

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 10, 2018
STURGES-YOUNG AUDITORIUM**

Mayor Hile called the meeting to order at 6:00 p.m.

Commissioners present: Bir, Mullins, Taulbee, Huber, Malone, Dvorak, Littman, Vice-Mayor Good,
Mayor Hile

Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Controller, City Clerk

City Manager Michael Hughes provided details on the report of the Auditorium Review Committee. Discussion followed amongst the City Commissioners and the Committee members. The Committee will continue their work related to the future of the Auditorium.

The meeting was adjourned at 7:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 10, 2018
STURGES-YOUNG AUDITORIUM

Mayor Hile called the meeting to order at 7:30 p.m.

Pastor Bob Renner, Sturgis Missionary Church, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Facilities Manager, Electric Department Superintendent, City Controller, City Clerk

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the agenda as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the Consent Agenda of January 10, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the December 20, 2017 work session as presented.

APPROVE the minutes from the December 20, 2017 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$755,031.39 as presented.

8C. Downtown Parking Ordinance Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the City Code of Ordinances, Chapter 58, Article II, Section 58-6, Pedestrians and Vehicular Traffic in certain public areas.

SET the fine for disobeying parking designation in a park, cemetery, or parking lot at \$50.00 as presented.

AMENDMENTS TO CITY ORDINANCES PERTAINING TO PARKING
IN THE B-C CENTRAL BUSINESS DISTRICT PARKING LOTS

An ordinance to amend Chapter 58-Article I Sec. 58-6 of the Ordinances of the City of Sturgis regulating parking in the B-C Central Business District.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to modify the City Ordinances regulating parking in the B-C Central Business District.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Chapter 58-Article I, Section 58-6, is hereby amended to provide as follows effective as of February 12, 2018.

Sec. 58-6. - Pedestrians and vehicular traffic in certain public areas.

...

(h) *Overnight parking restrictions in BC district parking lots.* In city-owned parking lots in the

BC district, parking is prohibited during the months of November through March from 2:00 a.m. to 6:00 a.m. except in spaces clearly identified by official sign, pavement marking, or both as spaces for overnight parking. Parking in designated areas is limited to motor vehicles or accessory vehicles, including recreational vehicles and storage trailers, which occupy only one designated parking space. Motor or accessory vehicles occupying multiple spaces are required to be registered under the conditions of subsection (i) of this section.

(i) *Long term and multiple-space parking in BC district parking lots.* Any owner, occupant, or the guest of any owner or occupant of a business or residence located in the BC district may park or store a motor vehicle or accessory vehicle in a city-owned BC district parking lot if registered with the Sturgis Police Department. At the time of registration, the police department will designate a location for parking and may designate the number of days for which registration will be effective. In no event may registered vehicles park in the location designated for a period in excess of ten business days.

(j) *Short term parking in BC district parking lots.* Parking is restricted to not more than two consecutive hours in spaces clearly identified by official sign, pavement marking, or both as spaces for short term parking.

(k) *Penalty for illegal parking in BC district parking lots.* The penalty for violations of the restrictions in subsections (h) and (i) of this section consist of a \$50.00 fine for each night. After 24 hours, a vehicle in violation will be towed at the owner's expense. The penalty for violations of the restrictions in subsection (j) is a \$50.00 fine.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained that if there is interest in the widening of North Lakeview Avenue then the City should hold an informational meeting for the area residents. Discussion followed.

The City Commission had consensus to proceed with an informational meeting for the proposed widening of North Lakeview Avenue.

City Manager Michael Hughes provided information on the bids received related to the demolition of four City acquired residences. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve the bid of Handy Excavating for demolition of four properties in the amount of forty-eight thousand, nine hundred and twenty-eight dollars (\$48,928.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith explained that Public Act 342 of 2017 requires all Michigan electric utilities to offer a green pricing rider to their retail electric customers. This is a voluntary program for Sturgis' electric customers where they can specify, from options made available through the utility, the amount of renewable electricity used to supply their account. If customers choose to participate, an additional cost would be associated with that selection. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Dvorak to go into Closed Session for discussion of union negotiations.

Voting yea: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Littman, Good, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:30 p.m.

Meeting reconvened at 8:45 p.m.

The meeting was adjourned at 8:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 24, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Reverend Stephen Middleton, Christian Fellowship Center, gave the invocation

Commissioners present: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Vice-Mayor Good, Mayor Hile

Commissioners absent: Littman

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public Safety Director, City Clerk

Moved by Comm. Good and seconded by Comm. Taulbee to approve the agenda as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Taulbee to approve the Consent Agenda of January 24, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the January 10, 2018 work session as presented.

APPROVE the minutes from the January 10, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,588,730.89 as presented.

8C. MDOT Performance Resolution

ADOPT the MDOT Performance Resolution as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the establishment of an Industrial Development District.

City Clerk/Treasurer Kenneth Rhodes explained that Atlantic Packaging may expand once the transfer of the current softball field property is transferred to them. The establishment of the IDD will allow them to apply for an IFEC as part of their expansion.

Doug Flint, Atlantic Packaging, provided an outline of their future plans.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Malone and seconded by Comm. Taulbee to adopt the resolution to establish an Industrial Development District (IDD) per the provisions of Public Act 198 for the approximately 21.7 acres zoned Manufacturing located at the intersection of N. Centerville Road and McKee Street and extending to the railroad tracks.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

RESOLUTION

WHEREAS, there exists in the City of the Sturgis the need for certain programs to alleviate and prevent conditions of unemployment and to assist and retain local industries and commercial enterprises and to encourage the location of industries and commercial enterprises in order to strengthen and revitalize the City's economy, and

WHEREAS, a program to alleviate the aforesaid conditions has been initiated by the Economic Development Corporation of the City of Sturgis, and

WHEREAS, the City of Sturgis has determined the need to establish the Industrial Development District for the property so described on the attached, under the provisions of Act 198, P.A. 1974 as amended, and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility has not commenced at the time of filing the request to establish this district, and

WHEREAS, a Public Notice of the Hearing was published in the Sturgis Journal on Tuesday, January 23, 2018, and

WHEREAS, the owner of the property was notified by certified mail of the time and place of the Public Hearing, and

WHEREAS, a Public Hearing was held by the Sturgis City Commission on Wednesday, January 24, 2018, providing the opportunity for all citizens or taxpayers of the City of Sturgis to be heard, and

WHEREAS, the Sturgis City Commission hereby finds and determines that designation of the property, as described on the attached, as the Industrial Development District is reasonable and in compliance with Act No. 198, P.A. 1974, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Sturgis City Commission does hereby establish the Industrial Development District for the property described on the attached legal descriptions and site drawings.

Buildings Supervisor Will Prichard explained that as part of the Sturgis Depot project, the parcels should all have the same Zoning designation to allow for future development. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Dvorak to consider this the first reading of the request to rezone 101, 103 and 105 S. Jefferson St. to Central Business (BC).

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Assistant City Manager Andrew Kuk provided details on the addendum with Borden for recycling services. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Huber to approve the Second Addendum to Contract for Service Citywide Curbside Recyclable Collection and Disposal with Borden Waste-Away Service, Inc. as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes explained that there are several vacancies on the Auditorium Board and there are three applications on file. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to appoint Gary Hansen, Travis Klinger and Shalico Leaverton to the Auditorium board through May, 2020.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Public Safety Director Geoff Smith provided information on a change in lobby hours at the Police Department due to staff reductions. Discussion followed.

The City will hold a public forum for discussion on the potential widening of North Lakeview Avenue at the Sturges-Young Auditorium on Wednesday, February 7, 2018 at 5:30 p.m.

The meeting was adjourned at 8:13 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**SPECIAL MEETING
STURGIS HOUSING DEVELOPMENT CORPORATION
WEDNESDAY, JANUARY 24, 2018
WIESLOCH RAUM – CITY HALL**

President Hughes called the meeting to order at 8:13 p.m.

Directors present: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Good, Hile, Hughes
Commissioners absent: Littman

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, City Clerk

Moved by Dir. Malone and seconded by Dir. Dvorak to go into Closed Session for discussion of the purchase of property.

Voting yea: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Good, Hile, Hughes

Voting nay: None

Absent: Littman

MOTION CARRIED

Meeting recessed at 8:13 p.m.

Meeting reconvened at 8:55 p.m.

Moved by Dir. Malone and seconded by Dir. Hile to approve the First Amendment To Real Estate Purchase Agreement between the S.H.D.C. and Atlantic Packaging as presented.

Voting yea: Nine

Voting nay: None

Absent: Littman

MOTION CARRIED

The meeting was adjourned at 8:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 14, 2018
WIESLOCH RAUM – CITY HALL**

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Reverend George Cleverly, Church of Christ, gave the invocation

Commissioners present: Mullins, Bir, Taulbee, Huber, Malone, Mayor Hile

Commissioners absent: Dvorak, Good, Littman

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public Safety Director, Deputy Police Chief, Deputy Fire Chief, City Controller, City Clerk

Moved by Comm. Malone and seconded by Comm. Taulbee to approve the agenda as presented.

Voting yea: Six Voting nay: None Absent: Dvorak, Good, Littman MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Taulbee to approve the Consent Agenda of February 14, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the January 24, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$652,668.30 as presented.

Voting yea: Six Voting nay: None Absent: Dvorak, Good, Littman MOTION CARRIED

Buildings Supervisor Will Prichard explained that as part of the Sturgis Depot project, the parcels should all have the same Zoning designation to allow for future development. Discussion followed.

Moved by Comm. Taulbee and seconded by Comm. Malone to consider this the second reading and approval of the request to rezone 101, 103 and 105 S. Jefferson St. to Central Business (BC).

Voting yea: Six Voting nay: None Absent: Dvorak, Good, Littman MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP

An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from mixed use and the R-2 Subdivision Residential zoning district to the B-C Business Central zoning district.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:
Article III of the Zoning Ordinance is hereby modified as follows, effective as of March 1, 2018.

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the following described properties shall be in the B-C Business Central zoning district:

Land situate in the City of Sturgis, St. Joseph County, Michigan:

1. 101 S. Jefferson-Parcel # 75-052-040-363-00;
2. 103 S. Jefferson-Parcel # 75-052-040-363-10; and
3. 105 S. Jefferson-Parcel # 75-052-040-364-00.

City Manager Michael Hughes provided a brief history of the process the City has used in researching a proposed ordinance related to commercial medical marihuana facilities. Buildings Supervisor Will Prichard provided details on the proposed ordinance.

Steve Shevick, 302 S. Lakeview, inquired how the buffer zone distances are calculated.

There was discussion about the proper distance for the buffer zones for the different areas.

Comm. Dvorak joined the meeting at 7:50 p.m.

Pastor Doug Carr explained that he was concerned about the effect on the children and the community.

Grace Shevick, 302 S. Lakeview, explained that certain marihuana cream products have been helpful with her arthritis.

Mr. Shevick explained that commercial medical marihuana can provide additional jobs and tax revenue.

Chuck Vitzhum, Whole Life Christian Fellowship, explained that there are negative effects in other states which have approved similar operations.

There was discussion on the restrictions related to banks.

Attorney Roma Thurin explained that cash will be transported via secured transport, businesses will often act as both growers and processors, and explained that there will be many good paying jobs from this activity.

Tom Neemath, Herbal Advantage Provisioning, explained that child proof containers could be added to the proposed ordinance and that there will be greater security in commercial operations as compared to the current home operations.

Luke Eicher, Pastor Grace Christian Fellowship, expressed concerns about moving too quickly.

Cathi Abbs, Executive Director of the Sturgis Area Chamber of Commerce, provided pros and cons acquired from Chamber members for the current medical marihuana proposals.

There was discussion regarding the particulars of the facilities.

Justin Wickey, explained that he does not want this in the community but if so, would like additional buffer zones for low income housing and liquor stores.

The City Commissioners continued to express their thoughts, along with input from members of the audience, on the benefits and hazards of allowing commercial medical marihuana facilities within City limits.

Moved by Comm. Mullins and seconded by Comm. Bir to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-91 and 38-92 pertaining to Medical Marihuana Manufacturing and Distribution for Primary Caregivers and Qualifying Patients and Medical Marihuana Facilities as presented.

Voting yea: Bir, Huber, Mullins
Absent: Good, Littman

Voting nay: Dvorak, Malone, Taulbee, Hile
MOTION DEFEATED

Discussion continued.

Moved by Comm. Mullins and seconded by Comm. Huber to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-91 and 38-92 pertaining to Medical Marihuana Manufacturing and Distribution for Primary Caregivers and Qualifying Patients and Medical Marihuana Facilities as presented with the exception of creating a 1,000 foot buffer zone around all City parks that contain playground equipment.

Voting yea: Bir, Huber, Mullins
Absent: Good, Littman

Voting nay: Dvorak, Malone, Taulbee, Hile
MOTION DEFEATED

Discussion continued.

Moved by Comm. Mullins and seconded by Comm. Huber to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-91 and 38-92 pertaining to Medical Marihuana Manufacturing and Distribution for Primary Caregivers and Qualifying Patients and Medical Marihuana Facilities as presented with the exception of creating a 1,000 foot buffer zone around all City parks that contain playground equipment and limiting growing and processing activities to six (6) licenses each and provisioning centers to two (2) licenses.

Voting yea: Bir, Huber, Mullins
Absent: Good, Littman

Voting nay: Dvorak, Malone, Taulbee, Hile
MOTION DEFEATED

Discussion continued.

Moved by Comm. Dvorak to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-91 and 38-92 pertaining to Medical Marihuana Manufacturing and Distribution for Primary Caregivers and Qualifying Patients and Medical Marihuana Facilities as presented with the exception of creating a 1,000 foot buffer zone around all City parks that contain playground equipment and limiting growing and processing activities to one (1) license each and provisioning centers to one (1) license.

MOTION DIED TO LACK OF A SECOND

City Staff explained that changes still needed to be made to the City's existing medical marihuana ordinance to reflect current activities.

Moved by Comm. Bir and seconded by Comm. Huber to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-91 pertaining to Medical Marihuana Manufacturing and Distribution for Primary Caregivers and Qualifying Patients as presented.

Voting yea: Seven Voting nay: None Absent: Good, Littman MOTION CARRIED

Moved by Comm. Huber and seconded by Comm. Bir to consider this the first reading of an amendment to the Zoning Ordinance Sections 1.0603 (JJ) and 1.0410 (C)(11) pertaining to special land use for medical marihuana manufacturing and distribution facilities for primary caregivers and qualifying patients as presented.

Voting yea: Seven Voting nay: None Absent: Good, Littman MOTION CARRIED

City Manager Michael Hughes provided details on the fundraising plan for the new disc golf facility. Discussion followed.

The meeting was adjourned at 9:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 28, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Father Evelio Ramirez, Holy Angels Church, gave the invocation

Commissioners present: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Vice-Mayor Good, Mayor Hile

Commissioners absent: Littman

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public Safety Director, Deputy Fire Chief, City Engineer, City Controller, City Clerk

Mike Mort and Leanne McConnell provided information regarding their “Windows to Our Past” project and other activities of the Sturgis Historical Society. Discussion followed.

Attorney Roma Thurin provided information on the commercial medical marihuana legislation and offered her services to provide additional information.

Attorney Michael Caywood explained that his client has interest in becoming a grower and processor of medical marihuana and intends to locate at the former Sturgis Armory.

Moved by Comm. Malone and seconded by Comm. Taulbee to approve the agenda as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Taulbee to approve the Consent Agenda of February 28, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the February 14, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,260,311.42 as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Buildings Supervisor Will Prichard provided information on the details of the amendments to the City Code of Ordinances and Zoning code relating to the existing regulations for medical marihuana operations for primary caregivers and qualifying patients. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good consider this the second reading of and approve an amendment to the City Code of Ordinances Sections 38-91 pertaining to Medical Marihuana Manufacturing and Distribution for Primary Caregivers and Qualifying Patients effective March 21, 2018.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

Sec. 38-91 Medical Marihuana Manufacturing and Distribution for Primary Caregivers and Qualifying Patients

- (a) **PURPOSE.** It is the purpose of this ordinance to impose specific requirements for those individuals registering with the State of Michigan as “qualifying patients” or “primary caregivers” as those terms are defined in MCL 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct pursuant thereto in the City of Sturgis, Michigan so as to protect the health, safety and welfare of the general public.
- (b) **DEFINITIONS.** For the purposes of this ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCL 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008 unless defined otherwise herein.
 - (1) Manufacturing as used in this Ordinance means the growing/cultivating of medical marihuana.
 - (2) Distribution as used in this ordinance means the act of a primary caregiver delivering medical marihuana to a qualifying patient with whom the primary caregiver is associated through the Department of Public Health’s registration process
- (c) **COMPLIANCE REQUIRED.** Those individuals within the City of Sturgis, Michigan who are “qualifying patients” or “primary caregivers” as those terms are used in the Michigan Medical Marihuana Act shall comply with the requirements set forth herein.
- (d) **REQUIREMENTS FOR QUALIFYING PATIENTS.** A person within the City of Sturgis, Michigan who has been issued and possesses a lawful registry identification card as a qualifying patient as set forth in MCL 333.26421 et seq shall comply with the following requirements:
 - (1) Consumption of marihuana shall not occur in any public place.
 - (2) Manufacturing and storage of medical marihuana by a qualifying patient shall only occur at the residence of the qualifying patient or other location permitted by this ordinance and shall only be allowed inside of an enclosed, locked facility which shall be a closet, room, or other closed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient. Such facility shall be under the exclusive control of the qualifying patient through written lease, contract or deed.
 - (3) A qualifying patient may also possess on his person and under the qualifying patient’s exclusive control an amount of medical marihuana deemed medically necessary to alleviate the condition that gave rise to the qualifying patient’s registration with the Department of Public Health.
 - (4) If a qualifying patient intends to manufacture and store medical marihuana at a location other than his or her primary residence, the same shall only occur at a location within a manufacturing district as defined by the Zoning Ordinances of the City of Sturgis after first obtaining a special land use permit from the City of Sturgis and shall not be within 1000 feet of a:

- a. Drug-free school zone
- b. Church
- c. Child care facility
- d. Residence or district zoned for residential use

The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the facility at which the proposed use is to be located, and the zoning district boundary, property or residence from which the proposed land use is to be separated.

- (5) Manufacturing and storage of medical marihuana by a qualifying patient shall occur in one enclosed, locked facility such that manufacturing and storage does not occur in multiple locations.

(e) REQUIREMENTS FOR PRIMARY CAREGIVER. A person within the City of Sturgis, Michigan who has been issued and possesses a lawful registry identification card as a primary caregiver as set forth in MCL 333.26421 shall comply with the following requirements:

- (1) Manufacturing and storage of medical marihuana shall only be allowed inside of an enclosed, locked facility being a closet, room, or other closed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient. Such facility shall be under the exclusive control, through written lease, contract or deed, in favor of the primary caregiver or the qualifying patient with whom the primary caregiver is associated through the Department of Public Health's registration process.
- (2) Manufacturing and storage of medical marihuana by a primary caregiver shall occur in one enclosed, locked facility such that manufacturing and storage does not occur in multiple locations.
- (3) Under no circumstances shall any third parties other than a qualified patient to whom a primary caregiver is lawfully registered to assist have access to the location where medical marijuana is being manufactured and/or stored.
- (4) The location from which a primary caregiver distributes medical marihuana to a qualifying patient shall be under the exclusive control, through written lease, contract or deed in favor of the primary caregiver.
- (5) Except for manufacturing and storage of medical marihuana that occurs at property under the exclusive control, through written lease, contract or deed in favor of a qualifying patient, a primary caregiver shall only manufacture and store medical marihuana at a location within a manufacturing district as defined by the Zoning Ordinances of the City of Sturgis after first obtaining a special land use permit from the City of Sturgis.
- (6) The location from which a primary caregiver manufactures stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.
- (7) Except for manufacturing, storage and distribution that occurs at the primary residence of a qualifying patient as set forth above, the location from which a primary caregiver manufactures, stores and distributes medical marihuana to a qualifying patient shall not be within 1000 feet of a:

- a. Drug-free school zone
- b. Church
- c. Child care facility
- d. Residence or district zoned for residential use

The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the facility at which the proposed use is to be located, and the zoning district boundary, property or residence from which the proposed land use is to be separated.

- (8) Manufacturing, storage and distribution of medical marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available and shall only occur as otherwise in compliance with the Zoning Ordinance of the City of Sturgis, Michigan.
- (9) No consumption of medical marihuana shall occur at a primary caregiver's location for manufacturing, storage or distribution or a primary caregiver's legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient/primary caregiver.
- (10) Distribution of medical marihuana by a primary caregiver to a qualifying patient shall only occur at the location of manufacturing and storage of medical marihuana or at the residence of the qualifying patient.

(f) SEVERABILITY. The invalidity of any clause, sentence, paragraph or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.

(g) VIOLATIONS AND PENALTY. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance shall be punished for each offense, upon conviction of a misdemeanor by a fine of not more than \$500.00 and costs of prosecution, or by imprisonment for a period not exceeding 90 days, or by both fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to continue shall constitute a separate offense.

Moved by Comm. Mullins and seconded by Comm. Good consider this the second reading of and approve an amendment to the Zoning Ordinance Sections 1.0603 (JJ) and 1.0410 (C)(11) pertaining to special land use for medical marihuana manufacturing and distribution facilities for primary caregivers and qualifying patients effective March 21, 2018.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Section 1.0410. - M manufacturing.

(C) *Special land uses.* The following special land uses are permitted in the M district under the conditions of article VI [of this zoning ordinance].

...

- 11) Medical marihuana manufacturing and distribution facilities for primary caregivers and qualifying patients.

Section 1.0603. – Special land use designated.

...

(JJ) *Medical marihuana manufacturing and distribution facilities for primary caregivers and qualifying patients.* Medical marihuana manufacturing and distribution facilities for primary caregivers and qualifying patients as otherwise contemplated by the City of Sturgis Code of Ordinances may be permitted if the conditions set forth in Subsection 38-91(d) (4) and (e)(7) are met.

City Engineer Barry Cox provided information on the feedback from the public regarding the various options for the widening of North Lakeview and details on the project itself. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to approve Task Order #80 with Fleis and Vandenbrink Engineering, Inc. in the amount of Eighty-four thousand and six hundred dollars (\$74,600.00) for preliminary design, final design, and bidding services on the N. Lakeview Avenue Reconstruction Project.

Voting yea: Six Voting nay: Taulbee, Malone Absent: Littman MOTION CARRIED

City Manager Michael Hughes provided information on the draft Recreation Facility Agreement with St. Joseph County to partner for development of a disc golf course at Cade Lake Park. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Dvorak to approve concept of the draft Recreation Facility Agreement for Disc Golf and authorize City Manager Michael Hughes and the City Attorney to finalize terms and sign all necessary documents.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of an OPRA Certificate for All That Jazz at 210 Broadus Street.

Assistant City Manager Andrew Kuk provided information on the planned rehabilitation of a portion of the former Kirsch Plant #2 facility by Anu Sahni as a warehousing facility.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Malone to adopt the Resolution Approving Obsolete Property Rehabilitation Exemption Certificate Application for All That Jazz as presented for a period of twelve (12) years.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

WHEREAS, pursuant to PA 146 of 2000, the City of Sturgis is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, the City of Sturgis legally established the Obsolete Property Rehabilitation District on October 25, 2017, after a public hearing held on October 25, 2017; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the City of Sturgis; and

WHEREAS, exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on February 28, 2018; and

WHEREAS, the All That Jazz is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of

2000; and

WHEREAS, the applicant All That Jazz has provided answers to all required questions under the application instructions to the City of Sturgis; and

WHEREAS, the City of Sturgis requires that rehabilitation of the facility shall be completed by May 1, 2020; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Sturgis eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, and revitalize urban areas in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Sturgis

Be and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property, excluding land, located in Obsolete Property Rehabilitation District at 210 Broadus Street, Unit #2 for a period of 12 years, beginning December 31, 2018, and ending December 30, 2029 pursuant to the provisions of PA 146 of 2000, as amended.

City Clerk/Treasurer Kenneth Rhodes and Attorney Joseph Haas provided information on the request from La Esperanza Inc for a MLCC banquet facility license for the Carriage Place on North Centerville Road. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Mullins to recommends the application from La Esperanza, Inc. for a Banquet Facility Permit be considered for approval by the Michigan Liquor Control Commission as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Electric Department Superintendent John Griffith and Josh Mann, Plant Growth Management Systems, provided information on the bids and qualifications related to terrace tree maintenance. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Huber to approve the bid from Asplundh Tree Experts for the 2018 Terrace Tree Maintenance as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the bids related to the replacement of downtown lighting fixtures. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the bid from All Phase Electric for 73 Holophane Arlington LED fixtures in the amount of sixty-eight thousand, four hundred and sixty-two dollars and thirty-two cents (\$68,462.32) as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the State requirement to provide a customer the ability to request that all or a portion of their power be generated by “green energy”. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to approve participation in the Michigan Public Power Agency Voluntary Green Pricing Program as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

The City Commission had consensus to hold a work session to discuss commercial medical marihuana on Wednesday, March 7, 2018 in the Wiesloch Raum of City Hall at 5:30 p.m.

Moved by Comm. Mullins and seconded by Comm. Malone to go into Closed Session for Material exempt from discussion or disclosure by state or federal statute & Union Negotiations.

Voting yea: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Good, Hile

Voting nay: None Absent: Littman MOTION CARRIED

Meeting recessed at 9:45 p.m.

Meeting reconvened at 10:07 p.m.

Moved by Comm. Malone and seconded by Commissioner Good to approve the contract between the City of Sturgis and IBEW local union #1392 as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

Move by Comm. Good and seconded by Commissioner Malone to approve the changes to the City of Sturgis Emergency Operations Plan as presented.

Voting yea: Eight Voting nay: None Absent: Littman MOTION CARRIED

The meeting was adjourned at 10:10 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 7, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 5:30 p.m.

Commissioners present: Mullins, Bir, Taulbee, Huber, Malone, Dvorak, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public Safety Director, City Controller, City Clerk

Mayor Hile explained that the meeting is a City Commission Work Session related to commercial medical marihuana within City limits and comment from the audience is not being sought. However, the Commission may have questions from members of the audience and they can respond to that.

Mayor Hile invited Ron Scheske, COO Sturgis Bank & Trust to provide information on the federal banking laws and medical marihuana related businesses. Mr. Scheske explained that because the federal law prohibits the sale of marihuana, the bank cannot accept deposits or open accounts for marihuana related businesses.

The City Commissioners then had extensive discussion amongst themselves, along with input from knowledgeable members of the audience, regarding how proceeds would be handled, licensing, jobs, types of cannabis, difficulty of currently acquiring cannabis, wages and several others issues.

The City Commission may discuss placing a proposed ordinance on the meeting agenda at a future meeting.

The meeting was adjourned at 7:05 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 14, 2018
WIESLOCH RAUM – CITY HALL**

Mayor Hile called the meeting to order at 6:30 p.m.

Commissioners present: Bir, Mullins, Taulbee, Huber, Malone, Dvorak, Littman, Vice-Mayor Good,
Mayor Hile

Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Controller, City Clerk

Electric Department Superintendent John Griffith and Michael McGeehan of GRP Engineering provided information on transmission route options and recommendations related to the line going out to the hydro dam. Discussion followed.

The meeting was adjourned at 7:15 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 14, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

Scott Miller, Youth For Christ, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Taulbee, Malone, Dvorak, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: Huber

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, DPS Supervisor, Public Safety Director, Electric Department Superintendent, City Controller, City Clerk

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the Consent Agenda of March 14, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the February 28, 2018 regular meeting as presented.

APPROVE the minutes from the March 7, 2018 work session as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$714,482.97 as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Buildings Supervisor Will Prichard provided information on a series of proposed rezoning to address recent changes and improvements. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Malone to this the first reading of an amendment to the Zoning Code, Article III pertaining to the zoning map as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Manager Michael Hughes explained that AEP requested an easement for communication facilities to connect to their substation location on Chicago Rd. adjacent to the Diesel Plant. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the AEP easement for communication facilities as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the Voluntary Green Pricing Plan offered through the Michigan Public Power Agency (MPPA), the cost, and the level of use. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve the cost of \$0.010 per kWh for eligible kWh under the City of Sturgis Voluntary Green Pricing Program.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Malone to approve the participation levels in its Voluntary Green Pricing Program as 25%, 50%, 75% and 100% for all residential customers and 10% for all commercial and industrial customers.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Engineer Barry Cox provided information on the bids received related to sewer replacements and extensions.

Moved by Comm. Dvorak and seconded by Comm. Taulbee to approve the Sewer Replacements & McKee Street Sewer Extension bid from Parrish Excavating in the amount of \$200,322.00 and authorize City Manager, Michael Hughes, to sign all necessary documents.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Engineer Barry Cox explained that in October 2017, the City Commission had consensus to direct the City Engineer to crack seal recently repaired streets as necessary using the same contractor utilized in 2015 because Asphalt Restoration agreed to perform work at their 2015 rate. They explained that they are willing to continue work at that rate. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve the bid waiver for and the contract with Asphalt Restoration, Inc. for the 2018 Overband Crack Sealing project for a cost not to exceed one hundred eighteen thousand and nine hundred dollars (\$118,900.00) as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Engineer Barry Cox explained that City Staff engaged in a conversation with the St. Joseph County Road Commission to determine a cost to do some preservation work on City streets. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to approve the 2018 Preservation Contract with the St. Joseph County Road Commission for a cost not to exceed eighty-four thousand dollars (\$84,000.00) and authorize the City Manager to sign all necessary documents.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Controller Holly Keyser provided details on the amendment to the City's Purchasing Policy related to the disposal of City assets. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Mullins to approve the City of Sturgis Purchasing Policy and Guidelines with amendments to Section IX, Disposal of Assets as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Assistant City Manager Andrew Kuk explained that recently the airport has had several operations where a fuel discount has been considered due to large purchases, a promotional advantage for the airport, or other considerations. To address these and other similar circumstances, City staff is proposing a draft policy that would allow for standardized fuel discount that could be applied to a plane or planes participating in special, infrequent activities that promote the airport and/or allow for significant fuel sales. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve the Airport Special Bulk Purchase Discount Policy as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 28, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

Joshua Golden, Sturgis Evangelical Church, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Taulbee, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: Huber, Dvorak

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public Safety Director, Electric Department Superintendent, City Engineer, Wastewater Superintendent, City Controller, City Clerk

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the Consent Agenda of March 28, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the 14, 2018 work session as presented.

APPROVE the minutes from the March 14, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,497,161.48 as presented.

8C. 2018 Cross Walk

APPROVE the 2018 Cross Walk as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

Buildings Supervisor Will Prichard provided information on a series of proposed rezoning to address recent changes and improvements. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Taulbee to consider this the second reading of and approve an amendment to the Zoning Code, Article III pertaining to the zoning map as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP

An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain properties as set forth below.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Article III of the Zoning Ordinance is hereby modified as follows, effective as of April 18, 2018.

Group 1: The properties in Group 1 have been transferred into the City of Sturgis as part of a 425 Agreement with Fawn River Township. This serves as notice to apply a zoning district change to the included properties to R-3 Residential District as per City of Sturgis Zoning Ordinance.

- 68509 Lakeview Rd. (75-005-050-002-00)
- 68521 Lakeview Rd. (75-005-050-003-00)
- 68527 Lakeview Rd. (75-005-050-004-00)
- 68535 Lakeview Rd. (75-005-050-005-00)
- 68543 Lakeview Rd. (75-005-050-006-00)
- 68587 Lakeview Rd. (75-005-050-011-00 and 75-005-050-012-00)
- 68609 Lakeview Rd. (75-005-050-013-00)
- 75-005-050-015-00
- 68620 Ilene St. (75-005-050-016-00)
- 28051 West St.(75-005-050-017-00)
- 28050 West St. (75-005-050-018-00)
- 68566 Ilene St. (75-005-050-019-00 and 75-005-050-020-00)
- 68544 Ilene St. (75-005-050-021-00)
- 68516 Ilene St. (75-005-050-024-00)
- 68586 Ilene St. (75-005-050-036-00)
- 68623 Ilene St. (75-005-050-039-00)
- 28098 US 12 (75-005-050-042-00)
- 68602 Arden Park Ave. (75-005-050-045-00)
- 68596 Arden Park Ave. (75-005-050-046-00)
- 75-005-050-054-00
- 68511 Arden Park Ave. (75-005-050-055-00)
- 68523 Arden Park Ave. (75-005-050-056-00)
- 75-005-050-057-00
- 68561 Arden Park Ave. (75-005-050-058-00 and 75-005-050-059-00)
- 75-005-050-060-00
- 68573 Arden Park Ave. (75-005-050-061-00)
- 68599 Arden Park Ave. (75-005-050-063-00)
- 75-005-050-064-00

Group 2: The properties in Group 2 have been transferred into the City of Sturgis as part of a 425 Agreement with Fawn River Township. This serves as notice to apply a zoning district change to the included properties to BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

- 75-005-050-070-00
- 75-005-050-071-00
- 28330 US 12 (75-005-006-030-00 and 75-005-006-031-00)
- 68689 Vinewood (75-005-120-042-00)

Group 3: The properties in Group 3 have been transferred into the City of Sturgis as part of a 425 Agreement with Fawn River Township. This serves as notice to apply a zoning district change to the included properties to R-4 Residential as per City of Sturgis Zoning Ordinance.

- 68711 Vinewood (75-005-120-045-00)
- 75-005-120-085-00
- 75-005-120-087-00
- 68767 Farwell (75-005-120-093-00 and 75-005-120-095-00)
- 68790 Vinewood (75-005-120-100-00)
- 68725 Vinewood (75-005-120-101-00)
- 68751 Vinewood (75-005-120-104-00)

- 68763 Vinewood (75-005-120-106-00)
- 68769 Vinewood (75-005-120-108-00)
- 75-005-120-110-00
- 28283 Ivanhoe (75-005-120-140-00)
- 68816 Vinewood (75-005-120-141-00)
- 68836 Vinewood (75-005-120-145-00)
- 68850 Vinewood (75-005-120-148-00)
- 68849 Farwell (75-005-120-148-10)
- 68855 Farwell (75-005-120-152-00)
- 75-005-120-156-00
- 68855 Vinewood (75-005-120-160-00)
- 75-005-120-165-00
- 68903 Farwell (75-005-120-179-00)
- 28276 Congress (75-005-120-179-10)
- 68930 Vinewood (75-005-120-179-20)
- 68901 Farwell (75-005-120-180-00)
- 75-005-120-189-00
- 28275/28277 Congress (75-005-120-209-00)
- 68966 Vinewood (75-005-120-210-00 and 75-005-120-212-00 and 75-005-120-214-00)
- 68987 Farwell (75-005-120-215-00)
- 68990 Vinewood (75-005-120-216-00)
- 75-005-050-077-00
- 75-005-120-219-00

Group 4: The properties in Group 4 are currently zoned R-1 Residential and this serves as notice to recommend a zoning district change to the included properties to BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

- 2110 E. Chicago (75-052-800-110-00)
- 2094 E. Chicago (75-052-800-111-00)
- 75-052-800-113-10
- 1954 E. Chicago (75-052-800-113-00)
- 1575 E. Chicago (75—052-777-088-05)
- 1474 Ivanhoe (75-052-777-099-20)

Group 5: The properties in Group 5 are currently zoned BH-1 and R-1 Residential and this serves as notice to recommend a zoning district change to the above properties to BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

- 75-052-777-088-00
- 201 S. Franks (75-052-777-301-00)
- 1717 E. Chicago (75-052-777-307-00)

Group 6: The properties in Group 6 are currently zoned BH-1 and this serves as notice to recommend a zoning district change to the included properties to BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

- 1820 E. Chicago (75-052-800-117-00)
- 1790 E. Chicago (75-052-800-115-00)
- 1740 E. Chicago (75-052-800-114-00)
- 1616 E. Chicago (75-052-777-090-01)
- 110 N. Franks (75-052-777-090-00)
- 1560 E. Chicago (75-052-777-090-10)
- 1420 E. Chicago (75-052-777-087-00)
- 1416 E. Chicago (75-052-777-091-00)

- 1264 E. Chicago (75-052-777-093-00)
- 1260 E. Chicago (75-052-777-092-00)
- 1240 E. Chicago (75-052-777-086-10)
- 1200 E. Chicago (75-042-777-089-00)
- 1205 E. Chicago (75-052-460-013-00)
- 1207 E. Chicago (75-052-460-015-00)
- 1301 E. Chicago (75-052-460-026-00)
- 1303 E. Chicago (75-052-460-027-00)
- 1305 E. Chicago (75-052-460-028-00)
- 104 Farwell (75-052-460-031-00)
- 13 Vinewood (75-052-460-032-00)
- 1403 E. Chicago (75-052-777-088-10)
- 1613/1607 E. Chicago (75-052-777-302-00)
- 171 Arthur (75-052-777-086-00)
- 111 Arden Park (75-052-060-109-00)
- 1104/1106 E. Chicago (75-052-060-102-00)
- 1401 E. Chicago (75-052-460-039-00)

Group 7: The property at 1302 Laura Drive (75-052-777-083-00) is currently zoned BH-1 and R-4 Residential and this serves as notice to recommend a zoning district change to the above property for only the portion currently zoned BH-1 to zoning district BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

Group 8: The properties in Group 8 are currently zoned BH-1 and R-3 Residential and this serves as notice to recommend a zoning district change to the above properties to BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

- 1201 E. Chicago (75-052-460-001-00)
- 1203 E. Chicago (75-052-460-005-00)

Group 9: The property at 17 Vinewood (75-052-460-033-00) is currently zoned R-3 and R-4 Residential and this serves as notice to recommend a zoning district change to the above property to BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

Group 10: The property at 12 Vinewood (75-052-460-041-00) is currently zoned R-4 Residential and this serves as notice to recommend a zoning district change to the above property to BH-2 Business Highway 2 as per City of Sturgis Zoning Ordinance.

Group 11: The property at 1813 E. Chicago (75-052-800-126-00) is currently zoned BH-1 and R-1 Residential and this serves as notice to recommend a zoning district change to the above properties to R-1 Residential as per City of Sturgis Zoning Ordinance.

Group 12: The property commonly known as 1904 E. Chicago and 307 N. Franks, Thurston Woods Village (75-052-777-055-00 and 75-052-800-116-00) is currently zoned BH-1, R-1 and R-4 Residential and this serves as notice to recommend a zoning district change to the above property for only portion currently zoned BH-1 and R-1 to zoning district BH-2 as per City of Sturgis Zoning Ordinance.

Group 13: The property at 14 Pioneer (75-052-460-003-00) is currently zoned BH-1 and this serves as notice to recommend a zoning district change to the above property to R-3 Residential as per City of Sturgis Zoning Ordinance.

City Manager Michael Hughes explained that in December of 2017, Dennis Rumsey, owner of WLKM and WRCI, submitted a request to locate an antenna on the City's water tower. On December 13th, the City Commission reviewed the request and referred it to the Planning Commission to provide a recommendation on a plan for the number of antennas for placement on the water tower and a price for leasing space. Discussion followed

The City Commission had consensus to move forward with the drafting of a letter of understanding between the City and WLKM for a radio antenna on the water tower.

City Engineer Barry Cox provided information on the sanitary replacements and McKee Street sewer construction project awarded at the March 14th City Commission meeting which will require full time oversight during the construction. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve Task Order 77a for Construction Phase Engineering Services with Fleis & Vandenbrink Engineering in the amount of twenty thousand dollars (\$20,000.00) as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

City Engineer Barry Cox explained the need to install a stop sign on North Franks Ave due to the construction of Spence Field. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Taulbee to approve Traffic Control Order #18-01 as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the recent cost of service study and an adjustment to the Power Cost Adjustment Factor due to the cost of purchased power. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to approve changing the Power Cost Adjustment Factor from \$0.0114 per kWh to \$0.0083 per kWh effective with billings beginning on April 1, 2018.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

City Controller Holly Keyser provided details on the needed current fiscal year budget amendments. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve amendments to the Fiscal Year 2017-2018 budget as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

City Manager Michael Hughes provided information on the bids received for the Oaklawn Terrace Park Improvement Project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve the construction bid for the Oaklawn Terrace Park Improvement Project from Frederick Construction, Inc. in the amount of one hundred and fourteen thousand, eight hundred and sixty-five dollars (\$114,865.00), approve a construction contingency in the amount of eleven thousand, five hundred and thirty-five dollars (\$11,535.00) and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

City Manager Michael Hughes provided information on a proposed Outstanding Community Service Recognition Program which would recognize citizens, businesses, and organizations for exceptional community service. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the Outstanding Community Service Recognition Program as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes explained that the Sturgis Housing Commission currently does not have enough members to constitute a quorum and provided information on the submitted applications. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to appoint Michael Stefanski to the Sturgis Housing Commission through May, 2023.

Voting yea: Seven Voting nay: None Absent: Huber, Dvorak MOTION CARRIED

Wastewater Superintendent Tom Sikorski provided information on a State mandate to investigate the use of PFAS chemicals in area businesses. Discussion followed.

The meeting was adjourned at 9:32 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 11, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

Pastor George Cleverley, Church of Christ, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Taulbee, Huber, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: Dvorak

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, City Engineer, City Controller, City Clerk

State Rep. Dave Pagel introduced himself and explained that he will be running for State Senator this year.

Don Lampe, 28501 Fawn River Road, provided information on a tree removal on his property.

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the agenda as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the Consent Agenda of April 11, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the March 28, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$940,895.05 as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk and Richard Yesh provided information on the local Knights of Columbus fundraiser at Oaklawn Park for a St. Vincent DePaul event which is scheduled to take place on Saturday, May 5, 2018 from 12:00 p.m. until 7:00 pm. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Taulbee to approve the requests for the St. Vincent de Paul Fundraiser as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk and Maria Olivares provided information on Holy Angels Catholic Church Families in Motion 5K Run/Walk for Saturday, May 5, 2018. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Huber to approve the requests for the Holy Angels 5K Run/Walk as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

City Manager Michael Hughes provided information on the plan to place a fence around Oaklawn Cemetery and the need to vacate a small portion of right-of-way for Monroe Street. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to adopt the Resolution Approving Vacating of Street and Scheduling of Public Hearing for the vacation of Monroe Street as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

**RESOLUTION APPROVING VACATING OF STREET
AND SCHEDULING OF PUBLIC HEARING**

WHEREAS, the City Commission of the City of Sturgis, County of St. Joseph and State of Michigan, the same being the legislative body of the said City of Sturgis, deems it advisable and in the best interests of the City of Sturgis that the east Eleven (11) feet portion of South Monroe Street south of 410 South Monroe Street now situate and being within the City of Sturgis be vacated, subject to the reservation of an easement for utilities, said street being described as follows, to-wit:

A parcel of land located in St. Joseph County, Michigan in the City of Sturgis.

Commencing at the Southwest corner of Block 48 of B.C. Buck's Addition to the Village (now City) of Sturgis, according to the Plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan in Liber 45 of Deeds, Page 113; Thence South 390.5 feet along the East Right of Way Line of the South Monroe Street to the Point of Beginning; Thence South along said East line 141.2 feet, Then West 11.0 feet, Thence North 141.2 feet parallel with said East Right of Way Line of South Monroe Street, Thence East 11.0 feet to the Point of Beginning.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing to hear objections thereto shall be held at the scheduled meeting of the Sturgis City Commission on Wednesday, May 23, 2018, commencing at 7:30 P.M. in the Wiesloch Raum of City Hall. Any objection to such action may be filed with the City Clerk in writing, and if any such objection is filed the east Eleven (11) feet portion of South Monroe Street south of 410 South Monroe now situate and being within the City of Sturgis shall not be vacated except by a concurring vote of two-thirds (2/3) of the City Commission.

City Engineer Barry Cox provided information on Traffic Control Orders related to City Subdivision #2 and Sturgis Ave. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Taulbee to approve Traffic Control Order #18-02 and 18-03 as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

The meeting was adjourned at 8:33 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 25, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

Pastor Cal Kolzow, Trinity Lutheran Church, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Huber, Malone, Littman, Vice-Mayor Good, Mayor Hile
Commissioners absent: Taulbee, Dvorak

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, Electric Department Superintendent, Buildings Supervisor, City Controller, City Clerk

Electric Department Superintendent John Griffith provided a history of Arbor Day.

Mayor Hile presented the following proclamation:

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and;

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and;

WHEREAS, Arbor Day is now observed throughout the nation and the world, and;

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and;

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and;

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and;

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE BE IT RESOLVED, as Mayor of the City of Sturgis I do hereby proclaim April 27th 2018, as

Arbor Day

In the City of Sturgis and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands,

AND FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Steve Shevick explained that additional millage requests may be eliminated with the adoption of a commercial medical marihuana ordinance. He also inquired about a rebate on electric charges.

Sheldon Fiebelkorn, 106 Wenzel, asked that the City Commission consider the allowance of chickens in the City.

Moved by Comm. Littman and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Good to approve the Consent Agenda of April 25, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the April 11, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,012,047.25 as presented.

8C. 2018 Radiant Life Church Light Up the Dark 5K

APPROVE the request from Radiant Life Church as presented.

8D. 2018 Memorial Day Parade

APPROVE the requests for the 2018 Memorial Day Parade and activities as presented.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

Buildings Supervisor Will Prichard provided information on a new ordinance section for electronic message display signs. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the first reading of amendments to the City of Sturgis Zoning Ordinance Section 1.0202. – Specific Terms pertaining to the definition of Electronic Message Display Signs; adding Section 1.1001 (M) *Electronic Message Display Signs*; and removing Section 1.1007 (3) (e) relating to electronic message display signs in BH-1.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

Buildings Supervisor Will Prichard provided information on recommended amendments to section 1.1006 Signs in the B-C, Central Business District, in the City's Zoning ordinance.

Moved by Comm. Huber and seconded by Comm. Malone to consider this the first reading of the amendment to the City of Sturgis Zoning Ordinance Article X Signs, Section 1.1006 Signs in the B-C central business district as presented.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

City Controller Holly Keyser provided information on the bids for a new electric department digger/derrick truck. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve the purchase of a digger-derrick with chassis from Altec Industries in the amount of two hundred and fifty-one thousand, eight hundred and forty-eight dollars (\$251,848.00) as presented.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Malone to approve extending the rental agreement with Global Rental Co., Inc. for unit 027-20015418 for an amount not-to-exceed sixty-eight thousand dollars (\$68,000.00) as presented.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

Moved by Comm. Huber and seconded by Comm. Good to approve the sale of unit 216-01, an International 4900 Digger Derrick via public auction.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

City Manager Michael Hughes explained that the City of Escanaba has been and continues to be involved in litigation with Menard Inc. regarding valuation of the Menard's store in their community, a case which can affect the valuations of big box stores across the State. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to adopt the Resolution Regarding City of Sturgis' Interest in Supporting "Big Box" Tax Litigation as presented.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

RESOLUTION REGARDING CITY OF STURGIS' INTEREST IN SUPPORTING "BIG BOX"
TAX LITIGATION

WHEREAS, the Michigan Supreme Court has affirmed the Court of Appeals' decision in Menard Inc. v. City of Escanaba, 315 Mich. App. 512 (2016) remanding Menard's appeal back to the Tax Tribunal to litigate the question of whether deed-restricted comparable sales could be "adjusted" to determine true cash value and to require both parties to use the cost-less-depreciation method in determining value as it pertains to the assessed value of the Menard store in Escanaba; and

WHEREAS, the issues raised in the Menard case concerning the proper method for determining true cash value for taxation purposes of empty "big box" stores and similar facilities has a significant impact on the valuation process used, or to be used, by the City of Sturgis in assessing commercial properties; and

WHEREAS, Escanaba has requested financial support from the City of Sturgis and other affected municipalities to effectively litigate the property valuation issues before the Michigan Tax Tribunal; and

WHEREAS, financial support of Escanaba in defraying cost and expenses associated with the Tax Court litigation serves a valid public purpose for the City of Sturgis:

NOW THEREFORE, the Sturgis City Commission hereby approves an expenditure up to the sum of one thousand dollars (\$1,000.00) to the City of Escanaba contingent upon the City of Escanaba agreeing that the expenditure shall be used by it only for the purpose of defraying and/or reimbursing the legal fees, expenses, costs and professional service fees associated with the Menard Tax Court litigation.

Assistant City Manager Andrew Kuk provided information on the Airport Capital Improvement Plan (ACIP) for 2018 which includes two projects. The first of these projects is joint repair for Taxiway A, B and the Apron as well as paint marking of runway 18/36. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve Contract no. 2018-0409 with the Michigan Department of Transportation for the Joint Repair and Paint Marking Project as presented with a total City matching cost of four thousand, one hundred and sixty-two dollars (\$4,162.00) and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Malone to approve Contract Amendments No. 1 and No. 2 with QoE Consulting in the total amount of twenty-five thousand (\$25,000.00) as

presented and approve the contract with Interstate Sealant & Concrete, Inc. for the Joint Repair and Paint Marking Project as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Taulbee, Dvorak MOTION CARRIED

The City Commission had consensus to end the Auditorium Review Committee and allow any of the members of that committee to join the Auditorium board if they wish.

Comm. Huber proposed a car show at the end of the summer at the airport.

The City Commission had consensus to allow this event.

There was discussion regarding the commercial medical marihuana issue.

Moved by Comm. Good and seconded by Comm. Mullins to place the issue of commercial medical marihuana at a future agenda prior to the second meeting in June with a target date of May 23, 2018.

Voting yea: Six Voting nay: Malone Absent: Taulbee, Dvorak MOTION CARRIED

The meeting was adjourned at 8:35 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 9, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

Reverend Stephen Middleton, Christian Fellowship Center, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Huber, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: Taulbee

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, Facilities Manager, Buildings Supervisor, City Controller, DPS Supervisor, City Clerk

Mike Mort requested funding for the Windows To Our Past movie productions. The Commission explained that they will soon hold budget work sessions and will consider the request.

City Manager Michael Hughes introduced Tony Vannest, new Parks and Cemetery supervisor.

Moved by Comm. Littman and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Eight Voting nay: None Absent: Taulbee MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Good to approve the Consent Agenda of May 9, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the April 25, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$897,780.39 as presented.

Voting yea: Eight Voting nay: None Absent: Taulbee MOTION CARRIED

Buildings Supervisor Will Prichard provided information on a new ordinance section for electronic message display signs. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Dvorak to consider this the second reading and approval of amendments to the City of Sturgis Zoning Ordinance Section 1.0202. – Specific Terms pertaining to the definition of Electronic Message Display Signs; adding Section 1.1001 (M) *Electronic Message Display Signs*; and removing Section 1.1007 (3) (e) relating to electronic message display signs in BH-1.

Voting yea: Eight Voting nay: None Absent: Taulbee MOTION CARRIED

AMENDMENTS TO ZONING ORDINANCE PERTAINING
TO THE REGULATION OF SIGNS IN THE CITY

An ordinance to amend Article II and Article X of the Zoning Ordinance of the City of Sturgis to provide for the modification of the regulation of signs in the City and an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance to provide for the further regulation of signs within the City;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Article II, Section 1.0202 of the Zoning Ordinance is modified to provide the following definition; Article X, Section 1.1001M of the Zoning Ordinance is added to the Zoning Ordinance; and Article X, Section 1.1007 3(e) of the Zoning Ordinance is deleted effective as of June 1, 2018.

ARTICLE II. DEFINITIONS

1.0202. Specific Terms.

Electronic message display sign. A sign on which the message changes automatically through the use of changing lights to form a text message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic process. Electronic message display or changeable copy signs do not include graphic display (i.e. static pictures, with or without text) or video display (i.e. moving pictures, with or without text).

ARTICLE X. SIGNS

1.1001. General Requirements.

M. *Electronic Message Display Signs.* Electronic message display signs shall be subject to the following requirements:

1. Only allowed on permitted, non-residential uses in all zoning districts.
2. Electronic Message display signs are subject to the following additional restrictions based on their zoning district:
 - a. Only one sign incorporating an electronic message display is permitted in residential zones: R-1, R-2, R-3, R-4, R-5.
 - b. Electronic message display signs in the BC district must be recommended by the Design Review Committee, as per Article XIII of the Zoning Ordinance, prior to an application for approval being considered by the Planning Commission.
3. Must be part of a ground or pylon sign. The electronic message display shall be a part of the primary ground or pylon sign and shall not exist as a standalone sign. No flashing, rotating, or moving sign, animated sign or sign with moving lights or creating illusion of movement shall be permitted. Length of time a message must be displayed before changing is determined by district as outlined in Table 1.1001A.

TABLE 1.1001A

Zoning District(s)	Minimum Length of Time Between Message Changes
R-1, R-2, R-3, R-4, R-5, BOS, BC	Once every three (3) minutes
BH-1, BH-2, M	Once every three (3) seconds

4. Electronic message displays must have an automatic sensor that adjusts their brightness and intensity during operational hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard. Luminance shall not exceed 0.3 foot-candles above the ambient (i.e., naturally illuminated environment) light measurement when measured at the recommended distance, based on the electronic message display size.
5. If a property has an electronic message display sign that is in a residential district or the electronic message display is within 150 feet of a residential district it must be turned off from dusk til dawn. If the sign is not equipped with this option the sign must be turned off between 7:00pm and 7:00am.
6. All electronic message display signs permitted before the effective date of this section that can be altered to comply with it must be so altered.

ARTICLE X. SIGNS

1.1007. Signs in the BH-1 business highway.
 Section 1.1007(3)(e) is deleted.

Buildings Supervisor Will Prichard provided information on recommended amendments to section 1.1006 Signs in the B-C, Central Business District, in the City’s Zoning ordinance.

Moved by Comm. Malone and seconded by Comm. Huber to consider this the second reading and approval of the amendment to the City of Sturgis Zoning Ordinance Article X Signs, Section 1.1006 Signs in the B-C central business district as presented.

Voting yea: Eight Voting nay: None Absent: Taulbee MOTION CARRIED

AMENDMENTS TO ZONING ORDINANCE PERTAINING
 TO THE REGULATION OF SIGNS IN THE CITY

An ordinance to amend Article X of the Zoning Ordinance of the City of Sturgis to provide for the modification of the regulation of signs in the City and an effective date of this Ordinance.
 WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance to provide for the further regulation of signs within the City;
 NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:
 Article X, Section 1.1006 of the Zoning Ordinance is hereby modified to provide as follows effective as of June 1, 2018.

ARTICLE X. SIGNS

1.1006. - Signs in the B-C central business district.
 In the central business district, the boundaries of which are defined in the Sturgis master plan, no sign shall be permitted which is not accessory to the business conducted on the property. Accessory signs may only be erected, painted or placed in accordance with the following requirements:
 A. Signage size, location and number.
 (1) The total area for all permitted signs shall not exceed ten percent (10%) of the first floor front face area of a tenant.

- (2) Additional signage allowed. The following signs are allowed and are not counted as part of the total sign area calculation in subsection A. (1) of this section.
 - i. An additional sign for each first floor tenant space may be placed on the rear of a building, if that tenant space has an entrance at the rear of the building used by the public. This sign cannot exceed fifty percent (50%) of the allowable signage.
 - ii. Window signage equal to not more than ten percent of each individual window and up to a total of 25 square feet per tenant is allowed.
 - iii. An additional sign relating to business open and hours may be provided for each first floor tenant space of a building. These signs must be window signs subject to the regulations of section 1.1006.
 - iv. An additional sign may be placed on the first floor of the building listing all businesses operating on a floor other than the first floor. The total area of this sign may be twenty-five percent (25%) of the primary exterior entry way leading to the non-first floor tenant space(s) as determined by the zoning administrator. The sign may not exceed five (5) square feet.
 - v. For rent, lease or property for sale signs no larger than 16 square feet in area advertising the property on which they are located are permitted provided such signs are promptly removed upon rent, lease or sale of such property.
- (3) If a first floor tenant space has no access from the front of the building and its main store front is on the side or rear of the building, the total area for all permitted signs of that tenant space shall not exceed 10 percent of the first floor tenant space of the main store front.
 - i. The location of the main store front will be determined by the zoning administrator.
 - ii. The tenant space will be allowed an additional signage as per subsection A. (2) of this section, with the exception of A. (2) i.
- (4) No tenant space shall have a total of more than two signs facing upon any one street or parking area, not including signs under subsection A. (2) of this section.
- (5) No sign shall be placed above the first floor or above the bottom window ledge of the second-floor windows. If the entire wall area of a face of the building has no windows a sign may be placed anywhere on the wall face.
- (6) Where a sign extends more than three inches from the face of the building, the sign shall not be closer than eight feet to the ground.
- (7) The maximum width of any sign attached parallel to a wall shall not exceed 60 percent of the width of the wall.

B. Sign area computation shall include:

- (1) The total area of the lettering and display background where the sign background is separated from the building.
- (2) The total area encompassed by an imaginary line which can be drawn around all the lettering or designs where the lettering or signs are affixed to the wall of a building and the wall constitutes the background.

C. Signage Types.

- (1) Ground Sign. A freestanding ground sign is permitted, computed as part of the maximum total area permitted in subsection A. of this section. The sign shall not exceed 32 square feet in display area. The freestanding ground sign shall not exceed six feet in height and must be set back 5 feet from all property lines. Corner clearances must be maintained as per section 1.1107.

- (2) A building with at least three or more distinct business or office uses shall be permitted to have a sign identifying each business or office as a combined ground sign. The area of a ground sign shall not exceed 60 square feet per sign face. The sign area allowed for each business or office shall be prorated by the shopping center, business or office complex; however no one business shall exceed 50 percent of maximum area allowed.
 - (3) Canopy Sign. Where a building has a canopy constructed as an integral part of the building, signs may be placed upon the canopy if parallel to the building face.
 - i. The permitted area of awning and canopy signs shall be determined as part of the total area for signs as provided in subsection A. of this section.
 - ii. Awning and canopy signs can be internally lighted provided that only the letters and/or logo of the sign are illuminated and are designed with a translucent and not transparent material. Any other part of the awning must be made of an opaque material.
 - (4) Window Sign. Window signage should be applied to the window or mounted on the interior of the building using high quality materials and application methods such as paint or vinyl film, wood or metal panels with applied lettering, or neon signs conforming to the other provisions of this zoning code. Illuminated tube band signs, or neon surrounding an entire window is prohibited.
- D. Nonconforming signs shall be permitted to continue provided no business name change is made nor any alteration other than ordinary maintenance is performed. Should a business move or vacate a premises all nonconforming signs shall be removed and building walls shall be left in good repair and properly maintained pursuant to chapter 31 of the basic building codes as adopted by the city within 60 days. Buildings that have been vacant for more than one year prior to the effective date of this zoning ordinance, shall immediately have all signs removed and building walls left in good repair. Upon failure of any person to comply with the provisions of this section, the city may effectuate compliance through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the owner of the real estate upon which the building is located and any such cost shall be a lien upon such real estate.
- E. Sign materials and lighting shall be harmonious with the historic character of the buildings in the district and shall utilize materials as may be appropriate such as wood, brass, vintage painting, etc. in conformity with design guidelines established by the Downtown Development Authority, a copy of which is incorporated herein by reference and which is available in the office of the city clerk. The building department shall be responsible for determining if the sign design is in conformity with those design guidelines, subject to review by the planning board or its designated design review committee.
- F. Internal and external illumination on signage in the Central Business District (B-C) is allowed as regulated in this zoning ordinance.
- (1) Provided lighting must be steady and stationary in source and intensity. Acceptable sources include incandescent, halogen, neon, LED, and metal halide lighting.
 - (2) For internally lighted signs and awnings, only letters, numerals, and logos may be illuminated.
 - (3) Acceptable forms of internally lighted signs include:
 - i. Backlit (halo) signs.
 - ii. Individual internally-illuminated letters (channel or dimensional lettering).
 - iii. Box-type signs with three-dimensional push-through or inset graphics.
 - iv. Awning or canopy signs where letters and logos are translucent.

- (4) All proposed internally illuminated signage will be sent to the design review committee for recommendation before an application is considered by the Planning Commission.
- G. Internally illuminated box signs shall only be permitted with metal or completely opaque material backgrounds. Letters and logos must be stencil cut through the surface and filled with three-dimensional push-through or inset graphics that are of a translucent and not transparent material.
- H. Internally lit, channel letter/logo signs may be lit using either exposed neon tubing within the letter/logo channel or another light source behind a translucent, not transparent material. For non-neon signs, letter forms must contain soft, diffused light sources inside each letter or logo. Regulations for distance of the letters from the building will be as follows:
- (1) Channel letters with transformers mounted inside the letters shall not extend more than 16 inches from the building wall.
 - (2) Channel letters with remote transformers shall not extend more than 12 inches from the building wall.
 - (3) Channel letters mounted on a raceway shall not extend more than 16 inches from the building wall.
- I. No flashing sign, rotating or moving sign, animated sign or sign with moving lights or creating the illusion of movement shall be permitted. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every 15 seconds.
- J. The building department may request a review by the planning board design review committee where a question may exist as to the application of this section.
- K. A design review committee shall be appointed by the planning board for the purpose of assisting the planning board to preserve, protect and enhance the aesthetic appeal of the central business district as it relates to signage and to protect property values through the application of good design principles; and promote the general health, safety and welfare of the central business district and the community. The design review committee shall consist of not less than three regular members and shall include one member of the planning board, one member of the downtown development authority and one member at large. The review committee, as it determines necessary or appropriate, shall utilize the assistance of planning, architectural and other consultants. The review committee shall seek the assistance of relevant experts in an effort to achieve accord in those instances in which the applicant objects to the decision of the review committee.

City Clerk/Treasurer Kenneth Rhodes explained that the second City Commission meeting in June will fall during Sturgis Fest and thus rescheduling the meeting seemed prudent.

Moved by Comm. Huber and seconded by Comm. Malone to reschedule the June 27, 2018 regular meeting to Wednesday, June 20, 2018 at 7:30 p.m. and authorize the Finance Committee to authorize the payment of City bills at their meeting on Monday, June 25, 2018.

Voting yea: Eight

Voting nay: None

Absent: Taulbee

MOTION CARRIED

Mayor Hile opened the Public Hearing related to the potential millage increase to fund a Fire Marshall and an additional Police Officer.

Public Safety Director Geoff Smith provided information on the efforts to inform the public about the positions and the millage impact.

Jeff Brazo, an owner of Ayres Insurance, explained that he supports the positions and encouraged the Commission to address the perception of the public.

Discussion continued on feedback from the community and the positions.

Kathy Perry, 409 Devonshire, asked for details on the positions.

Mayor Hile closed the Public Hearing.

City Clerk/Treasurer Kenneth Rhodes explained that the City Commission must hold a Public Hearing to set the City Operating millage rate and place an advertisement in the paper a week in advance. The current millage rate and a possible increase for the filling of two positions in Public Safety was discussed. It was explained that the Commission may choose to levy a lower millage rate after the Public Hearing but must advertise any increase in order to consider it.

Moved by Comm. Good and seconded by Comm. Malone to set a Public Hearing for Wednesday June 20, 2018 at 7:30 p.m. for consideration of the 2018 City Operation millage rate and advertise the rate at 10.4623.

Voting yea: Eight Voting nay: None Absent: Taulbee MOTION CARRIED

Facilities Manager Dan Root provided information on the bids received related a possible fence for Oaklawn Cemetery. Discussion followed.

Vicky Strang, 404 S. Monroe, explained that she would like to see the Monroe Street entrance remain open.

City Staff will look at options to bring the costs down for a fence and report back to the Commission.

City Facilities Manager Dan Root provided information on the bids related to dumpster service. Discussion followed including whether or not commercial accounts are allowed to dispose of construction related debris.

The City Commission had consensus to determine a course of action at a subsequent meeting based on information from the bidders.

Assistant City Manager Andrew Kuk and Sturgis Area Chamber of Commerce Director Cathi Abbs detailed the activities for Sturgis Fest. Discussion followed.

Moved by Comm. Good and seconded by Comm. Huber to approve the requests for Sturgis Fest 2018 as presented.

Voting yea: Eight Voting nay: None Absent: Taulbee MOTION CARRIED

The meeting was adjourned at 9:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 23, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

Pastor Doug Carr, His House Church, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Taulbee, Huber, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Public Safety Director, Facilities Manager, Buildings Supervisor, City Controller, Assistant Electric Superintendent, City Engineer, City Clerk

Mayor Hile presented an Outstanding Community Service Award to the Sturgis High School Key Club.

Jeff Berry, Norman & Paulsen, presented the annual financial audit for the fiscal year ending September 30, 2017.

State Representative Aaron Miller provided information on changes to the legislation related to golf cart use within City limits.

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the agenda as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Taulbee to approve the Consent Agenda of May 23, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the May 9, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,839,034.60 as presented.

8C. 2018 United Way Donut Drive

APPROVE the request of the United Way to host its “Donut Drive” at the Nottawa/Chicago Road Intersection on August 7th, 2018.

8D. 2018 Dave Locey Memorial Youth Triathlon

APPROVE the requests for the 2018 Dave Locey Memorial Sturgis Youth Triathlon as presented.

8E. 304 Jacob Rezoning Request

ADOPT the resolution to rezone parcel 75-052-350-001-00 from M-Manufacturing to BOS-Business Office Service as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided a brief history of the Commission's previous discussions related to commercial medical marihuana.

Erik Foster, Cannibis Law Group, provided information on the existing and proposed State regulations and other issues related to commercial medical marihuana.

Erik Lutes of Marcellus provided information on his experience with caregivers

Kristin Tenza, a representative of Oasis explained that a merit system is the best way to select applicants.

Doug Carr asked if the City Commission knew the will of the people.

Sara Snyder, Third Street, expressed concerns for expanded marihuana availability.

Dray Perkins, Pleasant Street, expressed concerns about Commissioners input from citizens.

Ann Barnes, 514 Cherry Street, expressed her concern about the knowledge gained in making a decision.

Tom Wright, owner of medical cannabis group, offered his expertise for information on the subject.

The City Commission asked questions and discussed several issues related to commercial medical marihuana.

Moved by Comm. Good and seconded by Comm. Mullins to present ordinances related to commercial medical marihuana on the City Commission agenda for June 13, 2018.

Voting yea: Eight

Voting nay: Malone

MOTION CARRIED

Mayor Hile recessed the meeting at 9:25

Mayor Hile resumed the meeting 9:37

Facilities Manager Dan Root presented additional information related to the bids for recycling and disposal services at City facilities. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the bid from Michiana Recycling and Disposal for a three year service contract starting October 1, 2018 through September 30, 2021 in the amount of thirty-two thousand eight hundred ninety two dollars and ninety six cents (\$32,892.96).

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing related to the vacation of a portion of Monroe Street.

City Manager Michael Hughes explained that while developing a plan for placement of a perimeter fence at Oak Lawn Cemetery, City staff discovered property boundary issues with the Monroe Street public right-of-way. In order to address these boundary issues, City staff is recommending to vacate the east eleven (11) feet portion of South Monroe Street south of 410 Monroe Street. At the April 11, 2018 Commission meeting a public hearing was scheduled regarding vacation of the right-of-way and notice of the public hearing was provided.

There was no comment from the public.

Mayor Hile closed the Public Hearing

Moved by Comm. Malone and seconded by Comm. Dvorak to adopt the Resolution Vacating Street pertaining to the east Eleven (11) feet portion of South Monroe Street as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

RESOLUTION VACATING STREET

WHEREAS, the City Commission of the City of Sturgis, County of St. Joseph and State of Michigan, the same being the legislative body of the said City of Sturgis, deems it advisable and in the best interests of the City of Sturgis that the east Eleven (11) feet portion of South Monroe Street south of 410 South Monroe Street now situate and being within the City of Sturgis be vacated, subject to the reservation of an easement for utilities, said street being described as follows, to-wit:

A parcel of land located in St. Joseph County, Michigan in the City of Sturgis.

Commencing at the Southwest corner of Block 48 of B.C. Buck's Addition to the Village (now City) of Sturgis, according to the Plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan in Liber 45 of Deeds, Page 113; Thence South 390.5 feet along the East Right of Way Line of the South Monroe Street to the Point of Beginning; Thence South along said East line 141.2 feet, Then West 11.0 feet, Thence North 141.2 feet parallel with said East Right of Way Line of South Monroe Street, Thence East 11.0 feet to the Point of Beginning; and

WHEREAS, it being advisable to vacate and abandon the said described property, due notice was published in the Sturgis Journal, a newspaper published and circulated in the City of Sturgis, County of St. Joseph, State of Michigan, as required by law, notifying the public and all interested persons that the City Commission would meet and be in session on Wednesday, May 23, 2018, at 7:30 p.m. in the Wiesloch Raum of Sturgis City Hall to hear and consider objections thereto; and

WHEREAS, no one appeared at said meeting to object to the proposed vacation and abandonment and no objections having been filed with the City Clerk:

NOW, THEREFORE, BE IT RESOLVED, subject to the City of Sturgis reserving easements on said property for the purposes of constructing, repairing, substituting, removing enlarging, replacing and maintaining utilities that the above described portion of street be hereby vacated, abolished, abandoned and discontinued; and

BE IT FURTHER RESOLVED, that within thirty (30) days from this date, the City Clerk shall forward a certified copy of this resolution to the Michigan Department of Energy, Labor and Economic Growth, and also a certified copy of this resolution to the Register of Deeds of the County of St. Joseph, State of Michigan, for recording, and that a proper record of this vacation and abandonment be entered into the Book of Plats of the City of Sturgis.

City Controller Holly Keyser explained that the City of Sturgis' Energy Optimization Program was originally mandated by Public Act 295 of 2008 and is now termed the Energy Waste Reduction (EWR) program. The EWR Program is funded by monthly surcharges and provides rebates to customers for energy efficiency projects. City staff, in cooperation with the Michigan Public Power Agency and Franklin Energy, reviewed current monthly surcharges and historical expenditures with the goal of having a zero balance in the Energy Waste Reduction program by December 31, 2021. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve the proposed Energy Waste Reduction Surcharges effective for all billings beginning June 1, 2018.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

There was discussion on the movement of electric poles in preparation for the reconstruction of N. Lakeview next year.

City Clerk/Treasurer Kenneth Rhodes provided information on board and committee appointments. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to reappoint all board members seeking reappointment.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

There was discussion regarding the makeup of the Auditorium Board.

Moved by Comm. Good and seconded by Comm. Huber to appoint Scott Davidson, Kurt Froning, Emily Landess, and Todd Reed to the Auditorium Board.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Good to instruct the Auditorium Board to review their bylaws and the composition and number of members of the board and report back to the City Commission by the second meeting in July.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Huber to appoint Alex Griffith and Emily Landess to the Sister City Committee.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Mullins to appoint Nathan Brown and Rob Falkenstein to the Zoning Board of Appeals.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 10:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 13, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

Pastor Bob Renner, Sturgis Missionary Church, gave the invocation

The Pledge of Allegiance was said by all present.

Commissioners present: Mullins, Bir, Huber, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Public Safety Director, Deputy Fire Chief, Facilities Manager, Buildings Supervisor, City Clerk

Deputy Fire Chief Andy Strudwick presented Lifesaving Awards to Captain Cody Cripe, Firefighter Jake Toth, and Firefighter David Hickey. The City Commission congratulated them for their service and award.

Mayor Hile read a letter of resignation from 2nd Precinct Commissioner Ina Taulbee effective June 8, 2018.

The Commission expressed their appreciation for Mrs. Taulbee's commitment to the City.

Moved by Comm. Good and seconded by Comm. Dvorak to accept the resignation of Ina Taulbee and ask the Mayor to write letter of appreciation for her service.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile agreed to write the letter.

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of June 13, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the May 23, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,281,648.27 as presented.

8C. 2018 Fireworks

AUTHORIZE Deputy Fire Chief Andrew Strudwick or his designated representative to complete all necessary permit reviews and SIGN all necessary documents for a community fireworks display.

APPROVE closure of West Lafayette and temporary no parking on North Centerville as presented.

8D. 2018 Airport Fly-In

APPROVE the requests for the 2018 Airport Fly-In as presented and APPROVE the airport fuel discount as presented.

8E. Speedway License and Indemnity Agreement

APPROVE the License and Indemnity Agreement as presented and AUTHORIZE City Manager Michael Hughes to sign the agreement.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Facilities Manager Dan Root provided additional information on possible savings to the Oaklawn Cemetery fence project. Discussion followed regarding lighting in lieu of a fence, closure of the Monroe Street entrance, closure of the South Street entrance and other issues.

The Commission directed Mr. Root to seek pricing on lighting, gates on Monroe and South Streets and a fence for only the north side of the cemetery.

Buildings Supervisor presented the ordinances allowing for commercial medical marihuana that were presented earlier in the year. Discussion followed regarding buffer zones.

Comm. Good offered the following motion with the expectation of discussion to follow:

Moved by Comm. Good and seconded by Comm. Huber to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-92 pertaining to Medical Marihuana Facilities as recommended by the Planning Commission but with the amendment that all buffer zones for provisioning centers be at 1,000 feet.

Discussion continued amongst the City Commissioners. It was pointed out that some of the allowable zones were adjacent to residential areas in the Townships.

Comm. Good and Comm. Huber agreed to amend their motion to add a buffer zone for Provisioning Centers of 1,000 feet from all residential parcels inside and outside City limits.

Bob Renner, Pastor of Sturgis Missionary Church, questioned if the allowance of commercial medical marihuana is worthwhile given all of the restrictions that are required and doesn't think the City will benefit.

Fran Losinski, 809 Nottingham, explained that his experience is that marihuana is addictive and leads to other drugs.

Mark Smith, Sawyer, Michigan, explained that he owns an operating medical marihuana facility and provided his experience and recommended approval.

Doug Carr, Pastor of His House Church, questioned whether it will make Sturgis better.

Robin Douglass, 1005 Cato Lane, provided her experience with her use of medical marihuana.

Robin Shakowski, Coloma, Michigan, provided her experience with her use of medical marihuana.

Erik Foster, Cannabis Practice Group, provided information on his experience with the commercial medical marihuana laws and experience with municipalities facing this issue.

Michael Caywood, 1105 Constitution, explained that he represents a client who will invest in commercial medical marihuana and asked the Commission their thoughts on how other new business prospects would be handled.

Dray Perkins, 206 Pleasant, provided his experience with his use of medical marihuana.

Erik Lutes, Edwardsburg Michigan, provided his experience medical marihuana.

Gabby Manga, 305 W Electric Ct, explained that if it goes forward, children must be protected.

Bill Martindale, 27114 Molly Landing, spoke about the derivatives of marihuana.

Discussion continued amongst the City Commissioners.

City Clerk Kenneth Rhodes reiterated the motion currently under consideration:

Moved by Comm. Good and seconded by Comm. Huber to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-92 pertaining to Medical Marihuana Facilities as recommended by the Planning Commission but with the amendment that all buffer zones be at 1,000 feet and add a buffer zone for Provisioning Centers of 1,000 feet from all residential parcels inside and outside City limits.

