

**Whitewater Township Board  
Minutes of Special Meeting held November 17, 2020**

**Call to Order**

Supervisor Popp called the meeting to order at 6:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan. The Pledge of Allegiance was recited.

**Roll Call of Board Members**

Board Members present in person: Treasurer Benak, Clerk Goss, Trustee Hubbell, Trustee Lawson, Popp

Board Members absent: None

Others present in person: Zoom Facilitator Lois MacLean and 16 others

Others present via Zoom: Attorney Matthew Kuschel and 6 others

**Set/Adjust Meeting Agenda**

There were no adjustments.

**Declaration of Conflict of Interest**

None

**Public Comment (7:03)**

Popp stated this is public comment for anything other than the public hearing.

No one present in person offered public comment.

Those present via Zoom were queried one by one; all declined with the exception of the following:

Linda Slopsema, 9693 Miami Beach Road, began to give public comment relative to the proposed ordinances but was reminded this public comment is not for the proposed ordinances.

**Agenda Items as Listed in Special Meeting Notice (11:07)****First Public Hearing - Proposed Ordinance No. 59 - Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities**

The public hearing was opened at 6:06 p.m. Those present in person were reminded to sign in on the form provided.

Legal notices were published in the Traverse City Record-Eagle on 10/25/2020 and in the Elk Rapids News on 10/29/2020.

Written comments received and included in the meeting packet were listed by Popp as follows: 10/13 Jessica Ziecina, 10/13 Tracy Spincich, 10/27 Don Bailey, 11/10 Michael Corcoran, 11/12 Lois MacLean, 11/13 Dan Till. (see attachments)

Written comments received on 11/17 and read aloud by Popp are: Tracy Kimball-Harris, Linda Slopsema, Jessica Ziecina. (see attachments)

Popp said he trusts most of the written comments speak to both ordinances, so they will not be repeated in the second public hearing.

All those present via Zoom were offered the opportunity to comment on Proposed Ordinance No. 59. The following comments were heard:

Corinne Prabhaker said she was under the impression from a previous board meeting two times ago that there was not enough time for public comment, she was shocked to see an e-mail survey regarding parks and recreation, why we have not updated information regarding previous marijuana survey which had pretty strong outcome leaning one way, posed question whether or not indoor growing would be strictly for farmers or not.

Linda Slopsema said she has no further comments at this time.

Attorney Matthew Kuschel said he is available to assist the board and go through the ordinances when the board deems it most efficient.

All those present in person were offered the opportunity to comment on Proposed Ordinance No. 59. The following comments were heard:

Michael Corcoran, attorney, here on behalf of Northpoint Farms, 8053 Angell Road, the Hubbells, and two proposed applicants. He touched on the board's inherent authority to make a decision without another survey, the police power ordinance drafted by the township's attorney with provisions for annual permit fees and annual renewal fees, money withheld for enforcement and permit review. Speaking to the 8053 Angell Road project, he said it will provide a significant potential economic benefit to the township. As probably one of the larger taxpayers in the township, it will not last if it cannot be allowed to use its property at the highest and best use. It is not going to be in the fruit processing business anymore. Being allowed to do a significant grow there will benefit township residents, including the Hubbells, other folks that work there. It will increase the tax base significantly on that property, and will be combined hopefully with hemp processing. They already have over 3,000 plants hanging at the facility at 8053, drying. If they don't get approved, they will have to be processed in Milwaukee. There is tremendous excitement about the idea of a hemp processing plant at that facility, farmers who have brought their biomass over for this year, and other farmers who are saying when you get it there, we will bring it over. He said we need another cash crop in this state. Unfortunately, it is not sustainable at that site without the bigger operation. The ordinance as drafted provides significant protections. His client will not be able to do anything without permits, including a special use permit. He noted this is a partial opt-in for a handful of grows and a handful of processing. He said the ordinance allows for stacking. In the case of Angell Road, it would probably be one medical grow and three or four recreational grows combined at that site, with one processing for medical and one processing for recreational. He offered to answer any questions the board might have.

Lois MacLean, 5919 Linderleaf Lane, said when the state originally approved medical marijuana, there were many questions regarding details, it was probably a good thing to hold off

on allowing any marijuana businesses in the township. Marijuana and hemp are legal in the State of Michigan and the board should not take away a right for businesses and farmers to produce a product that is legal. She believes growing and processing of marijuana, medical and recreational use, is absolutely a farming right, as is the low or no THC hemp. She believes the transport and operation of a compliance center are also business opportunities that should not be dismissed without some investigation. The state has very strict rules and regulations regarding how these various businesses have to operate, keeping public safety in mind. She said she personally does not use medical or recreational marijuana but does know people who use marijuana for medical purposes and it is an absolute godsend. She knows people who use it for recreational purposes and she does not view this as any different than alcohol. Alcohol is legal, as are the crops grown for the production of various types of alcohol. She asked if there is a limit on the number of farms that can grow hops, wheat for distilleries, or potatoes. People bring up their concern for the type of environment this will bring and how that will affect our community and raising children here. She said she finds the bar on M-72 to be more scary because people go there, get mind altered, and then hit the road. She thinks the legal bar on M-72 is more of a danger to our community and the safety of our children than farming and production of legal plants. She said her conservative views and her beliefs and concerns that mind-altering substances are not necessarily good for a person are absolutely overruled by recognizing everyone's individual rights to do and use things that are legal. People she knows who have a large grow facility downstate are not users of marijuana at all. One is an ex-dairy farmer who had to sell out years ago due to lack of profitability in that particular farming industry. His partner is a body builder and athletic trainer. It is not a bunch of what we used to refer to as potheads growing plants and getting high. This is a full-on, sometimes profitable business opportunity for people who have the right facilities and skills. Whether one agrees with people using marijuana for recreational purposes or medical purposes or not is not relevant to this situation. It is all about the rights of the people and all about the rights of businesses. She said her attitude regarding marijuana use changed dramatically when she witnessed tremendous benefits from several people that she is close to who have gotten help from it. She said she knows it is not an easy subject for the board to deal with, and thanked the board for addressing this very controversial and difficult subject, and for keeping the rights of people first and foremost in their decision.

Daniel Till, 7746 Hoiles Road, spoke about farmers wanting to use the ordinance having to retrofit a barn for \$200 a square foot. He brought copies of an ordinance from the Township of Arlington in Van Buren County, which provides for open-air farming methods, a setback from the property borders, and language to allow a farmer to grow plants outside, just as they would grow hemp outside. He stated there are other townships who do similar ordinance language for outdoor cultivation. He said he thinks it is important to make sure that more farmers have the option to farm this as a crop but not just by farming it indoor. Having some type of ordinance for agricultural zoned land versus for commercial and industrial zoned land should help with that effort for the farmers.

Heidi Vollmuth, 8388 Winnie Lane, said she hopes the board is not going to vote on this tonight because the number of licenses is not stated. This is not cheap. The state license is a \$6,000 nonrefundable fee, which does not include the \$5,000 per license. She would like to make sure

everybody knows how many licenses they are looking at, and stated you might need another public hearing.

Bob Ziecina, 6951 Cook Road, said he is opposed to the marijuana all around. The biggest thing is, when the lawsuits start pouring in, who is going to pay for this. Traverse City just hired an attorney at \$40,000 a year just to handle the lawsuits stemming from marijuana. Are we prepared as a township to cough up that kind of money for legal fees? He does not know who is benefitting from this. You have got the people who spoke on the first survey. He said he would be more than happy to put together another survey and send it out to the public if we have time to do so before the next meeting, to see what people actually think about this, because he does not think the public view has changed all that much. He thinks we are getting in over our heads here and he does not want to see his taxes skyrocket because one farmer has got hemp and marijuana in an indoor facility, where it is not really benefitting the township at all.

Don Bailey, 218 West 14th, Traverse City, said he apologizes to the attorney if he felt he was cross examined. He was asking legitimate questions over inaccuracies that were related to the board on how things could happen and how things were going to happen. He said there is more information that the board needs to know, and stated the attorney's client has four licenses currently, but he cannot have a license from the State of Michigan unless he has a facility. He does not have a facility because that is what you folks are talking about now; are you going to allow that facility. So, there are no four licensed people that are going to come in. He referred to the letter he sent to the board offering to pay for and facilitate a brand-new survey to include the recreational marijuana question. He said no one reached out to talk about it. He said that is something that could have been done; we could have had the results back here tonight. He said whatever decision you folks make, you are making for the whole township, and the region for that matter. And you need to take your township people's thoughts into account. You had the opportunity; it was going to be paid in full; no cost to the township to get a new updated survey. He said by virtue of nobody reaching out to him to facilitate that, you passed on that, and you passed on hearing from your citizens. He thinks that is probably not the best idea. He told the board to make sure you have all the information. He thinks there is a lot of information that is still yet to come. There has been a lot of inaccurate information that has been provided to you by people that are coming in that want to set these up. They have a vested interest. The two people, the two groups that are going to make money in this are the marijuana establishments and their attorneys. Traverse City just authorized \$40,000 for an additional attorney just to handle marijuana lawsuits, and said that is going on across the state. The minute you try to limit a licensee, you are going to get a lawsuit.

Alex Darrow, 8601 Church Street, said he was not a resident of Whitewater Township when the 2017 survey went out. He thinks surveys are good, especially updated considering the fact that marijuana is legal in the State of Michigan. He has lost track of how many shops have opened up in Traverse City, Acme. Friends of his own Cloud. The one in Traverse City has not opened up yet. However, the one in Muskegon has been open for a while. They are making \$20-30,000 a day. He said he does not know how much of that money goes to the tax base of Muskegon, but he is pretty sure that there should be enough money to spread out to the community, just like with casinos. He stated he is from Mackinac City originally. Twenty years ago, people asked him how he felt about the casino coming in. He said I am all for it. It creates jobs, diversity. He

saw what the casino did for St. Ignace. It took what was a crappy little town and made it have paved roads, a nice community center, paid for by the casino. He thinks that just saying no because of some people who have watched too many shows or watched too many here's your brain on drugs commercials back in the 80's probably is not a good route to go. He said he does not use it, but has lots of friends who do use it for medical reasons because they cannot use anything else and it works out well for them. Canada has been doing hemp permits for decades. It is a good rotation crop. Every three years, till it back in; it feeds nitrogen in the soil. He said the opportunities for all sorts of things, he thinks, are good. He said it is his understanding that one of the reasons Traverse City is being sued is because they just changed things around and a lot of people are unhappy about it, and he has friends who thought that they were going to turn their place into a dispensary, but because of the limits, they were cut off. He thinks, from their perspective, they just lost a lot of money, or potential to make a lot of money. He said he would love to dive into it more at a later date. He definitely agrees with the put more feelers out and don't make any hasty decisions any time soon.

