



## CITY COMMISSION MEETING AGENDA

City Hall, 125 South Maple Street, Fennville, MI 49408  
Monday, February 1, 2021  
7:00 p.m.

In light of the recent orders to limit social interactions due to COVID-19, the City Commission will allow for participation through a virtual meeting site or by telephone. To access the meeting visit:

Join Zoom Meeting

Meeting ID: 816 8476 5423

<https://us02web.zoom.us/j/81684765423>

One tap mobile

+13126266799,,81684765423# US (Chicago)

Dial by your location

+1 312 626 6799 US (Chicago)

As always, citizens can also submit their comments in writing by 6:30 p.m. by:

Email to [amorgan@fennville.com](mailto:amorgan@fennville.com)

Drop Box located on the parking lot side of City Hall

By mail to PO Box 666, Fennville, MI 49408

### **AGENDA**

**1. Call to Order/Roll Call**

**2. Pledge of Allegiance**

**3. Approval of Agenda**

**4. Public Comments**

*During this time, members of the public will be given an opportunity to speak on items not on the agenda. Please remember that comments are limited to 5 minutes and should be directed toward the Mayor. If you wish to speak to an item on the agenda, you will be given the chance to do so before the Commission discusses the item.*

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

- a. Regular Meeting: [January 18, 2021](#) – Click on link to view draft minutes

**6. Reports & Minutes**

### **NEW BUSINESS**

**7. The City Commission will be given a presentation on the FY20 Audit from Ken Berthiaume from Bethiaume & Co.**

**8. The City Commission will be asked to introduce Ordinance 2021-01: An Ordinance to amend Section 34-216 and 34-218 of the Code of Ordinance to remove reference to marijuana paraphernalia.**

**9. Reports of Standing Committees:**

- a. Finance/Personnel: *Mayor, Machan, Suerth*
- b. City Services (Police, Ambulance & Fire): *Machan, Suerth, Jamros*
- c. City Properties: *Jamros, Bolles*
- d. Ordinances/Community Relations: *Hayden, Almquist*
- e. Planning: *Bolles, Suerth*
- f. Administrative/DDA: *Mayor, Almquist, Bolles*

**10. Miscellaneous**

**11. City Administrator Report**

**12. Approval of Bills**

- a. Invoices – totaling \$34,283.53  
*A copy of the invoice report will be sent to the City Commission by email for review on meeting day and the agenda packet online will be updated to include the information*

**13. The City Commission will be asked to go into closed session pursuant to the Michigan Open Meetings Act Section 1268(a) “To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.”**

**14. Adjournment**

# Memo

DATE: January 29, 2021  
TO: City Commission  
FROM: Amanda Morgan  
City Administrator  
SUBJECT: Agenda Item 7: FY20 Audit Presentation

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A representative of the City's audit firm, Berthiaume & Company will be presenting the FY2020 Audit to the City Commission. A copy of the audit can be found on the City's website at: <http://cms8.revize.com/revize/fennville/Document%20Center/Other/Audits/FY20%20Audit.pdf>

# Memo

DATE: January 29,2021  
TO: City Commission  
FROM: Amanda Morgan  
City Administrator  
SUBJECT: Agenda Item 8: Marijuana Paraphernalia

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The City Commission will be asked to introduce an ordinance to amend Section 34-216 and 34-218 of the Code of Ordinance to remove reference to marijuana paraphernalia.

## Background Information

Sections 34-216 & 218 of the Code of Ordinances read as follows:

### **Sec. 34-216. CONTROLLED SUBSTANCES – DEFINITIONS.**

The following words and phrases when used in this division shall, for the purposes of this division, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cocaine spoon.* Means a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be mechanized on a chain and may or may not be labeled as a cocaine spoon or coke spoon.

*Controlled substance.* Means any drug, substance, or immediate precursor enumerated in schedule 1-5 of MCL 333.7210 35 seq.,

*Marijuana pipe or hashish pipe.* Means a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than the lawful smoking of tobacco, and which may or may not be equipped with a screen.

*Paraphernalia.* Means an empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, or any other instrument, implement, or device which is primarily adapted, or designed for the administration or use of any controlled substance.

### **Sec. 34-218. Sale, display of paraphernalia prohibited; exceptions.**

It shall be unlawful for any person to sell, or offer for sale, display, furnish, supply, or give away any empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, or any other instrument, implement, or device which is primarily adapted, or designed for the administration or use of any controlled substance as enumerated in schedules 1-5 of MCL 333.7210 et seq.,

During the last regular meeting, the City Commission asked the City Administrator to prepare an ordinance to remove reference to marijuana in these sections of the code.