Voting yea: Huber, Bir, Mullins, Good Voting nay: Dvorak, Littman, Malone, Hile

MOTION DEFEATED

City Manager Michael Hughes provided information on a new Freight House building as part of the Sturgis Historical Museum at the Depot. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Malone to approve Lease Agreement No. 2 with the Sturgis Historical Society, Sturgis Area Community Foundation, and Sturgis Housing Development Corporation subject to minor revisions and City Attorney review and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Mullins to recess the City Commission meeting.

City Manager Michael Hughes called the meeting of the Sturgis Housing Development Corporation to order.

Mr. Hughes provided additional information on the Lease Agreement for the proposed freight house and the role of the Sturgis Housing Development Corporation.

Moved by Dir. Huber and seconded by Dir. Malone to approve Lease Agreement No. 2 with the Sturgis Historical Society, Sturgis Area Community Foundation, and City of Sturgis subject to minor revisions and Attorney review and authorize President Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mr. Hughes adjourned the Sturgis Housing Development Corporation meeting.

Mayor Hile reconvened the City Commission meeting.

Assistant City Manager Andrew Kuk provided information on the changes to the online community calendar and a corresponding policy for events to be included on the calendar. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Huber to approve the Sturgis247 Calendar Policy as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 9:42 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 20, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Pastor Calvin Kolzow, Trinity Lutheran Church, gave the invocation

Commissioners present: Mullins, Bir, Huber, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, Deputy Fire Chief, Deputy Fire Chief, City Engineer, City Controller, City Clerk

City Manager Michael Hughes introduced Jeff Davis, GIS Director. Mr. Davis provided information about himself. The Commission welcomed him to the community.

Steve Shevick, 302 S. Lakeview, expressed disappointment regarding the lack of passage of an ordinance allowing commercial medical marijuana within City limits.

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of June 20, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the June 13, 2018 regular meeting as presented.

8B. 2018 Children's 4th of July Parade

APPROVE the request for an Independence Day Children's Parade in the South Lakeview neighborhood to be held on Tuesday, July 3, 2018 at 10:00 a.m. with a route as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for the 2018 City Operating and Streets/Sidewalks millage rates.

City Clerk/Treasurer Kenneth Rhodes provided information on the current and proposed millage rates and explained that the purpose of the proposed increase is to fund a Fire Marshall and an additional Police Officer.

The City Commission discussed the rate, the proposed public safety positions, other County millages, and the cost to citizens.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Malone to set the 2018 City Operating millage tax rate at 10.4623 mils.

Voting yea: Huber, Littman, Malone, Good, Hile

Voting nay: Bir, Dvorak, Mullins

MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Bir to set the Streets/Sidewalk Improvement Millage tax rate at 3.0 mils.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the tax foreclosed properties which the City has the first right to purchase from the County. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Malone to approve the purchase of the properties located at 603 Enterprise Ave., 911 S. Ohio Ct. and 915 S. Ohio Ct. in the total amount of ten thousand five hundred eighty-five dollar and thirty-three cents (\$10,585.33) plus any additional mowing costs as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided details on the bids and the proposed work related to the 2018 street mill and resurface project. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve a contract with Quality Asphalt Paving, Inc. for the 2018 Street Improvements in the amount of four hundred seventeen thousand, six hundred, thirty three dollars and thirty cents (\$417,633.30) and authorize the City Manager to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Malone to approve a contingency budget of twenty thousand, eight hundred and eighty dollars (\$20,880.00) for the 2018 Street Improvements project as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 8:27 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 11, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Reverend Luke Eicher, Grace Christian Fellowship, gave the invocation

Commissioners present: Mullins, Bir, Huber, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Engineer, City Controller, City Clerk

Mayor Hile presented former Commissioner Ina Taulbee a plaque in appreciation for her service. Mrs. Taulbee thanked the Commission for the recognition.

Norville Keesling, 418 Williams Street, provided information on some noxious weeds and speeding in his neighborhood and inquired as to the status of the use of golf carts on City streets. Discussion followed.

The City Commission had consensus to place a first reading of a proposed ordinance related to the use of golf carts on City streets at the next Commission meeting on July 25, 2018.

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of July 11, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the June 20, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$839,571.00 as presented.

8C. 2018 Homegrown Music Festival

APPROVE the requests for the 2018 Homegrown Music Festival as presented.

8D. Fawn River Township 425 Property Transfers

ADOPT the Transfer of Property from Fawn River Township (Agreement #4) Resolution for 68853 Ilene as presented.

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 28275 Congress St. as presented.

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68930 Vinewood Ave. as presented.

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68816 Vinewood Ave. as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the proposed 2018-2019 fiscal year budget. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to set a public hearing for consideration of the City's 2018-2019 budget at 7:30 p.m. on August 8, 2018 at City Hall, 130 N. Nottawa.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on easements in City Subdivision #2. Discussion followed.

Moved by Comm. Good and seconded by Comm. Huber to approve the Declaration of Easement as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the proposed fuel discount at the airport for an upcoming event. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Dvorak to approve the airport fuel discount for July 21st to July 29th as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. and seconded by Comm. to go into Closed Session for discussion of pending litigation.

Voting yea: Mullins, Bir, Huber, Malone, Dvorak, Littman, Good, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:10 p.m.

Meeting reconvened at 8:35 p.m.

The meeting was adjourned at 8:35 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, JULY 25, 2018
CONFERENCE ROOM – CITY HALL**

Mayor Hile called the meeting to order at 6:30 p.m.

Commissioners present: Mullins, Bir, Huber, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Controller, City Clerk

Mayor Hile welcomed Kurt Esseltine, Brandon Kinsey, Travis Klinger, and Justin Wickey and thanked them for applying for the 2nd Precinct Commissioner vacancy. He also provided information about the interview process and the role of a City Commissioner.

The City Commission then interviewed each of the applicants individually.

The meeting was adjourned at 7:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 25, 2018
WIESLOCH RAUM – CITY HALL**

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Reverend Luke Eicher, Grace Christian Fellowship, gave the invocation

Commissioners present: Mullins, Bir, Huber, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Engineer, City Controller, City Clerk

Mayor Hile asked for nominations for the 2nd Precinct Commissioner vacancy.

Comm. Dvorak nominated Kurt Esseltine.

Comm. Huber nominated Travis Klinger.

Comm. Littman nominated Justin Wickey.

Discussion followed.

Voting for Esseltine: Dvorak, Malone, Hile

Voting for Klinger: Bir, Good, Huber, Mullins

Voting for Wickey: Littman

The Commission had consensus to vote again with the two applicants with the highest number of votes.

Voting for Esseltine: Dvorak, Littman, Malone, Hile

Voting for Klinger: Bir, Good, Huber, Mullins

Mayor Hile asked Mr. Esseltine and Mr. Klinger to provide additional comments on their applications.

Voting for Esseltine: Dvorak, Littman, Malone

Voting for Klinger: Bir, Good, Huber, Mullins, Hile

Travis Klinger was sworn in as 2nd Precinct Commissioner.

Comm. Huber left the meeting.

City Manager Michael Hughes introduced Corrina Lopez who will be interning with the City for at least three months working on graphic design and other marketing aspects. The Commission welcomed her to the City.

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of July 25, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 11, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of 3,674,168.16 as presented.

8C. 2018 MML Workers' Compensation Fund Board of Trustee Election

APPROVE submittal of ballet for the Michigan Municipal League Workers' Compensation Fund as presented and AUTHORIZE the City Manager to sign all necessary documents.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Manager Michael Hughes provided information on the proposed ordinance related to the use of golf carts on City streets. Discussion followed regarding the different potential safety features.

Norville Keesling provided his experience with his golf cart use.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the first reading of an ordinance to allow the use of golf carts with certain safety requirement on City streets.

Voting yea: Seven Voting nay: Hile Absent: Huber MOTION CARRIED

Assistant City Manager Andrew Kuk explained that City Staff was recently contacted by GT Independence regarding use of the Arkwright's Site for a private event on August 7th but currently the City has no framework or set fee to allow for the renting of Arkwright's or other City property for a private event. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the fee of \$200.00 a day and policy for rental of City Property as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Manager Michael Hughes and Auditorium Board Chair Elizabeth Whitehead provided information on the efforts to update the bylaws and structure of the Auditorium Board. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve the Mission and Vision Statements for Sturges-Young Auditorium as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Malone to approve the governance structure for Sturges-Young Auditorium and Arts Council Board as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Electric Department Superintendent John Griffith provided information on bids related to upgrades at the Franks substation. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Malone to approve the bid from Electrical Power Products for the Franks Substation Control Panels in the amount of sixty-three thousand, seven hundred and forty-nine dollars (\$63,749.00) as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Malone to approve the bid from S&C Electric Company for two Motor Operated Isolation Switches and one Circuit Switcher in the amount of one hundred forty-nine thousand four hundred twenty-six dollars (\$149,426.00) as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. and seconded by Comm. to go into Closed Session for discussion of the potential purchase of property and a periodic personnel evaluation at the request of the employee.

Voting yea: Mullins, Bir, Huber, Klinger, Malone, Dvorak, Littman, Good, Hile
Voting nay: None MOTION CARRIED

Meeting recessed at 9:00 p.m.

Meeting reconvened at 10:12 p.m.

Moved by Comm. Good and seconded by Comm. Malone to increase the City Manager annual compensation by 2.5% retroactive to his start date.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

The meeting was adjourned at 10:14 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 8, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Pastor George Cleverley, Church of Christ, gave the invocation

Commissioners present: Mullins, Bir, Huber, Klinger, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: Dvorak

Also present: City Attorney, City Manager, Assistant City Manager, City Engineer, City Controller, Public Safety Director, Deputy Police Chief, DPS Supervisor, Facilities Manager, Doyle Director, City Clerk

City Engineer Barry Cox provided an update on the 2018 spring lead and copper sampling results for the City's water system. He also provided information on new State mandated regulations related to water services and lead. Discussion followed.

Cathi Abbs, Executive Director of the Chamber of Commerce, presented the City Commission with a plaque containing the previously adopted Statement of Civility.

Michael Stefanski, Sturgis Housing Commission Board member, inquired about the vacancies on the Sturgis Housing Commission.

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of August 8, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 25, 2018 work session meeting as presented.

APPROVE the minutes from the July 25, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$641,098.19 as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

City Manager Michael Hughes provided information on the revisions to the ordinance related to the use of golf carts on City streets. Discussion followed including the required safety equipment, potential streets which would be prohibited, and whether or not the City was set up for golf cart use. The suggested streets for local prohibition included Lakeview, Congress, South, West, Broadus, Lafayette, Nottawa, and Centerville.

Norville Keesling provided his experience with his golf cart use and had other inquiries.

The City Attorney suggested that due to the many changes to the ordinance proposed at the previous meeting, that the City Commission consider this as another first reading.

Moved by Comm. Good and seconded by Comm. Malone to consider this the first reading of an amendment to Part II Chapter 58 of the City Code of Ordinances, adding Article V. - Golf Carts as presented, with the addition of prohibited local streets and a review of the ordinance after six months.

Voting yea: Six Voting nay: Bir, Hile Absent: Dvorak MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Good to consider this the first reading of an amendment to Appendix B, Fine Schedule.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Facilities Manager Dan Root provided information on his findings related to Cemetery fencing and other issues as a result of previous City Commission discussions. Project considerations included an entrance sign, lighting, a Monroe street gate, fencing east of Monroe, and various possibilities at the South Street entrance. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve Facilities Manager proceed with acquiring bids for the Cemetery project.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk and Event Coordinator Ryan Conrod provided information on the Music on North event on August 31st. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the requests for Music on North as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk and Deputy Police Chief Ryan Banaszak provided information on a request for assistance with a motorcycle ride through the City. A representative of the Blacktop Saints provided information about the group. Discussion followed including the necessary staff required for various routes.

Moved by Comm. Mullins and seconded by Comm. Huber to approve the request of the Blacktop Saints using the alternate route.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Doyle Director Mike Liston provided information on the work done to determine the proposed rate schedule for memberships. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Huber to approve the 3-year rate schedule for the Doyle Community Center Board as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the 2018-2019 fiscal year budget.

City Manager Michael Hughes provided details on the proposed budget.

Discussion followed.

The City Manager and City Commission thanked City Staff for their efforts.

There was no comment from the Public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Malone to adopt the 2018-2019 annual City of Sturgis Budget Summary and Appropriation Resolution and approve the City of Sturgis Fee Schedule as presented including the new Doyle rates.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

The City Commission had consensus to bring back the previously proposed ordinance related to commercial medical marihuana for discussion at a future meeting.

The meeting was adjourned at 10:17 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 22, 2018
CONFERENCE ROOM – CITY HALL**

Mayor Hile called the meeting to order at 6:00 p.m.

Commissioners present: Mullins, Bir, Huber, Klinger, Dvorak, Malone, Littman, Vice-Mayor Good,
Mayor Hile

Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Controller, Electric Department
Superintendent, City Clerk

Mark Beauchamp, Utility Financial Solutions, provided detailed information on the proposed electric
rate structure. Discussion followed.

City Manager Michael Hughes provided information on the exploratory meeting for a splash pad.
Discussion followed.

The meeting was adjourned at 7:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 22, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Larry Kasabowski, Holy Angels Catholic Church, gave the invocation

Commissioners present: Mullins, Bir, Huber, Klinger, Malone, Dvorak, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, Electric Department Superintendent, Facilities Manager, City Clerk

City Clerk/Treasurer Kenneth Rhodes swore in Firefighter Alex Chase. The Commission welcomed him to the community.

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented with the addition of Auditorium Flooring.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of August 22, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 8, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,269,022.34 as presented.

8C. MDOT Aero AWOS Contract

APPROVE Contract No. 2018-00681 with MDOT Aeronautics for AWOS services and AUTHORIZE City Manager Michael Hughes to sign all necessary documents.

8D. Music on North Additional Requests

APPROVE the extension of the North St. Closure time, vendor sales at Free Church Park, and additional temporary No Parking spaces as presented for Music on North, August 31st, 2018.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the proposed ordinance related to commercial medical marihuana within City limits.

Mayor Hile asked for a show of hands from the audience regarding their position on commercial medical marihuana.

There was discussion amongst the City Commission regarding the relationship with the surrounding Townships, the potential effects on the City, and buffer zones.

Moved by Comm. Mullins and seconded by Comm. Huber to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-92 pertaining to Medical Marihuana Facilities as amended to create 1,000 foot buffer zones and between permit holders excluding stacked licenses and a 250 foot buffer zone from Township residential properties.

Mayor Hile asked for comments from the public.

Dray Perkins, 206 Pleasant, commented on the newspaper survey related to the use of marihuana.

Thomas Wright, inquired about buffer zones and multi-tenant buildings.

Doug Carr, His House Four Square Church, commented on the proliferation of marihuana.

Kevin Chang, Oasis, commented on distinguishing between medical and recreational marihuana. He also commented on the effect of limiting the area for permitted use.

Calvin Kolzow, Trinity Lutheran Church, explained that he only supports a prescription from a traditional drug store for medical marihuana.

Shelby James, 312 S Fourth, asked why it needed to be in Sturgis.

Steve Shevick, 302 S. Lakeview, explained that medical marihuana must be consumed inside the home and would not want to drive a long distance to fill a prescription.

Tina Hawkinson, 1302 Cato Lane, explains that the medical marihuana card can be abused.

Louis Eichorn, 301 Maplecrest, asked about recreational marihuana.

Sandra Sites, 305 E Lafayette, expressed concern about the proliferation of drugs.

Priscilla Smith , 63170 Borgert Road, commented on the necessity for buffer zones and the use of marihuana.

Scott McMillan, former resident, asked about Comm. Klinger's knowledge on the subject.

Betty Carruthers, 69082 Texas Ave, explained the she is a medical marihuana user and prefers it over other drugs.

Faith Wilson, 406 Wilson, explained that she has experience with the dangers of drugs.

David Snyder, 218 Third, explained that he is not proud of his generation.

The City Clerk reiterated the proposed motion.

Moved by Comm. Mullins and seconded by Comm. Huber to consider this the first reading of an amendment to the City Code of Ordinances Sections 38-92 pertaining to Medical Marihuana Facilities as amended to create 1,000 foot buffer zones and between permit holders excluding stacked licenses and a 250 foot buffer zone from Township residential properties.

Voting yea: Mullins, Bir, Huber, Klinger, Good

Voting nay: Malone, Dvorak, Littman, Hile

MOTION CARRIED

Comm. Dvorak left the meeting.

Moved by Comm. Mullins and seconded by Comm. Good consider to this the first reading of amendments to the Zoning Ordinance Sections 1.0603, 1.0406, 1.0407, 1.0408, 1.0409, and 1.0410 pertaining to special land uses for Medical Marihuana Facilities as presented.

Voting yea: Mullins, Bir, Huber, Klinger, Good

Voting nay: Malone, Littman, Hile

Absent: Dvorak

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Good to consider this the first reading of an amendment to the City Code of Ordinances Appendix B, Fine Schedule as presented.

Voting yea: Mullins, Bir, Huber, Klinger, Good

Voting nay: Malone, Littman, Hile

Absent: Dvorak

MOTION CARRIED

City Manager Michael Hughes provided details on the final version of the ordinance allowing golf carts on City streets. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the second reading of and approve an amendment to Part II Chapter 58 of the City Code of Ordinances, adding Article V. - Golf Carts effective September 12, 2018 with the elimination of the 6 month review.

Voting yea: Mullins, Malone, Huber, Klinger, Good

Voting nay: Bir, Littman, Hile

Absent: Dvorak

MOTION CARRIED

AMENDMENT TO PART II – CHAPTER 58 OF THE ORDINANCES OF THE CITY OF STURGIS

An ordinance to amend Part II – Chapter 58 of the Ordinances of the City of Sturgis adding Article V. – Golf Carts and to provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the Ordinances regulating golf carts and to make changes to the penalty provision.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Part II – Chapter 58 is hereby amended by adding Article V. – Golf Carts, effective as of September 12, 2018:

ARTICLE V. GOLF CARTS

Sec. 58-161. - Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

- (a) "Golf cart" means a vehicle designed for transportation while playing the game of golf. A golf cart is not required to meet the vehicle safety requirements of a low-speed vehicle.

(b) “Most efficient route” means the route that minimizes the distance traveling on a prohibited street in order to reach the desired destination regardless of convenience.

Sec. 58-162. - Operation of golf carts on city streets. A person may operate a golf cart on city streets, subject to MCL 257.657a as amended and the following restrictions:

(a) A person shall not operate a golf cart on the following city streets within the City of Sturgis:

- (1) Broadus St.
- (2) N. Centerville Rd. from US-12 to the north City limits.
- (3) E. Congress St.
- (4) W. Congress St.
- (5) E. Lafayette St.
- (6) W. Lafayette St.
- (7) S. Nottawa from US-12 to the south City limits.
- (8) E. South St.
- (9) W. South St.
- (10) E. West St.
- (11) W. West St.

Unless otherwise prohibited by MCL 257.657a as amended or another part of this section, this subsection does not prohibit a person from crossing or traveling on any of the prohibited city streets using the most efficient route to access a permitted street or access a property that cannot be accessed from a permitted street.

(b) A person shall not operate a golf cart on the following state trunk line highways within the City of Sturgis:

- (1) M-66/S. Centerville Rd. from the south City limits to US-12/W. Chicago Rd.
- (2) M-66/N. Nottawa St. from US-12/Chicago Rd. to the north City limits.
- (3) US-12/W. Chicago Rd. from the west City limits to Centerville Rd.
- (4) US-12/M-66/W. Chicago Rd. from Centerville Rd. to Nottawa St.
- (5) US-12/E. Chicago Rd. from Nottawa St. to the east City limits.

This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a city street, using the most direct line of crossing.

(c) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a state trunk line highway or a highway or street with a speed limit of more than 30 miles per hour except to cross that state trunk line highway or highway or street. Within the City of Sturgis this includes the following street segments and any segments added by action of the state or City of Sturgis in the future:

- (1) All state trunk line highways identified in subsection (b) of this section.
- (2) N. Lakeview from Witt Lake Rd. to Cheshire St.
- (3) Memorial Dr.
- (4) N. Clay from W. Lafayette to Memorial Dr.
- (5) W. Lafayette from the west end of Lafayette to N. Centerville.
- (6) W. Lafayette from N. Centerville to N. Clay
- (7) N. Centerville from St. Joseph to the north City limits.
- (8) S. Lakeview from E. South St. to the south City limits.
- (9) S. Nottawa from South St. to Hawthorne.

- (10) S. Nottawa from Fawn River Rd. to the south City limits.
- (11) Broadus St. from US-12 to W. Lafayette.
- (12) Progress St. from N. Centerville Rd. to the west City limits.

(d) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians or on or across cemetery property except on vehicular pathways.

(e) A golf cart must meet all the safety requirements outlined in Sec. 58-163 and be registered with the Police Department as outlined in Sec. 58-164.

Sec. 58-163. – Safety Requirements. A golf cart operated in the City of Sturgis must meet all of the following vehicle safety requirements of a low-speed vehicle for approval under this article:

- (1) At least 2 headlamps that comply with MCL 257.685.
- (2) At least 1 tail lamp that complies with MCL 257.686.
- (3) At least 1 stop lamp and 1 lamp or mechanical signal device that comply with MCL 257.697 and 257.697b.
- (4) One exterior mirror mounted on the driver's side of the golf cart.
- (5) A horn that complies with MCL 257.706.
- (6) A windshield that complies with MCL 257.708a.
- (7) Safety belts that comply with MCL 257.710a and that are used as required by MCL 257.710e.

Sec. 58-164. - Registration.

(a) A golf cart operated on a city street under this article is not required to be registered under the Michigan Vehicle Code for purposes of MCL 500.3101.

(b) All golf carts intended for street use shall be registered with the Sturgis Police Department by the owner(s) or operator(s) of those golf carts shall register such golf carts prior to operating the same on any city street.

(c) To be registered, all golf carts must be inspected for and meet the requirements of Sec. 58-163.

(d) A registration sticker shall be provided by the Sturgis Police Department at no cost to the registrant. The registration sticker must be affixed in plain view on the driver's side of the golf cart below the seating area at all times it is operated on city streets.

Sec. 58-165. – Penalty.

Violation of any of the provisions of this section shall be penalized as a civil infraction carrying a fine as specified in Appendix B to this code.

There was Consensus to have City Staff provide a six month review of the ordinance to the City Commission.

Moved by Comm. Good and seconded by Comm. Malone to consider this the second reading and approve an amendment to Appendix B, Fine Schedule effective September 12, 2018.

Voting yea: Mullins, Malone, Huber, Klinger, Good, Littman, Hile

Voting nay: Bir

Absent: Dvorak

MOTION CARRIED

AMENDMENT TO APPENDIX B
OF THE ORDINANCES OF THE CITY OF STURGIS

An ordinance to amend Appendix B of the Ordinances of the City of Sturgis pertaining to fines for violations of Chapter 58. Article V. - Golf Carts and to provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the Ordinances providing fines for violation of Chapter 58. Article V.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Appendix B is hereby amended effective as of September 12, 2018:

...

CHAPTER 58. - TRAFFIC AND VEHICLES

...

Golf Carts

Operation of a golf cart in violation of Article V. \$200.00

Failure to meet a safety requirement of Article V. (each violation) \$100.00

Failure to register a golf cart \$50.00

City Clerk/Treasurer Kenneth Rhodes explained that there are two applicants for the vacancies on the Sturgis Housing Commission.

Moved by Comm. Malone and seconded by Comm. Huber to appoint Roger Ringenberg through May 2019 and Craig Bolthouse through May 2021 to the Sturgis Housing Commission.

Voting yea: Eight

Voting nay: None

Absent: Dvorak

MOTION CARRIED

City Manager Michael Hughes provided information on the amended agreement between the City and Sturgis Neighborhood Program for grant writing and related housing services. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Bir to approve the Sturgis Neighborhood Program Agreement Addendum as presented.

Voting yea: Seven

Voting nay: None

Absent: Dvorak

Abstain: Good

MOTION CARRIED

City Controller Holly Keyser summarized the electric rate scheduled, detailed in the earlier work session. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve the electric rates for billings beginning on October 1, 2018 and October 1, 2019 as presented.

Voting yea: Eight

Voting nay: None

Absent: Dvorak

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the bids related two way radios. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Mullins to approve the bid from Tele-Rad, Inc. in the amount of sixty thousand six hundred and four dollars and twenty-five cents (\$60,604.25) for the radio replacement as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the bids related to the Franks Substation upgrades. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the proposal from Hydaker-Wheatlake for the Franks Substation construction in the amount of one hundred eighteen thousand, one hundred and ninety-two dollars (\$118,192.00) as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Facilities Manager Dan Root provided information on the new flooring to be installed on the lower level of the Auditorium. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the purchase of flooring for the auditorium as presented in an amount not-to-exceed forty-five thousand dollars (\$45,000.00) pending final review of quotes by the City Controller.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Mullins to go into Closed Session for discussion of the potential purchase of property and discussion of union negotiations.

**Voting yea: Mullins, Bir, Huber, Klinger, Malone, Littman, Good, Hile
Voting nay: None Absent: Dvorak MOTION CARRIED**

Meeting recessed at 10:00 p.m.
Meeting reconvened at 10:12 p.m.

