

**WATERVLIET CHARTER TOWNSHIP
PLANNING COMMISSION/TOWNSHIP BOARD
JOINT MEETING MINUTES
MARCH 5, 2019**

Present: Glen Giannetti, Scott McKee, Colleen Curtis, Kevin Schuhknecht, Deanna Heminger, Joseph Stepich.

Meeting held in conjunction with the Watervliet Charter Township Board.
Township Board members present: Dan Hutchins, Tom Scheid, Robert Wallace, Joseph Stepich - seated with Township Board.

Also Present: Jessica Fette - twp. atty., Diana Householder.

Chairman Schuhknecht called the Planning Commission meeting to order at 2:02 p.m.

Roll call was taken.

The minutes of the February 26, 2019 meeting were read. D. Heminger questioned the statement at the end of paragraph 1 where it said; "She added that the types A, B & C licenses, by law, are stackable; meaning that once a grower possesses a Class A license, for example, they can then apply for a Class B or C and produce that many more plants from the facility." Township Attorney J. Fette stated that was incorrect as the only license that is stackable is the Class C.

C. Curtis made a motion to approve the minutes with the noted correction. G. Giannetti seconded and the motion carried unanimously.

At this time D. Hutchins moved to open the Township Board participation in the meeting at 2:08 p.m.

With regard to the latest draft ordinance, composed by J. Fette, she noted that even though the ordinance has adopted the definitions as enumerated in the State statute, those definitions are included in the ordinance as well and if there are any definitions included in the Michigan Medical Facilities Licensing Act that are not cited in the ordinance they shall be considered a part of the ordinance by adoption.

She further added that the agreed on number of facilities are cited in the draft ordinance as well as their specified locations and, further added that, grow facilities and processing facilities can co-locate but the Township could choose to keep them separate if they deem it necessary. She also added that a provision for any appeals relating to the licensing review process shall be to the Township Board.

K. Schuhknecht asked Fette if the Township or its police department could inspect any of the facilities at any time. Fette stated that the State statute grants authority to a local government with facilities in their jurisdictions to request inspections at any time during regular business hours.

The question was asked if a license application fee could be charged for each application. Fette said that the fee could be charged for every application submitted to the Township for approval with \$5,000 dollars being the maximum that could be charged. Township Board member T. Scheid asked if that fee could be refunded. Fette said that the fee could be refunded under certain circumstances.

Township Supervisor D. Hutchins inquired if there was any reference cited in the draft ordinance specifying distances facilities would have to be kept from residential properties. Fette said that the Planning Commission could make a recommendation for a specific distance requirement in the ordinance or a distance requirement could be added as a condition, on a case by case basis, as part of the issuance of a special land use permit since any and all permitted facilities will require a special land use permit. Hutchins stated that he did not want to see any facilities contiguous to any residential property and further said that it would be more fair and equitable if the distance requirements were made a part of the ordinance and further suggested a restriction, for a facility, of not being contiguous to or within 100 feet of residential property. Fette said that she would amend the draft ordinance to reflect that requirement as well as a set method of how the township would conduct those measurements.

J. Stepich stated that he noticed in a sample ordinance from another municipality that it contained a clause that waived and exempted the municipality from any liability associated with marihuana facilities and asked if that exemption clause should be added to Watervliet Township's proposed ordinance. Fette stated that she was sure the township was already covered under the general law exemption of governmental immunity, however, due to the peculiar nature of the medical marihuana acts she conceded that the inclusion of such a specific waiver would be a good idea and would add it to future drafts. K. Schuhknecht noted that the next Planning Commission meeting, for the resolution of the proposed medical marihuana facilities ordinance, will be Tuesday March 26, 2019 at 2:00 p.m.

With no further business scheduled for the Planning Commission, C. Curtis made a motion to adjourn. G. Giannetti seconded and the motion carried unanimously. The Planning Commission meeting was adjourned at 3:14 p.m.

D. Hutchins told the Township Board members in attendance that he was appointing Linda Rizzo to the Board of Review as an alternate member.

With no further business to come before the Township Board, J. Stepich made a motion to adjourn. T. Scheid seconded and the motion carried.

The Township Board participation in the meeting was adjourned at 3:20 p.m.

Respectfully Submitted,



Robert Lohr
Zoning Administrator