

CITY OF TRENTON, MICHIGAN
PUBLIC HEARING
AUGUST 1, 2011

A Public Hearing of the City Council of Trenton, Michigan was called to order by Mayor Brown at 7:45 p.m. on the above date in the City Hall Council Chambers to receive community input regarding an Application for an Obsolete Property Rehabilitation Exemption Certificate under Act No. 146 of the Public Acts of Michigan, of 2000 as amended, filed by Iqbal A. Nasir, for the purchase of building and land improvements with an estimated project cost of \$12 million and located in Trenton Obsolete Property Rehabilitation District No. 1, 2171 West Jefferson, Trenton, Michigan pursuant to MCL 125.2787, for a period of 9 years.

Present on roll call by City Clerk Stack: Councilpersons: Baun-Crooks, LeFevre, McLeod, Taylor, and Teifer.

There being a quorum present, the Council was declared in session.

Absent: Councilperson Gillespie.

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to excuse the absence of Councilperson Gillespie.

Carried unanimously.

Other Officers Present: John Dahlquist, City Assessor; Robert Cady, City Administrator; Wallace Long, City Attorney; Paul Haley, Emergency Management Coordinator; Bruce Vick, Fire Chief; Patrick Hawkins, Parks and Recreation Director; and Eric Witte, Department of Public Services Director.

City Clerk Stack read the notice of the Public Hearing that was published in the News Herald on Sunday, July 17, 2011.

Mayor Brown called upon the public to make any comment regarding the application

There were no comments from the public.

MOTION TO ADJOURN by Councilperson Taylor, seconded by Councilperson McLeod, at 7:50 p.m.

APPROVED BY:

GERALD R. BROWN, MAYOR

KYLE F. STACK, CITY CLERK

MINUTES PREPARED BY: Patricia M. Gearhart, Deputy City Clerk
APPROVED ON: _____

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
AUGUST 1, 2011**

After the Pledge of Allegiance to the Flag, the Regular Meeting of the City Council of Trenton, Michigan was called to order by Mayor Brown, at 8:02 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Stack: Councilpersons: Baun-Crooks, Gillespie, LeFevre, McLeod, Taylor, and Teifer.

There being a quorum present, the Council was declared in session.

Absent: None.

Other Officers Present: John Dahlquist, City Assessor, Randy Schoen, City Treasurer; Robert Cady, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; Paul Haley, Emergency Management Coordinator; William Hogan, City Engineer; Bruce Vick, Fire Chief; Scott Church Human Resource Director; Patrick Hawkins, Parks and Recreation Director; William Lilienthal, Police Chief; and Eric Witte, Department of Public Services Director.

MINUTES

Moved by Councilperson Gillespie, seconded by Councilperson McLeod, to approve the minutes of the Regular Meeting of July 18, 2011.

Carried unanimously.

APPOINTMENTS

Moved by Councilperson Gillespie, seconded by Councilperson Taylor, to approve the Mayor's reappointment of Annette Haley to the Library Commission, term ending August 1, 2014; and Joe Oaks to the Civic Commission, term ending August 1, 2014; and the appointment of Peggy Eaton to the Civic Commission, term ending August 1, 2014.

Roll Call: Brown, Abstain; Gillespie, Yes; LeFevre, Yes; McLeod, Yes; Taylor, Yes; Teifer, Yes; and Baun-Crooks, Yes.

Motion carried.

COMMUNICATIONS AGENDA

AUTHORITIES, CITY COMMISSIONS, BOARDS, COMMITTEES

- A-1. DARLENE SCHOEN: Resignation from Historical Commission
- A-2. JEANNINE FINEGAN: Resignation from Cable Commission
- A-3. NOREEN PETERSEN: Resignation from Civic Commission

GROUPS AND ORGANIZATIONS

- C-1. BOXFORD RESIDENTS: Block Party Request
- C-2. LONGMEADOW RESIDENTS: Block Party Request

