

Minutes Sliver Creek Township

Planning Commission Meeting; January 25, 2017

The Planning Commission meeting was called to order by Vice chairman Tim Feirick at 7p.m. on Wednesday January 25, 2017. The Pledge of Allegiance to the Flag of the United States of America was led by Dave Grabmeyer.

MEMBERS PRESENT: Bill Zuhl, Dave Grabmeyer, Tim Feirick, Tom Lehrer and Jon Tidey.

OTHERS PRESENT: Attorney John Magyar, Building/Zoning Administrator Todd Herter, and Cass County Sherriff Richard Behnke.

ABSENT: Jerry Donley and Terry Harris.

APPROVAL OF AGENDA

Bill Zuhl motioned, seconded by Tom Lehrer, to approve the January 25, 2017 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

APPROVAL OF MINUTES

Dave Grabmeyer motioned, seconded by Tom Lehrer, to approve the November 30,2016 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

COMMUNICATIONS

Letter received from Jerry Donley read aloud by Secretary Tom Lehrer. Copy attached.

PUBLIC COMMENT

None

TOWNSHIP ATTORNEY'S REPORT

Attorney Magyar had nothing to report

BUILDING AND ZONING ADMINISTRATOR'S REPORT

Building and zoning administrator Todd Herter had nothing t report

NEW BUSINESS

Cass County Sherriff Behnke covered in detail the Michigan state ruling on the **Medical Marijuana Act**.

“The Michigan Medical Marijuana Act, allows qualified patients and registered caregivers identified with those patients to use marijuana for specified medical conditions. That law did not legalize marijuana, but it prohibits prosecution or penalizing qualified patients and registered caregivers who use marijuana for those purposes as long as the comply with the MMMA.

Subsequent court opinions clarified that only those persons who were qualified patients and registered caregivers (and persons who met the requirements of section 8 of the MMMA, even if not registered with the state) could exchange or use medical marijuana. A third party—a person providing or selling marijuana to a qualified patient who is not that person’s registered caregiver—does not have the protection from prosecution under the MMMA. Any arrangement outside of the patient-caregiver relationship, including “dispensaries”, does not comply with the MMMA and is illegal.

A six page, detailed explanation of the medical marijuana law from Sherriff Behnke is attached.

According to the law, local governments, i.e. Townships and cities, have the authority to approve or deny dispensary operations. Sherriff Behnke recommends that we not allow dispensaries within our township. In order to accomplish this, we must eliminate Ordinance Section 3.29-J.

A motion by Bill Zuhl and seconded by Dave Grabmeyer to instruct Attorney Magyar to hold a public hearing regarding this ordinance was carried by voice vote. Public hearing on this matter set for March 22, 2017.

COMMISSION MEMBER COMMENTS

Bill Zuhl read the following Planning Commission by law:

“Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings then that member shall be considered delinquent. Delinquency shall be grounds for the Silver Creek Township Board to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary shall keep attendance records and shall notify the Township Board whenever any member of the Commission is absent from three consecutive

regularly scheduled meetings, so the Township Board and consider further action allowed under law or excuse the absences.”

Bill Zuhl asked Secretary Tom Lehrer to inform the Township Board that Jerry Donley has missed four consecutive regularly scheduled meetings. Dave Grabmeyer stated that having Jerry attend meetings via telephone were more disruptive than productive. Tom Lehrer stated that in the past, we have informed the Township Board at least twice of this situation with no resolution. It is felt that missing this number of meetings does not allow full understanding of the activities of this Commission. The consensus of the members of the Planning Commission is to inform the Township Board again of the situation.

Tim Feirick verified the next Planning Commission meeting date of February 22, 2017.

PUBLIC COMMENT

None

ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Tom Lehrer

Secretary

To be approved at the February 22, 2017 meeting.