

	A regular work session of the Kalamazoo City Commission was held on Monday, June 26, 2017 at 6:00 p.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to discuss the regulation of medical marihuana.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes COMMISSIONERS ABSENT: Jack Urban
	Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Commissioner Excused	Commissioner Anderson, seconded by Vice Mayor Cooney, moved to excuse the absence of Commissioner Urban. With a voice vote the motion passed.
Communications	City Manager Ritsema invited the public to a ceremony on Friday, June 30th to rededicate and rename the Parks and Recreation offices after Ms. Lois Jackson.
Discussion Items	Discussion items were considered next.
Discussion of Medical Marihuana Regulation	City Attorney Robinson delivered a PowerPoint presentation entitled <i>State and Local Regulation of Medical Marihuana: City Commission Presentation, June 26, 2017</i>. A copy of this presentation was filed with the papers for this meeting. In response to questions from Commissioner Anderson, City Attorney Robinson explained there was no functional difference between a Medical Marihuana Dispensary and a Provisioning Center; the distinction was made in an attempt to honor Section 200 of the City Charter as an expression of the will of city voters. City Attorney Robinson stated the market and zoning regulations would regulate how many Grower, Processor, Secure Transporter, and Safety Compliance Facility businesses would be able to operate in the City. City Attorney Robinson indicated the other city departments involved had approved the draft ordinance. City Attorney Robinson reported the surrounding townships were taking a wait-and-see approach to Medical Marihuana Facility (MMF) licensing, and the City of Portage was working on an ordinance. City Attorney Robinson advised the City Commission to address the issue of MMF's sooner rather than later, as other cities were facing citizen-initiated charter amendments that would essentially shut-out the local governing body from crafting policy around this issue. In response to a question from Vice Mayor Cooney, City Attorney Robinson explained the City could regulate Safety Compliance Facilities in the area of facility requirements (e.g., lighting and security) but not in the areas of product quality/purity or price.

In response to a question from Mayor Hopewell, City Attorney Robinson indicated the City of Portage was heading in a similar direction regarding MMF's, although he did not know specifics.

Mayor Hopewell stated the City was taking a reasonable approach to MMF's, and he expressed appreciation to staff for not trying to say "no" to this issue.

In response to a question from Commissioner Sykes, City Attorney Robinson stated a Medical Marihuana Dispensary needed to be owned by a registered medical marihuana patient or caregiver.

Commissioner Milcarek questioned what would happen if the lottery system awarded Provisioning Center licenses to businesses that were located within the separation distance to each other.

City Attorney Robinson indicated the City would deal with the separation distance issue when the issue arose.

In response to a question from Commissioner Anderson, City Attorney Robinson indicated many details of the application process would be fleshed out in administrative rules, which the City Clerk was empowered by the ordinance to create.

In response to a question from Vice Mayor Cooney, City Attorney Robinson provided the following distribution breakdown for the MMF excise tax:

- 25% to local units of governments
- 30% to counties
- 5% to county sheriffs
- 30% to the state
- 5% to the Michigan Commission on Law Enforcement Standards
- 5% to the Michigan State Police

Commissioner Anderson observed the law did not allocate any revenue from the excise tax to addiction treatment or recovery programs.

When an opportunity was given for general citizen comments, the following people addressed the City Commission:

Zach Lassiter, City resident, requested that the zoning maps be made public and asked about licensed facilities that go out of business.

Alfonso Espinosa, City resident, stated medical marihuana would bring new revenue to the City, and the proposed ordinance would provide a framework for the future legalization of marihuana for recreational use. Mr. Espinosa asked whether some of the City's revenue from medical marihuana could be directed towards addiction treatment and recovery programs.

Discussion of Medical
Marihuana Regulation
(cont'd)

Citizen Comments

Citizen Comments
(cont'd)

Angela VanTuyl, City resident, asked whether mobile provisioning centers would be allowed as an option for patients with limited mobility.

David Benak, City resident, asked whether some of the City's revenue from medical marihuana could be directed towards addiction treatment and recovery programs.

Brant Johnson, non-resident, talked about the importance of limiting the number of medical marihuana dispensaries and not forgetting about the other four types of MMF's. Mr. Johnson stated the new MMF licensing process would get patients, caregivers, and the whole medical marihuana industry out of the dark and into public view.

Alison Park, non-resident, questioned how the state would know the difference between a "provisioning center" and a "medical marihuana dispensary."

Jenn Zielinski, non-resident, thanked the City Attorney for his presentation and questioned whether the City's "dispensaries" would be subject to the state excise tax. Ms. Zielinski noted that industry experts were estimating the issuance of 300-500 MMF licenses statewide in the first year. Ms. Zielinski stated she was not aware of any medical industry that contributed to substance abuse and recovery programs.

Kathy Cooney, City resident, expressed support for medical marihuana dispensaries and for a petition being circulated to legalize the recreational use of marihuana.

Responses to Citizen
Comments

Mayor Hopewell asked City Attorney Robinson to address the questions and issues raised by citizens.

City Attorney Robinson offered the following responses to citizens' comments:

- MMF facility licenses would not be transferable and would expire if they went unused.
- State law did not allow for mobile dispensaries or provisioning centers. Facilities would need to comply with the Americans with Disabilities Act.
- Businesses that were eligible and approved as Medical Marihuana Dispensaries by the City would need to get Provisioning Center licenses from the state.
- Relative to the use of marihuana to treat opioid addiction, it was possible for a person to become dependent on, though not addicted to, marihuana.

Finally, an opportunity was given for miscellaneous comments and concerns from City Commissioners.

Commissioner
Comments

Commissioner Sykes thanked the City Attorney for being proactive with the issue of MMF's and for simplifying a complex issue to make it understandable. Commissioner Sykes expressed interest in the idea of using marihuana to treat opioid addiction.

Vice Mayor Cooney invited people to attend a rally in Bronson Park on June 28th to oppose a healthcare bill being considered by Congress.

Mayor Hopewell requested that the proposed ordinance be made available on the City's website the next day.

The meeting adjourned at 7:46 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 5, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: September 5, 2017