

CITY OF CHARLEVOIX  
REGULAR CITY COUNCIL MEETING MINUTES  
Monday, January 16, 2012 — 7:00 p.m.  
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Norman L. Carlson, Jr.

**I. Pledge of Allegiance**

**II. Roll Call of Members Present**

Mayor: Norman L. Carlson, Jr.  
City Attorney: Jim Young  
City Manager: Rob Straebel  
City Clerk: Carol A. Ochs  
Members Present: Council members Greg Stevens, Bryan Vollmer, Shane Cole, Lyle Gennett, Jill Picha  
Absent: Councilmember Dennis Kusina

**III. Inquiry Regarding Possible Conflicts of Interest**

None.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – January 3, 2012 Regular Meeting Minutes
- B. Accounts Payable Check Register – January 17, 2012
- C. Tax Disbursement – January 17, 2012
- D. ACH Payments – December 28, 2011 – January 9, 2012
- E. Payroll Check Register – January 6, 2012
- F. Payroll Transmittal – January 6, 2012

**V. Public Hearings**

**A. Public Hearing on Proposed Ordinance to Adopt Zoning Regulations for Medical Marijuana**

City Planner Mike Spencer was available to review the ordinance and answer questions from Council. City Attorney Jim Young gave an opinion on whether the City can regulate medical marijuana, specifically if it can be more stringent than the state law. He gave samples of preemptive language in other state laws, concluding that if the medical marijuana law intended to take away all local regulation, it would have said so, and it doesn't. The Planner reviewed the proposed local regulations as recommended by the City Planning Commission. Communities have taken various approaches. The proposed ordinance provides for a dispersed approach. The Planner also reviewed buffer zones as recommended by the Planning Commission. The Mayor invoked the 3-minute time limit on comments. The Mayor opened the public hearing at 7:13 p.m.

Jason Staph stated that he disagrees with the Attorney that the City has any right to regulate medical marijuana as it pertains to caregivers or patients and their safe access to medical marijuana. His opinion is that the City is trying to regulate something that doesn't need to be regulated, and is less dangerous than some other business uses. The proposed ordinance doesn't allow for reasonable land use for care givers and he thinks it will result in more individual gardens/locations. He thinks the City is trying to regulate something that isn't a problem. Mr. Staph acknowledged that there were abuses to this law, but that the state law itself provides severe penalties for abuses. He would like Council to take a simpler, more tolerant approach to respect the rights of the people of Michigan, residents of the City, patients, and caregivers. He thinks the City could work to find a plan that is better than this.

Greg Pleik stated that this is a small town and that caregivers and patients can police themselves. Caregivers are limited to the number of patients they can have. Everything is done indoors. The caregivers are supporting patients, not acting as drug dealers. He thinks the buffer zone restrictions are too large.

John Goldstick stated that patients and providers are already registered with the state. He also stated how the medicine is transported should not be part of the ordinance. There is not a steady flow of traffic to the caregiver's home. A patient might visit the caretaker only a couple times a month. He thinks the section about separating the patient plants is unclear. Most caregivers have ways of identifying the plant because patients may have different strains of plants. Mr. Goldstick stated that the state is behind in issuing cards and patients and caregivers are given the status "Approved Pending Issuance of License." Mr. Goldstick also read portions of Article C of the state law regarding card holders not being denied custody or visitation of a minor. He thinks the buffer zone restrictions end up limiting all the caregivers to one area, which is said not to be a good idea.

Gary Grapp stated that he was neither for nor against medical marijuana, but he is for people's rights. It took people a long time to get this right. He doesn't think the City should be legislating something because it might be a problem. Caregivers are regulated and all the medicine must be under lock and key. He stated that there is a bigger problem with prescription drug abuses.

Duke Talk III stated that some patients are unable to get to the caregiver's house and need a caregiver to raise the plants and deliver the medicine.

Nancy Loaning stated that years ago she experienced nausea from a neighbor's marijuana use. Ms. Loaning expressed concerns regarding second hand use and other possible effects. While she empathizes with those who are using legally, she is concerned it opens the door to illegal use. She stated this is not being obedient to the federal law.

Charles Crullen stated that people don't die from marijuana use; tobacco and alcohol are more dangerous. These people are patients, not criminals.

James Sheldon stated that the medical marijuana law was passed by popular vote and allowed patients to use it where we want. It is not for city officials to dictate where or when.

Trisha Benjamin spoke in support of regulation, not for where and how much, but how it is grown. Products should be grown organically. It is medicine for patients, and they should have the best.