The meeting was adjourned at 10:12 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 12, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Pastor Doug Carr, His House Church, gave the invocation

Commissioners present: Mullins, Bir, Huber, Klinger, Malone, Dvorak, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, Buildings Supervisor, Deputy Police Chief, City Clerk

Dr. Art Ebert, Superintendent of Sturgis Public Schools, provided information on school related issues. Discussion followed.

Moved by Comm. Littman and seconded by Comm. Malone to approve the agenda as presented with the addition of Items 10F and 10G.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of September 12, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 22, 2018 work session meeting as presented.

APPROVE the minutes from the August 22, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$943,285.45 as presented.

8C. Fawn River Township PA 425 Property Transfers

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68763 Vinewood Avenue as presented.

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68836 Vinewood Avenue as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the proposed ordinance related to commercial medical marihuana within City limits.

Mayor Hile read a letter from Mike Owenby, President of Morgan Olson, explaining his reasons for not supporting the proposed ordinance.

Doug Carr, Pastor His House Church, asked why the City Commission is ignoring the will of the people.

Cal Kolzow, Trinity Lutheran Church, asked what the main reason is for voting for commercial medical marihuana in Sturgis. Commissioners responded.

Fran Losinski, 809 Nottingham, asked why the City Commission doesn't place the issue on the ballot.

Carl Merkh, explained that he has reviewed a report about the experience in Colorado.

Sara Snyder, 218 Third Street, provided her research regarding California.

Hillary Delany, Lansing, provided information on her experience in the cannabis industry.

Ed Ashbrook, provided his experience with his use of medical marihuana.

Debra Clutter, 406 Michigan, asked the City Commission to place the issue on the ballot.

Linda Abelgore, expressed her concern about the enforcement of the regulations.

Kevin Chang, Oasis, explained that responsible business owners will assist with regulation.

Heidi Alexander, Three River Physician's Assistant, provided information regarding the use of marihuana.

Matt Lillier, investor in the Constantine Wellness Center, provided his experience with opioids and marihuana.

Dray Perkins, 206 Pleasant, provided information with the use of cannabis.

Debra Clutter reiterated her request for a vote.

Mike Collins, Abbott Laboratories, expressed that industry needs strong workers that can pass a drug test.

Mitch Furr, 604 Devonshire, explained that he thinks the current ordinance will help in the future.

Josh Kearns, explained that he shouldn't have to drive out of town to get marihuana.

Shelby James, explained that she would like to see the issue put on a ballot.

Dray Perkins, provided his knowledge on cannabis related issues.

Mayor Hile inquired whether City Commissioners would consider placing the issue on the ballot.

Moved by Comm. Littman and seconded by Comm. Malone to direct City Staff to prepare ballot language related to the proposed ordinances regulating commercial medical marihuana.

VOTING YEA: Malone, Dvorak, Littman, Hile

VOTING NAY: Mullins, Bir, Huber, Klinger, Good

MOTION DEFEATED

Steve Shevick, thanked the Commissioners who voted to move forward now.

Discussion was held regarding the provisions of the proposed ordinance.

Moved by Comm. Mullins and seconded by Comm. Good to consider this the second reading of and approve an amendment to the City Code of Ordinances Section 38-92 pertaining to Medical Marihuana Facilities, effective October 5, 2018, as presented with the Planning Commission buffer zones but with a 250 buffer for township residential properties.

VOTING YEA: Mullins, Bir, Huber, Klinger, Good

VOTING NAY: Malone, Dvorak, Littman, Hile

MOTION CARRIED

AMENDMENTS TO CITY ORDINANCES
PERTAINING TO THE AUTHORIZATION AND PERMITTING
OF COMMERCIAL MEDICAL MARIHUANA FACILITIES

An ordinance to amend Chapter 38-Article IV of the Ordinances of the City of Sturgis to provide for the authorization and permitting of commercial medical marihuana facilities.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the City Ordinances to provide for the authorization and permitting of commercial medical marihuana facilities;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Chapter 38-Article IV, Section 38-92, is hereby added to the City Ordinances effective as of October 5th, 2018.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

Sec. 38-92 MEDICAL MARIHUANA FACILITIES

- (a) *Purpose.* The purpose of this Ordinance is to exercise the police regulatory powers of the City of Sturgis by licensing and regulating provisioning centers, grower facilities, safety compliance facilities, processor facilities, and secure transporter to the extent permissible under the State of Michigan and to protect the public health, safety and welfare of the residents of the City of Sturgis. It is not the purpose or intent of this Ordinance to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act or City Ordinance Sec. 38-91.
- (b) *Definitions.* The following words and phrases shall have the following definitions when used in this Ordinance:

- (1) “*Application*” means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the “*Applicant*.”
- (2) “*Clerk*” means the City of Sturgis Clerk or his/her designee.
- (3) “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
 - a. “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
 - b. “*Processor*,” as that term is defined in the MMFLA;
 - c. “*Secure Transporter*,” as that term is defined in the MMFLA;
 - d. “*Grower*,” including *Class A*, *Class B* and *Class C*, as those terms are defined in the MMFLA;
 - e. “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
- (4) “*Department*” means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marihuana Facility.
- (5) “*License*” means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan.
- (6) “*Licensee*” means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.
- (7) “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
- (8) “*Medical Marihuana*” means that term as defined in MCL 333.26423.
- (9) “*Paraphernalia*” means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.
- (10) “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
- (11) “*Permit*” means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. Said Permit shall be in addition to the Special Use Permit required to be obtained under the City Zoning Ordinance.

- (12) “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.
- (13) “*Permitted Premises*” means the particular building, buildings, or rental space within which the Permit Holder will be authorized to conduct the Facility’s activities pursuant to the Permit.
- (14) “*Permitted Property*” means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
- (15) “*Person*” means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
- (16) “*Public Place*” means any area in which the public is invited or generally permitted in the usual course of business.

(c) *Permit Required; Eligibility; General Provisions.*

- (1) The City hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities:
 - i. Growers, Class A
 - ii. Growers, Class B
 - iii. Growers, Class C
 - iv. Processors
 - v. Provisioning Centers
 - vi. Safety Compliance Facilities
 - vii. Secure Transporters
- (2) No person shall operate a Commercial Medical Marihuana Facility at any time or any location within the City unless a currently-effective Permit for that person at that location has been issued under this Ordinance.
- (3) Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
- (4) The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
- (5) At the time of Application, each Applicant shall pay nonrefundable Application fees, annual fees, renewal fees and inspection fees for Permits to the City to defray the costs incurred by the City for inspection, administration and enforcement

of the local regulations regarding Commercial Medical Marijuana Facilities. The City Commission shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law.

- (6) A Permit and a Renewal Permit shall not confer any vested rights, other than those identified in section (g) of this ordinance, or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid only until the June 1 immediately following its approval.
 - (7) It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the City with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or its City Permit.
 - (8) No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Ordinance and has been granted a Permit by the City. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
 - (9) The original Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
 - (10) Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random and unannounced examinations of the Facility and all articles of property in that Facility at any time to ensure compliance with this Ordinance, any other local regulations, and with the Permit.
 - (11) A Permit Holder may not engage in any other Commercial Medical Marijuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the City, without first obtaining a separate Permit.
 - (12) No Permit shall be granted or renewed for a Commercial Medical Marijuana Facility in a residence.
- (d) *Other Laws and Ordinances.* In addition to the terms of the Ordinance, any Commercial Medical Marijuana Facility shall comply with all City Ordinances, including without limitation the City Zoning Ordinance, and with all other applicable federal, state and local ordinances, laws, codes and regulations. To the extent that the terms of this Ordinance are in conflict with the terms of any other applicable federal, state or local ordinances, laws, codes or regulations, the terms of the most restrictive ordinance, law, code or regulation shall control.
- (e) *Application for and Renewal of Permits.*
- (1) *Application.* An Application for a Permit for a Facility shall be submitted to the

Zoning Administrator, and shall contain the following information. Information obtained from the Applicant is exempt from public disclosure under state law.

- i. The name, address, phone number and email address of the Applicant and the proposed Commercial Medical Marijuana Facility;
- ii. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Applicant and the Commercial Medical Marijuana Facility;
- iii. One (1) copy of the following:
 - 1) All documentation of the Applicant valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marijuana Facility.
 - 2) If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status, attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing.
 - 3) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - 4) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 5) Application for Sign Permit, if any sign is proposed.
 - 6) Non-refundable Application fee.
 - 7) Business and Operations Plan, showing in detail the Commercial Medical Marijuana Facility's proposed plan of operation, including without limitation, the following:
 1. A description of the type of Facility proposed and the anticipated or actual number of employees.
 2. A security plan meeting the requirements of Subsection (f) of this Ordinance, which shall include a general description of the security systems, current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.

3. A description by category of all products to be sold.
 4. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility.
 5. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Permitted Premises.
 6. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
- 8) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
 - 9) Whether any Applicant or any of the Applicant's Owners directors, officers or managers has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 - 10) A site plan and interior floor plan of the Permitted Premises and the Permitted Property signed and sealed by a Michigan registered architect, or professional engineer. Site plan must include distance between the Permitted Premises and all applicable buffered uses identified in Section (f)(5) of this Ordinance.
 - 11) Information regarding any other Commercial Medical Marihuana Facility that the Applicant or any of the Applicant's Owners directors, officers or managers is authorized to operate in any other jurisdiction within the State, or another State, and their involvement in each Facility.
- iv. Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.
- (2) *Renewal Application.* The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications, except as otherwise provided for in Section (g) of this Ordinance. Renewal Applications shall require City approval. Renewal Applications for a Medical Marihuana Facility maintaining the location of the Permitted Premises shall be received by the Zoning Administrator not less than

ninety (90) days prior to the expiration of the annual Permit. Renewal Applications for a Medical Marihuana Facility requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The City will not accept Renewal Applications after the expiration date of the Permit.

(3) *Approval, Issuance, Denial and Appeal.*

- i. All inspections, review and processing of the Application shall be completed within ninety (90) days of receipt of a complete Application and all required fees or within one hundred twenty (120) days if the location of the Permitted Premises is proposed to be amended from an existing permitted location. The processing time may be extended upon written notice by the City for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. The City has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the City receives a complete Application. A determination of a complete Application shall not prohibit the City from requiring supplemental information.
- ii. Upon receipt of a completed Medical Marihuana Facility Application meeting the requirements of this Ordinance, the Zoning Administrator shall refer a copy of the Application to the Department Head or designated staff person of the following for their review and approval: the Police Department, the Fire Department, the Wastewater Treatment Department, the Building Department, and the Zoning Department. In order for a Medical Marihuana Facility Application to be approved, all of the following conditions must be met:
 - 1) The Building Department has verified the plans of the proposed location comply with the Building Code and all laws for which they are charged with enforcement;
 - 2) The Fire Department has verified the plans of the proposed location comply with the Fire Code and all the laws for which they are charged with enforcement;
 - 3) The Applicant, including the officers, directors and managerial employees of the Applicant and any persons who hold any direct or indirect ownership interest in the Applicant, have passed a criminal background check conducted by the City of Sturgis Police Department;
 - 4) The Wastewater Treatment Department has verified all chemicals and methods of waste removal for compliance - if applicable additional permits may be required;

- 5) The Zoning Department has confirmed that the proposed location complies with the Zoning Code; and
 - 6) A Special Land Use Permit application has been submitted, Permit fees have been paid, and the Special Land Use Permit has been approved by the Planning Commission.
- iii. If all conditions of Subsection (3) ii. have been met, the City Clerk shall issue the Permit to the applicant. All Permits issued are contingent upon the State of Michigan issuing a License for the operation under State law and the City of Sturgis receiving a copy of that License prior to occupancy.
 - iv. If a Permit is denied, the denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any Permits.
- (4) *Applications for new Permits where no building is as yet in existence.* Any Applicant for a Commercial Medical Marihuana Facility Permit whose building is not yet in existence at the time of the City's initial approval shall have one (1) year immediately following the date of the City's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations.
- (5) *Duty to Supplement.*
- i. If at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule of regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing with ten (10) days from the date upon which such change occurs.
 - ii. An Applicant or Permit Holder has a duty to notify the City in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the event.
 - iii. An Applicant or Permit Holder has a duty to notify the City Board in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of marihuana, the MMMA, the MMFLA, any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of marihuana by the Applicant, any owner, principal officer, director, manager, or employee within (10) ten days

of the event.

- (f) *Operational Requirements – Commercial Medical Marijuana Facilities.* A Commercial Medical Marijuana Facility issued a Permit under this Ordinance and operating in the City shall at all times comply with the following operational requirements, which the City may review and amend from time to time as it determines reasonable.
- (1) *Scope of Operation.* Commercial Medical Marijuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments. The Facility must hold a valid local Permit and State Commercial Medical Marijuana Facility License for the type of Commercial Medical Marijuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
 - (2) *Required Documentation.* Each Commercial Medical Marijuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marijuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marijuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
 - (3) *Security.* Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
 - i. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
 - ii. Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week;
 - iii. A locking safe permanently affixed to the Permitted Premises that shall store all Marijuana and cash remaining in the Facility overnight;
 - iv. All Marijuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
 - v. All security recordings and documentations shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement upon request for inspection.
 - (4) *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m.
 - (5) *Required Spacing.* The following spacing requirements for Medical Marijuana Facilities are present:

- i. No Commercial Medical Marihuana Facility shall be located within:
 - 1) One thousand (1,000) feet from any school.
 - 2) Two hundred and fifty (250) feet from any Township residence or district zoned for residential use.
 - ii. No Provisioning Center shall be located within two hundred and fifty (250) feet from any public park, church, house of worship or residence or districts zoned for residential use.
 - iii. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the Permitted Premises at which the proposed use is to be located, and the zoning district boundary, parcel (in cases where only one use is present) or premises (in cases where multiple uses are present on the same parcel) from which the proposed land use is to be separated.
- (6) *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the state License or the City's Permit.
- (7) *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
- (8) *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marihuana," "Marijuana," "cannabis" and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
- (9) *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises is prohibited.
- (10) *Indoor Operation.* All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Permitted Premises.
- (11) *Unpermitted Growing.* A Patient or Licensed Caregiver may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
- (12) *Distribution.* No person operating a Facility shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under

state law.

- (13) *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
- (14) *Waste Disposal.* The permit holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
- (15) *Transportation.* Marihuana may be transported by a Secure Transporter within the City under this Ordinance, and to effectuate its purpose, only:
 - i. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
 - ii. In a manner consistent with all applicable state laws and rules, as amended; and
 - iii. In a secure manner designed to prevent the loss of Marihuana.

No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words “Marihuana”, “Marijuana” or “cannabis” or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.

No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.

- (16) *Additional Conditions.* The City may impose such reasonable Terms and Conditions on a Commercial Medical Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.
- (g) *Rights Conferred to a Permitted Premises.* A Permit Holder that submits an application for a Renewal Permit at a previously Permitted Premises shall be deemed in compliance with the spacing requirements set forth in Section (f)(5) of this Ordinance.
 - (h) *Penalties and Consequences for Violation.* In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:
 - (1) Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof,

shall be fined no more than five hundred and 00/100 (\$500.00) dollars, or imprisoned for not more than ninety (90) days, or both, and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.

- (2) Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a civil infraction. The fine for any civil infraction shall be five thousand dollars (\$5,000.00) plus courts costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate civil infraction.
 - (3) The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
 - (4) In addition to any other remedies, the City may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.
- (i) *Severability.* The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the second reading of and approve amendments to the City Code of Ordinances Appendix A, Zoning, Sections 1.0603, 1.0406, 1.0407, 1.0408, 1.0409, and 1.0410 pertaining to special land uses for Medical Marihuana Facilities, effective October 5, 2018, as presented.

VOTING YEA: Mullins, Bir, Huber, Klinger, Good

VOTING NAY: Malone, Dvorak, Littman, Hile

MOTION CARRIED

AMENDMENTS TO THE ZONING ORDINANCE
PERTAINING TO MEDICAL MARIHUANA

An ordinance to amend Sections 1.0603, 1.0406, 1.0407, 1.0408, 1.0409, and 1.0410 of the Zoning Ordinance of the City of Sturgis to provide for zoning related to commercial medical marihuana facilities.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined

that it is in the best interest of the residents of the City to modify the Zoning Ordinance to provide for special land uses related to commercial medical marihuana facilities;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Zoning Ordinance Sections 1.0603, 1.0406, 1.0407, 1.0408, 1.0409, and 1.0410 are amended effective as of October 5th, 2018.

Section 1.0603. – Special land use designated.

...

(MM) *Commercial Medical Marihuana Facilities.* Commercial Marihuana Facilities as otherwise contemplated by the City of Sturgis Code of Ordinances may be permitted if the conditions set forth in Subsection 38-92(f) (5) are met.

...

(NN) *Provisioning Centers.* Provisioning Centers as otherwise contemplated by the City of Sturgis Code of Ordinances may be permitted if the conditions set forth in Subsection 38-92(f) (5) are met.

1.0406. - B-OS business office service.

(C) *Special land uses.* The following special land uses are permitted in the B-OS district, under the conditions of article VI [of this zoning ordinance].

...

(6) “Provisioning Centers” as defined in Article IV Section 38-92(b).

1.0407. - B-C central business district.

(C) *Special land uses.* The following special land uses are permitted in the BC district under the conditions of article VI [of this zoning ordinance].

...

(8) “Provisioning Centers” as defined in Article IV Section 38-92(b).

1.0408. - B-H 1 business highway 1.

(C) *Special land uses.* The following special land uses are permitted in the B-H 1 district under the conditions of article VI [of this zoning ordinance].

...

(11) “Provisioning Centers” as defined in Article IV Section 38-92(b).

1.0409. - B-H 2 business highway 2.

(C) *Special land uses.* The following special land uses are permitted in the B-H 1 district under the conditions of article VI [of this zoning ordinance].

...

(12) “Provisioning Centers” as defined in Article IV Section 38-92(b).

1.0410. - M manufacturing.

(D) *Special land uses.* The following special land uses are permitted in the M district under the conditions of article VI [of this zoning ordinance].

...

13) “Commercial Medical Marihuana Facilities” as defined in Article IV Section 38-92.

14) “Provisioning Centers” as defined in Article IV Section 38-92(b).

Moved by Comm. Mullins and seconded by Comm. Bir to consider this the second reading of and approve an amendment to the City Code of Ordinances Appendix B, Fine Schedule, effective October 5, 2018, as presented.

VOTING YEA: Mullins, Bir, Huber, Klinger, Good

VOTING NAY: Malone, Dvorak, Littman, Hile

MOTION CARRIED

AMENDMENTS TO THE CITY CODE OF ORDINANCES FINE SCHEDULE
PERTAINING TO MEDICAL MARIHUANA

An ordinance to amend Appendix B – Fine Schedule, Chapter 38. - OFFENSES AND MISCELLANEOUS PROVISIONS, of the Code of Ordinances of the City of Sturgis to provide for fines related to the authorization and permitting of commercial medical marihuana facilities.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the City Code of Ordinances to provide for commercial medical marihuana facilities and fines associated with the enforcement of those ordinances;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Appendix B, Chapter 38 of the City Code of Ordinances is amended effective as of October 5, 2018.

APPENDIX B - FINE SCHEDULE FOR MUNICIPAL CIVIL INFRACTIONS

...

CHAPTER 38. – OFFENSES AND MISCELLANEOUS PROVISIONS

...

Medical Marihuana Facilities

Misdemeanor offense up to 500.00

Civil infraction 5,000.00

The City Commission had consensus to delay applications until November 1st.

Comm. Dvorak left the meeting.

Assistant City Manager Andrew Kuk provided information on proposed zoning amendments related to Special Land Uses in B-H1 districts. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to consider this the first reading of an amendment to City Code of Ordinances, Appendix A – Zoning, Sections 1.0202 – Specific terms and 1.0408 – B-H 1 Business Highway 1 as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on proposed zoning amendments related to a new development along Chicago Road. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Bir to consider this the introduction and first reading to rezone the properties located at 407 William St., 410 W. Chicago Rd. and 414 W. Chicago Rd. to Business Highway 2 (B-H 2).

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on amendments to the Property Maintenance Code. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the first reading to an Amendment to the City of Sturgis Code of Ordinances Chapter 14 Article III, Property Maintenance Code as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on a clarifications within the Declaration of Restrictions in the City Subdivision. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Bir to approve the Amendment to Declaration of Restrictions for Sturgis City Subdivision as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the proposed bid for the sale of the lot at 1106 N. Galyn. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Mullins to approve the invitation to bid for 1106 N. Galyn St. as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes explained that the City Commission had previously waived the special assessments for City Subdivision 1 but not this lot.

Moved by Comm. Good and seconded by Comm. Mullins to remove the special assessments on 1106 N. Galyn St.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

City Engineer Barr Cox provided details on the 2018 Street Improvement projects and the necessary adjustments to the contract. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Klinger to approve an additional fifteen thousand dollars (\$15,000.00) for the 2018 Street Improvement Project as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on a request for downtown street closures and other items related to the Summer's End festival. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Klinger to approve the requests for Summer's End from the DDA as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

The City Commission and City Staff had discussion about plans for the reconstruction of Pleasant Street in 2020 and working with a landscape architect to prepare concepts for the space.

The meeting was adjourned at 10:20 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 26, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

George Cleverley, Church of Christ, gave the invocation

Commissioners present: Mullins, Bir, Klinger, Malone, Dvorak, Vice-Mayor Good, Mayor Hile
Commissioners absent: Huber, Littman

Also present: City Attorney, City Manager, Assistant City Manager, Facility Manager, Buildings Supervisor, Deputy Fire Chief, City Engineer, City Clerk

The new owner of a South Centerville Road property, which will transfer into the City from the Township upon closing, explained that most Commercial Medical Marihuana ordinances deal with buffers from zoned residential areas. She explained that her property is near a residence that is currently zoned agricultural and will be zoned commercial. She asked the City Commission to consider altering the current ordinance to accommodate her project.

Moved by Comm. Good and seconded by Comm. Mullins to approve the agenda as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Littman MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the Consent Agenda of September 26, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the September 12, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$3,269,252.56 as presented.

8C. 2019 MML Pool Board of Director's Election

APPROVE submittal of ballot for the Michigan Municipal League Liability and Property Pool Board of Directors as presented and AUTHORIZE the City Manager to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Huber, Littman MOTION CARRIED

Buildings Supervisor Will Prichard provided information on the proposed zoning ordinance amendment. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Klinger to consider this the second reading of and approve an amendment to City Code of Ordinances, Appendix A – Zoning, Sections 1.0202 – Specific terms and 1.0408 – B-H 1 Business Highway 1 with an effective date of October 18, 2018, as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Littman MOTION CARRIED

AMENDMENTS TO CITY ORDINANCES
PERTAINING TO USES IN B-H 1 AND DEFINITIONS

An ordinance to amend Appendix A - Zoning of the Ordinances of the City of Sturgis to provide for change to definitions and uses in B-H 1 business highway 1.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the City Ordinances to provide for changes to uses in the B-H 1 business highway 1 zone and definitions pertaining to these uses;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Appendix A – Zoning, Sections 1.0202 – Specific terms and 1.0408 – B-H 1 business highway 1, are hereby amended to provide as follows effective as of October 18, 2018.

1.0202. - Specific terms.

For the purpose of this section the following definitions shall apply unless context clearly indicates or requires a different meaning.

...

Automobile carwash. A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles.

...

Banks, credit unions or similar uses. Banks, credit unions, or similar uses are companies engaged in the business of dealing with financial and monetary transactions, such as deposits, loans, investments and currency exchange.

...

Banquet Halls. A banquet hall is a room or building for the purpose of hosting a party, banquet, wedding, reception, or other social event.

...

Funeral Homes and Mortuary Establishment. A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

...

Greenhouse, Retail. A retail business whose principal activity is the selling of plants with or without outside storage, growing, or display. Retail greenhouses shall include a building or structure which exceeds

150 square feet, that is designed for the cultivation or protection or retail sale of flowers, shrubbery, produce, trees, and other horticultural products tender plants for retail sale.

...

Horticulture. The art of cultivating gardens producing vegetables, fruits, flowers or ornamental plants.

...

Institutional or public uses. Churches, schools, hospitals, convalescent or nursing homes, public or quasi-public nonprofit uses, parks and playgrounds.

...

Laundry and dry cleaning. A commercial establishment where clothes can be washed or dried.

...

Lumber and building supply yards. Lumber and building supply yards are businesses that sell building materials and/or lumber in large quantities, and includes a significant portion of its product storage outdoors or in warehouse portions of the building and then sells them retail form to customers.

...

Motel. Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient trade for transient occupancy.

...

Pet shop and sales. Pet shop means a place where animals are offered for sale, exchange, or transfer. No person shall operate a pet shop unless he has first received a license from the department of agriculture.

...

Recreation Facility. A commercial establishment which is designed to provide the user with the opportunity to relax, engage in athletic activities or engage in other leisure pursuits, including but not limited to driving ranges, golf courses, swimming pools, water parks, tennis courts, personal fitness, outdoor racquetball courts, motorized cart and motorcycle tracks, and batting cages.

...

Retail sales and retail services. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

...

Sleeping Room. Attached room which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes and shall have an area of not less than 70 square feet or be less than 7 feet in any dimension.

...

Small Engine Repair. A business that offers sales and/or service for a wide range of *small-displacement*, low-powered internal combustion *engines* used to power lawn mowers, generators, concrete mixers and many other machines that require independent power sources.

...

Strip Mall Area. Multiple commercial establishments developed on the same parcel under one site plan.

...

Studio. A building or portion of a building used as a place of work by an artist, photographer or artisan, musician, yoga or martial arts, or used for radio, podcast or television broadcasting.

...

Transient. Occupancy of a sleeping room or dwelling unit for not more than 30 days.

1.0408. - B-H 1 business highway 1.

- (A) Intent. The B-H 1 business highway 1 uses are typically automobile-oriented and cater to patrons traveling through a particular location. Example uses include drive-through restaurants and banks, car washes, strip retail centers, gas stations, sit down restaurants, and similar uses.
- (B) Permitted uses. The following are permitted in the B-H 1 district:
- (1) Stores for retail sales and retail services.
 - (2) Full service eating and drinking establishment.
 - (3) Fast food restaurant.
 - (4) Strip mall areas.
 - (5) Hotels and motels.
 - (6) Personal services.
 - (7) Banks, credit unions, or similar uses.
 - (8) Professional service offices.
 - (9) Clinic, Dental or Medical
 - (10) Lumber and building supply yards.
 - (11) Laundry and dry cleaning.
 - (12) Recreational facilities.
 - (13) Studio.
 - (14) Banquet halls.
 - (15) Greenhouse, retail.
 - (16) Theaters.
 - (17) Funeral homes and mortuary establishments.
 - (18) Off-street parking lot(s).

- (19) Essential services.
 - (20) Uses similar to the above uses.
 - (21) Institutional or public uses.
 - (22) Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.
- (C) Special land uses. The following special land uses are permitted in the B-H 1 district, under the conditions of article VI [of this zoning ordinance].
- (1) Automobile service stations
 - (2) Automobile repair shop(s), minor.
 - (3) Automobile repair shop(s), major.
 - (4) Vehicle sales area.
 - (5) Automobile carwash.
 - (6) Small engine repair.
 - (7) Billboards.
 - (8) Pet shop and sales.
 - (9) Outdoor sales area.
 - (10) Child care center and day care center in accord with sections 1.0602 and 1.0603(M).
 - (11) Provisioning Centers
 - (12) Marquee signs.
 - (13) Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.
- (D) Required conditions. The following conditions are required in the B-H 1 district.
- (1) Use parameters. All permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor storage of materials from the view of adjoining streets or properties. A chain-link or decorative fence of sufficient density (one and one-quarter inches by one and one-quarter inches) to keep discarded debris within the confines of a site for uses which are likely to have debris shall be provided.
 - (2) Drive-Through operations. All permitted uses with a drive-through operation must meet the following conditions:
 - a. Required off-street parking for a drive-through as stated under 1.0902.

- b. Each stacking space shall be measured at not less than twenty (20) feet in length and ten (10) feet in width. In no instance, shall stacking spaces interfere with required parking or maneuvering lanes.
- (3) Dwellings. Existing dwellings, existing transient rooming houses, and existing apartments shall meet the provisions of the R-4 apartment district and special land uses within the R-4 apartment district, as set out in section 1.0404.
 - (4) Screening of trash receptacles. All areas of trash storage including dumpsters shall be screened by a six-foot screen fence, but in no case less than six inches in height over the top of the trash or dumpster.
 - (5) Site plan review. Site plan review and approval must be obtained for all new construction or in accordance with the provisions of article XII [of this zoning ordinance].
 - (6) Compatibility with adjacent properties. The following conditions shall apply to permitted uses in the B-H 1 zone when those uses are adjacent to residential uses or residentially zoned property:
 - a. Rear and sideline setbacks from residential property shall be 45 feet.
 - b. Screening of residential uses to restrict view from residential property shall be provided by a solid fence of wood stained, sealed or painted eight feet in height, or a solid planting strip 15 feet in width and six feet in height at planting.
 - c. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
 - d. All shipping and deliveries to and from the above shall occur between the hours of 7:00 a.m. and 9:00 p.m.
 - e. All exterior lighting shall be directed along exterior building walls and away from residential property.
 - f. All outside storage of vehicles shall be screened from any adjacent residential property, and occur only within lighted areas secured by fencing.
 - g. All of the requirements of section 1.0408(D)(3) must be met by the use.
 - h. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
 - (7) Area and bulk requirements. See article V, schedule of regulations, [of this zoning ordinance] limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirement.

Buildings Supervisor Will Prichard provided information on the proposed zoning ordinance amendment. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Good to consider this the second reading of and approve the request to rezone the properties located at 407 William St., 410 W. Chicago Rd. and 414 W. Chicago Rd. to Business Highway 2 (B-H 2) with an effective date of October 18, 2018, as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Littman MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO ZONING MAP

An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the B-H 2 Business Highway 2 zoning district and M Manufacturing zoning district to the B-H 2 Business Highway 2 zoning district.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Article III of the Zoning Ordinance is hereby modified as follows, effective as of October 18, 2018:

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the following described property shall be in the B-H 2 Business Highway 2 zoning district:

Land situate in the City of Sturgis, St. Joseph County, Michigan:

Parcel No. 75-052-330-058-10

LOTS 1 & 13 BLK 5 JACOBS ADD EXC W 20 FT OF SAID LOTS. SEC 1 T8S R10W
UPD CITY OF STURGIS. ALSO UNPLATTED LAND E OF SD LOTS, W OF RR R/W &
N OF WILLIAM ST.

Parcel No. 75-052-330-058-00

LOTS 2 & 12 & 20 FT OFF W SIDE LOT 1 & 13 & 10 RDS WIDE OFF S END LOTS 10-
11 BLK 5. JACOBS ADD. CITY OF STURGIS.

Parcel No. 75-052-330-060-00

LOT 4 BLK 5 & LOTS 10-11 EXC 10 RDS OFF S END OF BOTH. JACOBS ADD. CITY
OF STURGIS.

Buildings Supervisor Will Prichard provided information on the proposed zoning ordinance amendment. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Malone to this the second reading of and approve an Amendment to the City of Sturgis Code of Ordinances Chapter 14 Article III, Property Maintenance Code, with an effective date of October 18, 2018 as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Littman MOTION CARRIED

AMENDMENT TO PART II – CHAPTER 14, ARTICLE III OF THE ORDINANCES
OF THE CITY OF STURGIS

An ordinance to amend Part II – Chapter 14, Article III of the Ordinances of the City of Sturgis pertaining to the Property Maintenance Code and to provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the Ordinances relating to the Property Maintenance Code and to add a provision for demonstrating ownership of a premises;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Part II – Chapter 14, Article III is hereby amended by amending Section 14-63(8) and adding Section 14-63(13) as follows, effective as of October 18, 2018:

Sec. 14-63. - Amendments.

The following sections of the International Property Maintenance Code are amended as follows:

(8) Section 202 shall be amended to add the following:

Rental unit. Any residential premises which is let for occupancy or let, as herein defined or which is non-owner occupied.

Responsible local agent. A person or representative of an individual, a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his, her or its place of residence or business in an area from which the City of Sturgis is accessible by motor vehicle within a period of time not exceeding 30 minutes and designated by the property owner as responsible for operating such property in compliance with all the provisions of the Code adopted by the city. All official notices of the city may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record

(13) Section 114 shall be added to state in its entirety as follows:

For purposes of the City's Property Maintenance Program a person may demonstrate ownership of a premises by submitting one of the following to the City:

1. A recorded deed for the premises;
2. A recorded land contract for the premises; or
3. A recorded memorandum of land contract AND an executed copy of the land contract.

“Land contract” shall mean a bona fide agreement for the sale of the premises that includes a proper legal description, a sale price, a final payment due date and provision for transfer of the premises by deed upon satisfaction of the land contract by the land contract vendee.

Buildings Supervisor Will Prichard provided information on the proposed zoning ordinance amendment. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to consider this the first reading of amendments to the City Code of Ordinances, Appendix A – Zoning, amending sections 1.0202 Specific Terms and sections of Article X. – Signs as well as adding section 1.1011 Temporary Signs as presented.

Voting yea: Seven Voting nay: None Absent: Huber, Littman MOTION CARRIED

Comm. Littman joined the meeting.

City Manager Michael Hughes provided information on the proposed Forbearance Agreement regarding Moso Village. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Malone to approve the Forbearance Agreement as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the upcoming Barbecue Fest. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the requests for the Sturgis Barbecue Fest as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Engineer Barry Cox provided details on the agreement related to the design of the reconstruction of Pleasant Street. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Professional Services Agreement with Fishbeck, Thompson, Carr & Huber, Inc. in the amount of seventy-four thousand dollars (\$74,000.00) to provide the design services identified in the Professional Services Proposal dated August 13, 2018 and authorize the City Manager, Michael Hughes to sign all necessary documents.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Facilities Manager Dan Root provided information on the proposals for fencing at Oak Lawn Cemetery. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve the proposal for fence gate installation from Warren Fence, LLC in the amount of thirty thousand, seven hundred ninety dollars (\$30,790.00), as presented.

Voting yea: Seven Voting nay: Bir Absent: Huber MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Dvorak to approve the transfer of seventy-five thousand dollars (\$75,000.00) from the perpetual care fund for capital projects including the Cemetery fence project as presented and approve a corresponding budget amendment for the 2018-2019 fiscal year.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Controller Holly Keyser provided details on the end of the year budget amendments. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Dvorak to approve the 2017-18 fiscal year budget amendments as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

City Manager Michael Hughes provided information on an agreement for a shared grant writer position. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Dvorak to approve the Grant Writer Agreement as presented.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Malone to appoint Don Eaton and Andrew Kuk to the Regional Revolving Loan Fund approval committee for the City of Sturgis.

Voting yea: Eight Voting nay: None Absent: Huber MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Mullins to go into Closed Session for discussion of the potential purchase of property.

**Voting yea: Mullins, Bir, Klinger, Malone, Dvorak, Littman, Good, Hile
Voting nay: None Absent: Huber MOTION CARRIED**

Meeting recessed at 8:50 p.m.

Meeting reconvened at 9:02 p.m.

Moved by Comm. Malone and seconded by Comm. Mullins to amend the 2018-19 fiscal year budget to increase the General Fund Capital Outlay by \$43,000.00.

The meeting was adjourned at 9:04 p.m.

President Hughes called the Sturgis Housing Development Corporation meeting to order at 9:04 p.m.

Mr. Hughes provided information on the offer to purchase 211 N. Nottawa, which is adjacent to the Sturges-Young Auditorium.

Moved by Dir. Good and seconded by Dir. Hile to approve the Real Estate Purchase Agreement between the Sturgis Housing Development Corporation and the Vineyard Church, Inc. as presented and authorize Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

Absent: Huber

MOTION CARRIED

The meeting was adjourned at 9:10 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 10, 2018
WIESLOCH RAUM – CITY HALL**

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Ross Gerber, Grace Christian Church, gave the invocation.

Commissioners present: Mullins, Bir, Huber, Klinger, Malone, Dvorak, Littman,

Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Doyle Director, Buildings Supervisor, Electric Department Superintendent, City Clerk

The new owner of a South Centerville Road property, which will transfer into the City from the Township upon closing, explained that most Commercial Medical Marijuana ordinances deal with buffers from zoned residential areas. She explained that her property is near a residence that is currently zoned agricultural and will be zoned commercial. She asked the City Commission to consider altering the current ordinance to accommodate her project.

The City Commission had consensus to refer the issue to the Planning Commission.

Mayor Hile appointed Comm. Mullins to the Investment Committee.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented with the addition of item 10A1.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of October 10, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the September 26, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,073,287.41 as presented.

8C. 2018 Sturgis High School Homecoming Parade and Fireworks

APPROVE the request of Sturgis High School for the 2018 Homecoming Parade on October 12th and AUTHORIZE Deputy Fire Chief Andy Strudwick to approve the fireworks display as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information on the proposed zoning ordinance amendment. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Mullins to consider this the second reading of and approve amendments to the City Code of Ordinances, Appendix A – Zoning, amending sections 1.0202 Specific Terms and sections of Article X. – Signs as well as adding section 1.1011 Temporary Signs as presented, effective November 1, 2018.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENTS TO CITY ORDINANCES
PERTAINING TO TEMPORARY SIGNAGE

An ordinance to amend Appendix A - Zoning of the Ordinances of the City of Sturgis to provide for change to definitions and temporary signage in all zoning districts.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the City Ordinances to provide for changes regulations regarding temporary signage and definitions pertaining to such signage;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Appendix A – Zoning, Sections 1.0202. – Specific terms, 1.1001. – General Requirements, 1.1002. – Signs in the one-family districts, 1.1003. – Signs accessory to permitted non-residential uses in residential districts, 1.1005. – Signs in BOS business, office, service districts, 1.1006. – Signs in B-C central business district, 1.1007. – Signs in B-H 1 business highway 1 district, 1.1008. – Signs in B-H 2 business highway 2 and M manufacturing districts, and 1.1009. – Signs in the PDD-2 planned development district be amended and Section 1.1011. – Temporary Signs be added effective as of November 1, 2018.

1.1011. - Temporary Signs

(A) Temporary Signs in commercial districts: B-H 1, B-H 2, and B-OS are permitted subject to the following conditions:

- (1) A temporary sign shall only be displayed upon receipt of an issued permit.
- (2) Temporary signs must be accessory to a business on the parcel.
 - a) Permission must be granted by all tenants and the owner of the parcel to display non accessory sign for up to five business days.
- (3) Upon expiration of the permit, the sign shall be removed by the permit holder.
- (4) No part of a temporary sign shall be closer than five (5) feet to any property line.
- (5) Temporary signs may not be placed in any parking area.
- (6) All temporary signs must be maintained in good condition.
- (7) Corner clearance requirements must be maintained as per section 1.1107.
- (8) Temporary sign types allowed as a periodic permit: banner, portable, rigid frame yard sign, feather, wire frame yard sign and flag signs.
 - a) No temporary banner, portable, wire frame or rigid frame yard sign shall be displayed for more than thirty (30) calendar days for any one (1) permit and no more than two (2) permits shall be issued for any tenant space during any calendar year. Each sign requires a permit.
 - b) No temporary feather or flag sign shall be permitted for more than two (2) consecutive weeks and no more than four (4) permits shall be issued for any tenant space during any calendar year. Each sign requires a permit.
 - c) Signs under this subsection must be placed at least fifty (50) feet from another temporary sign on the same parcel and not create a vision hazard.
 - d) No more than two (2) signs under this subsection may be displayed at any one time by

the same tenant.

- (9) Temporary Sign Types allowed as a permanent permit: Feather, flag, wire frame yard sign and sandwich board signs.
- a) These types of signs may be placed on private sidewalks or walking areas that are immediately adjacent to the building entrance for which it is advertising.
 - b) They must allow for a minimum sixty (60) inches of unobstructed pedestrian walkway and shall not obstruct access to parking or create a vision hazard.
 - c) Only one temporary sign as a permanent permit may be displayed at any one time in addition to any temporary sign(s) as a periodic permit.
 - d) They may only be displayed during business hours and must be removed at the close of business hours.
 - e) A permit must be issued for each temporary sign as a permanent permit.
- (10) Maximum height and square feet for these signs are listed in table 1.1011 A1.

TABLE 1.1011 A1

Type of Sign	Maximum Area per sign	Maximum Height of Sign
Banner Sign	32 sq. ft.	6 ft.
Portable Sign	32 sq. ft.	6 ft.
Flag Sign	6 sq. ft.	See Section 1.1011(A) 11
Rigid Frame Yard Sign	32 sq. ft.	6 ft.
Wire Frame Yard Sign	6 sq. ft.	3 ft.
Feather Sign	25 sq. ft.	12 ft. to top of sign (including pole)
Sandwich Board Sign	6 sq. ft. per side	4 ft.

- (11) Flag signs may not be placed where the lowest edge of the flag is less than seven (7) feet to the ground level when attached to a building. If placed in a pedestal or into the ground it may not exceed eight (8) feet in height.
- (12) Air-blown devices and inflatable signs are allowed two times per year. A permit is required each time an air blown device will be displayed.
- a) These types of signs shall be secured directly to, and not suspended from, the ground. They may not be placed on a roof or suspended from a building.
 - b) Inflatable signs shall not exceed 30 percent of the total area of the wall of the tenant space or 60 sq. ft., whichever is larger. Inflatable signs shall not exceed 30 ft. in height when fully inflated.
 - c) Air blown devices and inflatable signs must be set back the maximum height of the sign from the property line but in no instance shall this be less than five (5) feet.
 - d) They shall not be located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign or its securing device encroach into the right of way.
 - e) Each permit allows for display up to 10 consecutive days.
- (13) Enforcement. Upon failure of any person to comply with the provisions of the sign ordinance, the City may effectuate compliance by first notifying the owner of the sign in violation by mail, phone, or in person that they have 24 hours to come into compliance. If the sign is not removed or brought into compliance, a citation may be issued as per Appendix B Fine Schedule in the City Code of Ordinances. A citation may be issued for each day the violation remains.
- (B) Temporary Signs in M - Manufacturing District are permitted subject to the following conditions:
- (1) Temporary signs shall be allowed in manufacturing districts and no permit is required as long as

the requirements of this section are met.

- (2) Temporary signs shall not exceed six (6) feet in height or thirty-two (32) square feet in area.
- (3) No temporary sign shall be displayed for more than thirty (30) consecutive days.
- (4) No temporary sign shall be closer than five (5) feet to any property line.
- (5) Corner clearance requirements must be maintained as per section 1.1107.
- (6) All temporary signs must be maintained in good condition.
- (7) Enforcement. Upon failure of any person to comply with the provisions of the sign ordinance, the City may effectuate compliance by first notifying the owner of the sign in violation by mail, phone, or in person that they have 24 hours to come into compliance. If the sign is not removed or brought into compliance, a citation may be issued as per Appendix B Fine Schedule in the City Code of Ordinances. A citation may be issued for each day the violation remains.

(C) Temporary Signs in Residential Districts:

- (1) Temporary signs shall be allowed in residential districts and no permit is required as long as the requirements of this section are met.
- (2) Temporary signs shall not exceed three (3) feet in height or six (6) square feet in area.
- (3) No temporary sign shall be displayed for more than thirty (30) consecutive days.
- (4) No temporary sign shall be closer than five (5) feet to any property line.
- (5) No temporary sign shall be placed in the right of way.
- (6) Corner clearance requirements must be maintained as per section 1.1107.
- (7) All temporary signs must be maintained in good condition.
- (8) Enforcement. Upon failure of any person to comply with the provisions of the sign ordinance, the City may effectuate compliance by first notifying the owner of the sign in violation by mail, phone, or in person that they have 24 hours to come into compliance. If the sign is not removed or brought into compliance, a citation may be issued as per Appendix B Fine Schedule in the City Code of Ordinances. A citation may be issued for each day the violation remains.

(D) Temporary Signs in the B-C - Central Business and PDD-2 zoning districts are permitted subject to the following conditions:

- (1) A temporary sign shall only be displayed upon receipt of an issued permit.
- (2) Temporary Sign Types allowed as a permanent permit: Feather, flag and sandwich board signs.
 - a) Two temporary signs may be placed at the same time, but they each must be a different, permitted sign type.
 - b) Feather and sandwich board signs may be placed on sidewalks or walking areas that are directly in front of tenant space for which it is advertising.
 - c) They must allow for a minimum sixty (60) inches of unobstructed pedestrian walkway and shall not obstruct access to parking or create a vision hazard.
 - d) Feather flags may be displayed using any of the following methods:
 - i. Attached to a pedestal style base not affixed to the ground.
 - ii. Placed in the existing flag holes constructed by the City. These holes may only be utilized when not otherwise used for display of the American flag by the City or other group authorized by the City. If a feather flag is displayed at the time an authorized group wishes to display the American flag, the feather flag must be immediately removed.
 - e) Flags may be displayed using one of the following methods:
 - i. Attached to the building wall of the tenant space for which it is advertising where the lowest edge of the flag must be seven (7) feet or more and not extend above the first floor tenant space.
 - ii. Placed in the existing flag holes constructed by the City. These holes may only be utilized when not otherwise used for display of the American flag by the City or other group authorized by the City. If a flag sign is displayed at the time an authorized

group wishes to display the American flag, the flag sign must be immediately removed.

- f) They may only be displayed during business hours and must be removed at the close of business hours.
- g) A permit must be issued for each sign.

(3) Maximum height and square feet for these signs are listed in table 1.1011 D1

Table 1.1011 D1

Type of Sign	Maximum Area per Sign	Maximum Height of Sign
Flag Sign	6 sq. ft.	No higher than first floor tenant space
Feather Sign	25 sq. ft.	12 ft. to top of sign
Sandwich Board Sign	6 ft. per side	4 ft.

(4) Banner signs shall only be allowed for up to 30 days within 90 days of a new business opening. The sign shall not exceed thirty-two (32) square feet in area and four (4) feet in height. The banner sign must be placed on the building where the new tenant is located.

(5) Tenant spaces other than on the first floor may be permitted a sandwich board sign in front of first floor tenant space.

(E) Enforcement. Upon failure of any person to comply with the provisions of the sign ordinance, the City may effectuate compliance by first notifying the owner of the sign in violation by mail, phone, or in person that they have 24 hours to come into compliance. If the sign is not removed or brought into compliance, a citation may be issued as per Appendix B Fine Schedule in the City Code of Ordinances. A citation may be issued for each day the violation remains.

1.0202. - Specific terms.

For the purpose of this section the following definitions shall apply unless context clearly indicates or requires a different meaning.

...

Sign definitions. The following definitions are related to signs:

- A. The term "sign" means any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. The term "sign" includes any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag and any similar device of any type or kind, whether bearing lettering or not.
 1. *Accessory sign.* A sign which pertains to the principal use of the premises.
 2. *Air-blown device.* Any device not otherwise specifically defined in this Article that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. This definition specifically includes but is not limited to those devices referred to commercially as "air puppets" and "air dancers".
 3. *Awning or canopy.* A sign mounted on or painted onto, an awning, marquee, or canopy.
 4. *Banner.* A temporary sign of fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework that must be hung or temporarily affixed to the tenant space.
 5. *Billboard.* A sign other than an off-premises directional sign, which does not pertain to the principal use of the premises.
 6. *Decorative display.* A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 7. *Feather Sign.* A temporary freestanding sign, typically consisting of a single pole or shaft of plastic, metal or other rigid material, imbedded or otherwise fastened in the ground at the base, with a

vertically elongated pennant made of fabric, vinyl or other flexible material in the shape of a feather, tear drop or similar configuration attached along the pole. This type of sign may attract attention by waving and/or fluttering from natural wind currents.

8. *Flag Sign.* A device generally made of flexible material, usually cloth, paper or plastic, which is normally attached to a flagpole or to a building. The term flag does not include feather signs.
9. *Freestanding sign.* A sign other than a portable sign which is not attached to a building.
10. *Ground sign.* A display sign supported by one or more columns, uprights or braces or mounted directly upon the ground surface and having a height not in excess of six feet.
11. *Development ground sign.* An entrance sign identifying a development and/or the occupants of a development in which more than one tenant or use occupies a site or sites in the development.
12. *Inflatable Sign.* A temporary sign consisting of flexible material or fabric that takes on a three dimensional shape when filled with a sufficient volume of air or other gas.
13. *Marquee sign.* A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
14. *Non-accessory sign.* A sign which does not pertain to the principal use of the premises.
15. *Non-accessory temporary development sign.* A sign advertising a real estate development consisting of five or more lots or parcels in one ownership.
16. *Off-premises directional sign.* A sign which provides direction to a location in the city.
17. *Pylon sign.* A display sign supported by one or more columns, uprights or braces in the ground surface and having a height in excess of six feet.
18. *Portable sign.* A sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one zoning lot to another. Signs utilized to be moveable, other than from one zoning lot to another, shall be considered freestanding signs under this [zoning] ordinance.
19. *Projecting sign.* A sign, other than a marquee, awning, or canopy sign which is attached directly and perpendicularly to the building wall, not on the same plane as the wall, where any part of which extends beyond the building wall more than twelve inches.
20. *Roof sign.* A display sign which is erected, constructed and maintained in or above the roof of the building.
21. *Sandwich Board Sign.* A temporary freestanding sign, consisting of two sign faces of equal size hinged at the top and placed on the ground.
22. *Temporary promotional materials.* Any posters, banners, flags, etc. displayed inside business windows, so as to be visible and attract attention of the general public to advertise products, goods or services provided on premises for a specified period of time.
23. *Temporary sign.* A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
24. *Wall sign.* A display sign which is painted on or attached directly to the building wall.
25. *Window sign.* A sign affixed to a window so as to be observable from the opposite side of the window to which such sign is affixed.
26. *Vehicle sign.* A sign attached to a vehicle or placed within or upon such vehicle which advertises products for sale other than the identification of the vehicle owner or operator.
27. *Yard Sign.* A temporary freestanding sign placed on private property facing a street or parking area.
 - a. *Rigid Frame:* A temporary yard sign, consisting of a frame or skeleton made of steel, wood or similar sturdy material placed into the ground, that resists bending or movement and is

capable of withstanding wind turbulence while supporting a sign of permitted size.

