



City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712
www.cityofboynecity.com

Phone 231-582-6597
Fax 231-582-6506

AGENDA

BOYNE CITY PLANNING COMMISSION

Monday November 19, 2018 5:00 p.m.
Boyne City Hall



Scan QR code or go to
www.cityofboynecity.com
click on Boards & Commissions for complete
agenda packets & minutes for each board

1. Call to Order
2. Roll Call - Excused Absences
3. Consent Agenda
The purpose of the consent agenda is to expedite business by grouping non-controversial items together to be acted upon by one Commission motion without discussion. Any member of the Commission, staff, or the public may ask that any item(s) on the consent agenda be removed to be addressed immediately following action on the remaining consent agenda items. Such requests will be respected.

Approval of minutes from the October 15, 2018 Boyne City Planning Commission meeting.
4. Hearing Citizens Present (*Non-Agenda Items*)
5. Reports of Officers, Boards, Standing Committees
6. Unfinished Business
7. New Business
 - A. Election of Officers
 - B. Pre-Application review for 216 N Lake Street
 - C. Michigan Regulation and Taxation of Marijuana Act update
 - D. Development of 2019 Planning Commission Work Plan
8. Staff Report
9. Good of the Order
10. Adjournment – Next Meeting December 17, 2018

Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334

Approved: _____

**Meeting of
October 15, 2018**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday October 15, 2018 at 5:00 pm.

Call to Order

Vice Chair Place called the meeting to order at 5:04 p.m.

Roll Call

Present: Ken Allen, Jason Biskner, George Ellwanger, Tom Neidhamer, Aaron Place and Joe St. Dennis (arrived at 5:07 pm)

Absent: Jim Kozlowski and Jeff Ross

Resigned: Chris Frasz tendered his resignation effective immediately, the board wishes him well in his future endeavors.

**Excused Absences
Motion

2018-10-15-02

Neidhamer moved, St. Dennis seconded, PASSED UNANIMOUSLY, a motion to excuse the absence of Kozlowski and Ross.

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Pat Haver

Public Present: Four

**Consent Agenda
Motion

2018-10-15-03

Allen moved, Ellwanger seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda, the Planning Commission minutes from August 20, 2018 as presented.

**Citizen comments on
Non-Agenda Items**

None

**Reports of Officers,
Boards and Standing
Committees**

The newly formed Boyne Housing Solution Committee has been meeting to formulate plans on ways/ideas to eliminate the housing shortage. In previous meetings, they have broken into groups to tackle specific goals. There is an upcoming meeting scheduled for November 7th to get an update on the group's efforts from their breakout sessions.

Unfinished Business

**M 75 Corridor Plan
recommendation for
adoption
Motion

Planning Director McPherson reviewed the Corridor Plan. It is something that has been a collaborative effort with Wilson Township and the City. This board has reviewed the plan in the past, and it is being brought before you tonight to review one last time for the corrections suggested from the draft, and to make a recommendation. After board discussion and review, **motion by Ellwanger, seconded by Allen, PASSED UNANIMOUSLY** to recommend adoption to the City Commission of the M-75 Corridor Plan.

New Business

**Development Plan
Review 437 Boyne Ave.**

Planning Director McPherson reviewed the development plan for 437 Boyne Avenue. The building was purchased with the intent to develop individual spaces for offices. The developer is looking at 4 spaces being used as a business incubator or other uses with his business occupying one of them. The plan meets parking requirements of 1 space for an average of 317 sq. ft. The exterior proposed will drastically improve the appearance of the building and the gateway into the city. He has applied for, and received a façade grant through the Main Street Program, and his plans have been reviewed and approved by the Main Street Design Committee.

Public Hearing opened at 5:12 pm

Mr. Earl discussed lighting and he informed the board that the only lights will be over the individual signs over each entrance. They will be downward lit. Signs will need to be

reviewed separately. He intends to have the roof pitch and dormers at least completed yet this fall and will work inside during the winter. He has removed the tree that was planted in the front, and will be putting in planter boxes on the buildings. Parking, snow and water retention areas will be on the east side of the building near Stewart St.

Public hearing closed at 5:14 pm

****Motion**

Board went forward with discussion and went through the draft findings of Section 19.40. After discussion, **motion by Ellwanger, seconded by Allen, PASSED UNANIMOUSLY**, to recommend approval of the Development Plan for 437 Boyne Avenue as presented.

Citywide Goals

For some time now, the city has been working on establishing a list of goals that have been identified by over 500 people who either took an online survey, returned surveys to be tallied, or ideas gathered from previous meetings. From their responses, a committee has whittled them down to the top 6 goals: *Be excellent stewards of tax payer's funds, Engage our Community, Increase Housing, Protect Lake Charlevoix and Boyne River, Keep Boyne City's economy strong and resilient, Enhance recreational opportunities in Boyne City's parks and public spaces.* Tomorrow, October 16, 2018 at 6:00 pm will be a Joint Board and Commissions work session to continue with the process and give updates. It will also be an opportunity for various boards to take ownership of a goal and work towards identifying a means to meet those goals. Board members are encouraged to attend if possible.

Parking Study Final Report

Planning Director McPherson reviewed the Parking Study report and recommendations. Because we are an RRC community, we received technical assistance from MEDC for this study which was done at no charge to the city. Rich & Associates completed the study by looking at what was available, parking demands in the core area downtown, square footage for each block, turn over and peak and non-peak demands. They were looking at an average demand and NOT extreme demand on a few dates/days. We have a GIS representative map that we can use for parking scenarios and will be a great tool for future use. In your packet is a list of recommendations to utilize and manage our parking with the final full study to be provided at a later date after minor grammatical errors have been taken care of.

Don Lockman – are there any additional proposed parking spaces for the marina expansion? **McPherson** – unknown, you may want to speak with Barb Brooks the Harbor Master. **Lockman** – We are concerned about the status of the Little League Field and if that was going to be removed and be used for parking for the marina.

McPherson – no the field will remain.

**Staff Report
Good of the Order**

Reminder: October 16, 2018 at 6:00 pm will be a Joint Board and Commissions work session to continue with the process and give updates on the city goals.

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, November 19, 2018 at 5:00 p.m.