Dennis Dean, 8778 Carns Road, said we have lost lots of farmers throughout the last 30 years, 40 years, and it is really tough. You either have to get really huge normally in order to survive or you have got to find some kind of niche market that allows you to survive. He said it seems to him that the hemp and probably the marijuana grow would give the farmers another niche where a small-time farmer could survive. And we have talked a little bit about the benefits of the tax base and those kinds of things that are happening. He said he is not a marijuana user himself, but his brother, who had cancer, that was his only method of improving his appetite, taking the pain away; it was a godsend for him. He knows anecdotally there are a lot of people who have benefitted a huge amount by the use of marijuana. He said it seems kind of strange, now that it is legal, to try to limit who can do it and where you can do it, and he thinks that if there is about 70-some-percent of the townships have not legalized it, it might be a quick step up for this township to get in the game and do it right and make some money and improve our situation.

John Harvey, representing Two Peninsulas, said it is true they are prequalified for four grows and one process. The final approvals come from the state. Once you have your site selected and all that work has been completed, they come and do final inspections.

Chris Hubbell, 8055 Angell Road, said he does not use marijuana, but he and his son are looking into this in order to keep their property. Mr. Bailey can say what he wants. He does not live in our township, but yet he has all this input. He said he does not understand what is going on there. With all due respect to the gentleman from Cook Road, it is not just about one farmer. It is about keeping our farms intact and keep going forward. They do not pay our taxes; they do not know what our taxes cost over there. They do not have a clue what it is like. They can make all their comments they want, but we want to hold on to our property and our facilities. He said he just wants to make clear that he would not be doing it if he didn't think it was the right thing to do. We are not asking to open any stores or anything like that.

With no further public comment, the public hearing was closed at 6:47 p.m.

Popp suggested discussing the ordinances individually with the attorney.

The board was in agreement with going through the redlines and addressing comments which Popp sent to the attorney and the board after the 10/13/2020 meeting.

Approximately 2 hours and 45 minutes of discussion ensued between the board and Attorney Kuschel, with a number of revisions made to Proposed Ordinance No. 59, including insertion of the number of Commercial Medical Marihuana Facility Permits to be allowed under Section 3, Paragraph 2, as follows: Grower Permits, Class A: 50; Grower Permits, Class B: 50; Grower Permits, Class C: 50; Processor Permits: 5.

There was further discussion regarding whether to move into the next public hearing, when a vote will take place on the ordinances, or should the changes be made and have them on the agenda for a vote on December 8, and go through Proposed Ordinance No. 60.

Attorney Kuschel indicated the changes have been captured enough that if the board chose to vote, they would know what they are voting on, but moving it to December promotes some additional transparency. He can put redlines together and the board can have the actual complete language in front of them. He stated the ordinances are so similar across the two that he thinks he has enough direction to make additional redlines on the MRTMA side, pending any further public comment on the public hearings, so if the board did consider a written draft on December 8, the board would be able to have one for MRTMA available for consideration at that time as well.

Goss raised the issue of the publishing deadline, and noted there are quite a few people here waiting for the second public hearing for Proposed Ordinance No 60.

After some discussion, there was board agreement that Proposed Ordinance No. 59 will be on the 12/8 agenda for a vote.

**(3:34:35)**

**Second Public Hearing - Proposed Ordinance No. 60 - Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments**

The public hearing was opened at 9:29 p.m.

All those present in person were offered the opportunity to comment on Proposed Ordinance No. 60.

There were no comments.

All those present via Zoom were offered the opportunity to comment on Proposed Ordinance No. 60. The following comments were heard:

Ken Spindler, 159 Coryell, Oxford MI, provided written Zoom comments which were read by the Zoom Facilitator as follows: There is hopefully an option for greenhouses. The cap ex for pure indoor would be expensive for most farmers. Greenhouses can control smell and are secured. State law mandates cameras, fencing, alarms, and hired security is always an option.

There was brief board discussion with Attorney Kuschel about greenhouses and indoor growing.

Additional comment by Ken Spindler, through the Zoom Facilitator: There are fencing with blackout screening.

Kuschel will develop language regarding greenhouses.

