

**CITY OF WAYLAND
PLANNING COMMISSION
MINUTES**

**Tuesday, August 10, 2010
City Hall - City Council Chambers**

Chair J.D. Gonzales called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Chair Gonzales led the Pledge of Allegiance to the American Flag.

ROLL CALL

Members Present: Chair Gonzales, Commissioners Sam Dykstra, John Frigmanski, Ryan Martin, Gary Ragan, Jim Ramey & Kelle Tobolic

Members Absent: Commissioner Ann Kilmartin & Ex-Officio Commissioner Ron Kobish

Others Present: City Planner Mark Sisson, City Manager Chris Yonker & Mayor Tim Bala

Moved by Commissioner Tobolic, **seconded** by Commissioner Ramey to excuse Commissioner Kilmartin and Ex-Officio Commissioner Kobish who had notified staff in advance of their planned absences; **motion unanimously approved.**

Chair Gonzales welcomed Gary Ragan as a new Commissioner. Mr. Ragan was appointed 7/19/10 to fill the remainder of the unexpired 3-year term of Joel Frederickson, which ends 2/29/12. The Chair stated that there remains one final position to fill on the Commission for the remainder of Army Rodriguez's 3-year term ending 2/28/13. According to the MI Planning Enabling Act, candidates for this appointment must be a "qualified elector" (resident) of the City.

APPROVAL OF MINUTES

Moved by Commissioner Dykstra, **seconded** by Commissioner Tobolic to approve the minutes of the Regular Meeting held June 8, 2010 as distributed with the meeting packet; **motion unanimously approved.**

COMMUNICATIONS

Chair Gonzales acknowledged for the file the following Minutes of the meetings of the:

- City Council held May 17, June 7 & 21 and July 6 & 19, 2010 C
 - Commissioner comments re: desire to see City establish a permit system for the placement of refuse dumpsters on public property; continued concerns with Wildflower Ridge development (status of punchlist, take over property, condition of property, access) C
- Downtown Development Authority/Main Street Board held May 20 & 25, June 17 and July 2 & 22, 2010 C
 - Commissioner comments re: PC's desire to participate in the discussions with the DDA/Main St. Board in determining downtown revitalization strategies (form-based codes, design guidelines, historic preservation)
- Allegan Co. Planning Commission held July 12, 2010 C
 - Commissioner comments re: updated bylaws; attendance of Co. Administrator & Economic Development/Tourism/Parks Director @ meetings; 6-8 month process underway to determine PC's future focus.

CITIZENS APPEARING BEFORE THE COMMISSION: None

OLD BUSINESS: MEDICAL MARIJUANA (MM)

The Chair began the discussion regarding the issue of medical marijuana by acknowledging receipt of the following materials in the meeting packet:

- LandMark Strategies 8/4/2010 Transmittal Memo: MM
- Brief summary of the MI Medical Marijuana Act & a copy of the Act
- A private attorney's "street level" explanation on the issue of "MM dispensaries"
- City of Grand Rapids FAQ and recently adopted zoning and licensing ordinances(effective 6/27/2010) enabling MM "caregivers" as home occupations
- Draft zoning ordinance amendment for the City of Wayland regulating "MM Businesses"
- MTA 7/30/2010 Legislative Report: "ACLU says Local MM Ordinances Should be Rescinded"
- ACLU 7/29/2010 Press Release: "ACLU Urges Oakland Co. Cities Respect Rights of MM Patients"
- ACLU 2/29/2010 Letter to Bloomfield Hills City Attorney: "Ordinance 385 Regulating MM"
- Hometown Life 5/30/2010 Article: "Bloomfield Hills Moves to Forbid Marijuana"
- New York Times 10/20/2009 Article: "U.S. Won't Prosecute in States that Allow MM"
- MML Review May/June Article: "MI MM Act gives Communities Three Options: Prohibit, Regulate or Do Nothing"

Mr. Sisson summarized his transmittal memo to the Commissioners by stating that given the growing concern that both legitimate and nefarious business interests are beginning to test the medical marijuana statute by opening various forms of dispensaries, it seems appropriate to bring up discussion on what might be accomplished by local regulations in Wayland (e.g. is there any benefit for the residents of Wayland) and what might be the best approach to local regulation. The question of whether there is any value in instituting a moratorium on medical marijuana businesses to allow the City time to make its assessment and to adopt a regulatory framework should also be discussed.

Commission members discussed the following:

- It is difficult for law enforcement to interpret & enforce marijuana laws with the ambiguities and inconsistencies in the new MM law
- Due to an election year, the State Legislature is unlikely to address the difficulties with the law
- There have been no suits filed thus far by growers where growing has been totally precluded
- Livonia & Bloomfield Hills are being sued by the ACLU for their ordinances that rely on the use of MM being deemed against other state or federal laws
- The law did not provide for or even address dispensaries; what if one or more caregivers cooperate and form what might be termed co-ops, joint ventures or happy houses?
- There is some talk about a possible statewide class action lawsuit
- May boil down to issue of the City's chances of being challenges vs. someone using the law to cover up an illegal operation

The Commission reached consensus that the City should consider declaring a moratorium on dispensaries so that the Planning Commission & City Council can confer with the City's corporate counsel, research how other communities are addressing the issue, review pending challenges to the law and develop a proposal for further consideration. The Chair stated that the above consensus would be recommended to the City Council for further action.

NEW BUSINESS: COURTESY SITE PLAN REVIEW OF PROPOSED RABBIT RIVER PARK

The City Manager stated that the Parks Committee, staff & the City's design consultant, M.C. Smith & Associates, were working on refining the site plan and design details for the new Rabbit River Park project. The Parks Committee desired the Planning Commission's input on the proposed park site plan before finalizing the project for bidding. Mr. Yonker reviewed the site plan panels, design details, budget & timeline for the Commissioners. Commission members offered the following comments:

- Consider using “turnpike” timber/limestone construction for all of the trails instead of the one asphalt section; less impact on trees & easier to maintain
- Consider some form of fully-shielded security lighting in and around the vault toilets & shelter area
- Ensure stormwater detention basin in center of parking area is designed to accommodate a 25-year storm flow event; make basin a no-maintenance natural area with native plants, grasses, flowers, etc.
- Encouraged the evaluation of returning the Rabbit River to its original streambed to enhance the park site & provide better and more diverse habitat for fish, amphibians, waterfowl and wildlife
- Encouraged the Committee to further pursue the acquisition of additional private land along the river between the park and Geneva Drive for further expansion of the park, the potential installation of connecting trails to Geneva & the schools, & to ensure permanent protection of the streambed, wetland & floodplain resources along the river.
- Thanked the Committee for requesting the Commission’s input into the parks design

The consensus of the Commission was to approve the proposed park’s location, character & extent of development as presented at the meeting, with the Parks Committee being asked to consider the Commission’s above comments.

NEW BUSINESS: SELECTION OF A COMMISSION SECRETARY

The Chair stated that the Commission needed to fill the position of Board Secretary and that he was open to nominations. **Moved** by Commissioner Frigmanski, **seconded** by Commissioner Ramey to nominate Commissioner Dykstra as Secretary; Mr. Dykstra accepted the nomination. No other nominations were forthcoming, so the Chair declared Mr. Dykstra elected by acclamation.

PUBLIC COMMUNICATIONS AND COMMISSION & STAFF COMMENTS

The City Manager updated the Commission on the status of the Superior St. railroad crossing signals/gates installation project; which are scheduled to be installed in September.

Commissioner Tobolic spoke of the important role of parks, recreation & tourism in economic development throughout Allegan County. She reported that the County Commission is proposing severe budget cuts in parks & recreation of 25%, and reductions of the tourism budget from \$18,000 down to \$3,000 this fiscal year. She encouraged the Planning Commissioners to contact County Commissioner Don Black and the rest of the County Board to express support for reinstating the proposed cuts.

There were no additional public communications or comments.

ADJOURNMENT

Being no further business before the Commission, Chair Gonzales adjourned the meeting at 8:50 PM.

Respectfully Submitted,

Chris A. Yonker
City Manager

J.D. Gonzales
PC Chair