

CITY OF MONROE
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 4, 2011

Regular meeting of the City Council of the City of Monroe, Michigan held on Tuesday, January 4, 2011 at 7:30 p.m. in the City Hall Council Chambers.

Present: Council Members Hensley, Paisley, Bica, Molenda, Beneteau and Mayor Clark.

Excused: Council Member Conner.

Charles D. Evans, City Clerk-Treasurer gave the invocation.

Mayor Clark led the pledge of allegiance to the flag.

Mayor Clark asked for a moment of silence in honor and memory of former State Representative, Kate Ebli who passed away last weekend. He said that she served her community, her state, her family, her career, and also her church.

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and may be approved by one motion. Any item may be removed for separate discussion by a Councilperson or citizen.)

- A. Approval of the Minutes of the Council Work Session held on Wednesday, December 15, 2010, the Minutes of the Joint Council Work Session held on Wednesday, December 15, 2010, the Minutes of the Special Council Meeting held on Monday, December 20, 2010 and the Minutes of the Regular Council Meeting held on Monday, December 20, 2010.
 - B. Approval of payments to vendors in the amount of \$508,811.68.
Action: Bills be allowed and warrants drawn on the various accounts for their payment.
- 1 Medical Marihuana Moratorium.
 - 1. Communication from the Interim Director of Planning & Recreation, submitting a proposed resolution to establish a moratorium regarding sale and dispensing of medical marihuana. In order to enable the City of Monroe ample time to review the Michigan Medical Marihuana Act, and develop a policy based upon this research and investigation, the Planning & Recreation Department recommends adoption of the moratorium for a period of 180 days commencing immediately.
 - 2. Supporting documents.
 - 3. Action: Accept, place on file and the resolution be adopted.
 - 2 Wilfred L. LePage Raw Water Pumping Station Pump Addition Phase One –Bid Award
 - 1. Communication from the Director of Engineering & Public Services, reporting back on bids received for the Wilfred L. LePage Raw Water Pumping Station Addition Phase One, and recommending that Council award the contract to Monroe Plumbing & Heating Co., in the amount of \$518,653.00, and that a total of \$570,000 be encumbered to include a 10% project contingency, and further recommending that the Mayor and Clerk-Treasurer be authorized to sign the contracts on behalf of the City of Monroe.
It is further recommended that a contract be awarded to Jones & Henry Engineers, Ltd. for construction engineering services in the amount of \$57,500 and that the Director of Engineering and Public Services or his designee be authorized to execute it on behalf of the City. It is finally recommended that the Finance Director be authorized to transfer up to \$80,000 from Raw Water Partnership Retained earnings to fund this project as necessary.

2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that items 2 be approved as indicated and that item 1 be removed and considered separately.

Ayes: 6 Nays: 0

Motion carried.

1 The communication from the Interim Director of Planning & Recreation was presented, submitting a proposed resolution to establish a moratorium regarding sale and dispensing of medical marihuana. In order to enable the City of Monroe ample time to review the Michigan Medical Marihuana Act, and develop a policy based upon this research and investigation, the Planning & Recreation Department recommends adoption of the moratorium for a period of 180 days commencing immediately.

Frank Grzywacki, 116 Hollywood Drive said that he also owns the building at 12, 14, & 16 W. Front Street said that he voted against the initiative to decriminalize medical marihuana but that it was passed overwhelmingly by the state. He further stated that he thinks it is in the best spot that it could be in, being centrally located between all of the police departments, and just three (3) blocks from City Hall. He said that the legal steps have all been taken, inspections are completed with an occupancy permit already obtained, and all of the requirements set through the Planning Department and other entities requirements have been met. He explained that if the moratorium is passed, he does not think it should include this business because they've already opened for business and have already contributed \$4,400 in one day to the state.

Mayor Clark explained that the objective for this evening is for Council to decide whether adopt the recommendation for the moratorium for the period as stated or to not impose a moratorium because there are other options that other communities have done.

George Brown, City Manager said that the Building Official has reported that they have not issued an occupancy permit for the medical marihuana operation at this point. He explained that if Council approves a moratorium tonight, there will be opportunities beyond this point to have a discussion about the policy implications of citing facility zoning and location issues and recommendations from the Planning Commission.

David Smith, 530 Hollywood Drive said that he thinks the City has the right to regulate and as he understands elections or voting, it was not to prosecute. He commented to the fact that marihuana is a drug and relieves symptoms of anything, including pain, but that it also induces second hand smoke and he expects the legislature will further regulate second hand smoke. He also commented on other habit forming drugs and how the marihuana would be distributed.

Council Member Paisley said that the comments made by Frank Grzywacki are all valid points but should be taken into consideration by the Citizens Planning Commission (CPC) because if the business is not specifically covered by our codes it has to go in front of the CPC. Every business in this City has already been codified so it fits into a specific category and that is what this moratorium is for, to determine where the business will be allowed to operate, this is not a prohibition against doctors prescribing the marihuana because that has already been regulated.

Charles Sharp said that the bill was passed in 2008, and asked why this wasn't addressed at that time.

Maurice Cheatham, Taylor Michigan explained that he has a medical marihuana clinic in Detroit and that these clinics deal with sick people who need their medicine. He said that by not having a clinic here in Monroe the citizens are being put in jeopardy because they have to travel to other cities to get their medicine.

Council Member Molenda said that it is important that we get this right for all of the people in the community.

Robert Liedel, 939 Hubble Street asked what kind of restrictions, if any, would there be on current patients or caregivers.

Mayor Clark said that this moratorium is being put into place to research zoning and what is to be permissible and where because there is no ordinance in place and no zoning that permits it within the city.

Thomas Ready, Attorney explained that the moratorium, as its written, simply indicates that there would be a 180 day hold on dispensaries, and that the moratorium does nothing to prohibit any addressed in the Medical Marihuana Act.

Tom Notario explained that they were under the assumption that they had a permit, and that on December 21st, 2010 the inspector came in to inspect the building and gave them a list of things that needed to be done, which was taken care of that day so they held clinic on December 22nd, 2010. He further said that people need them here so he has to say "boo to the moratorium".

Council Member Hensley asked if the moratorium passes tonight and at the end of the six month time period the Citizens Planning Commission has not completed their work and guidance is not there, what would an extension be the next step. He also asked if the moratorium passes tonight and the Citizens Planning Commission completes their work before the six months, can it be reversed.

Thomas Ready, Attorney said if the work is complete within the six month period the moratorium could be ended as well by City Council Action. He also explained if the need arises to extend the moratorium because of issues that come up during the hearing process, then the moratorium could be conceivably be extended by Council Action.

After lengthy discussion it was moved by Council Member Hensley and seconded by Council Member Molenda that item 1 be accepted, placed on file and the resolution be adopted.

Ayes: 6 Nays: 0

Motion carried.

Mayor's Comments.

Mayor Clark commented on the loss of former State Representative, Kate Ebli, and updated everyone on Council Member Conner's health and her expected return. He also gave a six (6) month overview of the decisions Council has made and the results of those decisions; he also mentioned decisions that are to come in the next fiscal year. He commented on the projected budget given by the Finance Director in the FY Budget/Finance Review given on December 15, 2010 at a Work Session.

Citizens Comments.

David Smith, 530 Hollywood Drive commended Mayor and Council for getting a jump on the budget.

Adjournment.

It was moved by Council Member Molenda and seconded by Council Member Paisley that the meeting adjourn at 8:43 p.m. until the next Regular Meeting on Tuesday, January 18, 2010 at 7:30 p.m.

Charles D. Evans
City Clerk-Treasurer

Robert E. Clark
Mayor