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A G E N D A

CITY COMMISSION MEETING

Monday, November 2, 2015

7:00 PM

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Announcements, Acknowledgments and Communications and Reports.

Presentation of a Proclamation to Mr. John Farah.

5. Adoption of Agenda.
6. Public Participation.
7. Administrative Response to Issues or Questions Raised During Previous Meetings.
8. Approval of Minutes.
9. General Business.

9-A - Second Public Hearing for the Downtown Maintenance Program.

9-B - Approval of the 41B District Court 2016 Budget.

9-C - Confirmation of City Manager's Appointment of Human Resources Director.

9-D - Adoption of Resolution Establishing Moratorium Regarding the Establishment of Businesses Engaged in Dispensation or Distribution of Medical Marijuana.

- 9-E - Approve Purchases and Payment of Invoices.
10. Consent Agenda.
11. City Manager's Report.
12. Commissioners' Comments.
13. Adjournment.

The City of Mount Clemens will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon one week-notice to the City of Mount Clemens. Individuals with disabilities requiring auxiliary aids should contact the City of Mount Clemens by writing or calling the following:

City Clerk's Office
One Crocker Boulevard
Mount Clemens, Michigan 48043
586.469.6818, Extension 310
911 - TDD

EXPLANATION OF AGENDA – November 2, 2015

Administrative Response to Issues or Questions Raised During Previous Meetings

1. Robertson/Northbound Gratiot Building

As previously mentioned, this property is owned by the nearby church. The City will continue to work with the property owner in an effort to see this structure demolished.

2. Inquiry on South Avenue

A resident inquired about whether there are any plans for a project on South Avenue. The road has many, many pothole issues as well as more serious problems such as failing patches that were completed after underground work by our Utilities Department. These areas present a serious issue in terms of safety and drivability.

We could look at doing a mill and cap as was recently completed on both Crocker and Market. This type of project has the benefit of being more affordable with a cost estimate of \$300,000. However, South Avenue is a poor candidate for this type of project as the underlying base for the road is also in poor shape which would result in any mill and cap requiring patching activity very quickly. A mill and cap investment would not last.

The other alternative for a major project is a full reconstruction of the road including fixing the base and paving the road with concrete or asphalt. This would be a long lasting repair but the associated price tag is likely to approach nearly \$1 million. Absent an external funding source, a full reconstruction is not in our realistic plans in the short run.

The City is evaluating the idea of addressing the worst issues on South Avenue with hot patch. This will address the biggest problems on the road (those associated with the underground Utilities work) with a fix that should last for a few to several years as we evaluate a long run approach to this road. This will greatly improve drivability at an affordable cost. This project will have to happen within the next few weeks or it will have to be deferred until next spring due to the availability of the hot patch material.

CITY COMMISSION MEETING

County of Macomb
State of Michigan

October 19, 2015
Commission Chambers

A regular meeting of the Mount Clemens City Commission was held on Monday, October 19, 2015, at 7:00 p.m. The meeting was held in the Commission Chambers of the Municipal Building, One Crocker Boulevard, Mount Clemens, Michigan. Present at this meeting were Commissioners Roger Bunton, Ronald Campbell, Lois Hill and Denise Mentzer. Absent from the meeting were Mayor Barb Dempsey and Commissioner Joseph Rheker. Also in attendance were Steven Brown, City Manager, Michael Murray, City Attorney and Lisa Borgacz, City Clerk.

In the Mayor's absence, Commissioner Hill was designated the presiding officer of the Commission Meeting.

The meeting was called to order at 7:00 p.m.

Commissioner Bunton made a motion, supported by Commissioner Mentzer, to excuse Mayor Dempsey and Commissioner Rheker from the meeting. The motion passed unanimously.

ANNOUNCEMENTS, ACKNOWLEDGEMENTS, COMMUNICATIONS AND REPORTS WERE ADDRESSED, ITEM 4.

THE ADOPTION OF THE AGENDA WAS CONSIDERED, ITEM 5.

Commissioner Bunton made a motion, supported by Commissioner Mentzer, to approve the agenda as presented. The motion passed unanimously.

PUBLIC PARTICIPATION WAS CONDUCTED, ITEM 6.

ADMINISTRATIVE RESPONSE TO ISSUES OR QUESTIONS RAISED DURING PREVIOUS MEETINGS WERE RECEIVED, ITEM 7.

