

**WARREN CITY COUNCIL  
REGULAR MEETING  
November 10, 2015**

A Regular Meeting of the Warren City Council was called for Tuesday, November 10, 2015 at 7:00 p.m. in the Warren Community Center Auditorium, at 5460 Arden, Warren, Michigan 48092.

**MEMBERS OF THE COUNCIL PRESENT:**

Cecil D. St. Pierre, Jr., President  
Patrick Green, Vice President  
Scott C. Stevens, Council Secretary  
Keith J. Sadowski, Assistant Council Secretary  
Robert Boccomino, Councilman  
Kelly Colegio, Councilwoman  
Steven G. Warner, Councilman

**ABSENT:**

None

**Also Present:**

Mary Michaels, Acting City Attorney  
Todd Schaedig, Waste Water Treatment Plant  
Tom Pawelkowski, Water Depart Superintendent  
David Koss, Water Department Deputy Superintendent  
Everett Murphy, Building Department Zoning Inspector  
James VanHavermaat, City Engineer  
Tom Bommartio, CitiStat Analyst

1. **CALL TO ORDER**

Chairman St. Pierre called the meeting to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **ADOPTION OF THE CONSENT AGENDA**

**Motion:**

Motion to approve made by Councilwoman Colegio and support motion made by Councilman Sadowski.

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**Voice Vote:**

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

5. **ADOPTION OF AGENDA**

**Motion:**

Motion to approve made by Councilman Stevens and support motion made by Councilman Green. With the following amendments: Remove item 11a; Add 14a-Council Election of Officers; Add 14b-Council approval of representatives for Commissions/Subcommittees/Boards

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Stevens	Yes
Councilman Green	Yes
Councilwoman Colegio	Yes
Councilman Boccomino	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Chairman St. Pierre	Yes

6. **APPROVAL OF THE MINUTES**

a) **Minutes of the Regular Meeting of October 27, 2015**

**Motion:**

Motion to approve made by Councilwoman Colegio and support motion made by Councilman Sadowski.

**Voice Vote:**

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

7. **APPROVAL OF THE BILLS**

a) **General Revenue Funds**

**Motion:**

Motion to approve was made by Councilman Sadowski and support motion made by Councilman Green.

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**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Sadowski	Yes
Councilman Green	Yes
Councilman Warner	Yes
Councilman Boccomino	Yes
Councilwoman Colegio	Yes
Councilman Stevens	Yes
Chairman St. Pierre	Yes

**Motion:**

Motion to approve check number 559935 and excuse Councilman Stevens was made by Councilman Green and support motion made by Councilman Warner.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (6-0).

Councilman Green	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Councilman Boccomino	Yes
Councilwoman Colegio	Yes
Chairman St. Pierre	Yes

b) **Water & Sewer System**

**Motion:**

Motion to approve was made by Councilman Green and support motion made by Councilman Warner.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Gereen	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Councilman Stevens	Yes
Councilwoman Colegio	Yes
Councilman Boccomino	Yes
Chairman St. Pierre	Yes

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8. **ANNOUNCEMENTS**

President Cecil St. Pierre – Swearing in Ceremony; Michigan State High School Playoffs

Councilman Warner – Congratulate colleges; Happy Veteran’s Day; Warren Sterling Heights Goodfellows Christmas Campaign, No Child Left Without a Christmas

Councilman Green – Thanked Veteran’s

Councilwoman Colegio – Emmanuel Missionary Baptist Church Non-Profit City of Refuge; Thanked Veteran’s

Councilman Boccomino – Happy Birthday to Uncle Same

Councilman Stevens – Thanked Veteran’s; Turn It On Green

Councilman Sadowski – Nativity Scene at Mound and Chicago Donations for Insurance Policy

9. **PUBLIC HEARINGS/ADMINISTRATIVE HEARINGS:**

- a) **PUBLIC HEARING:** Request to review and confirm determination of nuisance relating to 6898 Lozier for the demolition of a house and garage, Nuisance Abatement SAR No. 470. CONSIDERATION AND ADOPTION OF A RESOLUTION.

Joseph Hunt, 8306 Stanley, stated here is the beginning of first of ten public hearings. Of course this is a public hearing where Council is going to put \$14,784.00 on the Special Assessment Roll and basically Council is giving the public the opportunity to say few things about these nuisance abatements. As you know, it was four years ago that he began, along with a group of citizens, talking about these nuisance abatements. The real question comes down to the rights of notification to the property owners prior to where we get to this special assessment roll prepared by the assessor. His question of course is why is it that an employee of the City is the Hearing Officer? State Law is very, very clear against having an employee of the City act as a Hearing Officer due to the conflict of interest. This has been going on for years and it’s going to continue to go on for years and he knows he’s brought this up at least a dozen times in the past. However, the issue comes down to the rights of notification of the property owner prior to this \$14,784.00 which \$1,092.50, that flat fee that they were going to get a report from the administration upon three

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years ago and have yet to hear as to where that break down comes in. Of course the question is why is the Hearing Officer an employee of the City. He knows he's an employee of the City because in the campaign finance reports it's a City of Warren Administration. The issue comes down to Council should look into that before someone else does. The matter comes down to is that when the letters go out, anybody whose speaks at a public hearing that is the property owner or has interest technically the letter of notification should also indicate under state law that they have thirty (30) days to appeal the determination by this legislative body and they can appeal this to the Michigan Tax Tribunal. He'd be very interested to find out when the letters went out for this and the next two property owners, if they were granted that within the letter that they have the right to appear and a right to appeal with the Tribunal within thirty (30) days, it's in Chapter twenty something of the Code of Ordinances and he'll leave it at that.

**Motion:**

Motion to approve was made by Councilman Sadowski and support motion made by Councilman Boccomino.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Sadowski	Yes
Councilman Boccomino	Yes
Councilwoman Colegio	Yes
Councilman Stevens	Yes
Councilman Green	Yes
Councilman Warner	Yes
Chairman St. Pierre	Yes

- b) **PUBLIC HEARING:** Request to review and confirm determination of nuisance relating to 8451 Jewett for the demolition of a house, Nuisance Abatement SAR No. 471. CONSIDERATION AND ADOPTION OF A RESOLUTION.

**Motion:**

Motion to approve was made by Councilman Green and support motion made by Councilman Boccomino.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

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Councilman Green	Yes
Councilman Boccomino	Yes
Councilwoman Colegio	Yes
Councilman Stevens	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Chairman St. Pierre	Yes

- c) **PUBLIC HEARING:** Request to review and confirm determination of nuisance relating to 3725 Alvina for the demolition of a house and garage, Nuisance Abatement SAR No. 472. CONSIDERATION AND ADOPTION OF A RESOLUTION.

Joseph Hunt, 8306 Stanley, stated on this particular property this is going back to the issues spoken about regarding the tearing down of houses that the high cost of bulk bundling by the County Treasurer, Ted Wahby. Every year he bundles his properties and all of a sudden sells them to the highest bidder. Of course the issue comes down to is that the bulk bundlers cherry pick and then all of a sudden decide that they're basically going to give back to the City of Warren. Pretty much what he considers make working a form of inspections and blight tickets. Primarily he's against the bulk bundling and this is one of the bulk bundlers. He has a spread sheet going at home, they're one of the five bulk bundlers that basically utilize the process that the treasurer has set up and of course this is basically a bulk bundler property as opposed to the use of the federal funds. Of course he had asked two years ago when was fund A01 created? It seems like it is a revolving fund that is separate from the sidewalk and tree revitalizing fund. The idea behind that is that all of these houses need to come down. He went to the Nuisance Abatement Board of Appeals before it was abolished but at the same time he thinks Council should really consider getting with Ted Wahby and Real Estate Commission and ask him to stop all of a sudden selling all of these properties to the bulk bundlers who are basically just pushing all these empty houses upon the administration with make work and time.

**Motion:**

Motion to approve was made by Councilman Sadowski and support motion made by Councilwoman Colegio.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

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Councilman Sadowski	Yes
Councilwoman Colegio	Yes
Councilman Boccomino	Yes
Councilman Stevens	Yes
Councilman Warner	Yes
Councilman Green	Yes
Chairman St. Pierre	Yes

- d) **PUBLIC HEARING:** CONSIDERATION AND ADOPTION OF A RESOLUTION approving a request to rezone property located on the southeast corner of Twelve Mile Road and Grobbel Avenue; 5454 Twelve Mile; from the present zoning "O", Office District, to C-2, General Business District; Section 17; Brushwood Corp. (Peter Dow).

**Motion:**

Motion to approve was made by Councilman Stevens and support motion made by Councilwoman Colegio.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (6-1).

Councilman Stevens	Yes
Councilwoman Colegio	Yes
Councilman Boccomino	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Councilman Green	No
Chairman St. Pierre	Yes

- e) **PUBLIC HEARING:** CONSIDERATION AND ADOPTION OF A RESOLUTION approving a request to rezone property located on the northwest corner of Ten Mile and Schoenherr Roads; 13355 Ten Mile; from R-2 two family residential district, to C-2, General Business District.

