

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 9, 2019
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.

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

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, City Engineer, DPS Supervisor, City Controller, City Clerk

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented with the addition of 10I, MDOT Annual Permit Performance Resolution.

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

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of January 9, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the December 19, 2018 work session as presented.

APPROVE the minutes from the December 19, 2018 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$756,765.92 as presented.

8C. Fawn River Township PA 425 Property Transfer Agreement #5

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 28276 Congress Street as presented.

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

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 including possibly the removal of the section related to tarp like structures.

Moved by Comm. Good and seconded by Comm. Littman to consider this the second reading and approve 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, with the removal of section B6.

Voting yea: Two Voting nay: Five Absent: Bir, Dvorak MOTION DEFEATED

Moved by Comm. Mullins and seconded by Comm. Malone to consider this the second reading and approve 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: Five Voting nay: Two Absent: Bir, Dvorak MOTION CARRIED

AMENDMENTS TO ZONING ORDINANCE
PERTAINING TO THE REGULATION
OF ACCESSORY BUILDINGS IN THE CITY

An ordinance to amend Article II and Article XI of the Zoning Ordinance of the City of Sturgis to provide for the modification of the regulation of accessory buildings, structures and uses 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 accessory buildings, structures and uses within the City;

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

Article II, Section 1.0202 of the Zoning Ordinance is hereby modified to add the following defined terms and Article XI, Section 1.1105 is hereby amended to provide as follows effective as of February 1, 2019.

ARTICLE II. Definitions

1.0202. Specific Terms.

Accessory Building. A type of structure that has a roof which is supported by columns or walls, is intended for the shelter or enclosure of persons, animals, goods or property, and is further intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use to which it is exclusively related. Examples of accessory buildings include but are not limited to: garages, storage sheds, gazebos, play houses, greenhouses, pump houses, garden sheds, pergolas and dog houses.

Accessory Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having such location, and that is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use to which it is exclusively related. Examples of accessory structures include but are not limited to: accessory buildings, swimming pools and decks around pools, play structures, HVAC units, generators, television antennas not installed on principal building, residential kennels, solar panels, trampolines, storage unit and tennis courts.

Kennel, Residential. Any structure or area designed and used specifically for the boarding or exercise of a private individual's own pet or pets (dogs, cats, rabbits, etc.), including but not limited to dog houses, pens, outdoor cages, and dog/pet runs.

Dog House. A structure that has a roof and walls intended for the shelter or enclosure of a pet or pets (dogs, cats, rabbits, etc.).

ARTICLE XI. General Provisions

Section 1.1105. Accessory buildings, structures and uses.

(A) Accessory building or accessory structures in any district.

- (1) No accessory building or accessory structure may be permitted on a lot which does not contain a principal use or principal building.
- (2) No accessory building or accessory structure shall be placed in any required front or side yard.
- (3) Accessory buildings and swimming pools shall be no closer than ten (10) feet to any other building on the same lot except as listed below or as specified elsewhere in the zoning ordinance or city code of ordinances.
 - i. Dog houses.
 - ii. Pergolas.
 - iii. Play houses.
 - iv. Pump houses.
 - v. Accessory buildings similar to the above.

- (4) An accessory building or accessory structure located in a rear yard shall not be closer than three feet to any lot line, unless specified elsewhere in the zoning ordinance or city code of ordinances.
- (5) Residential kennels shall be no closer than six (6) feet to the principle building on the same lot and no closer than six (6) feet to the lot line.
- (B) Accessory building or accessory structures in a residential district. In addition to the requirements of subsection (A) of this section, the following restrictions shall apply to accessory buildings or accessory structures in residential districts.
 - (1) Accessory buildings or accessory structures shall not exceed 14 feet in height with the exception of satellite systems, antenna systems, solar panels, wind generators or similar structures. If these structures are installed as a stand-alone structure, they shall not exceed 20 feet in height. If these structures are installed atop an accessory building, or another accessory structure, their combined height shall not exceed 20 feet.
 - (2) A private garage or a portion thereof may be rented or leased for not more than two motor vehicles of the noncommercial type only to persons not a resident of the dwelling on the lot.
 - (3) The total square footage of all accessory buildings shall not exceed the square footage of the ground or first floor of a multi-story residence, or 50 percent of the square footage of a single-story building.
 - (4) When an accessory building in any residential district is intended for other uses than the storage of private motor vehicles, the uses proposed for the accessory building must be compatible with the uses permitted within the subject district.
 - (5) Accessory buildings exceeding 200 square feet must be provided with exterior finish materials similar to the principal building on the lot. Examples include roofing and siding materials. These items shall be of the same or similar, compatible colors to the principal building. An alternate roofing or siding material may be substituted if the color(s) is compatible with the principal building.
 - (6) Canopy and tarp like structures are not permitted unless used as outdoor furniture. These items may be used from the months of April through October if maintained in good condition and used in the manner they were designed.
 - (7) Dog houses shall not exceed six (6) feet in height and twenty (20) square feet in area.
 - (8) There shall be no more than two (2) accessory buildings on any one parcel excluding play houses, dog houses, or buildings of similar uses.
- (C) Repair of vehicles in residential districts.
 - (1) A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property and such repair shall be conducted in not to exceed seven consecutive days in any 30-day period.

Buildings Supervisor Will Prichard explained that the property at 315 N. Nottawa is split zoned and City Staff is recommending that the whole parcel be zoned B-H 2. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve this the introduction and first reading to rezone the property located at 315 N. Nottawa, parcel #75-052-200-004-00 to Business Highway 2 (B-H 2).

Voting yea: Seven

Voting nay: None

Absent: Bir, Dvorak

MOTION CARRIED

City Engineer Barry Cox provided details on the final design for the reconstruction of Pleasant Street. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the streetscape design plan for Pleasant Avenue as presented.

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

City Engineer Barry Cox provided details on three traffic orders related to bus parking at Congress and Wenzel Schools and on street parking in the 400 block of North Jefferson Street. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve Traffic Control Orders #19-01, #19-02 and #19-03 as presented.

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

City Engineer Barry Cox provided details on the contract document from MDOT for the North Lakeview Avenue Improvement Project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the contract between the City of Sturgis and MDOT (#18-5504) for the completion of the North Lakeview Avenue Reconstruction Project and authorize City Manager Michael Hughes and Mayor Robert Hile to sign all necessary documents.

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

City Engineer Barry Cox provided information on the needed sanitary collection system repairs which were included in the 6-year Capital Improvement Plan that was adopted as part of the FY 2018-2019 budget and the bids for these repairs. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the bid from Visu-Sewer in the amount of three hundred eighty-three thousand five hundred seven dollars and thirty cents (\$383,507.30) for the 2019 Sanitary Rehabilitation project and authorize the City Manager to sign all necessary documents on behalf of the City.

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

Moved by Comm. Mullins and seconded by Comm. Klinger to approve a contingency budget of thirty eight thousand dollars (\$38,000.00) for the 2019 Sanitary Rehabilitation project.

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

DPS Supervisor Rick Miller provided information on vehicles and equipment up for replacement. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve a bid waiver for and the purchase of a John Deere 1575 Front Mower from GreenMark Equipment in an amount not to exceed thirty-two thousand, six hundred and eighty-three dollars and fifty-five cents (\$32,683.55) as presented.

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

Moved by Comm. Klinger and seconded by Comm. Good to approve a bid waiver the purchase of a John Deere 5090E Utility Tractor, including loader attachment and extended warranty from GreenMark Equipment in the amount of fifty-eight thousand, three hundred and fifty-two dollars and seventy-seven cents (\$58,352.77) as presented.

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

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the purchase of a Ford F-250 with a Vee-Plow and Service Body from Gorno Ford in the amount of forty-six thousand, two hundred and eighty-four dollars and forty-two cents (\$46,284.42) as presented.

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

Moved by Comm. Good and seconded by Comm. Klinger to approve the sale of vehicles via public auction or trade in as presented.

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

City Manager Michael Hughes provided information on proposed changes in the form of an addendum to the County's lease with the City for a Central Dispatch antenna on the City's water tower which would remove payment for electric costs. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the Addendum to the Real Estate Lease as presented.

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

City Controller Holly Keyser provided details on DDA budget amendments to reflect anticipated revenue and expenses for downtown events and expenses for the acquisition of property. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve DDA Budget Amendment as presented.

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

City Engineer Barry Cox provided information on the permit from MDOT to perform maintenance activities on M-66 and US12. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the Performance Resolution for Governmental Agencies as presented.

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

The City Commission had consensus for City Staff to prepare a resolution to MDOT in support of rehabilitation of South Centerville Road.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 23, 2019
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.

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

Commissioners absent: Littman

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Electric Department Superintendent, City Controller, City Clerk

Holly Carmichael provided information on accessible playgrounds. Discussion followed.

The City Commission had consensus to direct the City Manager to work with the schools to obtain a quote for an accessibility study in park and playground facilities.

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

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

Moved by Comm. Good and seconded by Comm. Bir to approve the Consent Agenda of January 23, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the January 9, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,986,936.36 as presented.

8C. Regional Revolving Loan Fund Subrecipient Agreement

APPROVE the subrecipient agreement with Northern Initiatives as presented and AUTHORIZE City Manager Michael Hughes to sign all necessary documents.

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

Buildings Supervisor Will Prichard explained that the property at 315 N. Nottawa is split zoned and City Staff is recommending that the whole parcel be zoned B-H 2. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to consider this the second reading and approve of an amendment to the City Code of Ordinances Appendix A, Zoning Ordinance, the request to rezone the property located at 315 N. Nottawa, parcel #75-052-200-004-00 to Business Highway 2 (B-H 2).

Voting yea: Eight Voting nay: None Absent: 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 mixed districts Business-Highway 2 (B-H2) and R-4 Apartment (R-4) to Business-Highway 2 (B-H2) 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 February 15, 2019.

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the entirety of the following described property shall be in the Business-Highway 2 (B-H2) zoning district:

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

315 N. Nottawa Street, Parcel No. 75-052-200-004-00.

Electric Department Superintendent John Griffith provided information on a System Impact and Facilities Study as part of the approval process to construct a 15 megawatt solar array. The study will review and identify system capacity and performance issues and the cost of the study is \$35,000.00. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve the proposal from Power System Engineering to conduct the System Impact and Facility Study in the amount of thirty five thousand dollars (\$35,000.00) as presented.

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

The meeting was adjourned at 8:40 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 13, 2019
WIESLOCH RAUM – CITY HALL

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

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

Commissioners absent: Littman

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

Electric Department Superintendent John Griffith and Tom Asp of Columbia Telecommunication Corporation reviewed a proposal from KEPS Technologies, Incorporated (dba ACD.net) to lease certain strands of city owned fiber optic cable. Discussion followed.

The City Commission had consensus to direct City Staff to continue their investigation into leasing parts of the City owned fiber network.

Sturgis Hospital Board member Joseph Haas and Dr. James Grinnel provided information on the status of Sturgis Hospital.

The City Commission had consensus to direct City Staff to prepare a resolution in support of Sturgis Hospital.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 13, 2019
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.

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

Commissioners absent: Littman

Also present: City Attorney, City Manager, Assistant City Manager, Buildings Supervisor, Electric Department Superintendent, Director of Public Safety, Deputy Fire Chief, City Engineer, City Forester, City Controller, City Clerk

City Clerk/Treasurer Kenneth Rhodes swore in Firefighter Brandon Adamski. The City Commission welcomed him to the City.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the agenda as presented with the addition of Item 10H, Authorized Depositories.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the Consent Agenda of February 13, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the January 23, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$790,548.61 as presented.

8C. Traffic Control Order for Downtown Loading Zone

APPROVE Traffic Control Order #19-04 as presented.

8D. Property Transfer from Fawn River Township Agreement #4

ADOPT the Resolution for Transfer of Property from Fawn River Township (Agreement #4) for 68527 Lakeview Road as presented.

8E. Cemetery Rules & Regulations

APPROVE the Cemetery Rules and Regulations as presented with removal of date limitation in section 1-14.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of CDBG funds for Gramby's Homestyle Restaurant, 918 W. Chicago Road.

Assistant City Manager Andrew Kuk and Vernard Roberson provided information on the project and the job creation. There was discussion amongst the City Commission.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Dvorak to adopt the Resolution for Application for Funding Through the City of Sturgis CDBG Revolving Loan Fund Program for Gramby's Homestyle Restaurant.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

**RESOLUTION FOR APPLICATION FOR FUNDING THROUGH THE CITY OF STURGIS
STATE OF MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
REVOLVING LOAN FUND (RLF) PROGRAM FOR GRAMBY'S HOMESTYLE RESTAURANT**

WHEREAS, Gramby's Homestyle Restaurant has made application through Northern Initiatives, Inc. for City of Sturgis CDBG Revolving Loan Funds in the amount of \$70,000 to aid in business acquisition and working capital (payroll and inventory), and

WHEREAS, the project location meets zoning requirements, is consistent with the City of Sturgis Master Plan, and the project will employ at least 51% low to moderate income persons, and

WHEREAS, The City of Sturgis participates in the Regional RLF Model, has executed a Subrecipient Agreement with Northern Initiatives and has designated Donald Eaton, President of the Sturgis EDC and Assistant City Manager Andrew Kuk as its representatives on its Regional Funds Approval Committee, and

WHEREAS, the Regional Fund Approval Committee has reviewed and approved said application submitted by Gramby's Homestyle Restaurant on 10/26/2018 and

WHEREAS, no project costs (CDBG and non-CDBG) will be incurred prior to the formal loan award, completion of the environmental review procedures and formal, written authorization to incur costs has been provided by your CDBG Project Manager, and

WHEREAS, The City of Sturgis has advertised in Sturgis Journal newspaper and has held a public informational hearing in regard to the CDBG Revolving Loan Fund application on February 13th, 2019.

THEREFORE BE IT FURTHER RESOLVED that the City of Sturgis acknowledges that it has held a public informational meeting on February 13th, 2019 in regard to the CDBG Revolving Loan Fund Application by Gramby's Homestyle Restaurant in the amount of \$70,000 for business acquisition and working capital for its business within the City of Sturgis, that the project will employ at least 51% low to moderate income persons and the project meets zoning requirements and is consistent with the City of Sturgis Master Plan and authorizes City Manager Michael Hughes to sign all necessary documents.

Buildings Supervisor Will Prichard provided information on the proposed zoning ordinance amendments related to recreational marihuana. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Mullins to consider this the first reading of an amendment to the Code of Ordinances Appendix A, Zoning Ordinance, Section 1.1121 Prohibition of Recreational Marihuana Establishments.

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

City Manager Michael Hughes and the City Forester provided information on the necessary tree removal and trimming of trees at Oak Lawn Cemetery. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve a bid waiver for and the purchase of tree maintenance services at Oak Lawn Cemetery from TreeCore in an amount not-to-exceed forty-four thousand, three hundred and twenty-four dollars (\$44,324.00) as presented.

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

Moved by Comm. Good and seconded by Comm. Klinger to approve the transfer of \$45,000.00 for cemetery tree clearance from the perpetual care fund as presented and approve a budget amendment for 209 Cemetery Fund, increasing the Fiscal Year 2019 budget amount for Capital Outlay to \$72,500.00 and the Fiscal Year 2019 budget amount for Contribution from Endowment to \$82,500.00.

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

City Manager Michael Hughes and the City Forester provided information on the necessary tree removal at Franks Park near power lines. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve a bid waiver for and the purchase of tree maintenance services at Franks Park from TreeCore in an amount not-to-exceed twenty-nine thousand, one hundred and fifty dollars (\$29,150.00) as presented.

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

City Engineer Barry Cox provided details on the Task Order for the Lakeview Ave Reconstruction project. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve Task Order 80a with Fleis and VandenBrink Engineering, Inc. for construction phase services on the N. Lakeview Avenue Reconstruction project in the amount of one hundred seventy one thousand, five hundred dollars (\$171,500.00) as presented.

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

Moved by Comm. Klinger and seconded by Comm. Good to approve a budget of five thousand dollars (\$5,000.00) for offsite material testing services.

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

Moved by Comm. Good and seconded by Comm. Dvorak to approve a contingency budget of sixty seven thousand, three hundred dollars (\$67,300.00) for the N. Lakeview Avenue Reconstruction project, which equals five percent (5%) of the construction bid amount.

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

City Engineer Barry Cox provided details on the TAP Grant program related to Pleasant Ave. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the Transportation Alternative Program Grant Resolution for Pleasant Avenue as presented.

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

City Clerk/Treasurer Kenneth Rhodes explained that Andy Boyd has resigned from the Employee's Retirement Board and that Kim Bontrager has expressed a willingness to serve on the board. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to accept the resignation of Andy Boyd with regret and appoint Kim Bontrager to the Employee's Retirement Board through May 2022.

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

City Clerk/Treasurer explained that the Auditorium staff is required to pay for all alcohol deliveries C.O.D. per State law. The annual Authorized Depositories resolution has been revised to approve Auditorium staff as signers on this account. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Resolution of Authorized Depositories as presented.

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

Moved by Comm. Good and seconded by Comm. Klinger to approve a proclamation in support of Sturgis Hospital as presented.

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

WHEREAS, The Sturgis City Commission recognizes the importance of having a local hospital; and
WHEREAS, The Sturgis Hospital has been and continues to make all efforts to provide compassionate care to the surrounding community; and
NOW, THEREFORE, BE IT RESOLVED, The Sturgis City Commission offers its full support to the Board of Directors, the physicians, and the employees as they pursue a stronger and more prosperous future for Sturgis Hospital.

The meeting was adjourned at 9:10 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 27, 2019
WIESLOCH RAUM – CITY HALL

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

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

Commissioners absent: Littman

Also present: City Manager, City Controller, Doyle and Recreation Director, City Clerk

City Manager Michael Hughes and Doyle and Recreation Director Mike Liston provided details on the policies, fees, and other items related to the new Spence Softball Complex. 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, FEBRUARY 27, 2019
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.

The Invocation was given by Pastor Doug Carr, His House Church

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

Commissioners absent: Littman

Also present: Assistant to the City Attorney, City Manager, Buildings Supervisor, Electric Department Superintendent, Director of Public Safety, City Engineer, Auditorium Director, City Controller, City Clerk

County Comm. Ken Malone provided information on the reconstruction of Wait Road and a potential meeting.

The City Commission had consensus to meet with the County Road Commission and other interested parties on a potential solution to the Wait Road issue.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the agenda as presented.

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

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the Consent Agenda of February 27, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the February 13, 2019 work sessions as presented.

APPROVE the minutes from the February 13, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,331,036.91 as presented.

8C. S. Centerville Road Resolution

APPROVE the Resolution for Improvement of M-66 (S. Centerville Road) as presented.

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

Buildings Supervisor Will Prichard provided details on the zoning ordinance amendment related to opting out of commercial recreational marihuana. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to consider this the second reading of and approve an amendment to the Code of Ordinances Appendix A, Zoning Ordinance, Section 1.1121 Prohibition of Recreational Marihuana Establishments.

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

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO PROHIBITION OF
RECREATIONAL MARIHUANA ESTABLISHMENTS

An Ordinance to amend Article XI of the Zoning Ordinance of the City of Sturgis pertaining to the prohibition of recreational marihuana facilities within the City 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 by adding a provision prohibiting recreational marihuana establishments within the City.

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

Article XI of the Zoning Ordinance is hereby modified by adding Section 1.1121 as follows, effective as of March 22, 2019:

1.1121. - PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

(A) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the“Act”), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 1.0401 (B) (9) or 1.0603 (A) of the City of Sturgis Zoning Ordinance.

(B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City of Sturgis Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.

(C) Violations of this section are subject to the violations and penalties pursuant to Appendix B for Nonconforming use of land and for any other violation that may exist.

(D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City of Sturgis to the extent provided by the Act, and does not supersede rights and the regulations under Section 1.0603 (MM) and 1.0603 (NN) of this chapter and 38.92 of Article IV of the City of Sturgis Code of Ordinances with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.

(E) Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Buildings Supervisor Will Prichard provided details on administrative rules, zoning changes, fees, and other items related to commercial medical marihuana facilities. Discussion followed on many issues including, among others, the moratorium on processing new applications, caps on provisioning centers, and provisioning centers as a stacked license in manufacturing districts.

Moved by Comm. Good and seconded by Comm. Klinger to approve this the first reading of an amendment to the City Code of Ordinances, Chapter 38, Section 38-92 Medical Marihuana Facilities as presented with no current cap on provisioning centers

Voting yea: Mullins, Bir, Klinger, Wickey, Malone, Good, Vice-Mayor Dvorak, Mayor Hile

Voting nay: None

Absent: Littman

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the changes to the Zoning Ordinance as presented to the Planning Commission for a Public Hearing and recommendation.

Voting yea: Mullins, Bir, Klinger, Wickey, Malone, Good, Vice-Mayor Dvorak, Mayor Hile

Voting nay: None

Absent: Littman

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve a non-refundable Medical Marihuana Application Document Review Fee of \$500.00 as presented.

Voting yea: Mullins, Bir, Klinger, Wickey, Malone, Good, Vice-Mayor Dvorak, Mayor Hile

Voting nay: None

Absent: Littman

MOTION CARRIED

City Engineer Barry Cox provided information on the new sidewalk and sidewalk repair assessment rolls that are being prepared as part of the reconstruction of North Lakeview Avenue. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to set a Public Hearing of Necessity for the 2019 New Sidewalk Assessment District and the Sidewalk Repair Assessment District on N. Lakeview Avenue on March 27th, 2019 at 7:30 pm in the Wiesloch Raum of City Hall, 130 N. Nottawa.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the contract for tree management services with Plant Growth Management Services. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the service agreement with Plant Growth Management Services with an annual total service budget not-to-exceed eighty thousand dollars (\$80,000.00).

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

The City Commission had consensus to hold a work session on City tree management with PGMS.

Electric Department Superintendent John Griffith provided information on the quotes related to meter testing equipment. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the purchase of the electric meter test set from Radian Research in the amount of forty-seven thousand two hundred and ninety-one dollars (\$47,291.00) as presented.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

City Manager Michael Hughes provided information on the revised Auditorium Board bylaws which include a restructuring of the Board makeup. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the amendments to the bylaws as presented.

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

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the slate of Auditorium Board Member appointments as presented.

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

New Auditorium Director Sheila Bolda provided initial impressions and plans to determine ways to improve the Auditorium.

The City Commission had consensus to hold a work session for consideration on a single trash hauler.

Moved by Comm. Good and seconded by Comm. Dvorak to go into Closed Session for discussion of the potential purchase of property.

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

Meeting recessed at 9:50 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

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 13, 2019
WIESLOCH RAUM – CITY HALL

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

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

Commissioners absent: None

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

Comm. Good expressed the desire to consider one waste hauler in the City. Issues discussed amongst the City Commission included the condition of the streets, a franchise rate, service of different haulers, local companies, and others.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 13, 2019
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.

The Invocation was given by Pastor Doug Carr, His House Church

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, Buildings Supervisor, Electric Department Superintendent, Director of Public Safety, City Engineer, Auditorium Director, City Controller, City Clerk

City Clerk/Treasurer Kenneth Rhodes swore in Police Officer Christian Contreras. The City Commission welcomed him to the Department.

Moved by Comm. Littman and seconded by Comm. Dvorak 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 March 13, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the February 27, 2019 work session as presented.

APPROVE the minutes from the February 27, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$733,017.51 as presented.

8C. MDEQ Consent to Enter Private Property

APPROVE the MDEQ Part 201 Consent to Enter Private Property as presented.

8D. 2019 Cross Walk

APPROVE the 2019 Cross Walk as presented.

8E. Fawn River Township PA 425 Agreement #5 Transfer

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68711 Vinewood Avenue as presented.

8F. Review of Golf Cart Ordinance

APPROVE the review of the Golf Cart Ordinance at the August 14th Commission Meeting.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided details on the amendments to the ordinance related to commercial medical marihuana facilities. Discussion followed on many issues including, among others, the moratorium on processing new applications, caps on provisioning centers, and provisioning centers as a

stacked license in manufacturing districts.

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, Chapter 38, Section 38-92 Medical Marihuana Facilities effective April 1, 2019 with the addition of a cap of 3 for provisioning centers in BH1, unlimited in Manufacturing, and none in all other zoning districts.

Voting yea: Mullins, Bir, Klinger, Malone, Good, Vice-Mayor Dvorak

Voting nay: Wickey, Littman, Mayor 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 Section 38-92 of the Ordinances of the City of Sturgis to provide for the modification of 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 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 April 1, 2019.

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) “*Application Documents*” means the items required as part of an Application submitted to the City prior to them being accepted as complete as provided in section (e)(1).
 - (3) “*Clerk*” means the City of Sturgis Clerk or his/her designee.
 - (4) “*Co-Located Facility*” means more than one Provisioning Center, Processor, or Grower

(Class A, B, or C), owned by the same Licensee, located together on the same Permitted Property, but each with its own Permitted Premises, License, and Permit.

- (5) “*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.
- (6) “*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.
- (7) “*License*” means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan.
- (8) “*Licensee*” means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.
- (9) “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
- (10) “*Medical Marihuana*” means that term as defined in MCL 333.26423.
- (11) “*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.
- (12) “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
- (13) “*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.
- (14) “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.
- (15) “*Permit Slot*” means an unissued permit available to be issued to an Applicant.

- (16) “*Permitted Premises*” means the particular building, buildings, or tenant space within which the Permit Holder will be authorized to conduct the Facility’s activities pursuant to the Permit.
- (17) “*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.
- (18) “*Person*” means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
- (19) “*Premises*” means the particular building, buildings, section of land, or tenant space within which a particular use is conducted.
- (20) “*Public Place*” means any area in which the public is invited or generally permitted in the usual course of business.
- (21) “*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.

(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
 - viii. Co-Located Facilities as defined in this ordinance
- (2) The following number of Permits can be issued for each authorized Commercial Medical Marihuana Facility type:
 - i. Growers, Class A Unlimited
 - ii. Growers, Class B Unlimited
 - iii. Growers, Class C Unlimited
 - iv. Processors Unlimited
 - v. Provisioning Centers in B-H 1 Zoning District 3 Permits
 - vi. Provisioning Centers in M Zoning District Unlimited
 - vii. Provisioning Centers in all other Districts 0 Permits
 - viii. Safety Compliance Facilities Unlimited
 - ix. Secure Transporters Unlimited
- (3) 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.

- (4) Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
- (5) 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.
- (6) As specified in this Ordinance, each Applicant shall pay nonrefundable Review fees, 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 Marihuana Facilities. The City Commission shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law.
- (7) The City has no obligation to process or approve any incomplete Application.
- (8) A Permit and a Renewal Permit shall not confer any vested rights, other than those identified in section (e)(4)(ii)(a) of this ordinance, or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid for one year following removal of all stipulations on an issued Permit.
- (9) It is the sole and exclusive responsibility of each Permit Holder or Applicant 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) A Permit Holder may not engage in any other Commercial Medical Marihuana 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.
- (14) No Permit shall be granted or renewed for a Commercial Medical Marihuana Facility

in a residence.

- (d) *Other Laws and Ordinances.* In addition to the terms of the Ordinance, any Commercial Medical Marihuana 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 Documents.* Application Documents for a Permit for a Facility shall be submitted to the Zoning Administrator, and on or after the effective date of the ordinance shall contain the following information. Information obtained from the Applicant is exempt from public disclosure under state law. Upon receipt, review, and approval as outlined in this Ordinance of all Application Documents by City staff, the Documents will be considered a complete Application.

- i. The name, address, phone number and email address of the Applicant and the proposed Commercial Medical Marihuana Facility;
- ii. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Applicant and the Commercial Medical Marihuana Facility;
- iii. One (1) copy of the following:
 - 1) Pre-approval for a Medical Marihuana Facility license by the State of Michigan.
 - 2) For Class A, B, or C Growers or Processors, a determination from the Sturgis Electric Department of the electric system's ability to deliver the estimated peak capacity (kW) and energy (kWh) of the Facility.
 - 3) All documentation of the Applicant's 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 Marihuana Facility.
 - 4) 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.
 - 5) A valid, unexpired driver's license or state issued ID for all owners,

directors, officers and managers of the proposed Facility.

- 6) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
- 7) Application for Sign Permit, if any sign is proposed.
- 8) Non-refundable Medical Marihuana Facility Application Document Review fee.
- 9) Business and Operations Plan, showing in detail the Commercial Medical Marihuana 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)(3) of this Ordinance.
 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.
- 10) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
- 11) 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.
- 12) 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, unless those uses are greater than 1,500 ft. from the Permitted Premises.

- 13) The amount of water usage estimated for the facility, including the estimated average gallons per day and peak gallons per minute as well as estimated needs for fire suppression, if applicable.
- 14) 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) *Review of Application Documents.* All Application Documents submitted by a potential Applicant will be reviewed by City staff for completeness with the requirements of Section (e)(1) of this Ordinance before being considered a complete Application. All Application Documents will be stamped or otherwise identified by City staff at the date and time they are submitted by a potential Applicant. Application Documents will be reviewed in the order they are received.

- i. City staff has ten (10) business days to review the Application Documents and determine if they are complete.
- ii. Complete Application Documents will be accepted as an Application under this Ordinance and processed. A determination of a complete Application shall not prohibit the City from requiring supplemental information at any time during the Application process.
- iii. If Application Documents are found to be incomplete, the prospective Applicant will be notified in writing of the deficiencies and given ten (10) business days to correct those deficiencies.
 - i. If the deficiencies are corrected within the ten (10) business days, the Application Documents will be considered complete and accepted as an Application under the ordinance.
 - ii. If deficiencies are not corrected within the ten (10) business days, the Application Documents will be returned to the prospective Applicant. If the prospective Applicant wishes to re-submit Application Documents, they must be re-submitted in their entirety with a new Application Document Review fee. This re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted.

(3) *Processing and Review of Applications.*

- i. An Application will be held for processing until a Permit Slot is available for the Facility type specified on the Application.
- ii. An Application will be considered for a Permit Slot in the order that its Application Documents were submitted.
- iii. When a Permit Slot is available for an Application, the Applicant will be notified and will be given five (5) business days to pay the Medical Marihuana Facility Application Fee. The Medical Marihuana Facility Application Document Review fee will be applied to the cost of the Medical Marihuana Facility Application Fee. If an Applicant does not pay the fee within the time allotted, the next Application in order will be issued the Permit Slot, and the first Application will be returned to the list of completed Applications as first in line for the next Permit Slot.
- iv. Upon payment of the Medical Marihuana Facility Application Fee by an Applicant with an Application issued a Permit Slot, 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 City Engineer, the Electric Department, the Building Department, the Zoning Department, and any other applicable departments.
- v. In order for a Medical Marihuana Facility Application to be approved, all of the following conditions must be met:
 - 1) 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;
 - 2) The Wastewater Treatment Department will verify all chemicals and methods of waste removal for compliance. All processors/growers proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. Refer to City of Sturgis Utilities Code, Subdivision II. Wastewater Discharge Permits, Section 62-191.;
 - 3) The Engineering Department will confirm that the necessary amount of water for the facility is available.
 - 4) The Electric Department will review all provided plans to ensure conformity with their previously supplied determination on the ability to supply the proposed Facility and general site requirements.
 - 5) The Zoning Department has confirmed that the proposed location complies with the buffer requirements, and a preliminary review of the

site plan to the Zoning Code.

- 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.
- vi. Following review by City Departments and prior to approval of a Special Land Use Permit, if deficiencies are found in the Application, the Applicant is notified in writing of the areas of deficiency and given thirty (30) days to correct those deficiencies. If the deficiencies are considered by City staff to be corrected, the Applicant's Special Land Use Permit will be considered by the Planning Commission. If the deficiencies are not considered to be corrected within the thirty (30) day time period, the Application will be denied.
- vii. All inspections, review and processing of the Application shall be completed within ninety (90) days of payment of the Medical Marihuana Facility Application Fee 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.
- viii. If all conditions of this ordinance have been met, the City Clerk shall issue the Permit to the Applicant.
 - a. All Permits issued have the following stipulations:
 - i. Issuance of License Qualification by the State of Michigan for the Permit Holder under State law and the City of Sturgis receiving a copy of that License Qualification prior to occupancy.
 - ii. Issuance of final occupancy of the Permitted Premises by the Community Development Department. All construction must be in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations.
 - iii. For Processors and Class A, B, and C Growers proposing to connect to or to contribute to the POTW, a wastewater discharge permit. Refer to City of Sturgis Code of Ordinances Section 62-191.
 - iv. Issuance of Final Approval by the State of Michigan and the City of Sturgis receiving a copy of the Final Approval prior to the business opening.
 - b. A Permit Holder has one (1) year from the date of issuance to meet all

stipulations of the Permit. If all stipulations are not met in this timeframe, the Permit is revoked and considered denied. A Permit Holder may request an extension up to six months to this timeframe, which may be granted by the City Clerk.

- ix. If a Permit is denied, the denial must be in writing and must state the reason(s) for denial.
 - a. Applications which are denied will not be refunded the Medical Marihuana Facilities Application Fee.
 - b. Upon denial of the Application, the Permit Slot is considered open and the next Application in line is given the Permit Slot.
 - c. If the Applicant of a denied Application chooses to re-submit, this re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. A new Medical Marihuana Application Fee will be required.
- x. Denial of an Application may be appealed to a court of competent jurisdiction; during appeal, the Permit Slot is considered open and will be issued to the next Application in line.

(4) *Renewal Application.* Renewal Applications shall require City approval.

- i. 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.
- ii. A Renewal Application must follow the same approval process as all new Applications with the exception of the following:
 - a. 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.
 - b. For any information required as part of the Application process that has not changed, the Permit Holder may submit an Affidavit of No Changes in place of the information when submitting a Renewal Application. If any of the items requested in the Application process has changed, such items must be submitted as required in this Ordinance.
 - c. A Permit Holder, as a stipulation of a renewal Permit issued by the City, must provide proof of having submitted a license renewal application no later than 30 days after expiration of their State License. Once a renewed State license has

been granted, a copy must be provided to the City of Sturgis.

- d. A renewal Permit issued by the City takes effect on the date of expiration of the original Permit issued and the Permit Holder has one year from that date until renewal is again required.
- iii. 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. They will be considered denied and their Permit Slot will be issued to the next Application in line. The City will not accept Renewal Applications after the expiration date of the Permit.
- iv. A Permit Holder issued a renewal Permit by the City that is either denied a renewal license by the State of Michigan or that does not meet all stipulations within six (6) months of the renewal permit being issued will have their Permit revoked and considered denied. Their Permit Slot will be issued to the next Application in line.

(5) Changes to Application or Permit.

- 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 Permit Holder shall supplement such information in writing with ten (10) days from the date upon which such change occurs.
 - a. Changes to a new application will be considered a minor or major change as determined by the Zoning Administrator.
 - i. Minor changes include a change to ownership or manager(s), additional MSDS pages being provided, updating power, water or waste water calculations or other similar information. Minor changes will be accepted as part of the Application.
 - ii. Major changes include changing the location of the facility whether it be to a different site or changing the size of any new buildings, or other similar changes. A major change will result in the Application being returned to the Applicant. If the applicant wishes to re-submit, the re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. Any fees will not be waived.
 - 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 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.

(6) *Expiration of Application.* If an Application has been held waiting for a permit slot for one (1) year, the City will contact the Applicant and request in writing confirmation that the Application is accurate and that the Application should be kept on file. If the Applicant asks the Application to be removed, or if confirmation in writing is not received in ten (10) business days, the Application will be removed from the list of Applications and a letter sent to the Applicant. If the Applicant wishes to re-submit after this point, this re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. A new Medical Marihuana Application Fee will be required.

(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.

(1) *Scope of Operation.* Commercial Medical Marihuana 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 Marihuana Facility License for the type of Commercial Medical Marihuana 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 Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana 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 Marihuana. 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 in addition shall also include the following:

- i. Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week and which will contact local law enforcement if triggered;
- ii. A locking safe permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight;

- iii. All Marihuana 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
- iv. All security recordings and documentations shall be preserved for at least thirty (30) 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 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).

(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. All waste or by-products stored must be contained in a dumpster that is locked or located within a locked enclosure.
- (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) *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.
- (h) *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 refer the changes to the Zoning Ordinance as presented to the Planning Commission for a Public Hearing and recommendation.

Voting yea: Mullins, Bir, Klinger, Wickey, Malone, Good, Vice-Mayor Dvorak, Mayor Hile

Voting nay: Littman

MOTION CARRIED

Doyle and Recreation Director Mike Liston provided information on the rates at the new Spence Softball Complex. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the proposed Softball Complex rates as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on proposed upgrades at the industrial park substation. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve the Professional Services Agreement with PKM Consulting in the amount of one hundred nine thousand, nine hundred and eighty-six dollars (\$109,986.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the terrace, park, and cemetery tree maintenance program. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the 2019 terrace, park, and cemetery maintenance program with Asplundh Tree Expert Company in the amount of one hundred and twenty thousand dollars (\$120,000.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided details on necessary budget amendments. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the Budget Amendments for Fiscal Year 2018-2019 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided information on the applicants for the vacancy on the Planning Commission. Discussion followed.

Comm. Bir nominated Rick Mahler.

Comm. Good nominated Charles Huber.

Voting for Rick Mahler: Mullins, Bir, Wickey, Malone, Littman, Dvorak, Hile

Voting for Charles Huber: Good, Klinger

Rick Mahler was appointed to the Sturgis Planning Commission through May 2020.

City Clerk/Treasurer Kenneth Rhodes provided information on the amendment to the City's Investment Policy adding language, based on the State statute, allowing a percentage of the Cemetery Endowment Fund to be invested in equities. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Klinger to adopt the City of Sturgis Investment Policy as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk explained that in order to meet the requirements of the RLF for Gramby's CDBG loan application, the State requires the City to have a Community Development plan. Discussion followed.

Moved by Good and seconded by Littman to approve the City of Sturgis Community Development Plan as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 9:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 27, 2019
WIESLOCH RAUM – CITY HALL

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

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

Commissioners absent: None

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

City Manager Michael Hughes provided information on the history of an alternate truck route that would direct through traffic north of downtown.

John Lindsey, Managing Director of the St. Joseph County Road Commission, explained that he appreciated the idea of an alternate truck route but does not know how it would be paid for. He also provided information on the current proposal for the reconstruction of Wait Road.

There was discussion about working together for a solution, alternate routes, traffic accidents, and the costs related to certain projects.

Bruce Bart, Sherman Township resident, provided views on the problems with the decision to upgrade Wait Road to an all season road.

Amy Frost provided information from the group against the expansion of Wait Road and asked many questions regarding the project.

Rod Chupp provided information on the activities of the Road Commission.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 27, 2019
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.

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, Buildings Supervisor, Electric Department Superintendent, Director of Public Safety, City Engineer, DPS Supervisor, City Controller, City Clerk

Mayor Hile read the following Proclamation:

WHEREAS, athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and

WHEREAS, athletic trainers provide:

- Prevention of injuries
- Recognition, evaluation and aggressive treatment
- Rehabilitation
- Health care administration
- Education and guidance
- Compassionate care for all; and

WHEREAS, the National Athletic Trainers' Association represents and supports 44,000 members of the athletic training profession employed in many settings including:

- Professional sports
- Colleges and universities
- High schools
- Clinics and hospitals
- Corporate and industrial settings
- Performing arts
- Military branches; and

WHEREAS, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

WHEREAS, such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals;

NOW THEREFORE BE IT RESOLVED, as Mayor of the City of Sturgis I do hereby proclaim the month of March as National Athletic Training Month in the City of Sturgis and I urge all citizens of Sturgis to learn more about the importance of athletic training.

Moved by Comm. Littman and seconded by Comm. Dvorak 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 March 27, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the March 13, 2019 work session as presented.

APPROVE the minutes from the March 13, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,695,103.08 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for the 2019 Sidewalk Assessment District.

City Engineer Barry Cox and Clerk/Treasurer Kenneth Rhodes provided details on the sidewalk program and special assessments

Sandra Strong, 309 N. Lakeview, inquired about the requirement to fix the sidewalk in front of her house and spoke of a water line repair that may have cause damage.

Mayor Hile closed the Public Hearing

Moved by Comm. Good and seconded by Comm. Bir to approve the 2019 New Sidewalk Assessment District on N. Lakeview Avenue as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. and seconded by Comm. to approve the Sidewalk Repair Assessment District on N. Lakeview Avenue as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information the Zoning Ordinance changes referred to the Planning Commission related to medical marihuana. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve this the first reading of an amendment to the City Code of Ordinances, Appendix A – Zoning, Sections 1.0406, 1.0407, and 1.0409 related to the removal of Provisioning Centers as a special land use in the BOS, B-C, and B-H 2 zoning districts.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on PA 365 which provides for the regulation of wireless infrastructure providers and wireless service providers. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Littman to approve the Standard Pole Attachment License Agreement, Wireless Addendum, and Permit Form templates as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information regarding the warranty program required by MDOT for certain paving projects. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to adopt the Resolution to Adopt a Local Pavement Warranty Program as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to adopt the Resolution to Implement a Local Pavement Warranty Program as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on the bids related to storm sewer cleaning. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the bid from B&B Environmental Services, LLC for the 2019 Storm Sewer Cleaning and Televising project in the amount of one hundred thirty-three thousand eight hundred ninety dollars (\$133,890.00) and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to approve a contingency budget of thirteen thousand three hundred and eighty-nine dollars (\$13,389.00) for the 2019 Storm Sewer Cleaning and Televising project, as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 8:49 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 10, 2019
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.

The Invocation was given by Pastor Luke Eicher, Grace Christian Fellowship

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

Commissioners absent: None

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

Mayor Hile read 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 26th
2019, 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.

Moved by Comm. Littman and seconded by Comm. Dvorak 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 April 10, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the March 27, 2019 work session as presented.

APPROVE the minutes from the March 27, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$710,994.96.

8C. Sounds of Spring Event Request

APPROVE the request for closure of Pleasant St. from 2:00 p.m. until 10:00 p.m. on Friday April 26th for Sounds of Spring.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information the Zoning Ordinance changes referred to the Planning Commission related to medical marihuana. Discussion followed.

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, Appendix A – Zoning, Sections 1.0406, 1.0407, and 1.0409 related to the removal of Provisioning Centers as a special land use in the BOS, B-C, and B-H 2 zoning districts effective April 10th.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE

PERTAINING TO ELIMINATION OF SPECIAL LAND USE FOR PROVISIONING CENTERS IN BUSINESS DISTRICTS

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to elimination of Provisioning Centers as a special land use 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 elimination of Provisioning Centers as a special land use in certain zoning districts.

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

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of April 10, 2019:

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).~~

1.0409. - 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).~~

Facilities Manager Dan Root provided information on a replacement for the Sturgis Memorial Gardens sign. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve use of the Cemetery Perpetual Care fund for purchase and installation of a new sign at Sturgis Memorial Gardens.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Facilities Manager Dan Root provided information on the bids received for custodial services at the Police Department. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve a two year contract with Enviro-Clean Services for custodial services at the Police Department in the total amount of thirty-four thousand, one hundred and thirty-seven dollars and sixty cents (\$34,137.60) as presented.

Voting yea: Eight

Voting nay: Good

MOTION CARRIED

Public Safety Director Geoff Smith provided information on a potential vehicle donation to the County Special Response Team. Discussion followed.

Moved by Comm. Wickey and seconded by Comm. Klinger to approve the donation of the 2006 Ford Econoline panel van to the St. Joseph County Sheriff's Department Special Response Team as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided details on the plans for the Bourbon, Bacon, and Blues event in May. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve the requests for Bourbon, Bacon, and Blues 2019 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided details on the newly adopted Michigan Paid Medical Leave Act (MPMLA) which requires employers to provide paid medical leave to eligible employees that are not already provided leave by the City. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve amending the Employee Handbook to add Section 308 related to the Michigan Paid Medical Leave Act as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on a survey related to a Single Trash Hauler issue. Discussion followed.

Comm. Good and seconded by Comm. Littman to discontinue any consideration of a single trash hauler and allowing citizens to continue to make choices and not save money on trash services.

Voting yea: Seven

Voting nay: Dvorak, Mullins

MOTION CARRIED

The meeting was adjourned at 9:07 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 24, 2019
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.