Tony Goff, 5555 Windermere Drive, Grand Blanc MI, said he would like to address the greenhouses a little bit and also the indoor. He has had experience building out a fairly large indoor facility, about 25,000 square feet. (inaudible) fairly typical to the industry. Someone had mentioned earlier a 10,000 square foot grow facility. That is actually quite small. You may be able to fit one Class C, possibly two, in 10,000 square feet maybe. It is closer to about \$3 million (sic) dollars a square foot to build those indoor facilities out properly. So, for example, a 20,000 square foot facility, you are looking at about a \$6 million cap ex. He just does not think that there are too many farmers in the area that will be able to (inaudible) that type of investment. As far as the greenhouses go, the state requires a 12-foot high fence all the way around the area that is containing cannabis. So, there will be no visibility of cannabis at all from outside the property. The greenhouses need no supplemental lighting or very little supplemental lighting at all. So, for any light pollution or anything like that outside of normal daylight is not a concern either. There are fans and filters that you can use to mitigate smell in common greenhouses. He thanked the board for their time.

Corinne Prabhaker, 6925 Cook Road, provided written Zoom comments which were read by the Zoom Facilitator as follows: Unable to speak at the moment. I am wondering at what part of the public hearing the board addresses and discusses the thoughtful and thorough public comments. It does seem this meeting has followed most of the traditional board meeting formatting. Additionally, I am curious how you determine a smell from a facility or establishment. Is it only board discretion or any resident complaint? Thanks for your hard and detailed work.

There was brief board discussion concerning whether to answer questions and the smell issue.

Linda Slopsema, via Zoom, said she appreciates everybody's attention to detail on this issue and said she would like to remind people once again that the actual residents of the community -- there is lots of people in the audience there and lots of people online here that are not residents of the community, but the residents participated in a survey and 65% did not want any marijuana activity in the township. And it was a question about medical at the time, because that was all that was on the table, but she thinks it is pretty reasonable to assume that the feeling is both the same. She said she believes it is the responsibility of the board to try and verify that, because it seems as though the board is marching down the path of approving this ordinance pretty quickly and she believes that would not be appropriate given the (inaudible) that you have on the table, that you should solicit impact from the community and try and make sure that you are correctly representing the community's desires. And just as a reminder, we have every right as a community to prohibit licensing these types of facilities. We do not have to do this. There is a provision within the state law that we do not have to participate in this, as many other communities are not participating. She said she is also concerned that the (inaudible). She said

get your lawyers ready because she thinks it is going to cost a lot of money, because she thinks that the board is trying to set up something that has no limits on it, that you are a little concerned and you want to be cautious, and she thinks that there are so many people that want to make money on this, they are going to come after you to broaden it quickly.

In-person comments were received as follows:

Daniel Till, 7746 Hoiles Drive, said if I was to plant an acre of hemp outside my MMFLA facility, how are you going to determine where the smell comes from.

Heidi Vollmuth, 8388 Winnie Lane, said he is exactly right. Cheryl knows where the hemp is, but nobody else does. So, Cheryl knows it smells, so she knows where it is at. Do the neighbors all know when they drive by that hemp, Cheryl, that it is not pot or weed or whatever word you want to use? Or what if we are (inaudible) maybe we will find one of Della's friends. So, if you have somebody come here and they have asked you to grow it inside, you have also had people come here and ask to grow it outside. We better find a better difference there because if I am a farmer, it is cheaper for me to grow it outside than it is inside. Apples and apples.

Chris Hubbell, 8055 Angell Road, said he has one question that is probably more for your attorney, but he keeps hearing the lady on the line and different ones saying you better get ready for your lawyers and all that. He said it seems to him that the law in the State of Michigan protects the township to set the rules the way they want it, so he does not know why they keep reiterating this. You can set it at one. You can set it at 50. The law in the State of Michigan protects the township, as far as he knows. He does not know why they keep coming up with this stuff.

Goss reminded Popp that the legal notice dates were not stated, and nothing was stated about written comments for this public hearing.

Popp reiterated that the public hearing was opened at 9:29, reminded everyone who wants to make a public comment to please sign in, stated the legal notices were published in the Traverse City Record-Eagle on 10/25/2020 and in the Elk Rapids News on 10/29/2020, and listed the written comments received through 11/16/2020 as follows: 10/13/2020 Jessica Ziecina, 10/13/2020 Tracy Spincich, 10/27/2020 Don Bailey, 11/10/2020 Michael Corcoran, 11/12/2020 Lois MacLean, 11/13/2020 Dan Till, which were all in the packet.

Written comments received 11/17/2020 are the same as those read aloud earlier for Proposed Ordinance 59.

With no further public comment, the public hearing was closed at 9:50 p.m.

Board discussion followed.

Regarding the number of permits allowed, there was agreement to utilize the same numbers as used in Proposed Ordinance No. 59.

Pursuant to a question from Attorney Kuschel, Section 3, Paragraph 4, requiring an applicant to apply for both an MMFLA permit and a MRTMA permit, was discussed.

Weston Hubbell, 10912 Munro Road, said he understands the board is looking at people who have been medically growing it, for the experience, but what about the people that have been going to school for this for years on end, knowing it is going to become legal, and have moved to other states and have lots of experience but yet have not been able to do the medical side of it. He feels those people should get the same rights as someone that has medically been growing it for a while, and asked if that makes sense.

Brandon Hubbell, 8365 Park Road, said we keep talking about lawsuits in Traverse City, and he thinks we keep getting the lawsuits in Traverse City confused. He said what we are doing is different than what Traverse City is doing. He believes most of the lawsuits have to do with provisioning centers, not with grow operations, in Traverse City.

