

**CITY OF FRASER PLANNING COMMISSION SPECIAL MEETING
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
Wednesday, January 6, 2021
MINUTES APPROVED February 3, 2021**

PRESENT: CHAIRPERSON: CZARNECKI, MEMBERS: BARR, FARINA, KEIL, WARUNEK, PERRY, COOK

EXCUSED ABSENCE: NONE.

ALSO PRESENT: DONALD DENAULT, CITY ATTORNEY
CLARK ANDREWS, CITY ATTORNEY
ALYSSA ALBRIGHT, CITY ATTORNEY
DYLAN CHURCH, CITY ATTORNEY
SARAH TRAXLER, McKENNA
PAUL URBIEL, McKENNA
DANIELLE BOUCHARD, McKENNA

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE:

Chairwoman Czarnecki called the meeting to order at 7:00 PM

2. ROLL CALL:

Members: Barr	Present (participating from Macomb County, City of Fraser, Michigan)
Cook	Present (participating from Macomb County, City of Fraser, Michigan)
Czarnecki	Present (participating from Macomb County, City of Fraser, Michigan)
Farina	Present (participating from Macomb County, City of Fraser, Michigan)
Keil	Present (participating from Macomb County, City of Fraser, Michigan)
Perry	Present (participating from Macomb County, City of Fraser, Michigan)
Warunek	Present (participating from Macomb County, City of Fraser, Michigan)

3. APPROVAL OF AGENDA ~ Regular meeting of January 6, 2021:

Motion by Member: FARINA **Support by Member:** WARUNEK

To: Approve the agenda of January 6, 2021 as presented.

**AYES 7
NAYS 0
MOTION CARRIED**

4. CHAIRPERSON'S OPENING REMARKS:

Chairperson CZARNECKI read the formal statement relative to the powers of the Planning Commission and the facts and conditions for granting site plan approval. Chairperson CZARNECKI read the formal statement relative to virtual public meetings and remote participation.

5. APPROVAL OF MINUTES December 14, 2020:

Motion by Member: FARINA **Supported by Member:** KEIL

To: Approve the minutes of the December 14, 2020 as presented.

**AYES 7
NAYS 0
MOTION CARRIED**

6. PUBLIC HEARINGS: None.

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7. NEW BUSINESS:

A. Election of Officers

Chairperson

Motion by Member: FARINA Supported by Member: COOK
To: Nominate Member WARUNEK as Chairperson of the City of Fraser Planning Commission. WARUNEK accepted the nomination. Mr. WARUNEK was elected as Chairperson of the City of Fraser Planning Commission by acclamation.

Vice-Chairperson

Motion by Member: FARINA Supported by Member: KEIL
To: Nominate Member COOK as the Vice-Chairperson of the City of Fraser Planning Commission. Mr. COOK accepted the nomination. Mr. COOK was elected as Vice-chairperson of the City of Fraser Planning Commission by acclamation.

Secretary

Motion by Member: FARINA Supported by Member: CZARNECKI
To: Nominate Member PERRY as Secretary of the City of Fraser Planning Commission. Mr. PERRY accepted the nomination. Mr. PERRY was elected as Secretary for the City of Fraser Planning Commission by acclamation.

B. Discussion of the City's Marijuana Regulations

DeNAULT provided an overview of the marijuana laws in the State of Michigan, beginning with the ballot enacted in 2008, which approved marijuana growing and usage for medicinal purposes. The Michigan Medical Marijuana Act (MMA) allows for patients to register to receive medical marijuana for a \$100 fee with the State. As of November 2020, Macomb County had 28,227 residents registered to receive medical marijuana, with a total number of 4,120 licensed caregivers.

In September 2016, the State approved the Medical Marijuana Facilities Licensing Act (MMFLA) that requires municipalities to adopt an ordinance to either opt-in or opt-out of permitting licensed medical marijuana facilities in their community. As of January 2021, the City of Fraser is opted-out of permitting medical marijuana facilities within the City limits.

The current law exempts medical marijuana caregivers as a "provisioning center" which has in turn caused an influx of unregistered marijuana production. As of November 2018, the Michigan Regulation and Taxation of Marijuana Act (MRTMA), marijuana for adult-use is still considered a Class 1 Controlled Substance, although it is decriminalized in the State. As such, the State of Michigan grants limited authorization to possess and use marijuana within the State.

In terms of how the current laws affect the City of Fraser, it is of the opinion of the City Attorney that being opted-out makes little difference. Recent court cases (DeRuiters vs. Township of Byron) that occurred in April 2020, concluded that a municipality has the authority to zone medical marijuana facilities. Therefore, medical marijuana may be regulated as a land use, but not prohibited as a concept.

DeNAULT noted a few final observations as a result of the State's passing of the MMFLA in 2018:

- Homes, especially rental properties, may be affected by the growing and cultivating of marijuana such that the plants require more energy, such as water, air conditioning, and electricity to grow.
- Odors may be more prevalent in neighborhoods.
- Various zoning implications, such that marijuana must be considered as a "home occupation," and not permitted as a principal use in a residential zoning district. However, growing plants for personal use will be more difficult for the City to dissuade.

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- The City may consider a regulatory ordinance that addresses adult-use marijuana in a residential district as a nuisance, and therefore enforceable by police.
- Lastly, the City may consider allowing adult-use marijuana facilities in areas with more pedestrian and commercial activity such as strip mall centers, where the facilities can be monitored more closely.

FARINA questioned if the City is required to permit marijuana facilities somewhere within City limits. DeNAULT noted that because the City has not opted-in, it is recommended that marijuana businesses obtain a use variance from the ZBA. KEIL noted that Shelby Township now requires permits for any new HVAC systems within the Township. DeNAULT noted that the permitting approach can be a successful method to keep record of potential marijuana facilities in residential zoning districts.

8. UNFINISHED BUSINESS:

A.

I. City of Fraser Master Plan

DISCUSSION: BOUCHARD began the discussion by recapping some of the comments received by Commissioners and City staff to-date in regards to the newest draft of the Master Plan. Of the comments received, some included red-lined edits, wordsmithing and text edits, and other similar grammar suggestions. BOUCHARD noted that Member FARINA and TRAXLER had a meeting to discuss other Plan content pertaining to parkland, sidewalks, and parking recommendations.

BOUCHARD then described the most recent updates that have been made to the Plan since the December 14, 2020 meeting. Those updates include:

- Inclusion of an Executive Summary
- Additional content and details on the community survey section
- Image organization with corresponding captions
- More content on the Central Business District (CBD) section, providing image renderings previously completed in 2009 as well as a map of the current DDA Boundary

More detail on the Implementation Plan were also described. BOUCHARD explained the various criteria used to evaluate and determine project priorities. Evaluation criteria for priorities A (highest), B (medium), and C (lowest) were explained. BOUCHARD also noted the most recent changes to the Future Land Use Map, and encouraged Members to examine the map for and suggestions and/or changes, especially to the CBD and Transitional Residential designations. BOUCHARD requested that all Members review and submit comments back to McKenna by January 17, 2021.

CZARNECKI questioned why the Plan mentions the overhead utility lines in the City. BOUCHARD explained that the City's prevalent utility lines can create an environment that is not conducive to pedestrian and bike activity for both safety and aesthetic reasons, especially in the planned CBD. A way to mitigate this challenge is to encourage burying utility lines, but this task will likely need to be accomplished incrementally over a number of years due to expenses.

FARINA suggested that the Plan include an action item in the Implementation Table that notes the City should work to update its sign ordinance. TRAXLER noted that McKenna is working on this next task as part of the Zoning Ordinance Technical Review. WARUNEK suggested to amend the CBD Fringe Future Land Use designation to permit buildings up to 2 stories. All Members agreed.

The discussion concluded with an overview of the general project schedule moving forward.

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II.Capital Projects Discussion

TRAXLER noted the City Manager requested the Planning Commission send ideas to City Administration and City Council for project ideas to be included in the City's capital improvements plan (CIP). TRAXLER is planning to send a survey to Planning Commissioners within the next coming weeks to discuss potential project ideas to include in the City's CIP. Discussion on specific projects will occur in the next coming months.

9. PUBLIC COMMUNICATIONS ON NON-AGENDA ITEMS:

DISCUSSION: None.

10. ZONING BOARD OF APPEALS MEMBER LIASION REPORT:

DISCUSSION: FARINA noted the ZBA meeting for January was canceled due to lack of agenda items. The previous meeting held on December 3, 2020 included the election of officers.

11. COMMISSIONERS' COMMENTS AND ITEMS OF INTEREST / CONCERNS:

Member Barr:	Wished the group a Happy New Year.
Member Cook:	Wished the group Happy New Year and welcomed the new Chairperson, WARUNEK.
Member Czarnecki:	Wished the group a Happy New Year.
Member Perry:	With the group a Happy New Year.
Member Farina:	Congratulations to the new elected officials to the Planning Commission.
Member Kiel:	Wished the group a Happy New Year, and noted excitement for the 2021 Master Plan.
Member Warunek:	Wished the group a Happy New Year, and will do his best on being Chairperson.
McKenna:	The Annual Planning Report will be presented to the Commission at the February meeting.
City Attorney:	Wished the group a Happy New Year.

12. ADJOURNMENT:

Motion by Member: KEIL **Support by Member:** FARINA

To: ADJOURN THE MEETING OF January 6, 2021 at 9:10 PM

AYES 7

NAYS 0

MOTION CARRIED

Audience members: None.