



## CITY COMMISSION MEETING AGENDA

City Hall, 222 South Maple Street, Fennville, MI 49408  
Monday, November 4, 2019  
7:00 p.m.

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comments
5. Approval of the following City Commission Minutes:
  - a. Regular Meeting: October 21, 2019
6. Reports & Minutes

### NEW BUSINESS

7. The City Commission will be asked to consider the following options related to the Recreational Marihuana legislations:
  - a. Consider introducing an ordinance to prohibit recreational marihuana establishments in the City of Fennville.
  - b. Consider introducing an ordinance to prohibit recreational marihuana establishments and consumption in public places in the City of Fennville.
  - c. Consider directing the Planning Commission to develop rules and regulations on recreational marijuana within the City of Fennville.
8. The City Commission will be asked to approve the Holiday Celebration Special Event Request for Saturday, December 7, 2019.
9. The City Commission will be asked to consider a request to construct a skateboard park on the lot north of the current City Hall.
10. Reports of Standing Committees:
  - a. Finance/Personnel: *Mayor, Machan, Suerth*
  - b. City Services (Police, Ambulance & Fire): *Machan, Brien, Suerth*
  - c. City Properties: *Hageman*
  - d. Ordinances/Community Relations: *Hayden, Almquist*
  - e. Planning: *Suerth, Hageman*
  - f. Administrative/DDA: *Mayor, Almquist*

### 11. Miscellaneous

### 12. City Administrator Report

### 13. Approval of Bills

### 14. Adjournment



## CITY COMMISSION MEETING MINUTES

City Hall, 222 South Maple Street, Fennville, MI 49408  
Monday, October 21, 2019  
7:00 p.m.

### 1. Call to Order/Roll Call

The meeting was called to order by Mayor Pantelleria at 7:00 pm.

Present: Almquist, Brien, Hageman, Hayden, Machan, Pantelleria, Suerth  
Absent:

### 2. Pledge of Allegiance

The Pledge of Allegiance was recited.

### 3. Approval of Agenda

The Agenda was approved as presented with the addition of "Chemical Bank Use" added under Unfinished Business Item #6.5.

### 4. Public Comments

Martha Reddeman and John Jamros addressed the Commission and inquired if the placement of a manufactured house is permitted on Landsburg Road, and if so, what direction is the home allowed to be placed. Mayor Pantelleria confirmed manufactured housing is permitted and he will confirm the zoning requirements regarding (directional) placement.

Several residents addressed the Commission in support of the idea of bringing a skate park to the City as proposed by Commissioner Hageman. Commissioner Hageman inquired of the lot next to the current City Hall for placement of the skate park. Mayor Pantelleria will have the issue placed on the next meeting agenda for further discussion.

### 5. Approval of the following City Commission Minutes:

- a. Regular Meeting: October 7, 2019

Moved by Suerth, seconded by Pantelleria, to approve the minutes of October 7, 2019 as presented with a correction to the spelling of "Lightening". Voted Yes: All. Motion carried.

### 6. Reports & Minutes

Planning Commission Minutes: October 14, 2019 DRAFT

Fennville Area Fire Board: September 24, 2019 DRAFT

Planning Commission and FAFB Minutes reviewed.

## UNFINISHED BUSINESS

### 6.5 Chemical Bank Use

A workshop was held prior to the Commission Meeting to discuss the future use of the former Chemical Bank building.

Moved by Suerth, seconded by Pantelleria, to move the current City Hall to the former Chemical Bank building by April 1, 2020. Voted Yes: Hageman, Hayden, Brien, Machan, Pantelleria, Suerth. Voted No: Almquist. Motion carried.

**7. The City Commission will continue discussion on the request from the Fire Department regarding the purchase of new equipment.**

Dave Johnson, FAFB, presented the Commission with an updated Capital Improvement Plan and some comparable truck purchase options. Discussion of the two, possibly three, vehicles the new truck could potentially replace.

Moved by Machan, seconded by Almquist, to approve the purchase of the “Quick Attack” truck as presented by the FAFB. Voted: Yes: All. Motion carried.

**NEW BUSINESS**

**8. The City Commission will receive a copy of the Draft 2020-2024 Recreation Plan as recommended by the Planning Commission.**

**Background Information**

In 2017 the Planning Commission worked to update the 5-year Recreation Plan and the updated plan was submitted to the DNR in early 2018. Shortly after the document was submitted, the City received notice from the DNR that unfortunately the plan was deficient in several items and was not approved.

The City Commission has indicated that they would like to make planning for park improvements a priority over the coming fiscal year. As those designs are completed, we will be looking into grant opportunities to aid in funding those improvements. However, to be eligible to receive grants from the DNR, the City needs to have a completed 5-year Recreation Plan on file. The Planning Commission was again being asked to work through updating the document and addressing the deficiencies identified by the DNR.

Staff worked to address the following deficiencies and update the document to include:

- Map with City parks labeled.
- ADA Assessment for all City Parks.
- Documentation of public hearings.
- Required Certification Checklist
- Post Completion Self-Inspection Reports
- New Transmittal letters to County and regional planning for updated document.

The Planning Commission was asked to focus on providing the “Goals and Objectives” required within the plan and to hold the public hearing process. The new plan was required to be available to the public for comment for a 30 day period before the final approval can occur. The Planning Commission used the following process to review the document and meet the DNRs requirements:

April 8<sup>th</sup> Regular Meeting:

- Reviewed items needed and set meeting schedule.
- Worked with City Administrator to develop questions for an internet based survey to gather input.
- Scheduled a public input session for June 11<sup>th</sup> to develop goals and objectives.

June 11<sup>th</sup> Workshop

- Held a public input session and develop goals and objectives.

July 8<sup>th</sup> Regular Meeting:

- Reviewed draft plan.
- Issued Notice of Availability – minimum 30 days.

October 14<sup>th</sup> Regular Meeting:

- Held public hearing on draft plan.
- Made recommendation to the City Commission for approval.

The next step in the process is for the City Commission to consider a resolution adopting the plan.

For this meeting, the City Commission was given a copy of the plan for review. A resolution formally adopting the plan will be presented during a regular meeting in November.

**9. The City Commission will briefly review the City Administrator’s preliminary personnel plan for the Department of Public Works.**

The recent resignation of a long time DPW staff member has again raised concerns amongst the Commissioners regarding staffing levels. The City’s contract with Dan Jenkins for the operation of the Iron Removal Plant ends in June 2020. Morgan has been working with Jenkins and the DPW Foreman to formulate a succession plan upon the end of his contract. These discussions have focused on shuffling duties to absorb Jenkin’s responsibilities into the current DPW staff.

Morgan presented the Commission with a preliminary plan that will be further discussed with the Personnel Committee.

**10. Reports of Standing Committees:**

- a. Finance/Personnel: Personnel Committee meeting will be 11/4/19.
- b. City Services (Police, Ambulance & Fire): The Fire Department has been given approval to move forward with the purchase of the Quick Attack truck. Police Chief Rekucki provided a quarterly report; calls are up this year in the City; the Police’s placement of speed signs in the City resulted in an average speed of 34 mph going east and 36 mph going west.
- c. City Properties: The public is encouraged to come forward with ideas for the community and park improvements. Once the recreation plan is formally approved, the City can move forward to obtain grant funding for improvements.
- d. Ordinances/Community Relations: No report.
- e. Planning: Planning Commission met on 10/4/19 and finalized the recreation plan for submission to the City Commission for approval.
- f. Administrative/DDA: DDA meeting will be 11/6/19.

**11. Miscellaneous**

Question was asked of the City Attorney for an update on the date the State will begin accepting applications for recreational marijuana businesses; the date is November 1, 2019. The City has yet to act on either allowing or prohibiting such establishments (opting –out) in the City limits. After discussion, the Mayor asked the City Attorney to prepare an Ordinance if the City chooses to opt-out to be presented at a meeting in November; if the City chooses to allow such businesses, the Planning Commission would then be asked to regulate the businesses.

The Mayor inquired of the City Attorney if business owners in the City are eligible to be elected to the City Commission; the attorney will look at the City Charter and election laws.

**12. City Attorney Report**

Attorney Martin is waiting to receive the necessary easements required for the USDA funding.

**13. City Administrator Report**

Morgan reported the first round of interviews for the DPW applicants will begin this week; the USDA plans are almost ready to bid; the old DPW truck sold for \$5,100; latest round of hydrant flushing stirred up a large amount of sediment/silt (this was expected since these particular hydrants had not been regularly flushed in the past).

**14. Approval of Bills**

Moved by Machan, seconded by Almquist, to approve payment of the bills in the amount of \$20,213.62. Voted Yes: All. Motion carried.

**15. Adjournment**

The meeting adjourned at 9:08 pm.

Respectfully submitted,

Deborah Perez  
City Clerk/Treasurer

# Memo

DATE: November 1, 2019

TO: City Commission

FROM: Amanda Morgan  
City Administrator

SUBJECT: Agenda Item 7: Recreational Marihuana

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The City Commission will be asked to consider options related to the Recreational Marihuana legislation.

## Background Information

Earlier this year the City Commission had a brief discussion about the recent changes to the recreational marihuana legislation. At that time the Commission decided to wait until the rules and regulations had been finalized before taking any action.

The attorney informed us during the last meeting that the State will begin accepting applications for recreational marihuana facilities on November 1. The City's rules and regulations adopted as of the date the application is filed will be what the State follows for issuing the license. With the State beginning to accept applications the Commissioners asked the attorney to draw up a draft ordinance for opting out and also asked that all the options be placed on the agenda for discussion.

During the meeting, the City Commission will be asked to move forward with one of the following:

- Consider introducing an ordinance to prohibit recreational marihuana establishments in the City of Fennville.
- Consider introducing an ordinance to prohibit recreational marihuana establishments and consumption in public places in the City of Fennville.
- Consider directing the Planning Commission to develop rules and regulations on recreational marihuana within the City of Fennville.

If the Commission moves forward with one of the two ordinances, the ordinance will need to be introduced during the meeting on November 4 with final adoption at the following commission meeting.

If the Commission does not move forward with opting out, they should consider direct the Planning Commission to develop rules and regulations regarding the establishments within the City. I would work to schedule a special meeting of the Planning Commission to begin these discussion as soon as possible. We will work to draft thorough policies under the City Attorney's guidance, but will also work to draft the policies quickly given the fact that the State has already begun accepting applications.

## Attachment(s)

- Draft ordinance to prohibit recreational marihuana establishments in the City of Fennville.
- Draft ordinance to prohibit recreational marihuana establishments and consumption in public places in the City of Fennville.

**CITY OF FENNVILLE  
ALLEGAN COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO PROHIBIT  
RECREATIONAL MARIHUANA ESTABLISHMENTS IN THE CITY OF FENNVILLE**

THE CITY OF FENNVILLE ORDAINS:

**Section 1. Title / Citation.** This Ordinance may be cited as the “Fennville Prohibition of Recreational Marihuana Establishments.”

**Section 2. Marihuana Facilities and Establishments Prohibited.**

A. The following business establishments are prohibited in the City, and may not be established or operated within the City, by any means:

1. Any and all types of a “marihuana establishment,” as that term is defined and used in the Michigan Regulation and Taxation of Marihuana Act (Michigan Initiated Law 1 of 2018). Any applicant for a state or local license to establish a marihuana establishment, as defined by the Michigan Regulation and Taxation of Marihuana Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance.

B. This Section does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act (Michigan Initiated Law 1 of 2008), the Michigan Regulation and Taxation of Marihuana Act, or other applicable laws.

**Section 3. Penalty.** Any violation of, refusal to comply with, or resistance to the enforcement of this Ordinance shall be a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Section 1-15 of the Code of Ordinances, City of Fennville, Michigan.

**Section 4. Severability.** This Ordinance and the various parts, sections, sentences, phrases and clauses are declared to be severable. If any portion of this Ordinance is adjudged unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining provisions of this Ordinance.

**Section 5. Administrative Liability.** No officer, agent, or employee of the City or member of the City Commission shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

**Section 6. Effective Date.** This Ordinance was approved and adopted by the Fennville City Commission on November 18, 2019, after introduction and a first reading on November 4, 2019,

as required by Section 5.8 of the City Charter. This Ordinance shall be effective on \_\_\_\_\_, 2019, the date of its publication in the Allegan County News.

