

February 14, 2022

Mayor Sharrard opened the regular meeting of the Gaylord City Council with a prayer by Council Member Awrey at 7:00pm on Monday, February 14, 2022. The Pledge of Allegiance followed the invocation. The meeting was held in the City Council Chambers, located at City Hall, 305 East Main Street, Gaylord, Michigan.

Members Present: Mayor Sharrard, Witt, Hartz, Ouellette, Ryan, Wilson and Awrey.

Members Absent: None.

Motion by Hartz, supported by Ouellette to dispense with the reading of the minutes from the January 24, 2022 meeting and accept them as presented.

Ayes: Unanimous. Motion carried.

Public Comment:

Kelly Connell, 2221 Marquardt Road (public comment attached)

Judy Duhoski, 214 E. Sheldon Street.

At the last meeting they said people in the building will be armed, will they be armed?

Amy Moon, (no address given) You know the state law and federal law. Shame on people. Why is there a push to go next to the school? Talk to real cops who deal with marihuana.

Romone Skola, 11085 Sprucedale, Elmira Township, stated that we shouldn't even be here. There are other options than next to a school. He indicated he is a retired police officer, he knows criminals. Not sure what is in the armored car. Just because it is legal does not make it right. Laws are subject to change. There has to be other options.

Bob Morris, 1157 Estelle Road, Not going to put product or cash in this building? Who is the market? What is the age? The market under 21 that will pay the premium. Nothing against the company itself, but you have to do it responsibly. They looked at risk management but did not look at location. He worries about public safety. Location is the first thing you look at.

Cody Lawnicheck, 6295 Sparr Road, stated that were not against them doing business, were against the location. It was a unanimous "no" at the planning commission, keep that in mind tonight!

Scott Connell, 2221 Marquardt Road, ask the question, has the council ever gone against the planning commission recommendation in the last 9 years? Just to reiterate, during multiple meetings, said they would not be using the storage. Is there any benefit to the city and its residents having this company at this location?

Louis, 795 Knollwood Lane, putting aside possible crime and dangers, no signs on the doors, kids are very intuitive, they know what's there. What if a strip joint went in this location? He is trying to teach his kids morals and good behaviors. He has to tell his children not to do this. He worries about the image that is portrayed for our children. Trying to keep his kids safe.

Kristi Carr, 2656 Van Tyle Road, stated her son goes to school at St. Mary's every day from mid September to

June. She really felt she could be heard and is disappointed in the community. Here out of concern for our kids.

Tim Wilts 1054 Clearview, which of you all have votes here tonight? If something tragic happens will you be able to sleep at night?

Jerry Belanger, Principal St. Mary's School, you can read the comments that were made, but you just don't understand the compassion coming from these people. There is no other school in this state going through this. The planning commission ruled that it was not compatible. When there is a fire drill, bomb threat, our kids go across the railroad tracks toward this building. We were not looking for this, this is the last thing we need. There is not another private or public school going through this. Right is right, wrong is wrong.

Kristi Catt, 2656 Van Tyle Road, are you in the legal standards to deny this? A lot of what I am hearing and concern for me that they would feel that confident. My family is in real estate.

Scott Connell, 2221 Marquardt Road, trying to convey this company has been given multiple locations to put the business at another place. Just because you say no to this company, you're just saying no to the location.

Cody Lawnicheck, 6295 Sparr Road, Why does this trucking company need so much security? Bringing risk to the door step of the school. There are security measures in place cause they know there's risk. It's the risk next to a school.

No name or address given, comment by a citizen, challenge the ordinance, make it a 1000 feet. Employees don't always follow the rules, opening up a can of worms with having it next door to a school. Think about beyond today, think about the kids.

Ken Foote, 1005 Poquette Road, marihuana is a controlled substance at federal level.

Jim Awford, 2662 Ordway Road, the attempt to stifle public comment at the beginning of the meeting is astonishing. How many of you have children in school? It is not compatible with the school next door. The applicant put money in that should have no bearing on the decision. Should be an easy vote on what is right and what is wrong. Do the right thing and deny the special use permit.

Amy Correll, my argument is not with you, it is with the state of Michigan. She stated she lost her best friend by a man who ran a yellow light, had alcohol and marihuana in his system. He did not even get charged for killing her best friend. Who approved this drug? How easy is it to test?

Larry Correll, West Third, I came to town as an alcohol counselor, paid attention to school boards, city council and the health board. Hard for the citizens of your community to effect the boards. Do the right thing. The community put you in place to take care of our needs. Marihuana is almost uncontrollable.

Danny Cruz, 912 Strawberry (see attached)

Dana Wingo, 7520 Springgay, who authorized the methadone clinics here in Gaylord? Who authorized the 22 dispensaries? When are you up for re-elections?

Rene, Elmira, has any of your money been invested in that building?

Kim Cruz, 912 Strawberry, in 2019 the city council unanimously voted to not allow marihuana in the city. What

changed? She stated she is very upset about marihuana places coming in to the city. She is not sure why it was brought to our community.

Sam Markawicz, Vanderbilt, alcohol can be banned in counties, how can we make marihuana included. Is there a way to put it in place?

Romone Skola, Elmira, knows someone who is having a shop in Gaylord, if this passes it's fixed.

James Davis stated he wanted to address some of the issues being brought up. The building met all the requirements of the ordinance. There will be no cash or guns in the building. We are not using trucks, we are using regular unmarked cargo vans.

Scott Connell, the problem with lying is you have to remember what you say. He said rent would be between \$2500 and \$3500 a month. The Millers were going to rent them the building for a \$1000 a month. We are not against marihuana, were against it at the building next to the school.

At the close of public comment, the city attorney read aloud the standards in the ordinance. He stated that council could approve, approve with conditions or deny the permit request. Comments made tonight are consistent with planning commission meeting. Any concerns can be addressed with conditions.

Motion by Ouellette, supported by Witt to approve the special use permit for Michigan Secure Trucking (400 W. Mitchell Street) with the following conditions: 1). Any complaints within the first year for an unsafe environment will be followed up on, 2). No storage of marihuana 3). No firearms 4). No paraphernalia 5). No cash storage and 6). Storage of empty trucks only.

A roll call vote was taken:

- Awrey – No
- Ouellette – Yes
- Hartz – No
- Ryan – Yes
- Wilson – No
- Witt – Yes
- Sharrard - No

Ayes: 3 Nays: 4 Motion Denied.

A motion by Hartz was made to deny the special use permit for Michigan Secure Trucking at 400 W. Mitchell Street based on the recommendations by the planning commission. The motion was supported by Awrey.

A roll call vote was taken:

- Awrey – Yes
- Ouellette – No
- Hartz – Yes
- Ryan – Yes
- Wilson – Yes
- Witt – No
- Sharrard – Yes

Ayes: 5 Nays: 2 Motion Carried.

Motion by Witt, supported by Ouellette to approve the MDOT Road Recommendation for Busines Loop Old 27 from Wisconsin to McCoy.

Ayes: Unanimous. Motion carried.

Motion by Hartz, supported by Wilson to approve the bid from American Waste for City Wide Spring Clean Up scheduled for Saturday, May 7, 2022.

Ayes: Unanimous. Motion carried.

No action taken on the reimbursement for legal fees for D. MacKool, 5th street.

Motion by Witt, supported by Ryan to approve the St. Patrick's Day parade/route.

Ayes: Unanimous. Motion carried.

Motion by Ouellette, supported by Awrey to approve the Resolution for the Water Fund Deficit Elimination Plan.

Ayes: Unanimous. Motion carried.

Motion by Wilson, supported by Ryan to approve the resolution for the Sewer Fund Deficit Elimination Plan.

Ayes: Unanimous. Motion carried.

Motion by Ouellette, supported by Witt to approve the Otsego County Fire Board Budget.

Ayes: Unanimous. Motion carried.

Motion by Witt, supported by Wilson to approve the purchase of a SANE vehicle.

Ayes: Unanimous. Motion carried.

Motion by Wilson, supported by Awrey to approve the purchase of a new 2022 Ram crew cab police vehicle for Chief Claeys.

Ayes: Unanimous. Motion carried.

Motion by Hartz, supported by Witt to approve February expenditures in the amount of \$178,259.69.

Ayes: Unanimous. Motion carried.

No other business was presented and the meeting was adjourned at 9:17 p.m.

Jennifer Molski, City Clerk

Todd Sharrard, Mayor

February 14th, 2022

City Council of Gaylord,

Kelly Connell - 2221 Marquardt Rd, however my two young boys are located at St. Mary's at 321 N Otsego Ave Monday through Friday, 7:30 am to 5:00 PM August through June (not including extra-curricular activities). I attended St. Mary's as a kid, and have been a community member since the 80s. Professionally, I am a transportation risk manager for one of the largest transportation insurance brokers in the United States and have been in the industry for over 10 years. I specialize in transportation & logistics, risk management, & loss prevention.