Joseph Hunt, 8306 Stanley, stated he missed this Planning Commission meeting and surprised he missed this because is over at Ten and Schoenherr where there is the vacant hospital and there's the proposal from what he understands about the building of a Meijer. Because he didn't attend the meeting, he doesn't feel he is up to speed, however, he did look at the informative E-packet and in the informative E-packet he noticed that the residents that live in the area, there were six individuals that had spoken out at the Planning Commission meeting and specifically he found by reading the Planning Commission meeting minutes that are included in the E-packet and the wonderful letter that

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was written by Mr. Webster that they covered all of the various aspects of whether or not that area, which is tucked pretty much in a neighborhood area, whether or not Meijer's is going to be adequate. The cliff notes he had taken from the letter, which he thought was excellently written, is the question about traffic, the preserved wet lands, the garbage that will be blowing. Of course Council knows he lives at Twelve and Van Dyke and that Wal-Mart ever since it has been put in there has traffic and garbage and he hasn't seen any rodents yet, but the idea behind it is that he doesn't go behind the Wal-Mart. The issue about lighting. He lives on Stanley and of course he doesn't sleep in his front room anymore because the Wal-Mart lighting complex is like a landing of a UFO. The issue regarding with the loitering, noise, crime and all of these things are about big complexes, people from shopping in a certain area at a mega complex where it's not conducive to the neighborhood and specifically the individuals that did go on record at the Planning Commission and of course that wonderfully letter, all pretty much indicate why it is that Council shouldn't put something where there will be noise and traffic within an area close to neighborhoods. He of course complained about the vacant Wal-Mart for years and now that all of a sudden it is a full Wal-Mart he'd rather have it as vacant. The idea behind that is that you have a lot of people going down the side streets throwing garbage around and the individuals that basically petition for this Meijer not to happen, they have a lot of good ideas. He's just using the cliff notes here and even though he did not go to that Planning Commission meeting he finds that their arguments basically say that the neighbors in the neighborhood don't want that. And of course there's the question of the driving down of property values because you have this big mega complex right around the corner. So he's dead set against it and he thanked Council.

Paul Webster, 13245 Zagaiki, he stated he lives directly next to the property that is affected. As the previous gentleman had stated, he had contacted and sent an email to all of the City Council members with their concerns. On September 14, 2015 there was a public hearing in regards to asking questions. Those questions have yet to be answered in full. The residents on the street of Zagaiki, he met with Cecil a couple of times also with Mr. McCarthy from Redico, the planning group that plans on renovating this property. The questions still haven't been answered and there's a lot of other questions that do need to be asked and addressed as far as rezoning the entire property as C-2 versus rezoning part of the property as C-2 or R-2, as well as a possible contract rezoning. These are questions that were brought up with Cecil and meeting with residents with him and he would like to see those issues addressed and like to see every one of their items answered. There are

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sixteen (16) items listed on their initial questioning, none of them answered. If they are answered he would like them in writing. Part of the plan, there is a retention pond, with no plan to put a fence around it. If he puts a pool in his backyard, he has to put a fence around his yard, so why would there not have to be a fence around a retention pond? That will drain water but that water will sit there for a certain period of time. Again, he would like to either have this issue tabled or removed. He thanked Council.

Ahaad Jazzi, 13330 Ten Mile, stated he is right across the street from the hospital. He wondered if there is a time when they're going to start this project.

Chairman St. Pierre informed him this is a public hearing, number one and number two, I'm going to right this down and he'll address it at the time to give you an idea and they'll also hear from the developer and hopefully he'll answer those questions.

Ahaad Jazzi stated he has been in the area for over twenty-five years and he'd like to see it get going. Since that hospital closed, all the businesses in the area went down fifty (50) percent. He stated he is all for it and thanked Council.

Susan Robinson, 13206 Ten Mile, stated she lives in a home that her late father built in the late 1940's. Her neighbor to the right of her, his father built his house. She has a neighbor two doors to the east, right next to the old bar which is closed, fortunately for eleven (11) months, unfortunately the owner is demised. She's seen a lot of change in the time that Warren became a city and forward. She found out at the Planning Commission meeting she attended that the city actually went after Meijer's to see if they would be interested in this property, a property at which that was damaged so severely by the flood a year ago in August that there is no reconditioning of it so it just sat there. They have to look for revenue somewhere and they have to go somewhere and look for it. As she understands Meijer's is a twenty-four hour a day operation. Which means trucks coming and going, people shopping, crime, she looks for crime in her city and she's not excited about it at all. She would much prefer see something there that could be developed instead of all of that. She thanked Council.

Kathleen Schneeberger, 22800 Warner, stated she didn't come here tonight to speak about Ten and Schoenherr but it's on there. She worked their years ago when bi-county first opened their doors. Her concern is that they wanted to make more floors to the hospital, but laws wouldn't

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let them because of what they found in the ground analysis. The ground wouldn't be right for a taller building so she doesn't know how that plays into a commercial complex like a Meijer store or anything like that but just so you know if you look back, you'll find that that was true. Back when it was first built they wanted to make it taller and they weren't allowed to because of the ground.

**Motion:**

Motion to approve was made by Councilman Stevens and support motion made by Councilman Warner.

Paul Webster came back to the podium. He stated that his concerns are that their list of questions as residents has not been answered. A lot has to do with planning and he thinks it's going to be them. His biggest question, and he sent this to the Mayor, why were only residents within 300 feet radius of this property notified? This affects more than people living outside of 300 feet of this. This is a major project that's going to happen in our city. He's ok with the fact of bringing business into the city, a lot of them are. A lot of them want to bring businesses into the city to make the city successful. He doesn't want his city to be like Detroit. He works in Detroit and sees what's going on down there, it's on a decline. Sooner or later it's coming back up, Dan Gilbert is trying to do all he can there. He doesn't want our city to turn into that, which is why in part he is ok with this project going up, but more residents need to be notified of projects like these. 300 feet, that's nothing. That is absolutely nothing and that's a disgrace to them as citizens and that this is allowed to happen.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (6-1).

Councilman Stevens	Yes
Councilman Warner	Yes
Councilman Boccomino	Yes
Councilwoman Colegio	Yes
Councilman Sadowski	No
Councilman Green	Yes
Chairman St. Pierre	Yes

- f) **PUBLIC HEARING:** CONSIDERATION AND ADOPTION OF A RESOLUTION approving Subdivision Property Split and Combination Request. Property is located on the west side of Winchester Avenue, approximately 325 ft. north of Beebe Ave; split the westerly 23.5 ft. of 31710 Winchester Avenue (Parcel No. 13-05-429-005) and combine

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said 23.5 ft. with 31719 Winchester (Parcel No. 13-05-428-017); Section 5; Christine Kowalczyk.

Joseph Hunt, 8306 Stanley, stated he was at the Planning Commission for this particular hearing and primarily he felt the petitioner's have dotted all the I's and crossed all the T's regarding a lot split and combination. It's on page 116 of Council's E-packet if they wanted to read his comments. The idea behind it is there is nothing behind it that would prohibit this lot split and combination on behalf of the petitioner. He's fully behind it.

**Motion:**

Motion to approve was made by Councilman Green and support motion made by Councilman Stevens.

**Voice Vote:**

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

- g) PUBLIC HEARING:** CONSIDERATION AND ADOPTION OF A RESOLUTION approving proposed ordinance adding Articles VI and VII to Chapter 21 creating local requirements relating to Medical Marihuana, and prohibiting odors causing nuisance; and a proposed ordinance amending Chapter 22, Section 191 relating to marihuana possession, use and transport. (First Reading)

Secretary Stevens stated he received a letter in the Council Office and they asked for it to be read into the record. He read the following:

October 13, 2015

To the City of Warren Council

RE: Medical Pot Ordinance for November 10, 2015 meeting.

Please read and place this in the minutes of the November 10, 2015 meeting.

I am not a user or grower, but I am a homeowner and am terrified of losing my fourth amendment protection. I am concerned why we are not addressing the complain instead of setting case law. I am concerned how you will determine who is actually growing marijuana.

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The first issue of concern is that this is residential property (private property); as long as there is nothing illegal the owner of the private property has a right; according to the Declaration of Independence, we have the right to Life, Liberty and pursuit of Happiness.

The second issue of concern is according to the Fourth Amendment of the United States Constitution, we have the right to be secure in our houses, papers, and all possessions... Unless you have the owner's permission, you are trespassing.

The third issue of concern is according to the MCL Medical Marijuana Act 2008, states you do not lose your rights or privileges.

I fail to see how the City of Warren can go against US Supreme Court, (Camera v Municipal Court 387 US 523) 1967.

I know of a recent rat (health issue), and know that the blight enforcer for the City of Warren did not trespass on private property; due to not having the owner's permission and knowing the law. Any in my opinion, they did the right thing.

I personally worked the midnight shift for 10 years, shades work to block out light. I personally smell not so pleasant to me, food odors in my neighborhood all the time. Home fires cannot be predicted; after the fire, with the proper warrant the fire department may search and investigate to determine the cause if necessary.

I am scared for our next generation; every home will have to be inspected just to determine if medical marijuana is growing. Please remember your decisions today will affect your children, grandchildren and all future generations.

Concerned,

Merle Boniecki  
4324 Martin Road  
Warren, Michigan

Denise Pollicella, Practicing Michigan Attorney out of Livingston County, stated although she does have clients in the City of Warren. She's been an attorney for Michigan for nineteen (19) years and for the last seven

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(7) she had specialized in counseling and advocating for regulated Medical Marijuana conduct. While she is sympathetic to the City's desire to respond to public safety concerns about the cultivation of marijuana in residential areas, she feels compelled to caution the city against what is, in her opinion, a significant amount of unconstitutional restriction of state protected conduct. In fact, in reading of the proposed ordinance she had trouble finding a section that did not violate either the medical marijuana act or the due process clause. Michigan Medical Marijuana Act, specifically 26427E, states that all other acts and parts of acts in consistent with this act do not apply to the medical use of marijuana. The Michigan Supreme Court and the people versus Koon reminded them that the MMA is an act complete in and of itself. Moreover, in Article V, Section 25 of the Michigan Constitution provides that no law shall revised, altered or mended by reference only to its title. In other words, a city may not through its ordinance code, amend the medical marijuana act or otherwise restrict or regulate patient or care giver conduct. With the possible exception of the fresh air ordinance this entire thing is unconstitutional and it's a restriction several times over unconstitutional and of adopted should and will be challenged and stricken down. Some of the most troubling and offensive language includes Section 2183A3 which prohibits a caregiver from assisting his own patient with the medical use of marijuana in his own home. Section 2183F, which codified the unconstitutional forfeiture of property without due process and violation of the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the US Constitution and Section 22191 which is an attempt to codify that which has already been wildly held across Michigan's child courts to be an unconstitutional amendment to the medical marijuana act restricting the transportation of marijuana. She would argue that the City of Warren would have ample ordinance language already on its books dealing with home based businesses, building code requirements and nuisance odors and that the majority of the language of this proposed ordinance is unnecessary and that all is required is enforcement of existing rules. She would also point out that no person is currently permitted by a state law into a grow room of a caregiver or patient and therefore would be subjecting patient or caregiver to an inspection of a secure, locked and closed facility will require them to violate Michigan Medical Marijuana Act and subject them to criminal sanctions. Finally, would submit that the perceived problem with the excessive growing of marijuana in residential zones can easily be remedied by the issuance of use permits for the cultivation of marijuana in industrial, manufacturing and any agricultural districts. Notwithstanding all of her previous statements and she still reassert that regulating caregiver and patient conduct is unconstitutionally restricted. Medical marijuana caregivers would welcome the opportunity to grow marijuana in secure and industrial buildings that have utility infrastructure

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and space for this purpose, to submit to inspections, to pay annual licensing fees and pay taxes. Therefore, she does fully support the issuance of special use permits for marijuana cultivation facilities pursuant to an authorizing ordinance, especially, in anticipation of the passage of state law that will create a licensed and regulated marijuana industry, which will itself greatly reduce the residential cultivation of marijuana. To that end she asked the city to adopt a reasonable zoning ordinance that permits the cultivation of medical marijuana in industrial buildings a thousand feet from a school and five hundred feet from a public park. The current proposed zoning ordinance has a five hundred foot distance restriction from residential districts, which she does object. There is no rational relation or proper public purpose in keeping a secured cultivation facility that is close to the public, five hundred feet from a residential area, in which a patient or caregiver can already grow marijuana. When the bar or party store that sells alcohol and tobacco at retail can be located adjacent to a residential area with only an eight (8) foot green space. The city's nuisance ordinance already addresses owner and blight, and there is no anecdotal or empirical evidence to support to the notion that these facilities will be attractive criminal nuisances. In short, a reasonable zoning ordinance for commercial marijuana cultivation, along with the city's existing ordinance code and the passage of pending state law, will combine to effectively address the city's public health and safety concerns without the need of unconstitutional restrictions.

Richard Maier stated he is a resident of Warren and has been a resident for four (4) years now. He does have a grow house in the City of Warren and he's had that for also four (4) years, before politicians started making things of medical marijuana. He liked to share pictures with everybody else of what he used to like for twenty-three (23) years for a system that says they take pharmaceutical drugs to take care of our people. He showed everyone a picture of what he used to look like. He said that picture was sixteen (16) years of taking pharmaceutical drugs. They wanted to do a bypass on his stomach from twenty-three (23) lesions. He quit doing those drugs to live and he got to live. Seven years later the back almost killed him, he was too far bent over, eighty-eight degrees out of range, to live. So his doctors were going to kill him. He found a surgeon that was passionate enough to fix him when seven of them told him he was going to die because his body could no longer live like this. Then he was saved, he used for sixteen (16) years, he never took marijuana while he was in school or any other kind of drug. A doctor suggested for him to live, to maybe find an alternative way. He asked him what and that's what he told him. That alternative way allowed, him to live seven (7) years like this with no medication what so ever. Then

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after he had the surgery in 2014 he was diagnosed with severe bladder cancer. That's why his name is on Karmano's folder here. If it wasn't for this marijuana he would be dead today because he had a whole team of doctors at Karmano's telling him that if they help him with his cancer there will be a year to a year and a half and he would have life. By God he looks pretty good for being dead for a year and a half, don't I? He said he looks pretty healthy for a year and a half of having nine tumors go through his body, don't I? He doesn't have a tumor today, you know why? Thank God, he didn't listen to the politicians of this country because of the politicians instead of helping the people and making their lives easier, the politicians want to try to find a way to make their lives harder. They voted in a law, 65% of people of Michigan said this was ok and now all the politicians are looking for a way to make it not ok. So, he came to thank all of Council. When Council makes their decision he hopes they sleep good at night and make good one for fixing the people that are really sick and depend on this.

Jim Powers, Executive Director of Michigan Parents for Compassion, stated it is a nonprofit organization. He explained they solely exist to advocate and support sick kids and their families. His son is very sick, he has a very severe auto immune disease. They represent kids like this all over the state, several of them within the city limits of Warren. He is here tonight because these children use medical marijuana and this ordinance would make it 100% impossible for a pediatric patient to exist in the City of Warren and here's why: In the state of Michigan the state mandates that the parent serve as the caregiver for the pediatric patient, which makes sense. The parent should control things like acquisition and dosing for that child. Unfortunately, that also means that parent must transfer marijuana to the child on a daily basis. Unfortunately, under Section 21-83 through A3 it completely prohibits caregiver to patient transfer at the caregiver residence. This would make that parent a criminal and could possibly be charged with a misdemeanor. In addition, the City of Warren has taken a very hardcore stance with retail outlets in the city of marijuana. As a result the only place that a parent in the City of Warren can legitimately get marijuana is by growing it. Unfortunately, in Section 2183A6 prohibits caregivers to grow outside of an M-1 or M-2 industrial district. What these means, even though that plants are being cultivated on behalf of the pediatric patient, it cannot be done inside of their home. It would force a parent into an industrial district. For these two major reasons, they plead with Council to please review this ordinance, it's going to do some really serious damage to their pediatric community and he knows to other several patients here in the state of Michigan. He thanked Council.

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David Rudoj, Attorney in Royal Oak, stated he represents many different residents of the City of Warren. He believes that this ordinance there have been similar ordinances to this across the state that were all invalidated by a case called Ter Beek versus the City of Wyoming. It's very clear based on that case that you cannot restrict activity that the Michigan medical marijuana act would allow. Council may regulate it but not restrict it. Foot note number 9, he believes is what's being used or what's being interpreted as a way that you may do what's in this ordinance. However, foot note number 9 strictly says that you may regulate, which means you may choose the manner in which somebody may keep their plants, maybe regulate the manner of which the electricity is hooked up, those sort of reasonable regulations. In every part of this act where Council says they may not be a caregiver in your own home, that is violating the Michigan Medical Marijuana Act. The Michigan Medical Marijuana Act says a person shall be subject to no penalty that means civil. He would like to read a quote from Ter Beek versus the City of Wyoming. "The ordinance is preempted by Section 4A of the Michigan Medical Marijuana Act and municipality's power to adopt resolutions and ordinances relating to its municipal concerns is subject to the Constitution and the law. A municipality is therefore precluded from enacting an ordinance if the ordinance directly conflicts with the State's statutory scheme or if the statutory scheme preempts the ordinance by occupying the field of regulation that the municipality seeks to enter. To the exclusion of the ordinance even if there is no direct conflict between the two schemes of regulation. The direct conflict exists when the ordinance permits what the statute prohibits or the ordinance prohibits what the statute permits. The city's ordinance directly conflicts with the MMA by permitting what the MMA expressly prohibits, the imposition of any penalty including a civil one on a registered qualifying patient whose medical use of marijuana falls within the scope and immunity granted under Section 4." Now, just to be clear this case was about a medical marijuana patient Ter Beek versus the City of Wyoming. But the reasoning applies to registered caregivers in the exact same way and the language throughout this opinion shows that. They're grasping onto one little foot note that says the city may regulate, and the city may regulate different aspects of growing, if someone is trying to grow in a commercial zone, you may create zoning ordinances that regulate where they can grow, but a person shall not be subject to any penalty even a civil penalty or injunction for engaging in protected activity under the Michigan Medical Marijuana Act. By passing this regulation, if Council does in fact seek to enforce this ordinance, what Council is inviting upon the city is lawsuits. Lawsuits that are not good for the city and not good for the people suing. It's a lot of wasted money for everybody. He believes in fact this ordinance will be invalidated if Council does in fact

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pass it with the current language. He invites Council to please take a close look at this and make sure the ordinance does not directly conflict with the Michigan Medical Marijuana Act and just seeks to regulate that behavior in a reasonable way and then there would be no reason for such suits and no reason to waste the city's money.