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Thomas Pantelleria, Mayor

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Deborah Perez, Clerk



**CITY OF FENNVILLE  
ALLEGAN COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO PROHIBIT RECREATIONAL MARIHUANA ESTABLISHMENTS  
AND CONSUMPTION IN PUBLIC PLACES IN THE CITY OF FENNVILLE**

THE CITY OF FENNVILLE ORDAINS:

**Section 1. Title / Citation.** This Ordinance may be cited as the “Fennville Prohibition of Recreational Marihuana Establishments and Consumption in Public Places.”

**Section 2. Marihuana Facilities and Establishments Prohibited.**

A. The following business establishments are prohibited in the City, and may not be established or operated within the City, by any means:

1. Any and all types of a “marihuana establishment,” as that term is defined and used in the Michigan Regulation and Taxation of Marihuana Act (Michigan Initiated Law 1 of 2018). Any applicant for a state or local license to establish a marihuana establishment, as defined by the Michigan Regulation and Taxation of Marihuana Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance.

B. This Section does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act (Michigan Initiated Law 1 of 2008), the Michigan Regulation and Taxation of Marihuana Act, or other applicable laws.

**Section 3. Sale and Consumption of Marihuana in Public Places Prohibited.**

A. In conformance with Sections 4.1(e) and 6.2(b) of the Michigan Regulation and Taxation of Marihuana Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Michigan Regulation and Taxation of Marihuana Act, is prohibited in any public places within the boundaries of the City.

B. This Section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies, or operates such property, as provided in and authorized by the Michigan Regulation and Taxation of Marihuana Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

**Section 4. Penalty.** Any violation of, refusal to comply with, or resistance to the enforcement of this Ordinance shall be a municipal civil infraction, and shall be subject to the enforcement procedures set forth in Section 1-15 of the Code of Ordinances, City of Fennville, Michigan.

**Section 5. Severability.** This Ordinance and the various parts, sections, sentences, phrases and clauses are declared to be severable. If any portion of this Ordinance is adjudged unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining provisions of this Ordinance.

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**Section 7. Effective Date.** This Ordinance was approved and adopted by the Fennville City Commission on November 18, 2019, after introduction and a first reading on November 4, 2019, as required by Section 5.8 of the City Charter. This Ordinance shall be effective on \_\_\_\_\_, 2019, the date of its publication in the Allegan County News.

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Thomas Pantelleria, Mayor

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Deborah Perez, Clerk

# MEMO

DATE: November 1, 2019  
TO: City Commission  
FROM: Amanda Morgan  
City Administrator  
SUBJECT: Agenda Item 8: Holiday Celebration

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The Commission will be asked to approve the Holiday Celebration Special Event scheduled for Saturday, December 7, 2019.

## Background Information

The Holiday Celebration committee has submitted a special event request for the use of City Property for their event scheduled for Saturday, December 7, 2019. The event is very similar to those in the past and includes a day full of children's activities throughout the City, a lighted parade down Main Street at 6:00 p.m., followed by a tree lighting ceremony which includes an appearance from Santa and entertainment from local schools groups.

The request is for the use of the DDA parking lot area for the majority of the evening activities, the closure of South Maple Street from Main to West Fennville Street for set up and during the event. It also includes the closure of Main Street for the parade.

The Police Department and Department of Public Works have reviewed the application and have no concerns. We have not received any feedback from the Fire Department at this time but don't anticipate any issues.

## Attachment(s)

- 2019 Holiday Celebration Event Application

## Recommended Action

Motion to approve the Holiday Celebration Special Event scheduled for Saturday, December 7, 2019.



# SPECIAL EVENT APPLICATION

Adopted 07/02/2018

**Event Name:** \_\_\_\_\_

## ORGANIZER INFORMATION

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Contact Name & Number: \_\_\_\_\_

## EVENT INFORMATION

Date(s) of Event: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

Estimated Number of Attendance each Date: \_\_\_\_\_

Description of Event: \_\_\_\_\_

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**ADDITIONAL INFORMATION TO BE ATTACHED:**

If applicable, the application must include a detailed explanation, including drawings, and diagrams where applicable, of the prospective licensee's plans to provide for the following:

Attached	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Police and fire protection.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Food and water supply and facilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Health and sanitation facilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Medical facilities and services including emergency vehicles and equipment.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vehicle access and parking requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Camping and trailer facilities.
<input type="checkbox"/>	<input type="checkbox"/>	Illumination facilities.
<input type="checkbox"/>	<input type="checkbox"/>	Communications facilities.
<input type="checkbox"/>	<input type="checkbox"/>	Noise control and abatement.
<input type="checkbox"/>	<input type="checkbox"/>	Facilities for cleanup and waste disposal.
<input type="checkbox"/>	<input type="checkbox"/>	Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map of the overall site of the proposed assembly.

*Amy Cool*

10/15/19

Signature of Authorized Representative

Date

**CITY USE ONLY**

Date Application Received: \_\_\_\_\_

Department Reviews:

	<i>Sent</i>	<i>Complete</i>
City Administrator	_____	_____
Department of Public Works	_____	_____
Fennville Area Fire Department	_____	_____
Police Department	_____	_____

City Commission Approval: \_\_\_\_\_

## 2019 Holiday Celebration

### Street Closure Request

Please refer to the Parade Map for route and closure locations. The parade street closures are requested from approximately 5:30 – 6 pm, and the block of Maple from Main to Fennville streets is requested to be closed from 5:30 – 7 pm.

### Police & Fire Protection

In past years we have worked in close cooperation with the Fire Department and Police. We are requesting the FD's assistance with road closure, organization and participation in/of the parade. We would like to request the PD's assistance with road closure during the parade and monitoring the event.

### Food and Water Supply Facilities

The event may have external food vendors which will require water. Any vendors choosing to vend on the day of the event will make arrangements directly with the City. Any non-profit fundraising sales will be held within private businesses.

### Health & Sanitation Facilities

The gathering downtown will only be for ½ hour, but if the City requires port-a-johns, we will furnish 2 in a location adjacent to the downtown activities.

Medical facilities and services including emergency vehicles and equipment  
Medical facilities will not be necessary beyond typical services.

### Vehicle access and parking requirements

The street closure will only be from 5:30 – 6 for the parade, and the block of Maple from Main to Fennville streets will be closed from 5:30 – 7 so there should not be any access needed.

### Power needs and Illumination facilities

We will be utilizing 3-4 110v plugs for lights and potential sound reinforcement for the sing-along at the tree lighting ceremony. The streetlights will be turned off for the duration of the lighted parade, but will be turned back on for the downtown program.

### Noise Control and abatement

The short holiday program uses sound reinforcement. All entertainment will end by 7 pm.

### Facilities for cleanup and waste disposal

We make use of adjacent City garbage receptacles and empty them at the conclusion of the program. We will replace any liners necessary.

### Insurance and bonding arrangements

The DDA will obtain all insurance and bonds as needed through the City's provider.


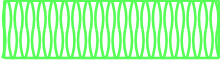

### Signage

The DDA would like to place a 2' x 8' one-sided banner highlighting the event the green area in Rummer Square. We propose to put it in place November 8 or later and take it down immediately after the event.

# 2018 HOLIDAY CELEBRATION PARADE MAP

## MAP LEGEND

### FESTIVAL SERVICES

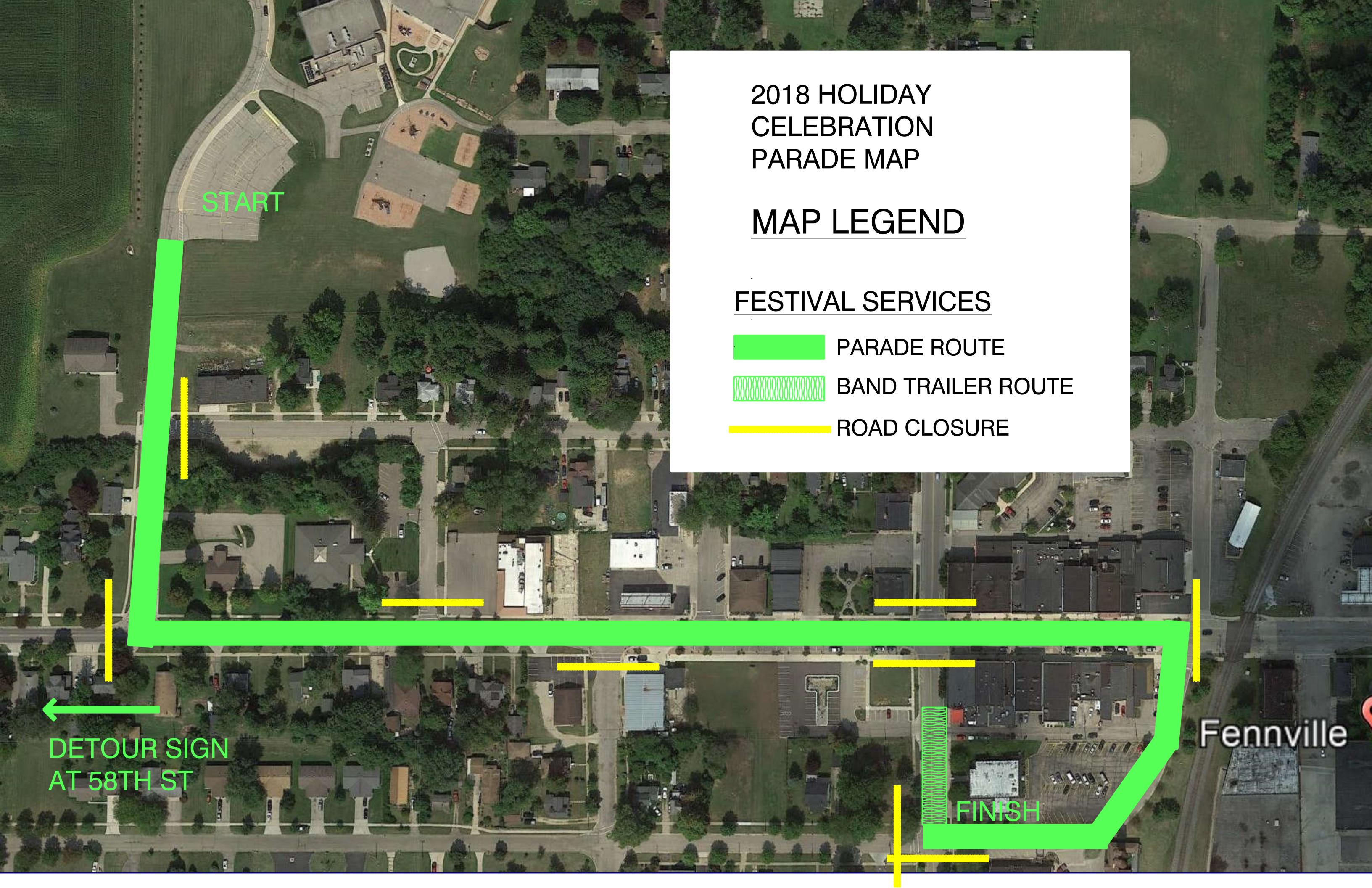
-  PARADE ROUTE
-  BAND TRAILER ROUTE
-  ROAD CLOSURE

START

FINISH

Fennville

←  
DETOUR SIGN  
AT 58TH ST



# Memo

DATE: November 1, 2019  
TO: City Commission  
FROM: Amanda Morgan  
City Administrator  
SUBJECT: Agenda Item 9: Skateboard Park

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The City Commission will be asked to consider a request to construct a skateboard park on the lot north of the current City Hall

## Background Information

### **Maintenance, liability, other park information,**

During the last City Commission meeting, a group of citizens spoke with the City Commission to express their interest in fundraising to build a skateboard park in the vacant lot next to the current City Hall. Based on their interest, the Commission asked to have the item placed on the next City Commission agenda for consideration.

Prior to moving forward with any approval, I would suggest that the City Commission request a more formal proposal from the interested citizens. That proposal should include at a minimum the following:

- A list of possible locations with the pros and cons of each location. The list can contain their location preference.
- A list of neighboring communities with skateboard parks. The list should contain the City official to contact for each of those communities to discuss their experiences
- Project plan that includes key stakeholders, a proposed timeline, anticipated project budget and expenses.
- Detailed fundraising plan and organization in charge of administering the fundraising efforts.
- Anticipated annual maintenance plan with estimated expenses for at least the first 10 years after construction.

## Attachment(s)

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## Recommended Action