

**CITY OF TRENTON, MICHIGAN
REGULAR MEETING
August 2, 2010**

After the Pledge of Allegiance to the Flag, a moment of silence was observed in memory of Audrey Seay, former Mayor and Councilperson, who passed away. The Regular Meeting of the City Council of Trenton, Michigan was called to order by Mayor Brown, at 8:03 p.m. on the above date in the City Hall Council Chambers.

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

Absent: None.

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

Other Officers Present: John Dahlquist, City Assessor; Randy Schoen, City Treasurer; Robert Cady, City Administrator; Wallace Long, City Attorney; Chris Arnoczki, City Controller; Paul Haley, Emergency Management; William Hogan, City Engineer; Bruce Vick, Fire Chief; Scott Church, Human Resources; Patrick Hawkins, Parks and Recreation Director; James Nardone, Deputy Police Chief; Alan Bober, Department of Public Services Director; and Francene Sanak, City Librarian.

MINUTES

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to approve the minutes of the Regular Meeting of July 19, 2010.

Carried unanimously.

PRESENTATIONS AND PROCLAMATIONS

Moved by Councilman Gillespie, seconded by Councilman LeFevre, to make the Presentation part of the regular minutes.

Carried unanimously.

War Monuments Project Presentation

John Craven, Chairman of the War Monuments Committee gave a presentation on the proposed enhancement of the current Veterans Memorial located at the Trenton Public Library.

COMMUNICATIONS AGENDA

GROUPS AND ORGANIZATIONS

- C-1. GRANGE RESIDENTS: Block Party Request
- C-2. BOXFORD RESIDENTS: Block Party Request
- C-3. LONGMEADOW RESIDENTS: Block Party Request

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

- D-1. ATTORNEY: Ordinance 739, Special Pick Up Trash Services (Revised 2nd Rdg)
- D-2. ATTORNEY: Ordinance 740, Medical Marijuana Dispensaries (1st Rdg)
- D-3. ATTORNEY: Ordinance 741, Moratorium on Issuance of Permit for Medical Marijuana Dispensaries (1st Rdg)
- D-4. ATTORNEY: Authorization to Amend Brownfield Agreement with Trolley Place LLC
- D-5. DPS/FIRE: Request to Purchase a New 100' Aerial Platform Fire Truck
- D-6. MAYOR: Proposed Study Session Agenda, August 16, 2010

COMMUNICATIONS

(C-1)

GRANGE RESIDENTS
Block Party Request

Moved by Councilwoman Baun-Crooks, seconded by Councilman Gillespie, to grant permission to the residents of Grange to hold a Block Party on Saturday, August 7, 2010, from the hours of 1:00 p.m. to 1:00 a.m. and to approve the road blockage of Grange, from Tanglewood to Brookshire, under the direction of the Police Department and the Public Service Department.

Carried unanimously.

(C-2)

BOXFORD RESIDENTS
Block Party Request

Moved by Councilwoman Baun-Crooks, seconded by Councilwoman McLeod, to approve the request from the residents on Boxford to hold a block party on Saturday, August 21, 2010, or in the event of inclement weather, Saturday, August 28, 2010, from 8:00 a.m. to 2:00 a.m., and to approve the road closure for Boxford between Truwood and Strohm under the direction of the Police Department and the Department of Public Services.

Carried unanimously.

(C-3)
LONGMEADOW RESIDENTS
Block Party Request

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to grant permission to the residents on Longmeadow to hold a block party on Saturday, September 18, 2010, from 3:00 p.m. to 11:00 p.m. and to approve the road blockage of Longmeadow from Steiner to Marian under the direction of the Police Department and the Public Service Department.

Carried unanimously.

(D-1)
ATTORNEY
Ordinance 739, Special Pick Up Trash Services (Revised 2nd Rdg)

CITY OF TRENTON

ORDINANCE NO. 739

AN ORDINANCE TO AMEND ARTICLE I, SECTION A-12 AND A-19 OF APPENDIX "A" ENTITLED "FEES AND CHARGES" AND TO CREATE A NEW SECTION 74-50 IN CHAPTER 74, ENTITLED "SOLID WASTE" OF THE CITY CODE BY ESTABLISHING CHARGES AND PROCEDURES FOR SPECIAL TRASH PICK-UP SERVICES FROM RESIDENTIAL PROPERTY AND TO AMEND SECTION.

