

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
March 10, 2018**

A special meeting of the Lapeer City Commission was held March 10, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 9:00 a.m.

**ROLL CALL**

Present: Mayor Sprague.  
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

Workshop: Chapter 68 Application Policy.

City Clerk Donna Cronce indicated she spoke with a Professional Registered Parliamentarian who advised that should the original motion that adopted the ordinance be rescinded than it was as if the ordinance did not exist, the Commission would then have to introduce the ordinance as presented by the Planning Commission, require to be published and then brought back to Commission for adoption and noted there was time to make the required publications.

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Moved by Bennett. Seconded by Bostick-Tullius.

Approve Public Comments section be held first prior to Commission discussion.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

**MOTION CARRIED.**

Paula Gibbons, Oak Park, licensed attorney, commented on familiarity with state/local municipal procedures, email to Debbie on scoring items, random lottery and first come/first served issues, use of scoring criteria.

Justin Dunaskiss, Clarkston Road, commented on good debate, learning about processes, last meeting and processes presented for lottery, first come/first served and merit which members didn't like any of them, past moratorium and meetings that followed, those wanting to move forward, hybrid policy, review free market approach.

Mike Bahoura, Big Beaver Road, Troy, commented on client purchase of property, to not cap and let free market regulate, short of that merit based system, echo Mr. Dunaskiss, Planning Commission process and time spent, go back to how it was recommended and uncap.

Kristin Tencza, Metamora Road, Lapeer, commented on merit based system, represent Wild Bills Tobacco and Oasis, is a patient, driving to Detroit and undesirable areas.

Marlana Swindell, Pleasant Street, Lapeer, commented on being at 15 of the 17 meetings, live here and talk with all of you, liquor stores in City and no cap on these, they are not criminals, is a patient and caregiver, businesses will bring money into city, some patients driving hours for access to medicine, don't be closed minded, not limit to six, zoning should tell where to go.

Jeannette Osentoski, Jefferson Street, Lapeer, commented on members making hard decisions, it is medical marihuana not a business, alters state of person and should be treated differently and not as a business.

Commission discussion held on having two days to think about processes presented, Commissioner Osentoski showed files on building department issues and medical marihuana and read a statement, recommends merit based system and to direct City Attorney to prepare the process and proceed to vote. Discussion continued on the need

to have medical marihuana available and Commission opting in, Planning Commission review, look at all angles and have discussion, how many facilities needed, ability to review number of dispensaries down the road, Commission thoughts that could receive state license first but that is not the case, look at available space, how to score, decision is Commissions, struggles with processes presented, the need for a subjective process, merit base is too subjective and potential lawsuits, who would serve on panel to review and what would be used as scoring criteria, only capped dispensaries and none of the other facilities, recommendation by Planning Commission to not cap and last minute throw in limit on dispensaries, FOIA request received, Attorney General office investigates violations of Open Meetings Act and consequences, one member talking to another not a violation but when one contacts another member it comes back around, ability to speak with attorney and give opinions, inappropriate to accuse members of violation of the Open Meetings Act, not accusing members only clarifying a situation, audience members asked how this all came about, changes in decisions, change in membership of board which brings different views. Commissioner Bennett called a point of order as the discussion is leading to an area that members are not here to discuss, how he asked for prayer on the agenda which was discussed, voted on and did not happen, here today to discuss something different and to get back on topic. Discussion continued on ramifications of what has happened, look at processes and what Commission wants to do, why exclude dispensaries in downtown area with response that downtown is part of the Main Street Program in which dispensaries is not part of their model, modification of merit based system that could be created to reduce City exposure, ways to look at criteria and pull process together, those in audience that could all potentially qualify and receive 100% and the need to look at how to do.

Mark Capstick, Capstick Funeral Home, stated he had a service and would need cars removed.

By general consensus, the Commission took a break from 9:48 a.m. to 9:58 a.m.

Mayor Sprague indicated he would like to hold an opinion on each of the options to see if any member would be interested in providing a motion.

Commissioner Bennett asked to have those in attendance state another comment. By general consensus, agreed to not have a second public comment section as it was well known what those in attendance had supported.

Mayor Sprague asked for interest in uncapping by rescinding the ordinance. None.

Mayor Sprague asked for interest in first come/first served process. None.

Mayor Sprague asked for interest in lottery process. None.

Mayor Sprague asked for interest in merit process.

**48 2018 03-10**

Moved by Osentoski. Seconded by Marquardt.

To proceed forward to develop an application process for Chapter 68 based upon merit based criteria.

Discussion held on moving forward, City Attorney to develop criteria, Clerk's office responsibility to implement direction, timeframe involved and to have board provide the criteria they want to look at, attorney did not recommend merit and now board wants to place it back in his hands, should step up and develop, possibility of prescreening, staff and attorney recommended lottery, discussion Thursday with no cap and let free market regulate. City Attorney indicated if go with merit base would like input by members, will look at other communities and develop policy to place in front of Commission.

Mayor Sprague called a roll call vote.

ON A ROLL CALL VOTE.

AYES: Commissioners Atwood, Osentoski, Marquardt.

NAYS: Commissioners Bennett, Bostick-Tullius.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

Discussion held on getting together and doing what is best for the City, to have a policy in place, Commissioner Bennett indicated medical marihuana is illegal according to federal law and Commission is knowingly and openly breaking federal law. Merit based is best way to go, thank you to Donna (City Clerk) and Mike (City Attorney) for their work in this, merit system is best for City and patients, ability to start with six and if more is needed the number can be reviewed and changed, looked at options and decided what is best.

Mayor Sprague indicated that those knowledgeable on criteria to be developed can contact City Attorney after the meeting.

Adjourn Meeting.

**49 2018 03-08**

Moved by Bennett.

Adjourn the Special Meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

**MOTION CARRIED.**

Special meeting adjourned at 10:36 a.m.

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Mayor William J. Sprague

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Donna L. Cronce, MMC, City Clerk