The following ordinance has been prepared for your consideration. Please remember that

adoption of an ordinance is a two-step process. The ordinance must to be introduced at one meeting, and approved at a subsequent meeting.

Attachment(s)

- Proposed Ordinance

Recommended Action

Motion to introduce an ordinance to amend Section 34-216 and 34-218 of the Code of Ordinance to remove reference to marijuana paraphernalia.

CITY OF FENNVILLE  
ORDINANCE 2021-01

**AN ORDINANCE TO AMEND SECTION 34-216 AND 34-218  
OF THE CODE OF ORDINANCES TO REMOVE REFERENCE  
TO MARIJUANA PARAPHERNALIA**

WHEREAS, Sections 34-216 and 34-218 set restrictions on the sale of paraphernalia designed for the administration or use of controlled substances, specifically referencing certain paraphernalia related to the use of marijuana.

WHEREAS, the City of Fennville wishes to remove the references to marijuana within these sections of the ordinance.

THEREFORE, the City of Fennville ordains:

**SECTION 1**

Sections 34-216 & 34-218 of the Code of Ordinances are amended to read as follows:

**Sec. 34-216. Controlled Substances – Definitions.**

The following words and phrases when used in this division shall, for the purposes of this division, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cocaine spoon.* Means a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be mechanized on a chain and may or may not be labeled as a cocaine spoon or coke spoon.

*Controlled substance.* Means any drug, substance, or immediate precursor enumerated in schedule 1-5 of MCL 333.7210 et seq.

~~*Marijuana pipe or hashish pipe.* Means a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than the lawful smoking of tobacco, and which may or may not be equipped with a screen.~~

*Paraphernalia.* Means an empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, ~~marijuana pipe, hashish pipe,~~ or any other instrument, implement, or device which is primarily adapted, or designed for the administration or use of any controlled substance.

**Sec. 34-218. Sale, display of paraphernalia prohibited; exceptions.**

It shall be unlawful for any person to sell, or offer for sale, display, furnish, supply, or give away any empty gelatin capsule, hypodermic syringe or needle, cocaine spoon, ~~marijuana pipe, hashish pipe,~~ or any other instrument, implement, or device which is primarily adapted, or designed for the administration or use of any controlled substance as enumerated in schedules 1-5 of MCL 333.7210 et seq.,

**SECTION 2**

Severability: The provision of this ordinance shall be deemed severable and it is expressly declared that the City of Fennville City Commission would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this ordinance or the application thereof to any person or circumstances I held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 3**

Effective Date: This ordinance shall take effect after its passage and publication as provided by City Charter.

INTRODUCED by the City Commission of the City of Fennville on the 1<sup>st</sup> day of February, 2021.

ADOPTED by the City Commission of the City of Fennville on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Thomas Pantelleria, Mayor

**CERTIFICATE**

I, the undersigned, the duly qualified Clerk/Treasurer of the City of Fennville, Allegan County, State of Michigan, do hereby certify that the foregoing Ordinance was adopted by the City of Fennville City Commission on the \_\_\_\_ day of \_\_\_\_\_, 2021; and the same was published in a paper of general circulation in the City of the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Deborah Perez, City Clerk/Treasurer

Post Date	Journal	Description	GL Number	DR Amount	CR Amount
02/02/2021	AP	APPRAISALS PLUS GROUP LLC CONTRACTED SERVICES Vnd: AP004 Invoice: JAN 2021	Invoice: JAN 2021 Ref#: 13986 (ASSESSING SERVICES FOR JAN 2021) 101-257-818.000 101-000-202.000	770.00	770.00
		Expected Check Run: 02/02/2021		<u>770.00</u>	<u>770.00</u>
02/02/2021	AP	AUTO-WARES GROUP SUPPLIES Vnd: AU001 Invoice: STATEMENT	Invoice: STATEMENT Ref#: 14002 (JAN 25, 2021 STMT; SUPPLIES) 641-000-727.000 641-000-202.000	285.84	285.84
		Expected Check Run: 02/02/2021		<u>285.84</u>	<u>285.84</u>
02/02/2021	AP	BURNETT & KASTRAN, P.C. CONTRACTED SERVICES Vnd: BU001 Invoice: 4627	Invoice: 4627 Ref#: 13998 (CITY ATTY SERVICES FOR POLICE DEPT) 101-301-818.000 101-000-202.000	396.00	396.00
		Expected Check Run: 02/02/2021		<u>396.00</u>	<u>396.00</u>
02/02/2021	AP	BURNETT & KASTRAN, P.C. CONTRACTED SERVICES Vnd: BU001 Invoice: 4289	Invoice: 4289 Ref#: 13999 (CITY ATTY SERVICES FOR POLICE DEPT) 101-301-818.000 101-000-202.000	180.00	180.00
		Expected Check Run: 02/02/2021		<u>180.00</u>	<u>180.00</u>
02/02/2021	AP	BURNETT & KASTRAN, P.C. LEGAL FEES Vnd: BU001 Invoice: 4621	Invoice: 4621 Ref#: 14000 (CITY ATTY SERVICES FOR POLICE DEPT) 101-101-826.000 101-000-202.000	120.00	120.00
		Expected Check Run: 02/02/2021		<u>120.00</u>	<u>120.00</u>
02/02/2021	AP	CALICO CLEANING LLC CONTRACTED SERVICES CONTRACTED SERVICES Vnd: CA010 Invoice: 4998 Vnd: CA010 Invoice: 4998	Invoice: 4998 Ref#: 13987 (JANITORIAL SERVICES FOR JAN 2021) 101-265-818.000 248-000-818.220 101-000-202.000 248-000-202.000	320.00 320.00	320.00 320.00
		Expected Check Run: 02/02/2021		<u>640.00</u>	<u>640.00</u>



Post Date	Journal	Description	GL Number	DR Amount	CR Amount
02/02/2021	AP	CARDMEMBER SERVICE			
			Invoice: STATEMENT Ref#: 14003(1/26/21 CREDIT CARD STATEMENT)		
		SUPPLIES	101-101-727.000	15.89	
		SUPPLIES	101-262-727.000	15.79	
		SUPPLIES	101-265-727.000	236.38	
		PUBLIC UTILITIES	101-265-920.000	349.80	
		COMMUNITY PROMOTION	248-000-880.000	280.26	
		SUPPLIES	592-110-727.000	377.95	
		PUBLIC UTILITIES	592-110-920.000	186.80	
		CLASSES AND CONFERENCES	592-120-864.000	190.00	
		SUPPLIES	592-210-727.000	288.72	
		SUPPLIES	641-000-727.000	519.70	
		Vnd: CA003 Invoice: STATEMENT	101-000-202.000		617.86
		Vnd: CA003 Invoice: STATEMENT	248-000-202.000		280.26
		Vnd: CA003 Invoice: STATEMENT	592-000-202.000		1,043.47
		Vnd: CA003 Invoice: STATEMENT	641-000-202.000		519.70
		Expected Check Run: 02/02/2021			
				2,461.29	2,461.29
02/02/2021	AP	CITY OF DOUGLAS			
		CONTRACTED SERVICES			
		Vnd: CI004 Invoice: 9130	592-110-818.000	234.00	
			592-000-202.000		234.00
		Expected Check Run: 02/02/2021			
				234.00	234.00
02/02/2021	AP	ETNA SUPPLY CO			
		SUPPLIES			
		Vnd: ET001 Invoice: S103857242.001	592-110-727.000	153.33	
			592-000-202.000		153.33
		Expected Check Run: 02/02/2021			
				153.33	153.33
02/02/2021	AP	LIFE EMS AMBULANCE			
		CONTRACTED SERVICES			
		Vnd: LI001 Invoice: 0002665-IN	101-428-818.000	3,250.00	
			101-000-202.000		3,250.00
		Expected Check Run: 02/02/2021			
				3,250.00	3,250.00
02/02/2021	AP	MICHIGAN MUNICIPAL LEAGUE			
		LIABILITY INSURANCE			
		LIABILITY INSURANCE			
		LIABILITY INSURANCE			
		LIABILITY INSURANCE			
		LIABILITY INSURANCE			
		Vnd: MM001 Invoice: 284206	101-865-910.000	11,670.00	
		Vnd: MM001 Invoice: 284206	248-000-910.000	841.00	
		Vnd: MM001 Invoice: 284206	641-000-910.000	7,724.00	
		Vnd: MM001 Invoice: 284206	592-110-910.000	3,510.00	
		Vnd: MM001 Invoice: 284206	592-210-910.000	904.00	
		Vnd: MM001 Invoice: 284206	101-000-202.000		11,670.00
		Vnd: MM001 Invoice: 284206	248-000-202.000		841.00
		Vnd: MM001 Invoice: 284206	641-000-202.000		7,724.00
		Vnd: MM001 Invoice: 284206	592-000-202.000		4,414.00
		Expected Check Run: 02/02/2021			
				24,649.00	24,649.00

BANK CODE: GEN

PROOF ONLY - JOURNAL ENTRIES NOT CREATED

Post Date	Journal	Description	GL Number	DR Amount	CR Amount
02/02/2021	AP	OTTAGAN PLUMBING CONTRACTED SERVICES Vnd: MISC Invoice: 1017	Invoice: 1017 Ref#: 13992 (BACKFLOW TEST) 592-110-818.000 592-000-202.000	115.00	115.00
		Expected Check Run: 02/02/2021		<u>115.00</u>	<u>115.00</u>
02/02/2021	AP	SISTERS IN INK CONTRACTED SERVICES CONTRACTED SERVICES Vnd: SI005 Invoice: 11375	Invoice: 11375 Ref#: 13993 (UNIFORM / EMBROIDERING) 592-110-818.000 592-210-818.000 592-000-202.000	157.25 157.25	314.50
		Expected Check Run: 02/02/2021		<u>314.50</u>	<u>314.50</u>
02/02/2021	AP	SPRINT TELEPHONE - POLICE TELEPHONE - IRP TELEPHONE - ONCALL TELEPHONE - W/S Vnd: SP001 Invoice: 557254157-078 Vnd: SP001 Invoice: 557254157-078	Invoice: 557254157-078 Ref#: 13994 (CELL SERVICE) 101-301-853.000 592-110-853.000 592-110-853.000 592-110-853.000 101-000-202.000 592-000-202.000	63.97 63.97 63.97 34.16	63.97 162.10
		Expected Check Run: 02/02/2021		<u>226.07</u>	<u>226.07</u>
02/02/2021	AP	STATE OF MICHIGAN CONTRACTED SERVICES Vnd: MISC Invoice: 010121	Invoice: 010121 Ref#: 13995 (MIDEAL MEMBERSHIP RENEWAL) 641-000-818.000 641-000-202.000	180.00	180.00
		Expected Check Run: 02/02/2021		<u>180.00</u>	<u>180.00</u>
02/02/2021	AP	WELLS FARGO FINANCIAL LEASING CONTRACTED SERVICES Vnd: WE010 Invoice: 5013578613	Invoice: 5013578613 Ref#: 14001 (COPIER CONTRACT) 641-000-818.000 641-000-202.000	187.00	187.00
		Expected Check Run: 02/02/2021		<u>187.00</u>	<u>187.00</u>
02/02/2021	AP	WEST MICHIGAN UNIFORM CONTRACTED SERVICES Vnd: WE007 Invoice: 5481076	Invoice: 5481076 Ref#: 13996 (MATS FOR CITY HALL) 101-265-818.000 101-000-202.000	60.75	60.75
		Expected Check Run: 02/02/2021		<u>60.75</u>	<u>60.75</u>

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User: DEBORAH  
DB: Fennville

INVOICE JOURNAL PROOF REPORT FOR CITY OF FENNVILLE

BANK CODE: GEN

PROOF ONLY - JOURNAL ENTRIES NOT CREATED

Post Date	Journal	Description	GL Number	DR Amount	CR Amount
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02/02/2021	AP	WEST MICHIGAN UNIFORM			
		CONTRACTED SERVICES			
		Vnd: WE007 Invoice: 5489591			
			101-265-818.000	60.75	
			101-000-202.000		60.75

Invoice: 5489591 Ref#: 13997 (MATS FOR CITY HALL)

Expected Check Run: 02/02/2021

	<u>60.75</u>	<u>60.75</u>
	<u><u>34,283.53</u></u>	<u><u>34,283.53</u></u>

Cash/Payable Account Totals:

ACCOUNTS PAYABLE	101-000-202.000	17,509.33
ACCOUNTS PAYABLE	248-000-202.000	1,441.26
ACCOUNTS PAYABLE	592-000-202.000	6,436.40
ACCOUNTS PAYABLE	641-000-202.000	8,896.54
	TOTAL INCREASE IN PAYABLE:	34,283.53