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

Section 1. Article I, Sec. A-12 entitled "Solid Waste Collection" and Sec. A-19 entitled "Reclamation Services" of Appendix A of the Trenton City Code shall be amended to establish updated fees and charges associated with special pick-up services provided by the City, and Chapter 74 of Trenton City Code shall be amended to create a new Section 74-50 to establish procedures for special pick-up services which together shall read as follows:

APPENDIX A

Sec. A-12. Solid waste collection.

- (a) *Same*
- (b) *Same*
- (c) *Same*
- (d) *Special pick-ups from residential property. : \$ 10.00/load.*

Sec. A-19. Reclamation services.

The following fees shall be assessed to and paid by any person utilizing the services of the department of public services for reclamation services:

(1) Recovery of refrigerant materials, per section 74-48, inclusive of any special pick-up fee set forth in Sec. A-12.

**CHAPTER 74- SOLID WASTE
ARTICLE II-COLLECTION AND DISPOSAL**

Sec. 74-50. Special pick-ups. Special pick-up services will be provided for those items defined in Sec. 74-31, to residential customers by appointment only, made through the Department of Public Works during regular business hours, for a fee established and set forth in Sec. A-12 and A-19 of Appendix A, which fee shall be billed and payable monthly. Contractor generated materials are specifically prohibited.

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 July 19, 2010, shall be enacted on August 2, 2010, and shall be published on or before August 15, 2010, and shall become effective August 16, 2010.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 2nd day of August, 2010.

Moved by Councilman Gillespie, seconded by Councilwoman McLeod, to approve the second reading of Ordinance 739, Special Pick Up Trash Services, as revised.

Carried unanimously.

(D-2)

ATTORNEY

Ordinance 740, Medical Marijuana Dispensaries (1st Rdg)

**CITY OF TRENTON
ORDINANCE NO. 740**

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE TRENTON CITY CODE TO
REGULATE THE LOCATION AND OPERATION OF "PRIMARY CAREGIVERS"
OPERATING "MEDICAL MARIJUANA DISPENSARIES" UNDER THE MICHIGAN**

**MEDICAL MARIJUANA ACT OF 2008 BY ADDING NEW ARTICLE IX ENTITLED
MARIJUANA DISPENSARIES**

**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 Marijuana Dispensaries which shall read as follows:

Article IX. Dispensaries

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

1. “City”: means City of Trenton
2. “Primary Caregiver”: 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.
3. “Medical Marijuana Dispensary”: A facility where a “Primary Caregiver” who is legally registered by the Michigan Department of Community Health may lawfully assist up to (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.
4. “Marijuana”: means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106
5. “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.
6. “Qualifying Patient”: A person who has obtained a valid registration card from the Michigan Department of Community Health allowing them to possess and purchase medical marijuana.

Sec. 22-502. Locations:

(a) “Medical Marijuana Dispensary” shall not be located:

1. Within 500 feet of any residential zoning
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, publically owned building or recreational area commonly used by minor children.
5. Within 500 feet of any other “Medical Marijuana Dispensary” business.

The distance measurement provided for in this subsection shall be a straight line from the boundary line of the “Medical Marijuana Dispensary” business to the boundary line of the location it is to be separated from.

- (b) A “Medical Marijuana Dispensary” shall be located only within a I-1 or I-C district.
- (c) A “Medical Marijuana Dispensary” shall be permitted only by special land use approval granted by the City Council after review and recommendation of the Planning Commission, and after a public hearing pertaining to special and conditional land uses.

