



## Agenda: Battle Creek City Commission

**Meeting Type:** Workshop

**Meeting Date:** August 15, 2017

**Chair:** David A. Walters, Mayor

**Prepared By:** City Hall - Commission Chambers

City Commission

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### ATTENDANCE

#### Attendance

Mayor Dave Walters	Rebecca Fleury, City Manager
Vice Mayor Susan Baldwin	Ted Dearing, Assistant City Manager
Commissioner Mark Bahnke	Jill Steele, City Attorney
Commissioner Kaytee Faris	Victoria Houser, City Clerk
Commissioner Kate Flores	Jim Blocker, Police Chief
Commissioner Lynn Ward Gray	Eric Feldt, City Planner
Commissioner Deb Owens	
Commissioner Andy Helmboldt	
Commissioner Mike Sherzer	

### DISCUSSION ON MEDICAL MARIJUANA LICENSING

Mayor Walters informed attendees that the Public Comment period has been moved to the end of the meeting, following the City Attorney's presentation and Commission discussion, stating the workshop would end at 6:45 pm. Mayor Walters invited all attendees who may not have an opportunity to speak at the workshop to discuss speak during the Commission meeting public comment period, after the meeting or via email. Mayor Walters noted the workshop was strictly informational, stating no vote would be taking place.

Rebecca Fleury, City Manager, confirmed information was being presented to the Commission for consideration.

Jill Steele, City Attorney, presented information to the Commission and attendees on the Types of Licenses for Medical Marihuana Facilities. Ms. Steele noted this new act has no impact on the state act that was passed in 2008 regarding qualified patients and caregivers. Ms. Steele provided a review of the MMFLA, including the applicable taxes and fees. Ms. Steele also discussed the municipality's role and power if an ordinance is adopted, including zoning. Ms. Steele discussed the five types of licenses available, providing a chart listing the possible number of facility types if an ordinance was adopted. Ms. Steele provided information relative to surrounding municipalities decisions related to the type of licensing they would allow. Ms. Steele requested the Commission provide direction to staff as to enacting an ordinance, and if so, which types and numbers of licenses.

Comm. Sherzer cautioned that the local police department had the authority to enforce any laws related to MMFLA.

Comm. Flores asked for additional information for not considering certain areas.

Eric Feldt, City Planner, provided various maps where licensing for each license type may be granted. Mr. Feldt noted agricultural areas were dedicated to growing crops outside, noting they also had fewer city utilities and few eyes on the street, noting most were clustered in the southwest area of the city. Mr. Feldt noted medical marihuana was grown indoors, with utilities and climate controls, such as a warehouse or industrial building. Mr. Feldt noted the state may have particular requirements related to the structure in which the medical marihuana is grown. Mr. Feldt stated the Master Plan recommends avoiding the installation of new expensive infrastructure in agricultural areas because of the low density and type of use.

Ms. Steele noted another concern was potential run-off to wells in agricultural areas.

Comm. Flores asked if the act restricted the type of buildings, stating she thought greenhouses may be used for growing. Comm. Flores asked how the city or state regulated pharmacies.

Ms. Steele stated building requirements had not been established yet.

Mr. Feldt stated pharmacies are regulated through zoning, particularly the allowed uses per district, stating pharmacies would be in the commercial districts. Mr. Feldt also stated there were few standards specifically for pharmaceutical uses over other facilities, such as height, parking requirement, set backs and does it conform to uses, stating there may be other restrictions outside of zoning.

Comm. Gray asked if there had been discussions around edibles with other municipalities.

Ms. Steele stated she had not researched Kalamazoo's ordinance details to determine if edibles were included.

Comm. Faris asked if edibles had been mentioned at the state level. Ms. Faris also asked if the state had established any setback or buffer requirements around other business types, such as liquor license holders.

Ms. Steele agreed to do more research once the state has provided more information. Ms. Steele noted the state is leaving the zoning requirements to the municipalities.

Comm. Gray asked if notifications would be sent to adjacent property owners where a MMFLA license had been requested.

Ms. Steele stated the adopted ordinance would be included with the licensing application, stating this would be different than the liquor licensing process, stating the distance requirements would need to be in the ordinance, noting the state grants the license.

Mr. Feldt noted a special use permit would have a public hearing to determine if the proposed property use would fit current uses and be harmonious, the Planning Commission would provide a public hearing.

Comm. Flores stated she would like to hear from the community, suggesting a community survey be available.

Comm. Faris agreed more community input would be beneficial, especially regarding set backs and buffers, also including the number of licenses allowed.

Comm. Helmboldt agreed, stating he was in support of all 5 facility types.

Comm. Flores expressed concern with unused school buildings, if buildings reopen after an MMFLA business was established.

**PUBLIC COMMENT - Limited to three minutes per individual**

Kevin Chang, 1100 W. Maple Rd, Troy, Michigan, commended the City for discussing the MMFLA, recommending a strict process for receiving approval of permits and to consider how the MM facilities may benefit the community.

Tim Woodhams, 1503 Center St, Portage, asked if the first person with site approval or the first with the approval from the state would be given the license.

David Moore, 102 Taylor Avenue, commented on the number of rules and regulations.

Jerry Steiner, 115 S 26th St, encouraged the City to welcome all 5 types of facilities, asking if licensing would be open to residents before people from other areas in the state.

Nate Phillips, 3623 Lancaster Dr, Kalamazoo, questioned the differences between Battle Creek and Kalamazoo, asking about zoning restrictions and liquor stores, number of licensing facilities on the same parcel, such as grower and processor, and requirements for transport between facilities.

Mayor Dave Walters expressed appreciation to Ms. Steele and Mr. Feldt for the information and presentation. Mayor Walters also thanked the public for attending.

## **ADJOURNMENT**

Mayor Walters adjourned the meeting at 6:44 pm.

Citizens who wish to address a specific issue on the floor may do so after being recognized by the Mayor or presiding Commissioner. At the time for general public comments, after being properly recognized, citizens may address the commission on any subject within the control and jurisdiction of the City of Battle Creek. Citizens will be subject to the following summarized limitations, which are set out fully in ordinance 212.02, Art XVII:

1. Citizen comments on any Resolution before the Commission may be made either before or after the Commissioners have had an opportunity to discuss the Resolution, at the discretion of the Chair;
2. Citizens wishing to speak to a particular Resolution should raise their hands and wait to be recognized before speaking;
3. Before speaking, an individual who has not filled out a comment card disclosing this information, shall identify themselves by name and address and, if appropriate, group affiliation for the record.
4. Citizens will confine their remarks to matters currently pending on the floor, and be brief and concise in making their remarks;
5. If a citizen becomes repetitive or, in the opinion of the Chair, takes an inordinate amount of time in making comments, that citizen will be ruled out of order and the Commission will continue with its business;
6. Citizens should address all remarks to the Commission as a whole, and not to individual Commissioners.

These Rules will apply to comments by citizens during the Public Comment section of the Agenda.

The City of Battle Creek will provide necessary, reasonable, auxiliary aids and services, such as signers for the hearing impaired, and audiotapes of printed materials being considered in the meeting, upon seven days' notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aids or services, should contact the City of Battle Creek by writing or calling the following:

Victoria Houser

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