



1401 W. Herbison Road, DeWitt, MI 48820
February 22, 2021 Board of Trustees Meeting Minutes

The Regular Meeting of the DeWitt Charter Township Board of Trustees was called to order by Supervisor Galardi at 7:00 PM with the Pledge of Allegiance.

MEMBERS PRESENT Supervisor Rick Galardi (DeWitt Twp, MI), Clerk Adam Cramton (DeWitt Twp, MI), (call-in only) Treasurer Sandy Stump (DeWitt Twp, MI), and Trustees David Seeger (DeWitt Twp, MI), Brian Ross (DeWitt Twp, MI), David Fedewa (DeWitt Twp, MI), and Steven Smith (DeWitt Twp, MI).

MEMBERS ABSENT None.

ALSO PRESENT Fire Chief Dave DeKorte, Police Chief Mike Gute, Manager Andrew Dymczyk, (call-in only) Community Development Director Brett Wittenberg, and Attorney David Revore.

AGENDA **Seeger moved, Galardi seconded, to approve the Agenda.**

AYES: Seeger, Ross, Fedewa, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: None.

Motion carried.

NEW BUSINESS

DeWitt Township
Public Meeting Policy
Update

The State of Michigan has issued an update to the Michigan Department of Health and Human Services (MDHHS) Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order. The new version is dated February 4, 2021, and extends the virtual meeting requirement for public meetings until March 29, 2021. The DeWitt Charter Township Open Meeting Policy & Procedure Manual has been updated to reflect these changes.

Additionally, Senate Bills 1108 and 1246, amending the Open Meetings Act (OMA) to allow for virtual meetings until March 31, 2021, are still in effect.

Supervisor Galardi stated his desire to pull ahead business items that affect the Township Board's ability to conduct meetings to the front of the agenda, immediately after agenda approval. This will ensure that the Board is acting with the most current guidance from the State and Health Department.

Galardi moved, Stump seconded, to adopt the DeWitt Charter Township Open Meeting Policy & Procedure effective February 22, 2021.

AYES: Seeger, Ross, Fedewa, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: None.

Motion carried.

CONSENT AGENDA Fedewa moved, Seeger seconded, to approve the Consent Agenda, which included the following: Board of Trustees Regular Meeting Draft Minutes, February 8, 2021; Planning Commission Meeting Draft Minutes, February 1, 2021; and 2020/2021 General Vouchers 72614-72668, Tax Vouchers 9209-9220.

AYES: Seeger, Ross, Fedewa, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: None.

Motion carried.

PUBLIC COMMENT None.

PUBLIC HEARING None.

PRESENTATION None.

COUNTY COMMISSIONER REPORT None.

CORRESPONDENCE Correspondence included the following: DeWitt Township Police Department January 2021 Activity Report; Clinton County Sheriff's Office January 2021 Jail Billing; Michigan Gravel Mining Update; Clinton Conservation District Digest February 2021; and Consumers Energy Notice of Hearing.

UNFINISHED BUSINESS None.

NEW BUSINESS

Michigan Public Safety Communications System Subscriber Agreement In August of last year, the Clinton County voters passed a millage to upgrade the 911 radio communications system. This new radio system will become part of the Michigan Public Safety Communications System (MPSC). This is a statewide communication system utilized by most public safety agencies across Michigan. Entering into the agreement would allow the DeWitt Township Fire Department to be trained and to be able to utilize the State of Michigan MPSC at any event within Michigan.

Fedewa moved, Seeger seconded, to enter into the "Michigan Public Safety Communications System (MPSC) Member Subscriber Agreement" with the State of Michigan allowing DeWitt Charter Township Fire Department membership into this statewide communication system.

AYES: Seeger, Ross, Fedewa, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: None.

Motion carried.

Renewal of Special Use Permit 18-990001 – E.T. MacKenzie (Excavation of Soil and Minerals, Clark Road Pit)

Based upon a request for renewal from E.T. MacKenzie, Community Development Director Brett Wittenberg has reviewed the file for SUP 18-990001, spoken with the applicant's representative, and conducted a site inspection. The SUP regulates the excavation operation that applies to a parcel consisting of 144.02 acres located on the south side of Clark Road, east of Old 27, west of Boichot, and north of Stoll Road.

