

DRAFT
WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES OF 03/02/2011 REGULAR MEETING

Call to Order

Chairperson, Zakrajsek, called the meeting to order at 7:00 pm

Roll Call:

Members Present: Zakrajsek, Dean, Mangus, Lyons, Boyd, Courtade, Miller

Members Absent: None

Also Attending: Zoning Administrator Meyers, ZA Intern Dylan Sullivan, Recording Secretary MacLean plus 7 members of the public.

Set/Adjust Agenda: None

Approval of 02/02/2011 Regular Meeting Minutes

Motion by Boyd to approve minutes, seconded by Mangus. Motion carried 7-0.

Conflict of interest: None declared

Public Comment: Mike Jacobson, Skegemog Pt. Rd.: Wants the Planning Commission to have an open mind regarding the medical marijuana issue. People are making an effort to be out in the open. If we don't let the compassion clubs or dispensaries or whatever it will be done "underground". The grower needs a legal place to get rid of the product. They are not going to let kids come in and buy a bag of weed. We have lots of laws on the books to set good zoning. We have liquor laws, which limits the number of licenses per capita. If you are going to run a dispensary or compassion club, you should have to live here. Local dispensary supplied by local growers. This is the tip of the iceberg. If you believe in "go green", hemp ranks right in there with soy and corn.

Reports:

Correspondence: Medical marijuana handouts. Medical marijuana confidentiality issue, FOIA, and HIPPA issues are very complicated. Other communities: East Bay's ordinance. Letter from member of the public, John King in response to information in the news letter.

Zoning Administrator – Memo attached. Introduction of Dylan Sullivan, new ZA Intern.

Welcome Dylan.

TCTALUS: Meeting cancelled

Board Member, Boyd: Encourage all to come out on the 10th to Paradise Township where Rural Fire is going to make a presentation on their proposal, their attempt to keep us with Rural Fire because we have petitioned to get out of Rural Fire. We need an evaluation. Would like input from others. Plus, we are being courted by Metro on this issue. Township received money from GTB toward the Emergency Services facility, approximately \$27,000 of the \$405,000 requested. We will have to re-request. We have not spent the dollars granted for water several years ago. We've been slow at it. Bids are in for water to be run up to Mill Creek School. If water goes by your house and you **choose** to tap into it, there are fees, but no one HAS to tap in.

Chair, Zakrajsek: None

Old Business:

1. Master Plan:

Goal 1 discussion on wording. Use positive language.

Consensus on wording:

To respect the property rights of individuals while providing for orderly growth within Whitewater Township.

Objectives to Goal #1: What is it we specifically want to do? Discussion on wording of objectives. Use positive verbiage. This is a forward looking document. Goal is not measurable; objective directs to specific policy (generally measurable); policy sets specifics based on maps, etc. (specifically measurable).

Consensus on wording:

-Encourage development to locate in areas where adequate infrastructure is accessible, obtainable or developable.

-Encourage land uses that are compatible with adjacent land uses.

-Encourage the clean-up or containment of blighted and/or contaminated sites.

-Increase community awareness of land use issues and the techniques available.

(Objective 4 could belong in Goal 1, 2 and/or 3, each worded differently)

Goal 2 discussion on wording. Rural Character means different things to each and every person.

Consensus on wording:

Guide future development in a manner that conserves natural resources and the environment and meets the long-term needs of Whitewater Township.

Objectives to Goal #2: Discussion on wording. Shorten.

Consensus on wording:

-Encourage development which retains or mimics natural features.

-Enact guidelines that preserve the environmental integrity of the Township wetlands, watershed and water bodies.

-Encourage community sewers and water systems in areas of greatest environmental need.

Zakrajsek: Leslie will change the verbiage on goals 1 and 2 and come back with language changes on 3 and 4 and we will discuss next time. There are ways to address the sewer issue without using "restrictions".

Motion by Boyd to schedule a special meeting Wednesday, April 20, 2011, at 7 pm, to go over Master Plan Goals, seconded by Lyons. All in favor. Motion carried 7-0.

2. Medical Marijuana: Moved this front and center with the Township adopting a moratorium and the numbers of people who do want to get into this business.

This board does not have intention of keeping people from doing business.

Meyers: A list of patients is not to be made public, the collectives (C), distributors/dispensary (D), compassion clubs (CC), etc., are not subject to HIPPA.

There is A LOT of information on this. As a caregiver their name can be released, as a patient it cannot. A caregiver is always a caregiver; are they always a patient? If so, then caregiver names cannot be released either.

Do we have the right to limit where dispensaries and collectives can be located? – Yes. Limit to industrial? – Yes. It would not affect the neighbors. Limit to delivery only? – Yes. No walk in purchasing. Growers are different / separate from dispensaries and collectives. Do they limit the quantity of what can be kept (locked up) at a dispensary?

As a commission we should focus on if the business is allowed, where the business can be located. Can a caregiver be limited to where they can grow? State law says we only have to allow patients and caregivers. Compassion Clubs, dispensaries and collectives are not required to be allowed. We can designate whether to allow them and where. Currently it would HAVE to come before the PC if someone were to try to open a collective, compassion club or dispensary. We don't have to concentrate on the law. The state law will dictate how the business is run. Our

concern is about location. In the next thirty days we need to make the decision. Compassion Club=yes/no where Dispensary/Collective=yes/no where Caregiver=where? Does the Township have the right to tell a caregiver where they can set up and/or grow? Establish a policy on what is disclosable in regards to HIPPA.

Boyd responded to John King's letter via e-mail.

Medical Marijuana issue: On hold.

New Business:

Motion by Mangus to accept Resolution for meeting dates for fiscal year 2011/2012, seconded by Boyd. Roll call vote: Miller-yes; Boyd-yes; Mangus-yes; Dean-yes; Courtade-yes; Lyons-yes; Zakrajsek-yes. Motion carried 7-0.

Continuing Education: None

Public Comment: Mike Jacobson, very encouraging. Like that you are not trying to write the law, just trying to make it work in the community. As I understand it, self regulate by only allowing people into the business who are card carrying. The people in this industry are trying to self regulate. Stores get robbed every day – concern about the businesses be robbed.

Dispensaries and compassion clubs are legal places for a grower to get rid of excess. Cannot find dispensaries/collectives or compassion clubs state law. The law “recognizes other state’s laws”. Knowing the law and understanding the law to the best of our ability is very important – I completely agree with that. Today’s subject is the dispensaries and compassion clubs but the government is making money on this via fees and licenses but there are lots of other businesses making money at this (lawyers, police, etc.) and we need to be aware of the effect the whole medical marijuana industry will have.

Boyd: To the cherry farmers, when you have access what do you do with them? - Dump them on the ground. There are means of disposal and the medical marijuana industry is creating avenues to dispose of excess. Compassion club and dispensaries need product. There are specific rules and laws on where and how these can be grown.

Adjournment: Motion to adjourn at 9:28 pm, by Lyons, seconded by Boyd. All in favor.

Respectfully Submitted by Lois MacLean, Recording Secretary