



# FOWLER VILLAGE COUNCIL

President  
 Vernon J. Thelen  
 President Pro-Tem  
 David Klein  
 Trustees  
 Roy Smith  
 John Childers  
 Jim Braman  
 Rick Fink  
 Greg Halfmann

Treasurer  
 John C. Rademacher  
 Clerk  
 Rhonda Feldpausch  
 DPW Employees  
 Vern Feldpausch  
 Brad Smith

DATE: MARCH 14, 2011

The Fowler Village Council met Monday, March 14, 2011 at 7:00 PM with President Vern Thelen presiding.

PLEDGE OF ALLEGIANCE AND ROLL CALL

The pledge of allegiance was given to the flag. Roll was called and a quorum reported. Present were: Roy Smith, John Childers, Greg Halfmann, John Rademacher, David Klein, Rhonda Feldpausch, and Rick Fink. Absent: Jim Braman.

VILLAGE PERSONNEL

Vern Feldpausch.

VISITORS

Kyle Knight – Clinton County Sheriff Department, Ryan Simon and Ken and Kathy Farley.

AGENDA

**BOARD ACTION:** Trustee Klein moved, supported by Trustee Childers, to approve the agenda as presented. Motion carried.

MINUTES

**BOARD ACTION:** Trustee Klein moved, supported by Trustee Smith, to approve the minutes of the February 14, 2011 meeting as presented. Motion carried.

BILLS

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Childers, to approve payment of \$39,674.08 from the General Fund, \$24,066.08 from the Water O & M Fund, \$588.10 from the Major Street Fund, \$199.10 from the Local Street Fund, and \$1,530.67 from the Sanitary Sewer O & M Fund. Motion carried.

ZONING PERMITS

None.

CLINTON COUNTY SHERIFF

Kyle Knight was present and reported that things were quiet.

TREASURER REPORT

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Childers, to accept the Treasurer's report as presented. Motion carried.

PLANNING COMMISSION

Next meeting April 11, 2011.

ACCESSORY BUILDING SIZE

Due to lapse between Zoning Ordinance amendment adoption and publication the following action was taken:

**BOARD ACTION:** Trustee Klein moved, supported by Trustee Childers, to adopt the following Village of Fowler Zoning Accessory Building and Structures Amendment for the Residential District:

**B. Detached Accessory Buildings and Structures - Residential Districts or Uses**

1. Detached accessory buildings and structures shall be located only in the rear yard and at the setbacks required for main buildings for the District in which it is located, except that in no case shall a detached accessory building be closer than six (6) feet from any lot line, as measured from the closest point of the building. In addition, no detached accessory building or structure shall be located upon a rear yard utility easement.

2. The lot coverage shall not exceed twenty-five percent (25%) for all principal and accessory buildings on a parcel.

- A. Lot coverage means the percentage of the building footprint for the first floor coverage of all principal and accessory buildings/structures in relation to the total square footage of the parcel.
3. For parcels less than ½ acre (< 21,780 sq ft) a maximum of two (2) detached accessory buildings shall be permitted and the combination of accessory buildings shall not exceed a total of 1,200 square feet and are limited to a maximum height of eighteen (18) feet.
4. For parcels equal to or greater than ½ acre (= or > 21,780 sq ft) A maximum of two (2) detached accessory buildings shall be permitted and the combination of accessory buildings shall not exceed a total of 5.6% of lot square footage and are limited to a maximum of 2,400 square feet and a maximum height of eighteen (18) feet.
5. In addition to the two (2) accessory buildings, one (1) additional detached storage shed shall be permitted for a Residential District or Use, not to exceed one hundred and twenty (120) square feet in area. A swimming pool and cover structure shall also be permitted on a lot, subject to the requirements of the Section 3.30 and any other applicable ordinance.

Motion carried.

ANNAMARIE BAUER - DNRE

Annamarie Bauer – DNRE was present to give an update on the planning process for the rail-trail project.