The Invocation was given by Pastor Doug Carr, His House Four Square Church

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

Commissioners absent: Bir

Also present: City Attorney, City Manager, Buildings Supervisor, City Engineer, Doyle and Recreation
Director, Electric Department Superintendent, City Controller, City Clerk

Sturgis Schools Superintendent Dr. Art Ebert provided information regarding the Sturgis Public
School District Sinking Fund Millage Proposal. Discussion followed.

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

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

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of
April 24, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the April 10, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,254,291.59.

8C. 2019 Airport Fly-In

APPROVE the requests for the 2019 Airport Fly-In as presented and APPROVE the airport fuel
discount as presented.

8D. Wall School Cinco de Mayo Request

APPROVE the closure of E. Lafayette St. May 3rd, 2019 and use of barricades for the Wall School
Cinco de Mayo event.

8E. 2019 Memorial Day Parade

APPROVE the requests for the 2019 Memorial Day Parade and activities as presented.

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

Buildings Supervisor Will Prichard provided details on the proposed rezoning of parcels on North Nottawa Street. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to consider 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: Bir MOTION CARRIED

Buildings Supervisor Will Prichard provided details on proposed amendments to the Zoning Ordinance related to the Special Land Uses for Commercial Medical Marihuana Facilities and Provisioning Centers. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to consider this the first reading of an amendment to the City of Sturgis Zoning Ordinance Section 1.0603 (MM) and 1.0603 (NN) as presented.

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

Monica Smith, Executive Director of the Sturgis Neighborhood Program, provided information on the Neighbor2Neighbor Paint Program which involves a partnership between SNP, the City of Sturgis, and Habitat for Humanity of St. Joseph County to address and assist City residents with paint maintenance of their home. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the Neighbor2Neighbor Paint Program as presented.

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

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the transfer of five thousand dollars (\$5,000.00) from the General Fund to the Housing Fund.

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

City Engineer Barry Cox provided information on the transfer of property on the south side of the City owned by Omnisource. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Klinger to approve the Agreement to Transfer and Combine Real Estate as presented and authorize City Manager to sign all necessary documents.

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

Moved by Comm. Dvorak and seconded by Comm. Klinger to adopt the resolution transferring the property identified on Exhibit B from Sturgis Township into the City as presented.

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

Electric Department Superintendent John Griffith provided information on bids received related to infrastructure upgrades in the industrial park. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Littman to approve the bid for Underground Primary Cable from Power Line Supply in the amount of one hundred and sixteen thousand, one hundred and thirty-six dollars (\$116,136.00), approve the bid for circuit breakers from WESCO in the amount of one hundred and six thousand, two hundred ninety dollars (\$106,290.00), approve the bid for Motor Operated Isolation Switches from Irby Company in the amount of sixty-six thousand, eight hundred forty-four dollars (\$66,844.00), and approve the bid for control panels from EP² in the amount of seventy-eight thousand, four hundred twenty-seven dollars (\$78,427.00).

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

Sturgis Area Chamber of Commerce Executive Director and Assistant City Manager Andrew Kuk provided details on this year's Sturgis Fest activities. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the requests for Sturgis Fest 2019 as presented.

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

Doyle and Recreation Director Mike Liston provided information on a request to utilize the new softball facility and potentially dedicate a memorial at the facility. Discussion followed.

The City Commission had consensus to direct City Staff to develop a policy related to memorials in City parks and facilities.

Moved by Comm. Good and seconded by Comm. Dvorak to go into Closed Session for discussion of the potential purchase of property.

Voting yea: Mullins, Wickey, Klinger, Malone, Littman, Good, Dvorak, Hile

Voting nay: None Absent: Bir MOTION CARRIED

Meeting recessed at 9:08 p.m.

Meeting reconvened at 9:50 p.m.

The meeting was adjourned at 9:50 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, MAY 8, 2019
WIESLOCH RAUM – CITY HALL

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

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

Commissioners absent: Littman

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

Electric Department Superintendent John Griffith and Josh Mann, COO Plant Growth Management, provided a history of forestry management in the City, the types of work that is performed, how the contracts are managed and other related issues. 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, MAY 8, 2019
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.

The Invocation was given by Reverend Evelio Ramirez, Holy Angels Church

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

Commissioners absent: Littman

Also present: Assistant to the City Attorney, City Manager, Buildings Supervisor, City Controller, City Clerk

Joe Verlin of NormanPaulsen presented the audit report of the City's financial performance for the period ending September 30, 2018.

Sturgis Historical Society Director Jenifer Blouin Policelli and President Mike Mort provided information on their activities and the upcoming Dogtown movie.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the agenda as presented.

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

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the Consent Agenda of May 8, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the April 24, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$913,673.83 as presented.

8C. 2019 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.

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

Buildings Supervisor Will Prichard provided information on the proposed zoning map changes presented at the previous meeting. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to consider this the second reading of and approve an amendment to the Zoning Code, Article III pertaining to the zoning map effective May 15, 2019.

Voting yea: Eight Voting nay: None Absent: 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 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 May 15, 2019.

Group A: The properties in Group A are currently zoned Business Highway 1 (B-H 1) zoning district and are changed to be zoned Business Highway 2 (B-H 2) zoning district.

1344 N. Nottawa (75-052-777-300-00)

1291 N. Nottawa (75-052-777-507-00)

1249 N. Nottawa (75-052-777-525-00)

1263 N. Nottawa (75-052-777-525-00)

1227 N. Nottawa (75-052-777-508-00)

1207 N. Nottawa (75-052-777-506-00)

1159 N. Nottawa (75-052-777-509-00)

1125 N. Nottawa (75-052-373-002-00)

Group B: The properties in Group B are currently split zoned Business Highway 1 (B-H 1) and Residential 4 (R-4) zoning districts and are changed to be zoned Residential 4 (R-4) zoning district.

155 Memorial (75-052-777-300-10)

245 Memorial (75-052-777-300-20)

Group C: The properties in Group C are currently split zoned Residential 3 (R-3) and Residential 4 (R-4) zoning districts and are changed to be Residential 4 (R-4) zoning district.

1103 Merryview (75-052-490-120-00)

1150 N. Nottawa (75-052-777-001-05)

Group D: The property in Group D is currently split zoned Business Highway 1 (B-H 1) and Residential 4 (R-4) zoning districts and is changed to be Business Highway 2 (B-H 2) zoning district.

1189 N. Nottawa (75-052-777-501-00)

Group E: The properties in Group E are currently split zoned Business Highway 1 (B-H 1) and Residential 2 (R-2) zoning districts and are changed to be Business Highway 2 (B-H 2) zoning district.

1031 N. Nottawa (75-052-373-004-00)

200 Timothy (75-052-777-509-10)

Group F: The property in Group F is currently zoned Residential 2 (R-2) zoning district and is changed to be Business Highway 2 (B-H 2) zoning district.

106 Timothy (75-052-777-010-10)

Buildings Supervisor Will Prichard provided information on proposed amendments to the Zoning Ordinance related to the Special Land Uses for Commercial Medical Marihuana Facilities and Provisioning Centers presented at the previous meeting. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to consider this the second reading of and approve an amendment to the City of Sturgis Zoning Ordinance Section 1.0603 (MM) and 1.0603 (NN) effective May 15, 2019.

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

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO SPECIAL LAND USE DESIGNATION OF COMMERCIAL MEDICAL
MARIHUANA FACILITIES AND PROVISIONING CENTERS

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to designation of Commercial Medical Marihuana Facilities and Provisioning Centers as special land uses 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 designation of Commercial Medical Marihuana Facilities and Provisioning Centers as special land uses.

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

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of May 15, 2019:

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 Section 38-92 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 Section 38-92 are met.

City Manager Michael Hughes provided information on the available County tax foreclosed properties available for acquisition by the City. Discussion followed.

City Manager Michael Hughes provided information on a Styrofoam recycling event. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Polystyrene Foam Collection Agreement with Dart Care as presented.

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

Moved by Comm. Dvorak and seconded by Comm. Good to recess the City Commission meeting.

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

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

President Hughes called the Sturgis Housing Development Corporation meeting to order at 8:55 p.m.

Assistant City Manager Andrew Kuk provided information on the lease bidding document for 211 N. Nottawa, which is adjacent to the Sturges-Young Auditorium. Discussion followed.

Moved by Dir. Bir and seconded by Dir. Klinger to approve the bidding documents for the lease of 211 N. Nottawa St. as amended to include a parking stipulation.

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

There was discussion about housing in Sturgis.

The S.H.D.C. meeting was adjourned at 9:02 p.m.

The City Commission reconvened at 9:02 p.m.

The meeting was adjourned at 9:13 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 22, 2019
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.

The Invocation was given by Commissioner Justin Wickey

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

Commissioners absent: None

Also present: City Attorney, City Manager, Auditorium Director, Buildings Supervisor, Electric Department Superintendent, City Controller, City Clerk

City Engineer Barry Cox provided information on Hot Asphalt Recycling. Discussion followed.

The City Commission had consensus for City Staff to move forward with the issuance of bidding documents for hot asphalt recycling.

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 May 22, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the May 8, 2019 work session as presented.

APPROVE the minutes from the May 8, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,464,765.00 as presented.

8C. 2019 Dave Locey Memorial Youth Triathlon

APPROVE the requests for the 2019 Dave Locey Memorial Youth Triathlon as presented.

8D. Amended Request for Sturgis Fest

APPROVE the amended request for Sturgis Fest as presented.

8E. Amended Request for Bourbon, Bacon & Blues

APPROVE the amended request for Bourbon, Bacon & Blues as presented.

8F. Traffic Control #19-05

APPROVE Traffic Control Order #19-05 pertaining to “Yield” signage at the corner of Clark Street and Wade Road.

8G. Traffic Control #19-06

APPROVE Traffic Control Order #19-06 pertaining to “No Parking” signage on N. Franks adjacent to Spence Softball Complex.

8H. Sturgis Township PA 425 Property Transfer Request

ADOPT the resolution transferring the property identified on Exhibit A, parcel number 75-015-012-068-01, from Sturgis Township into the City as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the tax foreclosed property available from the County. He explained that the County Treasurer was open to working with the City on demolition of four of the five available houses. The City would then purchase the remaining property for rehabilitation and sale to a new owner. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to purchase 405 Wenzel from the St. Joseph County Treasurer in the amount of \$5,222.74 plus any miscellaneous charges.

Voting yea: Eight

Voting nay: Dvorak

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve City Staff work with the St. Joseph County Treasurer on an agreement for demolition of 410 W. West, 403 W. Congress, 206 Washington, and 403 Mechanic.

Voting yea: Nine

Voting nay: Dvorak

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve a budget amendment to transfer an additional twenty-five thousand dollars (\$25,000.00) from the General Fund to the Housing Fund.

Voting yea: Nine

Voting nay: Dvorak

MOTION CARRIED

Electric Department Superintendent provided details on a purchase power agreement with Prism Power for a proposed solar farm to be constructed on South Centerville Road. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the Purchase Power Agreement and Interconnection and Operating Agreement with Prism Power Partners and authorize City Manager Michael Hughes to sign the agreements contingent upon final legal review.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser and representatives of Creative Dining provided information on an agreement to manage the food service operation for the Sturges-Young Auditorium. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve the Creative Dining Contract Proposal as presented and authorize the City Controller to sign all documents contingent on final legal review.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to approve a budget amendment to transfer an additional ten thousand dollars (\$10,000.00) from the General Fund to the Auditorium Fund.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on work that will be done at the airport and the related contracts. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve contract FM 78-01-C32 with the Michigan Department of Transportation for the Taxilane Rehabilitation Project as presented with a total City matching cost of one hundred and twenty-six thousand, six hundred and ninety dollars (\$126,690.00) contingent upon receipt of final contract language and staff review and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve a contract for construction engineering with Prein & Newhof in the total amount of forty-four thousand, nine hundred dollars (\$44,900.00) as presented and approve a contract with Michigan Paving and Materials Company for Taxilane Rehabilitation project contingent upon execution of a grant contract with MDOT Aeronautics and review of final contract language and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good a budget amendment to increasing expenditure by seventy-six thousand, six hundred and ninety dollars (\$76,690.00) in the airport fund as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on a policy developed to address memorials and the naming of fields at Spence Field. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Mullins to approve Spence Softball Complex Memorial and Donation Policy as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Mullins to adopte the Resolution for Naming of Fields at Spence Softball Complex.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Commissioner Klinger left the meeting.

Electric Department Superintendent John Griffith provided information on the hiring of a new apprentice lineman to replace a journeyman who had resigned and the intent to hire an additional apprentice lineman. Discussion followed.

The City Commission had consensus to support the hiring of an additional lineman.

Assistant City Manager Andrew Kuk provided information on the requirement of Community Development Block Grant participation to include certain City policies. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the Fair Housing Plan, Fair Housing Discrimination Complaint Process, CDBG Citizen Participation Plan, and Residential Anti-Displacement and Relocation Plan as presented.

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

City Clerk/Treasurer Kenneth Rhodes provided information on the current reappointments and appointments to the City's volunteer boards and committees. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to reappoint all board members requesting reappointment.

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

Moved by Comm. Good and seconded by Comm. Dvorak to appoint Luis Perez to the Sister City Committee.

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

Moved by Comm. Good and seconded by Comm. Dvorak to appoint Chuck Huber to the Planning Commission and Cathy Knapp and Luis Perez as alternate members.

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

The meeting was adjourned at 10:50 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 12, 2019
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.

The Invocation was given by Pastor Cal Kolzow, Trinity Lutheran Church

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

Commissioners absent: Wickey

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

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

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

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of June 12, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the May 22, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,882,249.69 as presented.

8C. Accounts Payable Authorization

AUTHORIZE the Finance Committee to authorize the payment of City bills at their next meeting.

8D. 2019 Independence Day Children's Parade

APPROVE the request for an Independence Day Children's Parade in the South Lakeview neighborhood to be held on Thursday, July 4, 2019 at 10:00 a.m. with a route as presented.

8E. 2019 Homegrown Music Festival

APPROVE the requests for the 2019 Homegrown Music Festival as presented.

8F. Sturgis Neighborhood Program Raffle License

ADOPT the Local Governing Body Resolution for Charitable Gaming Licenses for the Sturgis Neighborhood Program.

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

Assistant City Manager Andrew Kuk provided details on the amendment to the Forbearance Agreement with Moso Village. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Amendment to Forbearance Agreement with the Sturgis Brownfield Redevelopment Authority, Inquire Partners Inc., Moso Village LLC, and Jeremy Gump as presented.

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

Buildings Supervisor Will Prichard provided information on the rezoning of the property recently annexed into the City owned by Omnisource.

Moved by Comm. Klinger and seconded by Comm. Dvorak to consider 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: Wickey MOTION CARRIED

Auditorium Director Sheila Bolda provided information on a grant application related to auditorium house lighting. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to adopt the Resolution for Grant Submittal for Auditorium House Lighting Replacement as presented.

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

Assistant City Manager Andrew Kuk provided details on additional requests related to Sturgis Fest. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the additional requests for Sturgis Fest 2019 as presented.

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

The City Commission had consensus to set a Public Hearing for Wednesday, June 19, 2019 to discuss changing the start of the regular meeting to an earlier time.

The meeting was adjourned at 8:15 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 19, 2019
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.

The Invocation was given by Pastor Doug Carr, His House Church

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, Buildings Supervisor, Public Safety Director, Electric Department Superintendent, City Engineer, City Clerk

Moved by Comm. Littman and seconded by Comm. Dvorak 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 June 19, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the June 12, 2019 regular meeting as presented.

8B. Low-Income Energy Assistance Fund

APPROVE opting out of the Low-Income Energy Assistance Fund under Public Act 95 of 2013 for the 2019 – 2020 heating season.

8C. Changes to Electric General Shutoff Rules

APPROVE the amendment to the General Shutoff Rules for the Electric Department related to the dates for heating season as presented.

8D. PA 425 Property Transfer – 28501 E. West Street

ADOPT the Resolution for Transfer of Property from Fawn River Township (Agreement #4) for 28051 East West Street Road as presented.

8E. DDA Resignation

ACCEPT the resignation of Jeremy Gump from the DDA Board of Directors.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information on the rezoning of the property recently annexed into the City owned by Omnisource.

Moved by Comm. Klinger and seconded by Comm. Dvorak 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: Eight Voting nay: None Absent: Wickey 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 R-2 subdivision residential district to the M manufacturing 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 July 12, 2019.

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 M manufacturing zoning district:

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

ALL THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 13, T8S, R10W, STURGIS TOWNSHIP, ST. JOSEPH COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13 AND RUNNING THENCE N00°45'49"E, ALONG THE SECTION LINE, 1220.27 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THE BOUNDARY RUNS THENCE N00°45'49"E, ALONG THE SECTION LINE, 100.01 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13; THENCE S89°56'49"E, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 13, 1500.08 FEET; THENCE S00°38'00"W 610.29 FEET (RECORDED AS SOUTH 610 FEET); THENCE N89°57'45"W (RECORDED AS WEST) 179.20 FEET TO A CONCRETE MONUMENT FOUND ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13; THENCE N02°34'21"W 510.84 FEET TO A CAPPED REBAR SET; THENCE N89°56'49"W, PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13. 1292.54 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 5.711 ACRES. MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

Mayor Hile opened the Public Hearing for consideration of the 2019 City property tax millage rates.

City Clerk/Treasurer Kenneth Rhodes provided information on the proposed City Operating and City Streets/Sidewalks millages for 2019.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Dvorak and seconded by Comm. Good to set the 2019 operating millage tax rate at 10.4623 mils and set the Streets/Sidewalk Improvement Millage tax rate at 3.0 mils.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of changing the regular City Commission meeting times.

City Commissioners discussed the merits of moving the meeting time earlier. City Manager Michael Hughes explained that there seems to be a trend in Sturgis and elsewhere to move meetings to an earlier time in the evening.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Mullins to approve an amendment to the City Commission Procedural Policy changing the starting time for Regular City Commission Meetings to 6:00 p.m. beginning with the next meeting on July 10, 2019.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information lease between the City and Impact Radio for space on the water tower for an antenna. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Water Tower Space Lease with Impact Radio, LLC as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes and St. Joseph County Treasurer Judie Ratering provided information a proposed agreement between the City and the County Treasurer for sharing demolition costs on tax foreclosed properties. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Agreement for Shared Demolition Costs between the City and the St. Joseph County Treasurer as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith and Tom Asp of CTC Technology and Energy provided information on possible options for the existing fiber optic system.

Moved by Comm. Klinger and seconded by Comm. Mullins to authorize City staff to negotiate an Indefeasible Right of Use (IRU) agreement with ACD for use and operation of the City's fiber optic system as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on the agreement with MDOT for a road safety audit for an area near the middle school. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to adopt the Resolution to Approve MDOT Contract #19-5216 And Designate Agents To Sign Contract Documents For The City Of Sturgis' Road Safety Audit Associated With MDOT's Highway Safety Improvement Program.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the upcoming Garden Party Series downtown. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve the requests for the Garden Party Pop-up Series as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes and SNP Director Monica Smith provided information on the Mod Program provides up to \$1,960,000 in funding statewide for new construction of modular single-family spec models to support workforce housing needs within the community. Discussion followed.

The City Commission had consensus to direct City Staff to not move forward with the current MSHDA Mod Program.

Representatives from Shipshewana Homes presented a proposal to build houses in Subdivision 2 and requested the waiver of the cost of one lot and an option on two others. Discussion followed.

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

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Littman, Good, Dvorak, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 9:50 p.m.

Meeting reconvened at 10:45 p.m.

The meeting was adjourned at 10:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 10, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Vice-Mayor Dvorak

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, Public Safety Director, City Engineer, City Clerk

City Engineer Barry Cox provided details on the traffic study that was conducted at the intersection of E. Lafayette St. and N. Franks Ave. Discussion followed.

State Representative Aaron Miller provided an update on activities in the State legislature.

Moved by Comm. Littman and seconded by Comm. Wickey to approve the agenda as presented with the additions of Items 10B and 10C, Industrial Substation Bids and Zoning Amendments.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of July 10, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the June 19, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$884,324.18 as presented.

8C. 2019 United Way Donut Drive

APPROVE the request of the United Way to host its “Donut Drive” at the Nottawa/Chicago Road Intersection on August 8th, 2019.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Bir to set a public hearing for consideration of the City’s 2019-2020 budget at 6:00 p.m. on August 14, 2019 at City Hall, 130 N. Nottawa.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided details on the construction bids for modifications to the Industrial Park Substation located on Progress Street received on July 1, 2019. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the construction bid from Newkirk Electric Associates in the amount of two hundred forty-two thousand eight hundred seventy-one dollars (\$242,871.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained that an error was discovered in the zoning amendment related to large solar energy systems. Discussion followed.

Moved by Comm. Good and seconded by Comm. Littman to approve the Amendment To Zoning Ordinance To Correct Clerical Error Pertaining To Special Land Use Designation Of Large Solar Energy Systems as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

**AMENDMENT TO ZONING ORDINANCE TO CORRECT CLERICAL ERROR PERTAINING TO
SPECIAL LAND USE DESIGNATION OF LARGE SOLAR ENERGY SYSTEMS**

WHEREAS, on October 24, 2018 the City Commission held a first reading of an ordinance amendment adding Large Solar Energy Systems as a Special Land Use in Section 1.0410(C) of the Ordinances of the City of Sturgis; and

WHEREAS, on November 14, 2018 the City Commission held a second reading and approved the adding of Large Solar Energy Systems as a Special Land Use in Section 1.0410 of the Ordinances of the City of Sturgis “as presented”; and

WHEREAS, the amendment “as presented” inadvertently provided for the adding of Large Solar Energy Systems as a Permitted Land Use in Section 1.0410(B) of the Ordinances of the City of Sturgis rather than as a Special Land Use in Section 1.0410(C) of the Ordinances of the City of Sturgis.

NOW, THEREFORE, to correct the clerical error, the City of Sturgis, St. Joseph County, Michigan ordains:

Appendix A-Zoning of the Ordinances of the City is hereby modified to provide as follows, effective as of July 10, 2019:

1.0410. M manufacturing.

...

(B) *Permitted uses.*

...

~~(15) Large Solar energy Systems~~

(C) *Special land uses.*

...

(15) Large Solar energy Systems

City Manager Michael Hughes explained that he received a request to obtain a rock which was donated to the church, 211 N. Nottawa, which is now owned by the City.

The City Commission had consensus to decline the request to obtain the rock.

