

Village of Bellaire

PLANNING COMMISSION

William Drollinger, Chairman

Commissioners: Clarence Bennett, Butch Dewey, Ken Fedraw, Robert Shumaker

PUBLIC HEARING MINUTES

Tuesday, June 28, 2011 at 5:00 p.m.

- 1. Call to Order:** Chair Bill Drollinger called the meeting to order at 5:00 p.m.

Attendance

Present: Bill Drollinger, Butch Dewey, Clarence Bennett, Ken Fedraw and Robert Shumaker

Absent: None.

Staff Present: Janet Koch, Zoning Administrator

Also Present: Colette Stanish, Becka Hollandsworth, Brandon McQueen, Trevor O'Connor, and one unidentified woman (arrived late).

- 3. Reading of the Public Hearing Notice and Establishment of Hearing Format:** Chairman Drollinger read the public notice for the record (see below):

The Village of Bellaire Planning Commission will hold a public hearing on Tuesday, June 28, 2011 at 5:00 p.m. in the Village Council Chambers at 202 North Bridge Street. The purpose of this hearing will be to solicit comments and opinions on the following proposed amendments to the Zoning Ordinance:

Amendment of Section 2.1 of the Zoning Ordinance, adding definitions regarding community gardens and medical marijuana, and;

Amendment of Article III of the Zoning Ordinance, adding Section 3.28 – Medical Use of Marijuana. The purpose of this section is to implement land use regulations to address the medical use of marijuana as authorized by the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26423. Also being considered is Section 3.29 – Community Gardens.

Amendment of Subsection 10.1.1 to allow the Planning Commission to review a basic site plan for a community garden.

- 4. Opening of Public Hearing:** The public hearing was opened immediately after the reading of the notice.

- 5. Compilation of List of Exhibits:**

Exhibit 1 - Map showing exclusionary zones for primary caregivers.

Exhibit 2 - Proposed ordinance.

Exhibit 3 - Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26423.

202 N. Bridge Street P.O. Box 557
Bellaire, Michigan 49615

6. **Public Comment Period:** Becka Hollandsworth, representing the Compassionate Apothecary dispensary and its owner, Brandon McQueen, spoke in favor of allowing compassion clubs. McQueen said the caregiver system as presented by the Planning Commission does not allow “uninterrupted availability” to marijuana as quoted in Section 8 of the Medical Marijuana Act.

McQueen said without the third public option of a dispensary, Section 8 will not be met. If there is no dispensary available, McQueen said he feels a black market for marijuana will continue to exist.

7. **Closing of Public Hearing:** The public hearing was closed at 5:20 p.m.
8. **Deliberations:** Bennett noted that a judge in Midland has ruled that medical marijuana in Michigan is illegal because it’s against federal law. Drollinger said he’d read about that ruling, adding that our legal counsel has recommended that the village not pass an ordinance forbidding medical marijuana because it opens the village to expensive litigation. He added that our circuit court has not yet ruled on medical marijuana.

Fedraw said that the Planning Commission was trying to protect the village from expensive lawsuit by following Michigan law and trying to stay within federal law by not creating an ordinance to allow dispensaries. He said he thought the Planning Commission, with the proposed ordinance amendments, was taking the right approach. Drollinger agreed.

Koch presented portions of the Master Plan for the Planning Commission to consider before approving the amendments. She read the general village goal of “Protect the health, safety and welfare of Village residents by coordinating the land use so that efficient public services are provided,” and the goal under Community and Economic Development to “Encourage a diversified economy, which supports a wide variety of business and industries to strengthen the local tax base, while preserving the natural environment and small town appeal.” The Planning Commission agreed that the proposed amendments met with these master plan goals approved in 2008.

Koch also noted that on page five, in Section 5. Severability, the words “Township Board” should be changed to “Bellaire Village Council.”

9. **Decision:**

Motion by Bennett, seconded by Fedraw to approve the proposed zoning ordinance amendment known as Ordinance No. ___ of 2011 with the change on page 5 of “Township Board” to “Bellaire Village Council.”

Motion carried by unanimous roll call vote.

10. **Closing Member and/or Open Public Comment:** Colette Stanish asked how a law enforcement officer can tell if a driver is under the influence of marijuana. Drollinger said it’s similar to the process for a driver under the influence of alcohol. If there is cause to pull over a driver, the driver is given an on-site sobriety test. If the driver fails, he or she is arrested and taken to the hospital to have a blood test.

11. Adjournment: Meeting adjourned at 5:30 p.m.

Minutes compiled by:
Janet Koch, Zoning Administrator

Approved: _____
William Drollinger, Chair

Date: _____