

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 5, 2011**

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Droscha, Ferris, Mulvany, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn City Administrator
Eric Smith, Finance Director/Treasurer
Deborah J. Cwierniewicz, City Clerk
Ed Hude, Mason Police Sergeant
Dennis McGinty, City Attorney

ANNOUNCEMENTS

- The Mason Brass Quintet will be performing a free concert December 11, 2011
- The volunteers who help provide the Thanksgiving Dinner & Annual Lighted Parade were thanked for their service

PEOPLE FROM THE FLOOR

None.

PRESENTATIONS

None.

CONSENT AGENDA

MOTION by Naeyaert, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Bills: \$73,915.41

B. Approval of Minutes – Regular Council Meeting: November 21, 2011

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2011-45 – A Resolution Declaring an Additional Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

McGinty informed Council regarding court of appeals decisions declaring the most popular business models for both medical marijuana dispensaries and grow operations illegal and in violation of Federal law. He also spoke regarding cases that have declared the initiated law invalid. There are seventeen pieces of legislation pending that will hopefully provide guidance for local regulations. Given the uncertainty in the law, McGinty stated that it would be unwise for the City to fashion any kind of law at this time and he recommended establishing another temporary moratorium.

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2011-45 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2011-45 was introduced by Ferris and seconded by Mulvany.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-45
A RESOLUTION DECLARING AN ADDITIONAL TEMPORARY MORATORIUM ON THE ISSUANCE OF
LICENSES FOR PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES IN THE CITY OF MASON
December 5, 2011

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, the City of Mason has been in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council adopted Resolution 2010-45 establishing a 180-day moratorium on December 20, 2010; and

WHEREAS, the City Council adopted Resolution 2011-10 on May 16, 2011, extending the moratorium for an additional 180 days; and

WHEREAS, the law regarding medical marihuana is changing rapidly with a number of recent decisions from the appellate courts, a number of anticipated decisions from the appellate courts, and a number of bills in the State House and Senate which will affect medical marihuana and the regulation thereof by municipalities; and

WHEREAS, the City will not conclude the process of determining which manner of regulation best serves to protect the health, safety, and welfare of its residents by the end of the current moratorium; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregiver operations until the process is concluded to determine the appropriate and necessary regulations; now

THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

3. This limited moratorium on the issuance of primary caregiver operation licenses and dispensary licenses shall continue the prior moratorium established by Resolution 2011-10 dated May 16, 2011 for an additional 180 days, until and through June 11, 2012.

RESOLUTION APPROVED UNANIMOUSLY

Motion – Proposed ACD.net Contract Agreement for Fiber Optic Connectivity

Hude stated that in the past year, the Police Department's wireless digital link failed twice, disabling access to its technology support provider, Ingham County Management Information Systems (MIS). Hude stated that staff is recommending installing a secure fiber optic connection, linking the Mason Police Department and MIS, by providing a high speed digital link facilitating access to data resources used by staff 24/7.

ACD.net proposed a five-year contract for services in the amount of \$20,940, guaranteeing no additional expense to the City of Mason. ACD.net also agrees to provide any maintenance and repairs involving any of the digital connection to each facility with no less than a two-hour down time if failure occurs. All installation costs will be borne by ACD.net.

MOTION by Naeyaert, second by Waltz
to approve entering into a five-year contract for services with ACD.net in the amount of \$20,940.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Tornholm informed Council regarding Historic District Commission business.
- Naeyaert informed Council regarding legislative matters.

COUNCILMEMBER REPORTS

Clark stated that he and Administrator Colburn would be on the Tim Barron show, WLMI 92.9 Friday, December 9, 2011.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business. He announced the retirement of Detective Corporal Lynne Mark who served the City of Mason for 32 years in the Mason Police Department. An open house will be held Friday, December 9, 2011.

EXECUTIVE SESSION

MOTION by Waltz, second by Naeyaert,
to adjourn to executive session to discuss the City Administrator's
Evaluation.

MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned to executive session at 8:00 p.m.

Deborah J. Cwierniewicz, City Clerk

Leon R. Clark, Mayor