The meeting was adjourned at 7:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 24, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Vice-Mayor Dvorak

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, Public Safety Director, City Engineer, Buildings Supervisor, City Clerk

The Muwendo Children's Choir performed "God Bless America".

Carolyn Grace, Director of the St. Joseph County Conservation District provided a brief presentation explaining what they do, current projects and a request for funding. She explained that the Conservation District works with partners to promote ground and surface water practices, irrigation services, sustainable agriculture practices, education, environmental stewardship, and community projects. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger that the City of Sturgis join in partnership with the St. Joseph County Conservation District and support them in ways that the City is able.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided details on the proposed 2019-2020 fiscal year budget. Discussion followed.

Gene Harrison explained that he is in support of the allowance of recreational marihuana businesses. Discussion followed.

The City Commission had consensus to hold a Special Meeting Work Session on Tuesday, August 6, 2019 at 6:00 p.m. to discuss the allowance of commercial recreational marihuana businesses within City limits.

Hilary Delaney provided information on the recreational marihuana markets.

Moved by Comm. Littman and seconded by Comm. Klinger 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 July 24, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 10, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,835,184.21 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided details on the several amendments to the zoning code. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve an amendment to the City of Sturgis Zoning Ordinance Section 1.0603 (U) (5) Service Stations and Vehicle Repair Shops as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve amendments to the City of Sturgis Zoning Ordinance Sections 1.0403 (C) (5) R-3 Zoning District Special Land Uses, 1.0404 (C) (12) R-4 Zoning District Special Land Uses and to 1.0603 (PP) Special Land Uses Vacant Commercial Type Buildings Conditional Use Permit as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE

**PERTAINING TO SPECIAL LAND USE DESIGNATION OF VACANT COMMERCIAL TYPE
CONDITIONAL USE PERMIT AND AMENDMENT OF SERVICE STATIONS AND VEHICLE
REPAIR SHOPS BUFFER REQUIREMENTS**

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to the special land use designation of Vacant Commercial Type Conditional Use Permit and service stations and vehicle repair shops buffer requirements.

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 amend the Zoning Ordinance with respect to the designation of Vacant Commercial Type Conditional Use Permit and service stations and vehicle repair shops buffer requirements.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains upon Resolution duly made and unanimously approved:

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of August 20, 2019:

1.403 R-3 Residential

(C) Special Land Uses

...

(5) Vacant Commercial Type Buildings Conditional Use Permit

1.0404 R-4 Apartment

(C) Special Land Uses

...

(12) Vacant Commercial Type Buildings Conditional Use Permit

1.0603 Special land use designated.

...
(U) *Service stations and vehicle repair shops.* Service stations and vehicle repair shops may be permitted in accord with the following requirements:

...
(5) All proposed structures shall be located at least 300 feet from any property which is used as a public or private school, a church, hospital, theater, playground, fire station or place of public congregation.

...
(PP) *Vacant Commercial Type Buildings Conditional Use Permit.*

1. Eligible parcels. A new commercial use may only be permitted if all of the following conditions are met.
 - a. A commercial use must have been permitted in the building based on assessing records.
 - b. The structure has been vacant for 6 months or longer.
2. Use conditions.
 - a. The use must not be reasonably expected to negatively affect, or create any nuisance to, the surrounding neighbors.
 - b. Hours of operation should not intrude on the neighborhood in which they are located.
3. Requirements.
 - a. The applicant must meet with the zoning administrator to determine whether the parcel and the use qualify for a Vacant Commercial Type Buildings Conditional Use Permit
 - b. If the proposed use is determined to be a qualifying use, the applicant must provide all properties within 300 feet of the proposed property with a description of the intended use. The applicant must submit to the City the signatures of all owners along with an indication of whether each owner approves or disapproves of the proposed use. In cases where the applicant cannot reach an owner, an affidavit shall be submitted.
 - c. Parking and means of egress shall be indicated on a sketch plan for review by Engineering, Police, Fire and Community Development Departments.

Moved by Comm. Good and seconded by Comm. Dvorak to consider this the first reading of an amendment to the City of Sturgis Zoning Ordinance Section 1.1003 Signs Accessory to Permitted Non-Residential Uses in Residential Districts as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Dvorak and seconded by Comm. Good to consider this the first reading of an amendment to the City of Sturgis Zoning Ordinance Section 1.0410 (C) (13) Manufacturing Zoning District Special Land Uses and to 1.0603 (QQ) Indoor Vehicle Sales Areas as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Bir to consider this the first reading of an amendment to the City of Sturgis Zoning Ordinance Section 1.1001 Electronic Message Display Signs as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Dvorak and seconded by Comm. Bir to consider this the first reading of an

amendment to the City of Sturgis Zoning Ordinance Section 1.0304 Zoning of Annexed or Transferred Areas as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information on the use and cost of a lift to assist with the completion of painting projects. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the use of Neighbor 2 Neighbor Paint Program funds as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided details on the bid related to the Hot-In-Place Asphalt Program. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the bid of Gallagher Asphalt Corporation for the Hot-In-Place Asphalt Program in the amount of Two Hundred Thirty-Five Thousand, Ninety-Five Dollars and Eighty Cents (\$235,095.80) as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on potential business expansion and a request to waive the special assessments in Bullard Industrial Park. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the waiver of special assessment fees in Bullard Park as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the closure of North Street from US 12 to John Street for the Music on North event from 2:00 p.m. to 11:00 p.m. and Pleasant Street from US 12 to the parking lot from 3:00 p.m. to 10:00 p.m.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Dvorak and seconded by Comm. Klinger to go into Closed Session for discussion of the potential purchase of property.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Littman, Good, Dvorak, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:52 p.m.

Meeting reconvened at 9:20 p.m.

The meeting was adjourned at 9:20 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
TUESDAY, AUGUST 6, 2019
WIESLOCH RAUM – CITY HALL

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

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

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

City Manager Michael Hughes and other City Staff provided details and information on the regulations related to adult use marijuana.

The City Commission discussed many issues, both positive and negative, for the allowance of the commercial sale of adult use marijuana within City limits.

Gene Harrison, Barb Brothers, Nathan Shevick, and Matt Craven, as members of the community, provided their thoughts on this decision.

Commissioner Bir joined the meeting.

The City Commission had consensus to place the issue on the agenda for their regular meeting on August 28, 2019 to determine if City Staff should move forward with developing an ordinance.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 14, 2019
WIESLOCH RAUM – CITY HALL

Vice-Mayor Dvorak called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Good.

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

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

GIS Director Jeff Davis gave a presentation on the City's GIS public portal. Discussion followed.

Public Safety Director Geoff Smith gave a brief update on the golf cart ordinance.

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

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

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of August 14, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 24, 2019 regular meeting as presented.

APPROVE the minutes from the August 6, 2019 work session as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,338,556.08 as presented.

8C. Sturgis Township Property Transfer – 71238 and 71304 M-66

ADOPT the Transfer of Property from Sturgis Township (Agreement #1) Resolution for 71238 M-66 and 71304 M-66 as presented.

8D. 2019 Light Up the Dark 5K

APPROVE the request for the 2019 Light Up the Dark 5K from Radiant Life Church as presented.

8E. Upcoming DDA Event Requests

APPROVE the requests for Music on North, August 30th 2019 and the 2019 BBQ Fest as presented.

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

Buildings Supervisor Will Prichard provided a brief explanation of the Zoning amendments presented at the previous Commission meeting. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to consider this the second reading of and

approve an amendment to the City of Sturgis Zoning Ordinance Section 1.1003 Signs Accessory to Permitted Non-Residential Uses in Residential Districts as presented.

Voting yea: Eight

Voting nay: None

Absent: Hile

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 1.1003 of the Zoning Ordinance is hereby modified to provide as follows effective as of September 6, 2019.

ARTICLE X. SIGNS

1.1003. Signs accessory to permitted non-residential uses in residential districts.

(A) Sign(s) may be erected in residential districts for permitted non-residential uses. Such signs shall meet all the requirements as stated under this zoning ordinance including the following:

(1) No establishment shall have a total of more than two signs facing upon any one street or parking area.

(2) All signs attached to a building shall comply with the following requirements:

(a) No sign shall exceed 32 square feet.

(b) Where a sign extends more than three inches from the face of the building, the sign shall be no closer than eight feet to the ground.

(c) The maximum width of any sign attached parallel to a wall shall not exceed 60 percent of the width of the wall.

(3) There shall be no more than one ground sign per public road frontage.

(a) No part of the sign shall be closer than five feet to any property line or sidewalk.

(b) No sign shall exceed 32 square feet in area for a single face and 64 square feet in area if a two-sided sign. If a parcel has multiple road frontage access, then an additional ground sign is allowed up to a maximum of 50 square feet of total signage, counting a single face of each sign. Sign(s) shall not exceed six feet in height.

(4) Temporary signs subject to section 1.1012.

(5) 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. A permit for such sign shall not be required.

Moved by Comm. Good and seconded by Comm. Bir to consider this the second reading of and approve an amendment to the City of Sturgis Zoning Ordinance Section 1.0410 (C) (13) Manufacturing Zoning District Special Land Uses and to 1.0603 (QQ) Indoor Vehicle Sales Areas as presented.

Voting yea: Eight

Voting nay: None

Absent: Hile

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE

PERTAINING TO SPECIAL LAND USE DESIGNATION OF INDOOR VEHICLE SALES
AREAS IN THE MANUFACTURING DISTRICT

An Ordinance to amend Article IV of the Zoning Ordinance of the City of Sturgis pertaining to the special land use designation of Indoor Vehicle Sales Areas in the Manufacturing District 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 designation of Indoor Vehicle Sales Areas as a special land use in the M Manufacturing District.

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

Articles IV of the Zoning Ordinance is hereby modified as follows, effective as of September 6, 2019.

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.

...

(16) Indoor Vehicle Sales Area.

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO SPECIAL LAND USE DESIGNATION OF
INDOOR VEHICLE SALES AREA

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to designation of Indoor Vehicle Sales Areas as a special land use 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 designation of Indoor Vehicle Sales Areas as a special land use.

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

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of September 6, 2019:

1.0603 Special land use designated.

...

(QQ) *Indoor Vehicle Sales Area*.

1. Two vehicles are allowed to be displayed on the outside of the building on an approved parking surface that meets the parking requirements in Article IX-Off Street Parking.
2. To calculate the number of vehicles allowed inside a building, a floor plan must be submitted showing the area inside of the building which will be used for vehicle display. For each vehicle, both of the following minimum area standards must be met:
 - a. 25'x30' floor area per vehicle.
 - b. Minimum of 5' clearance on all sides of the vehicle.
3. Required parking
 - a. Two parking spaces shall be provided for staff.
 - b. One parking space shall be provided per two vehicles spaces permitted inside the building.
4. Building must meet all applicable Building, Electrical, Mechanical, Plumbing, Fire Prevention Code and Fire Safety requirements.
5. Applicant must provide the City with State Issued License.

Moved by Comm. Klinger and seconded by Comm. Good to consider this the second reading of and approve an amendment to the City of Sturgis Zoning Ordinance Section 1.0304 Zoning of Annexed or Transferred Areas as presented.

Voting yea: Eight

Voting nay: None

Absent: Hile

MOTION CARRIED

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

An ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis to provide for the modification of the designation of zoning districts 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 modification of zoning districts within the City;

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

Article III, Section 1.0304 of the Zoning Ordinance is hereby modified to provide as follows effective as of September 6, 2019.

ARTICLE III. Designation and Purpose of Zoning Districts

1.0304. - Zoning of annexed or transferred areas.

Any area annexed or transferred to the city shall, immediately upon such annexation or transfer, automatically be zoned the same as the adjacent zoning district. Upon recommendation of the zoning official or referral by the city commission as provided in Section 1.1406, the planning board shall recommend appropriate zoning for such area within three months after the matter is recommended by the zoning official or referred by the city commission.

Electric Department Superintendent and Tom Asp, CTC Technology, provided information on possible options for the existing fiber optic system. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the Indefeasible Right of Use agreement with ACD for use and operation of the City's fiber optic system pending final legal review and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

Absent: Hile

MOTION CARRIED

City Controller Holly Keyser provided details on the proposed rates for the water and wastewater utilities. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the wastewater and water rates for billings beginning on October 1, 2019 and October 1, 2020 as presented.

Voting yea: Eight

Voting nay: None

Absent: Hile

MOTION CARRIED

Vice-Mayor Dvorak opened the Public Hearing on the Fiscal Year 2019-2020 budget.

City Manager Michael Hughes provided details on the budget.

There was discussion amongst the City Commission.

There was no comment from the public.

Vice-Mayor Dvorak closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Good to adopt the 2019-2020 annual City of Sturgis Budget Summary and Appropriation Resolution and approve the City of Sturgis Fee Schedule as presented.

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

Assistant City Manager Andrew Kuk provided information on the requests from the Sturgis Toy Run. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the primary and alternate routes for the 2019 Sturgis Toy Run as presented.

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

Auditorium Director Sheila Bolda provided information on the proposed name change of the facility. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the merger of the Sturgis Council of the Arts and Sturgis-Young Civic Center & Auditorium under the new name of the Sturges-Young Center for the Arts as presented.

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

Electric Department Superintendent John Griffith provided information on a release from service of a water well requested by Glen Oaks Community College. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the request from Glen Oaks Community College to be released from the City of Sturgis electric service contingent on receiving an acceptable written request.

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

Electric Department Superintendent John Griffith provided information on a proposed open house related to the route for the rural transmission line to the hydroelectric plant. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to set the Transmission Line Open house on a date in September 2019 at a location to be determined.

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

Fire Marshal Cody Cripe provided information on recent inspections of buildings and proposed changes to the fine schedule. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. to consider this the first reading of amendments to the City Code of Ordinances, Section 1-7 – General penalty; continuing violations, Section 14-1 – Penalty, Section 26-1 – Penalty, and Appendix B – Fine Schedule for Municipal Civil Infractions.

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

Vice-Mayor Dvorak opened the Public Hearing on an amendment to Agreement #5 for Conditional Transfer of Property Pursuant to 1984 PA 425 with Fawn River Township.

City Manager Michael Hughes provided details on the amendment

There was discussion amongst the City Commission.

There was no comment from the public.

Vice-Mayor Dvorak closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Mullins to approve First Amendment to Agreement #5 For Conditional Transfer Of Property Pursuant To 1984 PA 425 as presented.

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

Moved by Comm. Good and seconded by Comm. Klinger to go into Closed Session for discussion of the potential purchase of property.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Littman, Good, Dvorak

Voting nay: None Absent: Hile MOTION CARRIED

Meeting recessed at 8:15 p.m.

Meeting reconvened at 9:00 p.m.

The meeting was adjourned at 9:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 28, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Good.

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

Commissioners absent:

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

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the agenda as presented with the addition of Sturgis Hospital and street program related issues.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of August 28, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 14, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,477,381.54 as presented.

8C. Fine Schedule Amendments Second Reading

CONSIDER this the second reading of and APPROVE amendments to the City Code of Ordinances, Section 1-7 – General penalty; continuing violations, Section 14-1 – Penalty, Section 26-1 – Penalty, and Appendix B – Fine Schedule for Municipal Civil Infractions.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided details on a Zoning Code amendment related to Electronic Message Display Signs. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to consider this the second reading of and approve an amendment to the Zoning Code, Section 1.1001. – General Requirements pertaining to electronic message display signs effective September 20, 2019.

Voting yea: Nine

Voting nay: None

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 1.1001 of the Zoning Ordinance is hereby modified to provide as follows effective as of September 20, 2019.

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, and 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.
 - c. Areas located in the central business district as defined in section 1.1006 but not located in the B-C - Central Business zoning district shall follow the requirements for electronic message display signs of the zoning district in which they are located.
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.
4. Flashing, rotating, strobing, audio or noise, pyrotechnic simulation or creating a distraction shall be prohibited.
5. Length of time a message must be displayed before changing and message display mode is determined by district as outlined in Table 1.1001A.

TABLE 1.1001A

Zoning District(s)	Minimum Length of Time Between Static Message Changes	Type of Message Display Modes Allowed
R-1, R-2, R-3, R-4, R-5, , BC	Once every thirty (30) seconds	Static Message
BH-2, BOS, M	Once every three (3) seconds	Static Message and Traveling Text
BH-1	Once every three (3) seconds for static messages and maximum display time for animation shall be 10 seconds.	Static Message, Traveling Text, and Animation

6. Modes: The following modes of operation are described for electronic message signs:
 - a. Static. Messages which include no animation or effects simulating animation.
 - b. Traveling Text. For electronic message display signs displaying a single line of text, the text message may continuously travel. Message cannot include images, animation, or effects simulating animation.

- c. Animation. Messages which include motion graphics and video are displayed.
- 7. Transitions: Electronic message display signs shall be operated in one of the permitted modes except for transitions between messages.
 - a. Permitted transition types for static messages include:
 - i. Instantaneous. Change between messages without noticeable transition.
 - ii. Fade. Messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.
 - iii. Traveling. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
 - iv. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.
 - b. The transition time between messages and/or message frames is limited to three seconds and these transitions may employ fade, dissolve, and/or other transition effects.
- 8. 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.
- 9. 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 until dawn. If the sign is not equipped with this option the sign must be turned off between 7:00pm and 7:00am.
- 10. 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.
- 11. In the event of a malfunction, an electronic message display message sign shall turn to a dark screen. The dark screen shall remain until the malfunction is corrected.

Sturgis Hospital Board member Joseph Haas provided information to the City Commission on the efforts to partner with another entity in the operation of the hospital. It was explained that Ascension Borgess will be purchasing Sturgis Medical Group and that there are many items that need to be completed in order to finalize the transaction. One of those items is that the City of Sturgis Health Facilities and Hospital Finance Authority needs to release certain provisions of their loan agreement with Sturgis Hospital. The City Commission needs to appoint the members of that board. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to appoint John Carmichael, Robert Hile, Michael Hughes, Ned Heydlauff, and John Wiedlea to the City of Sturgis Health Facilities and Hospital Finance Authority.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission had discussion on consideration of opting in to the allowance of commercial adult use marijuana businesses within City limits. City Staff provided information on the current laws, a potential ballot petition, and other issues. Hilary Delaney, David Shultes, Gene Harrison, and Anthony Lapin provided their thoughts on a possible ordinance. Further discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to direct City Staff to present a draft ordinance for adult use marijuana to the City Commission whose intent upon adoption of the ordinance, the City will opt in to the allowance of commercial adult use marijuana within City limits.

Voting yea: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Dvorak, Hile

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard explained that a request to rezone the properties located at 909 and 911 E. Chicago Road was made by the property owner. The request is to rezone both parcels from R-3 Residential to Business Office Service (B-OS). This designation is requested to align the zoning with the use of the building for future owners. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve this the first reading of an amendment to the Zoning Code, Article III pertaining to rezoning of 909 and 911 E. Chicago Road as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Buildings Supervisor Will Prichard provided information on the bid document for the purchase of 603 Enterprise which is owned by the City. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the Request for Proposal for the purchase of the property located at 603 Enterprise Avenue as presented.

Voting yea: Eight

Voting nay: Good

MOTION CARRIED

City Controller Holly Keyser provided information on the bids received related to auditing services. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the audit proposal from Gabridge & Company, PLC for the three (3) fiscal years ending September 2019, 2020 and 2021 in an amount not to exceed ninety thousand dollars (\$90,000.00) as presented and authorize the City Controller to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the use of engineering services at the airport and the proposals received. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the selection of Mead & Hunt as the airport engineer for Kirsch Municipal Airport.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on the 2019 Street program and the bids received. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve a budget amendment to increase the street and sidewalk fund budgeted expenditures for the Fiscal Year 2020 Budget in the amount of six hundred thousand dollars (\$600,000.00).

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the bid of Quality Asphalt Paving, Inc. for the 2019 Street Improvements in the amount of seven hundred twenty nine thousand, four hundred eight dollars and fifty-five cents (\$729,408.55) and authorize the City Manager to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve a contingency budget of thirty six thousand, four hundred and seventy dollars (\$36,470.00) for the 2019 Street Improvements project.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Klinger to approve Task Order 84a with Fleis and VandenBrink Engineering, Inc. for construction phase services on the 2019 Street Improvements project in the amount of forty six thousand dollars (\$46,000.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox explained that Burr Oak Tool, Inc. is requesting a storm sewer easement along W. South Street from the vacated Park Street Alley 109 feet to the west. The storm sewer easement would allow the construction of a 12" storm sewer pipe along and within the right of way of W. South Street. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve the Easement Document related to Burr Oak Tool as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Dvorak to go into Closed Session Conduct a Periodic Personnel Evaluation at the Request of an Employee.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Littman, Good, Dvorak, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:15 p.m.

Meeting reconvened at 9:28 p.m.

Moved by Good and seconded by Mullins to amend the City Manager contract to increase the City Manager annual compensation by 2.25% retroactive to his start date and to review pension implications for a possible future amendment.

Voting yea: Nine

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, SEPTEMBER 11, 2019
WIESLOCH RAUM – CITY HALL

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

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

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

City Manager Michael Hughes provided information on the streetscape design for the Pleasant Street reconstruction. Discussion followed.

The meeting was adjourned at 5:50 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 11, 2019
WIESLOCH RAUM – CITY HALL

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

A moment of silence was held in remembrance of 9/11.

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Luke Eicher, Grace Christian Fellowship

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, Buildings Supervisor, City Clerk

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the agenda as presented with the addition of Sturgis Hospital and street program related issues.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of September 11, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 28, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,158,906.71 as presented.

8C. 909 & 911 E. Chicago Rd. Rezoning Second Reading

CONSIDER this the second reading of and APPROVE amendments to the Zoning Code, Article III pertaining to rezoning of 909 and 911 E. Chicago Road as presented.

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 R-3 residential zoning district to the B-OS business office service 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 4, 2019.

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-OS business office service zoning district:

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

909 E. Chicago Road

Parcel No. 75-052-777-306-00, and
911 E. Chicago Road
Parcel No. 75-052-777-305-00

8D. MDOT State Trunkline Maintenance Contract

APPROVE the MDOT State Trunkline Maintenance Contract as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of an IFEC for Zurcher Tire Inc.

Assistant City Manager Andrew Kuk, Cathy Knapp, Southwest Michigan First, and representatives of the company provided details on the project.

