

Minutes:
Watersmeet Township Planning Commission

Regular Meeting of February 12, 2014

Watersmeet High School Library

- 1) Meeting called to order by Chairman Roy D'Antonio at 6:35 PM.
- 2) Pledge of Allegiance was given.
- 3) **Roll Call:** Members Present: Chairman D'Antonio, Vice Chairman Dave Sherrill, Secretary John Neumann, Township Board Liaison-Rich Henriksen, Pete Peterson, Jeff Wasson, John Cestkowski, Larry Potter, and Jeff Zelinski were in attendance. Several community members were present.
- 4) **Approval of Agenda/Changes:** A motion was made by Dave Sherrill to add approval of the minutes from January 22nd and from January 8th as item number 5, and add point of order for approval of "sign in" that requires board approval to require sign in to speak as item number 6. 2nd by Henriksen to approve the additions. Unanimous yes vote to approve change to agenda.
- 5) **Approval of Minutes:** Motion to approve minutes from Dave Sherrill and 2nd by Pete Peterson to approve minutes as written for January 8th and January 22nd. Unanimous yes vote.
- 6) **Point of Order Motion:** Dave Sherrill stated that it requires a majority of the Commission to pass a motion that would require individuals to require them to sign in to speak at the Commission meeting. Sherrill made the motion, 2nd by Henriksen. Unanimous yes vote.
- 7) **Zoning Administration Report:** David Neumann reported that there were 33 permits last year and the year before 37 issued. Most were for additions and garages but very few houses. Since the last time we met there was 1 permit issued for a trailer house in Watersmeet.
- 8) **Public Hearing for proposed Medical Marijuana Ordinance:** Motion to move into Public Hearing by Sherrill, 2nd by John Cestkowski. Unanimous yes vote. Chairman D'Antonio made a short statement regarding rules for the hearing and that comments should be limited to 3 minutes. The following are the speakers;
 - a. **Steve Roth** from Dinner Lake. He started his comments by asking "what the Commission was doing? That this is what it comes to?" He said he was thrown into this issue at a previous meeting because of things that were said about medical marijuana. Everyone knows he is biased when it comes to the subject. He is "for medical marijuana and knows more than anyone at the meeting about medical marijuana". He has offered help over and over again but no one has taken him up on what he calls this train wreck. He said he "knows what he's talking about when it comes to medical marijuana; the laws, the legislation, the doctors and growers...he knows it all. This is about knowledge, awareness. This (Ordinance) is not awareness". He is for medical marijuana, not recreational marijuana as in Colorado. He said Washington is doing it right. This is a business, interstate commerce...Chairman D'Antonio tried to tell Mr. Roth his time was up but still

wanted him to clarify what his problem was with the Ordinance. The conversation got a little heated from Mr. Roth and he stated that from reading the Ordinance the Commission had already made up its mind and voted no against medical marijuana. This was denied by Chairman D'Antonio and that we were only going through the process. Mr. Roth stated "he was not against the Ordinance but that he was pro medical marijuana and had offered to help the Commission because we didn't know what we are talking about." He finally got to the point that the "Ordinance could have been taken care of 5 months ago but no one would listen to him. That, at the last so called public hearing on medical marijuana, the whole thing blew up... scene one when the application was submitted... scene 2 was the debacle of a so called Public Hearing that went awry and the race card was thrown around with Chairman Dennis Snyder not knowing how to control the situation." One thing he said he heard was that we really don't want it (the clubhouse) there (on the main thoroughfare). Mr. Roth's main point and complaint seemed to be that the Ordinance was prohibitive. That the Ordinance would not allow the new location that has been purchased. He wanted to know who put the language in the Ordinance and that the site of the Clubhouse must abut a major thoroughfare. He couldn't find it in other plagiarized Ordinances. He believed this portion would prohibit the new location that was purchased for the Clubhouse. That's why he's against the Ordinance but it is only one point he has a problem with. He said we could basically wipe our butt with this Ordinance but that he wasn't yelling at the board, "he was here to help and protect us". He said "you think we have problems now, wait until this goes recreational which is in line". We're here to work together, he thinks... and he wants this place to grow...he lives here but apparently there may be other thoughts on the matter.

- b. **Linda Bolton** of Watersmeet: She read an article from the Ironwood Daily Globe that dealt with an Ordinance from a suburb of Grand Rapids, Michigan being struck down by the Michigan Supreme Court because it tried to prohibit the use of medical marijuana. She also read another article where a South Western Michigan woman was sentenced for driving under the influence of marijuana.
- c. **Darren Mercier**: His first statement was a protest of the requirement to sign in and state his name with or without the little rule the Commission threw in at the beginning of the meeting and said it was a constitutional violation of his rights and the Open Meetings Act. He also stated that the Ordinance was illegal. He said we were trying to regulate something that was illegal. He said a Provisioning Center, a Clubhouse, Distribution Center, and other names we have conjured up are illegal in the State of Michigan. That's not what this is about and that's all he has to say.
- d. **Spencer Ward** from Bruce Crossing: He stated that in September of 2013 he presented a plan to the Township to cooperate and work with the local community. He said he followed the advice of the Planning Commission and purchased a piece of property away from the major thoroughfare and business district. Now a clause has been added to require Provisioning Centers to be on a main thoroughfare. His responsibilities to their caregivers has been to simply provide registered patients the opportunity to legally acquire their medication in a safe environment. He said

as we deliberate the Ordinance he would like the Zoning Commission to consider the following statement taken from the Watersmeet Township Web Page. “If people let government decide what foods they eat, and what medicines they take, their bodies will soon be in as sorry a state as are the souls of those who live under tyranny.”

- e. **Julie Mathiesen:** She was concerned by some of the comments she has heard at this meeting. She’s ambivalent to a medical marijuana facility in the town. If use of medical marijuana alleviates chronic conditions it shouldn’t be prohibited but at the same time there is the possibility of abuse with such a new law. What she’s concerned with is the process but understands the need for regulations. She referred back to Mr. Mercier’s comment on one violation. Another is the public notice did not meet the requirements of the Zoning Act. The notice did not indicate where written comments would be received and that’s a requirement of law. Someone could challenge this Ordinance on that alone. The conduct of this meeting is kind of intimidating and might inhibit people’s willingness to make public comment. She stated that the requirement to have people sign in to speak that was voted on at the beginning of the meeting was prohibitive. She stated we have some process issues and she has been raising process issues for the past year. She asked if Clubhouses or Provisioning Centers are illegal in Michigan and are we setting ourselves up for a lawsuit? Can we regulate something that is illegal? She said it sounds like there is more case law out there saying that we can’t prohibit facilities. The way she reads our Ordinance, she sees it as being prohibitive but she doesn’t really know the Planning Commission’s intent. She’s concerned with lawsuits down the road as a taxpayer.
 - f. Dave Sherrill tries to clarify some of Julie’s concerns and a discussion ensues; He stated that the Township attorney put the Ordinance together. The intent of the Ordinance is not to prohibit a medical marijuana clubhouse or provision center or whatever we are going to call it. What it does is place it within a commercial district. Mr. Ward jumps in and states that last time we told him that we did not want it in a commercial district. Pete Peterson disagreed and stated that the previous property was too close to a park. Mr. Ward disagreed. Mr. Ward also stated that 2 board members mentioned for him to buy the Forest Service property and 3 members are at this meeting. No one on the board seems to remember this. Chairman D’Antonio tried to clarify what does qualify as an acceptable location as there seems to be a no clear answer. Part of the law was read by Mr. Mercier to support his argument about the Ordinance being illegal. There was a lot of conversation back and forth with little resolution.
 - g. With no more public comments there was a motion by Jeff Wasson to go back into regular session, 2nd by Dave Sherrill, Unanimous yes vote.
- 9) **Board Vote on Medical Marijuana Ordinance:** Rich Henriksen started the discussion and said there were some good points made during public comments in particular the location language of the 1000 feet from a residential property. Several individuals were making comments all through this discussion that included rumors and innuendo. Rich Henriksen brought up concerns about the drug paraphernalia clause in the Ordinance. There was a

motion by Dave Sherrill to send a request to the Township attorney that will include these questions; Does the February 6th Court decision have any impact on the 1000 feet limitation in the Ordinance? Is the penalties portion of the Ordinance legal? If no changes are recommended we will bring the Ordinance to the Township Board for approval. If changes are made the Ordinance will come back to the Planning Commission for discussion and another Public Hearing scheduled. 2nd by Jeff Zelinski. Roll call vote: Rich Henriksen; no, Jeff Zelinski; yes, Larry Potter; yes, Dave Sherrill; yes, Roy D'Antonio; yes, John Neumann; yes, John Cestkowski; yes, Jeff Wasson; yes, Pete Peterson; yes. Dave Sherrill will contact Attorney Pope for answers.

10) **Subcommittee Report:** Dave Sherrill stated they had a meeting and the committee decided that the new special use permit form would have to be completely filled in to be acceptable. The amount of the fee for the permit still needs more discussion. There seems to be some overlap between R1 and R2 properties and the committee was considering changing R2 from Residential Restricted and Commercial to Restricted Commercial and R1 changing from Residential and Commercial to Residential. The current description doesn't seem to make sense. There was a discussion on why there's a 1200 square foot building requirement for L1 and in town the requirement is 600 square feet. More work and discussion on these issues will be at the next subcommittee meeting. Next meeting is February 26th.

11) **Public Comments:** Steve Roth commented that he was happy with what has happened at the meeting tonight and feels like this is how we should all work together. He also apologized to the Board.

12) **Adjournment:** Motion to adjourn by Jeff Zelinski 2nd by Dave Sherrill. Unanimous yes vote. 8:20 PM
Respectfully submitted by,

John Neumann – Planning Commission Secretary

Approved: 4/9/2014