

**CITY OF LAPEER
MINUTES OF A REGULAR
PLANNING COMMISSION MEETING
JULY 13, 2017**

A regular meeting of the City of Lapeer Planning Commission was held in the Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Thursday, July 13, 2017 at 6:30 p.m.

Members Present: Chairman Joe Black, Vice Chairperson Jennell RaCosta, Commissioner Catherine Bostick-Tullius, Commissioner Dave Sommerville, Commissioner Ed Jamison, Commissioner Bill Sprague, Commissioner Dale Kerbyson, Commissioner Anne Shenck and Commissioner Austin Kelly.

Members Absent: None.

Also Present: Mr. Scott Kree, Rowe Professional Services Company Planning Consultant.

Chairman Black called the meeting to order at 6:31 p.m.

MINUTES

It was moved by Commissioner Bostick-Tullius and supported by Commissioner Shenck to approve the minutes of the meeting held on April 20, 2017 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

Jamie Fricke, 544 N. Main, was present and stated she is a business owner in the City and would like to open herself to communication to answer any questions regarding the Act or anything else needed.

Justin Dunaskiss, Dunaskiss Consulting & Development, 535 Cushing Dr., Lake Orion, MI, was present and stated his company is a lobbying and consulting organization and he would like to offer his help as a resource, reviewed his experience working with other communities and the Orion Planning and Zoning boards and stated he has provided sample ordinances.

Marlana Swindell, Pleasant Street, was present and stated that time is of the essence, that two months have gone by without meeting, that she urges quick action, that she is also available as a resource, that the State will accept license applications in December, that she doesn't want it to still be talked about in a year from now, that it should not be dallied around, that the State will require the City's approval to open a facility and that she would like it done before December.

Wes Wickham, 2517 Clark Rd., Lapeer, was present and stated he would like to be able to obtain some marihuana, that he is on Vicodin, that he does not want to become addicted to Vicodin, that he will not drive to Flint to get marihuana and that it needs to be available for older folks like him that have a lot of pain.

Donna Dewitt Schnell, 3544 Wedgewood Dr., Lapeer, was present and shared a personal experience of her husband's death on March 4th which listed his cause of death as pain stating his body was worn out from all the legally prescribed narcotics, his heart stopped and he was put on hospice care, taken off pain pills and put on medical marihuana for the last 11 days of his life which allowed him his last 3 wishes of dying at home without pain and without anxiety. Ms. Dewitt Schnell stated she behooves the commission to take the issue seriously, that people's lives are negatively impacted by the legal drugs that are prescribed, that medical marihuana has been around for thousands of years, that it is a natural plant that allowed her husband to die in peace and she hopes the community is intelligent enough to understand this great need.

Harvey Woyce, was present representing Campbell Medical a company looking to locate facilities throughout Michigan that manufacture, cultivate, process and operate provisioning centers for medical marihuana and that he is in attendance to listen and determine if Lapeer is possibly a home for one of their operations.

Public comments were closed at 6:41 p.m.

PUBLIC HEARINGS SCHEDULED

There were no public hearings scheduled.

SITE PLAN REVIEW

There were no site plans to be reviewed.

OTHER BUSINESS

Medical Marihuana Facilities Licensing Act (MMFLA) Ordinance – Introductory Discussion

Mr. Kree reviewed the Lapeer City Commission's direction in April for the Planning Commission to prepare draft ordinance language for adoption to allow the City to opt-in to allowing facilities as specified in the State of Michigan Medical Marihuana Facilities Licensing Act PA 281, 282 and 283 (MMFLA). Mr. Kree stated he has collected and distributed example ordinances for the commission's review in order to provide direction on how to draft the ordinance to have ready for adoption when the State of Michigan establishes their rules and regulations which will directly affect municipality ordinances opting into the MMFLA law. Mr. Kree reviewed the materials and example ordinances transmitted to the commission members for review and stated a public hearing on the draft ordinance will be held at the Planning Commission level prior to submission to the City Commission for adoption and he will be working closely with the City Attorney during the process.

Mr. Kree summarized the 5 types of facilities addressed in the MMFLA which include:

Grower – Cultivates, dries, trims or cures and packages marihuana for sale. The license authorizes 500, 1000 or 1500 plants, may transfer between growers to provisioning, processing or safety facilities.

Processor – Extracts resin or creates a packaged marihuana infused product. May transfer only to provisioning facilities.

Safety Compliance Facility – Provides safety and quality testing. May receive marihuana from a registered primary caregiver or any marihuana facility but may only transfer to a marihuana facility.

Provisioning Center – Acquires marihuana from a grower and processing facilities for sale or transfer to qualifying patient or primary caregiver.

Secure Transporter – Provides secure transport of medical marihuana between licensed facilities. May also store marihuana on site.

Mr. Kree stated the various items for consideration and discussion by the commission in preparation of a draft ordinance include where and which zoning districts to permit each of the 5 types of uses, whether to permit all 5 types of uses in the City and spacing requirements between facilities. Mr. Kree also stated he does not recommend limiting the number of each facility type allowed to operate in the City.

Discussion was held regarding the fact the ordinance examples provided are all very different, whether the City is too far ahead in the process as related to where the State is, the fact no medical marihuana uses have been allowed in the City to date and that the City of Lapeer is starting the process from scratch. Mr. Kree reviewed the timeline and process of opening a facility following State and municipality requirements and stated the State of Michigan rules will supersede any City of Lapeer rules.

Discussion was held regarding the need for staff to produce an overlay diagram visual aid to help identify areas where the various uses would be permitted to locate when considering any potential distance requirements from schools as well as any Federal, State and City owned properties. Staff was also directed to prepare a checklist or table as to how to proceed to develop the draft ordinance and a breakdown of what is entailed with each type of facility. Discussion was held regarding the possibility of developing new zoning districts or an overlay district to address the various facilities and the fact the new MMFLA Act does not affect the 2008 Medical Marihuana law.

Discussion was also held regarding issues being experienced by banking institutions accepting cash deposits from medical marihuana facilities, the fact the Growing use is restricted by the State MMFLA to be located in either agricultural or industrial zoning districts, services provided by the safety compliance facilities, which types of uses can be operated together on one site and whether there are any restrictions on employees or customers being allowed to use the product on the premises of any of the facilities. Further discussion was held regarding the fact the City ordinance may need modification when the State of Michigan Department of Licensing and Regulatory Affairs (LARA) rules are established, that any proposed facilities will still be required to abide by other City of Lapeer ordinance requirements such as age requirements, waste disposal rules, site plan review, sign permits, building permits, special land use requirements, etc. as well as any environmental protection requirements of the Michigan Department of Environmental Quality (MDEQ).

It was the consensus of the commission that staff will develop the visual aids and provide to the commission members when available and the commission members will continue to review the various example ordinances provided, and any other ordinances they may have access to, for input in preparing the City's draft ordinance. At the next meeting staff will provide the overlay visual aids, details of what is entailed in each of the 5 permitted facility/uses and a checklist/table to organize the process of preparing the draft ordinance. It was also the consensus that the commission will continue to meet monthly on the process to develop the draft ordinance.

ADJOURNMENT

There being no further business, it was the consensus of the commission to adjourn the meeting at 7:47 p.m.

Ms. Anne Shenck
Secretary