

REGULAR CITY COUNCIL MEETING

September 22, 2020

The Regular City Council meeting was called to order by Mayor Bronson via teleconference at 7:02 p.m.

Roll Call:

Present: Raab, Ptasnik, Johnston, Bronson, Mallory, Temple, and Couture

Absent:

Public Comments:

- Ms. Trudy Lofgren inquired if there had been any attempts to have the weeds pulled along the riverbank. She also asked if anyone had reached out to MDOT regarding signs for the crosswalk across Main Street. Lastly, she asked about an update on the plans for the exposed cement block at City Hall.
- Mr. Dave Hubbard inquired about the current project at Lincoln Ave and Main St.
- MS. Louis Vallance inquired about the Pledge of Allegiance prior to the start of the meeting.

Council Response to Public Comments:

- City Manager Eustice responded that the weeds along the riverbank are being removed when possible but it has been difficult due to lack of man power. He also responded that he will verify with MDOT what type of signage is allowed along on Main Street. Lastly, he reported Johnson's Home Decorating is currently working on cleaning and painting the exposed block at City Hall.
- City Manager Eustice reported that the Lincoln Avenue and Main Street intersection is being repaired by MDOT. The asphalt will be cut out and compacted with new blacktop being added. The sidewalk ramps will also be replaced. All the work is scheduled to be completed at night.
- City Manager Eustice responded that we have not recited the Pledge of Allegiance during teleconference meetings.

Approval of Agenda and Receive and File All Communications:

- Councilwoman Johnston moved to approve the Agenda and receive and file all communications, seconded by Mayor Pro Tem Couture. Motion carried unanimously.
- City Manager Eustice reported he has an addition to the agenda.
- Councilwoman Johnston moved to rescind the approval of the agenda, seconded by Mayor Pro Tem Couture. Motion carried unanimously.
- City Manager Eustice reported that he is adding agenda item 9-B to amend a resolution authorizing a grant application to the Michigan Natural Resources Trust Fund.
- Councilman Mallory moved to approve the Amended Agenda and receive and file all communications, seconded by Mayor Pro Tem Couture. Motion carried unanimously.

Approval of Prior Meeting Minutes:

- Councilwoman Johnston moved to approve the Regular City Council Meeting minutes of September 8, 2020 as presented, seconded by Councilwoman Raab. Motion carried unanimously.

Public Hearings:

- Consideration of a Request from Dawn Reo to Vacate Canada Street described as follows: 66 foot street right-of-way (Canada Street) in the PLAT of A. ROBERGE'S ADDITION to the CHEBOYGAN VILLAGE (NOW CITY), Block's No. 5 and 8 – bound on the north by the north line of lot 2 of Block 8 extended 66 feet S57D 32'08"E to the west line of lot 10 Block 5; bound on the south by the north line of the PLAT OF SUPR JOHN B DUFRESNE'S SECOND ADDITION TO CITY OF CHEBOYGAN; bound on the west by the east line of lots 1 & 2 Block 8 ; and bound on the east by the west line of lot 10 Block.
 - The Public Hearing was opened at 7:26 p.m.
 - City Manager Eustice clarified that the vacation request is within the boundaries of the owner's property and the right-of-way has never been developed.
 - The Public Hearing was closed at 7:35 p.m.
 - Councilwoman Raab moved to approve the request from Dawn Reo to vacate Canada Street described as follows: 66 foot street right-of-way (Canada Street) in the PLAT of A. ROBERGE'S ADDITION to the CHEBOYGAN VILLAGE (NOW CITY), Block's No. 5 and 8 – bound on the north by the north line of lot 2 of Block 8 extended 66 feet S57D 32'08"E to the west line of lot 10 Block 5; bound on the south by the north line of the PLAT OF SUPR JOHN B DUFRESNE'S SECOND ADDITION TO CITY OF CHEBOYGAN; bound on the west by the east line of lots 1 & 2 Block 8 ; and bound on the east by the west line of lot 10 Block, seconded by Councilwoman Ptasnik. A roll call vote was taken, motion carried unanimously.
- Consideration of a Request from Dawn Reo to Vacate a 20 foot wide Alley described as follows: a 20 foot wide alley in the PLAT of A. ROBERGE'S ADDITION to the CHEBOYGAN VILLAGE (NOW CITY), Block No. 8 – bound on the north by the north line of lot 15 extended 20 feet S57D 35'45"E to the west line of lot 1; bound on the south by the north line of the PLAT OF SUPR JOHN B DUFRESNE'S SECOND ADDITION TO CITY OF CHEBOYGAN; bound on the west by the east line of 15 & 16; and bound on the east by the west line of lot 1.
 - The Public Hearing was opened at 7:37 p.m.
 - The Public Hearing was closed at 7:45 p.m.
 - Councilwoman Raab moved to approve the request from Dawn Reo to vacate a 20 foot wide Alley described as follows: a 20 foot wide alley in the PLAT of A. ROBERGE'S ADDITION to the CHEBOYGAN VILLAGE (NOW CITY), Block No. 8 – bound on the north by the north line of lot 15 extended 20 feet S57D 35'45"E to the west line of lot 1; bound on the south by the north line of the PLAT OF SUPR JOHN B DUFRESNE'S SECOND ADDITION TO CITY OF CHEBOYGAN; bound on the west by the east line of 15 & 16; and bound on the east by the west line of lot 1, seconded by Councilwoman Johnston . A roll call vote was taken, motion carried unanimously.

- Consideration to Adopt an Ordinance to Amend the Code of the City of Cheboygan by Adding Chapter 122, Recreational Marihuana Facilities, to Authorize and Regulate the Establishment of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 and Rescind Ordinance 100, Article IX.
 - The Public Hearing was opened at 7:46 p.m.
 - Mr. RJ Archambo supports the Council in passing the ordinance. He has been an advocate for the industry since 2013.
 - Mr. John Stritmatter thanked Council for addressing this issue tonight, he believes the tax dollars will be very beneficial for the City.
 - Mr. Matt Lahaie is in support of the ordinance and thanked Council for their hard work.
 - Mr. Dave Hubbard commented that there are already six permits approved for medical so he doesn't feel this is necessary. He is also opposed to the stores being downtown.
 - Mr. Bud Darnell inquired whether there was pressure on City Council to vote tonight when the medical marihuana facilities are not built yet and there are questions as to whether community leaders have had sufficient time to offer input. He would also like to know if anyone associated with the City promised a medical marihuana permit holder a recreational permit.
 - Mr. Luke Lahaie supports passing the ordinance.
 - Caller 2336 stated that he supports the Council.
 - Ms. Sharen Lange commented that she supports the legalization and progress but would like Council to exercise caution in issuing recreational permits based on actual development with current establishments.
 - Mr. Dan Harris commented that the only way the City benefits from the cannabis industry is if it allows recreational. It is also very important to the investors of the medical marihuana establishments if they want to be viable businesses.
 - Mr. Nathan Pertine supports the City Council and the adult use being passed. He believes all Main Street businesses would benefit.
 - Jeannie Philips commented that she supports the Council passing the adult use recreational marihuana Ordinance and wants to thank the businesses that have already invested here.
 - Mr. Xander Keiswetter thanked Council for taking their time learning about the topic. He commented that it is very difficult for medical marihuana establishments to grow and prosper without the recreational permit.
 - Mr. Bud Darnell is concerned with the reputation the City will gain with this ordinance and how people's choices will change as a result.
 - Mr. Les Tebo inquired how it was decided that six licenses would be issued and why do they have to be in the downtown area.
 - Mr. Louis Vallance is totally opposed to marihuana in the City of Cheboygan, there are other more important priorities that the City should be focused on. He also recommended that the spelling be corrected from marihuana to marijuana.
 - Mr. Greg Klinger reported that in order to be a viable business, recreational sales need to be allowed. Medical card holders are on the decline and recreational sales are on the rise. He also thanked Council for their work on the ordinance.
 - The Public Hearing was closed at 8:17 p.m.

- Councilwoman Johnston commented that Council looked at the positive economic impacts of this decision. She agrees that some investors are making more progress than others however, there are provisions in the ordinance to address that issue.
- Councilwoman Ptasnik agrees with Councilwoman Johnston.
- Councilwoman Raab also agrees with Councilwoman Johnston but also hears the concerns of community members.
- Mayor Bronson commented that the City used the same spelling of marihuana as the State of Michigan. He also reminded everyone when recreational marihuana was passed in the State of Michigan, the City voters overwhelmingly supported the legalization of marihuana.
- Mayor Pro Tem Couture also supports this ordinance and believes this is the next step for these businesses to be successful.
- Councilman Mallory believes everyone should have a choice and between State regulations and these ordinances he feels this is the right choice.
- Mayor Pro Tem Couture moved to adopt an Ordinance to amend the Code of the City of Cheboygan by Adding Chapter 122, Recreational Marihuana Facilities, to Authorize and Regulate the Establishment of Recreational Marihuana Facilities Pursuant to the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 and Rescind Ordinance 100, Article IX, seconded by Councilwoman Johnston. A roll call vote was taken, motion carried unanimously.
- Consideration to Adopt an Ordinance to Amend the Code of the City of Cheboygan by Amending Title XV, Chapter 154 Article 2-Definitions; Article 4 District Regulations; Article 7 Specific Use Standards; Article 13 Nonconforming Lots, Uses, and Structures; to Allow Recreational Marihuana Facilities.
 - The Public Hearing was opened at 8:26 p.m.
 - Mr. RJ Archambo supports the passing of the Zoning Ordinance.
 - Mr. John Stritmatter commented that he supports the Zoning Ordinance.
 - Mr. Matt Lahaie also commented that he supports the Zoning Ordinance.
 - Caller 2004 commented that he is on board.
 - Ms. Sharen Lange is concerned with all medical permit holders automatically being approved for a recreational permit. Many community members are not concerned with it being legal in the City of Cheboygan but more about where they are going.
 - Mr. Dan Harris appreciates Ms. Lange's comments and concerns and is in favor of the Zoning Ordinance.
 - Nathan Perkin supports the Zoning Ordinance.
 - Ms. Mary Hebert hopes there is thoughtful conversation around the proposed revenue from these sales.
 - Ms. Les Tebo would like to caution Council on the number of approved permits and the locations.
 - Mr. Louis Vallance commented that investments should not be made in these properties until the ordinance is approved, which he is in opposition of wholeheartedly.
 - The Public Hearing was closed at 8:38 p.m.
 - Councilwoman Johnston inquired about the medical marihuana permit holders automatically being issued a recreational permit. She was under the impression medical

permittees would have first choice but would not automatically be issued a permit. Mayor Bronson confirmed that is correct.

- Councilwoman Raab commented that to her knowledge no one was promised any permit by anyone associated with the City.
- Councilwoman Johnston moved to adopt an Ordinance to Amend the Code of the City of Cheboygan by Amending Title XV, Chapter 154 Article 2-Definitions; Article 4 District Regulations; Article 7 Specific Use Standards; Article 13 Nonconforming Lots, Uses, and Structures; to Allow Recreational Marijuana Facilities, seconded by Mayor Pro Tem Couture. A roll call vote was taken, motion carried unanimously.

Departments, Boards and Commissions:

- Department of Public Safety Monthly Statistics, June, July and August of 2020.

General Business:

- Consideration to rezone the following property at the corner of Lafayette Avenue and Lincoln Avenue, owned by Cheboygan Cement Products from (R-1) One-Family Residential to (L-1) Light Industrial, described as follows: N 429FT (26RDS) OF NE1/4, SEC 5, T37N, R1W. Parcel ID# (16-052-005-201-001-00).
 - City Manager Eustice reported that this property is adjacent to the current business and is being rezoned to expand business operations. A Public Hearing was held at the Planning Commission level, they unanimously recommend the rezoning of the property.
 - Councilwoman Raab moved to rezone the property located at Lafayette Avenue and Lincoln Avenue, owned by Cheboygan Cement Products from (R-1) One-Family Residential to (L-1) Light Industrial, described as follows: N 429FT (26RDS) OF NE1/4, SEC 5, T37N, R1W. Parcel ID# (16-052-005-201-001-00), seconded by Councilman Mallory. A roll call vote was taken, motion carried unanimously.
- Consideration to Amend the Resolution for the Department of Natural Resource Trust Fund Application for matching funds in the amount of \$308,000.00.
 - City Manager Eustice explained that the resolution was originally passed in March of 2020 but is being updated to amend the local match and donated amounts from \$300,000.00 to \$308,000.00.
 - Mayor Pro Tem Couture moved to approve the Amended Resolution in the amount of \$308,000.00, seconded by Councilwoman Raab. A roll call vote was taken, motion carried unanimously.

City Clerk's and Treasurer's Comments:

- City Clerk/Treasurer Brown reported that she applied for and received a \$5,000 grant to purchase an additional ballot tabulator for a total cost of \$5,900. Unfortunately, the equipment is not scheduled to arrive in time for the November 2020 election.
- City Clerk/Treasurer Brown also reported that she submitted a grant application for \$144,000.00 through the Cares Act, to cover police payroll during the months of April and May of 2020. The City received approximately \$72,000.00 from that grant.
- City Clerk/Treasurer reported that one of the candidates for the Partial Council Seat has withdrawn due to a conflict of interest. There is still one write-in candidate for that position.

City Manager’s Report:

- City Manager Eustice reported that MDOT is in the process of working on the Lincoln and Main intersection and will be complete October 1st or 2nd. Mackinaw Avenue is also likely to be completed still this year.
- City Manager Eustice reported that the police contract should be finalized October 15th.

Committee Updates:

- Councilwoman Raab asked if anyone was interested in joining the Historic Resource Commission to complete an application and drop it off at City Hall.
- Councilwoman Raab reported that the 911 Board met and reviewed budget numbers.
- Councilwoman Johnston reported that the Recreation Commission met and is working on getting caught up and back on track with projects.
- City Manager Eustice reported that the Ordinance Review Committee met and finalized the last draft of the Rental Registration Ordinance.

Messages and Communications from Mayor and Council Members:

- Councilwoman Raab thanked everyone for joining the meeting and offering their input. She also commented that she has reviewed information from MDOT regarding the crosswalk and the language is very ambiguous but she thinks we should pursue it with the State.
- Mayor Pro Tem Couture asked again for information on the both the health insurance and liability insurance. Mayor Pro Tem Couture also asked for an update on the Assistant City Manager position. City Manager Eustice responded that he is working with staff to get input on candidates and is hoping to interview in October.

Adjournment

- Meeting adjourned at 9:09 p.m.

Mayor Mark C. Bronson

Clerk/Treasurer Bridget E. Brown

Councilman Brett Mallory

Councilwoman Sara Johnston

Councilman Vaughn Temple

Mayor Pro Tem Nicholas C. Couture

Councilwoman Diane E. Raab

Councilwoman Ashley Ptasnik