

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 2, 2015**

Mayor Waltz called the meeting to order at 7:31p.m. in the Council Chambers at 201 West Ash Street, Mason, Michigan, 48854. Councilmember Bruno led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Patrick M. Price, Acting City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director

ANNOUNCEMENTS

- Rayner Park Clean Up – November 7, 2015
- Parking is prohibited from 2:00 a.m. - 6:00 a.m. on all Mason streets, November 1, 2015 through May 1, 2016.

PEOPLE FROM THE FLOOR

Jack Carmichael of 519 South Rogers Street commented regarding his concern of oil well odor and Ingham County seismic permits.

Roger Bauer of 608 East Maple Street stated that he was very pleased with the street reconstruction work of Rieth-Riley Construction Company and Wolverine Engineers and Surveyors, Inc. on Maple Street. He felt that the work habits of Eastlund Concrete Construction were substandard.

Christine Carmichael of 519 South Rogers Street stated her educational accomplishments. She commented on the West Bay project, requesting the City to organize a community event to inform the community on all available information. She offered her services as the facilitator.

PRESENTATIONS

Robert Liberty, Director of the Urban Sustainability Accelerator Program at Portland State University

Robert Liberty, Director of the Urban Sustainability Accelerator Program at Portland State University stated that he is working with the Tri-County Regional Planning Commission this year to promote sustainable development practices and policies throughout mid-Michigan. He informed Council of his work to help urban areas implement their sustainability plans, goals, and programs. He spoke regarding work to create an identity for Mason, as well as a sense of place and sprawl prevention. He is working with a team of people from this region, including Mason Zoning & Development Director David Haywood, Stacy Byers of the Ingham County Agricultural Preservation Board, Harmony Gmazel of the Tri-County Regional Planning Commission, who took the effort to form the team, Ingham County Health Department Healthy Communities Coordinator Janine Sinno, Brent Forsberg of T.A. Forsberg, County Commissioner Bryan McGrain, and Lansing City Councilmember Judi Brown Clarke. Michelle Reeves of Civilis Consultants will visit Mason tomorrow to look for new opportunities.

Motion by Brown, second by Droscha,
to amend the agenda by adding Presentation Item No. 6 (B) "City of
Mason's Participation in the 2015 East Cities Project."

MOTION APPROVED

City of Mason's Participation in the 2015 East Cities Project

Marlon Brown, Mayor Pro Tem, informed Council that the City of Mason has participated in the 2015 eCities Project by the University of Michigan, Dearborn for the past three years, and for the straight third year the City of Mason has been recognized as a four star community. He presented Mayor Waltz with a plaque from the University of Michigan, Dearborn.

CONSENT AGENDA

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

A. Approval of Minutes

- Regular Council Meeting: October 5, 2015
- Special Council Meeting: October 28, 2015

B. Approval of Bills

- October 19, 2015: \$422,081.41
- November 2, 2015: \$188,487.38

MOTION APPROVED

REGULAR BUSINESS

Resolution - Declaring an Additional Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

Price spoke regarding the resolution declaring an additional ninety-day moratorium on the issuance of licenses for primary caregiver operations and dispensaries in the city of Mason.

MOTION by Droscha, second by Ferris,
to consider the resolution, *Declaring an Additional Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason* read.

MOTION APPROVED

Introduced by Ferris, seconded by Mulvany, *Resolution Declaring An Additional Temporary Moratorium On The Issuance Of Licenses For Primary Caregiver Operations And Dispensaries In The City Of Mason*

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-49
DECLARING AN ADDITIONAL TEMPORARY MORATORIUM ON
THE ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER
OPERATIONS AND DISPENSARIES IN THE CITY OF MASON
November 2, 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 Michigan Supreme Court has made it clear that dispensaries 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 is illegal; 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 possibly prohibit 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 and court rulings, the City of Mason Planning Commission 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, on September 24, 2015 the Mason Planning Commission held a public input meeting to determine the attitudes, opinions and suggestions for regulating primary caregivers; and

WHEREAS, at their October 13, 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:

1. That 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. That 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; and

3. That this limited moratorium on the issuance of primary caregiver operation licenses and dispensary licenses shall be effective for 90 days from passage.

RESOLUTION APPROVED

Motion – Approve the 2016-17 Street Capital Maintenance Program as Described in the Document Entitled “City of Mason, Street Capital Maintenance Plan, dated October 27, 2015”

Price stated that City Council has final authority in terms of the streets that are going to be provided capital maintenance in the 2016-2017 plan. He informed Council regarding the historic plan for street millage and improvements and the plan to replace all of the City’s streets every twenty years. He urged Council to consider recommitting to the program. A brief discussion ensued to consider narrowing Northbrook Street.

MOTION by Bruno, second by Droscha,
to approve the 2016-2017 Street Capital Maintenance Program as described in
the document entitled, “City of Mason, Street Capital Maintenance Plan, dated
October 27, 2015.”

MOTION APPROVED

Discussion – Draft Copy of Capital Improvements Plan 2015-2020

Discussion was held regarding the 2015-2020 Capital Improvements Plan. Price suggested revisiting the plan sometime in March. He feels that it would be more realistic to have the new city administrator review the plan. Haywood spoke regarding the approval time frame for of the document. It was the consensus of Council to give suggestions regarding the document to the Mayor Pro Tem Brown for consideration of the Planning Commission at their meeting next week. Council could then review the document again at one of the next two regular meetings.

UNFINISHED BUSINESS

None.

NEW BUSINESS

It was requested by Brown to have the Board and Commission Roster and application form provided in the next regular meeting packet.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Brown informed Council regarding Planning Commission business.
- Ferris informed Council that there is still time to purchase a Sesquicentennial Legacy Tree before the end of the year.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR’S REPORT

Price informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:53 p.m.

Deborah J. Cwiertniewicz, City Clerk

Michael F. Waltz, Mayor