

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
MONDAY, MARCH 26, 2018 – 6:30 P.M.**

CALL TO ORDER: Chairman Wascher called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Recited.

ROLL CALL: Tanya Buckelew

MEMBERS PRESENT: Chairman Wascher, Vice-Chair Livingston, Commissioners Adams, Kirkland, Taylor.

MEMBERS ABSENT: Secretary Janae Fear, Commissioners Cook, Fear, Jenkins and Law.

OTHERS PRESENT: Assistant City Manager Susan Montenegro, City Attorney Scott Gould

APPROVAL OF AGENDA:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR MARCH 26, 2018.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSION TAYLOR TO APPROVE THE MINUTES FOR THE FEBRUARY 26, 2018 MEETING.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from February 26, 2018
3. Sign ordinance, section 26-19/public hearing notice
4. Draft ordinance for Medical Marihuana
5. Letter to planning commission-Pollicella & Associates, PLLC
6. Master Plan update guide from MEDC

COMMISSIONER/PUBLIC COMMENTS:

Mark Hanna asked about religious institution on page 9 of 11. It is intended to be removed.

Leo asked about the distance and measurements in Westtown. There are residential homes about 30' from back of the buildings which would eliminate Westtown. Further discussion on measurement requirements that are in the draft ordinance.

Bob Hendricks of Wrigley, Hoffman and Hendricks represents the owner of 200 E Main St (former Citizens Bank building). Recommends removing caps and use zoning as a buffer for provisioning centers.

PUBLIC HEARING: Sign ordinance amendment, section 26-19

The city had not received any comments regarding the change to the ordinance. No one spoke during the public hearing.

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO RECOMMEND APPROVAL OF A PROPOSED AMENDMENT TO CHAPTER 26, SIGNS, SECTION 26-19 (1) A OF THE CODE OF THE CITY OF OWOSSO, AS ATTACHED, REDUCING THE REQUIRED SETBACK FROM ANY PUBLIC OR PRIVATE STREET RIGHT-OF-WAY TO FIVE (5) FEET.

RCV YEAS ALL MOTION CARRIED

SITE PLAN REVIEW:

None

BUSINESS ITEMS:

None

ITEMS OF DISCUSSION:

1. Draft ordinance language for Medical Marihuana Facilities Licensing. Look at proposed ordinance language and discuss.

- A revised draft from the February 2018 meeting was discussed.
- All special use permit language has been removed
- City Attorney Scott Gould presented his recommendations:
 - Sec. 1001 – add *Further, the city does not intend that permitting and regulation under this chapter to be construed as a finding that such facilities comply with any law.*
 - Sec. 1004 – add *If the application is for a grower's license, the maximum number of plants that the applicant intends to grow will be included.*
 - Sec. 1004 – add *The License requirement in this chapter applies to all facilities whether operated for a profit or not for profit.*
 - Sec. 1005 – add *Applications for renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered.*
 - Sec. 1007 – add D. *A license issued under this chapter may be suspended or revoked for any of the following violations:*
 - (1) *Any person required to be named on the permit application is convicted of or found responsible for violating any provision of this chapter;*
 - (2) *A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the city with any other false or misleading information related to the facility;*
 - (3) *Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application;*
 - (4) *Marihuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;*

(5) *The facility is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the city or any other applicable state or local law, rule or regulation.*

(6) *The city, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or other applicable state or local laws related to public health and safety.*

(7) *The facility is determined by the city to have become a public nuisance.*

(8) *The facility's state operating license has been suspended or revoked.*

- Discussion held regarding adding the word alcohol to Other Activities
- Add to Provisioning Centers - *A new application for a provisioning center, or a request to transfer location of an existing license, may be denied if the proposed location is within 200 feet of a school. The City may waive the school provision if the school does not file an objection to the proposed license. If the school does file an objection, the City shall hold a hearing before making a decision on the issuance of the license.*
- Discussion about measuring distance. Agreed to keep what is in the draft.
- Accepting applications – need a process. Discussion on the first round of applications. Set a 30 day deadline to submit and then the 4 applicants would be chosen by a lottery (for provisioning centers only). The State does the heavy work on backgrounds and qualifications of applicants. Applicant would pay \$5,000 up front and if don't make lottery, they would receive \$2,500 back. If a license is vacated, do another lottery.
- A rough draft will be completed with the new changes and presented at the April 23, 2018 Public Hearing.

2. Master Plan updates review process. Discuss the timeline and implementation strategy necessary to update the current mast plan.

- An update guide has been provided by the MEDC.
- Planning commission members are asked to review the current Master Plan and using the review table on page 7 (from MEDC guide) make recommendations to update the Master Plan.
- The planning commission will review sections at upcoming meetings and hopefully by September they can start the public hearing process.

COMMISSIONER/PUBLIC COMMENT:

Hillary Dulany spoke about the selection process. Does not feel the lottery is fair. Other ways to make selections. Hire an outside service to do the criteria selection.

Chuck Senatore states there is a risk with the lottery system. How are applicants going to know the lottery system is fair – just throw everyone in a hat? It would have to be in public viewing.

At this time, additional discussion about the lottery system was held. It would have to be in a public setting/meeting, just like the opening of bids process is. The City is concerned of liability and doing the selection process by criteria, numbering system, etc. Legal opinion is the lottery system has the lowest liability factor.

Mark Hanna spoke about those applicants with experience and how the lotto could exclude them.

ADJOURNMENT:

**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO ADJOURN AT 8:07 P.M. UNTIL THE NEXT MEETING ON APRIL 23, 2018.
YEAS ALL, MOTION CARRIED.**

Janae L. Fear, Secretary