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**VILLAGE OF OXFORD  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

*Planning Commission Members: Rose Bejma, Jack Curtis, Kelsey Cooke, Gary Douglas,  
Maureen Helmuth, Justin Ballard, Leslie Pielack*

22 West Burdick Street  
Oxford, MI 48371

December 3, 2019

7:00 pm

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1. **CALL TO ORDER**

Chairman Gary Douglas called the meeting to order at 7:00 p.m.

2. **RESPECTS TO THE FLAG**

3. **ROLL CALL:** Members Present- Ballard, Cooke, Curtis, Douglas, Bejma, Helmuth, Pielack.  
Staff Present: Mario Ortega AICP, Attorney Robert Davis, Tere Onica, Secretary.

4. **APPROVAL OF AGENDA: Meeting Agenda December 3, 2019**

**MOTION:** by Curtis/Helmuth to approve the December 3, 2019 meeting agenda. All in favor.  
Motion carried.

5. **APPROVAL OF MEETING MINUTES: November 19, 2019 Regular Meeting.**

**MOTION:** by Curtis/Pielack to approve the November 19, 2019 Regular Meeting minutes.  
All in favor. Motion carried.

6. **CORRESPONDENCE:** None.

7. **OLD BUSINESS:**

**A. Adult Use Marijuana-**Planner Ortega presented changes made at the November 19, 2019 meeting referencing the Adult Use Marijuana Zoning Ordinance Amendment Draft dated November 29, 2019. Attorney comments were included in the November 29<sup>th</sup> draft. Changes noted: Page 1: A(1) and (2)(c), A(4), (5) and (6). Page 2: A(13), B(2), and C. Page 3: D(1), (2), (3), (5), (6), and (10). Page 4: D(11), E, E(1), (2). E(9) *Liability Release and Insurance Documentation* was added, and E (10).

The addition of E(9) on page 4 was intended to release, indemnify and hold harmless the Village of Oxford. It was suggested that insurance could be required and set at a modest amount with the standard set by Village Council. There were objections to the language as insurance is not required of other businesses and it was thought an overreach of government to determine what and how much insurance an individual business owner should purchase.

The village attorney discussed the need for a no immunity provision in the ordinance because Marijuana is still a federally classified illegal substance, class 1 drug.

Discussion led to the consensus to remove the language added on page 4, item E(9), to be replaced with a No Immunity Provision as presented by the attorney. This language is being written into the other municipal marijuana ordinances for the protection of the jurisdiction so that the marijuana business owner cannot claim protection under local ordinance from Federal law.

- 46 There were 5 issues identified to be included:  
47 1) A No Immunity Provision.  
48 2) A General Prohibition Clause at the Beginning of Section B, under *Permitted and*  
49 *Prohibited Facilities* stating that all marijuana facilities are prohibited unless they meet all the  
50 requirements of State Law and local ordinance.  
51 3) An Enforcement Provision-making it a misdemeanor to violate the ordinance with  
52 language that specifies each day a violation exists will constitute a separate offense.  
53 4) A Standard Severability Clause.  
54 5) The Revocation of a Property Right for a Special Land Use Permit under D(9) on Page 3.  
55

56 There was further discussion on a Special Land Use Permits vs. Licensing Permits. A license by  
57 nature is specific to a business and person. Special Land Uses generally run with the land and  
58 once granted cannot be easily taken away. Most of the existing Marijuana Ordinances are written  
59 as a Licensing Permit ordinance.  
60

61 The attorney and planner will work to incorporate changes to the November 29<sup>th</sup> draft  
62 ordinance after the December 17<sup>th</sup> Public Hearing as there may be public input and further  
63 amendments to the draft currently available for public review at the village office or on the  
64 village website.  
65

66 There was concern for public notice making residents aware of the proposed ordinance to allow  
67 Adult Use Marijuana establishments to operate within the Village of Oxford. The village is  
68 obligated to follow the posting requirements by law. Going beyond that is showing preference  
69 or discriminating against other business when it comes to Public Hearing notices. All must  
70 receive equal treatment from the Village of Oxford under the requirements of the law.  
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72 8. **NEW BUSINESS:** None.

73 9. **PUBLIC COMMENT:** None.

74 13. **CONSULTANT AND ADMINISTRATIVE COMMENTS**

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76 14. **COMMISSIONER COMMENTS:**

77 Oxford Township- Jack Curtis-Beaumont PUD Public Hearing scheduled for December  
78 12<sup>th</sup> for a Medical Campus, outpatient surgeries. The legal action for a Certificate of Need is  
79 pending where a 25-acre parcel could then accommodate the addition of a 110-bed hospital.  
80 ZBA-Rose Bejma-no meetings.  
81

82 15. **FUTURE BUSINESS:** Council requested a review the zoning ordinance regarding Tattoo  
83 Parlors classification. The Annual Report/Action Plan will be presented by the planner on  
84 December 17<sup>th</sup> as time allows. Future business will be scheduled in January.  
85

86 16. **ADJOURNMENT:**

87 **MOTION:** by Curtis/Bejma to adjourn at 7:58 p.m. All in favor. Motion carried.  
88

89 Respectfully submitted,  
90 Tere Onica, Recording Secretary

