

Regular Council Meeting of the City of Melvindale held in the Council Chambers on Wednesday, January 4, 2012, at 7:30 pm.

The meeting was called to order by Mayor Striz and roll call was taken:

PRESENT COUNCIL MEMBERS: Hess, Louvet, Balderas, Marsee, Barnes, Cybulski.

ALSO PRESENT: Diana Zarazua, City Clerk; Karen Lowe, Treasurer; Jim Beri, City Administrator; Corinne Galusky, Corporation Council; Chad Hayse, Interim Police Chief; Bob Ferrari, Interim Fire Chief; Joe Owens, DPW Director.

The Pledge of Allegiance was led by Mayor Striz and the invocation was led by Councilman Wheeler Marsee.

12-01-01 Moved by Louvet and supported by Hess to approve the *Regular* Council Meeting minutes dated December 21, 2011.

Passed Unanimously

12-01-02: Moved by Marsee and supported by Louvet to remove from the table and confirm the Mayoral appointment of Kelly Borden to the Parks & Recreation Commission, to replace the unexpired term of Jesse Ortiz, whose term expires 11/17/2013.

Passed Unanimously

12-01-03: Moved by Louvet and supported by Balderas to receive and place on file the resignation of Michael Suiter to the Library Commission.

Passed Unanimously

Audience Participation was offered.

12-01-04: Moved by Louvet and supported by Hess to receive and place on file the invoices and cover sheet and to authorize the payment of invoices totaling \$168,304.01 and the electronic transfers totaling \$91,663.23.

Passed Unanimously

12-01-05: Moved by Louvet and supported by Barnes to concur with the request of the DPW Director, Joe Owens and award the bid for purchases of gasoline and diesel fuel for calendar year 2012, carried unanimously to:

RKA Petroleum Companies (734) 946-2201
28340 Wick Road Keith Albertie
Romulus, MI.

Price as follows: Lead free gasoline and #1 and #2 diesel fuel shipments over 4500 gallons, \$.0262 per gallon over the OPIS average listed daily price, shipments under 4500 gallons, \$.0664 per gallon over the OPIS average listed daily price.

Osburn Industries (313) 292-4140
5850 Pardee Rd. Jeff Thomas
Taylor, MI. 48180

Price as follows, all prices are per ton or yard delivered:

¾ clean limestone	\$11.55	1-3" clean limestone	\$12.25
21 AA crushed limestone	\$8.25	21AC crushed limestone	\$11.10
#1 Top Soil	\$11.25 per yard	Screened Fill Sand	\$8.85 per ton

Passed Unanimously

12-01-06: Moved by Louvet and supported by Cybulski to approve the payout to Probationary Fire Fighter Chris Reyna in the amount of \$543.25.

Passed Unanimously

12-01-07: Moved by Louvet and supported by Cybulski to concur with the recommendation from the City Administrator and approve the plan for the Economic Vitality Incentive Program.

Passed Unanimously

Interim Fire Chief introduced the new Probationary Fire Fighter, Joseph Jerjovich.

12-01-08: Moved by Marsee and supported by Balderas to adopt the following resolution for one year:

**CITY OF MELVINDALE
RESOLUTIONS EXTENDING THE MORATORIUM OF THE ISSUANCE OF
PERMITS, LICENSES AND ZONING APPROVALS FOR THE SALE OR
DISPENSATION OF MEDICAL MARIJUANA**

WHEREAS, the City adopted a moratorium prohibiting the sale or dispensation of medical marijuana in order to study reasonable land uses in connection with the Michigan Medical Marijuana Act ("MMMA"); and

WHEREAS, the MMMA does not address the fact that federal law – specifically, the federal Controlled Substance Act ("CSA"), 21 USC § 841 – makes it a crime to manufacture, cultivate or distribute marijuana; and

WHEREAS, the Michigan legislature has yet to provide any guidance or legislation to guide municipalities in addressing the many issues arising out of the MMMA; and

WHEREAS, allowing the sale or dispensation of medical marijuana prior to the amendment of the zoning ordinance continues to be contrary to the City of Melvindale's ordinances, federal law, state law as the mere possession of marijuana remains a misdemeanor offense, (MCL 333.7403(2)(d), and the manufacturer of marijuana remains a felony, (MCL 333.7401(2)(d); and

WHEREAS, the City of Melvindale desires to ascertain the best and safest path to compliance with the MMMA, in order to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED that the moratorium imposed upon the issuance of any and all permits, licenses and zoning approvals for the sale or dispensation of medical marijuana is extended for an additional one year period from the existing end date of the moratorium to further undertake a study and consideration of zoning classifications and land uses related to growing, selling and dispensing of medical marijuana, or until the City amends the Zoning Ordinance and/or other applicable codes, whichever occurs first; and

BE IT FURTHER RESOLVED that to the extent that any law, ordinance, rule or regulation conflicts with the provisions of these Resolutions, these Resolutions shall control; and

BE IT FURTHER RESOLVED that during the moratorium period, any aggrieved property owner or business shall be entitled to a hearing before the City for the purpose of attempting to demonstrate that the temporary deferral pursuant to these Resolutions will result in the preclusion of any viable economic uses of the property or otherwise violates applicable provisions of the state or federal constitution or law. If the City finds that a petitioner has demonstrated that all viable economic uses of the property have been precluded by the deferment of action as adopted in these Resolutions and/or whether these Resolutions on their face violate law or constitution, the City shall grant relief from the deferral to the degree necessary to cure the contravention.

Passed Unanimously

12-01-09: Moved by Marsee and supported by Cybulski to approve the Mayoral appointment of Michael Suiter to the Housing Commission.

Passed Unanimously

12-01-10: Moved by Marsee and supported by Cybulski to approve the Mayoral appointment of Sue Herman to the Housing Commission.

Passed Unanimously

12-01-11: Moved by Balderas and supported by Louvet to concur with the request of the DPW Director and hire Randall Burns as a DPW/Water Consultant to assist Joe Owens at the rate of \$25.00 per hour, maximum 15 hours per week with no benefits.

Passed Unanimously

12-01-12: Moved by Marsee and supported by Louvet to adjourn at 7:55pm.

Passed Unanimously

Stacy L. Striz, Mayor

Diana Zurazua, City Clerk