The locations of these businesses can carry severe consequences if not thought out entirely & planned in a manner to reduce risk. Risk can either be increased or decreased by taking simple precautionary measures, such as determining a location.

Can I get a show of hands of anyone here to oppose this location? The hands you see in the air only represent a small portion of the St. Mary's family who are uncomfortable with a high risk business being located next to a school. These raised hands do not come close to illustrating the 151 signatures submitted to the planning commission at the prior meeting.

As a transportation & logistics specialist, I know that companies engaging in the transport of certain higher risk commodities such as pharmaceuticals, electronics, and marijuana are substantially at an increased risk of being targeted by organized criminals. This is a fact, and undisputable. This is also why the state requires such security measures to be in place for such businesses. This isn't just a trucking company, or just delivery company, or just a logistics company. This is a marijuana delivery company, which is subject to a significant amount of state safety and security regulations. A company that transports everyday low risk commodities is not required to have bullet proof glass at their garage or warehouse, but as found in the last meeting - this company is. Placing such a high-hazard business directly next door to an elementary school can present any person engaging in organized crime with an opportunistic opening, potentially targeting the school, teachers, and our kids.

Most secure transport companies offer armed services & military or law enforcement trained drivers due to the nature of the business. The concern is what type of people the industry attracts. Criminals in this industry will wait outside a retail or grow operation to locate the transport company, and then follow them to detect their route patterns daily. During this process, they will end up at the transport facility, putting them right in front of the school playground where my kid are playing. Less organized criminals may perceive this business as one who frequently stores cash or marijuana, and still end up next to the school with weapons about to commit a violent crime. What happens when a student happens to be walking next to that building when this happens?

The state permit allows for temporary storage of marijuana within these facilities (likely due to DOT Hours of Service Regulations & emergency events). In the last meeting when asked what would happen in the event of an emergency, the city responded that this company would need to make other arrangements for their vehicles. Per state guidelines, A secure transport vehicle may be stored at a location other than the primary place of business only if the vehicle does not contain marihuana products – leaving the storage facility the only viable option per the state license. If the state permit

allows temporary storage at the primary place of business, once can conclude that it is a necessary activity when transporting marijuana. If the state permit allows this, then they are messaging that temporary storage is necessary for these companies to operate successfully.

I searched for alternate properties in Gaylord following the prior two meetings. Overall, I spent less than an hour of time searching for properties and found multiple options including two buildings in the M-1 district, a commercial garage for sale, and a St. Mary's family willing to erect a new building to fit the needs of this business. I could only imagine what could be found if more time were invested into this, as there is no shortage on available locations to accommodate such businesses.

Even if there were no other available real estate options, that doesn't discount or mitigate any of the risk factors I am bringing to your attention today. It is the city's job to keep the safety & wellness of community members as their top priority. Secure Transport Companies carry many of the same risks as grow and retail operations, and should be located accordingly – not next to a school, which has been here over 100 years. Please decide to keep our school zones safe, and help reduce the risk of a potentially catastrophic 100% preventable situation from occurring at our community's school.

Thank you

Jennifer Molski

From: Danny Cruz <danny.cruz@outlook.fr>
Sent: Monday, February 14, 2022 10:11 AM
To: Kim Awrey; Jennifer Molski
Subject: Fwd: let's invite drug dealers to our children's playground ... This article originally appeared on The Petoskey News-Review: Gaylord to review marijuana transport company in building near school

Attachments: Note to Gaylord City Council Members dtd 10FEB22.docx; citycouncilminutes-11082021unapproved.pdf; Marijuana Licensing_Report_7.18.21_-_7.24.21_731701_7.pdf; Engineering Site Plan Review 04Jan2022.pdf; Gaylord Planning Commission Agenda 02Feb2022.pdf; Michigan Secure Trucking Operation Plan.pdf; Minutes for Gaylord Planning Commission 01Dec2021.pdf; Resubmittal Engineering Site Plan Review Michigan Secure Trucking 27Jan2022.pdf

Ladies,

Good day. Would you please forward this email below to the city attorney? Thanks much.

Sincerely,

The Cruzs

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Sent: Sunday, February 13, 2022 10:54 PM

To: Danny Cruz

Subject: let's invite drug dealers to our children's playground ... This article originally appeared on The Petoskey News-Review: Gaylord to review marijuana transport company in building near school

Paul,

Good day. I hope our message finds you in the best of health and spirits. As you know, I normally work in D.C., however I am delighted to be able to work from home and be a little more involved in my community afterhours. I wanted to share the following items of interest with you from Saturday's, 12FEB22, timely article in The Petosky News-Review:

1. "After hearing public comment, the planning commission concluded that the proposed secure transport service would be incompatible with the existing St. Mary Cathedral School. Although the applicant had **voluntarily agreed** not to store marijuana at the site, the commission was concerned that the perception of marijuana or cash in the building would increase the likelihood of crime in close proximity to the school," said Gaylord City Attorney Paul Slough. Did the applicant really "voluntarily agree" not to store marijuana or is it strictly prohibited per the special use permit?
2. "Jerry Belanger, principal of St. Mary Cathedral School, said the school community is opposed to the company operating out of that building. "To the north of (the building) is our playground that borders the property and to the east is the high school. We don't think it's in the best interest of our school and the overall safety of our school community to have a secured transit company that close to our children," said Belanger. **David Miller**, who owns the building and **intends to lease it to Davis**, said the property has been used as a trucking depot for over 30 years with no complaints from St. Mary. **He has invested over \$50,000 dollars into the building** and **"the potential lessee of the building has spent over \$60,000 of his own money (on) the interior of the**

building. "The request by (Davis) does in fact meet the zoning requirements," noted Miller who said Davis has also met eight criteria needed to get a special use permit. Miller fails to mention that it's eight (8) out of ~thirty-five (35) criteria.

3. "Even though Davis **pledged** not to have any marijuana in the building, parents were still concerned, said Belanger." Correct me if I'm wrong, however a pledge is tantamount to a pinky promise. It is well-established that pledges are not enforceable by any authority having jurisdiction (municipal, county, state or federal).
4. "'A lot of the parents at the first meeting in October did bring that up but if there were an emergency, then (the marijuana) may have to be stored overnight. The state has put certain criteria on them that (the building) has to be secure which is telling as to why would the state impose those safety precautions. A lot of our parents are concerned about the building being so close," added Belanger. Miller said St. Mary's had contacted him and asked him to donate the property to the church, which was declined. "If they wish to purchase the property they can, **after they reimburse Mr. Davis for his time and investment in the property**," said Miller." By the reasonable person standard, it seems peculiar that the owner, Miller, would have acquired investment revenue for a property that is not in receipt of a special use permit unless there was some guarantee of a third party's special use permit. The optics are troubling to say the very least. We would like to speak with you concerning this issue in advance of Monday evening's vote. We're interested in the permits approved for any upgrades that may have already been executed over the last twelve months.

Are permits not required to be filed by the owner, or his appointed representative, vice prospective lessees? I ask as Kevin Makarewicz's, the professional engineer from C2AE, 04JAN22 report clearly indicates the applicants for two special use permits are both signed by James Davis. James Davis is not the owner. Does our town not require the owner's signature as applicant when the entirety of the real property installed equipment, structure and plat are to be used for a single business occupancy? Interestingly enough, it would appear the real property improvements have been made long in advance of a special use permit issuance either at risk or with a guarantee.

Our family has attempted to reach out to all the city council members without success. Alternatively, we have reached out to 9&10 News, (national) Fox News, America One News and Congressman Bergman's office in order bring to light what could possibly become a much bigger story should a precedent be set right here in our little town.

Funny, someone on the city council, or someone at its behest, just updated Alan Witt's council membership through January 2026. That wasn't the case last week. It seems the city council has changed over the weekend, this according to the city's homepage. You can request a copy of my email to the mayor and council from Thursday from any one of the members.

We, Carrie and I, request an audience with you in the lead up to this vote. For the record, the city council members have refused to communicate with us despite having received and read our email request. Will you meet with us in advance of the vote? We're available anytime Monday, 0900-1900. God bless and thank you for all you do for the betterment of our town.

