

**PROPOSED LAINGSBURG CITY COUNCIL PROCEEDINGS
October 4, 2010**

Mayor Culpepper called the meeting to order at 8:00 p.m. in the City Hall Council Chambers. Councilman Rose led the Pledge of Allegiance.

Roll call found Jessica Bayer, Michael Woodworth, Brian Fredline, Dave Rhodabeck, Thad Rose and Micheal Culpepper present. Absent: Tim Leonard.

Leonard arrived at 8:02 p.m.

Public comment was conducted. Brent Jones from SEDP gave a report.

89-10. Moved by Fredline, seconded by Bayer to approve the minutes of September 13, 2010, as presented. Motion carried.

90-10. Moved by Fredline, seconded Woodworth to approve the Treasurer's report, subject to audit. Motion carried.

Phil Crocket provided information regarding the reasons that he would like the council to consider waiving the penalty that he was charged on property taxes.

91-10. Moved by Fredline, seconded by Rhodabeck to waive the late penalty on parcel # 022-60-087-001-00 and parcel # 022-60-087-002-00. Roll call vote: Bayer-No-, Fredline-yes-, Leonard-No-, Rhodabeck-No-, Rose-No-, Woodworth-yes-, Culpepper-No-. Motion Failed.

92-10. Moved by Fredline, seconded by Rhodabeck to waive the City portion of the late penalty on parcel # 022-60-087-001-00 and parcel # 022-60-087-002-00. All yes roll call vote. Motion carried.

93-10. Moved by, Fredline seconded by Woodworth to adopt ordinance #01-10 - An ordinance to the Code of the City of Laingsburg, Michigan by declaring a temporary moratorium on the establishment of and permits for dispensaries, cooperatives and other medical marihuana businesses that sell, dispense, or grow marihuana.

ORDINANCE NO. 01-10

**AN ORDINANCE DECLARING A TEMPORARY MORATORIUM
ON THE ESTABLISHMENT OF AND PERMITS FOR DISPENSARIES,
COOPERATIVES AND OTHER MEDICAL MARIHUANA BUSINESSES
THAT SELL, DISPENSE, OR GROW MARIHUANA.**

WHEREAS, the People of the State of Michigan adopted, by initiative, the Michigan Medical Marihuana Act (the Act), Initiated Law 1 of 2008, MCL 333.26421 *et seq*; and

WHEREAS, the Act authorizes Qualifying Patients to have access to marihuana for medical purposes and Primary Caregivers to assist Qualifying Patients in the Medical Use of marihuana; and

WHEREAS, throughout the State there are increasing numbers of dispensaries, cooperatives home-based businesses, and other medical marihuana related businesses being formed for the growing, sale or accommodation of medical marihuana; and

WHEREAS, the operation of dispensaries, cooperatives, and other medical marihuana related businesses that sell, dispense or grow marihuana are not specifically regulated nor addressed in the Act nor the City's Zoning Ordinances; and

WHEREAS, allowing the operation of dispensaries, cooperatives, and other medical marihuana related businesses that sell, dispense or grow marihuana prior to the City Council considering and studying the effects of such businesses would be contrary to the goals of the City's Zoning Ordinance and its Comprehensive Plan; and

WHEREAS, the City of Laingsburg is authorized to establish reasonable regulations to preserve and protect the public health, safety and welfare; and

WHEREAS, the City of Laingsburg intends to preserve and protect the public health, safety, and welfare of its citizens while complying with the rights and protections afforded by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq*; and

WHEREAS, it is the City Council's desire that no dispensaries, cooperatives, or other medical marihuana related businesses that sell, dispense or grow marihuana be established in the City while the City studies and drafts appropriate and necessary regulations; and

WHEREAS, based upon the inquiries recently received by the City, it is the City Council's determination that any delay in the enactment or effective date of proposed Ordinance No. 10-1 will itself precipitate the activities which the Council intends to study and therefore it is immediately necessary for the preservation of the public peace, health and safety to enact this ordinance at the same meeting in which it is introduced; now therefore

THE CITY OF LAINGSBURG ORDAINS:

No dispensary, cooperative, and other medical marihuana business that sells, dispenses, or grows marihuana shall be established in the City of Laingsburg, from the effective date of this Ordinance and while this moratorium or any subsequently adopted ordinance which may extend this moratorium shall remain in effect.

No permits, including but not limited to construction permits and certificates of occupancy, shall be accepted or issued by the City of Laingsburg to a dispensary, cooperative, or other medical marihuana business that intends to sell, dispense, or grow marihuana, from the effective date of this Ordinance and while this moratorium or any subsequently adopted ordinance which may extend this moratorium shall remain in effect.

The Medical Use of marihuana, pursuant to the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 *et seq*, by Qualifying Patients and Primary Caregivers, as defined by the Act, in one-family, two family, and multiple family dwellings, is exempt from this moratorium.

The moratorium imposed by this Ordinance shall remain in effect for a period of ninety (90) days from the effective date of this Ordinance or until the effective date of the adoption by the City Council of any appropriate and necessary regulations, whichever occurs first; and

DECLARATION OF EMERGENCY

This ordinance is hereby declared to be an emergency ordinance pursuant to section 8.3(d) of the City Charter and is hereby declared to be immediately effective upon its introduction, adoption, and publication.

All yes roll call vote. Resolution declared adopted.

- 94-10. Moved by Fredline, seconded by Leonard to set trick-or-treat hours for Sunday, October 31, 2010, from 6:00 – 8:00 p.m. Motion carried.
- 95-10. Moved by Leonard, seconded by Rhodabeck to pay the bills in the amount of \$109,125.01. General Fund checks # 34091 – 34136. Also electronic payments of MERS - \$1,655.12 – retirement for September and EFPTS \$4,852.72 – Federal Withholding, Social Security and Medicare for September. All yes roll call vote. Motion carried.

- 96-10. Moved by Rose, seconded by Woodworth to submit an application for membership to American Society of Employers, ASE. All yes roll call vote. Motion carried.
- 97-10. Moved by Rhodabeck, seconded by Woodworth to adjourn. The motion was unanimous and the meeting adjourned at 9:26 p.m.

Paula Willoughby
Deputy Clerk

Micheal Culpepper
Mayor