

**VILLAGE OF THREE OAKS SPECIAL COUNCIL MEETING – DATE: 08-19-20**

**Council President, David Grosse, called the (virtual) Village Council Special Meeting to order at 7:00 PM via Zoom.**

**Pledge of Allegiance: Yes**

**Roll Call: Present: Graziano, Kramer, Thomas, Newquist, Zebell, Grosse**

**Absent: Pappa**

**Approval of the Agenda as presented by Village President, David Grosse. Moved: Graziano Supported: Kramer Aye: Graziano, Kramer, Thomas, Newquist, Zebell, Grosse Nay: None Absent: Pappa Abstain: None MOTION CARRIED.**

**Public Comment on the Agenda: No Comment on the Agenda itself, but many people wish to make comments during the Public comment section.**

- **DISCUSSION of PROPOSED MARIJUANA BALLOT INITIATIVE:** Village President, **Dave Grosse** started the meeting by stating that the purpose of the meeting is not to discuss the merits of allowing marijuana establishments in the Village, but to discuss the Marijuana ordinance ballot initiative only. He further said that the initiative establishes a zoning area that is referenced in item #5; therefore, the initiative is usurping the authority of the Village Zoning which is the sole responsibility of the legislative body, the Village of Three Oaks. **Council Member, Colleen Newquist** asked if the Village can override the zoning if the initiative passes. **Attorney Hilmer** responded saying that the Village's ability to override it will be jeopardized. Most court rulings are in favor of the marijuana establishments. **Council Member, Becky Thomas** asked why this information wasn't available for tonight's meeting prior to now. **Council President, Dave Grosse** said that if the Village does not challenge the initiative the proposed ordinance would be a nightmare to administer. **Council Member, Colleen Newquist** said that spending \$10,000 to fight the initiative is not a good use of the Village's money when the people clearly want marijuana establishments in the Village. **Attorney Hilmer** responded that the initiative is not clear, that the language is convoluted and that the Clerk would be unable to administer the ordinance as currently written. **Council Member, Colleen Newquist** proposed that the same measurement of distance as is enforced by the liquor council be used for the placement of a marijuana establishment. She further said that by placing any establishment in the Enterprise Park is clearly contrary to what most residents want as evidenced by talking with nearly 75 residents. **Village President, Dave Grosse** responded that he also has talked with nearly 75 residents that do not agree with placing a marijuana business in the downtown area. He said that two (2) attorneys have told the Village that the current initiative does not comply with State law. The floor was opened to the Public to take their comments. **Audience Member, Laura Roberts** said she approves of marijuana being allowed in the Village and that the Village needs the revenue that would be generated to fix the sidewalks, fix the quality of the water supply and fix the issues at the sewer lagoons. **Devin Loker (attorney)** said that Section 5 states that it is understood that an establishment is for the commercial district. **Johnny Borter** asked that marijuana be called by its' correct name – cannabis. He said that medicinal is the same as recreational and that it is important and should be located anywhere. **Suzanna Bierwirth** asked if the wording can be changed for the ballot. **Jason ?** – asked why the Village doesn't want the tax money. He said that if Buchanan can go quickly ahead with opening up shops why can't the Village. He said that the "wheels" of government go slow because elected officials are dragging their feet. **Joshua Colton**, said that he is the Attorney that drafted this ballot initiative. Said that this is the first time he has done this for a person that has no stake in the community. Many residents signed a petition saying they

want marijuana in the Village. **Tyler Ream** said that the Village has heard from three (3) lawyers now during the meeting and two (2) of them said that the Village can control the placement of establishments and one (1) lawyer says "no". He asked that the Village please let the residents vote. **Jennifer Ream** said that Council is not prepared, and to please let the residents vote. **Gavin Gray** stated that it is clear that the people want to be able to state their desire by voting. He suggested that the \$10,000 be spent after the ballot initiative for the lawyers to sort out the details rather than spending \$10,000 to "stop" it. **Marco ?** is a business owner that would like to let the people vote and then allow the Village to modify, implement and establish the guidelines. **Kim Pruitt** said that since there is currently no infrastructure at the proposed location at the Enterprise Park – why should an establishment be placed there. **Gene Svebakken** stated that the Planning Commission has spent a lot of time on the marijuana issue and it has now become a political issue and he feels that the Planning Commission should not be involved now. **Harley Sherman** (out-of-state) resident – said that it will take too long to get the Enterprise Park area "up & running". There is strong foot traffic in the downtown area that will bring in needed revenue. **Joe Inman** said that the Planning Commission has done a lot of work, but that due diligence has not been done by elected officials. **Richard Eichholz** asked what exactly was the problem with the zoning item as written into the ballot initiative. **Joshua Alper** said that he is a medical cannabis patient as well as his wife. Stated that a facility is a high-tech business. **Tom Flint** said to not use the taxpayers money to pay for attorney fees to stop the ballot initiative. **Nick Laflex** stated that there is a certain level of distrust with some council members. He asked if the Enterprise Park was reverting to the Township in November. Asked if low income housing was being explored. **Thomas Pauly** – stated that he has been to almost every marijuana meeting and has never heard discussion about placing an establishment at the Enterprise Park at US12 & Schwark Road. He said that there is no infrastructure in place there. **Adam K.** – He is a Class C license holder and is interested in opening a store in the Village. **Maggie Martin** (out-of-state resident) said that something smells "fishy" about how this went down about locating out at the Enterprise Park. **Gene Svebakken** – stated that a draft marijuana ordinance will be presented to the Planning Commission at their next meeting. **Darlene Heemstra** stated that she has been on the Planning Commission as a liaison from the Village Council and is currently a "full" member. She said that Council has not taken action and she is in favor of letting the people decide. **Matthew ?** – is a cannabis business owner – just was curious to see what was decided at tonight's meeting. **Judith Mondelto** – supports the vote of the people. **Karen Beard** – the residents need to vote – it has been too long of a process with no action being taken. **Patience Petro** – go to a vote to see what the citizens want. **Angela Reichert** – she thanked all the people attending the "virtual" meeting and who are supporting the ballot initiative. She said that the downtown business owners deserve to have marijuana businesses located in the downtown area. **Karrie Lintner** said that the downtown business owners met months ago and most of the owners agreed to having a marijuana business located in the downtown area. Since the Covid-19 pandemic the downtown area is losing businesses and something new needs to come in. **Sharon Chrismer** said that the right to vote is being taken away from the residents. **Council Members, Colleen Newquist and Becky Thomas** said that the residents have spoken tonight. **Council Member, Troy Zebell** asked about the Village losing its' zoning rights if the ballot initiative passes. **Council Member, Becky Thomas** replied that Attorney Hilmer had no answers tonight and that our marijuana attorney (Joslin) should be fired for not attending the meeting. She could have clarified answers to some of the questions. **Council Member, Colleen Newquist** said that during the licensing process that the normal zoning restrictions will apply. **Council**

**Member, Steve Graziano** said to let the people vote, but that the Village should prepare their own ordinance and have it in place prior to the vote in November. **Village President, Dave Grosse** asked Attorney Hilmer if the Village enacts an ordinance and the ballot initiative passes then what effect would it have on our own ordinance? **Attorney Hilmer** replied that he does not have an answer. **Dave** then asked if anyone on the Council wanted to make a motion to challenge the ballot initiative. No Motion was made.

- **MEETING ADJOURNED AT: 8:32 pm**

Submitted by:

*Cynthia E. Moynihan*

Cynthia E. Moynihan,  
Three Oaks Village Clerk  
Proposed Minutes for the 08-19-20 Special Council Meeting