Sincerely,

The Cruz Family

City Attorney: Paul Slough, no email

City Manager: Kim Awrey, awreyk@cityofgaylord.org

City Clerk: Jen Molski, molskij@cityofgaylord.org

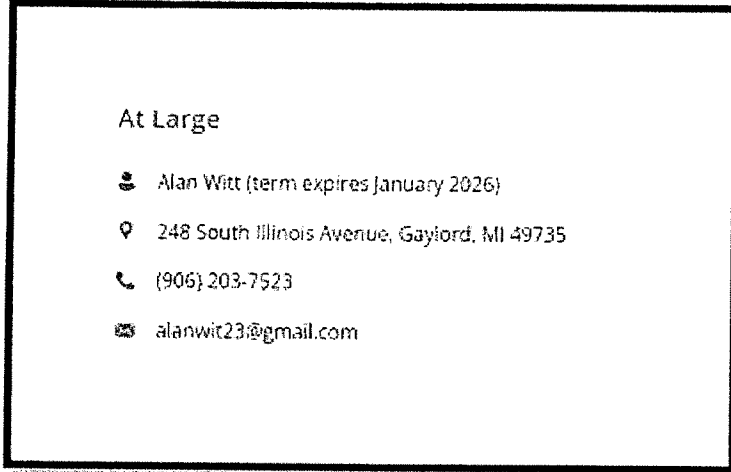
Council Members:

Bill Wishart, Mayor, billwishart1@gmail.com

Jordan Awrey, Ward 1, awreyfilms@gmail.com

Taylor Sides, Ward 2, tcakin@glenergy.com
Stephen Hartz, Ward 3, shartz78@yahoo.com
Vic Ouellette, At Large, vouellette418@gmail.com
Todd Sharrard, At Large, tsharrard@yahoo.com

Alan Witt's term was just extended on the city's website over the weekend: alanwit23@gmail.com



From: Danny Cruz <danny.cruz@outlook.fr>
Sent: Sunday, February 13, 2022 12:57 PM
To: Danny Cruz <danny.cruz@outlook.fr>
Subject: Fwd: let's invite drug dealers to our children's playground

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From: Danny Cruz <danny.cruz@outlook.fr>
Sent: Sunday, February 13, 2022 12:36 PM
To: Yovanovich, Colin; Baker, Dakota
Subject: Fwd: let's invite drug dealers to our children's playground

Colin,

Good day from the 1st District. As recommended, our family reached out to the mayor and his fellow city council members. All six persons have refused to communicate with us.

As you can see below, the local media sent out a timely story framing the marijuana drug transport's prospective venture as innocuous and actually good for the community. This is preposterous!

We'll pray for a favorable outcome at tomorrow, Monday, 14FEB22, evening's city council vote.

God bless your office in all you do for the betterment of our district and God bless America.

Faithfully yours,

The Cruz's

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Subject: let's invite drug dealers to our children's playground

Dear 9&10 News Team,

In our small town of Gaylord, Michigan the city council will vote on Monday, 14FEB22, evening on a permit request to open a marijuana shipping company immediately adjacent to Saint Mary's Cathedral School.

In the lead up to the vote there has been subtle media support to the permit as each story is framed as putting drug dealers at our children's playground is a good thing for Michigan. Namely, there's a short interview in which a local public official attempts to frame the narrative that zealots are opposed to the permit, in advance of the planning commission vote of 02FEB22. The clip ran several times during the day "before" the vote. Understandably, the local church officials did not speak to you as the past has seen their very words minced and framed into a context that was never intended, but certainly a slam on both the devout and conservative members of our town.

Thank God the planning commission could see right through the disingenuous applicant in the name of both public safety and adjacent compatibility vis-à-vis our school (HS, elementary and pre-kindergarten).

We respectfully request you cover our local vote even if only three minutes on regional news. Should the permit be approved it will set a precedent throughout our district, the state and nation.

It seems oddly presumptuous that the current building owner and the prospective buyer would comingle their capital and invest over \$100,000 in building upgrades anticipating a city council ruling in "their" favor. That seems oddly inane or smells of public corruption ... if thought that it is a slam dunk.

<https://www.yahoo.com/entertainment/council-review-marijuana-transport-company-110131164.html>

I have attached a copy of my family's note to our mayor and city council in which we have requested a private audience with each member for no more than 20 minutes. To date, we have not received so much as a single voicemail, call or email. I can be reached during the work day, evening or early morning.

[Gaylord City Council to review marijuana transport company in building next to school \(yahoo.com\)](#)

newsdirector@9and10news.com

news@9and10news.com

10FEB22

Dear Gaylord City Council Members,

Good day. We are lifelong members of the Gaylord community. Both my wife and I are retired from naval service. Carrie concluded her watch in 2002 after more than twenty years of service. I am an enlisted Marine turned naval officer, retired in 2015 after more than 23 years in uniform across the Pacific, Middle East, and Africa. While the family continued here in Gaylord, I have spent the last 7 years as either a federal employee or contractor working for the Departments of Defense, Justice and State in the Indian Ocean, Persian Gulf, Western Sahara, the Sahel, and Eastern Mediterranean.