Mr. Staph answered questions for Council regarding how the plants are labeled and state regulations, restrictions, and penalties. Mr. Staph stated that Council can't sacrifice patients' rights because people are abusing the law. Mr. Staph also answered questions regarding how the care giving operation works. The Planner also answered additional questions from Council regarding the state law and privacy.

The Mayor closed the public hearing at 7:51 p.m. Action will be considered under ordinances.

## VI. Reports

The Manager gave an update on filling the journeyman lineman position. Staff is continuing to recruit for the position.

The Attorney stated that there had been significant changes to the Airport Ordinance. It will be reintroduced and a new public hearing set at the next meeting.

The Mayor called a short recess at 7:54 p.m.

The Mayor reconvened Council at 8:01 p.m.

## VII. Requests, Petitions and Communications and Actions Thereon

### A. Discussion on Restructuring Plan for Electric/Water and Street Departments

City Manager Rob Straebel was available to review the item and answer questions. Various Council members stated they had questions regarding this item. They would like additional time to talk to staff and gather more information.

Motion by Councilmember Jill Picha, seconded by Councilmember Bryan Vollmer, to postpone the Restructuring Plan for Electric/Water and Street Departments to the February 6, 2012 meeting.

Yeas: Stevens, Vollmer, Cole, Picha

Nays: Gennett

Absent: Kusina

### B. Discussion on Charlevoix Township Parks and Recreation Master Plan and Review of Comment Letter

City Planner Mike Spencer was available to review the item and answer questions from Council.

Motion by Councilmember Jill Picha, seconded by Councilmember Bryan Vollmer, to approve the comment letter to Charlevoix Township regarding the Charlevoix Township Parks and Recreation Plan.

Yeas: Stevens, Vollmer, Cole, Gennett, Picha

Nays: None

Absent: Kusina

### C. Appointments

The Mayor asked Council to review the ZBA applications before making their appointments.

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Shane Cole, to confirm the Mayor's reappointment of Larry Boog, Francis Flanders, and Toni Felter to the Planning Commission.

Yeas: Stevens, Vollmer, Cole, Gennett, Picha

Nays: None

Absent: Kusina

Motion by Councilmember Shane Cole, seconded by Councilmember Greg Stevens, to confirm the Mayor's reappointment of John Campbell to the Shade Tree Commission.

Yeas: Stevens, Vollmer, Cole, Gennett, Picha

Nays: None

Absent: Kusina

Motion by Councilmember Jill Picha, seconded by Councilmember Lyle Gennett, to confirm the Mayor's reappointment of Lillian Left to the Housing Commission.

Yeas: Stevens, Vollmer, Cole, Gennett, Picha

Nays: None

Absent: Kusina

Motion by Councilmember Jill Picha, seconded by Councilmember Greg Stevens, to confirm the Mayor's reappointment of John Campbell to the Compensation Commission.

Yeas: Stevens, Vollmer, Cole, Gennett, Picha

Nays: None

Absent: Kusina

## VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action

None.

## IX. Resolutions

None.

## X. Ordinances

### A. Zoning Regulations for Medical Marijuana

Council continued to discuss the proposed ordinance and ask questions to Mr. Staph and the Planner. Some Council members generally agreed the distances make some of the buffer zones overly restrictive. The Attorney clarified that any current operations would need to comply with whatever Council passes: No operations would be grandfathered in, as currently they would be considered to be operating illegally because Council has enacted a moratorium and this operation is not a legitimate non-conforming use under the current zoning ordinance. Council made some minor changes to the ordinance, but then asked the Planner to revise some of the buffer zones and re-present the ordinance. The moratorium will also need to be extended.

Motion by Councilmember Greg Stevens, seconded by Councilmember Shane Cole, to postpone action on the zoning regulations for medical marijuana ordinance, pending revisions to the ordinance.

Yeas: Stevens, Vollmer, Cole, Gennett, Picha  
 Nays: None  
 Absent: Kusina

**XI. Miscellaneous Business**

None.

**XII. Audience - Non-agenda Input (written requests take precedent)**

None.

**XIII. Adjourn**

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 9:22p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
<b>Accounts Payable – 01/17/2012</b>			
ACE HARDWARE	1,428.64	KORTHASE FLINN	800.05
AIRGAS USA LLC	664.89	M A A E AIRPORTS DIVISION	125.00
APX INC.	259.88	MACDONALD GARBER BROADCASTING	200.00
ARROW UNIFORM-TAYLOR L.L.C.	972.98	MAFC	275.00
AUTO VALUE	878.90	MI MUNICIPAL TREASURERS ASSOC	150.00
AVFUEL CORPORATION	41,040.56	MICHIGAN OFFICEWAYS INC	1,875.05
BAILEY, MATTHEW L.	128.08	MICHIGAN STATE FIREMEN'S ASSN	75.00
BEAVER RESEARCH COMPANY	96.05	MICHIGAN TOWNSHIPS ASSOCIATION	150.00
BS& A SOFTWARE	220.00	MICHIGAN WATER ENV ASSOC	300.00
CARQUEST OF CHARLEVOIX	684.80	NORTHERN MICHIGAN JANITORIAL	155.80
CHARLEVOIX CAR WASH	68.40	NORTHERN MICHIGAN REVIEW INC.	720.92
CHARLEVOIX COUNTY CLERK	1,825.18	OLESON'S FOOD STORES	42.34
CHARLEVOIX COUNTY NEWS	260.00	OMS COMPLIANCE SERV INC	405.00
CHARLEVOIX COUNTY TREASURER	2,667.83	OVERHEAD DOOR COMPANY	62.92
CHARTER COMMUNICATIONS	905.24	PERFORMANCE ENGINEERS INC	2,922.50
CINTAS FAS LOCKBOX 636525	88.63	POWER LINE SUPPLY	1,986.19
DAVE KRING CHEVROLET	179.00	PURITY CYLINDER GASES INC	304.34
DITCH WITCH SALES OF MICHIGAN	740.92	RESCO	20,619.96
DTE ENERGY	574.31	RTI LABORATORIES INC.	83.00
ELLSWORTH FARMER'S EXCHANGE	50.00	SEARS COMMERCIAL ONE	26.08
EMERGENCY MEDICAL PRODUCTS INC	209.06	SEELEY'S PRINTING SERVICE	167.00
FAMILY FARM & HOME	1,222.53	SIEGWART BUILDING COMPANY	232.00
FEYEN ZYLSTRA LLC	500.50	SIVAK, MARA	29.67
FISHER SCIENTIFIC	225.79	SNOW MACHINES INC	337.32
FOX CHARLEVOIX	73.60	STANDARD ELECTRIC CO	685.89
FOX CHARLEVOIX FORD	7.58	STATE OF MICHIGAN	16,401.74
GALLS AN ARAMARK COMPANY	55.15	STATE OF MICHIGAN	5,100.70
GRAINGER	60.94	STATE OF MICHIGAN	1,834.12
HACH COMPANY	103.64	TRUCK & TRAILER SPECIALTIES	479.26
INDEPENDENT DRAFTING SERVICES	608.00	VILLAGE GRAPHICS INC.	172.76
INTELLIGENT PRODUCTS INC	760.13	WINDER POLICE EQUIPMENT	28.99
JEMS	44.00		
KIWANIS CLUB OF CHARLEVOIX	39.00	<b>TOTAL</b>	<b>114,392.81</b>
<b>Accounts Payable – 01/17/2012</b>			
<b>Tax Disbursements</b>			
BECK, STEVEN A.	281.76	CHEMICAL BANK	4,815.78
CHARLEVOIX COUNTY TREASURER	229,993.38	CITY OF CHARLEVOIX - TAXES DUE	75,385.24
CHARLEVOIX DISTRICT LIBRARY	84,053.22	COMMERCIAL BANK	1,845.60
CHARLEVOIX PUBLIC SCHOOLS	15,356.44	RECREATIONAL AUTHORITY	15,122.33
CHARLEVOIX PUBLIC SCHOOLS	4,206.95		
CHARLEVOIX PUBLIC SCHOOLS	1,557.27	<b>TOTAL</b>	<b>432,617.97</b>
<b>ACH Payments – 12/28/2011 – 01/09/2012</b>			
MERS OF MICHIGAN	36,270.79	MI PUBLIC POWER AGENCY	17,307.90
MI PUBLIC POWER AGENCY	15,826.72	<b>TOTAL</b>	<b>69,405.41</b>
<b>PAYROLL: NET PAY</b>			
<b>Pay Period Ending 12/31/2011 – Paid 01/06/2012</b>			
WELLER, LINDA JO	1,359.83	CALDWELL, JAMES P.	1,338.87
STRAEBEL, ROBERT J.	2,347.54	WURST, RANDALL W.	1,276.40
BRANDI, RICHARD M.	1,741.59	MAYER, SHELLEY L.	1,231.50
LOY, EVELYN R.	983.98	HILLING, NICHOLAS A.	1,383.48
KLOOSTER, ALIDA K.	1,487.72	MEIER III, CHARLES A.	1,933.50
BROWN, STEPHANIE C.	1,143.59	NISWANDER, JOSEPH F.	1,242.00
OCHS, CAROL A.	892.67	FRYE, EDWARD J.	1,001.87
CAREY, KEITH V.	1,156.18	WELLS JR., DONALD E.	1,453.52
SPENCER, MICHAEL D.	1,505.93	JONES, TERRI L.	1,228.15
SPENCLEY, PATRICIA L.	1,060.40	BRADLEY, KELLY R.	1,381.94
NASH, JENNIFER B.	806.56	EATON, BRAD A.	1,594.45
SCHLAPPI, JAMES L.	1,851.14	WILSON, TIMOTHY J.	2,204.26
UMULIS, MATTHEW T.	2,035.95	LAVOIE, RICHARD L.	1,299.14
ORBAN, BARBARA K.	2,222.71	STEVENS, BRANDON C.	1,101.61
TRAEGER, JASON A.	1,573.51	ELLIOTT, PATRICK M.	1,452.09
WARNER, JANINE M.	1,199.26	WILSON, RICHARD J.	1,226.56
EVANS, HALBERT K.	18,942.14	JONES, ROBERT F.	1,188.89
IVAN, PAUL M.	1,682.35	HART, TERESA M.	986.79
SCHWARTZFISHER, JOSEPH	1,358.68	GILLESPIE, MURPHY L.	239.62
ROLOFF, ROBERT P.	1,494.03	HOPKINS, ZACHARY D.	271.56
BRODIN, WILLIAM C.	1,843.34	RAMSEY, MADISON L.	374.13
RILEY, DENISE M.	363.43	STEVENS, WILLIAM J.	199.80