Michael Komorn, Attorney, stated he has been practicing for twenty-three (23) years in Michigan and the last seven (7) or so he has been devoted to primarily representing patients of caregivers and those that assist and help with patients and caregivers. He appreciates the opportunity to speak about the legislation proposed. It reminds him of an old saying that lawyers say when you don't have the facts, argue the law and when you don't have the law you'll get the facts. He can tell whoever wrote this, had neither. This legislation proposed fails to recognize basic principles of Michigan, it's rather offensive the way it goes about eliminating what has been declared, not just by 3.3 million voters in 2008, 63% of the vote, which incidentally is more votes cast than for any other legislation or politician in the history of Michigan voting. This is not something that comes about just by wily nily and the principles that came about this legislation are very clear. They are that people can grow in their home, twelve (12) plants to themselves because that's 2.5 ounces of usable material and they can be caregiver for no more than five people within in their home. The idea that the city seeks to prohibit this is in direct conflict with the voter initiative. Further, the cases referred to by brother and sister counsel as far as Ter Beek versus Wyoming, needs to be re read by whoever is going to be voting on this because it is very clear and it's also important to recognize this opinion started of course with a trial court within the court of appeals, that was four justices that were in favor of this and then unanimously the Michigan Supreme appealed it. It's ten (10) justices voting and saying that the ordinances that are precluding the care giving or activity of patients in their homes is not allowed. It conflicts with the Michigan Medical Marijuana very, very clear. One of them was former Circuit Court Chief Judge David Viviano who joined in the opinion stating specifically that this is not allowed, that federal law me preempt state law but state law preempts the city's that try to prohibit the behavior that the Michigan Medical Marijuana Act specifically allows. Also, he would also like to mention that the idea of the care giving desired to be eliminated was reaffirmed by the legislature in 2013 when they chose to address nothing to do with care givers. He has not speaking or admitting about anything about care giving in people's homes. It is a declaration that care giving is the way in which patients are going to receive their cannabis. So any ideas that they're going to avoid allowing this to happen is in direct conflict with constitutional principles, due process principles and further in

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conclusion, Mr. Powers suggested to Council that the pediatric will not be able to provide cannabis to their patients in their home is a real problem. He's made statements in the past that any of the parents of children who are being prosecuted for providing cannabis to their children, he is going to represent them for free. If he has to come to Warren and represent a child or a child or a parent whose house is going to be raided because they're care giving, there's going to be a lot of problems. That's not the way it's supposed to be. This law was intended to protect and be a shield, not a sword to go after people. He thanked Council.

Jay VanDyke, Executive Director of the AMMA (American Medicinal Marijuana Association), stated that he would personally like to thank the Honorable Warren City Council for allowing him the opportunity to speak about medical marijuana this evening. They have ten thousand members who are licensed, registered medical patients, who have been qualified by the State of Michigan. These people are basically on the street trying obtain their medication, a number have been killed, murdered and some have deceased because of complexities within this law. They are tempting to sustain life through medical marijuana. There are currently 170,000 state licensed medical marijuana patients with one third of those medical patients in Warren, Sterling Heights and Clinton Township. Many of these patients are attempting to seek out a safe alternative medication for pain that does not have the severe side effects associated with pharmaceutical medications, which do cause many deaths every year. Medical marijuana has proven to help anabolic patients to stimulate appetite, ease nausea associated with cancer, MS, Parkinson's, seizures and many other severe debilitating illnesses connected with pain, eating and digestive symptoms. The real drug problem in Warren is not medical marijuana but heroin addiction. Over half of the people entering the Macomb County Jail are on heroin. Which has become an epidemic and a cause for great alarm. One member confided that he had lost twenty-three (23) friends since 2006 in Oxford, Michigan from heroin and oxycodone addiction. Despite of the drug war, drug addiction, loss of life in America is out of control on a pandemic level. Pharmaceutical companies are experiencing billion dollar profits at the expense of the American people. Heroin addiction, opiate addiction is from pharmaceutical interaction. People don't go from smoking a joint to sticking a needle in their arm. Medical marijuana gives life, it does not take it away. Medical marijuana is not as addictive as coffee, sugar and tobacco. He has not located one traffic accident fatality associated with the use of marijuana. Highway accident fatalities are from alcohol and drugs, which are the real culprits plaguing our streets and community. The AMMA would like to suggest and recommend to this Honorable

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Warren City Council the following for their moral and ethical considerations to initiate the care giver compassion center in the City of Warren, they support the HIPA and ADA compliancy, they support no exterior signage relating to medical marijuana, they support the federal one thousand foot requirement for drug free school zones, they also support the special city license fee, use tax and employee licensing fee. They support a care giver compassion center not to be located in a retail shopping district to deter public nuisance issues for the protecting and safety of the welfare of their community. In 2008 the people of the State of Michigan voted through democratic constitutional process by an overwhelming 63% majority win in all 83 counties to approve the Michigan Medical Marijuana Act. Signed a month later on December 4, 2008 by Honorable Governor Jennifer Granholm. However, marijuana arrests are up 400% percent in Michigan since 2008 and violent crime is down 40% in Colorado in the last year. Because medical marijuana, which acts as a mild sedative at best. With regard and deepest sympathies to the two explosions that we have experienced in Warren, he must say in all honesty the explosions were caused from the illegality of this product. If this oil or wax condensed version was available as alcohol no one would try to make it. If alcohol was illegal we would have stills catching on fire just as we have had these two explosions, which is very unfortunate. In addition, every year they do have a number of turkey fryer fires, Christmas tree fires and we can't ban Thanksgiving and Christmas. To ban medical marijuana and deprive state qualified medical patients is against their certain guaranteed their constitutional right to life. They are just beginning to learn about the many medicinal uses of medicinal marijuana which have more uses than any other single pharmaceutical product on the market today in 2016. With one out of five Americans contracting cancer, some people use medical marijuana to ward off contracting cancer. He would like present approximately 4,000 petitions to the City Council to allow safe access in a zoned medical facility for a care giver compassion center. He respectfully submit these petitions to his Honorable City Council and pray that logic, sense and morality will prevail to prevent provide safe access and compassion of care to state qualified medical patients. We need to get medical marijuana off the street and this associated with common drugs. He wanted to thank the Council members for allowing him the opportunity to offer up suggestions and recommendations in this most pressing matter and urgent consideration.

Robert Redden, 27724 Alger Lane, Madison Heights, stated he is here in support of the patients and care givers of Michigan. He thinks this is really about education and once Council... There were plenty of people that spoke tonight that are well informed on the act and if Council just

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wanted to reach out to them, they'd be glad to help straighten out the language. He thanked Council.

Robert Mueller, 32330 Whitley Circle, stated he's in a really nice neighborhood and he does grow medical marijuana, he grows 72 plants in his house every day. He has five (5) patients, they stop by once a week. Every patient stops by, he has people come over they pick up their meds, they come inside, it's discrete, they leave and go home. So if Council takes that away, should he go down to the new Krogers and meet there to deliver the medication instead and standing in the parking lot waving to the patient saying, "hey! Here's your bag!"? Where do you go then if Council takes that away? Growing marijuana does not cause explosions; extracting medicine out of marijuana with butane can cause that. If it is regulated right and Council does allow dispensaries for people to have safe access and not taking away all them risks. That's something Council should really consider, let alone all the tax money, the revenue, so much potential out there and so many jobs, yet everybody is sitting here doing nothing to help that part of it. He's going to continue to grow, he's disabled and he needs his medicine. His patients need it. Under Michigan Law, he can grow in his house his seventy-two (72) plants. Nobody in here can come into his room. Beyond whatever Council's decision is, hopefully it's the right one. He thanked Council.