APPROVAL OF MINUTES WAS CONSIDERED, ITEM 8.

Commissioner Mentzer made a motion, supported by Commissioner Campbell, to approve the minutes of the City Commission Regular meeting of October 5, 2015, as presented. The motion passed unanimously.

PUBLIC HEARING ON THE REQUEST BY COLLEGE PARK INDUSTRIES, INC., TO CONSIDER ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT AT 350 CHURCH STREET UNDER PUBLIC ACT 198 OF 1974, WAS CONSIDERED, ITEM 9-A.

Commissioner Bunton made a motion, supported by Commissioner Mentzer, to open the public hearing on the Request by College Park Industries, Inc., to consider establishing an Industrial Development District at 350 Church Street under Public Act 198 of 1974. The motion passed unanimously.

October 19, 2015

The public hearing opened at 7:40 p.m.

Comments were received from the following:

Gloria Haller, 260 Cass

Camille Silva, Macomb County and Joe Wicker, Business Owner, 350 Church

Laura Fournier, 70 Lodewyck

Commissioner Bunton made a motion, supported by Commissioner Mentzer, to close the public hearing on the request by College Park Industries, Inc., to consider establishing an Industrial Development District at 350 Church Street under Public Act 198 of 1974. The motion passed unanimously.

FIRST PUBLIC HEARING FOR THE DOWNTOWN MAINTENANCE PROGRAM WAS CONSIDERED, ITEM 9-B.

Commissioner Bunton made a motion, supported by Commissioner Campbell, to open the first public hearing for the Downtown Maintenance Program. The motion passed unanimously.

The public hearing opened at 7:56 p.m.

Comments were received from the following:

John VanCamp, 50 N. Walnut

Commissioner Bunton made a motion, supported by Commissioner Campbell, to close the first public hearing, adopt the rates, direct the Assessor to prepare the Special Assessment Roll and set the date for the second public hearing on November 2, 2015. The motion passed unanimously.

REQUEST APPROVAL OF THE SALE OF THE VACANT CITY- OWNED LOT AT 217 NORTH WALNUT WAS CONSIDERED, ITEM 9-C.

Commissioner Mentzer made a motion, supported by Commissioner Bunton, to authorize the sale of 217 North Walnut to Mr. James Brown, 45 Michigan, for the amount of \$750.00; and to authorize the Mayor and Clerk to sign the necessary documents executing the sale. The motion passed unanimously.

CONFIRMATION OF CITY MANAGER'S APPOINTMENT OF FINANCE DIRECTOR/TREASURER WAS CONSIDERED, ITEM 9-D.

Commissioner Bunton made a motion, supported by Commissioner Campbell, to confirm the City Manager's appointment of Linda A. Kunath to the position of Finance Director/Treasurer effective November 2, 2015.

The vote on the motion was:

Ayes: Bunton, Campbell, Hill

Nays: Mentzer

October 19, 2015

The motion passed.

CONFIRMATION OF CITY MANAGER'S APPOINTMENT OF HUMAN RESOURCES DIRECTOR WAS CONSIDERED, ITEM 9-E.

Commissioner Bunton made a motion, supported by Commissioner Campbell, to confirm the City Manager's appointment of Jaynmarie C. Hubanks to the position of Human Resources Director effective November 2, 2015.

The vote on the motion was:

Ayes: Bunton, Hill

Nays: Campbell, Mentzer

The motion failed.

APPROVAL OF PURCHASES AND THE PAYMENT OF INVOICES WERE CONSIDERED, ITEM 9-F.

Commissioner Campbell made a motion, supported by Commissioner Bunton, to approve the purchases and payment of invoices as presented. The motion passed unanimously.

THE CONSENT AGENDA WAS CONSIDERED, ITEM 10.

THE CITY MANAGER'S REPORT WAS GIVEN, ITEM 11.

COMMISSIONERS' COMMENTS WERE RECEIVED, ITEM 12.

Commissioner Campbell made a motion, supported by Commissioner Bunton, to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Lois Hill, Commissioner

Lisa Borgacz, City Clerk

October 19, 2015

EXPLANATION OF AGENDA - November 2, 2015

Agenda Item No. 9-A

Second Public Hearing for the Downtown Maintenance Program

This date has been approved for the second public hearing for the Downtown Maintenance Program.

The purpose of this second public hearing is to review and confirm the Special Assessment Roll as prepared by the City Assessor.

SUBMITTED BY: Nancy A. Strehl, City Assessor

RECOMMENDED BY: Open the second public hearing for the Downtown Maintenance Program.

Close the second public hearing for the Downtown Maintenance Program and confirm Special Assessment Roll No. 16-01.

CITY OF MOUNT CLEMENS

NOTICE OF 2ND PUBLIC HEARING

TO: All Property Owners of Record Concerned
FROM: Lisa Borgacz, City Clerk,
SUBJECT: Public Hearing on Proposed Special Assessment for Downtown Maintenance Program.

In accordance with the provisions of the Special Assessment Ordinance and by direction of the Mount Clemens City Commission, notice is hereby given that there will be a Public Hearing on Monday, November 2, 2015 at 7:00 p.m., in the Commission Chambers of the Municipal Building, One Crocker Boulevard, Mount Clemens, Michigan.

The purpose of this Public Hearing is to review the Special Assessment Roll for the Downtown Maintenance Program. Protest of a special assessment **MUST** be made to the City Commission before an appeal can be made with the Michigan Tax Tribunal. All appeals to the Michigan Tax Tribunal must be instituted within thirty (30) days after confirmation of the Special Assessment Roll by the City Commission.

The unconfirmed Special Assessment Roll, general overall plans, cost estimate and any recommendations are on file for public inspection in the Office of the City Clerk, Municipal Building, Mount Clemens, Michigan.

Pursuant to Section 12.539 of the Code of Ordinances, this notice is being given by first class mail to all property owners of record whose names appear upon the tax assessment records for this district and who will be especially benefited by this improvement, and also by Legal Notice in the Macomb Daily on October 23, 2015

By Order of the City Commission
Lisa Borgacz, City Clerk

The City of Mount Clemens will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon one weeks' notice to the City of Mount Clemens. Individuals with disabilities requiring auxiliary aids or services should contact the City of Mount Clemens by writing or calling the following:

Office of the City Clerk
One Crocker Boulevard
Mount Clemens, MI 48043
586-469-6818 Ext. 309
586-469-5374-TDD

CITY OF MOUNT CLEMENS, MICHIGAN
2016 SPECIAL ASSESSMENT
 ROLL 16-01
 DOWNTOWN MAINTENANCE
CITY COMMISSION

PRIMARY RATE \$ 9.24
SECONDARY RATE \$ 4.23

<u>CUST #</u>	<u>TAXPAYER</u>	<u>LEGAL DESCRIPTION</u>	<u>FRONTAGE</u>		<u>ASSESSMENT</u>
1270 #1	Huntington Bank P.O. Box 182334 Columbus, Oh 43218	Assessors Plat No. 25, Lot 3 11-14-209-013 1 N Main St	384.44	P	\$3,552.23
73711#1	7 Main, LLC 31000 Northwestern Hwy Suite 110 Farmington Hill, Mi 48334	Assessors Plat No. 25 Lots 4-8 Incl 11-14-209-019 7 N Main St	270.32	P	\$2,497.76
66274	The Colaborative, LLC 25 N. Main St. Mt. Clemens, Mi 48043	Assessors Plat No. 25 Lot 9 exc. 11-14-209-018& 11-14-209-017 21 N Main St 25 N Main St	57.73	P	\$533.43
63553#1	Prime 1 Investments, LLC 32000 Northwestern Hwy Suite 155 Farmington Hills, Mi 48334	Assessors Plat No. 25, Lot 12 11-14-209-003 27 N. Main St	111.71	P	\$1,032.20
67733#1	RGD Group, LLC 38855 Harper Clinton Twp., Mi 48036	Assessor Plat No. 25 Lots 9 & 10 13 & 14 11-14-209-016 49 Macomb PI	242.16	P	\$2,237.56
1320	Denver Place 38422 Hiddenlane Clinton Twp., MI 48036	Assessors Plat No. 25 Lot 15 & Pt 16 11-14-208-002 53 Macomb PI	169.62	P	\$1,567.29
58224#1	Premark Group-J. Rini 65 Macomb Pl. Suite F Mt. Clemens, Mi 48043	Assessors Plat No. 25, Lot 16 exc. 11-14-208-001 63 Macomb PI	196.82	P	\$1,818.62
28592	Samuel Holdings, LLC 34550 Glendale St Livonia, Mi 48150	Assessors Plat No. 25, Lot 17 11-14-208-003 35 N Walnut St	96.93	P	\$895.63
66275	M&W Holdings, LLc 2023 Hazel St Birmingham, MI 48009	Assessors Plat No. 25, Lot 18 11-14-208-004 29 N Walnut St	145.13	P	\$1,341.00
62728	Macomb Dev Group LLC 44444 Mound Rd #400 Sterling Heights, MI 48314	Assessors Plat, No. 25, Lot 19 11-14-208-010 27 N Walnut St	82.89	P	\$765.90