BAILEY, MATTHEW L.	1,989.54	COPPOCK, TIMOTHY M.	599.81
DVORACEK, DANA J.	1,181.32	COPPOCK, TIMOTHY M.	1,459.38
SCHERPING, CHARLES L.	491.87	WURST, RANDALL W.	392.62
STEIN, DONNA E.	270.16	WHITLEY, JOHN F.	1,863.28
TOUGH, KENDALL J.	423.36	BLANCHARD, SCOTT W.	653.32
CARLSON JR., NORMAN	976.52	BLANCHARD, SCOTT W.	1,592.30
STEVENS, GREGORY L.	500.05	SWEM, DONALD L.	1,647.95
PICHA, C JILL	668.24	ELLIOTT, PATRICK M.	578.72
KUSINA, DENNIS	443.25	MORRISON, KEVIN P.	353.30
COLE, SHANE	523.64	MORRISON, KEVIN P.	1,383.80
GENNETT, LYLE E	432.00	HODGE, MICHAEL J.	734.10
VOLLMER, BRYAN R.	330.74	HODGE, MICHAEL J.	1,330.16
STALEY, ARLENE L	47.17	WILSON, RICHARD J.	324.74
WELLER, LINDA JO	316.78	JOHNSON, STEVEN P.	1,381.56
STRAEBEL, ROBERT J.	745.50	ZIPP, DONALD R.	1,303.96
BRANDI, RICHARD M.	690.34	BOSS JR, DALE E.	1,115.78
LOY, EVELYN R.	530.73	BOSS, JAMES W.	919.35
SPENCER, MICHAEL D.	337.46	STEBE JR, JOHN M.	598.34
DOAN, GERARD P.	207.87	BOSS, SHERRY M.	242.32
DOAN, GERARD P.	1,896.99	BEHAN, DEAN T.	168.19
SHRIFT, PETER R.	1,069.49	STEVENS, JEFFREY W.	120.02
HANKINS, SCOTT A.	249.22	HOLM, ARTHUR R.	556.62
HANKINS, SCOTT A.	1,390.62	HEID, THOMAS J	327.17
IVAN, PAUL M.	693.74	HEID, THOMAS J	1,323.63
BRODIN, WILLIAM C.	142.14	SARASIN, CHRISTIAN M.	474.44
CALDWELL, JAMES P.	662.84	<b>TOTAL</b>	<b>113,319.10</b>

**PAYROLL: TRANSMITTAL**  
**01/06/2012**

**EFTPS* Payroll Taxes	38,007.03	MERS	390.00
AMERICAN FAMILY LIFE	402.61	MI STATE DISBURSEMENT	274.35
CHAR EM UNITED WAY	93.00	NORTHWESTERN BANK	252.00
CHARLEVOIX STATE BANK	743.47	POLICE OFFICERS LABOR	316.75
COMMUNICATION WORKERS	519.61	PRIORITY HEALTH	783.57
ICMA RETIREMENT TRUST 401	699.79	STATE OF MICHIGAN	6,089.84
ICMA RETIREMENT TRUST 457	7,284.69	<b>TOTAL</b>	<b>55,856.71</b>