

MINUTES SPECIAL MEETING  
MACKINAW CITY

7:30 P. M

June 16, 2010

President Jeff Hingston called the meeting to order with the following Trustee's present-Steven Celez, Matt Yoder, Belinda Mollen, Janelle Bancroft, Richard Perlick, and Paul Michalak. Also present-Manager J. Lawson, Chief Pat Wyman, Clerk L. Jaggi and village attorney Tom Evashevski

Visitor List Attached

Pledge of Allegiance

Motion Bancroft seconded Mollen to approve the agenda as presented. Voice vote-motion carried unanimously. No discussion.

Motion Yoder seconded Perlick to approve the public hearing minutes of June 3, 2010 as presented. Voice vote-motion carried unanimously. No discussion.

Motion Bancroft seconded Michalak to approve the zoning board of appeals minutes of June 3, 2010 as presented. Voice vote-motion carried unanimously. No discussion.

Motion Bancroft seconded Celez to approve the regular meeting minutes of June 3, 2010 as presented. Voice vote-motion carried unanimously. No discussion.

Motion Mollen seconded Michalak to approve to pay the bills as presented. Ayes- Celez, Bancroft, Mollen, Yoder, Hingston, Perlick, Michalak. Motion carried. No discussion.

Communications-President Hingston read aloud a letter wrote by concerned citizens regarding agenda item A1. Letter and signatures received and placed on file.

Managers Report received and placed on file.

Public Comments:

Comments were received from Kay Stemkoski, Matt Wilkens, Geri Mohl, and Margaret Paquet regarding agenda items under new business.

**Old Business: None**

**New Business:**

A. Discussion-Regulations Concerning:

1. Sexually Orientated Businesses
2. Sale of Drug Paraphernalia
3. Medical Marihuana Dispensaries

1. Pres. Hingston turned the meeting over to village attorney Tom Evashevski to give an overview of law regarding the types of businesses in question (Agenda item A1). Mr. Evashevski made it clear that throughout the court system the businesses that sell and distribute items in question are a form of expression and are protected by the First Amendment. Obscene materials are against the law and can be

MINUTES REGULAR MEETING

MACKINAW CITY

Page 2

7:30 P. M

June 16, 2010

banned but need to meet criteria to be considered obscene. Manager Lawson explained the difference between what the Village ordinance allows and what the stores carry. The items being sold in the two stores in question do not meet the criteria of obscene. Mr. Evashevski stated the Village's current ordinance restricts lewd businesses to the B2 district. The businesses in question do not fall into the lewd business category and do not have to be restricted to that district. Many comments were received from citizens against this type of business. Mr. Evashevski stated he wanted to be clear that he did not advise the council to do nothing but he needs to define each situation as it exists and then decide what can be done. He is confident staff is working hard to regulate what they can and progress will continue to stay consistent with the sentiment of the audience, which is against it.

2. Mr. Evashevski explained how the Village's ordinance regarding drug paraphernalia is as stern as the State but the current ordinance defines the limit of drug paraphernalia sold and advised the Village to amend to have that part removed. Manager Lawson updated the council that letters have been issued to all stores carrying these products and all products must be removed.

3. Mr. Evashevski spoke about the State's recent legalization of medical marijuana dispensaries. Communities must now decide where and how to deal with it thru zoning. The Village currently has a moratorium on these dispensaries in order for the planning commission to have an opportunity to recommend an ordinance concerning them.

Reports-None

Closing Public Comments-

Ron Gwilt-thanked council for moving meeting to school.

Manager Lawson asked citizens to try and attend the planning commission public hearing to be held June 24, 2010 at the school regarding the Master Plan. He also updated that the beach clean permit was applied for and the Village is waiting for an answer.

Motion Perlick seconded Bancroft to adjourn at 9:07 P.M.

Respectfully Submitted;

Jeff Hingston; President

Lana Jaggi;Clerk