There was discussion amongst the City Commission.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Mullins to adopt the Resolution approving an Industrial Facilities Exemption Certificate for Zurcher Tire, Inc. as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

RESOLUTION

WHEREAS, Zurcher Tire, Inc. 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 Zurcher Tire, Inc., and

WHEREAS, on October 6, 1980, the City Commission established the Industrial Development District for the industrial property of Zurcher Tire, Inc. 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 Zurcher Tire, Inc. for an “Industrial Facilities Exemption Certificate”.

Mayor Hile opened the Public Hearing for consideration of an IFEC for Michiana Millworks.

Assistant City Manager Andrew Kuk, Cathy Knapp, Southwest Michigan First, and representatives of the company provided details on the project.

There was discussion amongst the City Commission.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Dvorak to adopt the Resolution approving an Industrial Facilities Exemption Certificate for Michiana Millworks as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

RESOLUTION

WHEREAS, Michiana Millworks 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 Michiana Millworks, and

WHEREAS, on April 14, 1999, the City Commission established the Industrial Development District for the industrial property of Michiana Millworks 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 Michiana Millworks for an “Industrial Facilities Exemption Certificate”.

Assistant City Manager Andrew Kuk provided details on the ordinance amendment related to temporary businesses including food trucks, transient merchants, and solicitor/peddlers. Discussion

followed.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the first reading of an amendment to the City Code of Ordinances, Chapter 18 – Businesses related to Temporary Businesses.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Dvorak to go into Closed Session to discuss the potential purchase of property.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Littman, Good, Dvorak, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 6:42 p.m.

Meeting reconvened at 7:00 p.m.

The meeting was adjourned at 7:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
MONDAY, SEPTEMBER 23, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Justin Wickey

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, Buildings Supervisor, City Clerk

Tim Stoll, Director of the St. Joseph County Commission on Aging, presented information regarding the PACE Program proposed for the Sturgis Enrichment Center. Discussion followed.

Moved by Comm. Littman and seconded by Comm. Dvorak 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 September 23, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the September 11, 2019 work session as presented.

APPROVE the minutes from the September 11, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$3,239,719.96 as presented.

8C. Temporary Business Ordinance Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the City Code of Ordinances, Chapter 18 – Businesses related to Temporary Businesses effective October 18, 2019.

AMENDMENT TO CHAPTER 18 OF THE ORDINANCES

OF THE CITY OF STURGIS

An ordinance to amend Chapter 18 of the Ordinances of the City of Sturgis pertaining to the regulation of businesses within the City 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 temporary businesses within the City.

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

Part II – Chapter 18 is hereby amended to provide as follows, effective as of October 18, 2019.

ADOPT the Resolution for Modification of Fee Schedule pertaining to Temporary Business fees as presented.

RESOLUTION

Modification of Fee Schedule

Whereas, the City of Sturgis has amended Chapter 18 of its Ordinances relating to the regulation of businesses within the City; and

Whereas, the City Commission has determined that the fees pertaining to the operation of businesses within the City should be amended:

NOW, THEREFORE, BE IT RESOLVED that the fee schedule pertaining to operating businesses within the City is hereby amended as follows effective October 18, 2019:

Temporary Business License:

Annual \$50.00

One Day..... \$25.00

Mobile Vending Unit License:

Annual \$200.00

One Day..... \$25.00

Solicitor and Peddler Background Check City Cost

Mobile Vending Unit Layout Plan Fees:

Use of Certified Mobile Vending Unit Site (no plan required)..... \$0.00

Multiple Use Site Plan (per vendor)..... \$125.00

One-Time Site Plan (per site plan, per occurrence) \$25.00

ADOPT the Resolution for Certified Mobile Vending Unit Sites as presented.

RESOLUTION

Certified Mobile Vending Unit Sites

Whereas, the City of Sturgis has amended Chapter 18 of its Ordinances relating to the regulation of businesses within the City; and

Whereas, Section 18-54 of the Code of Ordinances provides for the establishment of Certified Mobile Vending Unit sites by the City Commission:

NOW, THEREFORE, BE IT RESOLVED that the following sites are established as Certified Mobile Vending sites effective October 18, 2019:

- John Street between North St. and N. Clay St. (4 Locations)
- North Street between US-12 and John St. (1 Location)
- City Parking Lot 4 – West end off of North St. (1 Location)
- City Parking Lot 11 – SE Corner of West St. and N. Nottawa (3 Locations)
- Arkwright's Lawn Area – 200 E. Chicago Rd. (6 Locations)
- Thurston Woods Park (2 Locations)
- Memorial Park (1 Location)
- Oaklawn Terrace Park (2 Locations)

Specific site locations are identified on the Certified Mobile Vending Site Location Maps attached to this resolution.

8D. 2019 Homecoming Parade and Fireworks

APPROVE the request of Sturgis High School for the 2019 Homecoming Parade on October 4th and AUTHORIZE Deputy Fire Chief Andy Strudwick to approve the fireworks display as presented.

8E. Additional Barbecue Fest Requests

APPROVE the closure of North St. from John St. to City Hall Parking lot entrance for BBQ Fest as presented.

8F. MML Pool Board of Director's Election

APPROVE submittal of ballot for the Michigan Municipal League Liability Property Pool Board of Directors as presented and AUTHORIZE the City Manager to sign all necessary documents.

8G. Solar Crossing Agreement

APPROVE the Consent and Crossing Agreement with Electric City Solar LLC and AUTHORIZE City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the contracts related to tree maintenance. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Dvorak to approve a bid waiver and the Plant Growth Management Systems Management Services Proposal for 2020 with an annual total service budget not-to-exceed one hundred and six thousand dollars (\$106,000.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Klinger to approve the proposal from TreeCore with an annual total service budget not-to-exceed two hundred and seventy-five thousand dollars (\$275,000.00) for line clearance and one hundred and eighteen thousand dollars (\$118,000.00) for public trees as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Klinger to approve the proposal from Asplundh Tree Expert Company for herbicide applications as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the bids for the upgrades to the SCADA system. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the proposal from Survalent for the SCADA System in the amount of one hundred ninety-two thousand nine hundred and seventy-nine dollars (\$192,979.00) and maintenance costs for years two through five in the total amount of fifty-nine thousand, five hundred and sixty dollars (\$59,560.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser detailed the necessary budget amendments. Discussion follows.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the 2018-2019 fiscal year budget amendments as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve the closure of one parking spot in front of York Mercantile on September 28th for the barbeque event.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Littman to go into Closed Session to discuss the potential purchase of property.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Littman, Good, Dvorak, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 6:42 p.m.

Meeting reconvened at 8:00 p.m.

The meeting was adjourned at 8:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 9, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor George Cleverley, Church of Christ

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

Commissioners absent: None

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

Moved by Comm. Littman and seconded by Comm. Dvorak 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 9, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the September 23, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,183,552.36 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on provisions to be included in development of an adult-use marijuana ordinance. Attorney Jessica Wood, Dickinson Wright, provided further information regarding the State statute and how other municipalities are interpreting the rules. The City Commission discussed a variety of issues and provided direction to City Staff to prepare an ordinance for first reading at the next regular meeting.

City Manager Michael Hughes explained that no bids met the reserve price for the sale of 603 Enterprise. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to approve the minimum bid for the sale of 603 Enterprise Ave. in the amount of twelve thousand five hundred dollars (\$12,500.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of use of CDBG funds for a Stapleton Industrial Park project.

City Manager Michael Hughes provided information on the project.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Good to adopt the UGLG Authorizing Resolution for the Stapleton Industrial Park Site Readiness Project as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

UGLG AUTHORIZING RESOLUTION FOR THE STAPLETON INDUSTRIAL PARK SITE READINESS PROJECT

WHEREAS, the City of Sturgis has applied for and been awarded funds through the Michigan Site Readiness Grant Program for the Stapleton Industrial Park Site Readiness Project, and

WHEREAS, funding for the grant award will come through the State of Michigan Community Development Block Grant (CDBG), and

WHEREAS, The project includes the completion of environmental, geotechnical, and utility planning studies at Stapleton Industrial Park and these studies will allow for better dialog with future developers on projects at the site as well as put the pieces in place for the City to work quickly to extend infrastructure for a development project; and

WHEREAS, the project is consistent with the City of Sturgis Master Plan, and CDBG Community Development Plan, and

WHEREAS, the proposed Planning Grant has the potential to lead to job creation of which 51% of the created positions will be held by low to moderate income individuals, and

WHEREAS, no project costs (CDBG and non-CDBG) will be incurred prior to the formal loan award, completion of the environmental review procedures and formal, written authorization to incur costs has been provided by your CDBG Project Manager, and

WHEREAS, The City of Sturgis has advertised in Sturgis Journal newspaper and has held a public informational hearing in regard to the CDBG Revolving Loan Fund application on February 13th, 2019.

NOW, THEREFORE BE RESOLVED that the City of Sturgis authorizes the submission of an application for the Stapleton Industrial Park Site Readiness Project to the Michigan Community Development Block Grant (CDBG) in the amount of \$51,500.00, and

BE IT FURTHER RESOLVED that City Manager Michael Hughes be authorized to sign the CDBG Application, Grant Agreement, Payment Requests, and all associated documents for the project.

City Manager Michael Hughes provided information on the purchase agreement with Sturgis Neighborhood Program for 911 and 915 S. Ohio Ct. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the purchase agreement with Sturgis Neighborhood Program for the purchase of 911 and 915 S. Ohio Ct. in the amount of ten thousand, one hundred and fifty-three dollars (\$10,153.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Attorney Roger Bird explained that a company has expressed interest in placing a kiosk for the purchase of old cell phones in grocery stores. The State requires that a City have a policy in order for this activity to occur. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the Second Hand Dealers License Policy 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. Klinger and seconded by Comm. Bir to adopt the Resolution to Control 2020 Municipal Health Care Costs as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:57 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 23, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Good

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

Commissioners absent: Wickey

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

Electric Department Superintendent John Griffith provided details on the MPPA Hedge Plan. Discussion followed.

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

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

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of October 23, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 9, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$3,137,746.29 as presented.

8C. Fall Garden Party Request

APPROVE the use of 200 E. Chicago Rd. on October 25th for the Fall Garden Party as presented.

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

Building Supervisor Will Prichard and Beckett and Raeder provided details on the preparation of the City's Master Plan and the next steps before final adoption. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to adopt the Resolution Recommending Distribution of the Draft City of Sturgis Community Master Plan as presented.

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

RESOLUTION RECOMMENDING DISTRIBUTION OF THE
DRAFT CITY OF STURGIS COMMUNITY MASTER PLAN

WHEREAS, the Michigan Planning Enabling Act (“MPEA,” PA 33 of 2008) authorizes municipal planning commissions to prepare a Community Master Plan pertinent to the future development of the municipality; and

WHEREAS, the City of Sturgis Planning Commission has prepared a draft master plan for the municipality, to update and replace its previous community master plan; and

WHEREAS, the MPEA requires the Sturgis City Commission to authorize the distribution of the draft Community Master Plan to the general public and the various entities listed in the MPEA, for review and comment purposes; and

WHEREAS, the City of Sturgis Planning Commission has passed a motion requesting such authorization from the City Commission; and

WHEREAS, once the distribution period has expired, the City of Sturgis Planning Commission will convene a public hearing as required by the MPEA;

NOW, THEREFORE, the Sturgis City Commission hereby authorizes distribution of the draft community master plan.

City Manager Michael Hughes provided information on the proposed ordinance related to the allowance of commercial adult-use marijuana in the City. The City Commission discussed a variety of issues and provided direction to City Staff to finalize the provisions for a first reading at the next regular meeting.

City Manager Michael Hughes and Steve Frisbee, LifeCare Ambulance, provided details on the agreement for ambulance service. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Third Amendment to the Agreement to Operate Ambulance Service and approve Exhibit 7 to Third Amendment to Operate Ambulance Service Agreement to Be Bound as presented subject to attorney review.

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

Deputy Police Chief Ryan Banaszak provided information on the proposed purchase of new Police vehicles. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve a bid waiver and the purchase of a Dodge Durango AWD from John Jones Police Pursuit Vehicles in the amount of thirty-three thousand three hundred and twenty-one dollars (\$33,321.00).

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

Moved by Comm. Klinger and seconded by Comm. Good to approve the purchase of one (1) Dodge Durango AWD from LaFontaine Chrysler in the amount of thirty thousand four hundred and fourteen dollars (\$30,414.00) as presented.

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

Moved by Comm. Good and seconded by Comm. Littman to approve placement of the Howe School tank at the American Legion.

City Manager Michael Hughes explained that City Staff is working with the American Legion on a process with the Zoning Board of Appeals. Discussion followed.

Comm. Good withdrew his motion.

The meeting was adjourned at 7:53 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 13, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Wickey

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

Commissioners absent: Good

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

Sturgis Public Schools Superintendent Art Ebert provided information on activities in the schools. Discussion followed.

Joe Haas provided an update of the agreement and discussions between Sturgis Hospital and Ascension Borgess. Discussion followed.

Mike Mort provided information on the upcoming movie, Dark Lake.

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

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

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of November 13, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 23, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,935,930.21 as presented.

8C. 2019 Downtown Christmas Event Requests

APPROVE the 2019 Downtown Christmas Event Requests as presented.

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

City Manager Michael Hughes provided details on the draft ordinance for adult use marijuana. Discussion followed regarding an incident at Lonespruce, major employers, ballot proposals, and several other issues.

Moved by Comm. Mullins and seconded by Comm. Bir to consider this first reading of the commercial adult-use marijuana ordinance as presented.

Voting yea: Bir, Mullins, Klinger, Malone

Voting nay: Wickey, Littman, Dvorak, Hile

Absent: Good

MOTION DEFEATED

Discussion continued.

Moved by Comm. Wickey and seconded by Comm. Littman to limit retail adult use establishments to south of Bogen Road and amend buffers from the proposed ordinance.

Discussion followed.

Comm. Wickey withdrew his motion.

The City Commission had consensus to discuss the proposed ordinance and related issues at the next regular meeting when all Commissioners would be in attendance.

DPS Supervisor Rick Miller provided details on the bids and equipment for the DPS, Parks, and Cemetery Departments. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve a bid waiver for and the purchase of a John Deere 1575 Front Mower from Greenmark Equipment in the amount of thirty-two thousand, eight hundred sixty-seven dollars and ninety-seven cents (\$32,867.97).

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve disposal of the 2009 John Deere 1445 Diesel Front Mower via public auction or trade allowance in an amount not less than six thousand one hundred dollars (\$6,100.00) as presented.

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve a bid waiver for and the purchase of a John Deere 5090E Utility Tractor from Greenmark Equipment in the amount of fifty-three thousand, three hundred seventy-four dollars and thirty-eight cents (\$53,374.38).

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve disposal of the 1996 John Deere 5400 tractor via public auction or trade allowance in an amount not less than seven thousand three hundred and fifty dollars (\$7,350.00) as presented.

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve a bid waiver and the purchase of a Volvo L60H Wheel Loader from Alta Equipment Company in the amount of one hundred sixty-one thousand and forty-three dollars (\$161,043.00) as presented.

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

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve disposal of the 2006 John Deere Model 444J Wheel Loader via public auction or trade allowance in an amount not less than thirty thousand dollars (\$30,000.00) as presented.

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

Commissioner Littman left the meeting.

Assistant City Manager Andrew Kuk provided information on the design and construction work for FY 2019-20 on runway 18-36 at the airport. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Klinger to approve a contract with Mead & Hunt, Inc. for engineering services in the amount of one hundred and seventy-nine thousand, two hundred dollars (\$179,200.00) contingent upon receipt of a grant contract from the Michigan Department of Transportation and authorize the City Manager to sign all necessary documents.

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

Moved by Comm. Dvorak and seconded by Comm. Klinger to approve a grant contract with the Michigan Department of Transportation for engineering services as presented for one hundred and eighty-four thousand dollars (\$184,000.00) with a City match amount of nine thousand, two hundred dollars (\$9,200.00) contingent upon staff review of the final document and authorize City Manager Michael Hughes to sign all necessary documents.

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

Moved by Comm. Klinger and seconded by Comm. Bir to go into Closed Session to discuss the potential purchase of property and Material Exempt from Discussion or Disclosure by State or Federal Statute.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Dvorak, Hile

Voting nay: None Absent: Good, Littman MOTION CARRIED

Meeting recessed at 7:55 p.m.

Meeting reconvened at 9:05 p.m.

The meeting was adjourned at 9:05 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
MONDAY, NOVEMBER 25, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Luke Eicher of Grace Christian Fellowship.

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

Commissioners absent: Klinger

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

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

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

Moved by Comm. Littman and seconded by Comm. Wickey to approve the Consent Agenda of November 25, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 13, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,372,893.75 as presented.

8C. St. Joseph County EDGE Board of Directors Election

APPROVE submittal of ballot for the St. Joseph County EDGE Board of Directors as presented.

8D. DDA Budget Amendment

APPROVE amendments to the DDA Fiscal Year 2019-2020 budget as presented.

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

City Manager Michael Hughes provided information on the bids received for the sale of 603 Enterprise. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to approve the sale of 603 Enterprise Ave. to Jose Lopez per the proposed document in the amount of twelve thousand five hundred dollars (\$12,500.00) as presented.

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

City Manager Michael Hughes provided details on the draft ordinance for adult use marijuana. Discussion followed regarding minor procedural changes in the draft ordinance and a more substantial change involving the addition of language related to the transfer of a license from one entity to another, including an approval process with associated fee.

Comm. Klinger joined the meeting at 6:09 p.m.

Moved by Comm. Wickey and seconded by Comm. Dvorak to approve the proposed ordinance to limit retail adult use establishments to south of Bogen Rd and amend buffers from the proposed ordinance.

Discussion followed.

Assistant City Manager, Andrew Kuk, called in Attorney Tom Forshee from Dickinson Wright for assistance if needed.

Mayor Hile called for a Roll Call Vote.

Voting yea: Wickey, Dvorak, Littman, Hile

Voting nay: Bir, Klinger, Mullins, Malone, Good

MOTION DEFEATED

Commissioner Mullins took a moment thank city staff and all others involved for their extraordinary job in developing the ordinance and their time and work is much appreciated.

Moved by Comm. Mullins and seconded by Comm. Klinger that the Sturgis City Commission consider this the first reading of the Commercial Adult-Use Marihuana Ordinance as presented.

Voting yea: Klinger, Bir, Good, Malone, Mullins, Hile

Voting nay: Dvorak, Wickey, Littman

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the proposed amendments to the Zoning Codes recommended by the Planning Commission. It was recommended to add marihuana retailers as a special land use BH-1 and all marihuana establishments as a special land use in the manufacturing district.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the first reading of the Adult-Use Marihuana Zoning Code Amendments.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the establishment of a Commercial Rehabilitation District.

Assistant City Manager Andrew Kuk provided information on this type of abatement, the particular district, and the potential development. Discussion followed.

John Carmichael, GT Independence, presented the renovation project, which they are calling the MOSO II Site, located at 209 John St.

There was no comment from the Public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Dvorak to adopt the Resolution Establishing Commercial Rehabilitation District as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Resolution Establishing Commercial Rehabilitation District

WHEREAS, pursuant to PA 210 of 2005, the City of Sturgis has the authority to establish "Commercial Rehabilitation Districts" within the City of Sturgis at request of a commercial business enterprise; and

WHEREAS, the City of Sturgis has determined that the establishment of the Commercial Rehabilitation District for an area in the vicinity of 209 John Street located in the City of Sturgis hereinafter described will provide economic development that would not otherwise occur; and

WHEREAS, the City Commission of the City of Sturgis determined that the district meets the requirements set forth in sections 2(b) and 3 of PA 210 of 2005; and

WHEREAS, written notice has been given by certified mail to the county and all owners of real property located within the proposed district as required by section 3(3) of PA 210 of 2005; and

WHEREAS, on November 25, 2019 a public hearing was held and all residents and taxpayers of the City of Sturgis were afforded an opportunity to be heard thereon; and

WHEREAS, the City Commission deems it to be in the public interest of the City of Sturgis to establish the Commercial Rehabilitation District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Sturgis that the following described parcel(s) of land situated in the City of Sturgis, Saint Joseph County, and State of Michigan, to wit:

75-052-040-269-00 and 75-052-040-274-00 LOTS 4, 5, 6, 7-8-9-13-14-15-16 BLK 26 ORIG PLAT CITY OF STURGIS

hereby is established as a Commercial Rehabilitation District pursuant to the provisions of PA 210 of 2005 to be known as (name of district) Commercial Rehabilitation District No. 1.

Electric Department Superintendent John Griffith provided information on the bids received for new pickup trucks for the department. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Littman to approve the purchase of a 2020 Dodge RAM 1500 Crew Cab from LaFontaine CDJR, Lansing, MI in the amount of thirty-two thousand, four hundred and forty-one dollars (\$32,441.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Littman to approve the purchase of a 2020 Dodge RAM 2500 Crew Cab from LaFontaine CDJR, Lansing, MI in the amount of thirty-four thousand, ninety-four dollars (\$34,094.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission had consensus to postpone consideration of Item 10-C regarding the Economic Development Rider Agreement until a future meeting.

Jessica Rolf, mother of Brittany Shank, who has been missing for almost one year, informed the commission of a vigil to be held at Free Church Park on November 30, 2019 at 6:30 p.m.

Moved by Comm. Mullins to go into closed session for the purpose of pending litigation.

Voting yea: Littman, Wickey, Dvorak, Malone, Bir, Good, Mullins, Klinger, Hile

Voting nay: None

MOTION CARRIED

The meeting was recessed at 7:00 p.m.

The meeting was reconvened at 7:12 p.m.

The meeting was adjourned at 7:12 p.m.

Shelly Ultz, City of Sturgis Deputy Clerk

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 11, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Sue Babb, First United Methodist Church.

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, Buildings Supervisor, Deputy Police Chief, DPS Supervisor, City Clerk

Moved by Comm. Littman and seconded by Comm. Dvorak 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 December 11, 2019 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 25, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,331,481.90 as presented.

8C. Accounts Payable Authorization

AUTHORIZE the Finance Committee to approve the payment of City bills at their next meeting.

8D. Fawn River Township PA 425 Amendment #1 to Agreement # 5 Transfer

ADOPT the Transfer of Property from Fawn River Township (Amendment #1 to Agreement #5) Resolution for the School District of the City of Sturgis properties as presented.