Community Development Director Wittenberg's inspections of the site, and discussion with the applicant's representative, revealed that the operation is being conducted in compliance with the Special Use Permit, that the Site Performance Bond Certificate is current for the site, and that the documented amount of material extracted from January 1, 2020 to December 31, 2020 is 140,118 cubic yards of aggregate. Since 2013, the applicant has extracted 999,968 cubic yards of aggregate materials.

The applicant has been required to maintain a log of complaints and resolutions which have been provided as a requirement of the Special Use Permit. Letters were mailed out to residents within 300 feet of the site in 2016 regarding the Special Use Permit amendment and notification process for handling complaints that starts at the Planning Department during normal business hours (M-F, 8AM-5PM). From there, staff provides contact information for the field superintendent, Ron Clark, and MacKenzie's General Office number. Three complaints were received in 2020.

Community Development Director Wittenberg finds that the existing extraction operation for the Clark Road site can be in conformance with the permit for SUP 18-990001 at the time, and recommends that the permit be renewed for a period of one year from the date of Township Board action. This renewal is the 3rd of four renewals allowed and the special use permit can be renewed until May 29, 2023, which is 5 years.

Ross moved, Cramton seconded, to approve the renewal of Special Use Permit 18-990001 for the existing excavation operation conduct by E.T. MacKenzie Company for property located at 1300 E. Clark Road in Section 22 for an additional one (1) year.

AYES: Seeger, Ross, Fedewa, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: None.

Motion carried.

Proposed Zoning Ordinance Amendment 20-2 – Marihuana Operations

In 2008, the State of Michigan passed the Michigan Medical Marihuana Act (MMA). In essence, this legislation allowed for the use of marihuana by registered patients with certain medical conditions, allows for the growing of marihuana with limitations by registered patients and caregivers, and provided protections for those using marihuana. The Township adopted amendment to the Zoning Ordinance to be consistent with this legislation.

In 2016, the State of Michigan passed the Medical Marihuana Facilities Licensing Act (MMFLA). This legislation authorizes five (5) types of medical marihuana facilities:

1. Grower – Cultivates, dries, trims, or cures and packages marihuana.
2. Processor – Extracts resin or creates package marihuana infused products.
3. Safety Compliance Facility – Provides safety and quality testing of marihuana.

4. Provisioning Center – Acquires marihuana from grow or processing facility for transfer to qualifying patient or primary caregiver.
5. Secure Transporter – Provides secure transport between licensed facilities.

The legislation outlined other areas including, but not limited to, taxes and licensing procedures. The Township took no action on the legislation and, therefore, the uses were not permitted under the Township's Zoning Ordinance.

On November 6, 2018, voters in Michigan approved a ballot initiative called the Michigan Regulation and Taxations of Marihuana Act (MRTMA) related to recreational marihuana. Both MRTMA and MMFLA allow for uses that are commonly referred to as dispensaries, or establishments where customers and patients can purchase marihuana. The types of licenses available for these uses are called "retailers" and "microbusinesses" under MRTMA and "provisioning centers" under MMFLA. While retailer and provisioning centers are only allowed to sell marihuana, microbusinesses are also allowed to grow and process limited amounts. Other licenses available under both acts include "growers," "processors," "safety compliance facilities," and "secure transporters." These licenses allow for the cultivation, processing, testing, and shipping of marihuana. In January of 2019, the Township "opted-out" of the legislation, thereby prohibiting the uses within the Township. The intent of option-out at that time was to allow LARA to establish regulations/licensing related to the legislation.

At the September 28, 2020 Township Board meeting, the Township Board directed the Manager's Office to explore possible outcome and implementation of best practices for grower, processor, safety compliance, and secure transport marihuana facilities limited to locations in the IH, Heavy Industrial zoning district.

At the public hearing, the Planning Commission discussed the following:

1. Location – within a specific zoning district or geographic boundary.
2. Limitation on the number of uses.
3. Separation requirements.
4. Permitted by right of Special Use Permit.

There was extended discussion among Board members about the carefully considered development of the proposed ordinance from staff, Attorney Revore, and the Planning Commission.

Faye Hagy, 1745 E. Clark Rd., inquired if there was any concern from the Police Department about marihuana operations in DeWitt Township. Police Chief Mike Gute responded that the proposed uses won't significantly impact the policing of the illegal uses. Additionally, the ordinance provides that the applicants are required to have security in place.

Treasurer Stump asked for an explanation of license "stacking." Attorney Revore offered that stacking is a means for the applicant to properly scale their grow operation.

Fedewa moved, Smith seconded, based on unanimous recommendation from the Planning Commission at their meeting of February 1, 2021, and after finding that the proposed amendment has complied with the process for amending the Zoning Ordinance, approve the first reading of Ordinance 20-2 as it relates to the

establishment of Marihuana Operations, based on the finding that the proposed amendment complies with the process for amending the Zoning Ordinance.

AYES: Seeger, Ross, Fedewa, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: None.

Motion carried.

Proposed General Law Ordinance Amendment 2021-02-01 – Marihuana Operations

In September of 2020, the Board directed the Manager’s Office to explore possible outcomes and best practices on medical and recreational marihuana facilities in a business capacity for grower, processor, safety compliance and secure transport. Since that time, staff has been working diligently with the Planning Commission towards best practice for implementation of those outlined business capacities. A component of this implementation is a general law ordinance.

The proposed general law ordinance is inclusive as it regulates all aspects of marihuana operations within the Township: activities and land use. Since enactment of Medical Marihuana Facilities Licenses Act (2016) and Michigan Regulation and Taxation of Marihuana Act (2018), there has been some debate as to whether a municipality may simply only need to adopt a general law ordinance, and not amend its zoning ordinance. A consensus among municipal attorneys is that the general law ordinances must be enacted to regulate activities, and the zoning ordinance must be amended if a municipality significantly regulates marihuana operations land use.

This ordinance will repeal the “opt-out” measures the Board took in January of 2019.

Clerk Cramton pointed out that the proposed ordinance does not impact the existing “paraphernalia” ordinance limiting use of marihuana in public locations in the Township.

Smith moved, Seeger seconded, to approve for publishing, upon 1st reading, Ordinance No. 2021-02-01 Marijuana Operations, as amended.

AYES: Seeger, Ross, Fedewa, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: None.

Motion carried.

EXTENDED PUBLIC, STAFF, & BOARD COMMENTS

Fire Chief Dave DeKorte updated the Board on recent Department activities including a semi-truck accident and a house fire. He also informed the Board that the Emergency Operations Center has informed him that there will be gas mains replaced in the south end of the Township this summer.

Police Chief Mike Gute informed the Board that a new patrol car has arrived, and that officers apprehended a home invasion suspect.

Community Development Director Brett Wittenberg stated that the Planning Department has received two sets of site plans. He will be bringing forward several Ordinance updates. There will also be a Zoning Board of Appeals meeting in March.

Manager Andrew Dymczyk provided updates on the following:

- Update on a potential large development project
- High School Senior mock-interview day
- eNews will be out soon
- Technology update for Township Hall
- Michigan Governor's Budget update

Attorney David Revore was complimentary of the Planning Department and staff, as well as the Planning Commission and Board.

Trustee Smith inquired as to when we will receive another update from our County Commissioners.

Trustee Fedewa informed the Board that the Municipal Building South Committee has visited several neighboring communities' Fire Stations, and the next meeting will be held on March 8th.

Treasurer Stump offered an update on winter tax collection.

ADJOURNMENT **Seeger moved, Ross seconded, to adjourn at 8:10 PM.**

Motion voted and carried.

Respectfully submitted,



Adam Cramton, Clerk



Rick Galardi, Supervisor