

MINUTES

MONTCALM TOWNSHIP PLANNING COMMISSION

MONTCALM TOWNSHIP HALL

November 1, 2017

PLEDGE OF ALLEGIANCE

- Chairman Karnatz led the Pledge of Allegiance

CALL TO ORDER/ROLL CALL

- Chairman Karnatz called the meeting to order at 7:12 p.m.

ROLL CALL

- Members present: Richard Karnatz (Chair), Jeff Dolphin (Vice-Chair), James Lantz (Secretary), Robert Hemmes (Zoning Board of Appeals Liaison), Amy Richards (Township Board Liaison)
- Members absent: None
- Guests/Others present: Mike Nelson (Zoning Administrator)
30 area citizens

APPROVAL OF AGENDA

- A motion to approve the agenda as presented was made by James Lantz and seconded by Robert Hemmes. Motion passed unanimously.

APPROVAL OF MINUTES

- A motion to approve the minutes of the September 21, 2017, meeting was made by Amy Richards and seconded by Robert Hemmes. Motion passed unanimously.

- A motion to approve the minutes of the October 11, 2017 work session was made by Amy Richards and seconded by Jeff Dolphin. Motion passed unanimously.

COMMENT FROM ZONING ADMINISTRATOR

- Mike Nelson commented that he is working toward a resolution of the Waldorf Circle private road issue. Mike also noted that he has received two inquiries about short-term home rentals on area lakes. Since this issue is not specifically addressed in the Zoning Ordinance, Mike wondered if we should explore the need for rules regarding this issue. Chairman Karnatz indicated that we will consider placing the issue on a future agenda.

COMMENTS FROM COMMISSION MEMBERS

- Jeff Dolphin commented about the articles in the Lakeview newspaper which allege that a member of the Planning Commission has a financial interest in a potential marihuana facility. Jeff noted that each member of the Planning Commission publicly denied any such interest at the October 11, 2017 meeting.
- Chairman Karnatz echoed Jeff's comments. He also noted that he, along with James Lantz, had attempted to determine if permitting marihuana facilities would impact the recent FEMA grant. No information could be found.

NEW BUSINESS:

- Elect planning commission officers for 2018
Jeff Dolphin made a motion to elect Richard Karnatz as Chair, Jeff Dolphin as Vice Chair, and Jim Lantz as Recording Secretary. Robert Hemmes seconded the motion, which passed unanimously.
- Set meeting dates for 2018
 - Robert Hemmes made a motion that the Planning Commission meeting dates be:
 - February 7, 2018
 - May 2, 2018

- August 1, 2018
- November 7, 2018

Jeff Dolphin seconded the motion, which passed unanimously.
Each meeting is scheduled to start at 7:15 pm.

PUBLIC COMMENT ON NEW BUSINESS:

- One attendee raised a question about short-term rentals.

OLD BUSINESS:

- Review of latest information from LARA web site regarding Michigan Medical Marihuana Facilities Licensing Act
 - The Commission reviewed the draft minutes of the October 17, 2017, Michigan Medical Marihuana Licensing Board meeting and the checklist created by that body, along with accompanying documents.
- Comments from Duane Fitzgerald, DVM

Dr. Fitzgerald stated that he is a veterinarian from the Lowell area. He is interested in becoming a licensee. He has researched medical marihuana and he believes that it has been found to have beneficial medical properties. He desires to grow safe, effective medical marihuana. He further stated that he hopes that medical marihuana will someday be approved for use with animals.

- Review draft Zoning Ordinance amendment related to Medical Marihuana Facilities Licensing

The Commission held a general discussion about the draft amendment. The consensus was that we should revisit this topic at our February, 2018, meeting, in hopes that the State will have developed regulations by that time. We can then see if additional changes to the proposed amendment are needed.

PUBLIC COMMENT CONCERNING OLD BUSINESS ITEMS

- Jeanne Reed – shared LARA’s Advisory Bulletin Regarding Municipality Authorization of Medical Marihuana Facilities, dated October 26, 2017. She also wondered whether or not a municipality that limits the number of growers under the Michigan Medical Marihuana Facilities Licensing Act (MMMFLA) could be challenged based on a perceived conflict with the Michigan Right to Farm Act.
- Chris Cullings – asked that the Commission consider different restrictions for different types of facilities, e.g., provisioning centers vs. growers.
- Steve Denenberg – talked about state licensing requirements. He asked about how a Special Use permit would be approved.
- Karon Baird – stated that Montcalm Township residents should decide whether or not the township opts in or out under the MMMFLA. She suggested that the Commission consider inserting a survey with the tax bills.
- Dave Overholt – stated that the State licensing fees are astronomical. He stated that we need regulation to better control the medical marihuana industry. He indicated that 23 Michigan municipalities have opted-in under the MMMFLA. He stated that the fee revenue would be beneficial for the Township.
- Diane Fountain – asked Duane Fitzgerald about applicants risking their investment. She inquired about what could happen if the next State administration repealed the MMMFLA. She asked if the Planning Commission will be preparing an opt-out amendment. Jeff Dolphin responded indicating that he plans to prepare an opt-out document for the Commission’s consideration.
- Beth Rau – indicated that her perusal of the past minutes indicated that more detail was generally provided about comments from supporters of the proposed amendment than was provided about comments from those opposed. She would like names included for all comments.
- Al Leach - stated that he is a former Township Board member. He suggested that we put this issue to a vote of the Township residents. Karon Baird responded that she had contacted an attorney with the Michigan Townships

Association, who stated that Townships do not have the statutory authority to place this type of issue on the ballot. Al stated that he did not believe that was true.

- Jeff Dolphin – stated that he is pro medical marihuana, but that he is neutral about whether or not medical marihuana facilities should be permitted in Montcalm Township.
- Chairman Karnatz – responded to an allegation that all of the Commission’s activities to date imply that we are in support of permitting Facilities. He indicated that it may appear to be that way because no action is required to opt out, whereas detailed action would be required to opt in. The Commission’s responsibility is to assure that, if the Township elects to opt in, all appropriate restrictions are in place. This requires considerable research and discussion, which are not needed to form an opt out amendment.
- Jeff Dolphin – stated that we should do what we can to control the misuses and abuses which abound under the current, 2008, medical marihuana law.
- Many attendees commented about the viability of conducting a survey of Township residents regarding this issue.
- Chairman Karnatz and Diane Fountain – discussed varying opinions about what level of detail should be provided in meeting minutes.
- Tim Rau – stated that the minutes should reflect names and comments related to both sides of the issue. James Lantz indicated that he makes every effort to include names and comments when the speaker is recognized by the Chair and when they state their name. However, when meetings devolve into a chaotic free-for-all with attendees interrupting the speaker and arguing across the room, it is not possible to identify each person.
- Chairman Karnatz – stated that, effective immediately, each speaker must be recognized by the Chair, must state their name, and would be limited to 2 minutes.
- Tim Rau – asked if the Commission was working on a procedure regarding Zoning Ordinance violation enforcement, which he indicated was contemplated in past Commission meeting minutes. Mike Nelson responded

with a description of the current process. Amy Richards reminded Tim that the Township Board had already acted on that procedure.

- Karon Baird – commented that the Commission may wish to consider allowing someone to speak for more than 2 minutes if they arrange in advance to be placed on the agenda.
- Erica Dolphin – expressed concern about the lack of enforcement regarding junk vehicles. Mike Nelson responded, indicating that he will look into her concerns.
- Dave Overholt – stated that several municipalities in Montcalm County are planning to opt in under the MMMFLA soon.
- Duane Fitzgerald – noted that the legalization of medical marihuana was approved by the voters in 2008.
- Scott Asiala – commented about the need to conduct an orderly meeting and that each speaker should respect others right to speak without interruption.
- Chuck Rau – stated that the purpose (preamble) section of the proposed amendment is preposterous. Chairman Karnatz explained why, from a legal standpoint, the proposed wording was used.
- Lorraine Bennett – asked about the distance requirements for MMMFLA facilities from schools, churches, etc. Chairman Karnatz responded that those requirements are described in the MMMFLA.
- Kristina Allison – requested that the Commission consider specifying hours of operation for any facilities permitted under the MMMFLA.

ADJOURNMENT

- Amy Richards moved that the meeting be adjourned. Jeff Dolphin seconded the motion. Motion passed unanimously.
- The meeting adjourned at 8:51 p.m.

Respectfully submitted,

James D. Lantz, Secretary