8E. Fawn River Township PA 425 Agreement # 5 Transfer

ADOPT the Transfer of Property from Fawn River Township (Agreement #5) Resolution for 68790 Vinewood Avenue as presented.

8F. Sturgis Township PA 425 Property Transfers – Electric City Solar #1 and #2

ADOPT the Resolution for Transfer of Property from Sturgis Township to City of Sturgis for part of parcel #75-015-013-017-00 (S) as presented.

ADOPT the Resolution for Transfer of Property from Sturgis Township to City of Sturgis for parcel #s 75-015-024-006-00 and 75-015-024-006-10 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided details on the draft ordinances for adult use marijuana that were approved for a first reading at the previous meeting and explained that all recent changes involve grammar and organization of the ordinance. He further explained that with an approval of a second reading, the ordinance related to the prohibition of adult use marijuana businesses would need to be repealed. Finally, he provided information on the minor changes to the medical marijuana ordinance and fees associated with both types of businesses.

Comm. Good provided his thoughts on the proposed ordinances.

Comm. Wickey moved to allow Commissioners to speak on reconsidering his motion from the last meeting.

Motion died for lack of a second.

There was additional discussion amongst the City Commission.

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, adding Chapter 38, Article IV, Section 38-93 pertaining to Adult Use Marihuana Establishments, effective January 3, 2020.

Voting Yea: Mullins, Bir, Klinger, Malone, Good, Hile

Voting Nay: Wickey, Dvorak, Littman

MOTION CARRIED

AMENDMENT TO CITY ORDINANCES
PERTAINING TO REGULATION OF COMMERCIAL PRODUCTION
AND DISTRIBUTION OF ADULT USE MARIHUANA

An Ordinance to amend Chapter 38 Article IV of the Ordinances of the City of Sturgis pertaining to the regulation of commercial production and distribution of adult use marihuana within the City 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 Ordinances of the City by adding a provision regulating commercial production and distribution of adult use marihuana within the City.

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

Chapter 38 Article IV of the Ordinances of the City of Sturgis is hereby modified by adding Section 38-93 as follows, effective as of January 3, 2020:

Sec. 38-93 ADULT USE MARIHUANA ESTABLISHMENTS

- (a) *Purpose.* The purpose of this Section is to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Prop 1 of 2018, so as to protect the public health, safety, and welfare of the residents of the City by setting forth the manner in which recreational marihuana establishments can be operated in the City. Further, the purpose of this Section is to:
 - (1) Provide a means to regulate and control the commercial production and distribution of marihuana, the lawful production of related products as set forth in, and for purposes of implementing, the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq. (hereafter referred to as the “MRTMA” or the “Act”);

- (2) Protect public health and safety through reasonable limitations on marihuana commercial entity operations, and limitations upon other marihuana-related activities provided for by the MRTMA, as they relate to noise, air and water quality, neighborhood safety, security for the establishment and its personnel, and other health and safety concerns;
 - (3) Impose fees to defray and recover the costs to the City of the administrative and enforcement costs associated with Marihuana Establishments, and Municipally-Licensed marihuana activities as provided for in the MRTMA;
 - (4) Coordinate with laws and regulations that may be enacted by the State addressing marihuana, including but not limited to the Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency Adult – Use Marihuana Establishments Emergency Rules (LARA Rules), as amended from time to time;
 - (5) To restrict the issuance of Marihuana Establishment Municipal Licenses only to individuals and entities that have demonstrated an intent and ability to comply with this Section, and with State law and regulation, without monitoring by City officials;
 - (6) Recognize that regulations for marihuana may not be adequate at the state level to address the impacts on the City of the commercialization of marihuana, making it appropriate for local regulation of the impact of marihuana establishments;
 - (7) Recognize that nothing in this Ordinance is intended to promote or condone the production, distribution, sale or possession of marihuana in violation of any applicable law;
 - (8) Recognize that this Ordinance is to be construed to protect the public over Marihuana Establishment interests. Operation of a Marihuana Establishment is a revocable privilege and not a right in the City. There is no property right for an individual or establishment to engage or obtain a municipal license to engage in marihuana as a commercial enterprise in the City;
 - (9) To make it known that because marihuana is a heavily regulated industry in the City, all Municipal License Holders are assumed to be fully aware of the law; the City shall not therefore be required to issue warning before issuing citations for violation of this Ordinance; and
 - (10) Recognize that as of the effective date of this Ordinance, marihuana is classified as a Schedule 1 controlled substance under Federal Law which makes it unlawful to manufacture, distribute, cultivate, produce, possess, dispense or transport marihuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under Federal Law.
- (b) Definitions. The following words, terms and phrases when used in this Section shall have the meanings ascribed to them in this Subsection (and Section 38-92 when Medical Marihuana definitions are indicated by the word “Medical”):
- (1) “*Applicant*”, unless specifically stated to mean a state License, means an individual, organization, partnership, company, corporation enterprise, or other entity that

applies for a Municipal License as well as the person or persons associated with the Applicant. For purposes of this definition, an Applicant includes a managerial employee of the Applicant, a person holding a direct or indirect ownership interest of more than 10% in the Applicant, and the following for each type of Applicant:

- For an individual or sole proprietorship: the proprietor and spouse.
- For a partnership and limited liability partnership: all partners and their spouses.
- For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
- For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
- For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

For purposes of this definition, an Applicant does not include:

- A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
- A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana- infused products by the applicant who is a franchisee. Nothing herein shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms “franchise,” “franchisor,” and “franchisee” shall have the meanings set forth in section 2 of the Franchise Investment Law, 1974 PA 269, MCL 445.1502.

- A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
 - A person receiving reasonable payment under a licensing agreement or contract concerning the licensing of intellectual property including, but not limited to, brands and recipes.
- (2) “*Application*” means an Application for a Municipal License under this Ordinance and includes all supplemental documentation attached or required to be attached thereto.
 - (3) “*Application Documents*” means the items required as part of an Application submitted to the City prior to them being accepted as complete as provided in Subsection (e)(1).
 - (4) “*Board*” means the marihuana licensing board, as anticipated by the MRTMA to be created at LARA in order to regulate and administer state licenses.
 - (5) “*Clerk*” means the City of Sturgis Clerk or his/her designee.
 - (6) “*Co-located Facility or Co-location*” means marihuana businesses holding 2 or more types of state operating licenses under the MRTMA and MMFLA operating within a single location.
 - (7) “*Cultivate or Cultivation*” means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
 - (8) “*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 Marihuana Establishment.
 - (9) “*Designated Consumption Establishment*” means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state License.
 - (10) “*Excess Marihuana Grower*” means a license issued to a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to Marihuana Establishments.
 - (11) “*Grower*” means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to Marihuana Establishments.
 - (12) “*License*” means a current and valid License for Marihuana Establishment issued by the State of Michigan.
 - (13) “*Licensee*” means a Person holding a current and valid Michigan License for a Marihuana Establishment.
 - (14) “*Marihuana*” means that term as defined in Section 3 of the MRTMA, MCL 333.27953.

- (15) “*Marihuana Accessories*” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.
- (16) “*Marihuana Concentrate*” means the resin extracted from any part of the plant of the genus cannabis.
- (17) “*Marihuana Establishment*” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed by the department pursuant to MCL 333.27951.
- (18) “*Marihuana Event Organizer*” means a person licensed to apply for a temporary marihuana event license under these rules.
- (19) “*Marihuana-Infused Product*” means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (20) “*Marihuana Microbusiness*” means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (21) “*Marihuana Processor*” means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (22) “*Marihuana Retailer*” means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (23) “*Michigan Medical Marihuana Act*” or MMMA means 2008 IL 1, MCL 333.26421 et seq., as may be amended.
- (24) “*Michigan Marihuana Facilities Licensing Act*” or MMFLA means Public Act 281 of 2016, MCL 333.27101 et seq. as may be amended.
- (25) “*Michigan Marihuana Tracking Act*” means Public Act 282 of 2016, MCL 333.27901 et seq. as may be amended.
- (26) “*Municipal License*” means a current and valid license for a Marihuana Establishment issued under this Ordinance, which shall be granted to a Municipal License Holder only for and limited to a specific Municipally-Licensed Premises and

a specific Municipally-licensed Property. Said Municipal License shall be in addition to the Special Use Permit required to be obtained pursuant to the City Zoning Ordinance.

- (27) “*Municipal License Holder*” means the an individual, organization, partnership, company, corporation enterprise, or other entity that holds a current and valid Municipal License issued under this Ordinance as well as the person or persons associated with the Municipal License Holder as Applicant(s) for that Municipal License.
- (28) “*Municipal License Slot*” means an unissued permit available to be issued to an Applicant.
- (29) “*Municipally-Licensed Premises*” means the particular building, buildings, or tenant space within which the Municipal License Holder will be authorized to conduct the Facility’s activities pursuant to the Municipal License.
- (30) “*Municipally-Licensed Property*” means the real property comprised of a lot, parcel or other designated unit of real property upon which the Municipally-Licensed Premises is situated.
- (31) “*Person*” means a natural person, company, partnership, profit or non-profit corporation, Limited Liability Company, or any joint venture for a common purpose.
- (32) “*Premises*” means the particular building, buildings, section of land, or tenant space within which a particular use is conducted.
- (33) “*Public Place*” means any area in which the public is invited or generally permitted in the usual course of business.
- (34) “*Rules*” means rules promulgated by the Department in consultation with the Board to implement this Act, including the LARA Rules as may be amended.
- (35) “*Safety Compliance Establishment*” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (36) “*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.
- (37) “*Secure Transporter*” means a person licensed to obtain marihuana form marihuana establishments in order to transport Marihuana to Marihuana Establishments.
- (38) “*Stacked License*” means more than 1 state License issued to a single licensee to operate as a class C Marihuana Grower as specified in each state License at a Marihuana Establishment.
- (39) “*State Operating License*” or, unless the context requires a different meaning,

“*License*”, means a license issued by the Department that allows a person to operate a Marihuana Establishment.

(40) “*Temporary Marihuana Event License*” means a state License held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state License during the dates indicated on the state License.

(41) “*Window*” means the time period set by the City Manager to receive Applications for evaluation by the competitive process as specified in this Ordinance.

(c) *Municipal License Required; Eligibility; General Provisions.*

(1) The City hereby authorizes the operation of the following types of Marihuana Establishments:

- i. Growers, Class A
- ii. Growers, Class B
- iii. Growers, Class C
- iv. Processors
- v. Retailer
- vi. Safety Compliance Facilities
- vii. Secure Transporters
- viii. Marihuana Microbusiness
- ix. Co-Located Facilities as defined in this Ordinance

(2) The following number of Municipal Licenses can be issued for each authorized Marihuana Establishment type:

- i. Growers, Class A: Unlimited
- ii. Growers, Class B: Unlimited
- iii. Growers, Class C: Unlimited
- iv. Processors: Unlimited
- v. Retailers in B-H 1 Zoning District: 3 Municipal Licenses
- vi. Retailers in M Zoning District: Unlimited
- vii. Retailers in all other Districts: 0 Municipal Licenses
- viii. Safety Compliance Facilities: Unlimited
- ix. Secure Transporters: Unlimited
- x. Marihuana Microbusiness in M Zoning District: Unlimited
- xi. Marihuana Microbusiness in all other Districts: 0 Municipal Licenses

(3) No person shall operate a Marihuana Establishment at any time or any location within the City unless a currently-effective Municipal License for that person at that location has been issued under this Ordinance. No Marihuana Establishments are allowed nor shall a Municipal License be considered or granted for those activities and facilities defined as a “special license” being a state license described under section 8 of the MRTMA and issued by the state pursuant to section 9 of the MRTMA, MCL 333.2795 and 333.27959, including but not limited to, Designated Consumption Establishment, Excess Marihuana Grower, Marihuana Event

Organizer, Temporary Marihuana Event, and any special license types hereafter recognized by the state.

- (4) Marihuana Establishments shall operate only as allowed under this Ordinance.
- (5) The City Manager is granted the power to fully and effectively implement and administer the Municipal License Application process.
- (6) The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or Municipal Licensing requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
- (7) As specified in this Ordinance, each Applicant shall pay nonrefundable Review fees, Application fees, annual fees, renewal fees and inspection fees for Municipal Licenses to the City to defray the costs incurred by the City for inspection, administration and enforcement of the local regulations regarding Marihuana Establishments. The City Commission shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. The Municipal License fee requirement shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or City law or ordinance, including, by way of example, any applicable zoning or building permits.
- (8) The City has no obligation to process or approve any incomplete Application.
- (9) A Municipal License shall remain valid for one year following removal of all stipulations on an issued Municipal License.
- (10) It is the sole and exclusive responsibility of each Municipal License Holder or Applicant 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 Municipal License.
- (11) No Municipal License issued under this Ordinance may be assigned or transferred to another person or entity except as specified in this Ordinance. No Municipal License issued under this Ordinance is transferrable to any other location except for the Municipally-Licensed Premises on the Municipally-Licensed Property.
- (12) The original Municipal License issued under this Ordinance shall be prominently displayed at the Municipally-Licensed Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
- (13) A Municipal License Holder may not engage in any other Marihuana Establishment in the Municipally-Licensed Premises or on the Municipally-Licensed Property, or in its name at any other location within the City, without first obtaining a separate Municipal License.
- (14) No Municipal License shall be granted or renewed for a Marihuana Establishment in a residence.

(15) Co-located Facilities are subject to state law for multiple uses per premises, subject to the City Manager or his designee's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MRTMA and each use is consistent with zoning and other provisions of the City Code of Ordinances. If these conditions are met, more than one business may be located on one parcel. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire wall separating any Marihuana Establishment and any adjacent businesses.

(d) *Other Laws and Ordinances.* In addition to the terms of the Ordinance, any Marihuana Establishment shall comply with all City Ordinances, including without limitation the City Zoning Ordinance, and with all other applicable state and local ordinances, laws, codes and regulations.

(e) *Application for and Renewal of Municipal License.*

(1) *Application Documents.* Application Documents for a Municipal License for a Marihuana Establishment shall be submitted to the Zoning Administrator, and on or after the effective date of this Ordinance shall contain the following information. Information obtained from the Applicant is exempt from public disclosure under state law. Upon receipt, review, and approval as outlined in this Ordinance of all Application Documents by City staff, the Documents will be considered a complete Application.

i. The name, address, phone number and email address of the Applicant and the proposed Marihuana Establishment;

ii. The names, home addresses and personal phone numbers for all Applicants and the Marihuana Establishment;

iii. One (1) copy of the following:

1) Pre-approval for a Marihuana Establishment license by the State of Michigan.

2) For Class A, B, or C Growers or Processors or Microbusinesses, a preapproval from the Sturgis Electric Department of the electric system's ability to deliver the estimated peak capacity (kW) and energy (kWh) of the Marihuana Establishment.

3) All documentation of the Applicant's valid tenancy, ownership or other legal interest in the proposed Municipally-Licensed Property and Municipally-Licensed Premises. If the Applicant is not the owner of the proposed Municipally-Licensed Property and Municipally-Licensed Premises, a notarized statement from the owner of such property authorizing the use of the property for a Marihuana Establishment.

- 4) 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.
- 5) A valid, unexpired driver's license or state issued ID for all Applicants for the proposed Marihuana Establishment.
- 6) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
- 7) Application for Sign Permit, if any sign is proposed.
- 8) Non-refundable Marihuana Establishment Application Document Review fee.
- 9) Business and Operations Plan, showing in detail the Marihuana Establishment's proposed plan of operation, including without limitation, the following:
 - a. A description of the type of Marihuana Establishment proposed and the anticipated or actual number of employees.
 - b. A security plan meeting the requirements of Subsection (f)(3) of this Ordinance.
 - c. A description by category of all products to be sold.
 - d. An affidavit indicating the Applicant will, prior to applying for a building permit:
 1. Submit a list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Marihuana Establishment.
 2. Submit a comprehensive report identifying all hazardous materials and processes that will be utilized by the Marihuana Establishment. This list must include all cleaning supplies, as well as chemicals used and/or produced either as products or as waste products in the processes at the establishment. The report shall determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation, or use of a building or premises. All hazardous materials and chemicals must be listed as to how to handle the disposal of these materials. The opinion and report shall be prepared by a qualified third person, firm or corporation approved by the City.

3. Obtain a wastewater discharge permit before connecting to or contributing to the POTW. Refer to City of Sturgis Utilities Code, Subdivision II. Wastewater Discharge Permits, Section 62-191.
 - e. 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 Municipally-Licensed Premises.
 - f. A plan for the disposal of Marihuana and related byproducts that will be used at the Marihuana Establishment.
 - 10) Whether any Applicant 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.
 - 11) A site plan and interior floor plan of the Municipally-Licensed Premises and the Municipally-Licensed Property signed and sealed by a Michigan registered architect, or professional engineer. Site plan must include distance between the Municipally-Licensed Premises and all applicable buffered uses identified in Subsection (f)(5) of this Ordinance, unless those uses are greater than 1,500 ft. from the Municipally-Licensed Premises.
 - 12) The amount of water usage estimated for the facility, including the estimated average gallons per day and peak gallons per minute as well as estimated needs for fire suppression, if applicable.
 - 13) Information regarding any other Marihuana Establishment or 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 Marihuana Establishment or Medical Marihuana Facility.
 - iv. Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.
- (2) *Review of Application Documents.* Applications must be complete and shall be considered on a competitive basis as required and set forth by MCL 333.27959.4. All Application Documents submitted by a potential Applicant will be reviewed by City staff for completeness with the requirements of Subsection (e)(1) of this Ordinance before being considered a complete Application. All Application

Documents will be stamped or otherwise identified by City staff at the date and time they are submitted by a potential Applicant.

- i. City staff has ten (10) business days to review the Application Documents and determine if they are complete.
- ii. Complete Application Documents will be accepted as an Application under this Ordinance and processed. A determination of a complete Application shall not prohibit the City from requiring supplemental information at any time during the Application process.
- iii. If Application Documents are found to be incomplete, the prospective Applicant will be notified in writing of the deficiencies and given ten (10) business days to correct those deficiencies.
 - 1) If the deficiencies are corrected within the ten (10) business days, the Application Documents will be considered complete and accepted as an Application under this Ordinance.
 - 2) If deficiencies are not corrected within the ten (10) business days, the Application Documents will be returned to the prospective Applicant. If the prospective Applicant wishes to re-submit Application Documents, they must be re-submitted in their entirety with a new Application Document Review fee. This re-submission will be considered a new set of Application Documents and will be newly date and time stamped.

(3) *Competitive Process per MCL 333.27959.4.*

- i. If a Marihuana Establishment type has a limited number of Municipal Licenses available to be issued due to a cap imposed herein, the City Manager shall open a Window. The timing and duration of the Window shall be determined by the City Manager. If a Municipal License is available for a Marihuana Establishment type limited by cap, the City Manager must open a Window at least once per calendar year.
- ii. At the end of a Window, if the number of Applications for a Marihuana Establishment Municipal License exceeds the number of available Municipal Licenses, the City shall decide among Applications by a competitive process intended to select the Applicant(s) who are best suited to operate in compliance with the Act within the City.
- iii. Applications to be included in the competitive process include all those whose Application Documents were date and time stamped as submitted prior to the end of the Window and which were able to be considered complete and accepted as an Application.
- iv. The Applicants and their Applications will be ranked in the order of which is best suited to operate in compliance with the Act within the City as determined by the City Manager or his or her designee. This ranking will be

used to fill available Municipal License Slots, starting with the best suited Applicant and Application, until all available Municipal License Slots are filled. The competitive criteria to be used shall be as follows:

- 1) Review of the Applicant's completely submitted, detailed Application (including plans which address the provisions of this Section and related provisions, such as security, lighting, processing, handling of hazardous waste, site plans, record-keeping, disposal, water/utility, ventilation, odor, etc.), which illustrates the likely success of the proposed business, in harmony with surrounding properties at the proposed site;
- 2) Whether the Applicant is currently in default/arrears on any taxes or fees otherwise due to the City, has a history of noncompliance or violations with City Ordinances or applicable laws, or has been served with any complaint or notice filed by or with any public body regarding the delinquency in the payment of any tax required under federal, state or local law;
- 3) Whether the Applicant is/was a business operating in the City of Sturgis within the past two years that has demonstrated a commitment to doing business in the City, having contributed to helping the City grow and succeed in a manner harmonious for all residents and property types;
- 4) Whether the Applicant has a history of criminal conviction/plea, other than as specified by the MRTMA, MCL 333.27958.1.(c);
- 5) Whether the Applicant 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, or has proceedings pending related to such;
- 6) Whether the Applicant filed, or had filed against it/him/her, a proceeding for bankruptcy or been involved in any formal process to adjust, defer, suspend or otherwise work out payment of a debt in the past seven years;
- 7) Whether the Applicant already operates a commercial Medical Marihuana Facility at the same location as the proposed adult use Marihuana Establishment is being proposed to operate (otherwise known as "equivalent licenses" by LARA).

(4) *Processing and Review of Applications.*

- i. An Application will be held until a Window is established to select the Applications to fill an available Municipal License Slot.

- ii. An Application will be considered for a Municipal License Slot through the competitive process as specified in this Ordinance. When an Applicant is awarded the Municipal License Slot through the competitive process, the Applicant will be notified and will be given five (5) business days to pay the Marihuana Establishment Application Fee. If an Applicant does not pay the fee within the time allotted, the next Application as ranked by the competitive process during the applicable Window will be issued the Municipal License Slot.
- iii. Upon payment of the Marihuana Establishment Application Fee by an Applicant, 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 City Engineer, the Electric Department, the Building Department, the Zoning Department, and any other applicable departments.
- iv. In order for a Marihuana Establishment Application to be approved and a Municipal License to be issued, all of the following conditions must be met:
 - 1) The Applicant has passed a criminal background check conducted by the City of Sturgis Police Department.
 - 2) The Wastewater Treatment Department has completed a preliminary review of the plan submitted.
 - 3) The Engineering Department has confirmed that the necessary amount of water for the Marihuana Establishment is available and completed preliminary review of the plan submitted.
 - 4) The Electric Department has reviewed all provided plans to ensure conformity with their previously supplied determination on the ability to supply the proposed Marihuana Establishment and general site requirements.
 - 5) The Zoning Department has confirmed that the proposed location complies with the buffer requirements, and a preliminary review of the plan submitted.
 - 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.
 - 7) The Applicant must not have a conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past ten (10) years or conviction of a controlled substance-related felony within the past ten (10) years, except that, consistent with MCL 333.27958.1.(c), a prior conviction solely for a marihuana-related offense does not disqualify an

individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor.

- 8) Other than as set forth in MCL 333.27958.1(c), within the past five (5) years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.
 - 9) The Applicant has not knowingly submitted an application for a License that contains false, misleading or fraudulent information, or has not intentionally omitted pertinent information on the Application for a Municipal License.
- v. Following review by City Departments and prior to approval of a Special Land Use Permit, if deficiencies are found in the Application, the Applicant is notified in writing of the areas of deficiency and given thirty (30) days to correct those deficiencies. If the deficiencies are considered by City staff to be corrected, the Applicant's Special Land Use Permit will be considered by the Planning Commission. If the deficiencies are not considered to be corrected within the thirty (30) day time period, the Application will be deemed incomplete and denied. Another Application will then fill the Municipal License Slot.
 - vi. All inspections, review and processing of the Application shall be completed within ninety (90) days of payment of the Marihuana Establishment Application Fee or within one hundred twenty (120) days if the location of the Municipally-Licensed Premises is proposed to be amended from an existing Municipally-Licensed 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 Municipal License.
 - vii. If all conditions of this Ordinance have been met, the City Clerk shall issue the Municipal License to the Applicant.
 - 1) All Municipal Licenses issued have the following stipulations:
 - a. Issuance of License Qualification by the State of Michigan for the Municipal License Holder under State law and the City of Sturgis receiving a copy of that License Qualification prior to occupancy.
 - b. Issuance of final occupancy of the Municipally-Licensed Premises by the Community Development Department. All construction must be in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations.

- c. For Processors and Class A, B, and C Growers and Microbusinesses proposing to connect to or to contribute to the POTW, a wastewater discharge permit. Refer to City of Sturgis Code of Ordinances Section 62-191.
 - d. Issuance of Final Approval by the State of Michigan and the City of Sturgis receiving a copy of the Final Approval prior to the business opening.
 - 2) A Municipal License Holder has one (1) year from the date of issuance to meet all stipulations of the Municipal License. If all stipulations are not met in this timeframe, the Municipal License is revoked and considered denied. A Municipal License Holder may request an extension up to six (6) months to this timeframe, which may be granted by the City Clerk.
 - viii. If a Municipal License is denied, the denial must be in writing and must state the reason(s) for denial.
 - 1) Applications which are denied will not be refunded the Marihuana Establishment Application Fee.
 - 2) If the Applicant of a denied Application chooses to re-submit, this re-submission will be considered a new set of Application Documents and will be date and time stamped at the date and time they are re-submitted. A new Marihuana Establishment Application Document Review Fee and all other subsequent fees will be required.
 - ix. Upon denial, withdrawal, or failure for any reason of an Application within six (6) months of a competitive process being used to rank Applicants and their Applications as detailed in Subsection (e)(3), the available Municipal License Slot will be awarded to the next best suited Applicant and Application as determined in that process. However, if more than six (6) months have passed since the last competitive process, a new Window must be opened to fill the Municipal License Slot and all Applications will be treated as new submissions.
 - x. Denial of an Application or non-renewal of a Municipal License may be appealed to the City Manager who will set a date and time within ten (10) business days to conduct a hearing where the Applicant can be heard. The City Manager may uphold the denial, reverse the denial, or take such other action deemed appropriate. Appeals from the final determination of the City may be taken to a court of competent jurisdiction; during appeal, another Applicant for a Municipal License Slot may be considered by the City.
- (5) *Renewal Application.* Renewal Applications shall require City approval.
- i. Renewal Applications for a Marihuana Establishment maintaining the

location of the Municipally-Licensed Premises shall be received by the Zoning Administrator not less than ninety (90) days prior to the expiration of the annual Municipal License. Renewal Applications for a Marihuana Establishment requesting a change in the location of the Municipally-Licensed Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Municipal License.

- ii. A Renewal Application must follow the same approval process as all new Applications with the exception of the following:
 - 1) A Municipal License Holder that submits an application for a Renewal Municipal License at a previously Municipally-Licensed Premises shall be deemed in compliance with the spacing requirements set forth in Subsection (f)(5) of this Ordinance.
 - 2) For any information required as part of the Application process that has not changed, the Municipal License Holder may submit an Affidavit of No Changes in place of the information when submitting a Renewal Application. If any of the items requested in the Application process has changed, such items must be submitted as required in this Ordinance.
 - 3) A Municipal License Holder, as a stipulation of a renewal Municipal License issued by the City, must provide proof of having submitted a License renewal application no later than thirty (30) days after expiration of their State License. Once a renewed State License has been granted, a copy must be provided to the City of Sturgis.
 - 4) A renewal Municipal License issued by the City takes effect on the date of expiration of the original Municipal License issued and the Municipal License Holder has one year from that date until renewal is again required.
- iii. A Municipal License Holder whose Municipal License expires and for which a complete Renewal Application has not been received by the expiration date shall be deemed to have forfeited the Municipal License under this Ordinance. They will be considered denied. The City will not accept Renewal Applications after the expiration date of the Municipal License.
- iv. A Municipal License Holder issued a renewal Municipal License by the City that is either denied a renewal license by the State of Michigan or that does not meet all stipulations within six (6) months of the renewal Municipal License being issued will have their Municipal License revoked and considered denied.

(6) *Changes to Application or Municipal License.*

- i. If at any time before or after a Municipal License is issued pursuant to this Ordinance, any information required in the Municipal License Application,

the MMFLA, MRTMA, or any rule of regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Municipal License Holder shall supplement such information in writing within ten (10) days from the date upon which such change occurs.

- 1) Changes to a new Application will be considered a minor or major change as determined by the Zoning Administrator.
 - a. Minor changes include a change to person or persons associated with the Applicant entity, additional MSDS pages being provided, updating power, water or waste water calculations or other similar information. Minor changes will be accepted as part of the Application.
 - b. Major changes include changing the location of the Marihuana Establishment whether it be to a different site or changing the size of any new buildings, a change of Marihuana Establishment type, a change of Applicant entity, or other similar changes. A major change will result in the Application being returned to the Applicant. If the Applicant wishes to re-submit, the re-submission will be considered a new set of Application Documents and will be date and time stamped for processing at the date and time they are re-submitted. Any fees will not be waived.
- ii. An Applicant or Municipal License 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 Municipal License Holder has a duty to notify the City 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, the MRTMA, 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 ten (10) days of the event.
- iv. A Municipal License may be assigned or transferred only if all of the following are true:
 - 1) A Municipal License has been issued and all stipulations for that license have been met, including written final approval by the State of Michigan for State Licensure.
 - 2) All current Municipal License Holders submit an affidavit approving

the transfer.

- 3) The person(s) or entity proposed to receive the transferred Municipal License submit Application Documents and are issued a Municipal License Transfer Approval. Issuance of a Municipal License Transfer Approval includes the following:
 - a. Certification of a completed Application per the process of this Ordinance. The Applicant may submit an affidavit of no change to the Municipally Licensed Premises to forego the Application requirements as it pertains to the Municipally Licensed Premises if no physical changes will be completed as part of the assignment or transfer.
 - b. Payment of a License Transfer review fee as set by the City Commission.
 - c. Review of the Application per Subsection (e)(4)iii.-vi. If an affidavit of no change to the Municipally Licensed Premises is submitted, review of corresponding information and the requirement for a Special Land Use Permit would be considered satisfied.
 - d. Issuance or denial of the Municipal License Transfer Approval will be completed per Subsection (e)(4)vii.-x. Stipulations of vii.1) will be considered met when the Applicant has all required licenses or permits in their name. Where an affidavit of no change to the Municipally Licensed Premises has been filed, the stipulation for a required proof of final occupancy will be waived.
 - e. Until the Municipal License Transfer Approval is issued, the existing Municipal License will remain with the current Municipal Licensee Holder. Transfer of the Municipal License will not change its date of expiration.

(7) *Expiration of Application.* If an Application has been held waiting for a Municipal License Window to open for one (1) year, the City will contact the Applicant and request in writing confirmation that the Application is accurate and that the Application should be kept on file. If the Applicant asks the Application to be removed, or if confirmation in writing is not received in ten (10) business days, the Application will be removed from the list of Applications and a letter sent to the Applicant. If the Applicant wishes to re-submit after this point, this re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. A new Marihuana Establishment Application Document Review Fee will be required.

(f) *Operational Requirements – Marihuana Establishments.* A Marihuana Establishment issued a Municipal License 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.* Marihuana Establishments shall comply with all respective applicable codes of the local zoning, building, and health departments. The Marihuana Establishment must hold a valid local Municipal License and State Marihuana Establishment License for the type of Marihuana Establishment intended to be carried out on the Municipally-Licensed Property. The Marihuana Establishment 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 Marihuana Establishment shall be operated from the Municipally-Licensed Premises on the Municipally-Licensed Property. No Marihuana Establishment shall be Municipally-Licensed to operate from a moveable, mobile or transitory location, except for a Municipally-Licensed or Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Municipally-Licensed Premises without a parent or legal guardian.
- (3) *Security.* Municipal License Holders shall at all times maintain a security system that meets State law requirements, and in addition shall also include the following:
 - i. Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week and which will contact local law enforcement if triggered.
 - ii. A locking safe permanently affixed to the Municipally-Licensed Premises that shall store all Marihuana and cash remaining in the Marihuana Establishment overnight;
 - iii. All Marihuana in whatever form stored at the Municipally-Licensed Premises shall be kept in a secure manner and shall not be visible from outside the Municipally-Licensed Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Municipally-Licensed Premises; and
 - iv. All security recordings and documentations shall be preserved for at least thirty (30) days by the Municipal License Holder and made available to any law enforcement upon request for inspection.
- (4) *Operating Hours.* No Retailer or retail portion of a microbusiness shall operate between the hours of 8:00 p.m. and 8:00 a.m.
- (5) *Required Spacing.* The following spacing requirements for Marihuana Establishments are required:
 - i. No Marihuana Establishment shall be located within one thousand (1,000) feet from any school.
 - ii. No Retailer or Microbusiness shall be located within one thousand (1,000)

feet from any Medical Marihuana Provisioning Center or other Retailer located on City of Sturgis property zoned B-H 1 unless it is a Retailer co-located with a Medical Marihuana Provisioning Center on a Municipally-Licensed and Permitted Property and each has either a valid Commercial Medical Marihuana Facility Permit or Municipal License.

iii. No Retailer or Microbusiness 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 (f)(5)iii.3) above.
- 9) Township dwelling units (as defined in the City of Sturgis Zoning Code) in a zoning district other than listed in (f)(5)iii.4) through 7) above.

iv. The distances provided in this Subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the Municipally-Licensed Premises at which the proposed Marihuana Establishment is to be located to the nearest point of one of the following:

- 1) The lot line of the separated use, when:
 - a. A school, public park, church, or house of worship is the only use on the parcel.
 - b. A parcel is zoned in one of the districts listed in Subsections (f)(5)iii.3) through 7).
- 2) The premises of the separated use, when:
 - a. A school, public park, church, or house of worship is one of multiple uses on the parcel.
 - b. Measuring from (f)(5)iii.8) or 9).

v. Spacing requirements become effective upon issuance of a Municipal License or Medical Marihuana permit whether conditional or not.

(6) *Amount of Marihuana.* The amount of Marihuana on the Municipally-Licensed Property and under the control of the Municipal License Holder, owner or operator of the Marihuana Facility shall not exceed that amount permitted by the state License or the City's Municipal License.

- (7) *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Marihuana Establishment is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
- (8) *Sign Restrictions.* No signs, pictures, photographs, drawings or other depictions shall appear on the outside of any Municipally-Licensed Premises nor be visible outside of the Municipally-Licensed Premises on the Municipally-Licensed Property nor advertise in a way that is inconsistent with the provisions of the MRTMA, LARA rules, or the City of Sturgis Zoning Ordinance.
- (9) *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Municipally-Licensed Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Municipally-Licensed Premises is prohibited.
- (10) *Indoor Operation.* All activities of Marihuana Establishment, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity Municipally-Licensed under the Municipal License Holder's License or Municipal License must occur indoors. The Marihuana Establishment'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 Municipally-Licensed Premises.
- (11) *Distribution.* No person operating a Marihuana Establishment shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
- (12) *Permits.* All necessary building, electrical, plumbing and mechanical Municipal Licenses must be obtained for any part of the Municipally-Licensed Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
- (13) *Waste Disposal.* The Municipal License holder, owner and operator of the Marihuana Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Municipal License. All waste or by-products stored must be contained in a dumpster that is locked or located within a locked enclosure.
- (14) *Proof of Insurance.* A Municipal License Holder shall at all times maintain full force and effect for duration of the license, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan. A Municipal License Holder shall provide proof of insurance to the City Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. The policy shall name the City of Sturgis and its

officials and employees as additional insureds to the limits required by this Subsection. A licensee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage.

(15) *Transportation.*

- i. Marihuana may be transported by a Secure Transporter within the City under this Ordinance, and to effectuate its purpose, only:
 - 1) By persons who are otherwise authorized by state law to possess Marihuana;
 - 2) In a manner consistent with all applicable state laws and rules, as amended; and
 - 3) In a secure manner designed to prevent the loss of Marihuana.
- ii. 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.
- iii. 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 Marihuana Establishment 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) *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 court 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) directly above, 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.

(h) *City liability and indemnification.*

- (1) By accepting a Municipal License issued pursuant to this Ordinance, the Municipal License Holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of Marihuana Establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- (2) By accepting a Municipal License issued pursuant to this Ordinance, all Municipal License Holders agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a Municipally-Licensed Property, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana establishment or use of a product cultivated, processed, distributed or sold that is subject to the Municipal License, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c) or any other alleged violation of the law
- (3) By accepting a Municipal License issued pursuant to this Ordinance, a Municipal License Holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C. Section 801 et seq. or Chapter 7 of the Michigan Public Health Code, MCL 333. 7101 et. seq.

(i) *Municipal License as revocable privilege.* A Municipal License granted by this Ordinance

is a revocable privilege granted by the City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each Municipal License is exclusive to the Municipal License Holder, and a Municipal License Holder or any other person must apply for and receive the City's approval before a Municipal License is transferred, sold, or purchased. A Municipal License Holder or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a Municipal License without prior state and local approval is grounds for suspension or revocation of the Municipal License or for other sanction considered appropriate by the City.

(j) *Nonrenewal, suspension or revocation of Municipal License.* The City may, after notice and hearing as provided in Subsection (e)(4)x of this Ordinance, suspend, revoke, or refuse to renew a Municipal License for any of the following reasons:

- (1) The Applicant or Municipal License Holder, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Section or with any applicable state or local law or regulation;
- (2) The Applicant or Municipal License Holder, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its Municipal License pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the Municipal License and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the Municipal License.
- (3) The Marihuana Establishment has been operated in a manner that adversely affects the public health, safety or welfare.

Evidence to support a finding under this subsection may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the Marihuana Establishment or in the immediate area surrounding such Marihuana Establishment, a continuing pattern of criminal conduct directly related to or arising from the operation of the Marihuana Establishment, or an ongoing nuisance condition emanating from or caused by the Marihuana Establishment. Criminal conduct shall be limited to the violation of a state law or regulation or City ordinance.

(k) *Authorization to inspect, search and examine.* A Marihuana Establishment and all articles of property in the establishment are subject to inspection, search and examination at any time by a member of the Sturgis Police Department, the Department of State Police, or the Sturgis Building Department and the Application for a Marihuana Establishment constitutes consent by the Applicant, and all owners, managers, and employees of the Marihuana Establishment, and the owner of the property to permit the City Manager to conduct routine examination and inspection of the Marihuana Establishment to ensure compliance with this Ordinance or any other applicable law, rule, or regulation without a search warrant and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a Municipal License without a search warrant.

(l) *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 Comm. Mullins to consider this the second reading of and approve amendments to the City Code of Ordinances, Appendix A, Zoning, Sections 1.0408, 1.0410, and 1.0603 pertaining to special land uses for adult use marihuana as presented, effective January 3, 2020.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO REGULATION OF ADULT USE MARIHUANA

An Ordinance to amend Articles IV and VI of the Zoning Ordinance of the City of Sturgis pertaining to the regulation of the manufacturing and distribution of adult use marihuana 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 designation of Marihuana Retailers as a special land use in the B-H 1 business highway 1 District and Marihuana Establishments as a special land uses in the M manufacturing District.

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

Articles IV and VI of the Zoning Ordinance are hereby modified as follows, effective as of January 3, 2020.

Section 1.0408. – B-H 1 business highway 1.

(D) *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) “Marihuana Retailers” as defined in Article IV Section 38-93(b).

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.

...

(17) “Marihuana Establishments” as defined in Article IV Section 38-93(b).

Section 1.0603. – Special land use designated.

...

(RR) *Marihuana Establishments.* Marihuana Establishments as otherwise contemplated by the City of Sturgis Code of Ordinances may be permitted if the conditions set forth in Section 38-93 are met.

(SS) *Marihuana Retailers.* Marihuana Retailers as otherwise contemplated by the City of Sturgis Code of Ordinances may be permitted if the conditions set forth in Section 38-93 are met.

Moved by Comm. Mullins and seconded by Comm. Good to consider this the first reading of

amendments to the City Code of Ordinances repealing Chapter 38, Article VI, Sections 38-189 through 38-191 and Appendix A, Zoning, Section 1.1121 related to the Prohibition of Marihuana Establishments.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to consider this the first reading of an amendment to the City Code of Ordinances, Chapter 38, Article IV, Section 38-92 pertaining to Medical Marihuana Facilities as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the recommended marihuana ordinance fees as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained that if a County foreclosed parcel does not sell at the second auction, the parcel transfers to City ownership unless the City refuses. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the transfer of 206 Washington St., 410 W. West St. and 403 Mechanic St.

MOTION WITHDRAWN

The Commission had consensus to postpone consideration on this matter until the next regular meeting.

DPS Supervisor Rick Miller explained that Dwight Sholl, the owner of Sholl Excavating, approached the City about the possibility of purchasing his soil screening equipment because he is retiring. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve the purchase of the material screening equipment from Dwight Sholl in the amount of forty-five thousand dollars (\$45,000.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided information on the 90 day waiting period for holiday pay for only non-union employees. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the amendment to Section 305 of the Employee Handbook as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:28 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 18, 2019
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Mayor Hile

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

Commissioners absent: Mullins

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

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

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

Moved by Comm. Littman and seconded by Comm. Dvorak to approve the Consent Agenda of January 8, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the December 11, 2019 regular meeting as presented.

8B. City Subdivision II Easements

APPROVE the Declaration of Easement for City Subdivision II as presented.

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

City Manager Michael Hughes explained that if a County foreclosed parcel does not sell at the second auction, the parcel transfers to City ownership unless the City refuses. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to reject the transfer of 206 Washington St., 410 W. West St. and 403 Mechanic St.

Voting yea: Seven Voting nay: Littman Absent: Mullins MOTION CARRIED

City Manager Michael Hughes provided details on the two ordinance amendments related to marijuana, both medical and adult use, which were approved for a first reading at the previous City Commission meeting.

Moved by Comm. Good and seconded by Comm. Bir to consider this the second reading of and approve amendments to the City Code of Ordinances repealing Chapter 38, Article VI, Sections 38-189 through 38-191 and Appendix A, Zoning, Section 1.1121 related to the Prohibition of Marihuana Establishments.

Voting yea: Bir, Klinger, Malone, Littman, Good, Hile

Voting nay: Wickey, Dvorak

Absent: Mullins

MOTION CARRIED

AMENDMENTS TO CITY ORDINANCES
PERTAINING TO THE REPEAL OF ORDINANCES PROHIBITING
MARIHUANA ESTABLISHMENTS

An ordinance to amend Chapter 38-Article VI of the Ordinances and Article XI of the Zoning Ordinance of the City of Sturgis to repeal the prohibition of marihuana establishments within the City.

WHEREAS, the City Commission has determined that is in the best interest of the residents of the City to modify the City Ordinances by repealing ordinances that 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 of the Ordinances and Article XI, Section 1.1121 of the Zoning Ordinance, are hereby repealed effective as of January 10, 2020.

Moved by Comm. Klinger and seconded by Comm. Good to consider this the second reading of and approve an amendment to the City Code of Ordinances, Chapter 38, Article IV, Section 38-92 pertaining to Medical Marihuana Facilities as presented.

Voting yea: Eight

Voting nay: None

Absent: Mullins

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 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 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 10, 2020.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

Sec. 38-92 MEDICAL MARIHUANA FACILITIES

- (i) *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.
- (j) *Definitions.* The following words, terms and phrases when used in this Section shall have the meanings ascribed to them in this Subsection. Definitions from Section 38-93, when used in this section shall have the meanings ascribed to them in that Section when referring to Adult Use (Recreational) Marihuana:
- (42) “*Applicant*”, unless specifically stated to mean a state License, means an individual, organization, partnership, company, corporation enterprise, or other entity that applies for a Municipal License as well as the person or persons associated with the Applicant. For purposes of this definition, an Applicant includes a managerial employee of the Applicant, a person holding a direct or indirect ownership interest of more than 10% in the Applicant, and the following for each type of Applicant:
- For an individual or sole proprietorship: the proprietor and spouse.
 - For a partnership and limited liability partnership: all partners and their spouses.
 - For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
 - For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
 - For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

- For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

For purposes of this definition, an Applicant does not include:

- A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
 - A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana- infused products by the applicant who is a franchisee. Nothing herein shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms “franchise,” “franchisor,” and “franchisee” shall have the meanings set forth in section 2 of the Franchise Investment Law, 1974 PA 269, MCL 445.1502.
 - A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
 - A person receiving reasonable payment under a licensing agreement or contract concerning the licensing of intellectual property including, but not limited to, brands and recipes.
- (43) “*Application*” means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto.
- (44) “*Application Documents*” means the items required as part of an Application submitted to the City prior to them being accepted as complete as provided in Subsection (e)(1).
- (45) “*Clerk*” means the City of Sturgis Clerk or his/her designee.
- (46) “*Co-Located Facility*” means marihuana businesses holding 2 or more types of state operating licenses under the MRTMA and MMFLA operating within a single location.
- (47) “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
- “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
 - “*Processor*,” as that term is defined in the MMFLA;
 - “*Secure Transporter*,” as that term is defined in the MMFLA;
 - “*Grower*,” including *Class A*, *Class B* and *Class C*, as those terms are defined in the MMFLA;
 - “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
- (48) “*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.

- (49) “*License*” means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan.
- (50) “*Licensee*” means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.
- (51) “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
- (52) “*Michigan Regulation and Taxation of Marihuana Act*” or MRTMA means Initiated Law 1 of 2018, MCL 333.27951 et. seq.
- (53) “*Medical Marihuana*” means that term as defined in MCL 333.26423.
- (54) “*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.
- (55) “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
- (56) “*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.
- (57) “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.
- (58) “*Permit Slot*” means an unissued permit available to be issued to an Applicant.
- (59) “*Permitted Premises*” means the particular building, buildings, or tenant space within which the Permit Holder will be authorized to conduct the Facility’s activities pursuant to the Permit.
- (60) “*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.
- (61) “*Person*” means a natural person, company, partnership, profit or non-profit corporation, Limited Liability Company, or any joint venture for a common purpose.
- (62) “*Premises*” means the particular building, buildings, section of land, or tenant space within which a particular use is conducted.
- (63) “*Public Place*” means any area in which the public is invited or generally permitted in

the usual course of business.

- (64) “*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.

(k) *Permit Required; Eligibility; General Provisions.*

- (15) The City hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities:

- ix. Growers, Class A
- x. Growers, Class B
- xi. Growers, Class C
- xii. Processors
- xiii. Provisioning Centers
- xiv. Safety Compliance Facilities
- xv. Secure Transporters
- xvi. Co-Located Facilities as defined in this ordinance

- (16) The following number of Permits can be issued for each authorized Commercial Medical Marihuana Facility type:

- x. Growers, Class A: Unlimited
- xi. Growers, Class B: Unlimited
- xii. Growers, Class C: Unlimited
- xiii. Processors: Unlimited
- xiv. Provisioning Centers in B-H 1 Zoning District: 3 Permits
- xv. Provisioning Centers in M Zoning District: Unlimited
- xvi. Provisioning Centers in all other Districts: 0 Permits
- xvii. Safety Compliance Facilities: Unlimited
- xviii. Secure Transporters: Unlimited

- (17) 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.

- (18) Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.

- (19) The City Manager is granted the power to fully and effectively implement and administer the Permit Application process.

- (20) 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.

- (21) As specified in this Ordinance, each Applicant shall pay nonrefundable Review fees,

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. The Permit fee requirement shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or City law or ordinance, including, by way of example, any applicable zoning or building permits.

- (22) The City has no obligation to process or approve any incomplete Application.
 - (23) A Permit shall remain valid for one year following removal of all stipulations on an issued Permit.
 - (24) It is the sole and exclusive responsibility of each Permit Holder or Applicant 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.
 - (25) No Permit issued under this Ordinance may be assigned or transferred to another person or entity except as specified in this Ordinance.. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
 - (26) 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.
 - (27) 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.
 - (28) No Permit shall be granted or renewed for a Commercial Medical Marijuana Facility in a residence.
 - (29) Co-Located Facilities are subject to state law for multiple uses per premises, subject to the City Manager or his designee's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MMFLA and each use is consistent with zoning and other provisions of the City Code of Ordinances. If these conditions are met, more than one different marijuana facility may be located on one parcel. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire wall separating any marijuana facility and any adjacent businesses.
- (l) *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.

(m) *Application for and Renewal of Permits.*

- (6) *Application Documents.* Application Documents for a Permit for a Facility shall be submitted to the Zoning Administrator, and on or after the effective date of this Ordinance shall contain the following information. Information obtained from the Applicant is exempt from public disclosure under state law. Upon receipt, review, and approval as outlined in this Ordinance of all Application Documents by City staff, the Documents will be considered a complete Application.
- v. The name, address, phone number and email address of the Applicant and the proposed Commercial Medical Marihuana Facility;
 - vi. The names, home addresses and personal phone numbers for all Applicants and the Commercial Medical Marihuana Facility;
 - vii. One (1) copy of the following:
 - 15) Pre-approval for a Medical Marihuana Facility license by the State of Michigan.
 - 16) For Class A, B, or C Growers or Processors, preapproval from the Sturgis Electric Department of the electric system's ability to deliver the estimated peak capacity (kW) and energy (kWh) of the Facility.
 - 17) All documentation of the Applicant's 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 Marihuana Facility.
 - 18) 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.
 - 19) A valid, unexpired driver's license or state issued ID for all Applicants for the proposed Facility.
 - 20) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 21) Application for Sign Permit, if any sign is proposed.
 - 22) Non-refundable Medical Marihuana Facility Application Document

Review fee.

- 23) Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
- a. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - b. A security plan meeting the requirements of Subsection (f)(3) of this Ordinance.
 - c. A description by category of all products to be sold.
 - d. An affidavit indicating the Applicant will, prior to applying for a building permit:
 1. Submit a list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Facility.
 2. Submit a comprehensive report identifying all hazardous materials and processes that will be utilized by the Facility. This list must include all cleaning supplies, as well as chemicals used and/or produced either as products or as waste products in the processes at the establishment. The report shall determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation, or use of a building or premises. All hazardous materials and chemicals must be listed as to how to handle the disposal of these materials. The opinion and report shall be prepared by a qualified third person, firm or corporation approved by the City.
 3. Obtain a wastewater discharge permit before connecting to or contributing to the POTW. Refer to City of Sturgis Utilities Code, Subdivision II. Wastewater Discharge Permits, Section 62-191.
 - e. 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.
 - f. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
- 24) Whether any Applicant 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.

- 25) 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 Subsection (f)(5) of this Ordinance, unless those uses are greater than 1,500 ft. from the Permitted Premises.
- 26) The amount of water usage estimated for the facility, including the estimated average gallons per day and peak gallons per minute as well as estimated needs for fire suppression, if applicable.
- 27) Information regarding any other Commercial Medical Marihuana Facility or Adult Use Recreational Marihuana Establishment 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 Marihuana Establishment or Medical Marihuana Facility.

viii. Any other information reasonably requested by the City to be relevant to the processing or consideration of the Application.

(7) *Review of Application Documents.* All Application Documents submitted by a potential Applicant will be reviewed by City staff for completeness with the requirements of Subsection (e)(1) of this Ordinance before being considered a complete Application. All Application Documents will be stamped or otherwise identified by City staff at the date and time they are submitted by a potential Applicant. Application Documents will be reviewed in the order they are received.

- i. City staff has ten (10) business days to review the Application Documents and determine if they are complete.
- ii. Complete Application Documents will be accepted as an Application under this Ordinance and processed. A determination of a complete Application shall not prohibit the City from requiring supplemental information at any time during the Application process.
- iii. If Application Documents are found to be incomplete, the prospective Applicant will be notified in writing of the deficiencies and given ten (10) business days to correct those deficiencies.
 - 1) If the deficiencies are corrected within the ten (10) business days, the Application Documents will be considered complete and accepted as an

Application under this Ordinance.

- 2) If deficiencies are not corrected within the ten (10) business days, the Application Documents will be returned to the prospective Applicant. If the prospective Applicant wishes to re-submit Application Documents, they must be re-submitted in their entirety with a new Application Document Review fee. This re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted.

(8) *Processing and Review of Applications.*

- xi. An Application will be held for processing until a Permit Slot is available for the Facility type specified on the Application.
- xii. An Application will be considered for a Permit Slot in the order that its Application Documents were submitted.
- xiii. When a Permit Slot is available for an Application, the Applicant will be notified and will be given five (5) business days to pay the Medical Marihuana Facility Application Fee. The Medical Marihuana Facility Application Document Review fee will be applied to the cost of the Medical Marihuana Facility Application Fee. If an Applicant does not pay the fee within the time allotted, the next Application in order will be issued the Permit Slot, and the first Application will be returned to the list of completed Applications as first in line for the next Permit Slot.
- xiv. Upon payment of the Medical Marihuana Facility Application Fee by an Applicant with an Application issued a Permit Slot, 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 City Engineer, the Electric Department, the Building Department, the Zoning Department, and any other applicable departments.
- xv. In order for a Medical Marihuana Facility Application to be approved, all of the following conditions must be met:
 - 7) The Applicant has passed a criminal background check conducted by the City of Sturgis Police Department.
 - 8) The Wastewater Treatment Department has completed a preliminary review of the plan submitted.
 - 9) The Engineering Department has confirmed that the necessary amount of water for the facility is available and completed a preliminary review of the plan submitted.
 - 10) The Electric Department has reviewed all provided plans to ensure

conformity with their previously supplied determination on the ability to supply the proposed Facility and general site requirements.

- 11) The Zoning Department has confirmed that the proposed location complies with the buffer requirements, and a preliminary review of the plan submitted.
 - 12) 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.
 - 13) The Applicant must not have a conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past ten (10) years or conviction of a controlled substance-related felony within the past ten (10) years.
 - 14) The Applicant must not have, within the past five (5) years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.
 - 15) The Applicant has not knowingly submitted an application for a state License that contains false, misleading or fraudulent information, or has not intentionally omitted pertinent information on the Application for a Permit.
- xvi. Following review by City Departments and prior to approval of a Special Land Use Permit, if deficiencies are found in the Application, the Applicant is notified in writing of the areas of deficiency and given thirty (30) days to correct those deficiencies. If the deficiencies are considered by City staff to be corrected, the Applicant's Special Land Use Permit will be considered by the Planning Commission. If the deficiencies are not considered to be corrected within the thirty (30) day time period, the Application will be denied.
- xvii. All inspections, review and processing of the Application shall be completed within ninety (90) days of payment of the Medical Marihuana Facility Application Fee 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.
- xviii. If all conditions of this Ordinance have been met, the City Clerk shall issue the Permit to the Applicant.
- a. All Permits issued have the following stipulations:
 - a. Issuance of License Qualification by the State of Michigan for the

Permit Holder under State law and the City of Sturgis receiving a copy of that License Qualification prior to occupancy.

- b. Issuance of final occupancy of the Permitted Premises by the Community Development Department. All construction must be in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations.
 - c. For Processors and Class A, B, and C Growers proposing to connect to or to contribute to the POTW, a wastewater discharge permit. Refer to City of Sturgis Code of Ordinances Section 62-191.
 - d. Issuance of Final Approval by the State of Michigan and the City of Sturgis receiving a copy of the Final Approval prior to the business opening.
- b. A Permit Holder has one (1) year from the date of issuance to meet all stipulations of the Permit. If all stipulations are not met in this timeframe, the Permit is revoked and considered denied. A Permit Holder may request an extension up to six (6) months to this timeframe, which may be granted by the City Clerk.
- xix. If a Permit is denied, the denial must be in writing and must state the reason(s) for denial.
 - a. Applications which are denied will not be refunded the Medical Marihuana Facilities Application Fee.
 - b. Upon denial of the Application, the Permit Slot is considered open and the next Application in line is given the Permit Slot.
 - c. If the Applicant of a denied Application chooses to re-submit, this re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. A new Medical Marihuana Application Document Review Fee and all other subsequent fees will be required.
- xx. Denial of an Application or non-renewal of a Permit may be appealed to the City Manager who will set a date and time within ten (10) business days to conduct a hearing where the Applicant can be heard. The City Manager may uphold the denial, reverse the denial, or take such other action deemed appropriate. Appeals from the final determination of the City may be taken to a court of competent jurisdiction; during appeal, another Applicant for a Municipal License Slot may be considered by the City.

(9) *Renewal Application.* Renewal Applications shall require City approval.

- v. 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.

- vi. A Renewal Application must follow the same approval process as all new Applications with the exception of the following:
 - a. 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 Subsection (f)(5) of this Ordinance.
 - b. For any information required as part of the Application process that has not changed, the Permit Holder may submit an Affidavit of No Changes in place of the information when submitting a Renewal Application. If any of the items requested in the Application process has changed, such items must be submitted as required in this Ordinance.
 - c. A Permit Holder, as a stipulation of a renewal Permit issued by the City, must provide proof of having submitted a License renewal application no later than thirty (30) days after expiration of their State License. Once a renewed State License has been granted, a copy must be provided to the City of Sturgis.
 - d. A renewal Permit issued by the City takes effect on the date of expiration of the original Permit issued and the Permit Holder has one year from that date until renewal is again required.
- vii. 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. They will be considered denied and their Permit Slot will be issued to the next Application in line. The City will not accept Renewal Applications after the expiration date of the Permit.
- viii. A Permit Holder issued a renewal Permit by the City that is either denied a renewal license by the State of Michigan or that does not meet all stipulations within six (6) months of the renewal permit being issued will have their Permit revoked and considered denied. Their Permit Slot will be issued to the next Application in line.

(10) *Changes to Application or Permit.*

- iv. If at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, MRTMA, or any rule of regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Permit Holder shall supplement such information in writing with ten (10) days from the date upon which such change occurs.

- a. Changes to a new application will be considered a minor or major change as determined by the Zoning Administrator.
 - i. Minor changes include a change to person or persons associated with the Applicant, additional MSDS pages being provided, updating power, water or waste water calculations or other similar information. Minor changes will be accepted as part of the Application.
 - ii. Major changes include changing the location of the facility whether it be to a different site or changing the size of any new buildings, a change of Facility type, a change of Applicant entity, or other similar changes. A major change will result in the Application being returned to the Applicant. If the Applicant wishes to re-submit, the re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. Any fees will not be waived.
- v. 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.
- vi. An Applicant or Permit Holder has a duty to notify the City 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, the MRTMA, 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.
- vii. A Permit may be assigned or transferred only if all of the following are true:
 - a. A Permit has been issued and all stipulations for that Permit have been met, including written final approval by the State of Michigan for State Licensure.
 - b. All current Permit Holders submit an affidavit approving the transfer.
 - c. The person(s) or entity proposed to receive the transferred Permit submit Application Documents and are issued a Permit Transfer Approval. Issuance of a Permit Transfer Approval includes the following:
 - i. Certification of a completed Application as per the process of this Ordinance. The Applicant may submit an affidavit of no change to the Permitted Premises to forego the Application requirements as it

pertains to the Permitted Premises if no physical changes will be completed as part of the assignment or transfer.

- ii. Payment of a Permit Transfer review fee as set by the City Commission.
- iii. Review of the Application per Subsection (e)(3)iv.-vii. If an affidavit of no change to the Permitted Premises is submitted, review of corresponding information and the requirement for a Special Land Use Permit would be considered satisfied.
- iv. Issuance or denial of the Permit Transfer Approval will be completed as per subsection (e)(3)viii.-x. Stipulations of viii.1) will be considered met when the Applicant has all required licenses or permits in their name. Where an affidavit of no change to the Permitted Premises has been filed, the stipulation for a required proof of final occupancy will be waived.
- v. Until the Permit Transfer Approval is issued, the existing Permit will remain with the current Permit Holder. Transfer of the Permit will not change its date of expiration.

(7) *Expiration of Application.* If an Application has been held waiting for a permit slot for one (1) year, the City will contact the Applicant and request in writing confirmation that the Application is accurate and that the Application should be kept on file. If the Applicant asks the Application to be removed, or if confirmation in writing is not received in ten (10) business days, the Application will be removed from the list of Applications and a letter sent to the Applicant. If the Applicant wishes to re-submit after this point, this re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. A new Medical Marihuana Application Document Review Fee will be required.

(n) *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.

(16) *Scope of Operation.* Commercial Medical Marihuana 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 Marihuana Facility License for the type of Commercial Medical Marihuana 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.

(17) *Required Documentation.* Each Commercial Medical Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana 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 Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.

- (18) *Security.* Permit Holders shall at all times maintain a security system that meets State law requirements, and in addition shall also include the following:
- v. Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week and which will contact local law enforcement if triggered;
 - vi. A locking safe permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight;
 - vii. All Marihuana 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
 - viii. All security recordings and documentations shall be preserved for at least thirty (30) days by the Permit Holder and made available to any law enforcement upon request for inspection.
- (19) *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m.
- (20) *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 (f)(5) ii. 3).
 - 9) Township dwelling units (as defined in the City of Sturgis Zoning Code) in a zoning district other than listed in (f)(5) ii. 4) through 7) above.
 - iii. The distances provided in this Subsection 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 Subsections (f)(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 (f)(5) ii. 8) or 9).
- iv. Spacing requirements become effective upon issuance of a Municipal License or Medical Marihuana permit whether conditional or not.
- (21) *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.
- (22) *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.
- (23) *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. Permit Holders shall not advertise in a way that is inconsistent with the provisions of the MMFLA, LARA rules, or the City of Sturgis Zoning Ordinance.
- (24) *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.
- (25) *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.

- (26) *Unpermitted Growing.* A Patient or Licensed Caregiver may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
- (27) *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.
- (28) *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.
- (29) *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. All waste or by-products stored must be contained in a dumpster that is locked or located within a locked enclosure.
- (30) *Proof of Insurance.* A Permit Holder shall at all times maintain full force and effect for duration of the license, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan. A Permit Holder shall provide proof of insurance to the City Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. The policy shall name the City of Sturgis and its officials and employees as additional insureds to the limits required by this Subsection. A licensee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage.
- (31) *Transportation.*
 - iv. Marihuana may be transported by a Secure Transporter within the City under this Ordinance, and to effectuate its purpose, only:
 - a. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
 - b. In a manner consistent with all applicable state laws and rules, as amended; and
 - c. In a secure manner designed to prevent the loss of Marihuana.
 - v. 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.

- vi. 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.

(17) 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.

(o) *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:

(5) 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.

(6) 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 court 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.

(7) 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) directly above, except as excluded from responsibility by state law.

(8) 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.

(p) *City liability and indemnification.*

(1) By accepting a Permit issued pursuant to this Ordinance, the Permit Holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of Medical Marihuana Facility owners, operators, employees, clients or

customers for a violation of state or federal laws, rules or regulations.

- (2) By accepting a Permit issued pursuant to this Ordinance, all Permit Holders agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a Permitted Property, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana establishment or use of a product cultivated, processed, distributed or sold that is subject to the Permit, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c) or any other alleged violation of the law
 - (3) By accepting a Permit issued pursuant to this Ordinance, a Permit Holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C. Section 801 et seq. or Chapter 7 of the Michigan Public Health Code, MCL 333. 7101 et. seq.
- (q) *Permit as revocable privilege.* A Permit granted by this Ordinance is a revocable privilege granted by the City and is not a property right. Granting a Permit does not create or vest any right, title, franchise, or other property interest. Each Permit is exclusive to the Permit Holder, and a Permit Holder or any other person must apply for and receive the City's approval before a Permit is transferred, sold, or purchased. A Permit Holder or any other person shall not lease, pledge, or borrow or loan money against a Permit. The attempted transfer, sale, or other conveyance of an interest in a Permit without prior state and local approval is grounds for suspension or revocation of the Permit or for other sanction considered appropriate by the City.
- (r) *Nonrenewal, suspension or revocation of Permit.* The City may, after notice and hearing as provided in Subsection (e)(3)x of this Ordinance, suspend, revoke, or refuse to renew a Permit for any of the following reasons:
- (1) The Applicant or Permit Holder, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Section or with any applicable state or local law or regulation;
 - (2) The Applicant or Permit Holder, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its Permit pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the Permit and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the Permit.
 - (3) The Medical Marihuana Facility has been operated in a manner that adversely affects the public health, safety or welfare.

Evidence to support a finding under this Subsection may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the Medical Marihuana Facility or in the immediate area surrounding such Facility, a continuing pattern of criminal conduct directly related to or arising from the operation of the Facility, or an ongoing nuisance condition emanating from or caused by the Facility. Criminal conduct shall be limited to the violation of a state law or regulation or City ordinance.

- (s) *Authorization to inspect, search and examine.* A Medical Marihuana Facility and all articles of property in the Facility are subject to inspection, search and examination at any time by a member of the Sturgis Police Department, the Department of State Police, or the Sturgis Building Department and the Application for a Permit constitutes consent by the Applicant, and all owners, managers, and employees of the Marihuana Establishment, and the owner of the property to permit the City Manager to conduct routine examination and inspection of the Marihuana Establishment to ensure compliance with this Ordinance or any other applicable law, rule, or regulation without a search warrant and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a Municipal License without a search warrant.
- (t) *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.

City Manager Michael Hughes provided details on the modifications to restrictive covenants for Subdivision I and II. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to allow City Manager Michael Hughes to vote in favor of the amendments to the restrictive covenants of Subdivision I as presented.

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

Moved by Comm. Good and seconded by Comm. Klinger to allow City Manager Michael Hughes to vote in favor of the amendments to the restrictive covenants of Subdivision II as presented.

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

City Manager Michael Hughes provided details on a proposed agreement with Allen Edwin for the purchase and option of lots in Subdivision II. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the Purchase Agreement with Westview Capital, LLC as presented and authorize City Manager Michael Hughes to sign all necessary documents.

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

Wastewater Superintendent Tom Sikorski explained that additional upgrades are needed to complete the new SCADA system project. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the upgrades to the SCADA systems from Donohue & Associates, LLC in the amount of fifty-four thousand, nine hundred ninety-four dollars and twenty cents (\$54,994.20) as presented.

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

City Engineer Barry Cox provided information on the street reconstruction on water main improvements on East Jerolene Street. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to approve Task Order #89 with Fleis and Vandenbrink Engineering, Inc. in the amount of eighty-five thousand five hundred dollars (\$85,500.00) for design and bid phase services on the E. Jerolene Street Utilities & Road Improvement Project.

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

City Engineer Barry Cox provided information on the Conditional Commitment for Transportation Alternatives Program (TAP) grant funding for the Historic Brick Restoration of Pleasant Avenue from US-12 (W. Chicago Road) to W. Congress Street. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Littman to adopt the Transportation Alternatives Program Grant Resolution as presented.

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

Moved by Comm. Klinger and seconded by Comm. Dvorak to approve the historic preservation easement for Pleasant Avenue Reconstruction project and authorize City Manager Michael Hughes and City Clerk Kenneth Rhodes to sign all necessary documents.

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

Moved by Comm. Good and seconded by Comm. Littman to approve the 2020 Commission Meeting schedule as presented.

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

The meeting was adjourned at 7:28 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer