

**CALUMET SPECIAL VILLAGE COUNCIL MEETING
CALUMET VILLAGE TOWN HALL
340 SIXTH STREET
CALUMET, MICHIGAN 49913
February 6, 2020 - 5:30 PM**

Present: President David Geisler

Trustees: Doug Harrer, Roxanne King, Andrew Ranville, Lori Weir

Also present from the village: Planning Commission Chairperson Colleen Kobe, Village Administrator Caleb Katz, Village Clerk Kevin Weir

Public present: 9 members of the public

Absent: Trustee Brian Abramson (Trustee Abramson attended via phone intermittently and did NOT vote), Treasurer Stephani Camp

I. 5:30 PM President David Geisler called the meeting to order and the pledge was recited

II. Acceptance of Agenda

Motion made by Trustee Harrer and seconded by Trustee King to accept the agenda as presented.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

III. Agenda

1. Petitions from the Public

Planning Commission Chairperson Colleen Kobe addressed the Council regarding her recommendation to amend or repeal Ordinances No. 153 [Adult Use Marihuana Facilities Authorization Ordinance] and No. 152 [Medical Marihuana Facilities Authorization Ordinance], both orally and in writing (see Addendum 1). She detailed her concerns and her recommendations.

Virginia Dwyer addressed the Council with her concerns regarding how Ordinances No. 153 and No. 152 were passed, and offered her support for repeal. She also shared her concerns related to the passage of the Village Manager Ordinance [Ordinance No. 154] and the restatement of Ordinance No. 109 [Towing Away of Illegally Parked Motor Vehicles (Winter Parking Ban)].

Sandy Johnson expressed her support for gathering public input and starting over regarding Ordinances No. 153 and No. 152.

Peggy Germain addressed the Council regarding the need for public participation in the ordinance adoption process.

An unidentified member of the public expressed his support for recreational and medical marihuana.

2. Repeal of Ordinance No. 152 and No. 153

A discussion was held regarding Ordinances No. 152 and No. 153 including: alignment to the Master Plan, whether marihuana retail is different than other retail businesses, the possible need for clarification on the number of possible authorizations available, concerns related to venting, a timeline to replace the ordinances [No. 153, No. 152] and amend the zoning ordinance [No. 127], the requirement for a public hearing, the need for publication of a public hearing, special use permit issuance vs. amending the zoning ordinance, and the merits of ordinance suspensions versus repeal.

Administrator Katz presented feedback from legal counsel regarding issues related to Ordinance No. 153 Adult Use Marihuana Facilities Authorization Ordinance and Ordinance No. 152 Medical Marihuana Facilities Authorization Ordinance.

Clerk Weir updated the Council regarding a recently submitted Adult Use Marihuana Facilities Authorization application.

Motion made by Trustee Harrer and seconded by Trustee L. Weir to repeal Ordinance No. 153 Adult Use Marihuana Facilities Authorization Ordinance and Ordinance No. 152 Medical Marihuana Facilities Authorization Ordinance with the stipulation that the Council attempts to move forward by the March Meeting.

President David Geisler polled the Council:

Yes: Harrer, L. Weir, King, Geisler

No: Ranville (Trustee Ranville attempted to abstain stating he wanted to hear from legal counsel, President Geisler clarified abstinence is taken as a no vote.)

Absent: Abramson

Motion Carried 4/1

3. Application Received/Updated

Covered in agenda item #2.

4.. Adjournment

Motion made by Trustee Harrer and seconded by Trustee Ranville to adjourn at 6:31 PM.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

Respectfully Submitted,

Kevin P. Weir
Calumet Village Clerk
February 9, 2020

Memo from Colleen Kobe to the Calumet Village Council

1

To: Calumet Village Council
From: Colleen Kobe, Calumet Planning Commission Chair
Date: February 6, 2020
Subject: Continue the Suspension of Ordinances 152 and 153

1 I urge the Calumet Village Council to continue the suspension of Calumet Village Ordinances 152 and 153 until the actions listed in heading 2, below, are taken.

I believe Calumet Zoning Ordinances 152 and 153 were passed without the due process required by state law. The requirements that were not met are listed below.

1. There was no public hearing held at which the residents of Calumet could voice their opinions of these new ordinances. The Michigan Zoning Enabling Act of 2006 states the following.

125.3306 Recommendations of zoning commission; submission to legislative body; public hearing; notice; examination of proposed text and maps.

Sec. 306. (1) Before submitting its recommendations for a proposed zoning ordinance to the legislative body, the zoning commission shall hold at least 1 public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under section 103(1) for the initial adoption of a zoning ordinance or section 202 for any other subsequent zoning text or map amendments.(2) Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating ... airport manager of each airport ... for the purpose of receiving the notice of public hearing.(3) The notices required under this section shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.

2. The Calumet Planning Commission, which is responsible for the Calumet Master Plan and Zoning Ordinance documents, was not given the opportunity to review the Marihuana ordinances before the ordinances became law. The proper sequence is: mentions of the importance of Marihuana businesses in Calumet should have appeared first in the Master Plan, and **then** the zoning ordinances are created.

2 Recommended action items.

Continue the suspension of Ordinances 152 and 153 **until the following events occur.**

1. The Calumet Planning Commission reviews the ordinances and make changes it deems appropriate.
2. A lawyer familiar with marihuana laws reviews both ordinances. The Village of Calumet modifies the ordinances until the lawyer and Village are satisfied with the ordinances' contents.
3. The ordinances are presented in a duly-advertised Public Hearing, at which village residents may make comments and recommendations about the ordinances.

PLEASE TURN OVER. 

4. The Village Council incorporates whichever comments and recommendations are judged to be useful into the ordinances.
5. Repeat step 2 until the lawyer and Village are satisfied with the ordinances' contents.
6. The Village Council votes on whether to incorporate the new ordinances into Village Law.

Thank you.

Colleen Kobe
Village of Calumet
Planning Commission Chair