

**CITY OF LAPEER
MINUTES OF AN SPECIAL MEETING
OF THE
LAPEER CITY COMMISSION
OCTOBER 18, 2010**

A Special Meeting of the Lapeer City Commission was held on October 18, 2010 at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at approximately 5:00 p.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Bennett, Robinet, Marquardt, Bostick-Tullius, and
Farrington.
City Manager Dale Kerbyson.
City Attorney Mike Nolan and City Attorney Representative Tim Turkelson.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

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Moved by Robinet. Seconded by Farrington.

To approve the Agenda for the Special Meeting held October 18, 2010 as presented.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: None.

MOTION CARRIED.

Medical Marihuana.

City Attorney Mike Nolan and City Attorney Representative Tim Turkelson commented that the meeting was to review the Medical Marihuana Law and discuss Commission direction. Attorney's Nolan and Turkelson provided a presentation that covered the following topics:

- State of the Law – Federal
- Federal Law – U.S. Attorney General
- State of Law – Michigan
- Michigan Law – Ballot Proposal #1 2008
- The Popular Vote
- Background and Mechanics of the Statue
- Michigan Law – Michigan's Medical Marihuana Act
- The Unassailable Facts of the Michigan Medical Marihuana Act
- People v Peters – Michigan Court of Appeals, dec'd January 21, 2010
- MMMA – Medical Conditions Eligible Under the Law for Treatment by Medical Marihuana
- MDCH Registry Statistics – as of October 8, 2010
- Background Information
- Michigan Medical Marihuana Act (MMMA) – the 4 questions?
- Michigan Medical Marihuana Act (MMMA) – what is it designed to do?
- Michigan Medical Marihuana Act (MMMA) – how is it written?
- Michigan Medical Marihuana Act (MMMA) – how is it interpreted?
- How does this impact the City?
- What can the City of Lapeer do? Option 1 – Do nothing; Option 2 – Prohibit; Option 3 – Permit and Regulate
- Final considerations: Does it really matter?

Discussion was held on how this would affect grants in the future, HIPPA laws, caregiver requirements to keep records for validation, safety of children, state process for licensure as a patient or caregiver, issues with dispensaries, and City options.

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Moved by Bostick-Tullius. Seconded by Robinet.

To temporarily suspend the special meeting and convene to a regular meeting at 6:30 p.m.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

Absent: None.

MOTION CARRIED.

The Commission returned to a special meeting at 8:49 p.m.

City Attorney Mike Nolan discussed the options of: Option 1 – Do nothing; Option 2 – Prohibit; Option 3 – Permit and Regulate and requested Commission direction.

Discussion was held regarding extension of moratorium; if City Attorney's represent any clients interested in opening a place in Lapeer with Attorney's responding they have not given out advice to any clients regarding this issue; sale of medical marihuana through caregivers and regulation of costs; Dryden issues; and issues with operation of co-ops.

PUBLIC COMMENTS:

Ronald Rickard, Imlay City Attorney (Rickard, et al): distributed a letter and informational materials to the Commission on Medical Marihuana; this topic is a serious issue in Lapeer County; their client is Dryden Township; all kinds of interpretation of law; various ordinances and approach by jurisdictions in Lapeer County; issues with tickets and non enforcement in County and resulting investigation; people voted for Medical Marihuana specifically to help those in pain; and would like to encourage jurisdictions in the County to approach the issue consistently.

After lengthy discussion of option possibilities, it was the consensus of the Commission to move forward with Option 3 – Permit and Regulate. City Attorney Mike Nolan indicated, with the help of the City Staff, they will outline a draft of possibilities on how to Permit and Regulate.

ADJOURNMENT

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Moved by Bennett.

To adjourn the Special Meeting.

Ayes: Bennett, Marquardt, Bostick-Tullius. Robinet, Farrington

Nays: None.

Absent: None.

MOTION CARRIED.

The special meeting adjourned at 9:37 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk