

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 18, 2016**

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

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Deborah S. Stuart, City Administrator
Deborah J. Cwierniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

OATH OF OFFICE

City Clerk Cwierniewicz administered the oath of office to Deborah S. Stuart, City Administrator.

ANNOUNCEMENTS

None.

PEOPLE FROM THE FLOOR

None.

PUBLIC HEARING – 2016 SIDEWALK IMPROVEMENTS

Mayor Waltz opened the public hearing at 7:34 p.m.

Jacob Houser of 624 South Barnes Street stated that he wanted to inform Council that he is concerned that the choice of sidewalk marked for improvement doesn't need it.

Mayor Waltz closed the public hearing at 7:36 p.m.

Consent Agenda

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

- A. Motion – Approval of Minutes – Regular Council Meeting: January 4, 2016
- B. Motion – Approval of Bills - \$88,523.28

MOTION APPROVED

REGULAR BUSINESS

Resolution – 2016 Sidewalk Special Assessment Resolution No. 3, Project 2016-1

MOTION by Brown, second by Droscha,
to consider City Council Resolution – 2016 Sidewalk Special Assessment
Resolution No. 3, Project 2016-1 read.

MOTION APPROVED

City Council Resolution – 2016 Sidewalk Special Assessment Resolution No. 3, Project 2016-1 was introduced by Mulvany, seconded by Brown.

**CITY OF MASON
2016 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 3
PROJECT NO. 2016-1
January 18, 2016**

WHEREAS, the City Council of the City of Mason, pursuant to the provisions of Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter, did on Monday, the 21st day of December, 2015, adopt resolutions tentatively approving the installation and construction of certain sidewalk improvements (the "Project," described below), and the establishment of a special assessment district therefore for the purpose of defraying all or a portion of the cost of the Project, which Project and special assessment district therefore are more specifically hereinafter described; and

WHEREAS, this City Council did meet in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 18th day of January, 2016, at 7:30 o'clock, p.m., the time, date and place set by the City Council to conduct a public hearing to hear any objections to the Project and to the proposed special assessment district therefore; and

WHEREAS, estimates of cost of said Project are on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby determines to make the following described sidewalk improvements:

The installation of sidewalks and related improvements, and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: V/L Cedar St, Hartwell Terrace, 201 E Ash, 306 E Ash, 314 E Ash, 315 E Ash, 322 E Ash, 323 E Ash, 328 E Ash, 333 E Ash, 400 E Ash, 403 E Ash, 405 E Ash, 423 E Ash, 430-432 E Ash, 435 E Ash, 438 E Ash, 522 E Ash, 534 E Ash, 540 E Ash, 544 E Ash, 549 E Ash, 621 E Ash, 625 E Ash, 703 E Ash, 715 E Ash, 732 E Ash, 739 E Ash, 759 E Ash, 809 E Ash, 819 E Ash, 831 E Ash, 837 E Ash, 755-757 W Ash, 803 W Ash, 809 W Ash, 624 S Barnes, 625 S Barnes, 702 S Barnes, 1100 S Cedar, 1103 S Cedar, 100-102 E Cherry, 122 E Cherry, 126 E Cherry, 210 E Cherry, 223 E Cherry, 226 E Cherry, 227 E Cherry, 232 E Cherry, 615 S Jefferson, 144 W Kipp, 216 W Kipp, 1010 S Lansing, 216 E Oak, 305 E Oak, 401 Peachtree, 405 S Rogers, 415 S Rogers, 518 S Rogers, 519 S Rogers, 703 S Rogers, 316 Walnut; and

2. The City Council hereby approves the plans and estimate of cost for the Project in the sum of \$61,815, and approves the additional estimated sum of \$9,270 to defray legal, financing and administrative costs. Of the estimated total cost of \$71,085, the City Council determines to assess \$28,895.63 of that amount against benefiting property owners in the City.

3. The City Council determines that the special assessment district for the Project shall consist of the lots and parcels of land in the area of the City described in **Exhibit A**, attached hereto and incorporated herein by reference, and excluding all streets and other land deemed not benefited.

4. The City Council hereby directs the City Assessor to make, and report to the City Council within thirty (30) days from the date of this resolution, a special assessment roll in which shall be described all of the parcels of land to be assessed as set forth with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amounts shall be such relative proportion of the whole sum to be levied against all parcels of land in the special assessment district as, on a front foot basis, the benefit to such parcel bears to the total benefit of all parcels of land in the special assessment district, all in accordance with Section 66-7 of the City's Code of Ordinances, and subject to review and modification by the City Council.

5. When the City Assessor shall have completed the special assessment roll, he shall affix thereto his certificate, pursuant to Section 66-9 of the City's Code of Ordinances, stating that said roll was made pursuant to a resolution of the City Council, adopted on January 18, 2016, for the purpose of paying that part of the cost which the City Council decided should be paid and borne by special assessment for the Project, that in making such assessment he has, as near as may be, and according to his best judgment, conformed in all things to the directions contained in the resolution of the City Council hereinbefore referred to, and the Charter of the City relating to such assessment, and the City Assessor shall then, within thirty (30) days from the date of this resolution, report the special assessment roll with his certificate attached thereto to the City Council.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

RESOLUTION APPROVED

Resolution – 2016 Sidewalk Special Assessment Resolution No. 4, Project 2016-1

MOTION by Brown, second by Droscha,
to consider City Council Resolution 2016 Sidewalk Special Assessment Resolution
No. 4, Project 2016-1 read.

MOTION APPROVED

City Council Resolution 2016 Sidewalk Special Assessment Resolution No. 4, Project 2016-1 was introduced by Brown, seconded by Mulvany.

**CITY OF MASON
2016 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 4
PROJECT NO. 2016-1
January 18, 2016**

WHEREAS, by resolution adopted Monday, January 18, 2016, the City Council of the City of Mason determined to install and construct the more particularly hereinafter-described sidewalk improvements (the "Project") and assess all or a portion of the cost thereof against the property deemed benefited by the Project, all in accordance with Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter; and

WHEREAS, the City Assessor has prepared and reported to the City Council a special assessment roll assessing all or a portion of the cost of the Project to the property benefited thereby with his certificate attached thereto pursuant to Section 66-9 of the City's Code of Ordinances; and

WHEREAS, the City Council desires to schedule a public hearing to review and hear objections to the special assessment roll.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The special assessment roll shall be filed with the office of the City Clerk and shall be available for public examination during regular business hours on regular business days.
2. The City Council shall meet at 7:30 o'clock in the p.m., on Monday, the 21st day of March, 2016, in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing and hearing objections to the special assessment roll.
3. The City Clerk shall cause notice of the hearing and the filing of the special assessment roll to be given to all interested property owners as provided by Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter. The notice as published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
CITY OF MASON
INGHAM COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE
SPECIAL ASSESSMENT ROLL FOR THE
2016 SIDEWALK IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT 2016-1**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the 2016 Sidewalk Improvements Special Assessment District 2016-1, and any other interested persons:

PLEASE TAKE NOTICE that the City Assessor has reported to the City Council and filed in the office of the City Clerk for public examination a special assessment roll prepared by him, which roll includes all properties that are within the 2016 Sidewalk Improvements Special Assessment District 2016-1, and are benefited by the proposed sidewalk improvement project generally described as follows:

The installation and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: V/L Cedar St, Hartwell Terrace, 201 E Ash, 306 E Ash, 314 E Ash, 315 E Ash, 322 E Ash, 323 E Ash, 328 E Ash, 333 E Ash, 400 E Ash, 403 E Ash, 405 E Ash, 423 E Ash, 430-432 E Ash, 435 E Ash, 438 E Ash, 522 E Ash, 534 E Ash, 540 E Ash, 544 E Ash, 549 E Ash, 621 E Ash, 625 E Ash, 703 E

Ash, 715 E Ash, 732 E Ash, 739 E Ash, 759 E Ash, 809 E Ash, 819 E Ash, 831 E Ash, 837 E Ash, 755-757 W Ash, 803 W Ash, 809 W Ash, 624 S Barnes, 625 S Barnes, 702 S Barnes, 1100 S Cedar, 1103 S Cedar, 100-102 E Cherry, 122 E Cherry, 126 E Cherry, 210 E Cherry, 223 E Cherry, 226 E Cherry, 227 E Cherry, 232 E Cherry, 615 S Jefferson, 144 W Kipp, 216 W Kipp, 1010 S Lansing, 216 E Oak, 305 E Oak, 401 Peachtree, 405 S Rogers, 415 S Rogers, 518 S Rogers, 519 S Rogers, 703 S Rogers, 316 Walnut; and

The special assessment roll has been prepared for the purpose of assessing a portion of the costs of the acquisition and construction of the sidewalk improvement project and work incidental thereto within the special assessment district, as more particularly shown on the plans of the City's engineers, which are on file and available for public examination with the City Clerk at the City Hall, 201 West Ash Street, Mason, Michigan, within the City. The total estimated assessment there under is \$28,895.63.

PLEASE TAKE FURTHER NOTICE that the City Assessor has further reported that the assessment against each parcel of land within the special assessment district is such relative portion of the whole sum levied against all parcels of land in the special assessment district as the benefit to such parcel bears to the total benefit to all parcels of land in the district.

PLEASE TAKE FURTHER NOTICE that the City Council will meet on Monday, the 21st day of March, 2016, at 7:30 o'clock, p.m., in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing the proposed special assessment roll and hearing any objections thereto. The special assessment roll may be examined at the office of the City Clerk during regular business hours of regular business days until the time of the hearing and may further be examined at the hearing.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the special assessment roll, and/or the amount of an assessment, to the state tax tribunal. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment proceedings or may file his or her appearance and protest by letter and his or her personal appearance will not be required. The owner or any person having an interest in the real property who protests in person or in writing at the hearing may file a written appeal of a special assessment with the state tax tribunal within 35 days of the date the special assessment roll is confirmed by the City Council.

Further information regarding the 2016 Sidewalk Improvements special assessment project is available at the City Clerk's office, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: January 18, 2016

Deborah Cwierniewicz, City Clerk
City of Mason
Ingham County, Michigan

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

RESOLUTION APPROVED

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

Brown gave a brief update of Planning Commission discussions and work regarding declaring an additional temporary moratorium on the issuance of licenses for primary caregiver operations and dispensaries. Further discussion was held concerning the length of time that has been spent on this matter. It was questioned whether it was an issue to consider anymore.

MOTION by Droscha, second by Brown,
to consider City Council Resolution Declaring an Additional Temporary
Moratorium on the Issuance of Licenses for Primary Caregiver Operations
and Dispensaries in the City of Mason read.

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

Introduced by Brown, seconded by Mulvany, City Council 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. 2016-03
EXTENDING THE MORATORIUM ON THE ISSUANCE OF LICENSES FOR
PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES IN THE CITY OF MASON
January 18, 2016

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 are 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;

WHEREAS, at their May 18, 2015 meeting, the Mason City Council adopted Resolution 2015-20 establishing a moratorium on medical marihuana operations and dispensaries that will expire on January 31, 2016; 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 January 12, 2016 meeting, the Mason Planning Commission requested additional time to finish a draft ordinance after careful study of the issue of medical marihuana, including national and local trends, ordinance examples, and 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 caregiver operation licenses and dispensary licenses shall be extended by 90 days to April 30, 2016.

VOTE:

Yes (4) Brown, Ferris, Mulvany, Waltz

No (3) Bruno, Clark, Droscha

RESOLUTION APPROVED

UNFINISHED BUSINESS

It was discussed that Pat Price, Administrator Stuart, and Mayor Waltz had reviewed and discussed the Michigan Municipal League (MML) Administrator Evaluation Process. MML has options for presenting a process by working with staff and Council. Mr. Price has offered to rework the document and present a draft process for Council to review at a future work session. Mr. Price will not be charging an additional fee for his work on this task.

NEW BUSINESS

Mulvany requested to have the food truck business discussion placed on the Historic District Commission agenda.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Brown informed Council regarding Planning Commission business.
- Waltz informed Council regarding Downtown Development Authority business.

COUNCILMEMBER REPORTS

Ferris informed Council regarding the "ride along program" she had with Officer Service and Fairbotham.

ADMINISTRATOR'S REPORT

Stuart informed Council regarding city business.

ADJOURNMENT

The meeting adjourned at 8:01 p.m.

Deborah J. Cwierniewicz, City Clerk

Mike Waltz, Mayor