

Planning Commission
Open Meeting (Public Hearing)
4-12-18

Members Present: Dennis Bloss, Peggy Castle, Michael Fromwiller, and Eric Gunnels.
Members Absent: Ralph Henry
Township Attorney: Attorney Chris Stritmatter

Motion by: Michael F. made a motion to open the public hearing with the purpose of discussion on authorization of the draft ordinance. The draft ordinance permits the establishment of Commercial Medical Marijuana businesses in Thetford Township.

So moved: Eric G.
Supported by: Dennis B.
Motion carried

Mr. Armstrong, the minister of the Baptist Church, on Lake Rd. spoke in detail about his church and the allotted distance requirements between it and Mr. Gunnel's commercial medical marijuana business. The minister expressed that he was "very upset" when he found out about the authorization of commercial medical marijuana businesses in the township. He felt he should have been given the courtesy of a letter about this issue due to the fact that a commercial medical marijuana business is operating 60 ft. from his church congregation. The church congregation is comprised of families with children which makes this more questionable. When he learned of this, he felt that "great disrespect" had been shown for his church community. He will use whatever recourse he has to stop it. He spoke directly with Mr. Gunnels and Eric told him that he has "all of his ducks in a row" regarding licenses and permissions to move forward with his business. Mr. Armstrong has talked to others and they say that Mr. Gunnels does not have the proper licenses to do so. Mr. Armstrong wanted to know if Mr. Gunnels is operating legally and is he operating under "the wing" of the township. Mr. Bloss stated that Mr. Gunnels is operating under state law and it is temporary. Mr. Armstrong then asked if Mr. Gunnels is operating under a Thetford Township Ordinance. Mr. Bloss replied, "No". Mr. Armstrong has read other ordinances from surrounding areas that document distances of at least 500 ft. away from churches, schools, playgrounds, ect.. He reiterated that Mr. Gunnels building is not 500 ft. away from the church, but only 60 ft.. Mr. Armstrong anticipated that these places, such as Mr. Gunnels are waiting for the recreational marijuana law to be passed and then they will begin selling it. He has concern for what these establishments could turn into only 60 ft. from his church. He said, "I have already seen it. On one occasion, I saw ten cars there and on another seven. I believe that they were smoking marijuana and drinking." Mr. Armstrong asked the planning commission if the public's concerns or recommendations have been considered. He asked if the planning commission had made recommendations to the board of Trustees regarding the safety of families attending church by keeping these businesses at least 500 ft. away from them. Michael said, "As it stands right now, we went with the states recommendation of a "drug free zone." Mr. Armstrong said he heard that someone suggested at a prior meeting that there should be a distance of

500-1000 ft. between a church and a medical marijuana facility, but somehow this premise was ignored. The issue for Mr. Armstrong is that we should be able to put those distances in (500-1000) feet to help protect the church. It appears that the reason we have not done so is because Mr. Gunnels already owned this property which is within 60 ft. of the Lake Rd. Baptist church. He felt we did this for Mr. Gunnels. Mr. Armstrong felt that the township has been secretive and sneaky.

Mr. Piechnik (trustee) believes we should "opt out" at this point and not adopt this ordinance. Mr. Gunnels sits on the Planning Commission and the Theftord Board of Trustees and said he owns commercial property in the township and he has an interest in using it. According to the Theftord Township attorney Chris Stritmatter, the board does not have a conflict of interest policy. However, the board of trustees may vote that Mr. Gunnels has a conflict of interest with this matter. Eric sits on this board and by his own admission said he has a vested interest in commercial medical marijuana business. According to Mr. Piechnik, "opting in" makes the township ripe for many law suits. He continued that at all of these meetings there are primarily advocates of this ordinance in the audience. He does not feel that others; the general public, are fairly represented here.

Ms. Hicks discussed the power the board has with this ordinance. The board can modify what the Planning Commission gives to them. The Board of Trustees "opted in", in September. Licenses expire at the end of September. The Board of Trustees may approve, amend or reject the draft ordinance. They have already opted in.

Mr. Gantos believes that the Planning Commission is "flying by the seat of their pants". He believes that the PC has no bylaws and the Master Plan is outdated. We also have not yet written an annual report. He says that we must follow the state laws or we will be sued.

Evelyn started a discussion about rezoning. Some prospective business owners may have to rezone from General Commercial to Light Manufacturing. The people in General Commercial might have to seek rezoning to Light Manufacturing in order to comply with the state. Mr. Bloss explained that as it stands today (within the proposed ordinance), General Commercial is acceptable for growing.

Mary; a registered nurse wants to open a provisioning center. She claimed that the state has mapped this out very well (micromanaged directives) what the business owner must do. There does seem to be confusion in the public about each facility type. She would like to see the public do some research and maybe this can remove negative stigma about marijuana.

Based on questions by Mr. Piechnik, the township attorney explained that a resolution was passed by the board of trustees ("an intention") to have an ordinance passed that gives the right to "opt in". Mr. Piechik is concerned about law suits. He expressed his thoughts that all of this is very confusing due to federal, state and local laws. There seems to be conflicts. He would like to see us proceed with caution.

Ms. Hicks stated that the township is classified as "in process". It is a sunset ordinance and owners are allowed to operate until June 15.

Mr. Patterson spoke about distances of medical marijuana facilities from certain areas. He drew a parallel to The Michigan Liquor Code: 436.1503 of (1998) which states that these establishments must be at least 500 ft. from school age children. Mr. Patterson read that no license can be given to anyone who does not comply with the rules/law: "a license shall be denied if the business is within 500 ft. of a church." The law references children too and as we know there are children at churches.

Mr. Armstrong displayed great dissatisfaction with audience comments referring to his belief as "church crap". He thanked us for our time and said he appreciated being able to express himself and his beliefs.

Mr. Congden believes that the township made a commitment to go forward so we will, if it is legal. We have the right to modify with setbacks, ect..

Mr. Lawrence asked if any of the suggestions that were made regarding restrictions were even considered. He has been at the meetings and heard suggestions. He has looked at several ordinances and they include protection for schools, churches, daycares, parks and even residential areas. As he read documents, he did not see that we considered or addressed the public's concerns.

Mr. Bloss indicated that we listened to many recommendations. We looked at a wide range of ordinances. We listened to the advice of a consulting company. We decided to follow the suggestion from MTA on ordinances and actions regarding this matter.

Two letters from residents were read. One in favor of growing in agricultural zones and the other is completely against commercial medical marijuana facilities being placed in Thetford.

Motion by: Dennis B. made the motion to close the public hearing meeting.
Seconded by: Eric G.
Motion carried

Motion by: Dennis B. made a motion to accept minutes from the previous meeting.
Seconded by: Mike F.
Motion carried

There were three (3) items for correction on the draft ordinance per the township attorney. They were as follows and will be added back into the ordinance:

1) **Section 2. Permit Required; Eligibility; General Provisions.** All numbers; for numbers of facilities in each category removed.

2) **Section 5. Operational Requirements for Commercial Medical marijuana Facilities.**

4. Zoning Restrictions. (b) will be LM. (all township documents need to have the same zoning language or codes).

3) **Section 6. Penalties and Consequences for Violation.**

Add as 1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day such a violation continues shall be considered a separate offense.

Motion by: Dennis made the motion to accept (the above) edits from the attorney.

Seconded by: Peggy Castle

Roll Call Vote: Yeas – Dennis Bloss, Peggy Castle, Mike Fromwiller

Nays – Eric Gunnels

Absent – Ralph Henry

3-1

Motion carried

When the formal meetings were over, Mr. Gunnels took time to give a lengthy narrative of his knowledge on the laws regarding medical marijuana. He did so in an effort to explain why he voted against this draft ordinance. It seems as though he felt obligated to explain his position because he indicated that his colleagues don't understand the laws as he does regarding the subject matter and that he is academically correct in his thinking about issues related to it.

The township attorney explained to Mr. Gunnels and everyone in attendance that by leaving in **Section 6. Penalties and Consequence for Violation** that the Board of Trustees will be able to make a decision either way as to whether or not to charge someone with a civil or criminal offense in the event that a situation arises. This decision allows the board to create bylaws on this matter if they so choose to do so.