Sec. 22-503 Limitations

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

- (j) 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.
- (k) Use or consumption in any manner of marijuana or any illegal controlled substance is not permitted on the premises of any “Medical Marijuana Dispensary.”
- (l) The owner of a “Medical Marijuana Dispensary” shall obtain and display for inspection a valid sales tax license issued by the State of Michigan.
- (m) Pay phones and/or vending machines, if any, shall be located inside the dispensary only.
- (n) It shall be in violation of this ordinance for any “Medical Marijuana Dispensary” to employ any person who is not at least 18 years of age. No employee can have been convicted of a drug related felony. The owner and/or proprietor of a “medical Marijuana Dispensary” 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.
- (o) Each “Medical Marijuana Dispensary” shall dispense a safe product. It is the sole responsibility of each “Medical Marijuana Dispensary” 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.
- (p) 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” name and Marijuana Registry ID Number; and the date and time dispensed.
- (q) “Medical Marijuana Dispensaries” that display or sell drug paraphernalia may only display and sell paraphernalia that is otherwise legal under city and state law.
- (r) Every “Medical Marijuana Dispensary” must comply with all local, county and state laws.
- (s) Each “Medical Marijuana Dispensary” 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.

Sec. 22-504 Penalties.

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 fine of not more than \$ 500 and up to 93 days in jail.

Sec. 22-505 Conformity

Any “Medical Marijuana Dispensary” operating within the City at the time this ordinance is adopted will have (60) days from the date the ordinance took effect to conform to all of the provisions contained therein.

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 2, 2010, shall be enacted on August 15, 2010, and shall be published on or before August 29, 2010, and shall become effective August 30, 2010.

Moved by Councilman Gillespie, seconded by Councilman Taylor, to approve the first reading of Ordinance 740, Medical Marijuana Dispensaries.

Carried unanimously.

(D-3)

ATTORNEY

Ordinance 741, Moratorium on Issuance of Permit for Medical Marijuana Dispensaries (1st Rdg)

**CITY OF TRENTON
ORDINANCE NO.741**

AN ORDINANCE TO AMEND CHAPTER 22 OF THE TRENTON CITY CODE TO REGULATE THE LOCATION AND OPERATION OF “PRIMARY CAREGIVERS” OPERATING “MEDICAL MARIJUANA DISPENSARIES” UNDER THE MICHIGAN MEDICAL MARIJUANA ACT OF 2008 BY ADDING NEW ARTICLE IX ENTITLED MARIJUANA DISPENSARIES

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

Section 1. Findings.

- a) The provisions with Chapter 110 of the City zoning code of the City of Trenton have not been updated to consider recent statewide legislation.
- b) It is within the rights of the City to establish reasonable regulations to control the sale and dispensation of medical marijuana, together with zoning district locations, in order to protect the public health, safety and welfare.
- c) A moratorium should be imposed upon the issuance of any and all permits of licenses for the sale or dispensation of medical marijuana for six months or until an amendment of the zoning code can be approved by the Planning Commission after a public hearing, whichever occurs first.

Section 2. Chapter 22 of the Trenton City Code entitled “Businesses”, shall be amended by adding a new Section 22-506 to proposed Article IX entitled Marijuana Dispensaries which shall read as follows:

Article IX. Dispensaries

Sec. 22- 506. Moratorium:

- (a) There is hereby imposed for a period of six (6) months from the effective date of this ordinance, a moratorium upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana within the City of Trenton.
- (b) The moratorium imposed by this ordinance shall expire the earlier of six (6) months from its effective date or the effective date of an amendment to the city’s Zoning Code with respect to the siting of dispensaries.

Section 3. 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 4. 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 5. 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 6. Readings. This Ordinance shall be given a first reading on August 2, 2010, shall be enacted on August 15, 2010, and shall be published on or before August 29, 2010, and shall become effective August 30, 2010.

Moved by Councilman Gillespie, seconded by Councilman Taylor, to approve the first reading of Ordinance 741, Moratorium on Issuance of Permit for Medical Marijuana Dispensaries.

Carried unanimously.