DEPARTMENT HEADS, OFFICIALS, C.S.S. REFERRAL

- D-1a. ATTORNEY: Ordinance 740, Medical Marijuana Dispensaries, (2nd Reading, tabled on May 2nd)
- D-1b. ATTORNEY: Substitute Ordinance 740, Medical Marijuana Dispensaries
- D-2. ATTORNEY: Development and Reimbursement Agreement, 2171 West Jefferson
- D-3. ATTORNEY: Obsolete Property Rehabilitation Exemption Certificate Approval, 2171 West Jefferson
- D-4. ENGINEER: Bid Recommendation to Award the Asphalt Replacement, Elm St., Rotary Parking Lot
- D-5. POLICE: Traffic Control Order, Removal of No Parking Signs
- D-6. MAYOR: Proposed Study Session Agenda, August 8, 2011

COMMUNICATIONS

(A-1)

DARLENE SCHOEN

Resignation from Historical Commission

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to receive and place on file the letter submitted by Darlene Schoen, resigning from the Historical Commission, and to send a letter of commendation to her for her services.

Carried unanimously.

(A-2)

JEANNINE FINEGAN

Resignation from Cable Commission

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to receive and place on file the letter submitted by Jeannine Finegan resigning from the Cable Commission, and to send a letter of commendation to her for her services.

Carried unanimously.

(A-3)

NOREEN PETERSEN

Resignation from Civic Commission

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to receive and place on file the letter submitted by Noreen Petersen, resigning from the Civic Commission, and to send a letter of commendation to her for her services.

Carried unanimously.

(C-1 & C-2)
BOXFORD RESIDENTS
LONGMEADOW RESIDENTS
Block Party Request

Moved by Councilperson Gillespie, seconded by Councilperson Taylor, to approve the request from the residents on Boxford to hold a block party on Saturday, September 3, 2011, from 8:00 a.m. to 2:00 p.m., with Sunday, September 4, 2011, as an alternate date in the event of inclement weather, and approved the road closure for Boxford between Truwood and Strohm; and the request from the residents of Longmeadow to hold a block party on Saturday, September 10, 2011, from 4:00 p.m. to 11:00 p.m. and approved the road blockage of Longmeadow from Steiner to Marian under the direction of the Police Department and the Department of Public Services.

Carried unanimously.

(D-1b)
ATTORNEY
Substitute Ordinance 740, Medical Marijuana Dispensaries

**CITY OF TRENTON
ORDINANCE NO. 740**

**AN ORDINANCE TO AMEND CHAPTER 22 OF TRENTON CITY CODE TO REGULATE
THE LOCATION AND OPERATION OF
“PRIMARY CAREGIVERS” OPERATING “UNDER THE MICHIGAN MEDICAL
MARIJUANA ACT OF 2008 (MCLA 333.26421 – 333-26430)**

THE CITY OF TRENTON, COUNTY OF WAYNE, HEREBY ORDAINS AS FOLLOWS

Section 1. Chapter 22 of the Trenton City code entitled “Businesses”, shall be amended by adding a new Article IX, entitled Medical Marijuana which shall read as follows:

Section 22-501. Definitions: the following words shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

(a) “City” means City of Trenton

(b) “Primary Caregiver” means a person who is operating a “Medical Marijuana Dispensary” by supplying “Medical Marijuana” for up to (5) “qualifying patients,” and who is registered with the state Department of Community Health for such purpose.

(c) “Caregiver facility” means a facility where a “Primary Caregiver” who is legally registered by the Michigan Department of Community Health may lawfully assist up to five (5) “qualifying patients” who are also legally registered by the Department with the acquisition of medical marijuana in accordance with the Michigan Medical Marijuana Act of 2008.

(d) “Marijuana” means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106

(e) "Medical Use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered "qualifying patients" debilitating medical condition.

(f) "Qualifying Patient" means a person who has obtained a valid registration card from the Michigan Department of Community Health allowing them to possess and purchase medical marijuana.

