

December 19, 2011  
Gladwin, Michigan

The Regular Meeting of the Gladwin City Council was called to order by Mayor Winarski at 5:00 p.m.

Present: Alward, Caffrey, Crawford, Hindman, Jungman,  
Mienk, Rowley, Smith

Absent: None

Staff Present: Bob Moffit, Shannon Greaves, Bernie Weaver

Also Present: Mayor Thomas Winarski, Doug Scott, Pastor David Sprang, Jennifer Elkins, Nancy Bodnar, Bob Wenzel, Patricia Wenzel, Dan Svetcos, Attorney Doug Jacobson

The Pledge of Allegiance was led by Mayor Winarski and the invocation was given by Pastor David Sprang.

Minutes of the December 5, 2011 meeting were approved with the change that the Planning Commission appointments end in 2013.

Motion by Council Member Alward, supported by Council Member Jungman to approve Warrant #12-17 in the amount of \$150,766.47 and payroll for pay period ending December 11, 2011 in the amount of \$54,512.98. All ayes. Motion carried.

#### Hearing of Delegations

Jennifer Elkins gave a presentation regarding United Way.

Doug Scott, Engineer from Rowe PSC gave a report on the wrap up of the water tower project.

Motion by Council Member Jungman, supported by Council Member Alward to approve the agenda with the following addition: (d) Appointment to Parks Commission. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Alward to approve the consent agenda as follows: Meetings – Downtown Development Authority – December 7, 2011, Fire Board – December 7, 2011, Airport Commission – December 8, 2011, Board of Review – December 13, 2011, Arena Board – December 14, 2011. All ayes. Motion carried.

Old Business

**ORDINANCE 320**  
**CITY OF GLADWIN ZONING ORDINANCE**  
**AMENDMENT TO ARTICLE II, SECTION 202**  
**#2011-6**

**Amendment to Article II, Section 202:**

Add to "H" **Home Occupations**, the following additional provision:

The accessory use of a dwelling by a patient or a caregiver under the Medical Marihuana Act, whether for remuneration or not, shall be considered as a home occupation. No business or commercial operation that sells or includes marijuana as a portion of its inventory shall be considered as a home occupation.

Add to "M" additional paragraphs:

**Marijuana**, also known as Marihuana or Cannabis: This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code PA 368 of 1978, MCL 333.7106, as referred to in Section 3(d) of the Michigan Medical Marihuana Act MCL 333.26423(d). Any other term pertaining to marijuana in the Ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act or in the rules and regulations of the Michigan Department of Community Health issued with respect to said Act.

**Medical Use of Marijuana:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008, Initiated law, MCL 333.26423(d).

**Medical Marijuana Club:** A place at which more than two (2) patients grow or make available medical marijuana for their individual use.

**Medical Marijuana Distribution Facility:** A place where medical marijuana caregivers store and / or distribute medical marijuana to medical marijuana patients, with no growing or cultivation of marijuana allowed.

**Medical Marijuana Growing Facility:** A place where more than a total of two (2) medical marijuana patients or caregivers grow, possess, or store medical marijuana.

**Article III, Section 304, Human Safety and Environmental Protection;** shall be amended to further provide an additional paragraph:

- K. No premises in the City of Gladwin, Michigan shall be used or occupied for the purpose of a medical marijuana club, distribution facility or growing facility. Any use, cultivation or distribution of medical marijuana shall be allowed only to the extent such is lawful under State or federal law and in conformity with this Ordinance.

**Amendment to Article III, Section 307, Home Occupation;** shall be amended to add an additional paragraph:

- A. A medical marijuana home occupation shall also comply with the following conditions:
- B. No more than twelve (12) plants may be grown by a caregiver or patient as a home occupation.
- C. No more than a combination of two (2) patients or caregivers, in total, may use the premises as a medical marijuana home occupation.
- D. No marijuana may be cultivated outdoors and all medical marijuana must be contained in an enclosed, locked facility or accessory building.
- E. All building, electrical, plumbing, and mechanical codes shall be satisfied where electrical wiring, lighting or watering devices support the growing of medical marijuana.
- F. Any portion of a building where energy usage and heat exceeds typical residential use and the storage of chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspections and approval of the fire and environmental officials having jurisdiction and shall comply with the relevant regulations.
- G. Medical marijuana home occupations shall be allowed only in one (1) family dwellings.

1<sup>st</sup> Reading – December 5, 2011

2<sup>nd</sup> Reading – December 19, 2011

Motion to adopt Ordinance #320, offered by Council Member Jungman, second by Council Member Alward.

