

Roscommon Township Planning Commission

Regular Meeting

November 13, 2017

Meeting called to order by Vice-Chairperson Terrian at 6:01 pm

Roll Call Vote of Members: Brotebeck *present*, Milburn *present*, Akin *absent*, Terrian *present*

Zoning Administrator: DuPuis present.

Also in attendance: Mike & Linda Kopischka, Joel Noerr,

- **Agenda: Motion: by Milburn, second by Brotebeck to approve the Agenda as presented. Roll call vote. All yes, Motion carried.**
- **Minutes:** Terrian asked the commissioners if they all had a chance to look over the previous meeting minutes. **Motion: by Brotebeck, second by Milburn to approve the Oct. 9, 2017 minutes as presented. All yes, Motion carried.**
- Terrian began meeting by stating that the purpose of the meeting was to continue working on the Medical Marijuana Ordinance. Terrian asked Milburn and DuPuis to report on information gathered at the recent class they attended on the MMFLA sponsored by the MTA. Milburn stated we took our commission's legal questions to the class to get answers as well. DuPuis stated that the attorney from the MTA, Robert Thrall, emphasized that we must put in place two ordinances: the "police ordinance" which is 1) our "opt-in" or "opt out" ordinance with all of our licensing requirements and 2) our zoning ordinance defining location requirements for all facilities. Milburn stated that there are several things that we thought we could regulate that we cannot. We cannot dictate what can or cannot be put on signage, as it would be a violation of the First Amendment and also "equal protection under the law" if we don't restrict other business's signage. Milburn also stated that the Township Ordinances pertaining to MMF cannot be more restrictive than the State of Michigan's MMFLA law. DuPuis stated that the question we had on residency requirements is answered by the State MMFLA which states that the applicant must have been a Michigan resident for at least two (2) years prior to making application. We cannot require Roscommon Twp. Residency which would be more restrictive. Terrian inquired about the application process, in particular, if the application process should be "first come, first served" basis. DuPuis affirmed that this was Mr. Thrall's recommendation. Thrall advised that the clerk should accept the applications and time stamp when submitted, accept the required Twp. licensing fee which the Twp. Would put in an escrow account until the State approved or denied the applicant at the State level. Milburn stated that some of the pressing decisions are to decide where we are going to allow the facilities to be located, so we can move forward with our Zoning Ordinance. The PC discussed the area near Snow Bowl Rd and 127. Terrian stated that he thought that some of that area was designated as swamp land and could not be built on. Terrian mentioned that we also have to revise our Zoning Ordinance pertaining to Adult businesses (page 81). Milburn stated that we can change that at the same time we put our Medical Marijuana Ordinance in place, as well as any other corrections or modifications to our Zoning Ordinance that may be required. Terrian asked if the METRC system was discussed. DuPuis stated that the system will be on line and monitored by the state. DuPuis volunteered to bring back a draft of the police ordinance next meeting for the PC to work with and add our requirements. Terrian asked, "who is responsible for writing or updating the Zoning Ordinance?" Milburn advised that the Zoning Administrator would be but all changes or new ordinances would have to be approved by the PC and the Twp. Board as well as have a public hearing. (Note: The planning

Commission By-Laws state that the Zoning Administrator **ASSISTS** in the preparing of Zoning Ordinances.) Terrian the opened the meeting to the floor. Noerr requested that we consider having the hours of operation for the provisioning centers be allowed to be the same as pharmacies to be more accessible to the patients and those who work full time jobs. He also requested that if we restrict growers to a Class A license only, that we would revisit the situation in a year to evaluate in a year to determine if we should allow existing growers to be reclassified to a B or C.

- Terrian next requested the board to address the proposed 2018 PC meeting schedule calendar. The meeting schedule was modified to move the November meeting to Thursday Nov. 8, 2018. Motion by Brotebeck, second by Terrian to approve the 2018 PC meeting schedule, all yes.

ACTION ITEMS FOR NEXT MEETING:

- Public Comments: None
- Adjourning Meeting: Brotebeck made motion to adjourn, second by Terrian at 6:47 p.m. All yes, motion carried.

- *Next Regularly Scheduled Meeting Date: December 11, 2017.*

Kim Akin, Chairperson

Bob Brotebeck, Secretary

Prepared and submitted by Terry A. DuPuis