- b. Wire Frame: A temporary yard sign, typically consisting of a fairly pliable “H” shaped metal frame, one end of which is typically inserted into a plastic sign and the other end is inserted into the ground.

1.1001. - General Requirements.

Following are the general requirements for all signs:

...

M. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, military, and any of their flags adopted or sanctioned by an elected legislative body of competent jurisdiction are not considered signs.

1.1002. Signs in the one-family districts.

...

(5) Temporary signs subject to section 1.1011.

1.1003. Signs accessory to permitted non-residential uses in residential districts.

...

(4) Temporary signs subject to section 1.1011.

1.1005. Signs in BOS business, office, service districts.

...

(4) Temporary signs subject to section 1.1011.

1.1006. Signs in B-C central business district.

In the central business district, the boundaries of which are defined in the Sturgis master plan, no sign shall be permitted which is not accessory to the business conducted on the property. Accessory signs may only be erected, painted or placed in accordance with the following requirements. Areas located in the central business district as defined in this paragraph but not located in the BC – Central Business zoning district shall follow the requirements for temporary signs of the zoning district in which they are located.

...

K. Temporary signs subject to section 1.1011.

1.1007. - Signs in B-H 1 business highway 1 district.

...

(7) Temporary signs subject to section 1.1011.

1.1008. - Signs in B-H 2 business highway 2 and M manufacturing districts.

...

(9) Temporary signs subject to section 1.1011.

1.1009. Signs in the PDD-2 planned development district.

...

(9) Temporary signs subject to section 1.1011.

City Manager Michael Hughes explained that following approval of the medical marihuana ordinance at the Commission meeting on September 12th, there is a need to set the City's fee for applicants.

Moved by Comm. Huber and seconded by Comm. Dvorak to approve a fee of five thousand dollars (\$5,000.00) for medical marihuana facility applications as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk explained that staff received a request from Libreria Mobil El Mesias (Mobil Christian Bookstore) to hold an event in Free Church Park on October 31st. The event would run from 5:30 pm to 7:30 pm and they are requesting use of the park from 4:00 pm to 8:00 pm. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Huber to approve the requests for the Fall Revival Concert as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained that in 2018, the City of Sturgis completed the purchase of land adjacent to the southeast substation in Sturgis Township. Both parcels of land are in the township and are adjacent to the City limits on three sides. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the Resolution for Annexation of the two properties owned by the City of Sturgis from Sturgis Township as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on bids for line clearance on Monday, August 14, 2017. On September 11, 2017, the City Commission awarded the bid for 2017-2018 to TreeCore, Harbert, MI, in the amount of \$300,000.00. The TreeCore bid included the option to extend the contract for two additional years with no change in the unit pricing. Discussion followed.

Moved by Comm. Huber and seconded by Comm. Good to approve the extension of TreeCore LLC's bid for Line Clearance through September 30, 2020 at an annual cost of three hundred thousand dollars (\$300,000.00) for two years as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the MPPA's Member Authorized Representative (MAR) and the related duties and authority. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to authorize the Member Authorized Representative to execute the duties required under the Michigan Public Power Agency's Energy Services Agreement (including the Agreement's amendments and exhibits) and Hedge Policy upon consultation and approval by the City of Sturgis' Controller/Finance Director and sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission had consensus to request a quarterly report of the activities of the MAR and related issues to the City Commission.

Doyle Director Michael Liston provided information on the use of the cardio equipment at the Doyle and possible replacements. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Mullins to approve a bid waiver for and the purchase of Matrix and Octane cardiovascular training units from Fitness Things & All Pro Exercise in the total amount of forty-one thousand, nine hundred and ninety dollars (\$41,990.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided information on the annual health care resolution. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to approve the Resolution to Control Municipal Health Care Costs as presented and require all new employees hired after 12/31/18 to enroll in the high deductible plan.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Commissioner Dvorak left the meeting.

Moved by Comm. Malone and seconded by Comm. Good to go into Closed Session for discussion of union negotiations.

Voting yea: Mullins, Bir, Huber, Klinger, Malone, Littman, Good, Hile

Voting nay: None

Absent: Dvorak

MOTION CARRIED

Meeting recessed at 8:25 p.m.

Meeting reconvened at 9:41 p.m.

Moved by Comm. Malone and seconded by Comm. Good to approve the amendments to the agreement between the City of Sturgis and the Fire Union as presented and authorize the City Manager to sign all documents subject to any minor modifications and attorney review.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 9:42 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 24, 2018
CONFERENCE ROOM – CITY HALL**

Mayor Hile called the meeting to order at 6:30 p.m.

Commissioners present: Mullins, Bir, Klinger, Dvorak, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: Huber

Also present: City Manager, Assistant City Manager, City Controller, City Clerk

Electric Department Superintendent John Griffith, along with electric consultants, provided information regarding the rural transmission route project including developing route options, facilitating public engagement and easement acquisition. Discussion followed.

The meeting was adjourned at 7:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 24, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Pastor Jeanne Garza, First United Methodist Church, gave the invocation.

Commissioners present: Mullins, Bir, Huber, Klinger, Malone, Dvorak, Littman, Vice-Mayor Good,
Mayor Hile

Commissioners absent: None

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Buildings
Supervisor, Electric Department Superintendent, Facilities Manager, City Clerk

Hilary Delaney, asked to apply on November 1, 2018 for a medical marihuana license despite the fact that her proposed site is within a buffer zone as it is currently defined.

Michael Gay asked for consideration as an At-Large Commissioner candidate.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of October 24, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 10, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,416,530.94 as presented.

8C. 1106 N. Galyn Street

APPROVE the sale of 1106 N. Galyn St. at a price of five thousand dollars (\$5,000.00) as presented.

8D. Transfer of Property from Fawn River Township (Agreement #4)

ADOPT the Resolution for Transfer of Property from Fawn River Township (Agreement #4) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of an Industrial Facilities Exemption Certificate to Sturgis Molded Products.

City Clerk Treasurer Kenneth Rhodes and Cathy Knapp, Southwest Michigan First, and Alex Weishaar, (SMP) provided details on the expansion at Sturgis Molded Products.

There was discussion from the City Commissioners.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Huber and seconded by Comm. Malone to adopt a resolution awarding an Industrial Facilities Exemption Certificate, not-to-exceed one million fifty-two thousand nine hundred thirty-one dollars (\$1,052,931.00) to Sturgis Molded Products for a period of twelve (12) years.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

RESOLUTION

WHEREAS, Sturgis Molded Products in conformity with Act 198 of the Public Acts of 1974, as amended (Act 198) has submitted an application providing all information and requirements necessary for granting of an Industrial Facilities Exemption Certificate by the City of Sturgis, County of St. Joseph, State of Michigan to Sturgis Molded Products, and

WHEREAS, on September 14, 1983 the City Commission established the Industrial Development District for the industrial property of Sturgis Molded Products and

WHEREAS, the Sturgis City Assessor, and representatives of all affected taxing units were notified by certified mail of the time and place of the hearing on the application, and

WHEREAS, a hearing was held by the Sturgis City Commission providing the Assessor, and representatives of all affected taxing units the opportunity to be heard as required by the statute, and

WHEREAS, comments on granting of the Industrial Facilities Exemption Certificate have been heard and considered, and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the (governmental unit), after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and

WHEREAS, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Sturgis Molded Products for an "Industrial Facilities Exemption Certificate".

Assistant City Manager Andrew Kuk and Events Coordinator Ryan Conrod provided details on a proposed Christmas market for downtown. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Dvorak to approve the request for the Wiesloch Kris Kringle Market as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information regarding township residence buffer zones for medical marihuana facilities. He explained that the Planning Commission recommended that the buffer requirement from township properties be 250' from districts zoned as residential; therefore removing township residences from the buffer regulations. Discussion followed

Moved by Comm. Good and seconded by Comm. Huber to accept planning commission recommendation of that the buffer requirement from township properties be 250' from districts zoned as residential.

Voting yea: Mullins, Bir, Huber, Good

Voting nay: Klinger, Malone, Dvorak, Littman, Hile

MOTION DEFEATED

City Commission had consensus to request that City Staff research the definitions of the zoning terminology in surrounding Townships.

Buildings Supervisor Will Prichard provided information proposed ordinance language for large solar energy systems due to a potential solar energy project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the first reading of amendments to the City Code of Ordinances, Appendix A – Zoning, amending sections 1.0202. - Specific Terms, 1.0410. – M manufacturing, and 1.0603. – Special Land Use as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information on recommended amendments to the uses and definitions in the B-H 2 zoning district. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Malone to consider this the first reading of amendments to the City Code of Ordinances, Appendix A – Zoning, amending sections 1.0202. - Specific Terms and 1.0409. – B-H 2 business highway 2 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith and electric consultants provided information of the process of easement acquisitions for a proposed rural transmission line. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to approve Contract Land Staff's Pre-Acquisition Support Services proposal for the 69 kV Rural Transmission Line in the estimated amount of seventy-five thousand three hundred and thirty dollars (\$75,330.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Comm. Dvorak left the meeting

Facilities Manager Dan Root and Cemetery and Parks Superintendent Tony VanNest provided information on a new piece of equipment for maintaining baseball and softball fields. Discussion followed

The City Commission had consensus on the recommended equipment.

City Controller Holly Keyser provided information on the annual financial audit engagement.

Moved by Comm. Huber and seconded by Comm. Klinger to approve the audit engagement letter from Norman and Paulsen, P.C. in the amount of forty thousand five hundred dollars (\$40,500.00) as presented and authorize the City Controller to sign all necessary documents.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of an amendment to the Sturgis Local Development Finance Authority (LDFA) Development Plan.

Assistant City Manager Andrew Kuk and City Clerk/Treasurer provided details on the amendments to the LDFA Development Plan.

There was discussion amongst the City Commission.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the Sturgis Local Development Finance Authority (LDFA) Development Plan as presented.

Voting yea: Eight Voting nay: None Absent: Dvorak MOTION CARRIED

City Manager Michael Hughes provided information on plans for recruitment and restructuring the staffing at the Auditorium. Discussion followed.

Moved by Comm. and seconded by Comm. to go into Closed Session for discussion of the potential purchase of property.

Voting yea: Mullins, Bir, Huber, Klinger, Malone, Dvorak, Littman, Good, Hile

Voting nay: None MOTION CARRIED

Meeting recessed at 9:50 p.m.

Meeting reconvened at 10:43 p.m.

The meeting was adjourned at 10:43 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**ORGANIZATIONAL MEETING
STURGIS CITY COMMISSION
MONDAY, NOVEMBER 12, 2018
CONFERENCE ROOM – CITY HALL**

City Clerk/Treasurer Kenneth Rhodes called the meeting to order at 8:00 p.m.

Commissioners present: Mullins, Bir, Klinger, Wickey, Dvorak, Malone, Littman, Hile, Good
Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Controller, City Clerk

City Clerk/Treasurer Kenneth Rhodes provided a summary of the November 6th General Election results. Discussion followed.

City Clerk/Treasurer Kenneth Rhodes administered the Oath of Office to Comm. Mullins, 1st Precinct, Comm. Wickey, 2nd Precinct, Comm. Malone, 3rd Precinct, Comm. Littman, 4th Precinct, and Comm. Good, At-Large Commissioner.

The City Clerk asked for nominations for the Office of Mayor.

Comm. Bir nominated Comm. Mullins.
Comm. Littman nominated Comm. Hile.
Comm. Mullins nominated Comm. Good.

Moved by Comm. Dvorak and seconded by Comm. Hile to close the nominations for the Office of Mayor.

Voting Yea : Nine Voting Nay : None MOTION CARRIED

**Voting for Comm. Hile: Wickey, Dvorak, Malone, Littman, Hile
Voting for Comm. Mullins: Mullins, Bir, Klinger, Good
Voting for Comm. Good: None**

Comm. Hile was seated as the Mayor of the City of Sturgis.

Mayor Hile asked for nominations for the Office of Vice-Mayor.

Comm. Littman nominated Comm. Dvorak.
Comm. Good nominated Comm. Mullins.

**Voting for Comm. Dvorak: Wickey, Dvorak, Malone, Littman, Hile
Voting for Comm. Mullins: Mullins, Bir, Klinger, Good**

Comm. Dvorak was seated as the Vice-Mayor of the City of Sturgis.

Mayor Hile made the Commissioner appointments to City Boards and Commissions.

City Clerk/Treasurer Kenneth Rhodes provided information on the City Commission Procedural Policy which has no changes, the Resolution of Authorized Depositories, and the City's Investment Policy.

Moved by Comm. Littman and seconded by Comm. Dvorak to adopt the City Commission Procedural Policy, the Resolution of Authorized Depositories, and the City's Investment Policy as presented.

Voting Yea: Nine

Voting Nay: None

MOTION CARRIED

RESOLUTION OF AUTHORIZED DEPOSITORIES

WHEREAS, there may now be and may hereafter from time to time come into the hands of Kenneth D. Rhodes, Clerk/Treasurer of the City of Sturgis, Michigan certain monies belonging to or being held by the state, county, or other political units of the state, or otherwise held according to law, and

WHEREAS, under the law of the State of Michigan, this Commission is required to provide by resolution for the deposit of all monies including tax monies coming into the hands of said Clerk/Treasurer, in one or more banks, hereinafter called banks, to be designated in such resolution.

NOW, THEREFORE, BE IT RESOLVED, that said Clerk/Treasurer Kenneth D. Rhodes, is hereby directed to deposit all public monies including tax monies coming into his hands as Clerk/Treasurer, in the following banks:

Century Bank & Trust - Sturgis, Michigan

Farmers State Bank – Sturgis, Michigan

First Merit Bank - Sturgis, Michigan

Huntington Bank - Sturgis, Michigan

Key Bank - Sturgis, Michigan

Southern Michigan Bank & Trust, Coldwater, Michigan

Sturgis Bank & Trust Co. FSB - Sturgis, Michigan

BE IT FURTHER RESOLVED, that the City Controller and the City Accounting Manager be appointed as Deputies to the Clerk/Treasurer for the purposes of managing all accounts in the aforementioned banks.

The meeting was adjourned at 8:20 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 14, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Pastor George Cleverley, Church of Christ, gave the invocation.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: None

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Buildings
Supervisor, Public Safety Director, City Clerk

City Engineer Barry Cox provided an update on the 2018 Street Repair program. Discussion followed.

Patrick Hanney provided information on his provisioning center experience and plans for the proposed
Sturgis facility.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of November
14, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 24, 2018 work session as presented.

APPROVE the minutes from the October 24, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,894,051.10 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information proposed ordinance language for large solar
energy systems due to a potential solar energy project. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to consider this the second reading of and
approve amendments to the City Code of Ordinances, Appendix A – Zoning, amending sections 1.0202. -
Specific terms, 1.0410. – M manufacturing, and 1.0603. – Special land use as presented, effective
December 5, 2018.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENTS TO APPENDIX A, ZONING OF THE ORDINANCES OF
THE CITY OF STURGIS PERTAINING TO LARGE SOLAR ENERGY SYSTEMS

An ordinance to amend Appendix A, Zoning, Sections 1.0202. – Specific terms, 1.0410 M manufacturing, 1.0603 special land use designated, and to provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the Zoning Code to provide for regulation of large solar energy systems in the City of Sturgis.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Appendix A – Zoning, Sections 1.0202. – Specific terms, 1.0410. – M manufacturing, and 1.0603. – special land use designated, are hereby amended effective as of December 5, 2018.

1.0202. - Specific terms.

For the purpose of this section the following definitions shall apply unless context clearly indicates or requires a different meaning.

...

Solar Energy System, Large. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy. The System shall have a capacity greater than one megawatt (MW) and be located on one or more parcels with an aggregate area of ten (10) acres or greater.

...

Photovoltaic Device. A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

...

Solar Array. Any number of photovoltaic devices connected together to provide a single output of electric energy or other energy, including items such as solar modules, inverters, racking, energy storage devices, substations, and balance of system components.

1.0410. – M manufacturing.

(A) Intent. The M manufacturing district establishes and preserves areas for industrial and related uses of a nature so that they do not create serious problems of compatibility with other kinds of land uses. This district is intended to make provisions for certain kinds of business uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of the people in these areas. The general goals of this district includes, among others, the following:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for all types of manufacturing and related uses;
- (2) To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development;

- (3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and other objectionable influences; [and]
- (4) To protect the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the municipality's tax revenue base.

(B) Permitted uses. The following uses are permitted in the M district:

...

- (15) Large Solar Energy Systems

1.0603. – Special land use designated.

The following are those uses identified as special land uses and the provisions or conditions that must be met so as to be approved in whole or conditionally.

...

(OO) Large Solar Energy Systems. The following requirements shall apply to all Large Solar Energy Systems.

- (1) Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a Special Land Use.
- (2) The following items must be shown on a preliminary site plan drawing for special land use approval:
 - (a) All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - (b) Names of owners of each lot or parcel within the City of Sturgis that is proposed to be within the Large Solar Energy System.
 - (c) Vicinity map showing the location of all surrounding land uses.
 - (d) Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
 - (e) Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 - (f) Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.

- (g) A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
 - (h) Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
- (3) Final site plan requirements. All site plans submitted must be drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. In addition to all items required in Article XII, Site Plan and Article XV Section 1.1505 Groundwater Protection Section, the following must be provided for final site plan approval:
- (a) Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway.
 - (b) Planned lightning protection measures.
 - (c) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 100 feet of all exterior property lines of the Large Solar Energy System.
 - (d) Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of 5' contours.
 - (e) Screening and/or landscaping details.
 - (f) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
 - (g) All items submitted for preliminary special land use approval must be submitted in final detail. Any major change may result in a review of the Special Land Use by the Planning Commission.
- (4) Compliance with the State Construction Code and the National Electric Safety Code. Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the State Construction Code (as shown by approval by the City) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the State Construction Code and National Electric Safety Code (NESC), the NESC shall prevail.
- (5) Certified Solar Array Components. Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar

certification organization if the similar certification organization is approved by the City, which approval shall not be unreasonably withheld.

- (6) Height. Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) in height at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet in height or height restrictions if within the airport glide path area.
- (7) Lot Size. A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
- (8) Setbacks. A setback of one hundred (100) feet shall be required where the Large Solar Energy System is abutting to any residence or district zoned for residential use. Refer to section 1.0501 for all other front, side and rear yard setback requirements.
- (9) Lot Coverage. A Large Solar Energy System is exempt from maximum lot coverage limitations.
- (10) Driveways and Parking Areas. All driveways and parking areas within the front yard setback area shall be provided with a minimum four inch asphaltic or concrete surfacing. All other access drives shall be minimum gravel or stone materials.
- (11) Fencing. A Large Solar Energy System shall be completely enclosed by perimeter fencing to restrict unauthorized access. The applicant will submit a fencing style type included in the site plan for approval by the City.
 - (a) Fencing shall be no greater than 6 feet tall. An additional two feet of height can be added for security wire.
 - (b) Electric fencing is not permitted.
- (12) Screening. The perimeter of Large Solar Energy Systems shall be screened and buffered when it is located within 100 feet of a residence or district zoned for residential use. Screening shall occur by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System, subject to the following requirements:
 - (a) The Large Solar Energy Systems shall be exempt from the other landscape requirements of the zoning ordinance.
 - (b) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60)

percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.

- (c) To the extent practicable, all plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the City and the Applicant is unable to install required landscaping because of the weather, the City may issue a temporary certificate of occupancy for no longer than 6 months duration. A temporary certificate of occupancy may only be issued if the Applicant submits a financial guarantee (an irrevocable letter of credit, surety, corporate guarantee or cash) for an amount equal to one and one-half (1.5) times the cost of any approved planting and landscape work. Upon the Applicant's completion of required landscaping work, the City shall return the financial guarantee, less any City costs incurred. If the Applicant does not complete the required landscape work within 6 months of the City's issuance of the temporary certificate of occupancy, as approved by the City, the City has the right, upon 72 hours' notice to the Applicant, to call the guarantee and arrange completion of the work, the cost of which shall be covered by the financial guarantee.
 - (d) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance. Any violation of a Special Land Use condition may result in the Planning Commission determining that the Special Land Use has been violated and may result in the revocation of the Permit, provided however that Applicant shall have 90 days from notification by the Planning Commission to cure any violation.
- (13) Signage: A ground or wall sign that is accessory to the business conducted on the property is permitted. The sign shall not exceed 32 square feet in area and six (6) feet in height. No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. Directional signage will be permitted as per Section 1.1001 (J). This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
 - (14) Noise: The emission of measurable noises from the premises shall not exceed 70 decibels as measured at the property lines, between the hours of 7:00 a.m. to 10:00 p.m. The measurable noises shall not exceed 60 decibels as measured at the property lines between 10:00 p.m. and 7:00 a.m. Where normal street traffic noises exceed the established noise levels during such periods, the measurable noise emanating from the premises may equal, but not exceed traffic noises.
 - (15) Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
 - (16) Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement

excludes transmission equipment meant to connect the project substation to the local transmission system.

- (17) **Abandonment and Decommissioning:** Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.
- (18) **General Standards:** The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Use of this Ordinance are met.
- (19) **Approval Time Limit and Extension:** Special Land Use Permits and Site Plan approvals or permits under this Section shall be established within one year after the granting authorization for the use. The Applicant may request a one year extension to establishing the Special Land Use by applying in writing to the Planning Commission. The Applicant shall appear before the Planning Commission to explain why such extension should be granted. Once construction of a project as per an approved site plan has been completed, the Special Land Use shall have effect until the use is abandoned or per condition of the Special Land Use Permit, whichever is shorter.
- (20) **Conditions and Modifications:** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.
- (21) **Inspection:** The City shall have the right at any reasonable time, and upon providing reasonable notice to the Applicant (a minimum of 48 hours) to inspect the premises on which any Large Solar Energy System is located. The City may hire one or more consultants to assist with inspections. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- (22) **Maintenance and Repair:** Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the City Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the City's review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

- (23) Roads: Any material damages to a public road located within the City, township or county resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate City or County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all City and County requirements regarding the use and/or repair of City and County roads and also specifically agrees to be bound by any City or County special assessment regarding road improvements.
- (24) Continuing Security: If any Large Solar Energy System is approved for construction under this section, Applicant shall post decommissioning security prior to the start of construction in a mutually agreed upon form ("Option 1"). Alternatively, if applicant can demonstrate the presence of a long-term power purchase commitment from a credit-worthy entity, then the decommissioning security shall be posted prior to the date five (5) years prior to the expiration of such power purchase commitment ("Option 2"). Prior to posting decommissioning security, the Applicant shall solicit a decommissioning cost estimate from a 3rd party engineering firm or contractor approved by the City. This cost estimate will be the basis for the amount of decommissioning security. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the required time, and such financial security shall be irrevocable and non-cancelable.
- (a) In the event Applicant elects Option 2, Applicant agrees to provide the following as additional decommissioning security:
- i. Mortgage. – Applicant shall provide a mortgage to the City, on terms acceptable to the City, pledging the real estate upon which the Large Solar Energy System is to be located securing Applicant's obligations to the City to properly decommission the Large Solar Energy System.
 - ii. First Right of Refusal. – Applicant shall provide a Right of First Refusal to the City, on terms acceptable to the City, to purchase, in the event the Large Solar Energy System has been abandoned, the property upon which the Large Solar Energy System has been constructed.
- (25) Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable City Ordinances. The applicant should contact the Michigan Department of Agriculture and Rural Development (MDARD) to verify the impact of a large solar energy system on a property's enrollment and/or participation in PA 116 (Farmland Preservation).

Buildings Supervisor Will Prichard provided information proposed ordinance language amendments related to Business Highway.

Moved by Comm. Dvorak and seconded by Comm. Good to consider this the second reading of and approve amendments to the City Code of Ordinances, Appendix A – Zoning, amending sections 1.0202. - Specific terms and 1.0409. – B-H 2 business highway 2 as presented, effective December 5, 2018.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENTS TO APPENDIX A, ZONING, SECTIONS 1.0202 AND 1.0409 OF THE ORDINANCES OF THE CITY OF STURGIS

An ordinance to amend Appendix A, Zoning, Sections 1.0202. – Specific Terms and 1.0409. – B-H 2 business highway and to provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the Zoning Code relating to the B-H 2 business highway 2 district and definitions pertaining to that district.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Appendix A – Zoning, Sections 1.0202 – Specific terms and 1.0409 – B-H 2 business highway 2, are hereby amended effective as of December 5, 2018.

1.0202. - Specific terms.

For the purpose of this section the following definitions shall apply unless context clearly indicates or requires a different meaning.

...

Animal Hospital. An indoor commercial establishment where animals are treated by a veterinarian and animals may be provided overnight kenneling.

...

Office Building. A group of tenant spaces in one building with a minimum 400 square feet per tenant.

...

Outdoor Sales Area. A temporary outdoor event which offers for sale goods and merchandise by a business other than an established indoor business at the site.

...

Printing or Publishing. Establishments such as non-industrial commercial printers, businesses that publish newspapers, books and periodicals (whether or not they do their own printing), and copy shops.

...

School, Business. A business school, same as trade school, is a postsecondary educational institution designed to train students for a specific job in a skilled trade career. Examples include business, beauty, cooking, language or trade school of a non-recreational nature which charges a fee for attendance.
...

