

not have an issue having them only at the entrances and exits of the panels. He agreed that the tree design somewhat signified what the City was - everyone knew the tree. He maintained that using the design entering and exiting the walls and simple stratification of the concrete in between worked well for him as a designer and an architect.

Mr. Hetrick said he really liked what Mr. Reece said. From a branding perspective, they were far better to do it one or two times versus all the time. It would be like looking at a press conference with a logo behind the speakers that got washed out. If they were looking for a branding link, he agreed with the design at the entrance and exit (front and back of panels).

Mr. Anzek said he was not sure exactly how much leeway the Planning Commission would have to vary the spacing. He said he understood the concerns, and he would take it up with MDOT. Mr. Hetrick said that to the extent possible, he would agree with one in front and one in back. Mr. Anzek said that if they went too far from what was decided in March it might trigger a re-do, which would probably end the funding and the chance to get the walls built next year. Mr. Hetrick said they did not want to be in a position that would increase the cost significantly. Mr. Schroeder added that proposing fewer designs on the panels should decrease the cost.

Mr. Anzek assured that all the questions raised would be taken up with MDOT, and that he would get back with the Commission.

A motion was made by Kaltsounis, seconded by Hetrick, that this matter be Approved. The motion CARRIED by the following vote:

Aye 8 - Boswell, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Absent 1 - Brnabic

UNFINISHED BUSINESS

2010-0441 Medical Marihuana Act Resolution - Planning Commission directed Staff to prepare a Resolution for City Council regarding the Moratorium and asking for support in requesting clarification of the Medical Marihuana Act from State Legislators.

(Reference: Memo, prepared by Ed Anzek, dated December 3, 2010 and Resolution and Letter to Legislators, had been placed on file and by reference became part of the record thereof.)

Mr. Anzek recalled the November 4 meeting, when the Planning

Commission discussed how the City might approach developing appropriate regulations and land use standards for the Medical Marihuana Act of 2008. The meeting was poorly attended by the public, although Staff had personally contacted 15 people that had previously inquired about such operations. There were no real clear guidelines in the Act. It did not provide guidance for the local level. The Planning Commission eventually directed Staff and the City Attorney to draft a Resolution documenting concerns about how it might be applied to the local level and requesting that the State Legislature go about some means to provide consistent guidance throughout the State. Mr. Staran had assured him that the City's position with the Resolution did not put it in jeopardy. The Commission also directed that a letter be prepared for its signature for the Governor, Governor-Elect and other Legislators, asking for clarification of the Act. He added that the Resolution also recommended that the Moratorium be extended another six months.

Mr. Reece noted that the City of Wyoming, Michigan passed an Ordinance banning medical marihuana, and the ACLU had already stepped in to file an appeal. Mr. Anzek said that the ACLU also sent a letter to Bloomfield Hills, indicating some type of legal action. That was a concern, and everyone had an opinion, but until they had a better understanding of the Act, they were not ready to go forward. Mr. Reece said he had lunch with a Planning Commissioner from Birmingham. He did not know if they had even broached the issue because the Commissioner was dumbfounded that his Planning Commission had not taken it up. Mr. Anzek suggested that it was the City Council of Birmingham that discussed the matter of prohibition. He believed that Livonia, Bloomfield Hills and Birmingham were parties to the suit. Mr. Reece asked Mr. Hooper if Rochester Hills' City Council would form its own Resolution, and Mr. Hooper said they would, based on the Commission's Resolution.

Mr. Schroeder said he had been cutting articles out of the paper, and was finding that it was a national problem. Mr. Kaltsounis liked the sentence in the letter that said, "it is apparent that the Act lacks guidelines to implement the safe program for the citizens it was meant to protect." He felt that was important and a major reason they were looking into the matter. He asked if City Council had to approve the letter, and Mr. Anzek advised that they would be sending it as a body separately. Mr. Kaltsounis then moved the following:

MOTION by Kaltsounis, seconded by Yukon , that the Rochester Hills Planning Commission adopts the Resolution recommended for City

Council concerning the Medical Marihuana Act and extending the Moratorium an additional six months, per the packet received for the December 7, 2010 meeting. The Planning Commission also recommends signing the letter in the packet for Staff to mail to the appropriate State Legislators, asking for clarification of the Medical Marihuana Act to allow implementation of a safe program for the citizens it is meant to protect.

A motion was made by Kaltsounis, seconded by Yukon, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion CARRIED by the following vote:

Aye 8 - Boswell, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Absent 1 - Brnabic

Chairperson Boswell stated for the record that the motion had passed unanimously.

ANY OTHER BUSINESS

2010-0546 Request for Approval of the 2011 Planning Commission Meeting Schedule

MOTION by Schroeder, seconded by Dettloff, the Rochester Hills Planning Commission hereby establishes the Year 2011 Regular Meeting Schedule on Tuesday evenings at 7:00 p.m. at the City of Rochester Hills Municipal Offices. The City Clerk shall provide proper notice of the 2011 Meeting Schedule pursuant to 15.265, Section 5(3) of the Michigan Open Meetings Act, Public Act No. 267 of 1976, as amended:

Regular Meetings:

- January 4, 2011*
- February 1, 2011*
- March 1, 2011*
- April 5, 2011*
- May 3, 2011*
- June 7, 2011*
- July 5, 2011*
- September 6, 2011*
- October 4, 2011*
- December 6, 2011*

ANY FURTHER BUSINESS

Mr. Schroeder asked the status of the Crooks Rd./M-59 interchange improvements. Mr. Anzek advised that it was scheduled to begin in the spring of 2011, and that it had gone out for bids. Mr. Hooper noted that it would be on the December 13, 2010 City Council agenda. Mr. Schroeder asked the low bidder, and was told it was Dan's Excavating.

Mr. Anzek further advised that City Council approved eligible grant money to fix Crooks from Star Batt to Hamlin north of the interchange. The City was eligible because of new businesses moving in. Mr. Schroeder asked the cost, and Mr. Anzek said that the Road Commission had an estimate of around \$4.5 million. Mr. Schroeder was surprised it was that expensive. Mr. Hooper agreed, and said it included the cost of buying right-of-way and other associated items. Mr. Anzek said that the low bid was about \$9.3 million, which was the only bid below the Road Commission's request of \$9.5 million or lower.

Mr. Anzek wished everyone a happy holiday, and the group talked a little about 2011 (hopefully) being a better year. Mr. Anzek said he was cautiously optimistic and was seeing more activity. Housing starts were up and plats were being reactivated.

Mr. Dettloff asked if Mr. Gilbert (City Place) had brought forward any plans or if there was any interest in his site. Mr. Anzek said not yet. There was still hope that someone would buy the house and move it. Mr. Kaltsounis said he hoped the lull was over. Mr. Anzek mentioned that the City was working on some deals, and there were new businesses moving in bringing many jobs.

A motion was made by Schroeder, seconded by Dettloff, that this matter be Approved. The motion CARRIED by the following vote:

Aye 8 - Boswell, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

Absent 1 - Brnabic

NEXT MEETING DATE

The Chair reminded the Commissioners that the next Regular Meeting was scheduled for January 4, 2011.

ADJOURNMENT

Hearing no further business to come before the Commission, and upon motion by Kaltsounis, the Chair adjourned the Regular Meeting at 8:45 p.m., Michigan Time.

William F. Boswell, Chairperson
Rochester Hills Planning Commission

Maureen Gentry, Recording Secretary