

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
January 26, 2015 – 7:00 pm

CALL TO ORDER: Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all in attendance.

ROLL CALL: Roll Call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman William Wascher, Vice-Chairman Francis Livingston, Secretary Tom Kurtz, Commissioners Mike O'Leary, Brent Smith, Thomas Taylor, Craig Weaver, and Randy Woodworth.

MEMBERS ABSENT: Commissioner David Bandkau.

OTHERS PRESENT: Susan Montenegro, Assistant City Manager and Director of Community Development; City Attorney William Brown; Helen Granger, Independent; Tim Rath, The Argus Press.

AGENDA APPROVAL: **MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER WOODWORTH TO APPROVE THE AGENDA FOR JANUARY 26, 2015.**
YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL: **MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE MINUTES FOR THE MEETING FOR DECEMBER 8, 2014.**
YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from December 8, 2014
3. Commissioner Conflict of Interest
4. Smoking Lounge Ordinances Examples
5. Michigan Smoke Free Law FAQ
6. House Bill 4271 (stalled in senate).
7. Detroit Free Press Article

COMMISSIONER / PUBLIC COMMENTS:

Commissioner Woodworth asked if there is a chance of getting a copy of the draft board minutes before the next meeting packet. He read where the city council was taking action on the planning commission's recommendation and he would like to review the minutes sooner in the future. Recording Secretary Marty Stinson replied yes - they are usually done within a week after the meeting. Another board member commented they are usually on the city's website if you want to see them. Commissioner Woodworth would like the draft e-mailed to the board members. Ms. Stinson replied she will do so from now on.

Commissioner Kurtz noted there is a house bill which may impact city ordinances regarding the protection of amateur radio antennas. It was in last Wednesday's Independent, and is sponsored by Dick Camp; Michigan PRB1.

Commissioner Woodworth asked about the cost of making the city map / GIS available online. Ms. Montenegro, Assistant City Manager and Director of Community Development will check for costs.

PUBLIC HEARING: None

SITE PLAN REVIEW: None

ITEMS OF DISCUSSION: Commissioner Conflict of Interest

Mr. Bill Brown, City Attorney, discussed the issue regarding planning commissioners' conflict of interest and the appropriate protocol. One of the main things is to go back to the bylaws, Article 6, Section 6.1, Paragraph 6, the last two sentences: "An official with a conflict of interest must make that interest public, abstain from voting on the matter, and leave any chamber in which such deliberations are to take place. The official must not discuss the matter privately with any other official voting on the matter." Last month the commissioners voted to allow a commissioner to remain in the chambers during deliberations. That can open a can of worms to the planning commission. Mr. Brown continued that it is standard advice to leave the room. The point is you don't want the cloud of suspicion over the room or any action that could lead to a problem. Mr. Brown suggested a submission in writing. The board could talk to the commissioner in the hallway if they have any questions during the proceedings. It was suggested that Commissioner Woodworth could possibly serve the city in some other capacity than on the Planning Commission as he has so many involvements with various projects. Mr. Woodworth firmly believes he belongs on this commission. Commissioner Woodworth confirmed that we are going to continue to honor the bylaws by doing submissions in writing and leaving the room during the hearing / discussion / voting. Chairman Wascher replied yes.

BUSINESS ITEMS:

1. Medical Marihuana Dispensary Language for Owosso Code of Ordinance.

Commissioner Kurtz asked in reading through sample ordinances, they all referred to obtaining a license. Is that licensed created by the state or the municipality? Ms. Montenegro thought it was a city license. She isn't aware that the state issues licenses. Mr. Kurtz noted that there is one key piece in city ordinances that businesses that are smoking establishments had to be a completely separate structure.

7:18 p.m. Bill Brown left the meeting.

Discussion followed regarding state law not being adopted yet; licensing; loopholes in the ordinance; goals of this commission.