DPW REPORT

Vern Feldpausch, DPW Supervisor, reported on the following issues:

- 2011 sidewalk notification
- State reports
- Generator replacement bids
- Meter replacement
- Well #8
- Meter reading
- Flush hydrants
- ISO rating
- Lagoon sampling & dumping
- Fink Field shelving
- Meet with Spartan Asphalt

WELL #8 PROJECT

Project is on hold until frost law restrictions are lifted.

JUNK DAY

Junk day will be May 14, 2011.

WATER RATE REVIEW

A list of documentation need to perform the review has been sent to Robert Schneider, DNRE and is currently being reviewed.

PLANNING COMMISSION APPOINTMENTS

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Smith, to reappoint Ross Feldpausch to the Planning Commission; term ending May, 2014. Motion carried.

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Smith, to reappoint Pam Fink to the Planning Commission; term ending May, 2014. Motion carried.

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Smith, to reappoint Dave Klein, council representative, to the Planning Commission; term ending May, 2012. Motion carried.

Due to lapse between Zoning Ordinance amendment adoption and publication the following action was taken:

**BOARD ACTION:** Trustee Klein moved, supported by Trustee Childers, to adopt the following Village of Fowler Zoning Amendment:

**AN ORDINANCE TO AMEND THE VILLAGE OF FOWLER ZONING ORDINANCE TO PROVIDE FOR AND TO REGULATE LAND USES THAT ARE RELATED TO THE ACTIVITIES OF QUALIFYING PATIENTS OR PRIMARY CAREGIVERS (INCLUDING REGISTERED QUALIFYING PATIENTS AND REGISTERED PRIMARY CAREGIVERS) PURSUANT TO THE PROVISIONS OF THE MICHIGAN MEDICAL MARIHUANA ACT (MCL 333.26421 et seq); TO DEFINE TERMS; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.**

**INTENT AND PURPOSE:**

The citizens of the State of Michigan approved the initiative for the use and possession of medical marihuana by persons suffering from debilitating conditions as defined in the Michigan Medical Marihuana Act. This Ordinance is adopted to address such use of medical marihuana, and the activities associated with such use, within the Village of Fowler, Michigan. This Ordinance is not intended to provide immunity from criminal prosecution for offenses relating to the use, sale, possession, or growing of marihuana which may be in violation of the Michigan Marihuana Act and other regulations. Further, it is not the intention of this Ordinance to provide for or authorize dispensaries or compassion clubs as permitted land uses in the Village of Fowler, Michigan.

**CHAPTER 2. DEFINITIONS AND INTERPRETATIONS**

Chapter 2, "Definitions and Interpretations," of the Village of Fowler Code of Ordinances shall be and is hereby amended to alphabetically add definitions which are consistent with those set forth in MCLA 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008:

*Debilitating Medical Condition* means the conditions and circumstances provided in Section 3(a) of the Michigan Medical Marihuana Act (MCL 333.26423(a)).

*Marihuana (also known as marijuana and cannabis)* means the substance defined in Section 7106 of the Public Health Code, PA 1978, No. 368 (MCL 333.7106).

*Medical Use* means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

*Primary Caregiver or Registered Primary Caregiver* shall mean a person who has agreed to assist with a registered qualifying patient's medical use of marihuana and who has a valid registry identification card identifying said person as a primary caregiver for that qualifying patient.

*Qualifying Patient or Registered Qualifying Patient* means a person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by the Michigan Department of Community Health which identifies the person as a registered qualifying patient.

*Usable Marihuana* means the dried leaves and flowers of the marihuana plant and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant.

*Medical Marihuana Dispensary* means any location at which medical marihuana is transferred from one person to another, other than transfers of marihuana from a registered primary caregiver to a qualifying patient who is directly linked to that qualifying patient through the State of Michigan registration process.