Roll Call Vote:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Mienk, Rowley,  
Smith  
Nays: None  
Absent: None  
Abstain: None

New Business

Minutes of a regular meeting of the Gladwin City Council, held on December 19, 2011 at Gladwin City Hall, in Gladwin, Michigan at 5:00 p.m.

PRESENT: Alward, Caffrey, Crawford, Hindman, Jungman, Mienk, Rowley, Smith

ABSENT: None

The following preamble and resolution were offered by Council Member Hindman and supported by Council Member Jungman.

**RESOLUTION APPROVING TRANSFER OF APPLICATIONS OF A PUBLIC ACT 328 TAX EXEMPTION CERTIFICATE FOR NEW PERSONAL PROPERTY**

**WHEREAS**, pursuant to Public Act 328 of 1998 as amended, after a duly noticed public hearing held on November 20, 2006, this City Council by resolution established the City of Gladwin Industrial Development District; and

**WHEREAS**, PDI Division of D & W Fine Pack has filed an application for the transfer of a Public Act 328 Exemption Certificate with respect to new personal property acquired and installed within the Industrial Development District originally granted to PDI, division of CM Packaging Group; and

**WHEREAS**, the certificate was approved following a public hearing by the City Council on February 15, 2009, at the Gladwin City Hall, in Gladwin, Michigan, at 5:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

**WHEREAS**, the transfer and continuation of said certificate #187-2009 will have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Gladwin.

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Gladwin that:

1. **The City Council finds and determines that the granting of the transfer of the Public Act 328 Exemption Certificate** considered together with the aggregate amount of exemption certificates previously granted and currently in force **shall not have the effect of substantially impeding the operation of the City of Gladwin, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Gladwin.**
2. The application for the transfer of Public Act 328 Exemption Certificate with respect to new personal property to be acquired and installed on the following described parcel of real property situated within the Gladwin City Industrial Development District, to wit:

GLADWIN CITY SEC. 6 18-1W PARCEL BEG 33FT S & 374.6FT W OF NE COR OF SEC TH CONT N 89DEG 56MIN 28SEC W 647.02FT TH S 1DEG 20MIN 51SEC E 729.87FT TH ALG N ROW LN OF WOLFSON CT N 88DEG 39MIN 9SEC E 545.8FT TH NELY ALG A 60FT RADIUS CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 44DEG 19MIN 31SEC & A CHORD BEARING N 66DEG 29MIN 24SEC E 45.27FT) WITH ARC OF 46.92FT TH NELY ALG 70FT RADIUS CURVE TO RT (HAVING A CENTRAL ANGLE OF 49DEG 52MIN 30SEC & A CHORD BEARING N 69DEG 15MIN 53SEC E 59.03FT WITH ARC LENGTH OF 60.93FT TH N 1DEG 3MIN 30SEC W LEAVING NLY ROW LN 677.33FT TO POB

be and the same is hereby approved.

3. The transfer of Public Act 328 Exemption Certificate when issued shall be and remain in force and effect until December 30, 2024 (Certificate #187-2009).

**AYES:** Alward, Caffrey, Crawford, Hindman, Jungman, Mienk, Rowley, Smith  
**NAYS:** None  
**ABSENT:** None

#### **RESOLUTION DECLARED ADOPTED.**

Motion by Council Member Caffrey, supported by Council Member Alward to re-appoint John Rhode to the Library Board. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Hindman to authorize payment to Consumers Energy for invoice #97372225 in the amount of \$2,618.00 and invoice #97372227 in the amount of \$385.00 for the Farmers Market project. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to appoint Joe Rowley to the Parks and Recreation Commission to expire on September 7, 2016. All ayes. Motion carried.

#### Comments

Timesheets are due by Thursday, December 22<sup>nd</sup>.

Mayor Winarski would like to thank Dave Cady for tilling the community garden area.

Council Member Caffrey explained the change order that the airport received for the removal of fuel tanks. This will be included in the grant.

Council Member Rowley stated that he had spoken to a gentleman and they were impressed with the Christmas Parade and the concert at the Corner Stone Church. They also missed their exit and came through town and were happy with the Christmas lights.

Congratulations to Dave Crawford who is retiring this week.

Administrator Moffit stated that he will be going out of town on family business and will be back in the office next Tuesday.

Motion by Council Member Jungman, supported by Council Member Alward to adjourn. All ayes. Motion carried.

Meeting ended at 5:28 p.m.

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Thomas L. Winarski, Mayor

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Shannon Greaves, City Clerk