

Thetford Township
Planning Commission
Meeting of 5-10-18

Members Present: Dennis Bloss, Peggy Castle, Michael Fromwiller, Eric Gunnels, and Ralph Henry; also present Attorney Gildner & Supervisor Stevens

Motion by: Chairman Fromwiller to approve the minutes from the meeting on 4-12-18.

Motion denied by: Eric G.

Mr. Gunnels made a motion to not approve the minutes from the meeting on 4-12-18. Mr. Gunnels stated that the minutes were inaccurate and incomplete. Mr. Gunnels stated that the notes included (12) minutes of enlightenment from the minister of the Baptist Church, Mr. Armstrong. Mr. Gunnels also stated that the overview of his (6) minute narrative was not included in the minutes. Therefore, Mr. Gunnels did not approve of the minutes as written.

Supported by: Dennis B.

Mr. Bloss continued that if Mr. Gunnels found a glaring error he supported his motion not to accept the minutes of 4-12-18. Mr. Bloss suggested Mr. Gunnels meet with the clerk to correct the so called mistakes and he agreed to do that.

Attorney Gildner then spoke about the Open Meetings Act. The Open Meetings Act indicates that the minutes from the previous meeting on 4-12-18 have to be either approved or disapproved at the next regularly scheduled meeting which is tonight; 5-10-18. In addition, Attorney Gildner indicated that the PC cannot wait to approve minutes of 4-12-18 at a subsequent meeting. Furthermore, it appeared that one option was for the corrections/amendments to be ready, at hand, at this time, so that a motion could be made to vote on the amendments. Although Mr. Gunnels was willing to meet with the Mrs. Pennington and give

amendments/corrections to her that did not suffice due to the time constraint. Mr. Gunnels had not prepared something in writing beforehand, therefore, there were no amendments to be made at this time. Attorney Gildner went on to say that he understood that Mr. Gunnels commentaries are rather long sometimes but, there are no rules indicating that everything he said in (6) minutes had to be stated in the minutes. All that is required in the minutes is that all motions whether carried or denied are stated for the record.

Motion by: Eric Gunnels withdrew his motion to not accept the minutes of 4-12-18.

Supported by: Dennis Bloss withdrew his motion to not accept the minutes of 4-12-18.

Motion carried.

Motion by: Chairman Fromwiller made a motion to accept the minutes of 4-12-18.

Supported by: Mr. Henry

Motion carried

Public Comments:

Mr. Gatos expressed that, in his opinion, the notes were "inadequate". Mr. Gatos stated that the notes were "not up to standard" as provided by the law. According to Mr. Gatos, the PC's minutes were inadequate because they did not give enough reporting time to Mr. Gunnel's (6) minute narrative. Mr. Gatos is of the opinion that the notes are *discriminatory* because Mr. Gunnels full narrative was not covered here. Mr. Gatos also mentioned that others in the audience did not get enough commentary time in the minutes, either, but no specific names were mentioned. Mr. Gatos did a recap on his thoughts from the 4-12-18 meeting. They are: 1) The Thetford Township bylaws are deficient in several instances, 2) The PC has to elect a chairman and a secretary every year and 3) The minutes have to contain

certain standard or set up which needs to be covered in the bylaws. Chairman Fromwiller interjected that he has listened to and read all of Mr. Gantos emails that express concern for Thetford Township procedures. Chairman Fromwiller went on to explain that the Thetford Township Board and Planning Commission have been focused for the last 3 to 4 months on the (Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA") and a draft ordinance for the township regarding it. We have been diligent and done our homework regarding this law and the PC has worked tirelessly with the Board of Trustees to see this through to completion. We have focused on the medical marijuana issues and the possible impacts that passing it could have on our community. Chairman Fromwiller indicated that he planned on taking care of these things as soon as the medical marijuana ordinance was complete. Mr. Gantos interjected that he was particularly upset because he had mentioned (6) items at the last meeting and only (2) of them were included in the minutes even though Attorney Gilder had discussed the fact that there are no rules indicating that everything a resident says must be included in the minutes. Chairman Fromwiller stated that he has listened to all the concerns from the residents and he is working on these issues one step at a time. Mr. Gantos recommended staggered terms for committee members. Chairman Fromwiller stated that this is an issue for the Board of Trustees and not the Planning Commission. Mr. Gantos pressed that the township may be sued because of the lack of bylaws. Mr. Gantos wants the PC to make a recommendation to the Board of Trustees to move on these matters. Mr. Gantos held up a plan regarding future land use and indicated that this needs to be reviewed and updated every five years, by law, as well.

Ms. Hicks requested information on the timeline regarding the upcoming open hearing on June 7, 2018. Chairman Fromwiller explained that it is no longer necessary for us to have another meeting.

Mr. Korea stated that he understands the township will be allowing medical

marijuana businesses to be established in Thetford Township. Mr. Korea said the way the ordinance is written does not allow anyone in the Green Triangle to grow outdoors. Mr. Korea said he understood that people on the township boards are working to change the definitions in the ordinance and so on, but it is still making the business owners uncomfortable. Mr. Korea has started to break ground for his business on Dort Highway and reminded the PC that people are making large investments in their businesses. Mr. Korea did indicate that he has full confidence in Thetford Township board's decision making.

Mr. Gantos said we need two ordinances for medical marijuana businesses. He believes that we need one for the police in addition to the one we have.

Motion by: Chairman Fromwiller made a motion to close the public sector and move forward.

Supported by: Mr. Bloss

Motion carried

Chairman Fromwiller moved on to agenda item 6 (b) the Information session with Attorney Gildner. Attorney Gildner explained that what prompted the creation of the document **Thetford Township: Planning and Zoning Training** presented by Michael J. Gildner, was a discussion that he had with Mr. Stevens. Attorney Gildner mentioned that the Township boards have gone through what he referred to as "baptism by fire" with the MMFLA Act. He went on to say they when you have such a significant issue it requires a lot of work. The reason he put the document together was to help the board do the best job they can. Included are things such as "how to run a meeting" and "how to create more productive transactions" in dealing with the business at hand. Attorney Gildner indicated that he did not plan to go through the entire document and that he would only hit some high points. Attorney Gildner started the discussion by asking if anyone on the planning commission had any questions. Mr. Bloss asked Mr. Gildner a series of questions

about training for planning commission members. He indicated that Mr. Gantos will be going to some of the seminars, ect., and that he will want to share what he learns with us. Mr. Gantos has posted some documents and websites regarding many issues surrounding various laws, training, planning and zoning and the like. He has shared them with members via email. Mr. Bloss asked if emailing these ideas and links was an acceptable procedure for handling the information. Attorney Gildner said that PC members may accept the documents for reading ect., and say "thank you". However, matters related to the opinions on the documents need to be discussed among the members of the PC committee and only at a meeting. He elaborated that acceptance of emails should not be followed up with comments, opinions, or responses and that these thoughts should be reserved for meetings. Committee members should not engage in debate via group email because these comments need to be heard publically at a meeting.

Mr. Stevens discussed the lack of having a secretary. Mr. Stevens indicated that he is not the legal secretary for taking the minutes. He reiterated that "the clerk", Mrs. Pennington, tries to do the best she can with the audio tapes and things may not always come out exact. Mr. Stevens did not take the opportunity to explain to the attendees that he had asked Margaret Castle to take notes, nor did he relay that Margaret Castle has taped each meeting (dates: 12-14, 1-4, 1-11, 1-25, 2-1, 3-8, 4-12, & 510)), transcribed tapes of each meeting, and forwarded the minutes to Mrs. Pennington to correct as she saw fit. Copies were sent to Mr. Fromwiller/Chair as well. Mr. Stevens also mentioned that Attorney Gildner had told him that everyone's comments do not always have to be written down word for word in the minutes (verbatim). Attorney Gildner indicated that the Planning Commission is responsible for appointing a secretary.

Mrs. Castle explained the procedure that she has used in taking minutes. 1) the minutes are audiotaped which allows Mrs. Castle as a member of the PC to participate more fully in the dialog that is taking place during the meeting rather than

focusing on taking notes at that time, 2) the minutes are transcribed after the meetings and 3) the minutes are disseminated to the clerk, Mrs. Pennington via an email attachment and also sent to Chairman Fromwiller. The clerk then creates a packet of materials and includes the minutes as recorded by Mrs. Castle. Mrs. Castle indicated that there had been some discussion when she first started taking notes about how the minutes would be recorded. What detail would be used? There was some debate about whether or not the notes had to be verbatim. She indicated that one set of notes was verbatim and then she was told this was not necessary and that summaries or synthesis of the comments would be sufficient, thus she followed that directive. Mrs. Castle noticed that the notes given to committee members, in their packets, were not corrected and appeared to be exactly as she presented them to the clerk. Mrs. Castle stated that she is confident that she is doing her job as requested by Mr. Stephens and she also stated that she is competent that she can produce good quality work.

At this time, Attorney Gildner made further recommendations to the PC with the goal of assisting member so that they could participate in good productive meetings. He indicated that productive meeting include, most importantly, making and informed decisions. Attorney Gildner's Highlights:

- 1) The PC needs to adopt *rules of procedure* for all meetings as well as bylaws because this increases productivity.
- 2) Disturbances at meetings: Attorney Gildner suggested one or two (5) minute break periods as this will create order. When the PC reconvenes the meeting, the Chairman may reread the rules of procedure.
- 3) The PC should *never operate from incomplete information* because members need to be informed about the subject matter.
- 4) The PC must *allow for public comments* and try to record the ideas in minutes because their voices need to be heard. The rules can include *putting a time limit on the speaker* (e.g. limiting speaking time from the public to (3) minutes). It is not necessary to record verbatim (word for

word). It is *not necessary to record repeated comments (redundancies)* unless there is a special request for this.

- 5) *All comments and questions must be directed to the Chairman of the PC* because this maintains order and provides clarity.
- 6) Attorney Gildner also mentioned that a PC member can attach a written statement to the minutes with corrections but this must be attached before the vote to accept the minutes of the previous meeting.

Mr. Gunnels continued to discuss his concerns about the minutes lacking some of his comments. Mrs. Castle indicated to Mr. Gunnels that she summarized his arguments and that she inferred from all comments that he clearly disagreed with **Section 6. Penalties and Consequences** that would be added as amendment to THETFORD TOWNSHIP, GENESEE COUNTY, MICHIGAN ORDINANCE AUTHORIZING AND PERMITTING COMMERCIAL MEDICAL MARIHUANA FACILITIES. Mr. Gunnels wanted that removed from the draft ordinance but the recommendation from Attorney Sritmatter was to leave it in the document. This would be done so that Thetford Township would have recourse and 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 would arise. Mrs. Castle synthesized that all of Mr. Gunnel's arguments revolved around this particular amendment and also concluded that his vote of “no” on the ordinance could stand for itself.

Chairman Fromwiller asked Attorney Gildner if the Planning Commission members could be sued over the MM ordinance. Attorney Gildner said the Planning Commission (individual members) cannot be sued because they are subject to privilege. The PC is a recommending body.

Mr. Bloss spoke of concerns regarding future preparation for viewing site plans. Mr. Bloss discussed the importance of having consistency and outlines of what we

are looking for. Attorney Gildner indicated that the Thetford Township administration should be handling the site plan details before handing them off to the PC. Mr. Bloss also indicated that there are sometimes difficulties with building inspection.

Motion by: Chairman Fromwiller made the motion to adjourn

Supported by: Dennis Bloss

Motion carried

Minutes of the 5-10-18 meeting prepared by Dr. M. Castle

CC:/ Leanne Pennington; clerk, & Chairman Michael Fromwiller