Adjournment

****Motion**

2018-10-15-10

Neidhamer moved, Biskner seconded, PASSED UNANIMOUSLY a motion to adjourn the October 15, 2018 meeting at 6:04 p.m.

Vice Chair Aaron Place

Recording Secretary Pat Haver

CITY OF BOYNE CITY

To: Vice Chair Aaron Place, and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: August 20, 2018

Subject: 216 N Lake St. Pre-application meeting



A request for a pre-application meeting with the planning commission to discuss a proposed development plan for 216 N Lake Street has been received from Cliff Harvey of Case Construction. The property was the location of Roberts Restaurant and is currently being vacant. The property is located in the Central Business District. While no conceptual site plans or building plans have been provided it is the intention of the developer to demolish the existing structure and construct a new commercial space.

CITY OF BOYNE CITY

To: Vice Chair Aaron Place, and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: November 19, 2018

Subject: The Michigan Regulation and Taxation of Marihuana Act



Background

The Michigan Regulation and Taxation of Marihuana Act (MRTMA) was approved by Michigan voters on November 6th. It was approved by in Boyne City 1052 to 782. The effective date of the law is 10 days after the State Board of Canvassers certifies the results of the election. The exact date that will happen is not specifically known at this time but it appears that it be sometime in the first week of December 2018. Once the law becomes effective it basically puts in place recreational marihuana regulations for individuals and for marijuana establishments.

In regards to individuals the MRTMA establishes regulations for the legal possession, use, transport, transfer, growing and processing of specified amounts of marihuana and marihuana accessories for persons over 21. Some activities are not authorized by the Act such as operating a vehicle under the influence of marihuana or consuming marihuana in public or in a place prohibited by the person who owns or manages a property. While the provisions and enforcement of the MRTMA laws regarding individuals are of concern to law enforcement, they are not of a direct concern to municipalities as municipalities are prevented from enforcing any law on an individual that would be inconsistent with conduct that is permitted with the Act.

In regards to marijuana establishments the City will be faced with some decisions in regards to implementation of the law within the City of Boyne City. The law establishes and classifies different types of marihuana establishments. These establishments include a Grower, Processor, Transporter, Safety Compliance Facility, Retailer and Microbusiness. The act also stipulates an establishment is "any other type" of marihuana-related business licensed by the State. This provision would include facilities licensed under the Medical Marihuana Licensing Act (MMFLA).

Unlike the MMFLA which provided a municipality the option to "opt-in" in order to permit marihuana facilities, a municipality would need "opt-out" of the MRTMA if the municipality desires not to permit marihuana establishments within the municipality. If a municipality wishes to "opt-out" it is recommend the action is done by ordinance and not resolution.

If a municipality wishes to "opt-in" the City may adopt ordinance regulations for commercial recreational marihuana establishments. Given the vague nature of the law and subjective terms used in the law, the development of ordinances regulating commercial recreational marijuana will pose significant challenges. It is almost guaranteed there will be litigation concerning the terms and provisions of the act. Likewise it is a certainty that municipal ordinances will be challenged if it is believed an ordinance is "unreasonably impracticable", a term that requires value judgements be made by individuals on things such as what is an "unreasonable risk" or how much is "high investment".

While it is important that the City begin discussing the impacts of the MRTMA and identify what, if any, actions the City wishes to take, at this time there is no rush to “opt-in” or “opt-out”. From the effective date of the law the State has one year to assemble the regulatory framework for licensing commercial recreational marihuana establishments. While the State could adopt the regulatory framework in a shorter timeframe, it is not anticipated to be completed anytime in the near future.

It should be noted that a municipality is not permanently bound by any actions it takes. If a municipality decides to opt-in after a decision to opt-out has been made, they can do so, and similarly the municipality can opt-out after opting in; however, this may pose challenges on how to treat any establishments that were legally created during the opt in period.



michigan municipal league

a michigan municipal league white paper re:
recreational marihuana proposition

Clyde J. Robinson, Kalamazoo City Attorney

I am indebted to Tom Schultz and Lauren Tribble-Laucht for their proof-reading skills and editorial assistance and to Mork Wyckoff for sharing his insights contained in the September 2018 issue of Planning & Zoning News. My heart-felt thanks to each of them.

-CJR

MICHIGAN MUNICIPAL LEAGUE WHITE PAPER RE: RECREATIONAL MARIHUANA PROPOSITION

Introduction

This paper is intended to provide municipal attorneys and their clients an idea of what to expect and the issues to be addressed should Michigan voters approve a proposal to legalize marihuana on November 6, 2018. The scope of this paper will outline the provisions of the initiated proposal and address some of the practical consequences for municipalities while raising concerns that local governmental officials should be prepared to confront in the event the proposal is adopted. It is assumed that the reader has a working knowledge of both the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 *et seq.*, and in particular the Michigan Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*

While the proposed initiated law, titled the Michigan Regulation and Taxation of Marihuana Act (MRTMA), uses some of the same terms found in the MMFLA, the language between the two acts is not consistent. This circumstance alone, as well as other features of the initiated proposal, requires a thoughtful and thorough review of the language being proposed for adoption by Michigan voters and its potential impact at the local municipal level.

At its core, the MRTMA authorizes the possession and nonmedical use of marihuana by individuals 21 years of age and older while establishing a regulatory framework to control the commercial production and distribution of marihuana outside of the medical context. While the regulatory scheme of the proposed statute is similar to that of the MMFLA, it also differs in significant ways.

When would the proposed law become effective if approved?

Under the provisions of Article II, § 9 of the Michigan Constitution, an initiated law takes effect 10 days after the official declaration of the vote. Assuming the State Board of Canvassers declares the result of the November 6 election within a week after the election, the effective date of the law would be just before Thanksgiving of this year. Given this relatively short period to adjust to the change in the legal status of marihuana in Michigan, law enforcement officers should be provided training in advance of the possible change so as to avoid claims of false arrest and allegations of Fourth Amendment unlawful search violations.

Another constitutional feature of a voter-initiated law is that it can only be amended by a vote of the electors or by $\frac{3}{4}$ vote of each house of the legislature. This likely makes amending the statute difficult, but not impossible, as the MMMA has been amended at least twice since its adoption by the voters in 2008.