Section 22-502. Purpose and Intent:

It is determined necessary for the health, safety and welfare of the City to adopt this ordinance regulating the location and operation of "Medical Marijuana Caregivers" due to the following factors:

- (a) Outside the purview of the Michigan Medical Marijuana Act the possession and use of marijuana (a Schedule I Drug) in the state of Michigan remains a misdemeanor offense. Possession With Intent to Deliver, Delivery or Manufacture of marijuana, remain felonies.
- (b) Marijuana is classified federally as a "Schedule I Drug" under the Controlled Substances Act and is illegal to possess, manufacture, distribute or dispense. Schedule I drugs, which include heroin and LSD, have a high potential for abuse and serve no legitimate medical purpose in the United States.
- (c) In May, 2001, the United States Supreme Court issued its decision in *United States v. Oakland Buyers' Cooperative and Jeffery Jones* holding that distribution of medical marijuana is illegal under the Federal Controlled Substances Act, 21 U.S.C. Section 841 ("CSA"), and there is no medical necessity defense allowed under federal law.
- (d) The location of and easy access to "Medical Marijuana Caregivers" in close proximity to homes, apartments, schools, churches, licensed day care centers and public parks give an impression of legitimacy to such uses and have adverse effects upon children, established family relations, property values and public safety.
- (e) The Michigan Medical Marijuana Act states that registered "Primary Caregivers" may receive compensation for assisting "qualified patients" in the medical use of marijuana, making them a likely commercial activity.

Section 22-503 Locations:

- (a) A Caregiver dispensing marijuana to more than one (1) patient shall not be located:
 - 1. Within 500 feet of any residential zoning district.
 - 2. Within 500 feet of the property line of any public or private school, college or university, any nursery school, day nursery, licensed day care center or any other building or location either rented or used in any way for the care or instruction of children under 18.

3. Within 500 feet of the property line of any church, house of worship or other religious facility or institution.
 4. Within 500 feet of any public park, publicly owned building or recreational area commonly used by minor children.
 5. Within 500 feet of another "Caregiver".
- (b) A "Medical Marijuana Caregiver" with multiple patients shall be located only within a I-1 or I-C district.

Section 22-503. Restrictions

- (a) A "Medical Marijuana Caregiver" with multiple patients shall be permitted to operate only in conformity with the following:
1. The hours of operation shall be restricted to between 8:00 A.M. and 8:00 P.M., Monday thru Saturday.
 2. The business shall be subject to inspection by law enforcement, city building officials and members of the Michigan Department of Community Health during the hours of operation.
 3. A Caregiver with multiple patients shall obtain a City of Trenton business license
- (b) A "Medical Marijuana Caregiver" shall at all times comply with each and every provision of the Michigan Medical Marijuana Act of 2008 (MCL 333.26421).
- (c) A "Medical Marijuana Caregiver" must possess a valid registration card issued by the Michigan Department of Community Health for such purpose.
- (d) No alcoholic beverage shall be sold, conveyed or consumed on the premises of any "Medical Marijuana Caregiver." Nor shall any person be present on the premises of a "Medical Marijuana Caregiver" while intoxicated and/or under the influence of alcohol or any controlled substance.
- (e) Persons under the age of (18) years of age are not permitted to be on the premises of any "Medical Marijuana Caregiver" unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan or another state.
- (f) A "Medical Marijuana Caregiver" must maintain a list of its "qualifying patients by Registration Number." This list is subject to inspection during business hours by members of law enforcement and by members of the Michigan Department of Community Health.
- (g) Any graffiti applied to property under control of a "Medical Marijuana Caregiver" must be reported to the Trenton Police Department and then must be removed within (5) calendar days.

- (h) All litter must be removed from the premises, including the parking lot, sidewalk and all areas visible to the public within 100 feet of the premises at least twice daily.
- (i) Use or consumption in any manner of marijuana or any illegal controlled substance is not permitted on the premises of any “Medical Marijuana Caregiver.”
- (j) The “Medical Marijuana Caregiver” with multiple patients shall obtain and display for inspection a valid sales tax license issued by the State of Michigan.
- (k) It shall be in violation of this ordinance for any “Medical Marijuana Caregiver” to employ any person who is not at least 18 years of age in caregiving. No employee can have been convicted of a drug related felony. A “Medical Marijuana Caregiver” is required to provide the local law enforcement agency within whose boundaries it is located, with a list of all its employees, including full name and date of birth, by January 15th of each year, or anytime a new employee is hired.
- (l) It is the sole responsibility of each “Medical Marijuana Caregiver” to dispense a safe product and to test their products and list the name, quantity and percentage of the main active ingredient (Delta 9 Tetrahydrocannabinol commonly, known as THC) on the labels of its products. Copies of laboratory testing results showing the percentage level of THC must be available on site for inspection by employees of the Department of Community Health or law enforcement. When the product is dispensed it shall be packaged in child proof tamper resistant packaging that is sealed, and the contents will be clearly marked with its percentage of THC and weight.
- (m) A ledger must be maintained of all transactions. This ledger shall contain the following information: type and source of medical marijuana dispensed; the “qualifying patients” Marijuana Registry ID Number; and the date and time dispensed.
- (n) “Medical Marijuana Caregiver” that displays or sells drug paraphernalia may only display and sell paraphernalia that is otherwise legal under city and state law.
- (o) Every “Medical Marijuana Caregiver” must comply with all local, county and state laws.
- (p) Each “Medical Marijuana Caregiver” shall be liable for all costs associated with the investigation, prosecution, incarceration, booking, medical treatment, storage and destruction of evidence, and any other unspecified costs for the failure to comply with the provisions of this ordinance resulting in the arrest and prosecution of any employees, owners or patrons.