<u>CUST #</u>	<u>TAXPAYER</u>	<u>LEGAL DESCRIPTION</u>	<u>FRONTAGE</u>		<u>ASSESSMENT</u>
54615	Mt. Clemens Property Partners, LLC 15 N. Walnut St Mt. Clemens, Mi 48043	Assessors Plat No. 25, Lot 21 11-14-208-011 15 N Walnut St	229.57 235.20	P S	\$2,121.23 \$994.90
1070 #1	Fifth Third Bank Mail Drop 10ATA1 38 Fountain Sq. Plaza Cincinnati, Ohio 45263	Assessors Plat No. 25 Pt. Lot 22 23, 24 & 26 11-14-207-013 100 Cass Ave	404.72	P	\$3,739.61
1252#2	75 Macomb Place LLC Gebran S. Anton Jr 79 Macomb PI Mt. Clemens, Mi 48043	Assessors Plat No. 25, Lots 35 & 36 11-14-207-008 75 Macomb PI	152.45 66.50	P S	\$1,408.64 \$281.30
1252#	79 Macomb Place LLC Gebran S. Anton Jr. 79 Macomb PI	Assessors Plat No. 25, Lot 37 11-14-207-007 79 Macomb PI	48.18	P	\$445.18
1252#4	81 Macomb Place LLC Gebran S. Anton Jr. 79 Macomb PI	Assessors Plat No. 25, Lot 38 11-14-207-006 81 Macomb PI	87.73	P	\$810.63
8776	CFM Properties LLC 83 Maconb PI Mt. Clemens, Mi 48043	Assessors Plat No. 25, Lot 39 11-14-207-005 83 Macomb PI	98.87 114.05	P S	\$913.56 \$482.43
1282	Gus Pozios 55 N Main St Mt. Clemens, Mi 48043	Assessors Plat No. 32 Lots 71 & 72 11-14-206-009 40 Macomb PI	168.04	P	\$1,552.69
7388	Gloria A Houthofd, Trustee 21225 Balfour Clinton Twp., MI 48036	Assessors Plat No. 32, Lot 73 11-14-206-008 39 N Main St	77.00	P	\$711.48
1282	Gus Pozios 55 N Main St Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lot 76 11-14-206-001 53 N Main St	204.09	P	\$1,885.79
1071	Deborah A. Buffa 58 N. Walnut St Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lot 77 11-14-206-004 58 N Walnut St	24.05	P	\$222.22
62074	John W. VanCamp 50 N Walnut St Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lot 78 11-14-206-005 52 N Walnut St	54.00	P	\$498.96
62074	John W. VanCamp 50 N Walnut St Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lot 79 11-14-206-006 46 Macomb PI	77.40	P	\$715.18

<u>CUST #</u>	<u>TAXPAYER</u>	<u>LEGAL DESCRIPTION</u>	<u>FRONTAGE</u>		<u>ASSESSMENT</u>
5312 #1	Stephen R. & J. Saph 44 Macomb Place Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lot 80 11-14-206-007 44 Macomb Pl	20.00	P	\$184.80
7389	Catherine Bott P.O. Box 361 Mt. Clemens, MI 48046	Assessors Plat No. 32, Lot 81 11-14-205-011 45 N Walnut St	104.90	P	\$969.28
7390 #1	Bober, Frances G 106 Market St Suite F Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lot 82 11-14-205-010 49 N Walnut St	22.30	P	\$206.05
60954	RFT Group, LLC 65 Maconmb Pl Ste F Mt. Clemens, Mi 48043	Assessors Plat No. 32 11-14-205-012 51 N Walnut St	133.90	P	\$1,237.24
1436	MC Masonic Temple 65 1/2 N Walnut St Mt. Clemens, MI 48043	Assessors Plat No. 32, Lot 87 11-14-205-005 65 N Walnut St	62.40 80.00	P S	\$576.58 \$338.40
28599 #1	S.C.B. Properties, LLC 52049 Van Dyke Shelby Twp., Mi 48316	Assessors Plat No. 32, Pt 88, all of Lots 89-91 incl. 11-14-205-015 60 Macomb Pl	375.65	P	\$3,471.01
1442	Time Square Bldg, LLC 40 New St Mt. Clemens, MI 48043	Assessors Plat No. 32, Lots 92,93 & 101 11-14-204-008 71 N Main St	155.60	P	\$1,437.74
1283	P& R Real Estate C/O Signature Assoc. 1 Towne Sq. 12th Floor Southfield, MI 48076	Assessors Plat No. 32, Lots 94 & 100 11-14-204-009 75 N Main St	53.72	P	\$496.37
7392	Marie Paige, LLC 24700 Capital Blvd Clinton Twp., MI 48036	Assessors Plat No. 32, Lot 95 11-14-204-004 77 N Main St	23.22	P	\$214.55
1285 #1	Coco's Investment, LLC 79 N. Main St Mt. Clemens, Mi 48043	Assessors Plat, No 32, Lot 96 11-14-204-003 79 N Main St	24.35	P	\$224.99
1286	Gilbert E Metry 81 N. Main St Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lot 97 11-14-204-002 81 N Main St	27.75	P	\$256.41
60904	Alex Chen C/O Stephen Polter 30500 Northwestern Hwy Suite 410 Farmington Hills, Mi 48334	Assessors Plat No. 32, Lots 98 & 99 11-14-204-001 83 N Main St	151.00 58.80	P S	\$1,395.24 \$248.72
6411	Robert Labadie	Assessors Plat No. 32, Lot 102	68.80	P	\$635.71

<u>CUST #</u>	<u>TAXPAYER</u>	<u>LEGAL DESCRIPTION</u>	<u>FRONTAGE</u>		<u>ASSESSMENT</u>
	35 Miller St. Mt. Clemens, Mi 48043	11-14-204-006 48 New St			
60954	RFT Group, LLC 65 Macomb Pl Ste. F Mt. Clemens, Mi 48043	Assessors Plat No. 32, Lots 105 & 106 11-14-203-009 70 Macomb Pl	313.20 105.00	P S	\$2,893.97 \$444.15
7394	Djurdja & Kosto Bogjevski 13723 Timberwyck Shelby Twp., MI 48315	Assessors Plat No. 32, Lot 107 11-14-203-006 84 Macomb Pl	19.00	P	\$175.56
9535	TDM Properties L.L.C. 37990 Seaway Harrison Twp., MI 48045	Assessors Plat No. 32, Lot 108 11-14-203-005 86 Macomb Pl	19.00	P	\$175.56
1331	Ankica Ognjanovski 44417 Rivergate Dr. Clinton Twp., MI 48038	Assessors Plat No. 32, Lot 109 11-14-203-004 88 Macomb Pl	22.50 22.50	P S	\$207.90 \$95.18
6268#1	Anthony Forlini 5 Belleview Suite 100 Mt. Clemens, MI 48043	Assessors Plat No. 32, Lot 110 11-14-203-003 90 Macomb Pl	22.50 127.50	P S	\$207.90 \$539.33
28596	Farstan Investments, LLC 140 Macomb Pl Mt. Clemens, Mi 48043	A. Ashleys Sr Add, Blk 1, Lots 3&4 exc 11-11-458-021 140 Macomb Pl	180.00 100.00	P S	\$1,663.20 \$423.00
2655	Karen Giangrande 116 Macomb Pl Mt. Clemens, Mi 48043	A. Ashleys Sr Add Blk 1 Pt Lot 10 11-11-458-016 116 Macomb Pl	47.50	P	\$438.90
8342	Chateau Montreuil Assoc 8828 Grace Shelby Twp. Mi 48317	Mulett Survey, Blk 11, Lot 3 11-11-458-017 & 11-11-458-024 110 & 112 Macomb Pl	91.80	P	\$848.23
66279	ADY Properties, LLC 29337 Seaway Ct Harrison Twp., Mi 48045	Mulett Survey Blk 11, Lots 5,6,7, pt 8 11-11-458-025 104 Macomb Pl	28.20	P	\$260.57
1334	Orleans Investments, LLC 100 Macomb Pl Mt. Clemens, Mi 48043	Mulett Survey Blk 11, Lot 5 exc... 11-11-458-026 100 Macomb Pl	60.00	P	\$554.40
68056	Groupgolfer, LLC 94 Macomb Pl Mt. Clemens, Mi 48043	Mulett Survey, Blk 11, Lot 10 11-11-458-020 92 Macomb Pl	60.00 120.00	P S	\$554.40 \$507.60
TOTAL					<u><u>\$54,908.33</u></u>

EXPLANATION OF AGENDA – November 2, 2015

Agenda Item No. 9-B

Approval of the 41B District Court 2016 Budget

Chief Judge Sebastian Lucido and District Judges Linda Davis and Carrie Lynn Fuca would like to request approval of the 41B District Court 2016 Budget.

The 2016 Budget for the 41B District Court has been provided to the City Commission under separate cover.

SUBMITTED BY: Chief Judge Sebastian Lucido
District Judge Linda Davis
District Judge Carrie Lynn Fuca

RECOMMENDED MOTION: Approve the 41B District Court 2016 Budget.

EXPLANATION OF AGENDA – November 2, 2015

Agenda Item No. 9-C

Confirmation of City Manager’s Appointment of Human Resources Director

The City’s Human Resources Director position has been vacant since the retirement of Barbara Hergenroeder in 2014. Mayor and Commission specifically discussed filling this vacancy during the Fiscal Year (FY) 2015/2016 Budget process. Furthermore, the funding for the Human Resources Director position was also allocated in the FY 2015/2016 Budget approved by the Mayor and Commission.

The City Charter outlines a plan for the day-to-day administration of the City that assigns responsibility for operations to the City Administrator. Further, the Charter states the City Administrator is to be selected on the basis of qualifications with “special reference to his training and experience.” There can be no doubt the Charter set out to achieve “efficient administration” of City government by providing for the appointment of a professional City Administrator and by assigning functions and duties to the City Administrator accordingly.

One of the primary duties clearly assigned to the City Administrator by the Charter is the power to appoint, with the consent of the Commission, the heads of City departments. It appears the Charter further spells out the intent of the term “consent” by later prohibiting the Commission or individual Commissioners from interfering with this appointment duty of the City Administrator. This prohibition specifically states the Commission shall not dictate appointments nor interfere to prevent the City Administrator from exercising his/her judgment in making appointments.

Consistent with the above, the City Administrator undertook the task of filling the Human Resources Director position. This process was thorough and professional. The position was well advertised and candidates were successfully solicited. The City Administrator established a committee of 3 members of Administration that developed relevant interview questions, screened and selected candidates for interview, conducted interviews and unanimously agreed on the candidate presented on 10/19/15 and tonight. The Committee was made up of the City Administrator, Attorney and Clerk. Interestingly, this means that 2 of the 3 members of this committee, the City Administrator and Attorney, were actually the only direct appointees of the City Commission to City Administration. Consistent with the Charter, this process was handled by Administration with a thorough and professional process. The Commission’s involvement in this process includes only this confirmation request and a review of the resume of the City Administrator’s appointee.

Pursuant to the Mount Clemens City Charter, the City Administrator's appointment of Jaynmarie C. Hubanks to the position of Human Resources Director is being presented for City Commission confirmation, in this instance for a second time because of a 2 to 2 vote at the 10/19/15 Commission Meeting. Ms. Hubanks is Administration's preferred candidate for this important role as a result of her unique background, knowledge and skills and the thorough and professional hiring process followed by City Administration. Ms. Hubank's start date is now pushed back to Tuesday, November 3, 2015 due to the delay in confirmation resulting from the 10/19/15 Commission vote.

The Human Resources Director organizes and directs the activities of the Human Resources Department and has responsibility for all of the related functions in the department.

Ms. Hubank's annual salary will be \$65,000. She will also receive a benefits package as is the case with all City Department Heads.

SUBMITTED BY: Steven Brown, City Manager

RECOMMENDED MOTION: To confirm the City Manager's appointment of Jaynmarie C. Hubanks to the position of Human Resources Director effective November 3, 2015.

