

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR SPECIAL MEETING
in Person and via ZOOM
August 24, 2021

Call to Order at 6:00 p.m.

Roll Call: In person: Dean, Jacobson, Mangus, Wroubel

No Board Representative or ZBA Representative available

Also in attendance: Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest:

Mike Jacobson notes that he grows marihuana for personal use. Consensus not a conflict of interest.

Carl Wroubel, as previously indicated, 12 years ago was part of a law suit against Williamsburg Receiving. Issue was resolved. Consensus not a conflict of interest.

Mangus notes that there may not be enough time for all of the public comment before the closed session.

Public Comment:

Denise Peltonen, 10610 Elk Lake Rd. notes a conflict of interest with one of the board members, Paul Hubbell, and Northpoint Farms.

Linda Slopsema, 9693 Miami Beach Rd., notes the large number of permits. Feels the ordinance is not specific enough. Not sufficient to protect all of the property owners.

Heidi Vollmuth, 8388 Winnie Lane, private citizen, make the decision for the greater good. Feels it is moving too fast.

Renee Savage, 9833 Pineneedle Lane, notes the conflict of interest. Concerned about the impact of the whole community. Marihuana is not a Right to Farm farm substance.

Mangus received and read a public comment letter:

Michael Lehnert, 10610 Elk Lake Rd., noting a conflict of interest of the board member. Put the issue to the voters.

Learn lessons from other townships' ordinance(s).

Public Hearing: None

Special Meeting Business:

1. Discuss intent and direction on marihuana zoning ordinance amendments following input from the public hearings. We got a lot of input from the community during the public hearing, with more comments against the ordinance(s). If ordinances are written correctly it can be okay. Kalkaska, that we looked at as a model, in the opinion of the engineer that the township board is in discussion with, feels Kalkaska's is written well. May be able to have our Master Plan consultant/planner (Grobble) look it over also. He may know engineers that can help.

We do not have planning and enforcement in our township.

The aforementioned engineer may be able to set up a tour of the Kalkaska facility.

Dean: Taking our time and getting it right is appropriate. Would like a field trip to Kalkaska and another township down state doing the same. The majority of concerns are conflict of interest, number of permits and just vote. There is nothing that the PC can do to addresses any of those no matter how long we take. Is it the role of the PC to try to "fix what is broken"?

Jacobson: The major concerns are based on the board's general ordinance.

Mangus notes that the PC can walk the ordinance back, encourage a reduction. We can say how many locations we will allow. We are trying to get it correct right out of the gate. Feels there are too many permits allowed in General Ordinances #59 & #60.

Carl agrees with these statements. Has a problem with the number of permits. Need to look at other communities. What did they do right? What did they do wrong? Is there something that we are not doing that we should be doing? We have an obligation to write a good ordinance.

Mangus: We cannot lower the number of permits but we can limit the number of locations.

Consensus that we are not ready to send this to the board the way it is currently written.

Maybe we need to look at the commercial district. Limit the number of locations. Look at setbacks and distances. Setback graphic provided by Mangus.

Set up tours: board is setting up a tour in Kalkaska. Would the PC be interested in participating? – yes.

Possible day trip to Frankenmuth where they have the same type of situation with an existing structure? Dean is interested, Wroubel interested, Jacobson interested. Dean will set it up.

Jacobson is interested in getting input from someone who knows how to write ordinances better than we do. Would like the tours first.

Did Kalkaska use an engineer, planner and/or architect? Get the Kalkaska ordinances before the tour.

Can add an engineer review under a special use permit to review air scrubbing systems, etc. Likely cost the applicant \$5,000 to \$10,000.

The PC will be returning to an open session after the closed session.

Chris Patterson is township legal counsel. Meagher, a lawyer for the township's insurance company, will also be in attendance of the closed session.

Will need a two thirds vote to go into closed session.

Question by Mangus: Is that two thirds of those present or two thirds of the seven member board?

Patterson notes it should be two thirds of the body.

Mangus indicates that we only have four members.

Patterson: Two thirds of those that are going to be appointed that are serving.

2. Closed session to discuss ongoing Northpoint Farms vs. Whitewater Township litigation

Motion by Dean, second by Jacobson to adjourn special meeting at 7:00 p.m. to enter into a closed session to discuss the trial strategy in connection with Northpoint Farms, LLC vs Whitewater Township because discussion such strategies in open session would have a detrimental financial effect on the township.

Roll call: Wroubel-yes; Jacobson-yes; Dean-yes; Mangus-yes. Motion carried.

Adjourn to closed session.

Resume special meeting at 7:30

Schedule the tours of other facilities.

Need to change the date of the next regular meeting as Mike will likely not be available on the 1st.

Consensus to change the regular meeting to September 8, due to a lack of quorum on the 1st.

3. Discussion regarding consultant selection and scope of service – marijuana ordinances. This approval is still in the board's hands.

Next Regular Meeting is scheduled for September 1, 2021, there will be a lack of quorum.

Change the meeting date to September 8, request Grobble attend if available.

Wroubel: Previously went through line by line. What are we not comfortable with?

Mangus notes that it is the setbacks and nothing to limit the number of permits. We can limit the number of facilities and /or set a limit of number of locations. How do you measure the odor? It should be in the ordinance.

Mangus would like to eliminate commercial district. Currently we are treating recreational and medical the same – we don't have to permit recreational in the Ag District at all. Limit the number of locations. Special use permits can require specifics on air cleaning, require engineer, require more than seven days of recordings, address lighting, hours of operation. Other things that can be addressed are the building size, setbacks and zoning variance requests. Possibly create a PC sub-committee to address the wording.

September 8, agenda: Set up sub-committee, general discussion of amendments / ordinances, Grobble – MP review, field trips planning or reports, summary of Kalkaska ordinances plus anything from the ZA, amendment #81 regarding home

occupations. Potential closed session.

Public Comment:

Mike Lehnert, 10610 Elk Lake Rd., suggested the road trip and will help. (Dean is leading that effort.)

Michelle Mueller, 7482 Cook Rd., appreciates the PC's diligence.

Heidi Vollmuth, 8388 Winnie land, private citizen, do some homework.

Denise Peltonen, 10686 Elk Lake Rd., notes concerns about well water and previous environmental issues with the facility in discussion.

Commission Discussion/Comments: (previously noted).

Adjournment: 8:00 p.m.

Respectfully Submitted

Lois MacLean,

Recording Secretary