Section 22-504. Criminal Penalty – Any person violating any of the provisions of this Ordinance and any of the articles stated within, shall upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than \$ 500 and up to 93 days in jail.

Section 2. Saving Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights

acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Readings. This Ordinance shall be given a first reading on August 1, 2011, shall be enacted on August 15, 2011, and shall be published on or before August 28, 2011, and shall become effective August 29, 2011.

Moved by Councilperson McLeod, seconded by Councilperson Taylor, to substitute the alternate language of Ordinance 740, and approve the first reading of the alternate language and to extend the Moratorium until the final enactment of Ordinance 740.

Carried unanimously.

(D-2)

ATTORNEY

Development and Reimbursement Agreement, 2171 West Jefferson

Moved by Councilperson Gillespie, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Brownfield Redevelopment Authority and approve the Brownfield Development and Reimbursement Agreement, 2171 West Jefferson, and authorize the Mayor and the City Clerk to sign the agreement on behalf of the City of Trenton.

Carried unanimously.

(D-3)

ATTORNEY

Obsolete Property Rehabilitation Exemption Certificate Approval, 2171 West Jefferson

**CITY OF TRENTON
RESOLUTION NO. 2011-27
OBSOLETE PROPERTY REHABILITATION EXEMPTION HEARING**

WHEREAS, pursuant to P.A. 146 of 2000, the City Council has the authority to establish one or more Obsolete Property Rehabilitation Districts and approve related Certificates of Exemption thereof; and

WHEREAS, the City of Trenton ("City") received from Naba Management LLC (Naba) on June 20, 2011, a written request for the establishment of an Obsolete Property

Rehabilitation District (OPRA), pursuant to Public Act 146 of 2000 for property located at the site formerly known as Riverside Hospital, 2171 West Jefferson, in the City of Trenton, which was approved on June 20, 2011; and

WHEREAS, Naba has filed an Application with the City for an Obsolete Property Rehabilitation Exemption Certificate, pursuant to MCL 125.2787, for a period of 9 years.

WHEREAS, a Public Hearing was conducted on the issuance of an Obsolete Property Rehabilitation Exemption Certificate for the property commonly known as 2171 W. Jefferson, on August 1, 2011, and further that pursuant to MCL 125.2784(2) the Clerk notified the assessor, and a representative of each affected taxing unit and the general public, of such hearing.

NOW THEREFORE, BE IT RESOLVED that the Naba Application for an Obsolete Property Rehabilitation Exemption Certificate is hereby approved.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 1st day of August, 2011.

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Brownfield Redevelopment Authority and approve the Naba Application for an Obsolete Property Rehabilitation Exemption Certificate.

Carried unanimously.

(D-4)

ENGINEER

Bid Recommendation to Award the Asphalt Replacement, Elm St., Rotary Parking Lot

Moved by Councilperson Gillespie, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the City Engineer and award the bid for the Asphalt Replacement Contract for Elm Street and Rotary Park Parking lots to Best Asphalt Inc., in the amount of \$133,732.20, with a total project cost including contingency of \$136,000.00, with \$92,623.00, to be funded from the Community Development Block Grant Account (250569849.022) and \$43,377.00, to be funded from the DDA Authority Project Account (494802974.009).