My earliest work experience started as a surveyor and construction equipment operator in the Marine Corps. I have been a licensed professional engineer for twenty years and a defense acquisition professional since 2012. I possess both bachelor's and master's degrees in civil engineering with focus on construction management, geotechnical and foundation engineering. My experience spans planning, requirements development, contracting and construction management for new construction, sustainment, restoration, modernization, and demolition from projects as small as \$100k to as large as \$51M. My current assignment as a construction executive has me posted in Washington, D.C.

My wife and I respectfully request a 20-minute window of your time before the city council meeting scheduled for the evening, 1900, of Monday, 14FEB22. You are scheduled to vote on the special use permit request by Michigan Secure Trucking, a recently founded regional marijuana shipper. The proposed site immediately adjacent to our children's playground and less than 90 feet from St. Mary's Cathedral School brick veneer.

To be clear, the issue is unnecessary risk: the combined probability and severity associated with the business venture. The request for your private audience is NO WAY related to the social or political debates on recreational marijuana use. We seek only to preserve what is left of our community and our most precious gift, our children.

At issue for the entire community, immediate homeowners and the St. Mary Cathedral School family is the unnecessary risk introduced. There are ample sites throughout our county for this trucking venture, however the optics on this special use permit are damning: let's have drug dealers operating next to our school. It's clearly a slippery slope for our little town. You have, unilaterally, voted to allow the marijuana retail industry in our town, ostensibly you weighed the risks and considered second and third order consequences, to wit, the crafted guidance provided to counsel and passed by you last spring. Unfortunately, the trucking aspect, although mentioned in local media by council members failed to make it into the guidance. Hence, where we are today on this business venture's application on a trucking "special use" permit.

In November 2021, Mr. Alan Witt, now a city council member, put forth the motion to approve the application for marijuana establishment for Michigan Secure Trucking. The motion was seconded by Council Member Jordan Awrey. Mr. Witt is a staunch advocate of the marijuana industry as stated in his previous interviews with Petoskey news outlets and as evidenced by his 2016 sentence following a conviction of delivering marijuana. He remains a staunch advocate of the industry for our little town.

I do not know if there are city council member(s) who personally profit from the Gaylord marijuana industry, however I'm certain if there is then those members would abstain to avoid a conflict of interest vis-à-vis their annual government ethics filing.

We've included a link from a story that ran throughout the day on 9&10 News the very same day "before" the publicly attended planning commission meeting. The public official presented in his short clip his opinions about public opposition by introducing conjecture and lacking transparency as to the true issues by framing the narrative as community and religious (inferred by name of the school) opposition to the "stigma" of marijuana. Additionally, he failed to mention the school is home to middle, elementary and pre-kindergarten students. He definitively addressed the school as "high school" only, nonetheless that should be problematic by the reasonable person standard.

The immediate information your team will glean about the proposed business in the existing structure, and as confirmed when I questioned the city attorney at 02FEB22's public forum, there

- is nothing to preclude the use, maintenance, and storage of weapons,
- is nothing to preclude the amount of storage of drug paraphernalia,
- is nothing speaking about the imminent storage of this lucrative cash operation (as it's still prohibited to make deposits associated with this industry in FDIC-insured institutions),
- incorporates a secure room conceivably for the storage of weapons, cash, and marijuana paraphernalia,
- will incorporate state-of-the-art security systems using infrared cameras; camera coverage on both interior and exterior side of doors and windows; use of motion sensors inside the facility; alarmed systems with notification to both private security and local law enforcement,
- enhanced upgrades for countering forced-entry/ballistic resistant measures at entries. Allegedly, employees would park inside, but city code requires parking spaces outside. There is no law that will mandate parking inside the facility, the mere mention is inane.

Thank you for the pleasure of your attention to our concerns and we look forward to our 20 minutes with each of you. God bless and God bless America.

Sincerely,

Carrie Cruz and Danny Cruz, PE

Council Members:

Bill Wishart, Mayor, billwishart1@gmail.com

Jordan Awrey, Ward 1, awreyfilms@gmail.com

Taylor Sides, Ward 2, tcakin@glenergy.com

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