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**OXFORD VILLAGE COUNCIL
PLANNING COMMISSION
SPECIAL JOINT MEETING MINUTES**

22 West Burdick Street
Oxford, MI 48371
Community Room

April 16, 2019

6:30 p.m.

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*Village Council Members: David Bailey, Maureen Helmuth, Joe Frost, Allison Kemp, Kate Logan
Planning Commissioners: Justin Ballard, Rose Bejma, Kelsey Cooke, Jack Curtis, Gary Douglas,
Maureen Helmuth, Leslie Pielack.*

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1.1) **CALL TO ORDER:** President Joe Frost called the meeting to order at 6:30 p.m.
1.2) **PLEDGE OF ALLEGIANCE:** With Moment of Silence.
1.3) **COUNCIL ROLL CALL** Attendance: Bailey, Logan, Helmuth, Kemp, Frost.
1.4) **PLANNING COMMISSION ROLL CALL** Attendance: Ballard, Bejma, Cooke, Curtis,
Douglas, Helmuth, Pielack.

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*Also present: Attorney Robert Davis, Village Manager Joseph Madore, Planner Mario
Ortega, Clerk/Treasurer/Recording Secretary Tere Onica, Police Chief Mike Solwold.*

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2.5) **APPROVAL OF AGENDA:** April 16, 2019 Joint Meeting Agenda

2.6) **MOTION:** by Village Council members Helmuth/Kemp to approve the Special Joint Meeting
agenda as presented. All in favor. Motion Carried.

2.7) **MOTION:** by Planning Commissioners Helmuth/Bejma to approve the Special Joint Meeting
agenda as presented. All in favor. Motion carried.

- 2.8) **PUBLIC COMMENTS:** None.

2.9) **ATTORNEY/PLANNER COMMENTS AND DISCUSSION:**

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Attorney Robert Davis reviewed duties of the Elected Village Council vs. the duties and function
of the appointed Planning Commissioners. It is the duty of the elected body to set policy and
direct the Planning Commission with specific tasks. Attorney Davis referred to Recreational
Marihuana Q & A publication from the Michigan Municipal League. Rules will be put in place
by LARA (State of Michigan Department of Licensing and Regulatory affairs). The Michigan
Regulation and Taxation of Marihuana Act (MRTMA) and LARA have until December 6, 2019
to establish rules and licensing guidelines; however, Governor Whitmer would like LARA to
fast-track the process to begin accepting applications as early as June. There are basically six
different types of licensing for Recreational Marihuana: cultivator (Class A, B and C grower),
processor, transporter, retailer, microbusiness, safety compliance. It is unknown as to what types
of marihuana business can be restricted in communities that opt in. Transporting cannot be
excluded in any community.

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Recreational Marihuana business needs a State license first. It has been ill-advised for a
municipality to regulate before a State License is issued. More than 400 Michigan communities
have passed ordinances prohibiting Recreational Marihuana, some with language that specifies
revisiting the decision within a fixed time frame. Neither the council attorney nor the village
planner could identify one community that has opted in before the State puts regulations in place.

44 The attorney recommended the Village Council adopt an ordinance to prohibit Recreational
45 Marihuana business activity within the village boundaries until the State is ready to issue
46 licenses. Zoning needs to be addressed at the local level. There are a lot of questions with no way
47 of knowing what will be required. That makes it difficult and expensive to craft an ordinance and
48 leaves the village in vulnerable legal position.

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50 Council and commissioners commented that voters approved Recreational Marihuana at the
51 ballot box and therefore, the village should create a zoning district and allow recreational
52 marihuana establishments within the village limits. All state permitted uses must be zoned for.
53 Any and all residents now have the legal right to grow up to twelve plants and use marihuana on
54 their own private property; why not provide zoning to encourage activity in zoned areas?
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56 There was discussion on a Prohibition Ordinance vs. a Moratorium while the Planning Commission
57 crafts an ordinance that addresses the time, place, manner and process. A moratorium is lawful, but
58 generally not favored in court decisions. They are recommended for a six-month period and can be
59 renewed for up to one year, but you must be actively working on it. Prohibiting allows the
60 maximum protection under the law, giving the ability to comprehensively and systematically
61 develop ordinances to handle all types of activity associated with recreational marihuana with the
62 option to opt in when ready- with everything in place, and with all State required conditions being
63 met.
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65 Up to \$5,000.00 can be charged to business owners for their annual application to defray
66 administrative and enforcement costs. The application fee cannot be an unreasonable charge or used
67 like a tax to generate income from the industry. The fee could possibly be charged to help offset the
68 cost to develop the ordinance.
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70 **MOTION:** by Helmuth/Frost to place a moratorium on the Recreational Marihuana six categories of
71 use for a period of six (6) months, subject to a six month extension if needed and to instruct the
72 Planning Commission to establish reasonable restrictions allowed on marihuana establishments in
73 the Village of Oxford to regulate the time, place, manner of operation and process for the
74 production, manufacture, sale or display of marihuana accessories and, to direct the Village Manager
75 to schedule and hold a “Town Hall” public forum on recreational marihuana business activity within
76 a 45-day period.

77 **Roll Call Vote:** Yes, 4: Kemp, Bailey, Logan, Helmuth. No: 1. Frost. Absent: 0. Motion carried.
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79 **7.) PUBLIC COMMENT:**

80 Brian Cloutier, spoke in opposition to a moratorium stating that the attorney clearly
81 recommended an ordinance to prohibit recreational marihuana businesses for the best protection
82 of the community while waiting for the State to sort out the unknowns, and not waste tax payer
83 dollars on crafting an ordinance without fully knowing what will be required. This option to
84 prohibit would allow the village to fully study the issues and understand the impact it will have
85 on the community.
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87 **8.) MANAGER, STAFF, & ATTORNEY REPORTS:**

88 Attorney Davis cautioned to keep an eye on the Federal Issues. Marihuana use has been State
89 approved, but still is a federal offense and that is a problem.

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91 **9.) COUNCIL COMMENTS**

92 Council members were satisfied with the joint meeting and dialogue suggesting
93 another joint meeting in the future with the Planning Commission and to include the DDA.

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95 **10.) ADJOURNMENT:** With no further business to discuss meeting adjourned at 7:57 p.m.

96 **MOTION:** by Village Council members Helmuth/Kemp to adjourn. All in favor. Motion Carried.

97 **MOTION:** by Planning Commissioners Bejma/Pielack to also adjourn at 7:57 p.m. All in favor.
98 Motion carried.

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Respectfully Submitted,
Teresa L. Onica, Recording Secretary

President, Joe Frost