Carried unanimously.

(D-5)

POLICE

Traffic Control Order, Removal of No Parking Signs

Moved by Councilperson Taylor, seconded by Councilperson Baun-Crooks, to concur with the recommendation of the Police Chief and approve the Permanent Traffic Control Order 2011-001, to remove the "No Parking" signs on the east side of Edsel, south of West Road, in front of 2833, 2849, and 2911 Edsel.

Carried unanimously.

(D-6)
MAYOR

Proposed Study Session Agenda, August 8, 2011

Moved by Councilperson Gillespie, seconded by Councilperson McLeod, to approve the agenda for the August 8, 2011, Council Study Session to be held at 7:30 p.m. to discuss the renovation and maintenance of city-owned buildings and the replacement of front steps at City Hall.

Carried unanimously.

The Mayor and Council will tour the buildings at 6:30 p.m. and the Study Session will commence after the tour.

AUTHORIZED DISBURSEMENTS

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, that the Authorized Disbursements, per the August 1, 2011, schedule, be approved

MONROE BANK & TRUST: Cash Disbursements	\$708,499.90
General Fund	169,719.87
Major Street Fund	6,506.58
Local Street Fund	71,399.04
Kennedy Rec Complex	8,671.75
Library Operating Fund	8,263.33
Tax Receiving Fund	287,553.11
Special Revenue Fund	29,730.55
Grant Funds	2,597.52
Capital Project Fund	44,519.00
D.D.A. Fund	8,380.00
Water & Wastewater Fund	57,145.08
Motor Vehicle Pool Fund	9,900.25
Restricted Self Insurance	4,713.81

Carried unanimously.

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, to approve the August 1, 2011, disbursement payable to B&D Vacuum in the amount of \$59.99.

Roll Call: Gillespie, Yes; LeFevre, Abstain; McLeod, Yes; Taylor, Yes; Teifer, Yes; Baun-Crooks, Yes; and Brown, Yes.

Motion carried.

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, to approve the August 1, 2011, disbursement payable to Certified Alarm in the amount of \$510.00.

Roll Call: Gillespie, Abstain; LeFevre, Yes; McLeod, Yes; Taylor, Yes; Teifer, Yes; Baun-Crooks, Yes; and Brown, Yes.

Motion carried.

REPORTS

Moved by Councilperson LeFevre, seconded by Councilperson McLeod, to receive and place on file the Financial Summary dated June 30, 2011, and the Commission and Board Reports, August 1, 2011.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

- | | |
|-----------------------|--|
| Councilperson LeFevre | * Thanked Everyone Involved With the Rotary Roar on the River; Status of Buildings and Splash Park at Elizabeth Park |
| Councilperson Taylor | * Thanked Brownfield Authority for Action on Former Riverside Hospital Site |
| Councilperson Teifer | * Status on Durango for Police Dog |
| Mayor Brown | * Jazz on the River, August 6 & 7 |
| City Clerk Stack | * Reminded Citizens to Vote, Polls Open 7:00 am to 8:00 pm, North Trenton votes at City Hall, High School at Westfield, Taylor School at K of C Hall |

COMMENTS FROM THE PUBLIC

- | | |
|-------------|---|
| Mike Royal | * Concerned About Children Getting to School with No Busing |
| Deana Royal | * Concerned About Condition of Tunnel Under Tracks |
| Nate Stemen | * Updated Information on trentonpatch.com |
| Joe Oaks | * City Wide Garage Sale, Saturday August 20 & 21 |

MOTION TO ADJOURN by Councilperson McLeod, seconded by Councilperson Gillespie, at 8:49 p.m.

APPROVED BY:

GERALD R. BROWN, MAYOR

KYLE F. STACK, CITY CLERK

RECORD OF CITY COUNCIL PROCEEDINGS
CITY OF TRENTON, MICHIGAN
HELD ON THE 1ST DAY OF AUGUST 2011

MINUTES PREPARED BY: Patricia M. Gearhart, Deputy City Clerk

APPROVED ON: _____

INFORMATION ITEMS:

1. AT &T: Fourth Annual Video Report. (07/20/2011)
2. COMCAST: Installation Fee Changes. (07/25/2011)

