

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
March 8, 2018**

A special meeting of the Lapeer City Commission was held March 8, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 7:00 p.m.

**ROLL CALL**

Present: Mayor Sprague.  
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

Workshop: Chapter 68 Application Policy.

City Manager Dale Kerbyson indicated the three variations of policy drafted were first come/first served, merit and lottery based. City Attorney Michael Nolan reviewed the three basic models presented and issues related to each model, recommended lottery system, choice is up to the Commission.

Discussion held on policies presented only relates to provisioning centers due to limiting, first come/first served and lottery is basically prioritization and reserving a spot, staff reviewed and recommended lottery draw and process to charge a smaller fee to review with those making the draw paying the balance of fee for application.

By general consensus of the Commission, public comment portion of the meeting would be held first.

Bernard Jocuns, W. Nespecking Street, Lapeer, commented on six dispensary limit, Commission member inaccuracy of number in Bay City and merit based system.

Kristin Tencza, Wild Bills Tobacco, commented on information sent to Commission on scoring, handed out sample packets, merit based system.

Mark Calvert, Dryden, commented on blending of prescreening for lottery, lottery based system.

Justin Dunaskiss, Clarkston Road, Lake Orion, commented on City meetings and process, fourth option to allow free market principles, control by zoning, ability to place moratorium upon review, if he can be of assistance please contact.

Mike Bahoura, Big Beaver Road, Troy, commented on client purchase of property and upcoming closing date in City, have merit or free market regulate, estimates to spend \$4 to \$5 million in development, tax revenue to City.

Mark Calvert spoke on benefits of lottery system, comments by those here representing clients.

George Brikho, cigar store owner in Imlay City, commented on merit based or free market system, 10 year business owner in Imlay City, able to contribute to community.

Commission discussion held on buffer zones, how many could be in City with response of at least 20, risks with merit based, good feedback on merit based system, need to review best process available, no real reliable system, person stated info was sent to Commission but did not receive with response of yes in material transmitted from last meeting, placement of moratorium when reach threshold, changing adopted ordinance however cannot until it is effective, regulation by free market, need more information, timeframe to effective date and receipt of applications begins and need to have process in place, how many vacant properties are currently available and how many places could be possible with response on Genesee Street east of Enterprise Rent-A-Car to east of City limits as well as other store locations in City, to see a listing of vacant

parcels and listing of possible places, first come/first served and lottery system issues, merit system and criteria to be scored and who would serve on panel to score applicants and qualifications to serve on panel, confidence of those who serve on various boards, the need to look at criteria and ability of panel to be objective, state applications and amount of information required, only provisioning centers was chosen to limit, Planning Commission recommended no limitations, let zoning dictate, this meeting is to get to next round to best system to use for applications, possibility to rescind ordinance go back and take a look at and do right thing, other cities have done the process and our City can do this as well, do not like processes presented, look at what is best for the City and for residents and patients in surrounding area who deserve proper medication, how many places can the City handle, police and traffic issues, how many citizens want to see this in their community.

Mayor Sprague asked around the table of who has been approached regarding medical marihuana: Commissioner Atwood yes while running as a candidate, offered campaign funding, said no thank you. Commissioner Bostick-Tullius only here in hallway, no one has called or emailed. Dale Kerbyson, yes. Commissioner Bennett, yes and lunch with person. Commissioner Osentoski, no. Commissioner Marquardt, no. Mayor Sprague, no. Mayor Sprague commented that he wanted to get that information out there and out of the way. Discussion continued on respecting decision of board as a whole, consideration of citizens in the process, review of hybrid vetting process and then throw in lottery, lottery system holds zero discrimination and zero influence, acceptance of applications and placement of moratorium if needed. By general consensus no interest to rescind motion that adopted ordinance, ability to remove cap, possibility to limit buffer zones to 500 feet between facilities and exclude CBD district.

Reopen for Public Comment:

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Moved By Bostick-Tullius. Seconded by Marquardt.

To allow a second public comment section.

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

Nays: Bennett.

Absent: None.

**MOTION CARRIED.**

Matt Dillon, Peters Road, Columbiaville, commented on state application criteria and City use the same way.

Mark Calvert thanked board for affording comments and opportunity to speak, spoke on lottery process.

George Brikho, commented that if board is hung up on process let free market regulate, Lansing process takes months, City should not place a cap.

Mike Bahoura echoed Mr. Brikho, spoke on free market, if place 500 foot buffer first person filed would begin the buffer zone, not place a cap.

Pete Lucia, Lincoln Street, Lapeer, commented on Planning Commission process that recommended an acceptable plan, City Commission said limit to six, go with Planning Commission recommendation and move on, not vote for any model presented.

Kristin Tencza, Metamora, Wild Bills Tobacco commented on merit based system.

Jason Jablonski, Court Street, Davison, commented on letting consumers decide by free market.

Cal Mansour, E. Genesee Street, Lapeer said "Liberty and justice for all."

Justin Dunaskiss, commented on length of time since Planning Commission, development of ordinance, free market approach, community spoke for what they want.

Commission discussion held on zoning stand point, cap at 20-25, Commissioner Bennett indicated medical marihuana is illegal and violating federal law.

Call Additional Special Meeting.

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Moved by Marquardt. Seconded by Osentoski.

Approve a Special Meeting to be held March 10, 2018 at 9:00 a.m. at Lapeer City Hall Commission Chambers, 576 Liberty Park, Lapeer, MI 48446.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Adjourn Meeting.

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Moved by Bennett.

Adjourn the Special Meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The special meeting adjourned at 10:17 p.m.

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Mayor William J. Sprague

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Donna L. Cronce, MMC, City Clerk

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Renee Wilson, Chief Deputy City Clerk