James Amblin stated this is the first time ever being at one of these meetings. He condensed his argument as much as he possibly could to conserve Council's time because he figured there would be quite a few people here. Ordinance state that marijuana and its odors are to be contained to the interior of the property. On the contrary, the Michigan Medical Marijuana Act specifically states that the outdoor medical marijuana cultivation under certain conditions hold the same immunity as indoor cultivations. It simply states that it must not be visible from another property with an unaided eye from ground level. Also, an offensive odor as defined by this ordinance, he printed a copy of the ordinance today, an offensive odor caused by growing cultivation or the use and consumption of marijuana. This means simply someone walking into a store smelling like they had just used could potentially be arrested for violation of this ordinance. The ordinance states that the property is to be inspected by the Fire Department, Building and Public Safety, Michigan Medical Marijuana Act states that possession of or application for a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall be used to support the search of the person or property of the persons possessing or applying for registry identification card or otherwise subject the person or the property of the

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persons to inspection by any local, county or state governmental agency. The US Constitution, Michigan Constitution and the Bill of Rights states the right of the people to be secure in their persons houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probable cause supported by oath or affirmation; in particularly, describing the place to be searched and the person or things to be seized. This was upheld in the Supreme Court in the case of *Kamara verse Sand Vernando*, when it was said that an individual could refuse entry to a city inspector and request that a warrant be presented to them. The ordinance states that anyone in violation of the ordinance are subject to ninety (90) days in jail or \$500 or both in addition all marijuana be seized by the police. In contrary, it states that Michigan Medical Marijuana Act states that any marijuana, marijuana paraphernalia or illicit property that is possessed, owned or used in connection of the use of medical marijuana is allowed under this act or acts incidental to such use shall not be seized or forfeited. This ordinance contradicts state law and is in violation to the home rural city act that states a charter provision to contrary notwithstanding is a city may adopt an ordinance punishable by imprisonment not more than ninety-three (93) days or fined not more \$500 or both if the violation substantially corresponds to a violation of the state law. This is a misdemeanor for which the maximum period of imprisonment is ninety-three (93) days. This ordinance does not correspond whatsoever with state law. Michigan Constitution States that each sub city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government subject to constitution and state law. Michigan Medical Marijuana states and all other acts and parts of such acts inconsistent to this act do not apply to the medical use of marijuana as provided for this act. This was a appelled in the supreme court, it's been mentioned here in *Ter Beek versus City of Wyoming* and he brought a complete copy of that disposition for any Council members to search and look at tonight as he did the US Constitution and all other pertaining documents that he spoke of, he brought a full copy of for Council's inspection. As he said, this was upheld in supreme court decision *Ter Beek versus City of Wyoming*, the Michigan Medical Marijuana Act, this is from the opening line, in acted pursuant to a voter initiative in November of 2008 afford certain protections under the state law for medical use of marijuana in the state of Michigan. Among them: immunizes, registered qualifying patients from penalty in any manner. *Ter Beek* contends impermissibly contravenes which provides that, registered qualifying patients shall not be subjected to arrests, prosecution or penalty in any manner for the medical use of marijuana in accordance with the act. Accordingly *Ter Beek* seeks declaratory judgment of the ordinance. The MMA and corresponding injunction

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prohibited the city from enforcing the ordinance against them for the medical use of marijuana in compliance with the MMA. The city is therefore precluded from enacting an ordinance if the ordinance is in direct conflict of the states statutory scheme if the state's statutory scheme preempts the ordinance by occupying the field of regulation which municipality seeks to enter. An exclusion of the ordinance, even where there is no direct conflict between the two schemes of regulation, People verse Luwinden. Direct conflicts is when the ordinance permits what the statute prohibits or the ordinance prohibits what the statute permits. Here the ordinance directly conflicts with the Michigan Medical Marijuana Act by permitting what the Michigan Medical Marijuana Act expressly prohibits. The imposition of a penalty in any manner on a registered qualifying patient whose medical use of marijuana falls in the scope of 4a's immunity. 4a makes it clear that individuals who suffice the statutorily specified criteria shall not be subject to penalty in any manner. Michigan verse McQueen does not, as the city, content... He is still reading from the Ter Beek. As the city contended, it does not authorize a municipality to enjoin a registered qualifying patient from engaging in medical use of marijuana in compliance with the Michigan Medical Marijuana Act simply by characterizing that as a zoning violation. Furthermore, contrary to the city suggestion, the fact that the ordinance is a local zoning regulation enacted pursuant to the MZEA does not save it from preemption. Most importantly, accordingly to the city cannot look to the zoning act to authorize or excuse the ordinance contravention to the specific immunity for medical marijuana use under 4a of the MMA. The ordinance directly conflicts with the act, not because it generally pertains to marijuana but because it permits registered qualifying patients to be penalized by the city for engaging in Michigan medical marijuana compliant medical marijuana use. Of the acts expressly prohibits this as such the act preempts the ordinance to the extent of this conflict. The final conclusion was the Michigan Medical Marijuana Act which in turn did not preempt... Accordingly they affirm the judgment of the court of appeals reversed the decision. Also, there was another thing in the ordinance that he saw. It pertained to the use in non public areas such as apartments, condominiums and other areas where the landlord might say they cannot. The city does not have the power to outright prohibit an activity. There is actually a bill in the Michigan Courts right now. He doesn't know why the city should take a jump on that when it's already bill in the House. Personally, he sees it as, because he watched Council obtain the one hundred and ten (110) properties tax...

Chairman St. Pierre stated tax reverted properties.

James Amblin said yeah. He continued to say that he watched the City

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Council on that and it was stated that on those properties one of the terms would be that whoever bought that property or rented that property would not be allowed as by terms be allowed to grow medical marijuana. He believes that particular part of the ordinance was simply put in there to protect the city's interest in the properties they had just bought. In closing, he would like to say that every one of Council stood there tonight and took an oath to this state, to this Constitution and he would truly like to know, because Council can see his shirt "Don't tread on me", he's a constitutionalist. Whether he may be a medical marijuana user or not, he believes in this country. He went to school when we were still allowed to say the Pledge of Allegiance and he stood there proudly every morning saying the Pledge of Allegiance just the same way he did back there tonight. It is things like this that makes him wonder what our Four Father's would say. He doesn't think they would approve the in compassion, the uncompassionate ordinance here tonight. He means he could be wrong but George Washington grew it himself. He told Council to have a great night.

Dave Konja, City of Warren taxpayer, business owner and Executive Director of A Bit of Hope, a start up cancer organization located in the City of Warren, stated that he is not really here as a business man or somebody who has an interest in growing, etc. But more to shed some light on a personal experience he had that he feels warrants his appearance today. Just for a brief second lets all just close our eyes and envision that everything is fine and dandy one day, you get a call the following day that your child or grandchild or what have you, has cancer. In 2012, his three year old son Jacob was diagnosed with Neuroblastoma. Long story short, thank God to prayers and thank God to western medicine but alternative medication he can attest has its own human properties. Again, he hasn't read the ordinance, he's not here to financially benefit out of anything. He's just here to convey that he believes in his heart as he endured in a four year endeavor to create A Bit of Hope. They purchased a building in the City of Warren that was vandalized. Created a cancer organization and the motto there was to create thrift store and market all in one to cater. At the end of the day, the net proceeds would help those families like himself that who had to become 100% caregiver with their financial needs with respects to utility bills and what have you. But again, the whole focus and motive for him to stand there before Council is to shine some light in addition to attesting, at you will, that he believes in his heart that the use of this cannabis and its healing properties were fundamental in the wellness of his child in addition to the western medicine. Long story short, he has to agree with the attorney's, he has to agree with Denise that putting restrictions, for example his building, he owns an M-1 building. If Council

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was telling him that as moving forward as a cancer organization and they elect to say they now want to adopt the growing the marijuana and forego as additional source of revenue to enhance their objective and he's five hundred (500) feet away from residential, he's precluded from doing so because he's within that five hundred (500) feet. He agrees, he can't recall who made that opinion in respects to keep it away from schools, keep it away from churches, of course, let common sense prevail. With respects to what is being considered here again falls back to odor causing nuisance as well. We all agree that we're in a time and age where technology and the process to eliminate odors are here. For example, licenses are given to hookah bars/lounges all day, every day that are within x amount of feet of residential. However, the fans, blowers and filters and in place to ensure residents that odor does not cross that line between being a nuisance and what have you. Again, in a nut shell, he's not trying to hold it on one issue because he has a building, forget that. The whole focus is what the people in general in the State of Michigan, what he experienced in his son Jacob, he prays that Council sees it in their heart not to apply restrictions that would prohibit people that are truly caring for people in need, if you will. As a matter of fact, he would applaud Council to come with mechanisms that are people that are trying to profit other than the true nature of what this law was intended. Other than that, he is here as a citizen, not a business owner. God Bless you and he hopes he narrowed down the point as to why the need of no restrictions or less restrictions with respects to the way or meet with why the law was passed, remains intact. He told Council to have a blessed night.

Unknown Person A stated she was not going to get into any long explanations of what was written and when it was written. All she wants to say is that she worked in a factory for fifteen (15) years making car recliners; she went into a carbon factory making air filters for all of our homes, making her fingers terribly filled with arthritis. Her alternative to using medical marijuana is a drug that she can't even pronounce the name of and she's going to give Council just a quick over view of what her side effects would be from using it. Stomach discomfort, chills, fevers, tired, skin or eyes turn yellow, little or no appetite, vomiting, clay colored bowel movements, respiratory tract infection, muscle aches, dark urine, skin rash, headaches, diarrhea, nasal congestion, sore throat, runny nose. This is not psychology, you're either going to chose something that has so many side effects or you're going to chose something that actually makes you feel better. She has three best friends of hers, this is why she became a caregiver, one has grand mal seizures, she's not sure if anyone on Council is familiar with it, but it can be controlled with medical marijuana. The other one has had three

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different shoulder surgeries and still works every day. She's about eighty-five (85) pounds but she'll groom your dog like no other. Her third job, she works at Old Navy opening presents that Council is going to be giving to their families, day after day, 9,500 units with her hands, ripping apart plastic. She can't even pick up a gallon of milk in the morning let alone hardly pick up anything heavy. You look at her and think she's 49 years old and in great shape. Mentally, physically yes she is but her body, fingers are not. So for all the people that use medical marijuana for a legitimate reasons, she comes before Council and asks don't take away whose helping your people. Your people are keeping Council in their seats, you're people voted 63% to make this legal. Like everyone else has said, work with your people instead of saying no. Work with us, we're all human beings and we're all looking for comfort in different ways. Maybe somebody is going to go sit in a bar after this because Council listened to all these people and have four drinks, then get back in the car and drive home. It's the same principal, she's not saying get in the car, smoke a joint and go ya know. But like he said, there's no factual deaths caused by marijuana but look at the opiates, them are being stole from these kids parents bedrooms, your bedrooms, your parents. There are so many factors that come into it. Marijuana is our least dangerous even though Congress deemed it our most dangerous drug. Which Congress makes her laugh because they can't even agree on anything but they're going to all come together and deem this the most dangerous? She thinks they need to stop and like he said, heroin overdoses, let's look at our pharmaceutical companies and hold them responsible. She thanked Council.

Unknown Person B wanted to ask why Council is targeting medical marijuana when she knows people that grow tomatoes and house plants hydroponically in their homes the exact same way that a medical grower would do. When does it stop? Is the city going to go inspect their homes, demand their permits for using the same exact equipment, filters, lighting, etc. They're just as prone to house fires or explosions as anybody else would say. She just doesn't know why Council is targeting medicines helping people, they should be looking at other things that are more important like opiates, pill poppers, etc. She thanked Council.

Charles Busse, 8311 South Blvd. Rochester Hills, stated Council has heard from some of the best attorney's in the state of Michigan about the value of medical marijuana but also the legality of medical marijuana. He doesn't think anybody on this panel would dispute that it is a legal authorized medical offering to people in Michigan, most importantly people in Warren. You don't have to smoke marijuana to recognize that. He says that because he knows that culturally many struggle with this

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that it doesn't quite make sense to a lot of folk that this would be a life saver for so many, many people. The truth is that that is not just a life saver or many, many people, it's a life saver for many, many people in Warren. The industry in Warren, the caregiver industry in Warren, is strong and significant. It's not the folk on the fringes, it's not people that are not mainstream, it's not people that don't worship at our side in our churches, or shop at our side in our grocery stores, or pump gas next to us at the corner. These are our neighbors and our friends who count on medical marijuana. As an attorney he represents a number of the caregivers in our community who are struggling with how Warren has decided and wants to decide to enforce the law is lawful. Michigan also says that Warren gets to say how this community is regulated. We know that the city's attorney's office has worked diligently to try to offer a regulatory ordinance that allows for the caregiver community to continue and prosper but also respects the rights of others who are concerned about their property values and about their quality of life in the community. They believe, those of us that have come to know this industry in Warren, that this particular draft is overly burdensome. It causes not only a limitation on the availability of medical marijuana in the community but by doing so raises the cost, and for those on modest incomes makes it much more difficult to access, in an appropriate way, medical marijuana in Warren. He has clients that are here tonight who have been staunch defenders of the availability of medical marijuana in a lawful, appropriate way. They ask Council tonight to consider this because the law is powerful, because the ordinance itself is written itself in a burdensome fashion. The Council may want to table this first reading, take time as a body to share its own view and generate a version of this ordinance that is more consistent with state law, permits the caregiver community to continue without the burden, but of course protects residents as he knows that each and every one of Council has been sworn to do. He thinks though that a tabling is the appropriate step to be taken at this juncture with this draft. He thanked Council.

Jennifer Miller, resident of Warren and clinical social worker, stated she is a supporter of the medical marijuana act of this great state of Michigan. She is not here to explain the laws to Council, she thinks it's very clear with the attorney's that have been up here and are very knowledgeable about the law as it written here in the state of Michigan that supports medical marijuana patients and caregivers. She would like to applaud Council today for having it on the agenda. It is a very important issue for this city and she would like Council to continue to work on the ordinance so that it is friendly to caregivers and patients. Commercial growth of the medical marijuana certainly does provide, or should have some zoning and regulation, she does support that. But the

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caregivers as it is written in the state legislation already for this act are protected and should be allowed to continue to provide their patients with the necessary medical marijuana that they need. She has been on many committees, state committees, government committees, more so than what Council would like to think that she might have that kind of experience, but she would like to see this Council, and she doesn't know if there is anything already established, to put together a committee that does have some input from caregivers and patients. She not sure if Council does, if Council did she doesn't quite know how this ordinance came to be because it certainly doesn't meet any of the legal requirements that the 2008 law support. She's not sure where Council's information is coming from and she does ask that Council maybe expand that to include a little bit more information. She's going to close and she knows that there are lots of signs around that say Warren is a friendly city but she doesn't think this ordinance is friendly to its citizens.

Joseph Hunt, 8306 Stanley, stated he was at the Planning Commission several months ago when this three prong approach was introduced as an amendment to the zoning ordinances. There are three things that were introduced back in September, basically where pot can be grown, where it can it be dispensed, where it could be used. Since that time its morphed into probably one of the worst ordinances ever written in the history of the City of Warren, if not in the state of Michigan. He means primarily, what he looks at here, and this is the idea behind it, when we have all these attorney's from different locations and different backgrounds representing the rights of people, people like citizens or non citizens, and then all of a sudden he goes to a Planning Commission to a public last week and he's not allowed to speak at public hearing. By the way, that's in the County's Prosecutor's Office as a violation of the open meetings act that was public hearing and he was not able to speak. He was evolving amendments to a zoning ordinance. The idea behind this and this is getting into the reading of this terrible, terrible ordinance, is basically what Council is doing giving inspectors of the city this amazing capability of going around with old photometers and smell detectors and basically coming up with something called a fresh air ordinance. The idea behind a fresh air ordinance is basically going around sniffing the private properties of other people and the idea of this fresh ordinance stinks and this is one of the most terrible ordinances he has ever seen put together, hodge podge, the way it is. Now he respects all the attorney's that have came up here and the citizens because he learned a different perspective on the Fourth Amendment Rights to the Constitution, but this fresh air ordinance the way it's written, a reasonable person would consider an offensive odor and endangers the public health or welfare. There are so many people in the city that have

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chimneys and fireplaces, like himself, and he burns in the winter and he loves the smell of smoke. He's a smoker, he wanted to disclose that for that record and the idea is that the smell of pot doesn't offend him in any way. There are some people in the city that everything offends them, like Council's mayor. One of the things he noticed her here is that he used it in his political campaign and he started rambling on last election season about marijuana and fireworks. The idea behind it is that with this fresh air ordinance does is it basically prohibits people from being themselves and the idea is that it unreasonably interferes with another person whose enjoyment to life, health, safety, peace, comfort or property. The idea behind that is Council has some really, really complaint driven people in this city that would call and nark on their neighbors if they all of a sudden are warming up their motorcycle at five in the morning or they're planting those smelly plants that all of a sudden are just are smelly. But the idea that this fresh air ordinance is inclusive in the medical marijuana which is basically slipping something in that's really, really stupid. He says that this is stupid because this is one of the worst ordinances he's ever seen written and he's very, very amazed. In fact, marijuana is spelt with a j, that's why they call it mary j. He sees that its used with an h here. But the idea behind that... Seriously you have to read this stuff. The idea behind this, he'll stay on the subject, there is a five million dollar lawsuit against the City of Warren right now. The City of Warren is being sued by Mike Griener and the twenty-three (23) patients he represents and specifically this was a direct result of Mayor Fouts and the Police Commissioner and several other employees targeting a location over on Hoover, which doesn't even look like a grow facility or distribution facility, but there is a court case going on now. This is the important thing about the course case, if this Council all of a sudden precedes forward with taking away peoples Fourth Amendment Rights to the Constitution, perhaps that Mr. Griener or any other attorney may all of a sudden make this a class action suit against the City of Warren. He looks at this very similar to this whole entire concept is that it started out as a tri fold, multi prong zoning ordinance and this is very similar to the sexual oriented businesses where Council can say they can only put them in industrial districts, but never came up with the locations. This is like a pyramid scheme of zoning, which is basically disallowing what you do not like. The important thing here is that he's almost tempted to go get a medical marijuana card, all of a sudden become a cheap cheerleader of this fresh air ordinance, which is a complete insult to the people of the City of Warren and to the people of the state of Michigan. Long story short, Council is persecuting people, Council's Mayor loves to persecute people, and the idea behind this is that all of a sudden when there is people that are illegally allowed under the Medical Marijuana Act to cultivate that specifically the Department of Building Inspections has this

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plan where they're all of a sudden approve, and he's certain there are going to be permits involved, the wiring, the lighting, the water system to support the growth and processing of medical marijuana with an h. He doesn't trust the city. This is the important thing, he lives in the city and he's vocal but he doesn't trust the people in the administration because they've done some really shady stuff in the past and this is one of the most shadiest things he has ever seen in his life. The fresh air ordinance, people can't even let gas without all of a sudden a city inspector with an old photometer in the air. He's going to conclude here, he's so dead set against this but he's glad there are attorney's here that says it's not only is it unconstitutional, but basically there is going to be lawsuits, there's already a major lawsuit. He thinks that the idea is that whoever came up with this should be drug tested.

Kathleen Schneeberger thanked Council for taking the time to listen to her. She agrees 100% in the use of medical marijuana, but her thoughts are pure common sense, which the world kind of lacks a lot these days. Cecil can verify because he's an attorney and he's seen legal documents from her specialists. She has a terminal illness, they don't know the cause of it and there is no cure for it. She doesn't use drugs. The only drugs she's ever had in her body were administered in a hospital or by a legal doctor. For those who needs it, if medical marijuana can help them they should have it, but they need to go back to square one to your state legislators and your federal and do this right. She grows fox glove in her flower garden, two of the drugs that she has to take for the rest of her life, digoxin and digitalis are made from that plant. That doesn't give her the legal right to process them and use them on her own. She has to take thyroid medicine the rest of her life, doesn't give her the right to make it on her own. Let's go back and do this the right way. We have all these thousands of pharmacies, clinics, hospitals, let these people have their medical marijuana but let it is be dispensed responsibly from clinics, hospitals and pharmacies across the state, across this nation. That's the right way to do things, that's the common sense way. She can say one more thing, years ago, she's worked a lot of places in her life, she's a really old lady, but she worked at Mercury Plastics at Fifteen and Harper years ago. If you went into that lunchroom there was so many pot users in there, there is no way in the world you could stay in their for five minutes without coming home coming out of there your hair, your clothes and all smelling like pot. If you stayed in there for more than five minutes you had a definite buzz. She apologized. That is something that nobody can deny, not to mention working in hospitals in her life time for years and years and dealing with people that were on drugs. But yes, these people that need medical marijuana should have it. Let's go back to our legislators, let's not blame

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the local officials. Council may not agree with the Mayor, sometimes she does and sometimes she does, but don't blame the local politicians here. Let's use these local politicians to go back and do things right, go to our state and federal legislators; get this all turned around the right way. She states this is all a bunch of bunk anyway when more than likely when it's put on the ballot next time it's going to be voted in like Colorado where anybody can use it that wants to anyway. She can see the Mayor's point in a way; she doesn't want these processing things with propane tanks blowing up in the house next to her. Let's just do it responsibly and do it the right way.

Matthew Abel, Marinjuana Lawyer, Senior Partner at the law firm of Cannabis Counsel and the Executive Director of Michigan Normal, stated his comments and regards to this are he thinks this preposterous to try to give prohibit a caregiver from transferring in their home and there are other problems with this ordinance. What he wanted to point out is, aside from the last speaker, no one that he's aware of, that spoke tonight actually spoke in support of this ordinance. There was no one here tonight that urged Council to pass this ordinance the way it is written. He urges Council to take that into consideration. He said that Council should, as Ms. Pollicella stated, use this as an opportunity for economic development and begin doing that by allowing cultivation clusters in industrial areas. That will allow caregivers to move out of their homes, should they so desire, it's very difficult for them to do that now especially when you start to group caregivers together you run into high plant numbers. People are afraid of that without local regulations and he encourages Council to pass local regulation to allow people to grow in the industrial areas and leave the rest of it alone. He thanked Council.

Karen Spranger stated that apparently the homework that the legislative body failed to do was actually to read the house bill 42-10, the marijuana act. Reading this and reading the city's ordinance, she's not an attorney, but this ordinance is illegal. It violates everything possible, it's not concise, it doesn't explain anything that is positive in this act. The act makes it very clear as a regulatory body what Council can do. As far as the people's right to choose to grow marijuana in their home and have legitimate patients with a card that's already approved by the state, that's legal. No ordinance can trump that. She would like to know who really wrote this. Was it the legislative body's two cents and they just put sentences together and just put it together or did the attorney really draft this? In her opinion she could have done a better job and she's not an attorney, she can just read this and base it on this (Michigan law) and not take away constitutional rights. Basic law is 101, Council gets into 102 and they're stepping on the basic foundation of law. There are

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attorney's here, and she's so impressed at this public hearing that they have a diversity of professionals, not just who live in the City of Warren, but who care about the rights of the state of Michigan, our citizens in Michigan, their right to their personal choice of health. When someone has to suffer with an illness, they're the only one that knows the pain and the suffering and the only one knows when children needs help with a particular illness they came into this world with, and there is no scientific research or drug that can cure the problem, it relieves the pain. Nobody died from marijuana. She asked that question and Google said no body died. So if nobody dies and people have a choice of a prescription drug that kills you and causes more illnesses, suicidal tendencies, whatever the list is. What list does marijuana have? It's the fear factor that we have in this legislative body. Do your homework, Google it. She just Googled it and it said Michigan Marijuana certifications and these are by doctors. How can you take a right away from a patient to a doctor to get this marijuana that proves to be more sustainable to their life force of having this so the pain and the discomfort of this illness is livable? Until you walk those shoes think twice about banning something that doesn't kill people but helps them. If it helps one person and testimony comes in, that is the research, data that the people need to educate politicians that this is a safe drug. Take it off the classification; put it down where it belongs as a safe drug. People who can grow it, because that is what's allowed under the law and that's what the people voted for, that's what all of these wonderful people in the state of Michigan worked so hard for. She told Council to put their personal differences and prejudices aside and go for what is right, not for what is wrong. This ordinance does violate everything possible, common sense, the legal premise of this state law and our constitutional rights are never for sale. Any good attorney should know that. All of Council took an oath to their office, they know that, but how many times was it violated? A lot. Please don't violate it. She would suggest just take it off, table it. Tabling it doesn't help, vote on it and vote it down, that's the proper way to do it.

**Motion:**

Motion to deny was made by Councilman Stevens and support motion made by Councilman Green.

**Motion:**

Motion to table to schedule a Committee of the Whole was made by Councilwoman Colegio and support motion made by Boccomino.

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**Roll Call:**

A roll call vote was taken on the motion. The motion carried (4-3).

Councilwoman Colegio	Yes, to table.
Councilman Boccomino	Yes, to table.
Councilman Warner	No
Councilman Sadowski	Yes, to table.
Councilman Green	No
Councilman Stevens	No, to table.
Chairman St. Pierre	Yes, to table.

- h) PUBLIC HEARING:** CONSIDERATION AND ADOPTION OF A RESOLUTION approving a proposed ordinance amending Chapter 18 of the Code of Ordinances Entitled Licensing, relating to restaurant license expiration. (First Reading)

**Motion:**

Motion to approve was made by Councilman Green and support motion made by Councilman Stevens.

**Voice Vote:**

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

- i) PUBLIC HEARING:** CONSIDERATION AND ADOPTION OF A RESOLUTION approving a proposed ordinance amending Chapter 2, Article V, Division 10 of the Code of Ordinances. Relating to the Senior Health Care Services Commission. (First Reading)

Karen Spranger stated tonight is a busy night with all these proposed ordinances. She highly recommends that they have an actual copy of the ordinance available to the citizens because going to the library and trying to get a copy of this, she was lucky to get to the marijuana ordinance, not necessarily do all this. So, when Council plans things, keep in mind these are very sensitive areas for senior citizens and she only sees maybe her and a few others are here. They're gone because they're not taking the time to look at this stuff, Council is moving fast, Council is not doing meetings before the thoughts so the public can get educated as citizens first. Print it, visually put it on the website so that it's more accessible. This you have to dig for in the E-packet and on her phone it won't bring up the whole E-packet. She has a problem getting this simple information segment by segment. There has to be another avenue to get

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this information in her hands before now so she can make an educated, like today, a lot of people came. Not just from our city but from Michigan on a very controversial issue. It's not controversial anymore because of the state law. Maybe we don't have the cart before the horse or the cart is before the horse and everybody is asking these basic questions. She's just asking as a citizen to have these ordinances today before this meeting so they are more accessible and she can have access to it because it's not just simple to get it off the phone without getting the seven hundred other pages that come with it when you click on it.

**Motion:**

Motion to approve was made by Councilman Stevens and support motion made by Councilwoman Colegio.

**Voice Vote:**

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

- j) **PUBLIC HEARING:** CONSIDERATION AND ADOPTION OF A RESOLUTION approving a proposed ordinance amending Chapter 41, Section 41-155 regulating storm water run-off for new or redeveloped project sites. (First Reading)

Karen Spranger stated that today Council is doing a lot of legislation and this legislation should have a due process of some kind of education to get the actual reading before this public meeting. She doesn't have an answer for it but she's going to really work hard on coming to a bridge of this fact alone. The concept just in her mind raises a lot of simple questions. If this is a new project and this project has to go through a process of development and making sure it's going to work, making sure it's accountable for an expense, she can think of a lot of questions that relates to this, but she didn't read it. She's going to be honest with Council, she didn't read it. If there is anything related to what she just asked about the expense, does it work, is this a good project, whatever. Then you're blessed to do it, if not, then table it. Council shouldn't table it because Council shouldn't vote on the language. The language can always be approved and then reintroduce it. She thinks that's the point of not just tabling something to get it right. Council has to vote on it exactly what it says, if it has to go back to the drawing boards then let it go back to the basic step, which is 101 law class. She thanked Council.

**Motion:**

Motion to direct this to the Environmental Committee for review and recommendation was made by Councilman Stevens and support motion

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made by Councilman Green.

**Voice Vote:**

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

**10 CORRESPONDENCE FROM THE MAYOR:**

- a) CONSIDERATION AND ADOPTION OF A RESOLUTION approving contract modification No. 1 to City Contract P-14-590, Chicago Road Resurfacing (Cadillac Asphalt, LLC.) increasing the original contraction amount by \$58,604.97 and extending contract completion time through December 31, 2015.

**Motion:**

Motion to approve was made by Councilman Sadowski and support motion made by Councilman Stevens.

**Roll Call:**

A roll call vote was taken on the motion. The motion failed (4-3).

Councilman Sadowski	Yes
Councilman Stevens	Yes
Councilwoman Colegio	No
Councilman Boccomino	No
Councilman Warner	Yes
Councilman Green	No
Chairman St. Pierre	No

- b) CONSIDERATION AND ADOPTION OF A RESOLUTION approving amendment to the Contract No. 2014-0963 with the Michigan Department of Transportation (MDOT) for extension of Contract term through December 31, 2015 for completion of Chicago Road Improvements (Dequindre to Mound).

**Motion:**

Motion to approve was made by Councilman Stevens and support motion made by Councilman Sadowski.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Stevens	Yes
Councilman Sadowski	Yes

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Councilman Boccomino	Yes
Councilwoman Colegio	Yes
Councilman Warner	Yes
Councilman Green	Yes
Chairman St. Pierre	Yes

- c) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the request of the Police Department to participate in the Midwestern High Education Commission (MHEC) Contract with Dell Marketing, L.P. for Dell Computer Equipment and Supplies; TRI-W-9271.

**Motion:**

Motion to approve was made by Councilman Green and support motion made by Councilman Warner.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Green	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Councilman Stevens	Yes
Councilwoman Colegio	Yes
Councilman Boccomino	Yes
Chairman St. Pierre	Yes

- d) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the request of the Water Division to award purchase of a 2015 John Deere 544K Highlift Wheel Loader through the State of Michigan Contract #071B1300116; STA-W-9317; in the total amount of \$168,109.00.

**Motion:**

Motion to approve was made by Councilman Stevens and support motion made by Councilman Warner.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Stevens	Yes
Councilman Warner	Yes
Councilwoman Colegio	Yes
Councilman Boccomino	Yes
Councilman Sadowski	Yes
Councilman Green	Yes

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Chairman St. Pierre Yes

- e) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the ACH payment of Affordable Care Act Transitional Reinsurance Program, Annual Enrollment Fees in the total amount of \$178,596.00.

**Motion:**

Motion to approve was made by Councilman Green and support motion made by Councilman Stevens.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Green	Yes
Councilman Stevens	Yes
Councilman Boccomino	Yes
Councilwoman Colegio	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Chairman St. Pierre	Yes

**11 MISCELLANEOUS CORRESPONDENCE:**

- a) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the request of the Human Resources/Risk Management Division for adoption of Medicare Advantage Addendum to Group Enrollment and Prescription Coverage for Post-65, Medicare eligible enrollees.

**REMOVED** during the adoption of the agenda.

- b) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the settlement of the Adrian Felton v City of Warren, Macomb County Circuit Court Case No. 14-2309-NI, as discussed during the Closed Session of November 9, 2015.

**Motion:**

Motion to approve was made by Councilman Stevens and support motion made by Councilwoman Colegio.

**Roll Cal:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Stevens	Yes
Councilwoman Colegio	Yes

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Councilman Boccomino	Yes
Councilman Warner	Yes
Councilman Sadowski	Yes
Councilman Green	Yes
Chairman St. Pierre	Yes

- c) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the Macomb County Mowing Agreement for 2015-2016.

**Motion:**

Motion to approve was made by Councilman Stevens and support motion made by Councilman Warner.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilman Stevens	Yes
Councilman Warner	Yes
Councilwoman Colegio	Yes
Councilman Boccomino	Yes
Councilman Sadowski	Yes
Councilman Green	Yes
Chairman St. Pierre	Yes

- d) CONSIDERATION AND ADOPTION OF A RESOLUTION approving the Macomb County Winter Maintenance Agreement for 2015-2016.

**Motion:**

Motion to approve was made by Councilwoman Colegio and support motion made by Councilman Stevens.

**Roll Call:**

A roll call vote was taken on the motion. The motion carried (7-0).

Councilwoman Colegio	Yes
Councilman Stevens	Yes
Councilman Boccomino	Yes
Councilman Sadowski	Yes
Councilman Warner	Yes
Councilman Green	Yes
Chairman St. Pierre	Yes

## **12 Audience – an opportunity for citizen participation**

Members of the audience who would like to address the City Council this evening may do so under the Audience portion by filling out the designated form. You will have three minutes to speak.

Karen Spranger stated she doesn't have to do that under the open meetings act. She's here, her name is Karen Spranger and Council knows she filled out the form, her address is there. The reason today is such a historical event, it is the first time in the city's history that there are residents from all parts of Michigan coming tonight on a very controversial issue. It illustrates that people do have hope and concerns about how we are not being taken seriously by the legislative body. Council is really out of touch reality. Reality means that when something like that poor written ordinance could ever slip through the cracks, to her this was an embarrassment in her heart. Knowing that it's just one person behind that speed and she thanked Councilman Stevens for bringing it out today. The public does need to know who was behind this ordinance and now it's clear, the Mayor. If it was drafted by a professional who did want to be reached by all these attorneys that showed up today, just alone that was a plus for this public hearing. It not only brought back the foundation of where we are going to into our new era of politics and listening to the people's needs, is when legislation, as she heard today, state trumps what Council does on the local level. If the local ordinance is going to take away our constitutional rights, flag it. Don't even be embarrassed by bringing it to this body. One thing that Council did wrong today was you don't table something that is that bad. You take it and vote on it, get rid of it and start from scratch. This education process that she heard today from the group of attorneys, Council has a long ways to go before they come up with an ordinance. If they were just going to modify this crappy ordinance it better not be on her shift as a citizen because if she can walk and file a complaint and do a lawsuit, it will be done. Be wise, be smart and remember the three necessary questions: is it necessary, is it kind and is it truthful.

## **13 Council – Calendar of Pending Matters**

### **14 COUNCIL BUSINESS:**

- a) Council Elections of Officers

#### **PRESIDENT**

Councilman Warner nominated Councilman St. Pierre and supported by

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Councilman Boccomino.

**Motion:**

Motion to close nominations was made by Councilman Sadowski and support motion made by Councilwoman Colegio.

**Voice Vote:**

A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (7-0). Councilman Cecil St. Pierre is Council President.

**VICE PRESIDENT**

Councilman Sadowski nominated Councilman Green and supported by Councilman Boccomino.

**Motion:**

Motion to close nominations was made by Councilman Warner and support motion made by Councilman Boccomino.

**Voice Vote:**

A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (7-0). Councilman Patrick Green is Council Vice President.

**SECRETARY**

Councilman Warner nominated Councilwoman Colegio and supported by Councilman Boccomino.

**Motion:**

Motion to close nominations was made by Councilman Warner and support motion made by Councilman Boccomino.

**Voice Vote:**

A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (7-0). Councilwoman Kelly Colegio is Council Secretary.

**ASSISTANT SECRETARY**

Councilman Warner nominated Councilman Sadowski and supported by Councilman Boccomino.

**Motion:**

Motion to close nominations was made by Councilman Boccomino and support motion made by Councilwoman Colegio.

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**Voice Vote:**

A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (7-0). Councilman Keither Sadowski is Assistant Secretary.

- b) Council approval of Representatives to Boards, Commissions and Subcommittees

**Motion:**

Motion to approve as discussed in the Committee of the Whole and 401A Trustee is Councilman St. Pierre was made by Councilman Green and support motion made by Councilman Boccomino.

**Voice Vote:**

A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (7-0).

**15 ADJOURNMENT**

**Motion:**

A motion to adjourn was made by Councilman Sadowski and support motion made by Councilwoman Colegio.

**Voice Vote:**

A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (6-1). The meeting adjourned at 10:43 p.m.

**Scott C. Stevens  
Secretary of the Council  
Mayor Pro Tem**