

## Planning Commission Minutes

Special Meeting August 2, 2010

Planning Commission Chairman Dunham called the meeting to order at 9:00 AM.

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

**Members Absent:** None

### Public Hearings:

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

Dunham opened the public hearing at 9:02 AM

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

**Public Comments/Questions:** Elmer Ledbetter of Red Fox Court commented that he agrees the Village needs to address the issue to protect against dispensaries locating in the Village.

Dunham closed the public hearing at 9:07 AM.

Dunham stated that in one of the review articles there was a discussion over how voters in the area have reacted to medical marijuana ballot questions, and that if the issue was supported in a community that the leaders of the community should take that into consideration when adopting regulations. Wolff replied that county-wide the 2008 ballot question was supported by a margin of about 65% to 35%. He also reported that in the two townships that comprise the Village, the margin was about 63% supporting the 2008 ballot question in Sherman Township, and 61% in Broomfield Township.

Gloden discussed that the MMMA is very narrow and only addresses the matter of patients and caregivers. And that dispensaries were not included in the law.

Boyd commented that he is troubled by the position the Village is in with having to regulate something that is in conflict with federal law. He discussed the CNBC documentary and the review materials where this is a problem many other communities are struggling with. Wolff commented that the current position of the Justice Department is that in states where voters have adopted Medical Marijuana laws, the DEA is not to intervene. He also noted that just recently the Department of Veteran's Affairs clarified how to handle patients using medical marijuana who also are in need of prescription pain medicine.

Boyd also asked that a 1,000 foot radius of exclusion be added for bars, taverns, and houses of worship in addition to the proposed 1,000 foot radius for schools, child care centers, and public parks.

McGrath discussed whether or not there could be a means for tax revenue to be generated from businesses which provide medical marijuana services.

Shannon discussed that the MMMA was intended to provide for people with a legitimate medical need to obtain treatment. And that the proposed ordinance allows people to seek assistance within the provisions of the MMMA while addressing the areas which were not covered by the MMMA.

A motion was made by Grey, seconded by Kenney, to recommend ordinance 2010-04 to the Village Council for adoption. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 7-0-0

**Public Comments:** None

With no further business the Planning Commission adjourned at 9:40 AM.

X

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Jeffrey P. Grey  
Village Clerk