

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 18, 2015**

Mayor Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854. Councilmember Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
John Stressman, Chief of Police
Kerry Minshall, Fire Chief
Tom Hitch, City Attorney

ANNOUNCEMENTS

- David Haywood, Zoning & Development Director earned certification from the American Institute of Certified Planning (AICP).
- Thursday Night Live will feature the Mason Middle School and Mason High School Jazz bands.

It was stated that Ingham County Commissioner Robin Naeyaert requested to give a presentation before Council this evening.

MOTION by Brown, second by Droscha,
to amend the agenda by inserting Item No. 14, Presentation, and move,
Adjournment, to Item No. 15.

MOTION APPROVED

PEOPLE FROM THE FLOOR

Russ Whipple, Fire Department Lieutenant, spoke regarding comments he made at the May 6 City Council meeting where he presented a funding proposal for replacing fire trucks. He explained the proposal in detail and asked the Council and staff to be bold and implement his plan or something similar to it. He stated that the City would not be paying interest, but paying toward inflation.

CONSENT AGENDA

MOTION by Brown, second by Ferris,
to approve the Consent Agenda as follows:

- A. Approval of Minutes - Regular Council Meeting: May 6, 2015
- B. Approval of Bills: \$173,012.78
- C. Motion – Memorial Day Parade – Street Closure

Approved street closures from 8:15 a.m. until approximately 10:30 a.m. as follows: Bond Park to East Columbia Street, south on Barnes Street, west on Ash Street, north on Jefferson Street, west on Maple Street to State Street, right on Columbia Street to Maple Grove Cemetery.

MOTION APPROVED

REGULAR BUSINESS

Resolution No. 2015-20 — Declaring an Additional Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

Haywood elaborated on his report regarding the Planning Commission request for Council to declare an additional 180-day moratorium on the issuance of licenses for primary caregiver operations and dispensaries to allow the Planning Commission's medical marihuana sub-committee to continue working toward drafting an ordinance.

Stressman stated that he is concerned regarding a bill introduced in the legislature allowing medical marihuana card holders to have a level of THC in their system.

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-20 read.

MOTION APPROVED

Resolution No. 2015-20 was introduced by Clark and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-20
A RESOLUTION DECLARING AN ADDITIONAL TEMPORARY MORATORIUM
ON THE ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER OPERATIONS
AND DISPENSARIES IN THE CITY OF MASON
May 18, 2015**

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the Act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City had previously adopted an ordinance which was understood to have the effect of prohibiting primary caregiver operations and dispensaries within the City; and

WHEREAS, the Michigan Supreme Court has determined such ordinances to be in conflict with the Act but also has stated that the use of Marihuana pursuant to the Act may be regulated; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, in light of pending legislation, court rulings, and position statements of the Michigan Attorney General, the Michigan Sheriffs' Association, and the Michigan Association of Chiefs of

Police, the City of Mason is in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, at their May 12, 2015 meeting, the Mason Planning Commission requested additional time to prepare a draft ordinance to study the issue of medical marihuana, including national and local trends, explore ordinance examples, and schedule public input meetings, etc.; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregiver operations until the process to determine the appropriate and necessary regulations is concluded.

NOW, THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

3. This limited moratorium on the issuance of primary care giver operation licenses and dispensary licenses shall be effective for 180 days from passage.

Yes (6) Brown, Bruno, Clark, Ferris, Mulvany, Waltz

No (1) Droscha

RESOLUTION APPROVED

Resolution No. 2015-21 — Request to Hold a Fireworks Display and for a Street Closure

MOTION by Droscha, second by Brown,
to consider Resolution No. 2015-21 read.

MOTION APPROVED

Resolution No. 2015-21 was introduced by Clark and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-21
REQUEST TO HOLD A FIREWORKS DISPLAY
AND FOR A STREET CLOSURE
May 18, 2015**

WHEREAS, the Mason Fire Department is requesting to hold a fireworks display on the evening of July 4, 2015 in conjunction with the annual Fourth of July celebration; and

WHEREAS, the Mason Fire Department is requesting to close Temple Street between the Fairgrounds entrance and Kipp Road from 6:00 a.m. on July 4 through 2:00 a.m. on July 5, 2015.

BE IT HEREBY RESOLVED, by the City Council of the City of Mason, that it does hereby grant permission to the Mason Fire Department to hold a fireworks display on July 4, 2015 in conjunction with the annual Fourth of July celebration.

BE IT FINALLY RESOLVED, that the City Council of the City of Mason does hereby approve the closure of Temple Street between the fairgrounds entrance and Kipp Road from 6:00 a.m. on July 4 through 2:00 a.m. on July 5, 2015.

RESOLUTION APPROVED

Resolution No. 2015-22 – Adoption of Fiscal Year 2015-2016 Budget

Smith stated that the FY 2015-2016 Budget Fund balance appears to be high for the reason that a lot of the elements that created the fund balance include Charter provisions to waive street construction, unsettled contracts, and staff vacancies. He stated that these items will utilize the fund balance as quickly as the proposal by Mr. Whipple. He stated concern that the proposal only addressed fire apparatus. He ran several financial models with minor increases of revenue and expenditures, as well as expenditures outside of just purchasing the apparatus, and at the current revenue base the City could not sustain the plan for five years. He stated that if the City were to use such an aggressive plan for fund balance, he would be considering other areas and needs of the City, like the pension funding level, Other Postemployment Benefits (OPEB), and upcoming contracts for negotiations. He stated that the FY 2015-2016 Budget addresses fire apparatus more aggressively than it has in the past. The City and townships are continuing to contribute and support apparatus. Discussion ensued regarding fire apparatus as it is appears in the proposed Budget.

MOTION by Brown, second by Droscha,
to consider Resolution No. 2015-22 read.
MOTION APPROVED

Resolution No. 2015-22 was introduced by Bruno and seconded by Clark.

It was discussed whether amendments to the Budget at the time of its adoption were appropriate. Work sessions were held to consider matters of the Budget and amendments can be made at any time if it is necessary to do so.

MOTION by Brown, second by Mulvany,
to amend proposed FY 2015-2016 Budget as follows:

1. Dept. 758 – Public Art: Add funding in the amount of \$1,000.00 to support current and future projects related to both the fine and performing arts.
2. Dept. 808 – Planning Commission: Add funding in the amount of \$340.00 to support conferences, workshops, training seminars, and membership dues to professional organizations for members of the Mason Planning Commission.
3. Adjust the surplus to fund balance, all subtotals, all totals, and Resolution No. 2015-22 accordingly.

Yes (5) Brown, Droscha, Ferris, Mulvany, Waltz
No (2) Bruno, Clark
MOTION APPROVED

It was discussed that Mr. Whipple’s proposal was a sound plan and it, or something similar, should be followed. Also, it was suggested that because there is a fire truck in the proposed Budget, there is time to consider alternative plans for the next Budget. A very lengthy discussion ensued.

MOTION by Clark, second by Bruno,
to amend the Budget by setting aside \$600,000 in the Fire Department Budget for the purchase of fire trucks.
Yes (3) Bruno, Clark, Droscha
No (4) Brown, Ferris, Mulvany, Waltz
MOTION FAILED

**CITY OF MASON
CITY COUNCIL RESOLUTION 2015-22
ADOPTION OF THE FISCAL YEAR 2015-2016 BUDGET
May 18, 2015**

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2015-2016 Fiscal Year budget on Wednesday, May 6, 2015 as prescribed by law; now

THEREFORE BE IT RESOLVED, that the proposed 2015-2016 Operating Budget is filed with the City Clerk, providing for the sums of \$14,978,425 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental Funds, and Special Assessment Funds for the 2015-2016 Fiscal Year, and the said amount of \$2,864,950 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason.

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2015-2016 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the DDA District is 1,898,784 the sum of \$25,460 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2015-2016 is forwarded to the City Council for its approval, and whereas the captured State Taxable Valuation for the LDFA District is 51,084,708; the sum of \$137,550 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments.

RESOLVED FURTHER, that the 2015-2016 Governmental Fund Budgets shall be automatically amended on July 1, 2015 to re-appropriate encumbrances outstanding and reserved on June 30, 2015.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2015-2016 proposed Fiscal Year budget which is currently on file in the office of the City Clerk.

Yes (5) Brown, Droscha, Ferris, Mulvany, Waltz

No (2) Bruno, Clark

RESOLUTION APPROVED

Motion – Intergovernmental Agreement for Building Inspection Services Amendment

Haywood elaborated on his submitted report regarding amending the intergovernmental agreement for building inspection services by adjusting the hourly rate of pay for inspection services as requested by Meridian Township Manager Frank Walsh.

MOTION by Brown, second by Droscha,
to approve the amendment to Exhibit A of the Intergovernmental Agreement for Building Inspection Services with Meridian Township to increase the hourly service rate for both building inspector and building official to \$100 per hour and authorize the City Administrator to sign the agreement.

MOTION APPROVED

Motion – Oil and Gas Lease Between City of Mason and Northwood Energy Corporation

Colburn elaborated on his report to Council regarding a request by Northwood Energy Corporation to extend the current oil and gas lease with the City. Hitch informed Council that he reviewed the lease and has approved it to form.

MOTION by Droscha, second by Ferris,
to approve extension of oil and gas lease with Northwood Energy Corporation and providing Mayor Waltz and City Administrator Colburn signature authority.

MOTION APPROVED

UNFINISHED BUSINESS

Mr. Hitch will provide a report on West Bay Exploration Company at the next Council meeting.

NEW BUSINESS

Discussion was held regarding the maintenance of Maple Grove Cemetery. Also, the process of developing a food truck ordinance was discussed.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Ferris informed Council regarding Tree Commission business.
- Brown informed Council regarding Planning Commission business.
- Waltz informed Council regarding Downtown Development Authority business.
- Brown informed Council regarding the Sesquicentennial Committee business.

COUNCILMEMBER REPORTS

Brown reported that he attended the Michigan Leadership Forum sponsored by the Governing Magazine. He provided a copy of the magazine for each councilmember.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. He announced that he has accepted an employment position from Traverse City, Michigan. He will submit a resignation to City Council in the near future.

PRESENTATION

Robin Naeyaert, County Commissioner, congratulated Mr. Colburn. She gave Council an update of her priorities in her new role as County Commissioner.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Deborah J. Cwierniewicz, City Clerk

Mike Waltz, Mayor