EXPLANATION OF AGENDA – November 2, 2015

Agenda Item No. 9-D

Adoption of Resolution Establishing Moratorium Regarding the Establishment of Businesses Engaged in Dispensation or Distribution of Medical Marijuana

Administration has received inquiries regarding the establishment of businesses for the dispensation and/or distribution of medical marijuana. There still is a tremendous uncertainty among municipalities across the state as how best to regulate the dispensing and distribution of medical marijuana and there is comprehensive legislation pending, which would create five categories of regulated medical marijuana businesses, establish licensing and licensing fees for the same, create an excise and sales tax for medical marijuana and allow municipalities to prohibit such businesses if they so choose.

Therefore, Administration is recommending a moratorium on the establishment of any business or premises for the dispensation or distribution of medical marijuana for a period of one hundred eighty (180) days. This moratorium is a proactive measure to protect the public health, safety and welfare, and ensure that proper approval processes are established for licensing and review of such dispensaries, if allowed, including ordinance adoption and zoning amendments.

SUBMITTED BY: Michael J. Murray, City Attorney

RECOMMENDED MOTION: Adopt the attached Resolution Establishing a Moratorium Regarding Establishment of Businesses Engaged in the Dispensation or Distribution of Medical Marijuana.

City of Mount Clemens

**RESOLUTION ESTABLISHING MORATORIUM REGARDING
THE ESTABLISHMENT OF BUSINESSES ENGAGED IN THE
DISPENSATION OR DISTRIBUTION OF MEDICAL MARIJUANA**

WHEREAS, on November 4, 2008, Michigan voters approved a ballot initiative that legalized medical marijuana; and

WHEREAS, on December 4, 2008, Michigan's medical marijuana law took effect and the use of marijuana for a debilitating medical condition is governed pursuant to MCL 333.26423 and rules issued by the State Department of Community Health under MCL 333.26425; and

WHEREAS, the Michigan Medical Marihuana Act (the "Act") permits registered qualifying patients and primary caregivers to possess specific amounts of marijuana and to cultivate a specific number of plants, but the Michigan Medical Marihuana Act does not specifically provide for facilities for dispensing medical marijuana and/or cultivating medical marijuana plants; and

WHEREAS, the question of whether, if and how local units of government are required to provide for zoning and other regulation relating to the dispensing or distribution of marijuana remains an issue of discussion and debate; and

WHEREAS, in 2014, the Michigan Supreme Court ruled that local communities could not enact ordinances totally prohibiting medical marijuana related businesses; and

WHEREAS, federal, state and local laws lack clarity as to where such businesses might be allowed and, if allowed, where they might be located that is conducive to the public health, safety and welfare of the City; and

WHEREAS, there is legislation pending, which would create five categories of regulated medical marijuana businesses, impose a 3% excise tax on medical marijuana businesses and a 6% sales tax on sales of medical marijuana, establish licensure and licensing fees for the same and allow municipalities to prohibit such businesses if they so choose; and

WHEREAS, the City is desirous of providing for an informed deliberative process in order to determine the issue of whether within the City, dispensing and distribution if any should occur, whether other regulatory controls should be implemented and is desirous of further review of the issues, including whether the legislation hereinabove described becomes enacted into law, to insure consistent, cohesive and sensible development in the City.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the following Moratorium is implemented:

A moratorium prohibiting the establishment of any business or premises, for the distribution or dispensation of marijuana other than for use by the person occupying the premises as a resident who has a debilitating medical condition allowing the use of marijuana as allowed pursuant to state law is hereby adopted, effective immediately upon the adoption of this resolution. It shall remain in effect for one hundred eighty (180) days. This resolution does not restrict a licensed physician from prescribing marijuana compliant with state law.

BE IT FURTHER RESOLVED that the Moratorium imposed by this Resolution shall expire 180 days from its effective date, unless extended, or upon adoption by the City Commission of ordinance(s) regarding the issue of medical marijuana businesses and/or facilities for dispensing or distribution of marijuana and/or cultivating plants for medical purposes, whichever occurs first.

Any and all resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the foregoing provisions.