There was consensus to remove the requirement in Section 3, Paragraph 4.

Proposed Ordinance No. 60 will be on the agenda on 12/8 for a vote.

**Board Comments/Discussion (4:07:21)**

None

**Public Comment (4:07:45)**

There was no comment from anyone present in person or via Zoom.

**Adjournment (4:09:09)**

Motion by Lawson to adjourn; second by Popp. Meeting adjourned at 10:03 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk

**Ron Popp**

---

**From:** Jessica Ziecina [REDACTED]  
**Sent:** Tuesday, October 13, 2020 6:04 PM  
**To:** supervisor@whitewatertownship.org  
**Subject:** Fwd: Marijuana discussion

Please use this draft with spelling correction.

----- Forwarded message -----

**From:** Jessica Ziecina [REDACTED]  
**Date:** Tue, Oct 13, 2020 at 5:30 PM  
**Subject:** Marijuana discussion  
**To:** [supervisor@whitewatertownship.org](mailto:supervisor@whitewatertownship.org) <[supervisor@whitewatertownship.org](mailto:supervisor@whitewatertownship.org)>

Good Afternoon,

Unfortunately I am unable to attend the meeting tonight to further the discussion on the proposed marijuana issue. As a long time resident of Williamsburg, I am vehemently opposed to any business, distribution, storage or mass production of this kind in my home town. Consideration of this proposal does not align with all goals presented in the Whitewater Township Master Plan. To prioritize this venture neglects the vision and mission of the zoning commission and places undue harm of the community as a whole for the profit of a few. The ramifications of such a business are tied directly to the peace, prosperity, and natural resources that are the drawn for many homeowners in Whitewater Township. From the evidence presented at the prior meeting, this is apparent.

I hope you will seriously consider the health of our community at large prior to making a decision in favor of the Hubble Property request.

Sincerely,  
Jessica Ziecina

**Ron Popp**

---

**From:** Tracy Spincich [REDACTED]  
**Sent:** Tuesday, October 13, 2020 6:05 PM  
**To:** supervisor@whitewatertownship.org  
**Subject:** Please reject marijuana dispensary

Hello,

I am writing this email to ask you to turn down the request for a marijuana dispensary in Whitewater Township. As a resident, educator and mom of a young family this is not in the best interest of our community now or in the future. Please let me know should you have any questions.

Thank you,  
Sincerely,  
Tracy Spincich

## **Cheryl A. Goss**

---

**From:** Don Bailey <DonBailey302@charter.net>  
**Sent:** Tuesday, October 27, 2020 12:59 AM  
**To:** Supervisor@whitewatertownship.org; clerk@whitewatertownship.org; treasurer@whitewatertownship.org; trustee02@whitewatertownship.org; trustee01@whitewatertownship.org; zoning@whitewatertownship.org  
**Subject:** Recreational marijuana survey, independent funding, no cost to Whitewater Township

Whitewater Township Board,

I am glad to see that the Whitewater Township Medical Marijuana Survey results have been reposted on your website. In very telling results from just three years ago, the survey shows almost twice as many no votes for marijuana establishments in the township. Much has transpired in Michigan since the medical and recreational marijuana laws were fully enacted and licensed businesses established. When the negative outcomes are reported and considered, I would expect negative responses to allowing this industry into our community to increase.

Of particular note, the current proposals the township is pondering consider an entirely different marijuana issue than surveyed in 2017; that of recreational marijuana product licensing/facilities within the Township. I believe you will find while many voted for the recreational marijuana proposal because they are unconcerned with someone's personal use of the substance, they hold an entirely different view of allowing these facilities in the communities they chose to live in and raise their families. The recreational marijuana law passed with the provision that communities could opt out of commercial licensing of these establishments in the political subdivision in which they live and I'm confident you will find this is exactly what they will want today.

I find it incredulous the board believes that an October 2017 survey could be construed as "outdated" or "antiquated" and there's a belief that the public's perception on the topic of marijuana would have changed so drastically, and in a positive way. But again, and most notably, what the board is currently proposing is not even the same issue surveyed in 2017. While approximately 33% of respondents were sympathetic to the use of marijuana as contemplated in the 2017 survey, the issue of recreational licensing was never even broached. The truth is we don't know the public's perceptions because the board has failed to ask them again. If the survey is outdated, then you have a responsibility to update it, prior to making this decision. At a minimum, we do know that three short years ago 66% of respondents were opposed to even medical marijuana establishments in the township.

I have been contacted by anonymous taxpayers living in Whitewater Township to fully fund a new survey on the topic, at no expense to the township. This new survey can be printed, mailed and returned by the upcoming November 17th meeting date, as not to hold up the proposal. It is my intent to distribute this survey and provide you with the results. My assumption would be these results will be discussed at the November 17th meeting. I've heard that there is a need to "hurry up" pass this proposal so the residents of Whitewater Township don't "miss the bus". From my professional perspective the only opportunity that is being missed is the board's opportunity to truly represent the constituents that they have promised, and were elected, to serve.

