not prosecute if a cardholder is growing twelve plants in a residence. Further stated medical marijuana has nothing to do with the land use.

Mr. Dailey stated the medical marijuana law was approved in 2008. He stated no approval has been given for a home occupation in Ray Township for a caregiver. He stated he feels the ordinance should be amended to remove it from the residential zone for the safety for the community. He stated a home could be destroyed by being a grow house, he stated they would have to have proper ventilation and electrical for the plants. Further stated public health, welfare and safety is the issue for the community

Christine Anderson stated her concern with how the ordinance is drafted for the individual patient. She stated she has no problem with the growing facility in Industrial zones. Further stated the Township needs to decide if they want to allow dispensaries and to amend the ordinance now.

Discussion was held on dispensaries.

Mr. Dailey stated he and several members of the Planning Commission will be attending a workshop on medical marijuana for local government.

Christine Anderson stated she will do some research and will report back to the Supervisor.

5. Firearm Ordinance

Supervisor Jarzyna stated he provided the Board with a copy of Washington Township firearm ordinance, which restricts shooting within 450 feet of a house, barn, building, etc., without written approval from the adjoining property owner. Further stated he brought it to the Board for discussion since some residents have moved from the Township due to target practice.

Christine Anderson stated the ordinance was written approximately seven years ago and has not been challenged.

Grader stated the current ordinance allows two hours of target practice a day; one hour in the morning and one hour in the afternoon with an approved backstop.

Discussion was held on disturbing of the peace with firearms and with chainsaws. Discussion was held on a firearms ordinance for subdivision lots. Discussion was held on enforcement.

6. Businesses in Residential Areas

Supervisor Jarzyna asked if the twelve businesses could be grouped together for a class action case to save costs in legal fees.

Christine Anderson stated the twelve businesses could not be handled as a class action case. She stated each business would have to be a consent judgment. She explained the Township has done a lot of work compiling the list of the twelve businesses and the title search would have to be compiled. Further stated if a business was in existence before the adopted zoning ordinance of 1976, then they would be grandfathered.

Discussion was held on more than twelve businesses operating in residential areas in the Township.

Jarzyna suggested sending every door mailer to every parcel in the Township notifying them if they are conducting a business in a residential area they need to contact the Township regarding the business. Further stated the businesses have been paying personal property taxes.

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Grader stated the businesses that are being discussed are our neighbors, residents and businesses owners and the need to express to them that the Township is looking for an amicable consent judgment.

Bohm stated the Township has to protect itself and not allow any new businesses on residential zoned properties. Further suggested moving forward with the consent judgments for the twelve businesses.

Christine Anderson stated if the Township sends a letter to every parcel owner and they ignore the letter they are in fact ignoring the ordinance. She stated she works at the direction of the Townships. Further stated the consent judgment can be a cooperative agreement between the Township and the business and show the business owner the Township is not running the business out of the Township.

Discussion was held; the ordinance will be enforced for any new business.

7. ADJOURNMENT.

**MOTION by Bohm supported by Stier to adjourn the meeting at 4:04 p.m.
MOTION carried.**

Joe Jarzyna, Supervisor

Lori R. Lascoe, Clerk

Date

Respectfully submitted,
Lori R. Lascoe, Recording Secretary
Ray Township Clerk