

Roll Call

A special work session of the Kalamazoo City Commission was held on Monday, April 29, 2019 at 6:00 p.m. in the Community Room at City Hall. The purpose of the meeting was to discuss recreational marihuana.

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
Vice Mayor Erin Knott
David Anderson
Don Cooney
Eric Cunningham
Jack Urban

COMMISSIONERS ABSENT:

Shannon Sykes

Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioners
Excused

Commissioner Anderson, seconded by Commissioner Cunningham, moved to excuse the absence of Commissioner Sykes. With a voice vote the motion passed.

Communications

An opportunity was given for general communications, but none were offered.

2019-0143
Presentation and
Discussion re:
Recreational
Marihuana

City Attorney Robinson delivered a presentation entitled *Recreational Marihuana City Commission Presentation, April 29, 2019*. City Attorney Robinson distributed copies of a Michigan Municipal League publication entitled *Recreational Marihuana Proposition*, which he authored. Copies of the publication and the slides from this presentation were filed with the papers for this meeting.

In response to questions from Commissioners, City Attorney Robinson provided the following information, opinions, and advice:

- there was a backlog of Medical Marihuana Facility (MMF) license applications. The state licensing board had met for the last time the previous week; licenses would be approved administratively moving forward.
- the City does not have any zoning districts that are “exclusively residential” in the strict sense. The courts might not agree with an ordinance that said, “These zones are ‘exclusively residential’ for purposes of this act.”
- the City should enact stricter standards for flammable substances.
- case law regarding recreational facility licenses probably would not start to appear until two years after the state started issuing licenses.
- the Department of Licensing and Regulatory Affairs (LARA) would be developing administrative rules over the next year. The administrative rule process included a legislative review and public comment period before rules became final. Administrative rules for MMF’s were in place already; the recreational rules would probably mirror these rules, except for statutory differences.
- temporarily opting-out of recreational marihuana facilities would mean there could be no retail operations for recreational marihuana in the City during the opt-out period. The statute seemed to indicate a jurisdiction needed to be all-in or all-out.

- LARA had not established any capitalization requirements yet.
- most cities in Michigan were opting out of hosting recreational marihuana facilities. If the City were to opt-out of recreational marihuana facilities, it should do so before the end of summer, as it was anticipated LARA would release its emergency rules in June and start taking applications in September.
- if the City wanted to opt-in to hosting recreational marihuana facilities, the City Attorney's Office would need to act quickly to develop zoning and police powers ordinances before September.
- during the first two years of licensing the state could issue recreational licenses only to businesses that already possessed MMF licenses, so the City would have limited ability to give City residents an advantage in the process. City Attorney Robinson referred to a chart entitled *City of Kalamazoo Medical Marihuana Facility Applicant Information* to show the residency of current applicants in line to obtain an MMF license. A copy of this table was filed with the papers for this meeting.
- the City adopted its MMF ordinances two years after the state law was enacted.
- it was unclear whether opting-out would lead to another citizen initiative.

Commissioner Cunningham stated he was interested in the program to help communities disproportionately impacted by marihuana enforcement. Commissioner Cunningham stated the City needed to create incentives for people to move from illegal to legal activities. Commissioner Cunningham noted the City had not been intentional with its MMF permit process, and he indicated the City should work to change the demographics of facility ownership. Commissioner Cunningham expressed frustration with the MMF legislation and capitalization requirements.

In response to questions from Commissioner Anderson and Mayor Hopewell, City Attorney Robinson stated he was not sure how the City could influence the creation of administrative rules for recreational facilities – and specifically the capitalization requirements – as meetings of the workgroups developing the rules were not open to the public. City Attorney Robinson suggested the City review the rules LARA presents and respond to those. City Attorney Robinson advised caution about granting favor based on race.

Mayor Hopewell noted LARA was an executive department that reported to the Governor. Mayor Hopewell reported the Urban Core Mayors were meeting regularly with Lieutenant Governor, which was a chance to influence marihuana policy. Mayor Hopewell stated the City missed an opportunity with medical marihuana in terms of helping people of color and City residents get involved with the industry.

In response to a question from Commissioner Anderson, Mayor Hopewell indicated marihuana policy was not yet a part of the official agenda for the Urban Core Mayors group.

Mayor Hopewell recessed the meeting at 7:27 p.m.

Mayor Hopewell resumed the meeting at 7:40 p.m.

2019-0143

Presentation and
Discussion re:
Recreational
Marihuana (cont'd)

Citizen Comments

Mayor Hopewell announced citizen the time for citizen comments would be limited to two minutes for each person.

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

Devin Loker, non-resident, spoke in favor of the City allowing recreational facility licenses. Mr. Loker reported the state was processing MMF applications much faster now and asked that the City grant extensions to current holders of Provisional Approval Certificates.