Adopted: November 2, 2015

CITY OF MOUNT CLEMENS,
a Michigan Municipal Corporation,

By: _____
Barb Dempsey, Mayor

By: _____
Lisa Borgacz, City Clerk

EXPLANATION OF AGENDA – November 2, 2015

Agenda Item No. 9-E

APPROVE PURCHASES AND PAYMENT OF INVOICES

VENDOR (PURCHASES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. Hi-Tech 3070 Palms Road Casco, MI 48064	Computer Equipment And Software	General Fund/ Information Technology/ Machinery and Equipment	101-28800-982000	\$8,380.00	\$20,526.64

VENDOR (INVOICES)	DESCRIPTION	FUND/ DEPARTMENT/ APPROPRIATION	ACCOUNT NUMBER	AMOUNT	CURRENT BALANCE
1. A & C Electric Company 41225 Irwin Road Harrison Township, MI 48045	Emergency repair to The basin flushing Pump motor.	Sewer-Utilities Fund/ Operation of Plant/ Contractual Services	590-53708-818000	\$2,225.00	\$63,771.85

SUBMITTED BY: Marilyn Dluge, Finance Director/Treasurer

RECOMMENDED MOTION: Approve purchases and payment of invoices as presented.

CITY OF MOUNT CLEMENS

Tabulation of quotations received for the purchase of computer equipment needed by various departments:

BIDDER	HP ProDesk 400, G2.5 DESKTOP COMPUTERS (10)	MICROSOFT LICENSING OFFICE STANDARD 2016 (10)	TOTAL COST
1.Hi-Tech 3070 Palms Road Casco, MI 48064	\$549.00 \$5,490.00	\$289.00 \$2,890.00	\$8,380.00
2.Hewlett Packard c/o Logicalis Public Sector- Government/Ed Sales 10810 Farnam Drive Omaha, NE 68154	\$609.00 \$6,090.00	No quote	\$6,090.00

Marilyn Dluge
Finance Director/Treasurer

EXPLANATION OF AGENDA – November 2, 2015

TO: The Honorable Mayor Barb Dempsey and
All City Commissioners

FROM: Steven M. Brown, City Manager

DATE: October 29, 2015

RE: Report from the City Manager’s Office

1. MML Loss Review: The Michigan Municipal League (MML) provides insurance service to the City through their Liability & Property Pool Workers’ Compensation Fund. As part of the service we receive from MML, the City sits down with their Loss Control Consultant to review our experience for the prior year. The experience in question relates to the number of, and time lost to, workplace injuries.

The feedback from the Consultant was that our results were “very good” and “by far the best the City has had in the last twelve years.” The experience is measured by a numeric score known as our “Fund mod” as well as the number of claims filed by our employees. For each data point, lower is better. The following details our numbers over the past several years:

Year	Fund Mod	Claims
2008	1.27	17
2009	1.19	10
2010	1.19	19
2011	1.19	21
2012	0.98	10
2013	1.13	13
2014	1.24	7
2015	0.73	3

So, congratulations are in order for both management and our employees for achieving very substantial improvement in this area. The City plans to expand our safety training efforts in order to build on our momentum in this area.

2. Seasonal Leaf Pickup: The Department of Public Services will begin seasonal leaf pickup this week, weather permitting. During the Fall season, the Street Department schedules a clean-up crew to come down every street at least twice during the season to pick up the leaves that have **fallen from the trees**.

Please assist us in keeping our neighborhood streets clean during this Fall season. Residents should **not rake or blow leaves onto the City streets**.

3. City Drop Box: The City recently received a suggestion from a resident through the Mayor that we should install a drop box to facilitate transacting City business without leaving a vehicle. There are those that would prefer to handle City business in this fashion and there are those with physical issues or limitations that would benefit from this option.

This suggestion has apparently been received in the past but never fully acted on. City Administration did some research into the idea including the places available here at our City Hall. We determined to proceed, procured a drop box, installed the item and we are currently ready and able to accept City business through the City Drop Box!

The Drop Box is located in the center island at the rear of our parking lot, near the Gazebo and the Clinton River. The best way to approach and use the Drop Box is to enter the parking lot from the drive nearest the Fire Station and proceed to the back of the lot and turn left; the Drop Box is in the second island and on the left.

The Drop Box can be accessed 24 hours per day for any City business that does not require immediate interaction with an employee. This includes bill payments (taxes, water bills, tickets, etc.), forms for processing, absentee voter ballots, etc. Cash should NOT be deposited into the Drop Box.

We intend to do an outreach effort to publicize this new customer amenity. This could include:

- Website notice and information
- Inclusion in the next and subsequent editions of the Clementimes
- Marquee information
- Water Bill information
- Onsite signage
- And possibly more

We are excited to offer this new option to our customers and look forward to seeing how popular it becomes!