**There is no need to rush on this very important issue. Getting it correct is vitally important, doing it correctly is infinitely more important than doing it hastily. Once the door is opened there is no going back, the time and expense of litigation to the township is virtually guaranteed. Rushing to allow this commercial industry in the township, with an ordinance written by the attorney representing the sole license applicant, is an invitation for litigation expense to the township which is completely unreasonable, but completely predictable. Time is on the townships side and should be used to proceed in the best interests of the community you represent while at the same time preserving the values of the community and the region.**

**At the meeting I attended in September, the attorneys for the proposed marijuana licensee/project made a significant number of false statements. Left unattended, these false statements would be relied upon to make faulty judgements by you as a board in considering a potential marijuana ordinance. This can, and will, impact every citizen of the township. Unbiased, unvarnished facts and experiences should be sought in this incredibly important decision as the real world application of the marijuana laws is far different from what has been written into the law and administrative rules for the law.**

**To the original point of this correspondence, please consider this generous offer to fully fund the distribution and compilation of this new survey. Stated again, this is a zero cost proposal for information to assist the board.**

**Respectfully,**

**Don Bailey  
231-215-8022**

## **Cheryl A. Goss**

---

**From:** Michael Corcoran <mjc@michaeljcorcoranlaw.com>  
**Sent:** Tuesday, November 10, 2020 2:52 PM  
**To:** 'Cheryl A. Goss'; 'Ron Popp'  
**Cc:** 'Chris Hubbell'; 'John H. Harvey'; 'Bob Brick'; 'Brandon Hubbell'; 'derrick bushman'  
**Subject:** Response to Letter from Don Bailey  
**Attachments:** Bailey Response Letter.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Cheryl:

Attached is a Letter directed to the Township Board written in response to the email from Mr. Don Bailey that we received about a week ago. Please let me know if there are any questions or concerns. Thanks.

Mike Corcoran  
Corcoran Austin PC  
800 Cottageview Drive, Suite 1080  
Traverse City, Michigan 49684

ATTORNEYS

Michael J. Corcoran  
mjc@corcoranaustin.com

James R. Austin  
jra@corcoranaustin.com



CORCORAN AUSTIN PC  
A LEGAL PROFESSIONAL CORPORATION

LOCATIONS

201 State Street  
Suite 10  
Charlevoix, MI 49720  
p 231.437.3199  
f 231.437.3198

800 Cottageview Drive  
Suite 1080  
Traverse City, MI 49684  
p 231.421.7367

November 10, 2020

Re: Response to Email from Mr. Don Bailey to Township Board

Dear Township Board:

As you know, my firm represents the interest of Northpoint Farms LLC which owns the 10 Plus Acre Plant and Building on 8053 Angel Road and its prospective tenants Two Peninsulas Holding Co. LLC and Hemp Heaven of Michigan LLC. First, I would like to thank the Board on behalf of my Clients for having already devoted parts of four meetings to the subject of a possible Ordinance change to allow limited cannabis grows and processing in the Township.

During the special meeting held in September, Mr. Bailey appeared and started questioning me without identifying himself to those in attendance until later. Once he identified himself, it became apparent that he is not a citizen of the Township, that he has strong anti-cannabis opinions and most of his knowledge predates the implementation of the current set of rules under the MRA and the Medical Marijuana Act. When one does a little more investigation, we learn that Mr. Bailey was let go by the current Governor, that he has been the subject of numerous controversies while on Governor Schneider's Commission and that he goes around to townships and municipalities on an anti-Cannabis Agenda. Here is just a sampling of the controversy one can find:

\* <https://www.deadlinedetroit.com/articles/21620/profile-offers-window-into-controversial-ex-cop-on-michigan-marijuana-licensing-board>

\* <https://www.change.org/p/dana-nessel-remove-retired-36-year-police-officer-donald-bailey-from-medical-marijuana-board-of-michigan>

\* <https://www.mlive.com/news/2019/04/as-medical-marijuana-licensing-board-disbands-chairman-criticizes-court-intervention.html>

\* <https://www.bridgemi.com/michigan-government/meet-ex-drug-cop-who-now-helps-regulate-michigan-marijuana>

Suffice to say Mr. Bailey has a well- established prejudice against now lawful marijuana activities.

As to his specific comments, I would like to address some of his assertions:

1) **2017 Survey:**

The Survey has been discussed by the Board at the several meetings that have been held since August. First, it is now three years old, it was a relatively small sample size; the law has changed in 2018 by the



CORCORAN AUSTIN PC  
A LEGAL PROFESSIONAL CORPORATION  
www.corcoranaustin.com

**ATTORNEYS**

Michael J. Corcoran  
 mjc@corcoranaustin.com

James R. Austin  
 jra@corcoranaustin.com

**LOCATIONS**

201 State Street  
 Suite 10  
 Charlevoix, MI 49720  
 p 231.437.3199  
 f 231.437.3198

800 Cottageview Drive  
 Suite 1080  
 Traverse City, MI 49684  
 p 231.421.7367

passage of the Recreational Act and the law enforcement rules are completely new and are different from what Mr. Bailey might recall. Mr. Bailey is in no position to speculate on what the Township residents might or might not feel about the pending Ordinances. The fact is that the Township board, which is the duly elected representatives of the Township voted 5-0 in favor of passing a Police Power Ordinance with a limited number of grows and processing permits. Did the Township need to do a survey before it passed an Ordinance allowing the adult book shop? I think the answer is no. In this case, no new survey is needed, especially one bought and sold by a person that who clearly has an agenda.

**2) Alleged False Statements by Yours Truly:**

You will recall that at the meeting in September, Mr. Bailey, who had not yet identified himself and his business began questioning me. Among other things, the issue of real time MRA Access to security cameras was mentioned. I had been under the impression that the State could access in real time. I was wrong as the proposed Applicant at 8053 corrected me on the record. The State has access to the surveillance camera footage upon request.

Next came the issue of Application Fees and whether the Township can charge the \$5,000 per permit yearly, the state of the law as explained at the last meeting which Mr. Bailey did not attend is that the Township cannot charge the \$5,000 yearly but it can charge a reasonable renewal fee each year tied to enforcement, review of the application, etc. Your draft Ordinances drafted by your attorney covers this issue. Other than those items, I resent Mr. Bailey suggesting that I engaged in any effort to misstate or mislead the Board. As a 30-plus-year member of the Bar, past President of the Emmet/Charlevoix Bar and Past Board of Governors in Grand Traverse County, I resent the attack on my honesty and character.

Lastly, as you know, I simply sent an example of the type of Police Power Ordinance in an effort to show the Board what it would look like and to possibly assist the Township, who ultimately would have to be responsible for drafting. As an attorney who has represented several townships, I know the budget is limited. I was merely trying to assist the Township with the process. It is frankly an insult to the Board to suggest that you all would rely on my Draft Ordinance. In fact, your Township Attorney used their own template developed for your Township and others which covered all the necessary points. If Mr. Bailey had attended the last meeting, he would have observed that your Attorney went over the draft Ordinance in detail.

As I alluded to before, Mr. Bailey clearly has an agenda and is biased against any marijuana activity in your Township despite not being a resident. We all have biases. In the case of my Client Northpoint, it is biased in that it has a property that no longer works for the industry it was built for. As one of the larger taxpayers in the Township, it must strive to look to put the property to its highest and best use. Sadly, it has not sold for a use inside or outside the fruit industry. If not allowed to put the property to a use which is lawful in this State and which can and is regulated by the State and will be protected by your Ordinance and the Permit itself, the property will be of no value and the owner will need to seek tax relief from the current situation. As for my Client's property, it is physically removed from the road, it will be gated and will have a 24-hour professionally licensed security firm among other protections. The plant would cost in excess of \$3 Million to

**ATTORNEYS**

Michael J. Corcoran  
mjc@corcoranaustin.com

James R. Austin  
jra@corcoranaustin.com

**LOCATIONS**

201 State Street  
Suite 10  
Charlevoix, MI 49720  
p 231.437.3199  
f 231.437.3198

800 Cottageview Drive  
Suite 1080  
Traverse City, MI 49684  
p 231.421.7367

construct in today's market. Putting the lawful uses in that facility will be a winning scenario to the Township in terms of jobs and tax base increase. However, as the Board is aware, my Client will need to prepare a Permit Application and otherwise comply with the Ordinances, if passed which includes a special use permit approval. As such, there are plenty of protections to the citizens of the Township that can be implemented as is set forth in the Draft Ordinances that would address Mr. Bailey's concerns. We ask that you pass the two Draft Ordinances.

Sincerely Yours,

Michael J. Corcoran

## Cheryl A. Goss

---

**From:** Lois Maclean <loismaclean@sbcglobal.net>  
**Sent:** Thursday, November 12, 2020 11:56 AM  
**To:** zoning@whitewatertownship.org; supervisor@whitewatertownship.org;  
clerk@whitewatertownship.org; treasurer@whitewatertownship.org; trustee01@whitewatertownship.org; 'Paul Hubbell'  
**Subject:** Special meeting correspondence

Whitewater Township Board.

Regarding: Proposed adoption of ordinances regarding marijuana grow and process facilities in Whitewater Township

I am in favor of allowing licenses for the purpose of growing and processing medical and recreational marijuana.

I am not convinced that there should be a limit on the number of licenses available. By the same token I am not convinced there should be an unlimited number of licenses available. Restricting peoples' opportunities for business is not a good thing for the township to infringe upon. If the township limits the number of licenses and there are others who want to invest in a facility but the total number of available licenses have already been granted, what hoops would have to be jumped through at the township level to make a change? Personally, I do not see a bunch of people / businesses clamoring to jump through the hoops necessary to do this but what if there are more than just two or three people / businesses who want to pursue this? Do you limit the number of farm implement businesses? Do you limit the number of restaurants or stores that can sell liquor? No, because if there is a market for a legal product and people want to jump through the necessary hoops to get a liquor license, for example, and they meet all of the state regulations they should be allowed to pursue that business. You can enforce building requirements, setbacks, etc., but limiting the business opportunities for people is not something you should do.

Marijuana is legal just like all of the rest of the products that are grown, produced, marketed, sold and used throughout the township. Like alcohol, it can only be purchased at specific places that hold specific licenses.

Just a question: Does the township *have* to limit the number of licenses? What are the pluses and minuses of limiting the number of licenses?

Thank you for your time. I appreciate your attention to this matter.

Sincerely,  
Lois MacLean  
5919 Linderleaf Lane  
Williamsburg MI 49690

## Cheryl A. Goss

---

**From:** Daniel Edward Till <danieletill@gmail.com>  
**Sent:** Friday, November 13, 2020 9:46 AM  
**To:** supervisor@whitewatertownship.org; clerk@whitewatertownship.org;  
treasurer@whitewatertownship.org; trustee02@whitewatertownship.org; trustee01@whitewatertownship.org; zoning@whitewatertownship.org; assessordawn@gmail.com  
**Subject:** Cultivation and Processing License Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello everyone,

My name is Daniel Till, I am the tall gentleman who spoke at the last two township meetings and am the business development director for a vertically integrated cannabis company: Greenpharm. I am interested in applying for one Medical Class C License, five Adult-Use Class C cultivation licenses, and one processing license in Whitewater Township. I request the board includes my license request numbers when deciding the number of licenses to grant for cultivation and processing. I look forward to working with the board and helping the community by adding jobs, creating new tax revenue, and revitalizing a local farm industry hurt by the global commodity trade. I can be reached by phone at (734)709-4785 or by email at [danieletill@gmail.com](mailto:danieletill@gmail.com). Thank you for your consideration.

Sincerely,

Daniel Till

## Cheryl A. Goss

---

**From:** Tracy Kimball <kimball41@gmail.com>  
**Sent:** Tuesday, November 17, 2020 4:13 PM  
**To:** clerk@whitewatertownship.org  
**Subject:** Re: Marijuana / Farmers

On Tue, Nov 17, 2020, 4:08 PM Tracy Kimball <kimball41@gmail.com> wrote:

Being that recreational marijuana is now legal in the State of Michigan I feel that our local farmers should have the right to explore the opportunity of growing Marijuana as a means to help in financially supporting their families and themselves. We all know that farming in Northern Michigan can be a hit or a miss. On any given year/season a farmer could and has went bankrupt due to their crops failing due to bad weather. Marijuana can be grown indoors which would allow the farmer to have a more controlled environment for their crops to succeed. These farmers have the right to explore & expand their businesses by growing, processing, and transporting legal marijuana products. Not only will this benefit our local farmers it will also bring jobs to our community. Please don't stand in the way of progress ... Michigan has made Marijuana legal the people have spoken and they were heard! Don't keep Whitewater Township in the dark ages be open to progress and change for the good of our community.

Thank You  
Tracy Kimball  
405-835-1911

## Cheryl A. Goss

---

**From:** Linda Slopsema ✉ [lindaslopsema@gmail.com](mailto:lindaslopsema@gmail.com)>  
**Sent:** Tuesday, November 17, 2020 4:25 PM  
**To:** Cheryl A. Goss; Ron Popp  
**Subject:** Public Comment: Ordinances 59 and 60 Marihuana

Please make my comments below part of the public record.

Oct 2017: Whitewater Township Survey on Medical Marijuana: 335 surveys from residents returned. 65% responded "not in favor" of allowing marijuana activity (growing, processing, testing, transporting, selling).

May 29, 2019: Whitewater Township Ordinance 55 - Prohibition of Marijuana Establishments. Township board adopted the ordinance on May 29, 2019.

November 15, 2019: Fox2detroit.com reports:

"Of the 1,773 cities, villages and townships that dot Michigan, almost 1,400 of them have opted out of letting marijuana businesses set up shop - that's more than 78% of all locations in Michigan."

Each community has the authority to decide if it is going to allow or prohibit state-licensed marijuana establishments. It appears that although Michigan voters approved Proposal 18-1, which legalized recreational marijuana on November 6, 2018, many communities are signaling "not in my community".

So why are communities concerned with an increased presence of marijuana in their community? How about the well-established fact that the human brain continues to develop from before birth into the mid-20s and is vulnerable to the effects of addictive substances. Marijuana use during brain development is linked with changes (deficits) in the brain associated with attention, memory, decision-making, and motivation. This impairs learning and chronic use is linked to declines in IQ, school performance and achievements (professional and social). IQ losses do not come back, even after quitting marijuana. There are also increased rates of absenteeism, school drop-out, and suicide attempts. People ages 18-25 have the highest rate of use per Substance Abuse and Mental Health Services Administration, US department of Health and Human Services. References:

<https://www.hhs.gov/surgeongeneral/reports-and-publications/addiction-and-substance-misuse/advisory-on-marijuana-use-and-developing-brain/index.html>

<https://www.samhsa.gov/marijuana>

I have personally experienced several of these impacts within my circle of friends and family such these risks noted from our federal government are absolutely accurate.

I would ask all board members to carefully consider the impact of allowing marijuana activity in our township. Not just the economic upside but what is the impact on our community of children and young adults. Opening up marijuana businesses within our immediate community will normalize and desensitize the view of this very addictive substance and easily create a feeling that using it is not a risk to health and wellbeing.

Linda Slopsema  
9693 Miami Beach Rd  
Williamsburg, MI 49690

[lindaslopsema@gmail.com](mailto:lindaslopsema@gmail.com)  
517-614-4887 (cell)