

**DANBURY TOWNSHIP BOARD OF TRUSTEES  
SPECIAL MEETING MINUTES**

**July 12, 2017**

The Special Meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall on July 12, 2017 was called to order at 6:15 p.m. by President Charles B. Scott.

The pledge of allegiance was recited.

At the conclusion of pledge of allegiance, the roll was called and the following members were present: Mr. Charles B. Scott, Ms. Dianne M. Rozak, and Mr. David M. Hirt.

Also present were, Fiscal Officer Shelley Seamon and Zoning & Planning Administrator Kathryn A. Dale. Visitors in attendance were John Paul Dress, Daivia S, Kasper, Sherry Roberts, and Susan Dress.

Mr. Scott announced that this public hearing was for the following zoning case.

**ZC-2017-068**

**Text Amendment. Article 2, Definitions, Article 3, Section 3.5 General Regulations Applicable to All Zoning Districts and the Use Matrix of the Danbury Township Zoning Resolution regarding the prohibition of Medical Marijuana, Cultivation, Processing and Retail Dispensaries in accordance with ORC 3796,ORC 519.21(D) and Trustee Resolution 06-2017. Danbury Township, Applicant.**

Mr. Scott asked Mrs. Dale to give an overview of the case.

Listed below are the details Mrs. Dale provided.

On April 4, 2017 at the Ottawa County Engineer and Ottawa County Township Association annual meeting at the fairgrounds, the Ottawa County Prosecutors office distributed sample resolutions for Townships to consider allowing and/or limiting Medical Marijuana, Cultivation, Processing and Retail Dispensaries within their jurisdictional boundaries. House Bill 523, effective September 8, 2016 legalized Medical Marijuana in Ohio. The legislation set a basic framework for the program, but it left the task of establishing specific rules and guidelines for the cultivation, processing, testing, dispensing and medical use of marijuana to different state agencies which are to be adopted by September 8, 2017. The Ohio Department of Commerce and the State of Ohio Board of Pharmacy are required by this legislation and law to ensure that Ohio's Medical Marijuana Control Program is fully operational no later than September 2018. ORC §3797.29 allows a Board of Township Trustees to adopt a resolution to prohibit or limit the number of cultivators, processors, or retail dispensaries licensed within the unincorporated territory of the Township. ORC §519.21(D) further states that nothing in this section prohibits a township zoning commission, board of township trustees, or board of zoning appeals from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township.

On April 12, 2017 the Danbury Township Board of Trustee adopted Resolution 06-2017 prohibiting licensed medical marijuana cultivators, processors or processing facilities and retail dispensaries in Danbury Township.

On May 3, 2017 the Danbury Zoning Commission initiated text amendments to the Danbury Zoning Resolution incorporating that this use is prohibited in all zoning districts of the Township. The proposed language has been reviewed and commented on by the Ottawa County Prosecutors Office.

The Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on May 4, 2017 and held a hearing on May 16, 2017, which the OCRPC voted to recommend approval as presented.

On June 7, 2017 the Danbury Township Zoning Commission held a public hearing and voted 5-0 to recommend approval of the proposed text amendments to the Board of Trustees finding Decision Criteria "ii" was satisfied. A proposed amendment may be approved if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

Mr. Scott asked if anyone wished to speak. No one choose to speak, therefore the floor was closed for public comment and the following action was taken.

**RESOLUTION NO. 10-2017**

**The Board of Trustees of Danbury Township, County of Ottawa, Ohio**, met in special session at 6:15 p.m., on July 12, 2017, at the Danbury Township Building, 5972 E. Port Clinton Road, Marblehead, Ohio 43440, with the following members present: Ms. Dianne Rozak; Mr. Charles Scott; Mr. David Hirt.

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**Ms. Rozak** introduced the following resolution and moved its adoption:

**RESOLUTION NO. 10- 2017  
A RESOLUTION ADOPTING TEXT AMENDMENTS  
TO THE DANBURY TOWNSHIP ZONING RESOLUTION**

**WHEREAS**, on May 3, 2017 the Danbury Township Zoning Commission, in accordance with Ohio Revised Code section 519.12(A)(1) initiated, by motion, the following amendments to the Danbury Township Zoning Resolution:

- *“How to Use this Resolution” Use Matrix to list Medical Marijuana as a prohibited use per Trustee Resolution 06-2017.*
- *Article 2, Definitions, New Definition #110 Medical Marijuana as defined in ORC 3796 and 5713.30(A)(5).*
- *Article 3, New Section 3.5.11 – General Regulations Applicable to All Zoning Districts, prohibiting medical marijuana cultivation, processing and/or dispensary facilities.*

**WHEREAS**, said text amendments were forwarded to the Ottawa County Regional Planning Commission (OCRPC) May 4, 2017 and considered by the Ottawa County Regional Planning Commission (OCRPC) on May 16, 2017 where the Commission recommended unanimous approval of said text amendments as presented; and

**WHEREAS**, the Danbury Township Zoning Commission held a public hearing on June 7, 2017 and by motion and vote, the Zoning Commission unanimously recommended approval of said text amendments as presented; and

**WHEREAS**, the Board of Trustees held a public hearing on July 12, 2017 and, at the conclusion of the public hearing, voted to accept the recommendation of the Zoning Commission as set out in Exhibit A as attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board finds that:
  - a. The proposed amendment will improve the public health, safety, or general welfare of Danbury Township; and
- 2) The Board does hereby adopt the amendment to the Danbury Township Zoning Resolution attached hereto as Exhibit A; and
- 3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
- 4) That this Resolution shall be effective at the earliest date allowed by law.

**Mr. Hirt** seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows: Vote Record: Ms. Rozak-yes; Mr. Scott-yes; Mr. Hirt- yes. Motion carried.

**ADOPTED this 12<sup>th</sup> day of July, 2017.**

**IT IS HEREBY CERTIFIED** that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 12<sup>th</sup> day of July, 2017 and filed with the Danbury Township Fiscal Officer.

There being no further business before the Board, Mr. Hirt moved and Ms. Rozak seconded the motion to adjourn at 6:24 p.m. The vote was unanimous and motion carried.