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER WEAVER TO KEEP THE ORDINANCE THAT IS ALREADY ON RECORD WHICH IS SECTION 38-217 (2) g. MEDICAL MARIHUANA DISPENSARY OR CLINIC PROVIDED THAT THE MEDICAL MARIHUANA DISPENSARY OR CLINIC IS OPERATED IN FULL COMPLIANCE WITH THE MEDICAL MARIHUANA ACT, MCL 333.26421, AND NO MEDICAL MARIHUANA DISPENSARY OR CLINIC SHALL BE LOCATED WITHIN ONE THOUSAND (1,000) FEET OF ANOTHER DISPENSARY, ANY PARK IDENTIFIED AND SO SIGNED BY THE CITY, OR ANY PUBLIC OR PRIVATE SCHOOL, COLLEGE, OR UNIVERSITY PROPERTY, NOR SHALL ANY DISPENSARY BE LOCATED WITHIN FIVE HUNDRED (500) FEET OF THE FOLLOWING USES, AS DEFINED AND MEASURED BY THE MICHIGAN LIQUOR CONTROL ACT, MCL 436.15031:

1. ANY HOUSE OF WORSHIP;
2. ANY PARCEL ZONED AND USED FOR RESIDENTIAL PURPOSES;
3. ANY LICENSED DAY CARE FACILITY;
4. ANY PUBLIC LIBRARY.

ROLL CALL VOTE:

YEAS: KURTZ, LIVINGSTON, O'LEARY, SMITH, TAYLOR, WASCHER, WEAVER AND WOODWORTH

NAYS: NONE

ABSENT: BANDKAU

2. Smoking (Hookah) Lounge Language for Owosso Code or Ordinance.

It was noted that there is nothing currently on city ordinances regarding smoking (hookah) lounges. Discussion followed regarding specialty tobacco retail store; hookah lounge, state standards; city ordinance.

MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER LIVINGSTON TO RECOMMEND TO CITY COUNCIL TO HAVE THE SAME TYPE OF RESTRICTIONS FOR HOOKAH LOUNGES AS WE ALREADY HAVE FOR MARIHUANA LOUNGES ON SECTION 38-217 (2) g. WITH THE FOLLOWING DEFINITION ADDED:

SMOKING LOUNGE SHALL MEAN AN ESTABLISHMENT, WHICH HAS A STATE ISSUED SMOKING BAN EXEMPTION CERTIFICATE, AND THAT ALLOWS SMOKING OF TOBACCO PRODUCTS OR NON-TOBACCO PRODUCTS OR SUBSTANCES ON THE PREMISES. THE TERM "SMOKING LOUNGE" INCLUDES, BUT IS NOT LIMITED TO, FACILITIES COMMONLY DESCRIBED AS TOBACCO RETAIL SPECIALTY STORES, CIGAR BARS AND LOUNGES, HOOKAH CAFES AND LOUNGES, TOBACCO BARS AND LOUNGES, TOBACCO CLUBS OR 0% NICOTINE ESTABLISHMENTS.

ROLL CALL VOTE:

YEAS: KURTZ, LIVINGSTON, O'LEARY, SMITH, TAYLOR, WASCHER, WEAVER AND WOODWORTH

NAYS: NONE

ABSENT: BANDKAU

COMMISSIONER / PUBLIC COMMENTS:

Chairman Wascher read in the paper that the Lincoln school project was back on. Where does that leave the planning commissioners? Ms. Montenegro said as long as nothing is changed in the plans, it can just be an administrative sign off by herself.

Commissioner Weaver read the Cook Foundation is offering a \$1,000,000 grant if the school millage passes at the next election.

Ms. Montenegro mentioned the conference she recently attended. How many know everything about site plan review? How many recognize the level of liability they are exposed to? She announced training events upcoming that she will forward to commissioners. If we can get 20 people together, trainers will come on site. Maybe we can get other cities and the county to join us.

Ms. Montenegro announced the Parks and Recreation Commission is having a Plunge for the Parks on February 28. So far we have 18 people plunging and we are looking for more. The money will be used to improve the skate park off of Gould Street. The local bikers group is donating \$2500 for skate park improvements. She asked the commission for jumpers and donations.

ADJOURNMENT:

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER O'LEARY, TO ADJOURN AT 7:53 P.M. UNTIL THE NEXT MEETING ON FEBRUARY 23, 2015.

YEAS ALL. MOTION CARRIED.

Tom Kurtz, Secretary

mms