

From: Cindy Slack <cinslack85@gmail.com>
Sent: Tuesday, December 1, 2020 1:32 PM
To: Markee, Kimberly <kmarkee@waterfordmi.gov>
Subject: Waterford marihuana applications

Ms. Markee-

When reviewing the ordinance for the Marihuana application , I have a question. Will the applications be reviewed on a rolling basis, or as they come into the township. For example- If the first application for a grow comes in perfect will you be approving that one or will you be reviewing all of the applications and their locations and credibility.

Is there a timeframe that you will be accepting applications? date/ times.

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Thank you,
Cynthia Slack
Paralegal to Michael D. Stein
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(248)249-3700

TOWNSHIP RESPONSE

The procedure for the receipt, review for administrative completeness, review by Township personnel, and consideration by the Township Board under Sections 10-302, 10-303, and 20-304 of the Medical Marihuana Facility Licensing Ordinance does not provide for or require that the first "perfect" Application for a Grow License will be approved. As explained in a separate Response to comments by Paula Givens:

"The suggestion that the process under the Township Medical Marihuana Facility Licensing Ordinance is "first come, first served" and will result in the first Applications that are received being awarded the two (2) available provisioning center licenses is not accurate and disregards actual Ordinance language. The only significance of the order in which administratively complete Applications are filed is with respect to the order in which they will be considered by the Township Board per Sections 10-301(d) and 10-303(c).

If there are competing administratively complete Applications, Section 10-302(d)(2) does not allow the Clerk to place any of them on a Township Board Agenda for consideration until all Township personnel reports under Section 10-302(b) on all of those Applications have been received. Seven (7) of those

Township personnel reports are required to include comparisons of Applications for the same type of license, without regard to the order in which they were filed.

Per Section 10-303(b), the Township Board's options at its first meeting to consider more than one (1) Application for the same type of facility license include postponing consideration of all such Applications, referring them to a committee for further review, investigation, and/or a recommendation, and referring them to the Township Attorney.

Finally, Section 10-304(a) provides as follows:

In reviewing and acting on applications for facility licenses under this Ordinance, specifically including when there are more applications entitled to consideration for a type of facility license than are authorized under Section 10-298, the Township Board shall base its decisions on one or more of the following criteria consistent with the legislative intent expressed in Section 10-293 and the competent, material, and substantial evidence in the record.

The Ordinance is structured to assure that competing Applications are considered on the merits, with the order in which administratively complete Applications are received determining the order in which they are placed on a Township Board Agenda for consideration.

Under the provisions outlined above, this is not a "first come, first served" Ordinance and there is no need for Applicants to get in line or a need for the Township to establish a procedure for that. All administratively complete Applications that are filed on January 4, 2021, will end up being placed on the same Township Board Agenda for consideration after all Township personnel reports on those Applications have been completed."

The first day Applications will be accepted for filing is Monday, January 4, 2021, when the Clerk's office opens for business at 8:00 AM. There is no deadline for submitting Applications. However, per Section 10-300(b) of the Ordinance, the Clerk's office will not accept an Application if it is for a type of facility license that is not available because the number of authorized licenses for that type of facility under Section 10-298 have already been approved for issuance by the Township Board.