Chris Wahmhoff, City resident, encouraged the City to not opt-out of recreational marihuana facilities and asked that the City not change the zoning for microbusinesses. Mr. Wahmhoff expressed support for entry-level access to these businesses, especially for young people.

Jevin Weyenberg, non-resident, urged the City to allow recreational marihuana facilities and provide regulations for the multi-million-dollar local cannabis economy. you must provide regulations for this economy. Mr. Weyenberg asked the City to expand zoning to increase access for commercial facilities

Joey Kejbou, non-resident, remarked on the importance of allowing the integration of medical and recreational facility licenses. Mr. Kejbou noted the City had spent a long time determining the zoning for MMF's, and he encouraged the City to not waste that time.

Adam Tucker, non-resident, urged the City Commission to opt-out of recreational marihuana facilities temporarily, but without a hard deadline.

Creed Stegall, City resident, encouraged the City Commission to opt-out of recreational marihuana facilities until more regulations were developed. Mr. Stegall discussed the connection between marihuana and the opioid epidemic.

Kaitlin Topstreet, non-resident, stated the Journal of the American Medical Association had reported a reduction in drug-related deaths in areas where marihuana was legalized.

Brian, City resident, reported there was research that showed crime did not increase, and would possibly go down, with the legalization of marihuana.

Cathy Keast, City resident, expressed concern about reckless marihuana use and described how she had witnessed people smoking marihuana in cars and in front of small children.

Pauline Keiser, non-resident, asked about smoking in cars.

Omar Fakouri, non-resident, spoke about the negative consequences of the City waiting to allow recreational marihuana facilities, including a reduced window for Michigan residents to get licenses in Kalamazoo and lost tax dollars. Mr. Fakouri stated MMF's would fail if they could not access the recreational marihuana market.

Mark Ruppert, City resident, stated people will use marihuana regardless of whether the City allows recreational marihuana facilities. Mr. Ruppert urged the City to be ahead and not behind on recreational marihuana.

Peter encouraged the City to opt-in to recreational marihuana facilities and advocate with LARA regarding the administrative rules.

Benjamin Stanley, City resident, asked whether the City could opt-out of recreational marihuana facilities now and opt-in later.

Albert Trombley, City resident, noted 60% of the people had voted in favor of recreational marihuana.

In response to Mr. Stanley, Mayor Hopewell explained the City Attorney was recommending a temporary opt-out.

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

Commissioner Cunningham remarked this was an opportunity for the City Commission to show good faith to community, who asked for recreational marihuana through their votes, and an opportunity to use resources to assist various communities in Kalamazoo. Commissioner Cunningham recommended the Commission table this discussion for now and get more clarity on the City's options and their impacts.

Commissioner Cooney thanked City Attorney Robinson and noted there was a lot of wisdom in community also.

Commissioner Anderson remarked that it was not the City Commission's practice to vote at a work session and noted this topic would come up at future Commission meetings.

Mayor Hopewell expressed frustration about how Grand Rapids had a better MMF process than Kalamazoo and offered the City had rushed into its process too soon. Mayor Hopewell noted decisions were made about MMF's before there was a recreational statute. Mayor Hopewell remarked the City Commission did not write the recreational marihuana law, but the City had to deal with the consequences of the law that was passed, which was complicated work. Mayor Hopewell observed the Commission seemed supportive of recreational marihuana, but the City needed to figure out what how, why, and when it would happen. Mayor Hopewell indicated the next steps were for staff to work through the issue and bring forward a recommendation for action at a regular business meeting in the future.

In response to a question from Mayor Hopewell, City Attorney Robinson stated there were changes that needed to be made to the City's MMF ordinance, and those changes could be made while the Commission was working through the recreational facilities issue.

Vice Mayor Knott thanked the City Attorney and stated she did not want the City to be a trailblazer. Vice Mayor Knott suggested the City slow down and let LARA do its work.

Citizen Comments
(cont'd)

City Commissioner
Comments

City Commissioner
Comments (cont'd)

City Attorney Robinson clarified the City was not talking about outlawing marihuana possession. City Attorney Robinson explained the City was forced to be a trailblazer on medical marihuana because an attorney had threatened a charter initiative that would have taken away the City Commission's ability to develop and control the MMF licensing process. City Attorney Robinson stated Grand Rapids may have done better with their MMF process, but he noted Kalamazoo's ordinances were developed collaboratively.

Mayor Hopewell expressed appreciation to staff for their work. Mayor Hopewell stated other jurisdictions had done things with their MMF process that addressed some of Kalamazoo's core principles like equity and prosperity. Mayor Hopewell recommended the City learn from those jurisdictions and remedy the situation where possible.

Adjournment

The meeting adjourned at 8:22 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 3, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: September 3, 2019

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