*Compassion Club* means any entity which is not available to the public, which is comprised of primary caregivers or qualifying patients and the primary objective includes the use marihuana in any form or the support, facilitation, or instruction of such use.

### **CHAPTER 3. GENERAL PROVISIONS**

Chapter 3, "General Provisions," Section 3.13, "Home Occupations," of the Village of Fowler Code of Ordinances shall be and is hereby amended to add a part M. as follows:

- M. **Medical Marihuana Primary Caregiver.** A primary caregiver, subject to the restrictions set forth in the definitions and requirements of the Michigan Medical Marihuana Act and the general rules of the Michigan Department of Public Health and this Ordinance may furnish and provide the services of a registered primary caregiver as a home occupation, subject to the following restrictions:
1. The existing home occupation regulations of Sections 3.13 B. through J. shall be applicable to the Medical Marihuana Primary Caregiver.
  2. A registered primary caregiver's marihuana growing operations shall be limited to the number of plants allowed by the Michigan Medical Marihuana Act.
  3. No signs or advertisements of any kind shall be permitted on the exterior of the property or structure utilized as a registered primary caregiver home occupation.
  4. A registered primary caregiver functioning as a home occupation from a dwelling shall not be located within a radius of one thousand (1,000) feet from any school, including child day care facilities, church or drug rehabilitation facility.
  5. A registered primary caregiver functioning as a medical marihuana home occupation shall be the only person engaged in the conduct of that activity at that address.
  6. The use of a dwelling as a home occupation under this section shall be limited to one (1) registered primary caregiver providing usable marihuana to not more than five (5) qualifying patients;

provided, however, that transfers of medical marihuana from the registered primary caregiver to his or her qualifying patient shall be accomplished only by the delivery of medical marihuana by the primary caregiver at the home of the qualifying patient.

7. Marihuana growing facilities, which are part of a registered primary caregiver home occupation shall not generate light which is visible from the public right-of-way and shall be subject to public safety inspections such as mechanical, electrical and fire prevention inspections.
8. All medical marihuana shall be contained within the dwelling within a secure, enclosed, locked facility, accessible only by the registered primary caregiver or registered qualifying patient as required by the Michigan Medical Marihuana Act and as approved by, and subject to inspection by the Building Official.
9. Confidentiality. Supporting information submitted by a primary caregiver, regarding a registered qualifying patient including information regarding the patient's physician, is confidential.
10. Conflicting Ordinance and Code Provisions Superseded. Any Village of Fowler Ordinance, parts of Ordinances, or any Village of Fowler Code provision in conflict or inconsistent with any of the provisions of this Ordinance shall be and is hereby superseded.

Motion carried.

PARTNERSHIP WITH DALLAS TOWNSHIP  
REGARDING PROPERTY PURCHASE

Dallas Township is requesting a loan in the amount of approximately \$140,000.00 at 2.5% for a length of approximately 5 years. The general consensus of the council is to agree to the terms requested. Dallas Township will continue investigating this venture.

2011 SIDEWALKS

The current list of sidewalk replacement totals approximately 1662 feet and \$23,000.00. Property owners will be notified of projected sidewalk work.

DISSOLVED OXYGEN MONITOR

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Klein, to purchase a dissolved oxygen monitor for approximately \$1,600.00. Motion carried.

TAX PROGRAM SOFTWARE

**BOARD ACTION:** Trustee Fink moved, supported by Trustee Childers, to purchase BS&A Equalizer Tax.Net software for \$1,625.00. Motion carried.

CORRESPONDENCE

None.

10 MINUTE OPEN DISCUSSION

- Facebook participation
- March 28<sup>th</sup>, 2011 Town Meeting in Pewamo

ADJOURNMENT

**BOARD ACTION:** Trustee Childers moved, supported by Trustee Klein, to adjourn the meeting. Motion carried.

Adjournment: 9:02 PM

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Rhonda Feldpausch, Village Clerk