As for the actual licensure of business authorized to grow, process, and sell recreational marihuana, the proposed act requires that the Michigan Department of Licensing and Regulatory Affairs (LARA) begin to issue licenses no later than a year after the effective date of the law. There is no specific licensing board created to review and grant recreational marihuana establishment licenses. Given the deliberate speed of LARA and the Medical Marihuana Licensing Board in processing and authorizing licenses under the MMFLA, it is an open question whether this deadline can be met. If it can't, then the burden of licensing will fall to local municipalities, because the MRTMA specifically provides that if LARA does not timely promulgate rules or accept or process applications, "beginning one year after the effective date of this act," an applicant may seek licensure directly from the municipality where the marihuana business will be located.

Under this scenario, a municipality has 90 days after receipt of an application to issue a license or deny licensure. Grounds for denial of a license are limited to an applicant not being in compliance with an ordinance whose provisions are not "unreasonably impracticable" or a LARA rule issued pursuant to the MRTMA. If a municipality issues a license under these circumstances, it must notify LARA that a municipal license has been issued. The holder of a municipally-issued license is not subject to LARA regulation during the term of the license; in other words, the municipality becomes the licensing and regulatory body for recreational marihuana businesses in the community.

What does the proposed initiated statute seek to do?

The purposes actually stated in the MRTMA are many and varied. In addition to legalizing the recreational use of marihuana by persons 21 years and older, the proposed statute at Section 2 seeks to 1) legalize industrial hemp (cannabis with a THC concentration not exceeding 0.3 percent), and 2) license, regulate, and tax the businesses involved in the commercial production and distribution of nonmedical marihuana. According to the text of the proposal the intent of the law is to:

- prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age and older;
- remove the commercial production and distribution of marihuana from the illicit market;
- prevent revenue generated from commerce and marihuana from going to criminal enterprises or gangs;
- prevent the distribution of marihuana to persons under 21 years of age;
- prevent the diversion of marihuana to illicit markets;
- ensure the safety of marihuana and marihuana infused products; and

- ensure the security of marihuana establishments.

Whether the proposal will actually live up to all of these intentions is open to question as many of the areas mentioned are not directly addressed in the proposed law. For instance, since the establishments that will be authorized to grow, process, and sell recreational marihuana may not receive licensure for another year, how is it that individuals can lawfully obtain and possess marihuana upon the effective date of the proposed act?

What the proposed statute permits

Under Section 5 of the MRTMA, persons 21 years of age and older are specifically permitted to:

- possess, use, consume, purchase, transport, or process 2.5 ounces or less of marihuana, of which not more than 15 grams (0.53 oz.) may be in the form of marihuana concentrate;
- within a person's residence, possess, store, and process not more than a) 10 ounces of marihuana; b) any marihuana produced by marihuana plants cultivated on the premises; and c) for one's personal use, cultivate up to 12 plants at any one time, on one's premises;
- give away or otherwise transfer, without remuneration, up to 2.5 ounces of marihuana except that not more than 15 g of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older as long as the transfer is not advertised or promoted to the public;
- assist another person who is 21 years of age or more in any of the acts described above; and
- use, manufacture, possess, and purchase marihuana accessories and distribute or sell marihuana accessories to persons who are 21 years of age and older.

Although not a direct concern of municipalities, law enforcement and social service agencies need to be cognizant that the act specifically provides that "a person shall not be denied custody of or visitation with the minor for conduct that is permitted by the act, unless the person's behavior such that it creates an unreasonable danger to the minor they can be clearly articulated and substantiated." MRTMA § 5. Exactly what this phrase means will likely be a source of litigation in the family division of the circuit courts.

The possession limits under the MRTMA would be the most generous in the nation. Most other states that have legalized marihuana permit possession of only one ounce, limit the number of plants to four-six, and do not permit possession of an extra amount within one's residence. An additional concern arises as to how these limits will be applied. It will be argued

that the limits are “per every individual age 21 or older who resides at the premises.” So these amounts are ostensibly doubled for a married couple, and perhaps quadrupled or more for a group of college students or an extended family sharing a residence. While this same concern is also present under the MMMA, the quantity of marihuana permitted to be possessed under the MMMA is significantly less than under the MRTMA, and lawful possessors (patients and caregivers) are required to be registered with the State.

Further the MRTMA does not neatly fit with the MMMA. It only says at Section 4.2 that it “does not limit any privileges, rights, immunities or defenses of a person as provided” by the MMMA. This raises the question whether registered patients and caregivers may lawfully possess marihuana exceeding the amounts permitted under the MMMA. However, this may become a moot point, since in all probability, if the MRTMA is adopted, the number of registered patients and caregivers under the MMMA could reasonably be expected to drop significantly, as its practical application would largely be limited to registered patients under the age of 21 and their caregivers.

What is “Not Authorized” under the proposed statute

The proposed initiated law does not set forth outright prohibitions, but instead cleverly explains what is not authorized. Specifically, under the terms of Section 4 of the proposal, one is not authorized to:

- operate while under the influence of marihuana or consume marihuana while operating a motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoke marihuana while in the passenger area of the vehicle on a public way;
- transfer marihuana or marihuana accessories to a person under the age of 21;
- process, consume, purchase, or otherwise obtain, cultivate, process, transport, or sell marihuana if under the age 21;
- separation of plant resin by butane extraction or other method that utilizes a substance with the flashpoint below 100° Fahrenheit in any public place motor vehicle or within the curtilage of any residential structure (This prohibition is actually broader than the one limited solely to butane extraction found in the MMMA);
- consume marihuana in a public place or smoke marihuana where prohibited by a person who owns occupies or manages property; however, a public place does not include an area designated for consumption within the municipality that has authorized consumption in a designated area not accessible to persons under 21 years of age;

- cultivate marihuana plants if plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access;
- possess marihuana accessories or possess or consume marihuana on the grounds of a public or private school where children attend preschool, kindergarten, or grades one through 12; in a school bus; or on the grounds of any correctional facility; and
- possess more than 2.5 ounces of marihuana within a person's place of residence unless any excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

MRTMA § 4.5 then provides that “All other laws inconsistent with this act do not apply to conduct that is permitted by this act.” This general statement does not provide for a total repeal of existing marihuana laws, but its lack of specificity to other statutes being impacted, something that the Legislative Service Bureau helps the Legislature avoid, may portend problems in its application.