(D-4)

ATTORNEY

Authorization to Amend Brownfield Agreement with Trolley Place LLC

**CITY OF TRENTON
RESOLUTION NO. 2010-21
AUTHORIZATION TO AMEND BROWNFIELD**

WHEREAS, the City of Trenton previously approved a Brownfield Redevelopment Agreement with Trolley Place LLC for property located on 4th Street, Trenton, Michigan, on October 7, 2005, which project remains unfinished and in default of the original agreement; and

WHEREAS, financing for the completion of a modified project is only available to Trolley Place if the Brownfield funding for the environmental remediation that has been completed on the site is restored by the City; and

WHEREAS, the Trenton Brownfield Redevelopment Authority (Authority) has met with the owners and ATK Consultants, reviewed the plans for completion, and is satisfied that the invoices presented for the environmental remediation of the site are legitimate and, except for the tardiness, would otherwise be eligible for reimbursement; and

WHEREAS, the Authority has determined that in light of the environmental remediation and partial redevelopment of the site, it is in the best interest of the City to assist in the completion of the project as part of the overall downtown development plan, and has recommended to the City Council approval of amendments to the original Brownfield Redevelopment/Reimbursement Plan (attached)

NOW THEREFORE BE IT RESOLVED, that upon recommendation of the City of Trenton Brownfield Redevelopment Authority, the City of Trenton does hereby approve the attached 2010 Addendum/Amendment to the original Trolley Place Redevelopment/Reimbursement Agreement with the City of Trenton, dated October 7, 2005.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 2nd day of August, 2010.

Moved by Councilwoman Baun-Crooks, seconded by Councilman Teifer, to amend the Brownfield Redevelopment Agreement with Trolley Place LLC and approve the 2010 Addendum/Amendment to the original Trolley Place Redevelopment/Reimbursement Agreement with the City of Trenton.

Carried unanimously.

(D-5)

DPS/FIRE

Request to Purchase a New 100' Aerial Platform Fire Truck

Moved by Councilwoman Baun-Crooks, seconded by Councilwoman McLeod, to waive the usual bidding procedure in the best interest of the City and authorize the DPS Director and the Fire Chief to search for a vehicle that best serves the Fire Departments requirements and to comply with the FEMA Assistance Grant.

Carried unanimously.

(D-6)

MAYOR

Proposed Study Session Agenda, August 16, 2010

Moved by Councilwoman McLeod, seconded by Councilman Taylor, to approve the agenda for the Study Session to be held on Monday, August 16, 2010, after the regular Council Meeting and the Closed Session on that night to discuss employee benefits, prescription drugs, and dental.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, that the Authorized Disbursements, per the August 2, 2010, schedule, be approved.

MONROE BANK & TRUST: Cash Disbursements \$506,558.24

General Fund	203,894.05
Major Street Fund	1,126.11
Local Street Fund	76,555.88
Kennedy Rec Complex	8,927.05
Library Operating Fund	12,123.62
Tax Receiving Fund	39,159.31
Special Revenue Fund	28,799.39
Grant Funds	2,071.36
D.D.A. Funds	15,484.70
SINC Fund	9,176.38
Water & Wastewater Fund	88,274.07
Motor Vehicle Pool	16,341.45
Restricted Self Insurance	5,499.87

Carried unanimously.

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to approve the disbursement payable to Certified Alarm in the amount of \$875.00.

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

Motion carried.

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to approve the disbursement payable to Certified Alarm in the amount of \$11,097.00.

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

Motion carried.

REPORTS

Moved by Councilman LeFevre, seconded by Councilwoman McLeod, to receive and place on file the Commission and Board Reports, August 2, 2010; and the DPS Time Report, June 2010.

Carried unanimously.

OTHER COUNCIL BUSINESS

Moved by Councilman LeFevre, seconded by Councilman Gillespie, to recess the meeting immediately following the public participation to hold a Closed Session for the purpose of discussing litigation

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

City Clerk Stack	* Vote Tomorrow, High School Votes at Westfield; Taylor Votes at Knights of Columbus Hall
DPS Director Bober	* Household Hazardous Waste, August 28

PUBLIC COMMENT

Bill Jasman	* DTE Chili Christmas, August 11th
Joe Oaks	* City Garage Sale, August 14 th and 15 th

Recessed at 9:25 p.m. and reconvened at 10:22 p.m.

MOTION TO ADJOURN BY Councilman Taylor, seconded by Councilman LeFevre,
at 10:22 p.m.

APPROVED BY:

GERALD R. BROWN, MAYOR

KYLE F. STACK, CITY CLERK

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

APPROVED ON: _____

INFORMATION ITEMS:

1. AT&T: Third Annual Video Report. (07/20/2010)
2. COMCAST: Customer Guarantee. (07/21/2010)