Social Clubs. A club, group or organization created for recreational, artistic, athletic, academic, political, charitable, or other social purpose, and whose activities are not conducted primarily for profit or material gain and do not involve merchandising, vending, or other commercial activities, except as required incidentally for the membership and purpose of the social club.
...

Tourist Home. A residential private home or condominium that is not occupied by an owner or manager and is rented, leased or furnished in its entirety to guests on a daily or weekly basis.
...

Transportation Services. Train, bus, taxi terminal, dispatching center or any similar uses.

1.0409. - B-H 2 Business Highway 2.

- (A) Intent. The B-H 2 business highway 2 uses typically have fewer customers visiting the site and generate fewer trips per day.

- (B) Permitted uses. The following uses are permitted in the B-H 2 district:
 - (23) Stores for retail sales and retail services. 20,000 square feet or less.
 - (24) Full service eating and drinking establishment.
 - (25) Fast food restaurant.
 - (26) Strip mall areas.
 - (27) Hotels and motels.
 - (28) Personal services.
 - (29) Banks, credit unions, or similar uses.
 - (30) Professional service offices.
 - (31) Clinic, Dental or Medical.
 - (32) Laundry and dry cleaning.
 - (33) Recreational facilities.
 - (34) Studio.

- (35) Banquet halls.
- (36) Greenhouse, retail.
- (37) Theaters.
- (38) Funeral homes and mortuary establishments.
- (39) Private schools.
- (40) Business schools.
- (41) Convalescent homes.
- (42) Printing or publishing.
- (43) Office building(s).
- (44) Off-street parking lot(s).
- (45) Home occupations as provided and controlled in section 1.0401(B) (9).
- (46) Essential services.
- (47) Uses similar to the above uses.
- (48) Existing housing.
- (49) Institutional or public uses.
- (50) Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

(C) Special land uses. The following special land uses are permitted in the B-H 1 district, under the conditions of article VI of this zoning ordinance.

- (14) Animal hospitals.
- (15) Automobile service stations
- (16) Automobile repair shop(s), minor.
- (17) Automobile repair shop(s), major.
- (18) Vehicle sales area.
- (19) Automobile carwash.
- (20) Small engine repair.
- (21) Pet shop and sales.

- (22) Outdoor sales area.
- (23) Child care center and day care center in accord with sections 1.0602 and 1.0603(M).
- (24) Ministorage units.
- (25) Provisioning centers.
- (26) Lumber and building supply yards.
- (27) Warehousing.
- (28) Bed and breakfast operations.
- (29) Tourist homes.
- (30) Boarding houses.
- (31) Transportation services.
- (32) Social clubs.
- (33) Marquee signs.
- (34) Apartments above stores.
- (35) Reasonable accommodation use.
- (36) Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

(D) Required conditions. The following conditions are required in the B-H 2 district.

- (1) Use parameters. All permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor storage of materials from the view of adjoining streets or properties. A chain-link or decorative fence of sufficient density (one one-quarter inches by one and one-quarter inches) to keep discarded debris within the confines of a site for uses which are likely to have debris shall be provided.
- (2) Dwellings. Existing dwellings, existing transient rooming houses, and existing apartments shall meet the provisions of the R-4 apartment district and special land uses within the R-4 apartment district, as set out in section 1.0404.
- (3) Screening of trash receptacles. All areas of trash storage including dumpsters shall be screened by a six-foot screen fence, but in no case less than six inches in height over the top of the trash or dumpster.
- (4) Site plan review. Site plan review and approval must be obtained for all new construction or in accordance with the provisions of article XII of this zoning ordinance.

- (5) Compatibility with adjacent properties. The following conditions shall apply to permitted uses in the B-H 2 zone when those uses are adjacent to residential uses or residentially zoned property:
- a. Rear and sideline setbacks from residential property lines shall be 45 feet from any structure.
 - b. Screening of residential uses to restrict view from residential property shall be provided by a solid fence of stained, sealed or painted eight feet in height, or a solid planting strip 15 feet in width and six feet in height at planting.
 - c. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
 - d. All shipping and deliveries to and from the above shall occur between the hours of 7:00 a.m. and 9:00 p.m.
 - e. All exterior lighting shall be directed along exterior building walls and away from residential property.
 - f. All outside storage of vehicles shall be screened from any adjacent residential property, and occur only within lighted areas secured by fencing.
 - g. All of the requirements of section 1.0409(D) (2) must be met by the use.
 - h. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
- (E) Area and bulk requirements. See article V, schedule of regulations, of this zoning ordinance limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

City Manager Michael Hughes and Buildings Supervisor Will Prichard provided information on the review of Township zoning definitions and buffer zones for commercial medical marihuana. Discussion followed.

The City Commission had consensus to instruct City Staff prepare modified language related to the commercial medical marihuana ordinance to clarify buffer zone definitions as indicated by City Staff.

City Engineer Barry Cox explained that in 1998, the City of Sturgis and the Township of Sherman entered an agreement titled “Agreement for Conditional Transfer of Property from Sherman Township to the City of Sturgis (Agreement #1)”. The Agreement covered properties on both sides of N. Nottawa Street in Section 36 of Sherman Township. The Effective Date of the Agreement was September 15, 1998. As provided for in the Agreement, at the end of twenty years from the Effective Date of the Agreement (September 15, 2018), all parcels which have not already been transferred into the City are transferred to full jurisdiction in the City.

Moved by Comm. Good and seconded by Comm. Klinger to adopt the Resolution for Transfer of Property from Sherman Township (Agreement #1) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on a civic center liquor license to be used at Spence Field. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the City of Sturgis Resolution Authorizing Liquor License Application as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission adjourned the regular meeting at 9:15 p.m.

The Sturgis Housing Development Corporation was called to order at 9:20 p.m.

Assistant City Manager Andrew Kuk explained that last fall the Sturgis Housing Development Corporation took possession of 617 S. Jefferson St from Mr. Eric Pierson via Quit Claim Deed. The property was the site of the old Sturgis Technologies building, and had been deemed an unsafe structure. After acquiring the property, the SHDC demolished the structure. At the time of acquisition, the intent was for the Local Development Finance Authority (LDFA) to purchase the building from the SHDC for the cost to acquire and demo the building. Discussion followed.

Moved by Dir. Klinger and seconded by Dir. Good to approve the purchase agreement for 617 S. Jefferson with the Local Development Finance Authority as presented.

Voting yea: Ten

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 9:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 28, 2018
CONFERENCE ROOM – CITY HALL

Mayor Hile called the meeting to order at 5:30 p.m.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Vice-Mayor Dvorak, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, City Engineer, Public Safety Director, City Clerk

City Engineer Barry Cox and representatives of OCBA presented gathered information and options for the streetscape on Pleasant Street. Discussion followed.

The Commission had consensus to have only one-way traffic moving south and provided feedback regarding the size of the space, the use of trees, on street parking, parking lot entrances, and other issues.

City Manager Michael Hughes provided information related to the newly voter approved statute for recreational marihuana and the options for the City. Discussion followed.

The Commission had consensus to instruct City Staff to prepare ordinance language to opt-out of commercial recreational marihuana and use of marihuana in public spaces.

The meeting was adjourned at 7:15 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 28, 2018
WIESLOCH RAUM – CITY HALL

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Reverend Luke Eicher, Grace Christian Fellowship, gave the invocation.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public
Safety Director, Deputy Police Chief, City Clerk

Chuck Huber, 508 W. Congress, thanked Clerk/Treasurer Kenneth Rhodes for his work at the recent
election.

Hilary Delaney asked if there was the possibility of some kind of waiver for her medical marihuana facility
given the fact that the house within the buffer of her proposed facility will be demolished soon.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of November
28, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 12, 2018 organizational meeting as presented.

APPROVE the minutes from the November 28, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,268,110.48 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard presented the proposed ordinance language amendments related to commercial medical marihuana facilities as previously directed by the City Commission to clarify certain sections.

There was discussion regarding particular language sections.

Moved by Comm. Good and seconded by Comm. Bir to consider this the first reading of an amendment to the City Code of Ordinances, Chapter 38, Article IV, Section 38-92 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes and Auditorium Board Chair Liz Whitehead provided information on Auditorium Strategic Plan. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve the Auditorium Strategic Plan as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes and Auditorium Board Chair Liz Whitehead provided information on Capital Strategic Plan. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the Auditorium Capital Plan as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Wickey and seconded by Comm. Littman to place the idea of increasing buffer zones for commercial medical marihuana facilities from 250 to 1000 feet.

Voting yea: Wickey, Dvorak, Malone, Littman, Hile

Voting nay: Mullins, Bir, Klinger, Good

MOTION CARRIED

The meeting was adjourned at 8:12 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 12, 2018
STURGES-YOUNG AUDITORIUM**

Mayor Hile called the meeting to order at 7:00 p.m.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Engineer, City Clerk

City Engineer Barry Cox and representatives of Fishbeck, et al presented information and options related to storm water mitigation. Discussion followed.

The meeting was adjourned at 7:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 12, 2018
STURGES-YOUNG AUDITORIUM

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Pastor Ross Gerber, Grace Christian Fellowship, gave the invocation.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public
Safety Director, City Engineer, City Controller, City Clerk

St. Joseph County United Way Executive Director Kelly Hostetler and Santa Claus drew the winning ticket for the City of Sturgis Christmas Cash Raffle 50-50. Cindy Chacon was the winner and will receive \$3,385.00.

City Manager Michael Hughes and City Attorney Roger Bird provided a history and information on the separation of Sturgis Hospital from the City of Sturgis in light of the recent announcement of layoffs and the restructuring of certain operations at Sturgis Hospital.

Several employees of Sturgis Hospital, union representatives of Sturgis Hospital staff, and Sturgis area residents expressed views on a number of issues related to Sturgis Hospital. These included the status of the oncology unit, concerns about the lack of transparency, requests to gain access to full financial documents of the hospital and the compensation of the CEO, the lack of trust in management, a love of the patients and service to the community, the role of Quorum, recruitment of new businesses and employees in Sturgis, patient experiences at the hospital, statistics, experiences, and future of the obstetrics department, the role and responsibility of the Sturgis Hospital Board of Directors, the debt obligations of the hospital and liability of City taxpayers, and the effect of changes at the hospital on the City. Among these speakers were Kelly Glick, Katina Currier, Charlie Persinger, Don Lampe, Cindy Wells, Rich Goldman, Michael Cotch, Tim Lewis, Scott Davidson, Carly Hartly, Craig Schuler, Deborah Robertson, Shelby James, Jody Pant, Dr. John Clark, and Ed Dinsmore.

The City Commission expressed great concern about the issues at Sturgis Hospital related to transparency, the employees, the financial position and debt liability, the effect on the City and others. The City Attorney clarified that the City is ultimately liable for some of the debt of the hospital and that the City has no legal control of the operations of the hospital, its CEO or the Board of Directors.

The City Commission had consensus to hold a work session at its next regular meeting to discuss the issues facing Sturgis Hospital.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of December 12, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 28, 2018 work session as presented.

APPROVE the minutes from the November 28, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$765,811.44 as presented.

8C. Fawn River Township PA 425 Property Transfers

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68689 Vinewood Avenue as presented.

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68930 Vinewood Avenue as presented.

8D. Accounts Payable Authorization

AUTHORIZE the Finance Committee to approve the payment of City bills at their next meeting.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained that the City Commission has been in discussion regarding the changes to the buffer zones. Buildings Supervisor Will Prichard provided information and maps on the areas permissible with 250 and 1,000 foot buffers. Discussion followed.

Comm. Mullins asked if the City had any potential liability by changing the buffer distances. The City Attorney explained that although an entity may not have a vested right, he is confident that the City may face a challenge to any increase to the buffer zones.

Comm. Wickey expressed concerns about the effect of many medical marijuana facilities within the City.

The City Commission continued discussion on possible changes to the current ordinance and its effects.

The City Commission had consensus to instruct City Staff to provide information for consideration at the next City Commission meeting related to medical marijuana provisioning centers including the elimination of small island non-buffered parcels, a methodology for first come, first serve applicants, and a cap on the number of facilities.

David Shultz explained that he has secured interest in four properties in Sturgis and that an increase to a 1,000 foot buffer would cause issues.

Kenneth Rhodes, City Clerk/Treasurer, read a letter sent by Oasis Wellness Center expressing their opposition to an increase to a 1,000 foot buffer.

City Manager Michael Hughes explained that the City Commission could still move forward with a second reading of the amendment clarifying language in the commercial medical marijuana ordinance.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the second reading of and approve an amendment to the City Code of Ordinances, Chapter 38, Article IV, Section 38-92 as presented, to be effective January 4, 2019.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENTS TO CITY ORDINANCES
PERTAINING TO THE AUTHORIZATION AND PERMITTING
OF COMMERCIAL MEDICAL MARIHUANA FACILITIES

An ordinance to amend Chapter 38-Article IV Section 38-92 of the Ordinances of the City of Sturgis to provide for the modification of definitions and operational requirements of commercial medical marihuana facilities.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to modify the City Ordinances to provide for the modification of definitions and operational requirements of commercial medical marihuana facilities;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Chapter 38-Article IV, Section 38-92 of the City Ordinances is hereby amended as follows effective as of January 4, 2019.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

Sec. 38-92 MEDICAL MARIHUANA FACILITIES

....

(b) *Definitions.* The following words and phrases shall have the following definitions when used in this Ordinance:

....

(16) “*Premises*” means the particular building, buildings, section of land, or rental space within which a particular use is conducted.

(17) “*Public Place*” means any area in which the public is invited or generally permitted in the usual course of business.

(18) “*School*” means any property owned or leased by an elementary, parochial, private, or secondary school, including buildings, fields, or other property utilized by the school. Elementary, parochial, private and secondary schools are defined as in the City of Sturgis Zoning Code.

...

(f) *Operational Requirements – Commercial Medical Marihuana Facilities.* A Commercial Medical Marihuana Facility issued a Permit under this Ordinance and operating in the City shall at all times comply with the following operational requirements, which the City may review and amend from time to time as it determines reasonable.

...

(5) *Required Spacing.* The following spacing requirements for Medical Marihuana Facilities are present:

- i. No Commercial Medical Marihuana Facility shall be located within one thousand (1,000) feet from any school.
- ii. No Provisioning Center shall be located within two hundred and fifty (250) feet from any of the following:
 - 1) Public Park.
 - 2) Church or house of worship.

- 3) City of Sturgis property zoned R-1, R-2, R-3, R-4, or R-5.
 - 4) Burr Oak Township property zoned R1, R2, or R3.
 - 5) Fawn River Township property zoned R1, R2, RMH, or RL.
 - 6) Sherman Township property zoned RR, RP, MDR, WR, or MHC.
 - 7) Sturgis Township property zoned R1, R2, R3, or MHP.
 - 8) City dwelling units (as defined in the City of Sturgis Zoning Code) in a zoning district other than listed in (5) ii. 3).
 - 9) Township dwelling units (as defined in the City of Sturgis Zoning Code) in a zoning district other than listed in (5) ii. 4) through 7).
- iii. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the Permitted Premises at which the proposed Medical Marihuana Facility is to be located to the nearest point of one of the following:
- 1) The lot line of the separated use, when:
 1. A school, public park, church, or house of worship is the only use on the parcel.
 2. A parcel is zoned in one of the districts listed in sections (5) ii. 3) through 7).
 - 2) The premises of the separated use, when:
 1. A school, public park, church, or house of worship is one of multiple uses on the parcel.
 2. Measuring from (5) ii. 8) or 9).

...

Mayor Hile opened the Public Hearing related to a Second Amendment to Agreement for Conditional Transfer of Property Pursuant to 1984 PA 425 with Sturgis Township.

City Manager Michael Hughes explained that this agreement with Sturgis Township covers, among other areas, property along S. Centerville Rd / M-66. This amendment to the agreement specifically governs how and when certain property related to the solar energy project proposed for 71319 M-66 would transfer into the City.

There was no comment from the public.

Mayor Hile closed the Public Hearing

Moved by Comm. Good and seconded by Comm. Klinger to approve the Second Amendment to Agreement for Conditional Transfer of Property Pursuant to 1984 PA 425 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the newly-approved recreational marihuana law in the State of Michigan and explained that communities may choose to opt-out and later opt back in at any time via their local ordinance approval process. Discussion followed.

David Shultz, an investor in marihuana facilities, suggested that opting out would risk businesses locating elsewhere.

Moved by Comm. Mullins and seconded by Comm. Good to consider this the first reading of an addition to the City Code of Ordinances, Chapter 38, Article IV, Section 38-189 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided further information on recreational marihuana and explained that a municipality may prohibit the use of marihuana in public places via local ordinance. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Mullins to consider this the first reading of an addition to the City Code of Ordinances, Chapter 38, Article IV, Sections 38-190 and 38-191 and an amendment to Chapter 38, Article IV, Section 38-175 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

DPS Supervisor Rick Miller provided information on the bids and acquisition of a new wheel loader for the Department of Public Services. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the purchase of one Volvo L60H Wheel Loader from Alta Equipment Co. in the amount of one hundred fifty-nine thousand four hundred and five dollars (\$159,405.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the trade in allowance of thirty eight thousand dollars (\$38,000.00) from Alta Equipment Co. in exchange for the City's 2006 model CAT 924G Wheel loader.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the existing SCADA system and the efforts for replacement. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the proposal from Power System Engineering for the SCADA consultant services in the amount of sixty thousand dollars (\$60,000.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided details on MPPA Hedge Plan Report. Discussion followed.

City Clerk/Treasurer Kenneth Rhodes provided information on the applicants for the Sturgis Housing Commission vacancies. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to appoint Rick Mahler through May 2019 and Charles Huber through May 2023 to the Sturgis Housing Commission.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Public Safety Director Geoff Smith and Buildings Supervisor Will Prichard suggested a moratorium on the acceptance of applications for medical marihuana facilities due to the uncertainty related to certain regulations. Discussion followed.

The City Commission had consensus to add to their previous instructions to City Staff to provide information for consideration at the next City Commission meeting related to medical marihuana provisioning centers including a moratorium on the acceptance of applications.

The meeting was adjourned at 11:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 19, 2018
WIESLOCH RAUM – CITY HALL**

Mayor Hile called the meeting to order at 5:30 p.m.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Facilities
Manager, Deputy Fire Chief, City Clerk

The City Commission along with City Staff discussed various issues related to Sturgis Hospital. A meeting with Sturgis Hospital Staff and a few representatives from the City will be requested followed by inviting Hospital representatives to the next regular City Commission meeting.

Steve Frisbie, Vice-President of Lifecare Ambulance, provided information on the current state of meeting established response times. Discussion followed.

The meeting was adjourned at 7:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 19, 2018
WIESLOCH RAUM – CITY HALL**

Mayor Hile called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Pastor Doug Carr, His House Church, gave the invocation.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Public
Safety Director, Wastewater Superintendent, City Controller, City Clerk

Ken Jones, Chair of the St. Joseph County Edge, provided an update of their current economic development
activities. Discussion followed.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented with the
addition of 10E, Sturgis Housing Commission appointment.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of December
19, 2018 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the December 12, 2018 work session as presented.

APPROVE the minutes from the December 12, 2018 regular meeting as presented.

8B. Sturgis Township 425 Property Transfer – 71320 M66

ADOPT the Transfer of Property from Sturgis Township (Agreement #1) Resolution for 71320 M66 as
presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information related to possible changes in procedures for
commercial medical marihuana facilities.

David Shultz, Strawhat, provided information on stacking licenses and his experience with LARA.

Thomas Wright, cannabis consultant, asked that the any moratorium not begin until December 21, 2018.

Kevin Chang, Oasis Wellness Center, asked that any submitted applications be processed.

The City Commission discussed a number of issues related to commercial medical marihuana.

Moved by Comm. Good and seconded by Comm. Mullins to adopt the Resolution for Moratorium on Processing of Provisioning Center License Application as presented, and clarifying “any new applications”, effective on 12/20/18.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

RESOLUTION FOR MORATORIUM ON PROCESSING OF PROVISIONING CENTER LICENSE APPLICATION

WHEREAS, on September 12, 2018 the City adopted an ordinance for the authorization and permitting of commercial medical marihuana facilities (Chapter 38 – Article IV, Section 38-92 – “Ordinance”); and

WHEREAS, on December 12, 2018 the City Commission discussed a potential amendment to the ordinance to provide a limit on the number of licenses that may be issued for provisioning centers as defined in the Ordinance; and

WHEREAS, the City has determined that careful study and review of the impact of the implementation of limits on the number of licenses to be issued for provisioning centers needs to be completed by City administration and a recommendation for any such amendment made to the City Commission for consideration; and

WHEREAS, it is deemed to be in the best interest of the City, and potential applicants for licenses for provisioning centers, to impose a reasonable moratorium on the processing of license applications;

NOW, THEREFORE, BE IT RESOLVED that effective on December 20 and continuing until May 31, 2019 there is hereby declared a moratorium on the processing of any new license applications for provisioning centers by the City of Sturgis.

FURTHER, BE IT RESOLVED that during this moratorium, the requirement for payment of the \$5,000.00 application fee is not required for a provisioning center application to be accepted by the City as complete, but will be required following the period of this moratorium before said application is processed.

FURTHER, BE IT RESOLVED that this moratorium does not apply to the processing of license applications for commercial marihuana facilities other than provisioning centers.

City Staff provided information on the new recreational marihuana laws and explained that the State has to develop administrative rules and has one year to begin issuing licenses for facilities. It was recommended that the City opt-out of considering any licenses in the City until more procedures are identified. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to consider this the second reading of and approve an addition to the City Code of Ordinances, Chapter 38, Article IV, Sections 38-189 to 191 and an amendment to Chapter 38, Article IV, Section 38-175 as presented effective January 11, 2019.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

AMENDMENTS TO CITY ORDINANCES PERTAINING TO THE PROHIBITION OF MARIHUANA ESTABLISHMENTS

An ordinance to amend Chapter 38-Article VI of the Ordinances of the City of Sturgis to prohibit marihuana establishments within the City.

WHEREAS, the City Commission has determined that is in the best interest of the residence of the City to modify the City Ordinances to prohibit marihuana establishments within the City;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Chapter 38-Article VI, Sections 38-189 – 38-191, are hereby added to the City Ordinances effective as of January 11, 2019.

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS

Sec. 38-189 PROHIBITION OF MARIHUANA ESTABLISHMENTS

- (a) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.2795 et seq. (“the Act”) marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the City.
- (b) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- (c) This section does not supersede rights and obligations with respect to the transportation of marihuana through the City to the extent provided by the Act, and does not supersede rights and obligations under Michigan law and Section 38-92 of Chapter 38 of this Code of Ordinances with respect to the establishments and licensing of medical marihuana facilities under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan allowing for or regulating marihuana for medical use.

Sec. 38-190 PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

- (a) In conformance with Sections 4.1(e) and 6.2(b) of the Act, except as otherwise provided in this section, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the City.
- (b) Notwithstanding the limitations set forth in subsection (a) hereof, marihuana may be consumed where approval is granted for the consumption of marihuana at a City-approved festival or activity in areas designated by the City for such festival or activity and that are not accessible to persons under 21 years of age.
- (c) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- (d) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

Sec. 38-191 CONFLICT AND REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

AMENDMENT TO CITY ORDINANCES PERTAINING TO DRUG PARAPHERANLIA

An ordinance to amend Chapter 38-Article VI of the Ordinances of the City of Sturgis pertaining to Drug Paraphernalia.

WHEREAS, the City Commission has determined that is in the best interest of the residence of the City to modify the City Ordinances pertaining to Drug Paraphernalia;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Chapter 38-Article VI, Section 38-175 is hereby added to the City Ordinances effective as of January 11, 2019.

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS

Sec. 38-175 Applicability of Ordinance.

The provisions of Division 2 of Article VI of Chapter 38 of the Code of Ordinances do not supersede or impair rights provided by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.2795 et seq. (“the Act”).

Buildings Supervisor Will Prichard provided information on amendments to the Zoning Code, Section 1.1105 Accessory buildings, structures and uses, which will clarify definitions. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Littman to consider this the first reading of an amendment to the City Code of Ordinances Appendix A, Zoning Ordinance, Section 1.0202 Specific terms and Section 1.1105. - Accessory buildings, structures and uses as presented.

Voting yea: Seven

Voting nay: Good, Klinger

MOTION CARRIED

Assistant City Manager Andrew Kuk provided details on the plans for the upcoming Winter Blues event downtown.

Moved by Comm. Klinger and seconded by Comm. Good to approve the requests for Winter Blues from the DDA as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Wastewater Superintendent Tom Sikorski provided information on the current SCADA system which monitors the equipment at the facility and the need for replacement. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the Engineering Services Agreement with Donohue & Associates for the Wastewater Treatment Facility SCADA system upgrade in the amount of six hundred seven thousand one hundred five dollars (\$607,105.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve the proposed 2019 Commission Meeting schedule as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes explained that the residents at Maple Towers selected Connie Haywood to serve as their representative on the Sturgis Housing Commission.

Moved by Comm. Klinger and seconded by Comm. Dvorak to appoint Connie Haywood as the resident board member to the Sturgis Housing Commission.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 11:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer