

City of Utica
Regular Council Meeting
March 12, 2024

The City Council meeting was called to order by Mayor Calandrino at 7:40 p.m.

Members present: Sikora, O'Donnell, Ryan, Dionne, Robinson, Calandrino
Absent: Terenzi

Perry Sylvester led the pledge of allegiance.

Public Comments for Items Listed on the Agenda

Justin Gretch of Cass Law stated the Marijuana Ordinance is not fair or transparent and suggested Council table it to get an impartial attorney to write the ordinance.

Giovani Ndreja, resident on McClellan, stated he was not in favor of the Marijuana Ordinance.

Don Hanan, resident on River Vista, objected to a consumption lounge license until technology to detect if those driving after are under the influence.

Nick Hannawa, stated there would be no added benefit of more licenses and there are potential lawsuits. He opposed adding additional licenses.

Dr. Ray Pickard opposed the Marijuana Ordinance.

Louis Meyers, resident on Keding, opposed the Marijuana Ordinance.

Jennifer Reed, owner of HL Manufacturing, questioned the scoring criteria in the Marijuana Ordinance and would like a fair chance at being awarded a license. She suggested a pause in the process.

Mike DiLaura of House of Dank, is in favor of the Marijuana Ordinance.

Dawn Gonzalaz, resident on Crissman, opposed the Marijuana Ordinance.

Jeff Boris, resident on Brownell, is in favor of the Marijuana Ordinance.

Michael Stein, Royal Oak, represents a potential applicant. He thanked Council for working on the new ordinance and asked to keep closed businesses in the scoring criteria. He would be in favor of 2 additional licenses.

Ada Slavensky, resident on Crissman, said she was proud of the Utica Police for apprehending a man who was hiding on her porch. She is also opposed to more licenses.

Noah Harfouch, from a law firm of a potential applicant is in favor of more licenses but stated the ordinance is not clear and the wording should be reviewed. He stated Hall Road has development potential for Marijuana Businesses to be located.

Karen Schultz, Waterford, is a paralegal who stated the language in the scoring criteria table has no mention of traffic, parking or resident safety.

Dan Roma, Roseville, CFO of National Coney Island, stated the Utica location closed due to declining business.

Stavros Toma, Shelby Township, is in favor of a consumption lounge.

John Sunday, resident on Hahn, opposed the Marijuana Ordinance.

Janet Lemerise, resident on Mackay, is disappointed in Council for bringing more marijuana licenses to the city.

Regular Council Meeting

March 12, 2024

Page 2 of 6

Connie Lozier, resident on River Vista, does not feel safe at her home. There has been damage done to her property and she is opposed to adding more marijuana licenses.

Paul Gibbons, Birmingham, is a Cannabis Attorney. He stated the vacant property deadline in the scoring is not right. He asked Council to consider other areas with vacancies and is in favor of the Marijuana Ordinance.

Julie Williams, resident on Cass, is opposed to the Marijuana Ordinance.

Unfinished Business

None.

Consent Business

Approval of Agenda

Minutes of 02/2023

Bills Payable

Motion by Sikora, seconded by O'Donnell, to approve Consent Business as presented.

Voting by roll, all ayes, motion **CARRIED**.

Correspondence

None.

New Business

Nightmare on Auburn 2024

Connect Macomb would like to partner with the City of Utica for this event to be held Saturday, October 5, 2024. Time of the event has not been determined yet. There will be trick or treating, children's events, vendors, live music and a beer tent.

Motion by Dionne, seconded by Sikora, to approve Nightmare on Auburn event October 5, 2024 in partnership with Connect Macomb, including closure of Auburn Road from the Utica Library to Cass Ave.

Voting by roll, all ayes, motion **CARRIED**.

Special Conditional Use, 7881 Chapoton, Front Yard Fence

Mr. Plunkett installed a fence in his front yard without first applying for a permit. The fence exceeds the measurements of a "decorative" fence by 3". Historic District Commission denied the request on January 16th, 2024 citing it did not look historic and the measurements were more than allowed by the ordinance. Planning Commission recommended denial of the fence to Council on February 7th, 2024. Mr. Plunkett was present and asked Council to let him keep his fence as it is. He stated the fence is very nice and there are many other front yard fences in the city.

Motion by Sikora, seconded by Calandrino, to deny approval of a Conditional Use to allow his front yard fence to remain as is.

Voting by roll, all ayes, motion **CARRIED**.

Appointment of Margret Peters to Parks and Recreation Commission

Mayor Calandrino asked Council to appoint long time Utica Supporter and former Utica business owner, Margret Peters to the Parks and Recreation Commission.

Motion by Sikora, seconded by Dionne, to appoint Margret Peters to the Parks and Recreation Commission.

Voting by roll, all ayes, motion **CARRIED**.

Knights of Columbus Mentally Impaired Drive, Request to Solicit

Joe Manuszak was present to request permission to solicit funds for the Knights of Columbus Council #2950 Mentally impaired Drive April 5-7.

Motion by Ryan, seconded by Dionne, to approve Knights of Columbus #2950 to solicit funds at the designated intersections in the ordinance April 5, 6 and 7, 2024.

Friendly amendment agreed upon by both Ryan and Dionne , to approve Knights of Columbus #2950 to solicit funds at the designated intersections in the ordinance April 6 and 7, 2024.

Voting by roll, all ayes, motion **CARRIED**.

Run Drugs Out of Town 5K Walk/Run, June 30, 2024

Linda Davis from Families Against Narcotics was present to ask Council to approve a 5K Walk/Run on June 30, 2024 at 10:00 a.m. The event would be held at Jimmy Johns Field. They are expecting 1800-2000 runners and would need Auburn Road shut down at the beginning of the race.

Motion by Robinson, seconded by O'Donnell, to approve the Run Drugs Out of Town 5K Walk/Run on June 20, 2024 at 10:00, subject to contracting with Police and Fire for services needed at the event.

Voting by roll, all ayes, motion **CARRIED**.

Hero Fun Run-Jimmy John's Field, May 5, 2024

Don Mayack of Cardiac Crews was not present. He asked Council to approve a 5K Hero Fun Run to be held on May 5th, 2024 at Jimmy John's Field. The event would begin at 9:30 a.m. and would need Auburn Road shut down at the beginning of the race.

Motion by Ryan, seconded by Robinson to approve the Hero Fun Run 5K on May 5th, 2024 at 9:30 a.m.

Friendly amendment agreed upon by both Ryan and Robinson, to approve the Hero Fun Run 5K on May 5th, 2024 at 9:30 a.m., subject to contracting with Police and Fire for services needed at the event.

Voting by roll, all ayes, motion **CARRIED**.

Memorial Day Ceremony

Mayor Calandrino asked for approval to schedule the Memorial Day ceremony at Memorial Park on Sunday, May 27, 2024 at 2 p.m. The Marine Corps League Detachment 154 honor guard has volunteered to perform a gun salute and play taps. A wreath will be laid at the War Memorial and there will be a guest speaker. Following the event, all are invited to the American Legion Post 351 for refreshments and fellowship.

Motion by Robinson, seconded by Dionne, to approve the Memorial Day ceremony on May 27, 2024 at 2:00 p.m. at Memorial Park. Friendly amendment agreed upon by both Robinson and Dionne to approve the Memorial Day ceremony on May 26, 2024 at 2:00 p.m. at Memorial Park.

Voting by roll, all ayes, motion **CARRIED**.

Marijuana Ordinance

At the February 2024 Council meeting, Council approved adding a marijuana license to the hotel district contiguous to Park Ave. To make the process competitive, the Marijuana Ordinance was revised adding a second license.

Motion by Dionne, seconded by Sikora, to repeal the amendment passed at February Council meeting to allow Council to follow processes without question.

Voting by roll, 3 ayes, O'Donnell, Robinson, Calandrino nays. Motion **FAILED**.

Motion by Robinson, seconded by O'Donnell, to adopt revised Marihuana Ordinance as presented.

Voting by roll, 5 ayes, Sikora nay, motion **CARRIED**.

Hiring of Planner in Relation to Marihuana Ordinance

Motion by Dionne, seconded by Robinson, to hire Steve Cassin to review and update the zoning ordinance and to assist with applications in relation to the Marijuana Ordinance.

Voting by roll, all ayes motion **CARRIED**.

Establishment of Scoring Criteria for Award of Marijuana Licenses

Motion by O'Donnell, seconded by Robinson, to adopt the scoring criteria for Utica Marijuana Ordinance as presented.

Voting by roll, all ayes, motion **CARRIED**.

Department Reports

Mayor Calandrino

Mayor Calandrino reminded residents the Lucky Leprechaun race on Saturday, March 16th at 10a.m. in downtown Utica. There will be road closures so plan accordingly.

Council Reports

None.

Planning Commission/ Planner

None.

Assessing- Thomas Agrusa, Assessor

None.

Building- Jerry Hicks

Mr. Hicks reminded residents trash and recycling can be put out at noon the day before pickup day. Trash and recycling containers can not be stored in front of homes.

Library- Katherine Francis, Director

None.

Fire- Kevin Wilseck, Chief

Chief Wilseck updated City Council the new fire truck is on schedule and should be delivered in June still.

Police- Matthew Kaluzny, Chief

Pace Scheduler

Chief Kaluzny presented the Pace Scheduler which is a cloud-based scheduling system he would like to purchase and implement for the Police Department. Pace Scheduler works with BS&A which the city uses to process payroll. The cost of the program is \$2,240 with the set up fee waived.

Motion by O'Donnell, seconded by Ryan, to approve the purchase of Pace Scheduler using GL#101-301-957-100 in the amount of \$2,240.

Voting by roll, all ayes, motion **CARRIED**.

Motion by Ryan, seconded by O'Donnell, to amend FY24 budget GL#101-301-957-100 by \$2,240.

Voting by roll, all ayes, motion **CARRIED**.

DPW- Bill Diamond, Superintendent

Decertification of Cass Ave. and Davis Dr. for ACT 51 Compliance

In an effort to update our MDOT map and comply with Public Act 51 of 1951, City Council will need to decertify part of Cass Avenue and part of Davis Drive.

Motion by Sikora, seconded by Robinson, to approve decertification of Cass Avenue, located between Van Dyke and Hall Road for a total of 381 feet.

Voting by roll, all ayes, motion **CARRIED**.

Motion by Sikora, seconded by Dionne, to approve the decertification of Davis Drive, adjacent to the southside of Auburn Road for a total of 218 feet.

Voting by roll, all ayes, motion **CARRIED**.

Treasurer- Philip Paternoster

Treasurer Philip Paternoster thanked Rita Malkoun for her almost 9 years of service as our Deputy Treasurer. Mrs. Malkoun took a position with another municipality. Her last day was March 1st. There will be a job posting soon to look for applicants to fill the vacant position.

Administration- Lori Cooke, City Clerk

City Clerk, Lori Cooke, thanked all the election workers for a successful Presidential Primary election.

Parks and Recreation Commission

Kayak Launch Grand Opening, Budget Amendment

Motion by Dionne, seconded by Sikora, to approve the Grand Re-Opening of the Heritage Park kayak launch on May 18, 2024 at 11 a.m.

Voting by roll, all ayes, motion **CARRIED**.

Motion by O'Donnell, seconded by Sikora, to amend FY2024 GL#101-753-899-000, increase by \$500.

Voting by roll, all ayes, motion **CARRIED**.

Historic District Commission

None.

City Attorney- Linda McGrail

None.

Regular Council Meeting

March 12, 2024

Page 6 of 6

Communication from the Public

Stavros Toma, Shelby Township, thanked Council for passing the Marijuana Ordinance. He stated if the new locations open by September 30th, excised tax for the city?

Adjournment

As there were no further comments from the public, motion by Sikora, seconded by Dionne, to adjourn the meeting. Voting by roll, all ayes, motion **CARRIED**.

Meeting adjourned at 9:54 P.M.

Lori Cooke
CITY OF UTICA
City Clerk