Differences in Terminology

The lack of consistency between those statutes addressing medical marihuana and the proposed recreational marihuana statute were alluded to at the beginning of this article; the following chart points out some of those differences.

Key Differences between Medical Marihuana & Proposed Recreational Marihuana Statutes			
	MMFLA	MMMA	Proposed MRTMA
Grower Limits			
Class A	500 plant limit		100 plant limit (limited to Michigan residents for first 2 years)
Class B	1000 plant limit		500 plant limit
Class C	1500 plant limit; stackable		2000 plant limit; not clear if stackable
Microbusiness	-----		150 plant limit (limited to Michigan residents for first 2 years)
Secure Transporter	Required to move marihuana between licensed facilities; may move money		No specific requirement to use; no authority to transport money

Compliance with Marihuana Tracking Act	Required		No reference or requirement
Plant Resin Separation	-----	Butane extraction prohibited in a public place, motor vehicle or inside a residence or within curtilage of a residential structure or in a reckless manner	Butane extraction or another method that utilizes a substance with a flashpoint below 100° F prohibited in a public place, motor vehicle or within curtilage of any residential structure
Possession Limits			
Registered Patient (18 years and older, but can be less than 18)		2.5 oz. useable marihuana & 12 plants*	
Registered Caregiver (5 patient limit)		2.5 oz. useable marihuana & 12 plants per patient*	
Other Persons (21 years and older under MRTMA)		Not permitted	(a) 2.5 oz. of marihuana, of which not more than 15 grams may be concentrate; (b) 10 oz. within one's residence; (c) any amount produced by plants cultivated on the premises; and (d) 12 plants
Inconsistent Terms			
Licensed marihuana businesses	marihuana facility		marihuana establishment
Equipment to grow, process or use marihuana	paraphernalia		marihuana accessories
Business that sells marihuana	provisioning center		marihuana retailer
Certain parts of marihuana plant	Usable marihuana and useable marihuana equivalencies		Term not used
Marihuana-infused products	Excludes products consumed by smoking; exempts products from food law		Does not exclude products consumed by

			smoking or provide food law exemption
Enclosed, locked facility		Specifically defined to address a structure, an outdoor grow area, and motor vehicles	Container or area with a person's residence equipped with locks or other functioning security device that restricts access to the area or container's contents
Limitations on scope of local regulation	Purity, pricing or conflict with MMFLA or LARA rules		"Unreasonably Impracticable"
Zoning	Municipalities specifically authorized to zone, but growers limited to industrial, agricultural or unzoned areas	Municipalities may not limit caregiver operations to residential districts as a "home occupation" <i>DeRuiter v Byron Twp. (2018)</i>	Municipal regulation limited to: (a) reasonable sign restrictions; (b) time, place & manner of operation of marihuana establishments and the production, manufacture, sale and display of marihuana accessories; and (c) authorizing sale of marihuana for consumption in designated areas or at special events
Taxation	3 percent on gross retail receipts of provisioning centers		10 percent on sales price for marihuana sold or transferred by marihuana retailers & micro businesses

*Under § 8 of the MMMA a patient and patient's caregiver may also collectively possess a quantity of marihuana that is not more than reasonably necessary to ensure an uninterrupted availability of marihuana for the purpose of treatment.

What may a Municipality do?

Unlike the MMFLA, where municipalities must "opt in," under the MRTMA, a municipality must "opt out." The proposed statute permits a municipality to "completely

prohibit” or “limit the number of marihuana establishments.” Given the language used in Section 6, a municipality should not rely upon prior ordinances or resolutions adopted in response to the MMFLA, but should affirmatively opt-out of the MRTMA or set limits by ordinance, not by resolution. Further, by petition signatures of qualified electors of the municipality in an amount greater than 5 percent of votes cast for governor in the most recent gubernatorial election, may initiate an ordinance to completely prohibit or provide for the number of marihuana establishments within the municipality.

The initiative language in the MRTMA is problematic. Given the wording, it cannot be assumed that voters can initiate an ordinance to "opt in" should the local governing body choose to exempt the municipality from the act. Rather, the initiative options are either to "completely prohibit" or "limit the number" of marihuana establishments. It is an open question whether the initiative authority to provide for the number of establishments could be an avenue for voters to override a governing body's action, by ordinance or resolution, to "opt out" of the statute. Additionally, the vague wording of the statute leaves it open to question as to whether an initiative providing for the number of marihuana establishments must (or should) set forth proposed numbers or limits for each separate type of marihuana establishment.

An opt-out for recreational marihuana will impact existing medical marihuana facilities in a municipality because for the first 24 months of the act, only persons holding a MMFLA license may apply for a recreational retailer, class B or C grower, or secure transporter license under the MRTMA unless after the first 12 months of accepting applications LARA determines that additional recreational marihuana establishment licenses are needed. MRTMA §9.6.

A municipality may adopt certain other ordinances addressing recreational marihuana and recreational marihuana establishments provided that they “are not unreasonably impractical” and do not conflict with the proposed act or any rule promulgated pursuant to the act. The statutory definition of the redundant term "unreasonably impracticable" found at Section 3(u) almost begs to be litigated. As defined by the proposal the term means:

"that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent business person would not operate the marihuana establishment."

Presumably "unreasonably impracticable" regulations would pass judicial muster. Unfortunately, given that the possession, cultivation, processing, and sale of marihuana remains a crime under federal law, how does one assess an "unreasonable risk" or determine what constitutes such a high investment of time or money so as to deter a reasonably prudent

business person from going forward? Further, does this definition remove the judicial deference and presumption of reasonableness that accompanies ordinances?

Specifically, an ordinance may establish reasonable restrictions on public signs related to marihuana establishments, regulate the time place and manner of operation of marihuana establishments as well as the production manufacture sale or display of marihuana accessories and authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age or special events in limited areas and for a limited time. A violation of ordinances regulating marihuana establishments is limited to a civil fine of not more than \$500. MRTMA § 6.

