

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION PUBLIC HEARING AND REGULAR MEETING HELD
ON MARCH 23, 2017**

The Public Hearing was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, March 22, 2017. The Pledge of Allegiance to the Flag of the United States of America was led by Terry.

MEMBERS PRESENT: Tom Lehrer, Tim Feirick, Terry Harris, Dave Grabemeyer, Jon Tidey

OTHERS PRESENT: Attorney John Magyar, Recording Secretary Lindsay Krohne, three members from the public.

ABSENT: Jerry Donley, Bill Zuhl

Chairman Terry Harris stated the reason for the Public Hearing, being the review of the recommended elimination of ordinance 3.29 J and sections pertaining to medical marijuana (Section 2.14 definitions referencing medical marijuana).

Tom Lehrer read the Public Notice.

Chairman Terry Harris opened the floor for public comment at 7:05 p.m.

PUBLIC COMMENT

Ellen Kummerl spoke in favor of medical marijuana and stated she was in favor of it for people who need it for medical reasons. She stated that the only alternative is opiates, which is worse in her opinion. She stated that she would like to see the township take some stance on it. She also stated that you can get a license across from the Sister Lakes School, which she has some concerns about. Ellen stated that she suggests postponing their motion until they do more research. She added that if she had stage four cancer, she might choose medical marijuana and wouldn't know where to get it.

There was no other public comment.

Chairman Terry Harris closed the floor for public comment at 7:12 p.m.

WRITTEN COMMENTS

Secretary Tom Lehrer stated that there were no written comments received.

COMMISSION DISCUSSION

Chairman Terry Harris stated that he spoke with Sheriff Behnke, and the state law recently changed again. He stated that Sheriff Behnke's recommendation is to eliminate the references to

medical marijuana from the ordinance. He stated that at the federal level, it is still illegal even though the state has taken a difference stance on it.

Tom Lehrer stated that we have no control over medical marijuana in a person's house and clarified that Sheriff Behnke was referencing dispensaries. Dave Grabemeyer added that someone could still grow the plants. Tom Lehrer stated that the main thing is distribution, which we don't zone.

Attorney John Magyar advised eliminating the reference to medical marijuana so they don't become involved; there would not be any dispensaries permitted in the township. The county would then decide where dispensaries would be permitted.

MOTION TO CLOSE PUBLIC HEARING

Dave Grabemeyer motioned to close the public hearing. Tom Lehrer seconded. Motion passed by voice vote.

Chairman Terry Harris closed the public hearing at 7:17 p.m.

REGULAR PLANNING COMMISSION MEETING

Chairman Terry Harris called the regular meeting to order at 7:18 p.m.

APPROVAL OF AGENDA

Tim Feirick motioned, seconded by Tom Lehrer, to approve the March 22, 2017 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

APPROVAL OF MINUTES

Dave Grabemeyer motioned, seconded by Tom Lehrer, to approve the January 25, 2017 Silver Creek Township Planning Commission meeting minutes, with the following change:

To reflect that Jerry Donley has missed 3 non-consecutive meetings: October, November, and January as there was no meeting in December.

Motion carried by voice vote.

COMMUNICATIONS

Terry Harris extended, as the Board, their condolences to Trustee and Planning Commission member Bill Zuhl and the Daly family, for the loss of Bill's father-in-law Patrick Daly. He added that he was a trustee for Keeler Township for 35 years, as well as a Planning Commission member for Keeler Township.

Secretary Tom Lehrer updated the Planning Commission members on the attendance situation with Jerry Donley. Tom stated that the issue was discussed at the March 8, 2017 Township

Board meeting and the outcome is that Jerry Donley was being sent a letter explaining that his absences would be considered with his reappointment in 2018. Discussion followed.

PUBLIC COMMENT

None.

TOWNSHIP ATTORNEY'S REPORT

Attorney John Magyar stated that there is nothing currently going on, other than the possible appeal for the Ward property. Magyar stated that he provided the transcript of the October 5, 2017 ZBA meeting and the next step would be circuit court, if it went that far.

BUILDING/ZONING ADMINISTRATOR'S REPORT

Nothing to report.

NEW BUSINESS

DISCUSSION REGARDING MEETING DATES

Chairman Terry Harris stated that the Planning Commission has gone through the ordinances already, and have had regular issues, but nothing requiring a regularly scheduled monthly meeting. He suggested consideration of scheduling a Planning Commission meeting every other month; not during November-January; keeping it the way it is. Terry added that the average of their meetings is 48 minutes, which is a lot of money for the Township to bring together the board if there is nothing significant to be addressed. Discussion followed. Terry added that he has the power to bring together the board if needed, as well as any two members of the commission if something comes up that needs to be addressed right away.

Tom Lehrer stated that he is against not meeting in the winter with the excuse of lake property owners not being present, as he feels that is not true. Dave Grabemeyer stated that they had received a lot of feedback in the past about holding important meetings in the winter months. He suggested every other month meetings, unless something important comes up.

Terry stated that he believes the requirement is to meet once a quarter, and Trustee Mike Glynn, answered that the Planning and Enabling Act states that requirement, but the bylaws say that they will meet every month, unless there is no business to conduct.

Discussion followed. Terry Harris stated that there may be things they should be doing that they are not, and the Capital Improvement and Master Plan were two things that they do.

The Planning Commission members discussed their options, which resulted in Terry Harris agreeing to put together a schedule to be presented at the next Planning Commission meeting.

UNFINISHED BUSINESS

DISCUSSION AND VOTE ON THE ELIMINATION OF SECTION 3.29 J

Chairman Terry Harris stated that they had received input from the community, and the commission discussed the elimination of section 3.29 J. He recommended they move forward with a motion. He added that they would be cleaning up the ordinance based on recommendation from law enforcement.

Discussion followed. Attorney John Magyar stated that the township would not be regulating dispensaries, and agreed the county should address it. He added that we only have a part time police force, and the best place for the dispensaries would be in the City of Dowagiac or commercially zoned areas, and not in Agriculture zoned properties or in the lake area.

Discussion on what exactly to eliminate took place.

MOTION TO ELIMINATE SECTION 3.29 J AND 2.14 DEFINITION OF MARIHUANA DISPENSARY OR DISPENSARY

Dave Grabemeyer motioned to eliminate Section 3.29 J and 2.14 definition of Marihuana Dispensary or Dispensary. Tom Lehrer seconded

(Yes) 5: Dave Grabemeyer, Terry Harris, Tim Feirick, Tom Lehrer, Jon Tidey

(No) 0: None

(Absent) 2: Jerry Donley and Bill Zuhl

Motion carried by roll call vote.

Terry Harris stated that they would forward to the Township Board for their vote.

COMMISSION MEMBER COMMENTS

Terry Harris stated that it was almost 7:50 and they had already had a public hearing and regular meeting, showing the need for fewer meetings. He added that he wasn't sure yet of the next scheduled meeting date, but he would let everyone know.

PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Lindsay Krohne
Recording Secretary

Tom Lehrer
Planning Commission Secretary

To be approved at the next scheduled Planning Commission meeting