

Village Of Alanson

7631 US 31 N Alanson, Mi. 49706

Regular Council Meeting Minutes

February 12, 2018

1. At 7:00pm President Greg Babcock called the meeting to order with village roll call
Trustee Doug Larson, Trustee Preston Grobaski, Trustee Dave Stepanovich, Trustee Marv Blumke and President Greg Babcock. All present
2. Trustee Doug Larson made a motion to approve the January 8, 2018 meeting minutes with Trustee Dave Stepanovich 2nd, all in favor, motion carried.
3. Public Comments:
 - Kim Williams of 6767 Echo spoke to council about being a guardian for medical patients in need of medical marijuana. She believes there are people in need for this.
 - Matthew Williamson of 9275 Hudson St. Cheboygan spoke of the stigma of marijuana. He is a recovering pill addict who has a bachelor's degree and speaks 2 other languages besides English. Stating that he has cerebral palsy, medical marijuana has helped him break his addiction to the pills and helps with his medical condition.
 - Cleon Morgan 7604 Woodland St Alanson spoke to council and presented a petition of local businesses against the medical marijuana licensing act within Alanson. He stated that while President Babcock had done a great job at the December meeting, they felt they didn't learn enough so he went and canvassed the village with the petition a result.
 - Gary Shanley passed out literature with statistics stating that he was not against medical marijuana but was very concerned about the area youth gaining access. Medical marijuana must be dispensed legally without the kids getting it.
 - Larry Williams presented his plans for his lot by the river asking for council's permission to move the latitude so he can move the existing foundation over a few feet. Mr. Williams was advised by council this was a matter for the Planning & Zoning committee.
4. Top Of Michigan Outboard Racing Club made a request to council requesting the no wake zone waiver for the dates of August 11th & 12th with the swing bridge to be open on the 12th all during the hours of 11 am until 2 pm both days. Trustee Marv Blumke made the motion to approve this request with Trustee Doug Larson 2nd. All in favor, motion approved.
5. Trustee Doug Larson discussed the ordinance changes that need to be made and advised council that as far as the MMLA ordinance, the village had only received one comment via e-mail from Health Alternatives Solution Plus. President Babcock asked council if they had any changes they would like to make and Trustee Marv Blumke stated section 5H 1&2 he was concerned that it does not include churches. Trustee Larson stated it was on advice from the village attorney not to include the word churches as it would prevent "Pop Up" churches but did state he would talk with the attorney about adding in "existing churches". Trustee Dave Stepanovich does not agree with no dispensaries in the DDA area. He himself is a business owner in the DDA area and has spoken with 3 DDA members who want the dispensary as well as 2 business owners within village limits but outside the DDA, Norm Schafer with Norm's Barber Shop and Don Brill. Trustee Stepanovich asked the question of having a dispensary outside the DDA area and was advised by President Babcock that it was an all or nothing endeavor to which Trustee Stepanovich replied it should be all. A motion to table this issue until the ordinance book is done was made

by Trustee Doug Larson and 2nd by Trustee Marv Blumke. A roll call vote was taken with results as follows:

- Trustee Doug Larson: Aye
- Trustee Preston Grobaski: Aye
- Trustee Dave Stepanovich: Aye
- Trustee Marv Blumke : Aye
- President Greg Babcock: Aye

All in favor, motion to table carried.

On the zoning ordinance Trustee Dave Stepanovich stated he had spoken with 3 businesses within the Alanson DDA who do want the dispensary in reference to Cleon Morgan's petition. With many different opinions on this and not enough true insight, Trustee Doug Larson made a motion to reach out to the property tax paying residents with a survey to be sent out to registered property owners. This motion was 2nd by Trustee Preston Grobaski with a roll call vote following, results as follows:

- Trustee Marv Blumke: Aye
- Trustee Dave Stepanovich: Aye
- Trustee Preston Grobaski: Aye
- Trustee Doug Larson: Aye
- President Greg Babcock: Aye

All in favor, motion approved, with a motion to table the zoning vote being made with results as follows:

- Trustee Doug Larson: Aye
- Trustee Preston Grobaski: Aye
- Trustee Dave Stepanovich: Aye
- Trustee Marv Blumke: Aye
- President Greg Babcock: Aye

All in favor, motion to table zoning vote approved.

Trustee Larson then advised council that the Planning & Zoning committee has been operating under the old ordinance and that a new one had been drafted but never voted on by previous council. Trustee Larson made a motion for council to vote in this ordinance with Trustee Dave Stepanovich 2nd. Roll call vote was taken with results as follows:

- Trustee Marv Blumke: Aye
- Trustee Dave Stepanovich: Aye
- Trustee Preston Grobaski: Aye
- Trustee Doug Larson: Aye
- President Greg Babcock: Aye

All in favor, motion approved.

Firearms ordinance adds "legal in self-defense". A motion to approve was made by Trustee Doug Larson and 2nd by Trustee Dave Stepanovich with a roll call vote taken:

- Trustee Doug Larson: Aye
- Trustee Preston Grobaski: Aye
- Trustee Dave Stepanovich: Aye
- Trustee Marv Blumke: Aye
- President Greg Babcock: Aye

All in favor, motion approved.

Chapter 155: Notes on 155

1. Owner shall not divide parcel unless approval under the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, the division or property transfer is part of a condominium project developed under the Condominium Act, being Act 59 of the Public Acts of 1978
2. Also requires approval of the Village President. Requires survey map per Act 132 of the Public Acts of 1970, as amended, certified by a land surveyor licensed by the State of Michigan
 - a. May not:
 - i. Make a parcel less than 40 acres
 - b. Must be accessible
 - c. President must provide written explanation of denial, which can be appealed to the zoning board
3. If already in existence, and not accessible, and >20 acres, and came into existence before 3/31/1997, exempt from this.
4. Procedure
 - a. Application to split requires
 - i. Proof of oversight
 - ii. Names/Addresses of all parties having an interest
 - iii. History of prior divisions
 - iv. Survey from licensed surveyor
 1. President can waive any requirement of application
 - v. Map showing location of lot to be divided
 - vi. Legal descriptions of the lots post-division and transfer
 - vii. Statement of why land was split / transferred
 - viii. Application fee
 1. Do we want to establish a fee?
5. President has 45 days to approve
 - a. May deem application incomplete
 - b. May provide conditional approval upon subject to obtaining necessary variances per the Zoning Board.
 - c. If denied, can resubmit (if incomplete) or appeal to full zoning board
6. If approved, must send information to Emmet County Equization with following:
 - a. "Pursuant to Section 109a of the Land Division Act, as amended, The Village of Alanson, its officers and employees are not liable if a building permit is not issued for a parcel less than one (1) acre in size that resulted from an approved division under the Village of

Alanson Land Division Ordinance." A copy of this letter shall be retained by the Village President in his or her official records.

7. 155.06. STANDARDS FOR APPROVAL OF PARCEL DIVISIONS OR PROPERTY TRANSFERS.
8. An application to divide a lot, parcel, or tract of land, or to effect a property transfer shall be granted when all of the following standards are met:
 - a. (A). The proposed division or property transfer shall comply with all requirements of the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended.
 - b. (B). The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the Village of Alanson Zoning Ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have buildings or structures on them. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance, provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel or, if already nonconforming, will not become more nonconforming.
 - c. (C). Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description.
 - d. (D). Except for the remainder of the parent parcel or parent tract of land retained by the owner, each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than ten (10) acres, shall have a depth of not more than four (4) times its width as measured under the

requirements of the Village of Alanson Zoning Ordinance. This standard shall not apply to a property transfer.

- e. (E). If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.
 - f. (F). If the land proposed to be transferred between two (2) or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Village of Alanson Zoning Ordinance, as amended, and this Chapter, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot(s), parcel(s), or tract(s) of land.
 - g. (G). Each lot, parcel, or tract of land that will result from the division or property transfer shall be accessible.
 - h. (H). The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.
 - i. (I). The proposed division does not isolate a cemetery so that it no longer is accessible as defined in this Chapter. This standard shall not apply to a property transfer.
9. 155.07 defines when a property owner can get a variance from the Zoning Board
 10. 155.09. Appeals. Any such appeal shall be filed within thirty (30) days from the date of the decision from which the appeal is taken.
 11. Violations: \$500 per day

The current Land Divisions Ordinance did not reflect current Michigan laws. Trustee Larson asked council to approve as written above, this was 2nd by Trustee Marv Blumke with a roll call vote being taken with the following results:

- Trustee Marv Blumke: Aye
 - Trustee Dave Stepanovich: Aye
 - Trustee Preston Grobaski: Aye
 - Trustee Doug Larson: Aye
 - President Greg Babcock: Aye
- All in favor, motion carried.

6. DPW worker Corey Withey asked council for a raise. Trustee Dave Stepanovich stated he had talked with Mr. Withey and with others in the area and everyone around here is getting more than Mr. Withey. Trustee Stepanovich stated he believes Mr. Withey is worth giving more money to. Trustee Doug Larson asked if the village has an evaluation policy in place to which the reply was no. Trustee Larson suggested a yearly basis or every 6-month basis for an evaluation review with a set rate annually. Trustee Marv Blumke stated he has also spoken with DPW Worker Corey Withey and he always has a list each morning of things to do and that there is no question of his ability and commitment to his job. Trustee Marv Blumke made a motion to approve a raise to \$18 per hour with a 6-month evaluation, this was 2nd by Trustee Dave Stepanovich with a roll call vote taken, results as follows:

- Trustee Doug Larson: Aye
 - Trustee Preston Grobaski: Aye
 - Trustee Dave Stepanovich: Aye
 - Trustee Marv Blumke: Aye
 - President Greg Babcock: Aye
- All in favor, motion approved.

7. Committee Reports:

- Trustee Preston Grobaski noting to report.
- Trustee Marv Blumke advised council DPW worker Richard Gorney had approached him about getting more hours and was advised to try for 24 hours a week. On the Sewer committee, Trustee Blumke advised that they had settled on the 2nd lowest bidder to replace the section of Pahe Hill sewer pipe that needs replacement. This work will be done after September of this year and the cost will be paid strictly by the City of Harbor Springs and Little Traverse Township. The sewer committee has applied for the SAW Grant.
- Trustee Doug Larson advised council that we did not receive the grant for movies in the park he had applied for. But there is a Community Foundation grant he is looking at as a new water fountain in the village park is something he is interested in. Trustee Larson also stated that the Green Space Grant is also another possibility.
- Trustee Dave Stepanovich had nothing to report.

8. A motion to pay the monthly bills was made by Trustee Doug Larson and 2nd by Trustee Dave Stepanovich with a roll call vote taken:

- Trustee Marv Blumke: Aye
 - Trustee Dave Stepanovich: Aye
 - Trustee Preston Grobaski: Aye
 - Trustee Doug Larson: Aye
 - President Greg Babcock: Aye
- All in favor, motion carried.

9. Public comments:

-Mike Kolkmeier advised council that his group was not looking to just open a medical marijuana dispensary, they would like to build and operate a few different businesses in the village as there is not a lot to sustain here. They wish to help the community and he asked council how they would pick a candidate if they MMLA is passed in the village to which Trustee Larson advised it is a first come first serve basis.

10. At 8:11 pm Trustee Doug Larson made a motion to adjourn, this was 2nd by Trustee Marv Blumke. Meeting adjourned

Chris Adams
Village Clerk