

Planning Commission Minutes

Regular Meeting July 13, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:01 PM.

Members Present: Shannon, Kenney, Grey, McGrath, Gloden, and Dunham

Members Excused: Boyd

The agenda was accepted as presented without objection.

The minutes from the May 11, 2010 meeting were approved with one correction.

Reports were received from the Village Manager Wolff and the Village Council. Grey questioned whether or not the Village could require new construction sites to have a port-a-john on site. He discussed his observations of the crew working on the new home on Pequena. Kenney asked about the snow plowing bids and stated he had heard a rumor that the reason Mt. Pleasant Excavating had gone out of business was that the Village had terminated their contract. He stated that he personally has refuted those statements. Wolff stated that if Mt. Pleasant Excavating was still in business they would be plowing our streets this winter. He stated that the Village had a very favorable relationship with them and was sad to see them close their doors.

Public Hearings:

1. Proposed Ordinance 2010-03: Zoning Board of Appeals Update

Wolff provided a summary of the ordinance and the changes it makes to the zoning code.

Dunham opened the public hearing at 7:12 PM

Public Comments/Questions: None

Dunham closed the public hearing at 7:13 PM.

A motion was made by Shannon, seconded by Grey, to recommend ordinance 2010-03 to the Village Council for adoption. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0

Public Comments: Elmer Ledbetter of Red Fox Court stated that he was having a hard time hearing the discussion and would like to see the Village invest in microphones. He also questioned why the Village was purchasing the property at 201 S. Coldwater from Mt. Pleasant Excavating. Wolff discussed the process the Village undertook in addressing the need to provide snowplowing services once Mt. Pleasant Excavating had went out of business. He discussed the Village's desire to partner with a private company as it presents the best short-term cost saving to the Village, and that in order to secure the Village's ability to provide the service of snowplowing if in the future the Village did not partner with a private firm this location makes the most sense. He also stated the Village will not be seeking a millage of the people to support the purchase, and that the Village was writing a newsletter to mail to the community about the issue.

Existing Business: None

New Business1. Appointment of Officers

A motion was made by Grey, seconded by Kenney, to appoint Bill Dunham chairman. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0

A motion was made by Grey, seconded by McGrath, to appoint Jim Kenney vice-chair. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0

A motion was made by Grey, seconded by Kenney, to appoint Ardith Gloden secretary. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0

A motion was made by Grey, seconded by Kenney, to appoint Ardith Gloden to the TSI Committee. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0

A motion was made by Grey, seconded by Kenney, to appoint Carol Shannon as the alternate member to the TSI Committee. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0

A motion was made by Grey, seconded by Kenney, to recommend to the Council the appointment of Dave McGrath to the Zoning Board of Appeals. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0

2. Proposed Ordinance 2010-04: Home Occupations and Medical Marijuana

Proposed Ordinance 2010-04 was introduced. Wolff gave a summary of the ordinance to the Planning Commission and distributed a binder of information for review on the topic of medical marijuana. The contents of the binder were as follows:

1. November 12, 2009 Detroit Free Press article by Dawson Bell
2. March 18, 2010 Associated Press article by Lisa Leff
3. October 16, 2006 legal opinion of the City of Los Angeles
4. September 30, 2009 legal opinion of the City of Troy
5. December 2, 2009 ordinance draft from the City of Livonia
6. October 19, 2009 U.S. Department of Justice Memo
7. City of Auburn Hills dispensary ordinance
8. City of Grand Rapids ordinance & Frequently Asked Questions
9. April 19, 2010 Traverse City draft ordinance
10. July 6, 2010 Detroit Free Press Article by Gina Damron
11. June 30, 2010 Albany Times Union article by Gerald Turetsky
12. June 19, 2010 Wall Street Journal article by Jean Guerrero
13. May 15, 2010 Holland Sentinel article by Andrea Goodell
14. 2002 article from Time Magazine by Patrick Stack on the history of medical marijuana
15. 2009 BYU Journal of Public Law Review on Federal Preemption of Medical Marijuana (via Westlaw)

16. Michigan Medical Marihuana Act as Adopted
17. January 26, 2010 article from The Christian Science Monitor by Daniel Wood
18. January 27, 2010 “Review of Recent Scientific Literature” by Paul Armentano of the NORML Foundation
19. July 2010 issue of Planning & Zoning News “Challenges Surrounding Local Regulation of Medical Marihuana.”

Wolff discussed the need for the Planning Commission to review the contents and then have a discussion on the record prior to making a recommendation to the Council. To further provide background information, the Planning Commission watched a CNBC original documentary titled “*Marijuana Inc. Inside America’s Pot Industry.*” The planning commission watched the documentary and one of the bonus features which details how homes in Ukiah, California are being turned into large “grow houses.”

After watching the DVD the Planning Commission discussed how conflicting laws have led to a problem in California. There was also discussion regarding the impact of grow houses on neighborhoods. Specifically smell, pollution, traffic, and crime impacts.

There was discussion over what the Michigan Medical Marihuana Act allows and does not allow. Wolff discussed what is permitted for qualifying patients and registered primary caregivers and that the MMMA is silent on the matter of dispensaries and large scale cultivation facilities. He stated that the draft ordinance is permissive to allow up to 2 registered primary caregivers to operate on a single parcel in the Village, but that large scale cultivation facilities and dispensaries would be prohibited.

The Planning Commission also discussed an article in the Morning Sun covering a recently opened dispensary in downtown Mt. Pleasant.

A public hearing and special meeting were set for Monday, August 2, 2010 at 9:00 AM.

Public Comments: None

With no further business the Planning Commission adjourned at 8:59 PM.

X

 Jeffrey P. Grey
 Village Clerk