

**CITY OF MASON  
PLANNING COMMISSION MEETING  
MINUTES OF MARCH 15, 2016**

Chairperson Reeser called the meeting to order at 6:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Commissioners: Barna, Brown, Fischer, \*Hagle, Hude, Reeser Sabbadin, Scott, Waxman  
Absent: Commissioner: None  
Also present: David Haywood, Zoning & Development Director  
Deborah J. Cwierniewicz, City Clerk

**APPROVAL OF MINUTES:**  
**Regular Minutes of February 9, 2016**

The regular meeting Minutes of February 9, 2016 were approved as submitted.

**PEOPLE FROM THE FLOOR**

None.

**ANNOUNCEMENTS**

None.

**REGULAR BUSINESS**

**Motion – Medical Marihuana Draft Ordinance**

Haywood spoke regarding the two resolutions presented for consideration: A resolution to amend Section 94-173 of the Mason Code that would add the definition of medical marihuana and compliance requirements with the Michigan Medical Marihuana Act of 2008, or a resolution to repeal Article III. Medical Marihuana from Chapter 10 of the Mason Code. He stated that at the March 9, 2016 City Council meeting, Attorney Hitch gave a brief overview of his February 2, 2016 memorandum and the current status of the proposed medical marihuana ordinance. Council discussed the need for an ordinance that would repeat State law. Council and the city attorney agreed it seemed sensible to consider repealing existing local legislation concerning medical marihuana. Discussion ensued on the matter.

MOTION by Sabbadin, seconded by Hagle,  
to introduce and approve Planning Commission Resolution – A Resolution  
Recommending that the City Council Adopt an Ordinance to Amend Section 94-  
173 – Supplemental Use Regulations – by Adding Subsection (k) Medical  
Marihuana – which Defines Medical Marihuana and Sets Forth the Requirements  
for Compliance with the Michigan Medical Marihuana Act Of 2008.

VOTE:

Yes (0)

No (9) Barna, Brown, Fischer, Hagle, Hude, Reeser Sabbadin, Scott, Waxman

**MOTION FAILED**

\*Hagle left the meeting at 6:56 p.m.

A brief discussion ensued regarding the existing moratorium on the current medical marihuana ordinance and it was the consensus that a moratorium on a repealed ordinance would be ineffective.

MOTION by Sabbadin, seconded by Waxman, to consider Planning Commission Resolution – A Resolution Recommending that the City Council Repeal Article III of Chapter 10 – Businesses – Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 that Regulate Medical Marihuana Caregiver and Dispensaries, read.

Introduced by Sabbadin, seconded by Waxman, Planning Commission Resolution – A Resolution Recommending that the City Council Repeal Article III of Chapter 10 – Businesses – Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 that Regulate Medical Marihuana Caregiver and Dispensaries.

MOTION by Brown, second by Waxman, to amend Planning Commission Resolution – A Resolution Recommending that the City Council Repeal Article III of Chapter 10 – Businesses – Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 that Regulate Medical Marihuana Caregiver and Dispensaries, in the last paragraph by striking the words, “Amend Section 94-173 – Supplemental Use Regulations – by Adding Subsection (k) Medical Marihuana – which Defines Medical Marihuana and Sets Forth the Requirements for Compliance with the Michigan Medical Marihuana Act Of 2008 and to.”

MOTION APPROVED

**CITY OF MASON  
PLANNING COMMISSION RESOLUTION NO. 2016-01  
A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL REPEAL ARTICLE III OF  
CHAPTER 10 – BUSINESSES – SECTIONS 10-70, 10-71, 10-72, 10-73, 10-74 AND 10-75  
THAT REGULATE MEDICAL MARIHUANA CAREGIVER AND DISPENSARIES**

**March 15, 2016**

**WHEREAS**, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

**WHEREAS**, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

**WHEREAS**, the Mason Planning Commission has studied how to effectively regulate dispensaries and primary caregiver operations, including public input, to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

**WHEREAS**, the City of Mason, as part of the regulatory process, on March 17, 2014 adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

**WHEREAS**, the City of Mason has not received any applications for licenses for primary caregiver operations or dispensaries; and

**WHEREAS**, the Planning Commission, after considerable deliberation, legal advice, public input, case law review, and research, has determined that restrictions on the activities related to medical marihuana, registered patients and caregivers that are inconsistent with the Michigan Medical Marihuana Act of 2008 would be very challenging to enforce and/or unlawful; and

**WHEREAS**, the Planning Commission has determined that it does not make sense to impose a local ordinance so similar to the Michigan Medical Marihuana Act of 2008, which is already enforceable by the Mason Police Department; and

**WHEREAS**, a public hearing on the ordinance was noticed and held at the Planning Commission's regular meeting of March 15, 2016, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code; and

**WHEREAS**, the Mason Planning Commission recommends repealing Article III of Chapter 10, Businesses, Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 of the Code of the City of Mason.

**NOW THEREFORE BE IT RESOLVED**, that the City of Mason Planning Commission does hereby recommend that the City Council adopt the attached ordinance to repeal Article III of Chapter 10, Businesses, Sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 of the Code of the City of Mason.

### RESOLUTION APPROVED

#### **Discussion – Food Truck Ordinance**

Haywood elaborated on his memorandum to the Commission and related information regarding regulating food truck businesses and recommended that a workshop and/or additional public forum be set. He provided Commissioners with a correspondence from Jonathon Frasier, owner of Good Bites food truck business.

Discussion was held regarding various aspects of regulating food truck businesses.

It was the consensus of the Commission to set a workshop that would include public comment on Tuesday, March 29 at 6:30 p.m.

#### **UNFINISHED BUSINESS**

Upon request, Haywood responded on the status of the Capital Improvement Plan and plans to prioritize and update the Zoning Ordinance.

#### **NEW BUSINESS**

It was discussed to consider an International Fire Code and a property rental code. Brown informed Commissioners that the Council passed a motion to direct the Planning Commission to look at a proposed ordinance regarding clothing drop boxes.

#### **CORRESPONDENCE**

Distributed.

#### **LIAISON REPORTS**

Brown informed commissioners regarding current City Council business.

#### **DIRECTOR REPORT**

No report at this time.

#### **ADJOURNMENT**

The meeting adjourned at 7:59 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Seth Waxman, Secretary