However, some of these regulations are problematic. The ability to establish reasonable restrictions on public signs related to recreational marihuana, being content-based, likely runs afoul of the holding in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). Further, MRTMA does not, unlike the MMFLA, specifically authorize a municipality to exercise its zoning powers to regulate the location of marihuana establishments. Rather, the MRTMA authorizes ordinances that “regulate the time, place, and manner of operation of marihuana establishments.”

The use of the time, place, and manner First Amendment test on the ability of government to regulate speech is ill suited and inappropriate to the licensure and regulation of local businesses. One cannot help but believe that the choice of the time, place and manner language was an intentional effort so as to permit marihuana establishments to heavily borrow from established legal precedent that largely circumscribes the ability of governmental authorities to restrict speech. Specifically, valid time, place, and manner type of restrictions must:

- 1) be content neutral;
- 2) be narrowly tailored to serve a significant governmental interest; and
- 3) leave open ample alternative channels for communication.

Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989) citing *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984)

The above formulation is not consistent with Michigan zoning law doctrine, which, although subject to the due process and equal protection guarantees of the Fourteenth Amendment, generally requires that there be a reasonable governmental interest being advanced by the regulation. See *Charter Township of Delta v Dinolfo*, 419 Mich 253, 268 (1984). To this end, the only clear reference to the zoning power is the grant to municipalities to reduce

the separation distance between marijuana establishments and pre-existing public and private schools providing K-12 education from 1000' to a lesser distance.

A municipality's authority to authorize designated areas and special events for the consumption of marijuana holds the potential to give rise to specialty businesses such as in California where restaurants make marijuana-infused food and drinks available to diners.

At Section 6.5, the MRTMA specifically precludes a municipality from prohibiting the transportation of marijuana through the municipality or prohibiting the co-location of a grower, processor, or retailer from operating within a single facility or a shared location with a facility holding a license under the MMFLA. This latter prohibition raises the question whether communities that have opted-in to the MMFLA, and where a medical marijuana facility is operating, may opt-out of the MRTMA, since the proposed act at Section 17 provides that it is to be "broadly construed to accomplish" the purposes set forth under the act.

If a municipality limits the number of establishments that may be licensed and such limitation prevents LARA from issuing a state license to all applicants who otherwise meet the requirements for the issuance of a license, the MRTMA provides that "the municipality shall decide among the competing applications by competitive process intended to select applicants who are best suited to operate in compliance with the act within the municipality." MRTMA § 9.4. This provision raises the Pandora's Box that confronted municipalities that attempted to cap the number of licenses issued under the MMFLA. Any competitive process that seeks to determine who is best suited inherently has a subjective component that may expose the municipality to legal challenges based on alleged due process violations by the municipality from unsuccessful applicants asserting that the process employed was unfair on its face or unfairly administered. While there may be good reasons to limit the number of recreational marijuana establishments, any community that chooses to do so should be prepared to defend itself from challenges by unsuccessful applicants.

A municipality may adopt an ordinance requiring that marijuana establishments located within its boundaries obtain a municipally-issued marijuana establishment license; but the annual fee for such a license is limited to \$5,000 and any qualifications for licensure may not conflict with the MRTMA or rules promulgated by LARA pursuant to the Act.

What limitations on the State are applicable to Municipalities?

According to the proposal, a State rule may not be unreasonably impracticable, or limit the number of any of the various types of license that may be granted, or require a customer to provide a retailer with identifying information other than to determine a customer's age or acquire personal information other than that typically required in a retail transaction. MRTMA §8.3.

The State is required to issue a license under the act if the municipality does not notify LARA that the proposed establishment is not in compliance with a local ordinance and if the proposed location is not within an area “zoned exclusively for residential use and not within 1000 feet of a pre-existing public or private school providing K-12 education.” A municipality is authorized to reduce the 1000’ separation from a school requirement. MRTMA §9.3.

Additionally, the grounds for disqualifying a license applicant based on a prior controlled substance conviction is much reduced under the MRTMA than under the MMFLA. An applicant for a medical marijuana facilities license is disqualified if they have any of the following:

- a felony conviction or release from incarceration for a felony within the past 10 years;
- a controlled substance-related felony conviction within the past 10 years; or
- a misdemeanor conviction involving a controlled substance, theft, dishonesty, or fraud within the past five years.

In contrast, under the MRTMA any prior conviction solely for a marijuana offense does not disqualify or affect eligibility for licensure unless the offense involved distribution to a minor. Thus, persons convicted of trafficking in large amounts of marijuana would be eligible for a municipal marijuana establishment license. MRTMA §8.1(c).

Additionally, LARA is precluded from issuing a rule and municipalities may not adopt an ordinance requiring a customer to provide a marijuana retailer with any information other than identification to determine the customer’s age. MRTMA §8.3(b). In this regard, the MRTMA provides an affirmative defense to marijuana retailers who sell or otherwise transfer marijuana to a person under 21 years of age if the retailer reasonably verified that the recipient appeared to be 21 years of age or older by means of government issued photographic identification containing a date of birth. MRTMA §10.2.

There are also limitations on holding ownership interests in different types of facilities. Owners of a safety compliance facility or secure transporter may not hold an ownership interest in a grower or processor or retailer or microbusiness establishment. The owner of a microbusiness may not hold an interest in a grower or processor or retailer safety compliance for secure transporter establishment. And a person may not hold an interest in more than five marijuana growers or more than one microbusiness, unless after January 1, 2023 LARA issues a rule permitting otherwise. MRTMA §9.3.

Finally, for the first 24 months after LARA begins accepting applications for licensure, only persons who are residents of Michigan may apply for a Class A grower or microbusiness

license and to be eligible for all other licenses, persons must hold a State operating license pursuant to the MMFLA. MRTMA §9.6.

What if the State fails to does not act in a timely fashion?

If the State does not timely promulgate rules, despite the act not providing when those must be issued, or accept or process applications within 12 months after the effective date of the act, an applicant may submit an application for establishment directly to the municipality where the business will be located. MRTMA §16. A municipality must issue a license to the applicant within 90 days after receipt of the application unless the municipality determines that the applicant is not a compliance with an ordinance or rule adopted pursuant to the act. If a municipality issues a license, it must notify the department that the license has been issued. That municipal license will have the same force and effect as a State license but the holder will not be subject to regulation or enforcement by the State during the municipal license term. It is unclear whether, if the State puts in place a licensing system during the term of a municipal license, the establishment can be required to seek State licensure or is merely required to renew the license with the municipality.

Municipality as an employer or landlord

The MRTMA does not require that an employer permit or accommodate conduct otherwise allowed by the act in the workplace or on the employer's property. The Act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. Nor does the act prevent an employer from refusing to hire a person because of that person's violation of a workplace drug policy. MRTMA §4.3. In this regard, the statute appears to codify the holding of *Casias v. Wal-Mart Stores, Inc.*, 764 F Supp 2d 914 (WD Mich 2011) *aff'd*, 695 F3d 428 (6th Cir 2012) permitting an employer to discharge an employee who as a registered patient under the MMMA used marihuana outside of work hours, was not under the influence while at work, but tested positive after suffering an injury while at work.

To the degree that a municipality provides housing and therefore acts as a landlord, the MRTMA permits the lessor of property to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on leased property, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking. MRTMA §4.4.

Municipal share of Marihuana Excise Tax Fund

Under the terms of the MMFLA, municipalities (cities, villages, and townships) in which a medical marihuana facility is located get a *pro rata* share of 25 percent of a medical marihuana

excise fund created by the imposition of a three percent tax on gross retail sales at provisioning centers. However, under the terms of the MMFLA, if a law authorizing the recreational or nonmedical use of marihuana is enacted, the tax on medical marihuana sales sunsets 90 days following the effective date of the new law. MCL 333.27601.

The MRTMA seeks to fill the gap created by the loss of the three percent excise tax under the MMFLA by creating marihuana regulation fund through the imposition of a 10 percent excise tax (which would be in addition to the six percent sales tax) on the sales price of marihuana sold or otherwise transferred by a marihuana retailer or microbusiness to anyone other than another marihuana establishment. However, the sale to be allocated to municipalities is reduced to 15 percent and before any money is provided to cities, villages, and townships in which a marihuana retail store or microbusiness is located, the State is made whole for its implementation, administration, and enforcement of the Act—and until 2022 or for at least two years, \$20 million from the fund must be annually provided to one or more clinical trials approved by the FDA that are researching the efficacy of marihuana in the treatment of U.S. armed services veterans and preventing veteran suicide. MRTMA §14.

The net effect for municipalities could result in more money under the MRTMA than under the MMFLA. This is because: a) the tax rate levied is over three times higher under the MRTMA (10 percent v. 3 percent); b) there is a larger pool of potential consumers (registered patients and caregivers v. all persons aged 21 and older); and, c) the allocation to municipalities under the MRTMA is based on the number of marihuana retail stores and micro businesses as opposed to all types of marihuana facilities under the MMFLA. However this this not take into account that if a municipality does not permit recreational marihuana retail establishments, it will not receive any revenue under the either the MMFLA or MRTMA, but will still have to deal with the social consequences of marihuana use that it may not prohibit under the new law.

The following table illustrates the differences between the two statutory approaches based on assumption of \$1 billion in sales, State expenses being recouped by applicable fees, a municipality having one percent of the total number of medical marihuana facilities or recreational retail businesses.

	MMFLA	MRTMA
Total Annual Retail Sales	\$1,000,000,000	\$1,000,000,000
Applicable Excise Tax Rate	3 percent	10 percent
Amount of Excise Tax Fund	\$30,000,000	\$100,000,000
Less Allocation for Veterans' Health Research	0	<u>-\$20,000,000</u>
	\$30,000,000	\$80,000,000
Percentage Allocated to Municipalities	25 percent	15 percent

Amount Available for Municipalities	\$7,500,000	\$12,000,000
1% of facilities or retail establishments in municipality	\$75,000	\$120,000

In what appears to be a blatant attempt to convince voters to approve the MRTMA, 35 percent of the marijuana regulation fund will be allocated to the school aid fund for K-12 education and another 35 percent to the Michigan transportation fund for the repair and maintenance of roads and bridges. Unlike the MMFLA, which allocated 15 percent split equally (five percent each) between county sheriffs where a marijuana facility was located, the Commission on Law Enforcement Standards for Officer Training, and to the State Police, there is no allocation directly to law enforcement purposes under the MRTMA.

Conclusion

As challenging as it was for municipalities to come to grips with medical marijuana regulation under the MMFLA, the difficulties posed by the proposed MRTMA regarding recreational marijuana are likely to be significantly greater. Under the MMFLA many municipalities took a "wait and see" position on the issue of broad commercialization of medical marijuana, and in doing so only required that the governing body of the municipality do nothing. And for those municipalities that chose to "opt in," the MMFLA granted them a great deal of regulatory discretion, which some representatives of the marijuana industry have called "onerous" [Langwith, "Local Overreach", 97 Mich B J 36, 37 (August 2018)], so as to reasonably safeguard the public safety health and welfare.

The MRTMA on the other hand, requires a municipality to affirmatively take legislative action to "opt out" of regulating recreational marijuana commercial enterprises. For those municipalities that choose to permit recreational marijuana establishments to exist in the community, the regulatory framework is much more circumscribed than under the MMFLA, and is certainly more likely to raise legal issues. Fortunately, commercialization of recreational marijuana is at least a year away should the ballot proposal to legalize marijuana be adopted and by that time the State regulatory framework for medical marijuana will have been in place for nearly two years.

Apart from the commercialization of recreational marijuana, municipal law enforcement officials and officers may be required to know the new rules surrounding "legalized" marijuana within days of the election. At a minimum, county and municipal prosecutors should be ready to provide training on the law in early November. It is also likely

that defendants who committed marihuana offenses prior to November 6 will seek dismissal of those charges should voters approve the ballot proposal.

In the meantime, municipal attorneys would be well-advised to read through the initiated statute more than once and be prepared to advise their clients of the significant ramifications of legalized marijuana on local governmental and social services.

-Submitted by Clyde J. Robinson, Kalamazoo City Attorney

I am indebted to Tom Schulz and Lauren Triple-Laucht for their proof-reading skills and editorial assistance and to Mark Wyckoff for sharing his insights contained in the September 2018 issue of *Planning & Zoning News*. My heart-felt thanks to each of them. --CJR

Medical Marihuana Facilities Licensing Act (MMFLA) compared with Proposal 1—the Michigan Regulation and Taxation of Marihuana Act (MRTMA)

Votes required for future amendments:

- MMFLA (PA 281 of 2016) requires a simple majority of vote of the Legislature (56 House votes and 20 Senate votes).
- Proposed MRTMA will require a 3/4 vote of the Legislature (83 House votes and 29 Senate votes).

Local Control:

- MMFLA requires municipality to OPT IN.
- Proposed MRTMA requires a municipality to OPT OUT. Municipal decision to limit the number of marihuana establishments or opt out is subject to override by the voters of that municipality through initiative petition.
- MMFLA, a state operating license may not be issued to an applicant unless the municipality in which the proposed facility will be located in has adopted an ordinance authorizing that type of license.
 - If municipality does nothing, no marihuana facilities can be licensed/operate in that municipality.
 - If municipality adopts ordinance (opts in), then it may:
 - Authorize any specific or all license types
 - Limit the number of each license type
- Proposed MRTMA, a state operating license shall be issued to operate in every municipality unless a municipality enacts an ordinance to opt out.
 - Municipality can completely prohibit all license types or limit the types of establishments allowed and the total number of each license type.
 - If the municipal limit on licenses prevents the State from issuing a license to all qualifying applicants, the municipality, not the State, is required to select from the competing applicants using a competitive process intended to identify those who are best suited to operate in compliance with the Act.
- Nothing under the MMFLA nor the proposed MRTMA has direct effect on the Michigan Medical Marihuana Act (MMA, Initiated Law 1 of 2008; patient caregiver model).
- Proposed MRTMA broadens the prohibition on the separation of plant resin by butane extraction on residential premises under the MMA to include methods using a substance with a flash point below 100 degrees Fahrenheit within the curtilage of a residence.
- Proposed MRTMA substantially increases the amount of marihuana that may be lawfully possessed from 2.5 ounces and 12 plants by a qualifying patient to 2.5 ounces on one's person, 10 ounces secured in one's residence, and no more than 12 plants at a time.
- While a municipality may regulate the time, place and manner of operation of marihuana establishments, the State must approve and issue a license to a proposed marihuana establishment that is not within an area exclusively zoned for residential use and is not within 1000 feet of a pre-existing K-12 public or private school. A municipality may reduce this distance by ordinance.

License Types:

- MMFLA has five license types:
 1. Grower
 - Class A – 500 plant limit
 - Class B – 1,000 plant limit
 - Class C – 1,500 plant limit

2. Processor
 3. Secure transporter
 4. Provisioning center
 5. Safety compliance facility
- Proposed MRTMA has six "marihuana establishment" license types:
 1. Grower (plant limits are different than MMFLA)
 - Class A – 100 plant limit
 - Class B – 500 plant limit
 - Class C – 2,000 plant limit
 2. Processor
 3. Secure transporter
 - Provides for license, but nowhere in the language is there a requirement that marihuana must only be transported by a secure transporter.
 4. Retailer
 - MMFLA license is a provisioning center, not retailer.
 5. Safety compliance facility
 6. Microbusiness
 - Person licensed to cultivate not more than 150 plants; process and package; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a safety compliance facility, but not to other marihuana establishments.
 - MRMTA also defines an "establishment" as, "any other type of marihuana-related business licensed" by the State, which would include licensed "marihuana facilities" under the MMFLA.
 - MMFLA prohibits a caregiver from grower, processor, or secure transporter license types.
 - Proposed MRTMA does not prohibit a caregiver from holding any of the six license types.
 - A person may be licensed under both the MMFLA as well as the proposed MRTMA.

Unreasonably Impracticable:

- MMFLA does not reference this term, found in proposed MRTMA.
- Proposed MRTMA prohibits any administrative rule or municipal ordinance that subjects the licensee to unreasonable risk or requires such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.
 - o Any rule or ordinance could be legally challenged if a person considers it to require too much time, money, etc.

Additional information:

- Definitions of key statutory terms are not consistent between the MMFLA and the proposed MRTMA.
- Grower license plant limits are not consistent between the MMFLA and the proposed MRTMA.
- Application process is not consistent between the MMFLA and the proposed MRTMA.
 - o If the State does not begin accepting/processing MRTMA applications within one year of the effective date of the Act, applicants can submit an application to a municipality that has not opted out of the act. Municipality shall issue a municipal license to applicant within 90 days. Municipal license has same force and effect as state license, but the municipal license holder is not subject to regulation or enforcement by the State during the municipal license term.
- If proposed MRTMA passes, the MMFLA requirement that a three percent tax is imposed on each provisioning center's gross retail receipts is no longer applicable. However, a 10 percent tax will be imposed on marihuana retailers on sales price of marihuana sold or otherwise transferred to anyone other than a marihuana establishment.
- The percent of the municipal portion of the excise tax collected is reduced from 25 percent under the MMFLA to 15 percent under the MRTMA and is paid only after the State is compensated for its implementation, administration, and enforcement of the Act; and until 2022 or for at least two years, \$20 million annually is provided to FDA-approved clinical trials researching the efficacy of marihuana in treating U.S. armed services veterans for medical conditions and suicide prevention.
- If proposed MRTMA passes, it goes in to effect 10 days after the election is certified by the State Board of Canvassers.

CITY OF BOYNE CITY

To: Vice Chair Aaron Place, and fellow Planning Commissioners

From: Scott McPherson, Planning Director

Date: November 19, 2018

Subject: Development of 2019 Work Plan



As the Commission may recall earlier this year the development of a work plan was discussed to help focus the efforts of the Commission. Since that discussion a working committee called Boyne Housing Solutions has been created. The committee comprised of business leaders, city officials and city staff, under the leadership of the Boyne City Chamber with assistance the Charlevoix County Community Foundation, was formed with the goal of seeking proactive and actionable solutions for the housing shortage. So far the group has hosted 3 community meetings and from those meetings a list of biggest opportunities/and or resources needed has been developed on working groups focused on specific issues such public/private partnerships, funding, zoning, and specific projects have been created. These groups are working on specific action items that can be implemented. For your reference the Opportunities/Needs developed by the Boyne Housing Solutions has been attached.

In addition to the work Boyne Housing Solutions has been doing, the City Commission, through its goal setting process, has identified “*Increase Housing Availability*” as one of the six adopted goals for the City. With the goals adopted the Commission is currently identifying action items when implemented have quantifiable and measurable outcomes to determine success. For you reference the adopted goals with draft action items has been attached.

As can be seen from the attached documents there are several areas where the Planning Commission can play a role and have an impact. It is being suggested that the Planning Commission use the work of Boyne Housing Solutions and the goals as the foundation for the development of a work plan. To begin the discussion staff suggests the following issues to act as a starting point for the developed of a work plan for the Planning Commission:

- Review Schedule of Regulations regarding lot/building dimensional requirements.
- Review ordinance processes and requirements for housing.
- Review Master Plan to identify opportunities and barriers to housing development.
- Review impact of short term rentals.
- Review adoption of a Property Maintenance Code.



BOYNE HOUSING SOLUTIONS

WHAT ARE THE BIGGEST OPPORTUNITIES AND/OR WHAT RESOURCES DO WE NEED?

- **Infill vacant lots with existing infrastructure (21 total dots)**
 - 13 green dots, 5 yellow dots, 3 pink dots
- **Space is available, work with Zoning, adapt zoning regulations (17 total dots)**
 - 7 green, 5 yellow, 5 pink
- **City/Publicly owned property (15 total)**
 - 4 green, 6 yellow, 5 pink
- Municipalities need to get involved creatively (12 total dots)
 - 5 green dots, 5 yellow, 2 pink
- Multi-family rental units (12 total dots)
 - 8 yellow, 4 pink
- School's Trades program should focus on accessory dwelling units – build one for example? (11 total dots)
 - 1 green, 3 yellow, 7 pink
- Accessory Dwelling Units with flexibility (by right, no hearings, etc.) (10 total dots)
 - 4 green, 6 pink
- Public private partnerships (retain control) (9 total dots)
 - 7 green, 1 yellow, 1 pink
- Reduce Minimum square footage in city limits (6 total)
 - 1 green, 3 yellow, 2 pink
- Address density with Zoning (6 total)
 - 1 green, 2 yellow, 3 pink
- Change minds about housing options, build awareness of need for options (3 total)
 - 1 green, 2 pink
- Housing for elderly, veterans, and others, with subsidies (3 total)
 - 1 each, green, yellow, pink
- Internships and training programs (apprenticeships for trades) (3 total)
 - 1 green, 2 pink
- Funding models (example of Alaska's housing models) (3 total)
 - 1 green, 2 yellow
- Zero interest loans to help build accessory dwellings (1 total)
 - 1 pink
- Incentivize land-owner participation (1 total)
 - 1 yellow
- Small homes/tiny homes (1 total)
 - 1 yellow
- Look at other communities (0 total)
 - 0 dots
- Create a trust to support development (0 total)
 - 0 dots

City of Boyne City goals and high priority actions 2018-2020

October 15, 2018 DRAFT

For review at 10/16/18 6:00 p.m. Joint Board and Commission to further determine high priority items, roles Boards and Commission can take to achieve them and due dates.

Be excellent stewards of taxpayer funds. Develop tools and processes to allocate City funds efficiently and better forecast future City financial needs and challenges.

High priority actions:

- Create a five year financial forecast model using internal and external expertise to be completed by October 2019
- Improve the City's Capital Improvement Plan process and product by 2020 budget cycle.
- *Develop a quote analysis system for reviewing bids for projects*

WHO IS RESPONSIBLE?

Engage our Community. Get residents involved in Boyne City government more often. Make it easy for residents to learn about City policies, operations and actions.

High priority actions:

- Update and upgrade City's website so that it is streamlined, easy to navigate, responsive on a variety of devices, and meets accessibility standards.
- Develop on a strategy to improve quality of email newsletter and social media communications
- Improve strategies for engaging, recruiting and appointing residents to serve on city boards and commissions.
- *Come up with a common process for filling board/commission vacancies*
- *Advertise open board positions using newsletters and social media*

Increase housing availability. Work with all segments of the community to develop and implement a common vision leading to a sustainable mix of housing options in and around Boyne City that maintains our community character. Align our City regulations and plans to support this vision.

High priority actions:

- Inventory all available City properties for potential housing development
- Develop a property maintenance standards ordinance to provide additional tools for improving substandard housing units.

- Review Zoning Ordinances and the Master Plan with the intention to eliminate unnecessary barriers to providing needed housing options, especially for families and workers.
- Examine issues arising from short term (less than monthly) rentals and their community impacts
- *Develop vacation home standards*

Protect Lake Charlevoix and Boyne River. Protect and enhance lake and river water quality, especially impacts of storm water runoff.

High priority actions:

- Engage regional partners and City engineer to :
 1. Review already identified issues and recommended remedies
 2. Evaluate additional areas of concern
 3. Determine estimated costs for improvements and possible timeline
 4. Review City's practices along lakeshore and Boyne River
 5. Review development standards for both public and private properties
- Develop City storm water ordinance in cooperation with East Jordan, Charlevoix and other regional partners within one year.
- Develop plan and cost estimates for storm water discharge options
- Investigate options rain gardens and natural retention areas... move from "Gray" infrastructure to "Green" infrastructure

Keep Boyne City's economy strong and resilient. Foster a strong local year-round economy that builds upon existing businesses and welcomes compatible ones. Focus efforts and resources to create family sustaining jobs. Enhance City plans and policies to further support business development.

High priority actions:

- Determine a master plan creating community consensus.
- Develop and implement strategy for recruiting and retaining businesses creating family sustaining jobs
- *Expose high school students early on to the type of family sustaining jobs in the area*

Enhance recreational opportunities in Boyne City's parks and public spaces. Complete current and planned recreation projects and develop a vision for future recreation programs.

High priority actions:

Incorporating guidance from the Parks Commission:

- Catch up on maintenance backlog.
- Move forward with items that foster economic development as a priority.
- *Expand boating / lake access (boat launch improvements)*

- *Expand winter recreation; more specifically, add snowmobile trails in/out of Boyne*
- *Increase park maintenance staff*
- *Utilize more volunteers*