

Regular Council Meeting of the City of Melvindale held in the Council Chambers on Wednesday, January 16, 2013 at 7:30 pm.

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

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

ALSO PRESENT: Diana Zarazua, City Clerk; Karen Lowe, Treasurer; James Beri, City Administrator; Chad Hayse Police Chief; Steven Densmore, Fire Chief; Joe Owens, DPW Director; Laura Barbosa-Irvin, Parks & Recreation Director.

Corinne Galusky, Corporation Counsel was absent and excused.

The Pledge of Allegiance was led by Mayor Striz.

13-01-06: Moved by Balderas and supported by Hess to approve the Regular Council Meeting minutes dated January 2, 2013.

Passed Unanimously

Audience participation was offered.

13-01-07: Moved by Marsee and supported by Louvet to authorize the City Administrator, Jim Beri, to pay deposits pertaining to Melvindale Days from the Melvindale Days account and to waive the \$500.00 purchasing cap for Parks & Recreation Director Laura Barbosa-Irvin for Melvindale Days.

Passed Unanimously

13-01-08: Moved by Louvet and supported by Balderas to award the bid proposal from Compeau Brothers for the demolition of 18562 Harman in the amount of \$8,389.00.

Passed Unanimously

13-01-09: Moved by Louvet and supported by Marsee to award the 2013 Annual Bid for fuel to RKA Petroleum Companies.

Passed Unanimously

13-01-10: Moved by Marsee and supported by Louvet to adopt the following resolution and approve the 1 year extension for Marijuana Moratorium as follows:

**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

13-01-11: Moved by Hess and supported by Balderas to approve the 2013 Budget for the Downtown Development Authority.

Passed Unanimously

13-01-12: Moved by Hess and supported by Balderas to adopt the 2013 City of Melvindale Poverty Exemption Guidelines as presented.

Passed Unanimously

13-01-13: Moved by Barnes and supported by Louvet to receive and place on file the December Treasurer’s Report.

Passed Unanimously

13-01-14: Moved by Barnes and supported by Balderas to renew the term of Pauline Lemke to the Commission on Aging with her new term expiring 02/06/2016.

Passed Unanimously

Audience Participation was offered for a second time.

13-01-15: Moved by Louvet and supported by Hess to receive and place on file the invoice and cover sheets and to authorize the payment of invoices totaling \$692,838.63.

Passed Unanimously

13-01-16: Moved by Barnes and supported by Cybulski to adjourn at 8:05 pm.

Passed Unanimously

Stacy Striz, Mayor

Diana Zarazua, City Clerk