

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

SPECIAL MEETING MINUTES

February 24, 2011

A Special Meeting of the Manistee City Planning Commission was held on Thursday, February 24, 2011 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 p.m. by Chairman Yoder

ROLL CALL:

Members Present: Linda Albee, Maureen Barry, Marlene McBride, Dave Crockett, Bill Dean, Eric Gustad, Nathaniel Neider, Roger Yoder

Members Absent: Ray Fortier (excused)

Others: Rev. Steven B. Thompson (1136 Michigan Avenue, Benzie), Mary Roussain (12137 Maple Street, Bear Lake), Alan Marshall (914 Vine Street), Greg Ferguson (196 Washington Street), Jeff Moffett (no address), George Saylor (City Attorney), Jon Rose (Community Development), Denise Blakeslee (Planning & Zoning) and Others

APPROVAL OF AGENDA:

MOTION by Linda Albee, seconded by Dave Crockett that the Agenda be approved as prepared.

APPROVAL OF MINUTES:

Planning Commission Meeting of February 3, 2011

MOTION by Bill Dean, seconded by Marlene McBride that the minutes of the February 3, 2011 Planning Commission Meeting be approved.

With a roll call vote this motion passed 7 to 0.

Yes: Neider, Albee, Crockett, Gustad, Dean, McBride, Yoder

No: None

Commissioner Barry entered the meeting.

PUBLIC HEARING:

Proposed Ord 11-03 Medical Marihuana

A Public Hearing was held to allow input from the public as it relates to the proposed ordinance to regulate and license certain aspects of Medical Marihuana cultivation, use and distribution in the City of Manistee.

Chairman Yoder opened the Public Hearing

Jon Rose, Community Development Director - The Planning Commission has been working on developing an Ordinance for Medical Marihuana for the past five months. A copy of the ordinance was give to each member of the audience.

Chairman Yoder asked for Public Comments

Rev. Steven B. Thompson, 1136 Michigan Avenue, Benzie - Rev. Thompson was speaking on behalf of Patients and Caregivers in the community who were afraid to attend the meeting out of fear of being recognized and harassed by law enforcement. He is the Chairman and member of several boards supporting the use of Medical Marihuana. He has read the ordinance and feels it violates the Michigan Medical Marihuana Act. He asked if any input was received from patients and caregivers before the ordinance was written. The Michigan ACLU is on alert about the Ordinance as well as several attorneys. He recommends the City draft an ordinance similar to the one in Traverse City. It is the best one in the State. He explained about Patients and Caregivers rights and the need to follow the Traverse City Ordinance.

Mary Roussain, 12137 Maple Street, Bear Lake - Ms. Roussain pointed out that her husband who is a Medical Marihuana Patient resides at Century Terrace. They tried to evict him because he was smoking his Medical Marihuana. The ACLU wrote a letter and Century Terrace now has a policy in place that allows him to use his medication. Nobody on Medical Marihuana can be evicted. Ms. Roussain does not believe law enforcement has reviewed the law. She had her Medical Marihuana taken away from her by a county officer and Judge Danielson will not give it back to her. There are people who don't want to take Oxycodon or Vicodin so they use Medical Marihuana. Medical Marihuana is not a drug it is a herb. Just read Genesis Chapter 1 in the Bible. She is sending a letter to President Obama.

Alan Marshall, 914 Vine Street - Mr. Marshall's concern is related to Compassion Clubs and Co-ops. He asked if his interpretation of the ordinance where there is a 250 foot separation between caregivers eliminates them? If his interpretation is correct he has no problem with the Ordinance.

Greg Ferguson, 196 Washington Street - Mr. Ferguson referred to a newspaper article from a paper in Montana where they are trying to repeal their Medical Marihuana Law. The laws goes beyond the intent of the voters and created widespread use. He spoke of his concerns that the ordinance does not restrict people who are patients from growing in a School Zone and there is no separation between patients.

Jeff Moffett (requested his address not be required) - Mr. Moffett is a Medical Marihuana Patient and spoke to benefit that his use has made to every aspect of his live. He asked for people to be compassionate towards patients and spoke of the need for people to care about others. He spoke of getting stuck in a snowstorm while driving to Traverse City to get his Medical Marihuana. That could have been avoided if a Compassion Club were located in Manistee. He does not want to plaster marihuana leaves all over the place or impact children, but spoke of the need for a club here. He spoke of Endocannabinoids, this is a form of cannabis already in our body and the benefits of cannabis. He is afraid of people being judged because they are patients. We do not arrest responsible drinkers but arrest people who are Medical Marihuana Patients. He would like to have the Commission rewrite the ordinance and work with patients. He would like to see the ordinance allow one Compassion Center and he would run it himself and work with the Police Department. He knows people who have been broken into and had their Medical Marihuana stolen. They will not report it to the police out of fear of retaliation. Now their Medical Marihuana is out on the street.

Correspondence - None

There being no further Public Comments the Public Hearing was closed at 7:25 pm

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS:

Proposed Ord. 11-03 Medical Marihuana

A Public Hearing was held earlier to allow input from the public as it relates to the proposed ordinance to regulate and license certain aspects of Medical Marihuana cultivation, use and distribution in the City of Manistee. Discussion by Staff and the Commission relating to the Ordinance as follows:

- ▶ Spoke of the amount of time spent on the ordinance and the challenges that are being made to the Attorney Generals Office.
- ▶ The development of the Ordinance provides safeguards for the community while allowing the use of Medical Marihuana under the law.
- ▶ The ordinance only allows one caregiver at one location, does not allow Compassion Clubs.
- ▶ As direction is received from the Attorney General the Ordinance may be amended.
- ▶ The Ordinance was developed to allow the legal use of Medical Marihuana by Patients and to provide for Caregivers in the Community.
- ▶ The Commission was moved by the testimony of Dr. Wagoner who lost his wife to cancer and spoke of the benefit she experienced by using Medical Marihuana.
- ▶ The Planning Commission and City Council cared deeply about patients who need medication.
- ▶ The Commission did their best to draft an ordinance that meets the needs of patients and the Citizens of the Community.

MOTION by Maureen Barry, seconded by Marlene McBride that the Planning Commission is forwarding to City Council for their consideration Proposed Ord. 11-03 Medical Marihuana.

With a roll call vote this motion passed 8 to 0.

Yes: Gustad, Dean, McBride, Barry, Neider, Albee, Crockett, Yoder
No: None

OLD BUSINESS:

None

PUBLIC COMMENTS AND COMMUNICATIONS:

Jeff Moffett - Ordinance does not specify mature plants, cuttings are not plants. Spoke of complications the wording can have for Medical Marihuana growers.

Alan Marshall - spoke of the ordinance and how it provides for people who need Medical Marihuana to be allowed to use it in the community.

Mary Roussain - Spoke of the rights of voters and how the legislators failed to read the law. When voted by the people she does not understand the governments rights to change it.

Greg Ferguson - Did not vote in support of the law and is against it. Spoke of his concerns that Medical Marihuana becomes a recreational drug.

CORRESPONDENCE:

None

STAFF REPORT:

Denise Blakeslee spoke to the Commission about Citizen Planner Certification Credits. The current two year cycle is January 1, 2010 thru December 31, 2011. After inquiring it was discovered that none of the members have earned any CEU's this cycle. A total of six are required to maintain Master Citizen Planner Status. They will be trying to schedule training this spring so that we can utilize funds from this budget cycle.

MEMBERS DISCUSSION:

None

The next regular meeting of the Planning Commission will be on Thursday, March 3, 2011.

ADJOURNMENT:

MOTION by Dave Crockett, seconded by Marlene McBride that the meeting be adjourned. Motion passed unanimously.

MEETING ADJOURNED AT 7:45 P.M.

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary