



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
MAY 14, 2019, 7:30 P.M.**

**PRESENT:** Mayor Ron LaPorte, Councilors: Patrice Martin, Rob Splane, and Steve Hegedus.

**ABSENT:** Jason La Fever, Vicki Platt and Joe Frontiera

**OTHERS PRESENT:** City Manager – Lynne Ladner, BioPure Superintendent – Paul Cutter, Energy Superintendent – Mike Schiller, Main Street Manager – Julie Kreilick, and Deputy City Clerk - Cheri Eisenlohr. See attached list for others in attendance.

Mayor LaPorte called the meeting to order at 7:30 p.m., following the roll call, the Mayor lead the Council in the pledge of allegiance.

A motion was made by Mr. Hegedus to approve the agenda and supported by Ms. Martin. The minutes from April 23, 2019, regular meeting, were approved motioned by Ms. Martin and supported by Mr. Splane. All ayes, both motions were carried.

**PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Public Hearing – CDBG Public Facilities Application
  - The hearing was opened at 7:33 pm, no public comments, closed at 7:34 pm.
- Steve Bruch: Mr. Bruch read a letter that he wrote in appreciation of Chief Salazar and the Hart Police Department.
- Power Board Attendees: Power board members were present to show their support of keeping Varnum Law in place in regards to the ACO.

**DEPARTMENT REPORTS:**

- ▶ BioPure Superintendent, Paul Cutter: A written report was provided.
- ▶ Police Chief, Juan Salazar: Absent
- ▶ DPW Superintendent, Brad Whitney: Absent
- ▶ Energy Superintendent, Mike Schiller:
  - DuBois tree service is back in the City.
  - The transformer for Seneca foods has been installed.
  - All trucks passed their DOT inspections.
  - Power will be shut down at GHSP Sunday.
  - MECA Training will take place 5/15.
  - Power Line Supply inventory program has been started using a scanner to monitor inventory.
- ▶ Mainstreet Manager, Julie Kreilick: Report to follow:
 

Upon the approval of our 2019-2020 budget documents have been updated and prepared for the launching of our 2019-2020 fundraising campaign. With PR/Org committee's review of last year's documents and approach and a shortage of time, the sponsorship forms were updated and prepared for distribution. The board was reached out to for help with this process, and the help provided was appreciated. The addresses that were identified and reached out to were cut off at one hundred.

Sponsorship presentation has been delivered in person for as many as possible, and the reception has been encouraging and well received. There have been several who have

committed on the spot, including some new sponsors. At the time of this report, written May 6, we are about one-quarter of the way there, with the soft deadline of May 15. In the days before the deadline, there will be follow-ups with the bigger sponsors who haven't replied. To date: \$10,500

The Sister Simone Courtade and Mercy Health Missions grant were submitted April 18, and we look forward to learning if we implement the Power of Produce Program. POP will be modeled after New Era and Muskegon Farmers Markets. We are applying for \$3000 to fund this program for the 2019 Farmers Market Season. The POP has two groups, Kids and Seniors. The Kid's POP is inviting children from 3-13 to come to the market and earn \$2 to spend on their own produce, the Senior POP invites Seniors 60 and over to spend \$4 on produce. There are no income requirements for this program, which eliminates that complication. Members of POP simply register, and then the activity is tracked to record the outcomes of the program. The goal for us is to increase the activity in the market. Since this grant cannot go into effect until July, we have additionally reached out to the Hart Rotary Club and Hart Lions Club with the ask to support the June markets for the POP program. We will be in contact with both clubs as soon as we know the results.

A public hearing for the Pocket Park project is being held at the May 14 City Council meeting! It would be nice for any board members willing to be in attendance to show their support for this project.

Since starting on March 1, I have now interviewed 19 businesses to feature them on our HMS Facebook page on Tuesdays and Fridays. I developed three questions to ask in the interview and have been visiting the businesses alphabetically since the projects beginning. This has proved valuable in the approach and the relationship building outcomes. Our Facebook page has experienced so much growth and exposure; it seemed important to develop a fair way to share this exposure with businesses. The response has been amazing, both from businesses and the Facebook community. Exposure has ranged from one thousand views to eighteen thousand views. The new likes then provide the opportunity to invite new followers of our page, which has grown as well. I feel the status of our relationships in the downtown area are as good as they have been since my arrival.

Another area that has been established for the growth of our volunteer program is with Hart High School students. I reached out to Jennifer Copenhaver, the guidance counselor and the advisor of the leadership class, to promote volunteer opportunities. I reached out to Tracey Lipps for advice, who has a high school age child, and she provided some valuable insight. Rachel and I put together job descriptions, times and places for upcoming events and it will be part of the presentation being made May 7 at the school. Volunteer Rob Splane as offered to accompany us to the presentation to give his testimonial about the value of volunteering.

I have attended the first 2019 Leadership Learning Lab with eleven other leaders from Oceana and Manistee Counties. The group that has been invited to work together for the next nine months seemed to bond and fit well immediately. It has already been enriching to consider our leadership styles as well as those of others, and how important it is to take all the aspects of

those styles into consideration to be an effective leader. We will have valuable relationships being established from Shelby to Manistee as additional points of contact for the future.

The event planning is moving along for downtown Hart as well. The SK races, the Music on the Commons, Hart Sparks, Farmers Markets and Hart Lakefest are all in various stages of planning. We look forward to seeing how the new date for the SK is attended. The Music on the Commons bands and dates are being marketed. Money is being collected to help pay for the best fireworks in Oceana County, with the current total at \$9400 needing \$2900 to go! The Farmers Market continues to have vendor interest, and Hart Lakefest is the continually expanding version of Whatever Floats your Boat Regatta, with the addition of a fishing tournament.

The Street Light Banner Project is underway with students from Hart Middle School providing art for half of the banners, and the other half will be used to advertise events downtown. This is part of our fundraising campaign for sponsors of \$500 or more. We look forward to them refreshed and cheering up the streets throughout downtown. Thank you all for the leadership and hard work you give to your downtown!

**REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:**

- None

**BILLS, CLAIMS, PAYROLL:**

Bills totaled: \$474,476.32 Payroll totaled: \$57,369.04 Grand Total: \$531,845.36

A motion was made by Mr. Splane and supported by Ms. Martin to approve bills, claims, and payroll in the amount stated.

Ayes: 5    Nay: 0    Absent: 2

**ACTION ITEMS:**

City Manager, Lynne Ladner presented the following:

Memo

To: Mayor and City Council

From: Lynne Ladner

Date: 5/14/19

Re: Appointment of City Attorney for general legal services

During the April 23<sup>rd</sup> meeting, the members of the Council chose to table until the May 14<sup>th</sup> meeting the selection of a city attorney following the defeated motion to re-appoint Julie Springstead. The council has options:

Consider a motion to appoint one of the three other legal firms to act as the City Attorney;

Consider a motion to reject all submitted proposals and request new proposals for consideration;  
or

Reconsider the defeated motion, Robert's Rules of Order states: The motion to reconsider may be made only by a member who voted on the prevailing side in the original vote (such as someone who voted "yes" if the motion had passed or voted "no" if the motion was defeated). ... The motion to reconsider is debatable to the extent that the motion being reconsidered is debatable.

Resolution 19-25 is written with blanks which provide the council to complete the discussion at their meeting and if they are prepared to decide on how to move forward. The blanks allow the Council to fill in the Attorney/Firm that they would like to select along with setting a time frame

for contracting for services from the Attorney/Firm. That time frame can be a long or as short as the council prefers but should most likely be for at least a one-year term

While it is important that the Council engages in careful and deliberate consideration for the appointment, it is also very important that the City has a clear understanding of and direction in which they would like to proceed about City Attorney general counsel services. Per Sec 8.2 of the City Charter states that an appointed officer shall hold office until a successor is appointed it is my understanding that comments were made at the April 23rd meeting that could be interpreted as a resignation by the currently appointed City Attorney.

Additionally, attached is a copy of a letter received from Ms. Springstead, which appears to support this interpretation. Since and including the last Council meeting issues related to the request for sale of public land, request to modify and add additional easements for a project, request to consider a purchase, lease, vacation or adverse possession of the land, and employment has arisen. These are not issues that can be pushed down the road for an extended period of time.

Per City Charter:

**Sec. 8.1. Generally.**

The appointive officers of the City shall be the City Manager, Clerk, Assessor, City Attorney, Treasurer, and Chief of Police, who shall be a member of the City Police Department. The Council, may, by ordinance, create such department heads as it may deem necessary for the operation of the City government, or may combine any such appointive offices in one or more persons in any manner not inconsistent with the provisions of the general laws of the State.

**Sec. 8.2. Appointments; Qualifications.**

The Council shall within thirty (30) days following the annual City elections, appoint the appointive officers provided in this Charter, each of whom shall hold office until his successor is appointed. Appointees shall be selected with reference only to their qualifications and fitness and for the good of the public service. Residence requirements of the appointive offices shall be at the discretion of the Council except as hereinafter set forth.

**Sec. 8.6. City Attorney.**

The City Attorney shall be legal advisor and counsel for the City and for all the officers and departments thereof in all matters relating to their official duties. He shall prosecute ordinance violators and shall represent the City in cases before the courts and other tribunals. He shall perform such other duties in connection with his office as may be prescribed for him by this Charter or the Council. The Council, upon the City Attorney's recommendation or upon its own initiative, may retain special legal counsel to handle any matters in which the City has an interest or to assist the City Attorney.

I realize that the appointment of a City Attorney is the purview of the Council and I have tried to remain neutral in the process other than developing the RFP, disclosing my past relationship with one of the proposing firms and expressing how I conduct business but I also feel that it is important for the Council to understand my reasons for having requested permission to put legal services out to bid.

The Current City Attorney requested an increase in the monthly retainer for general counsel services.

The Current City Attorney based upon that retainer provides very limited legal counsel based upon their stated hourly rate for services \$250/hour. At the previous retainer amount that equaled 6 hours of legal services a month with the proposed increased retainer amount to \$2,600 that is equal to 10.4 hours of legal services a month. If the City was to consider a monthly retainer of \$2,600 with any of the three other firms based upon their proposed hourly rates the City would receive 13.7 hours of legal services from Dickenson Wright, 17.33 hours of

legal services from Rosati, Schultz, Joppich, and Amtsbuechler (RSJA), and between 16.77 hours and 6.58 hours from Mika Meyers (they said the rate depends upon the attorney) The current City Attorney stated that she is "writing off" between 10-15 hours per month of legal work at the current retainer agreement. With her proposed higher, she would still be "writing off" between 6-10 hours of services. At the hourly rate proposed by the other firms their potential write off in a retainer would be: Dickenson Wright – 2.3 and 7.3 hours, RSJA – a gain of 1.33 to write off of 3.67 hours and with Mika Meyers a gain of .77 to a write off of 14.42 hours (again depending upon the attorney assigned).

Based upon these numbers, a monthly retainer agreement with RSJA would have the greatest net benefit to the City for the least amount of funds expended. It has been my intention to not only advocate that the City obtain the best value for taxpayer dollar but to also have the potential to consolidate services for legal services that generally are needed by a City to include: General Counsel, Land Use and Planning, Contracts, Real Estate, Litigation (hopefully not necessary), Legislative Updates affecting current City Ordinances, Employment law – including collective bargaining, employee discipline, employee benefits, and retirement, Board of Review, Tax Tribunal and possibly environmental/regulatory issues.

I defer to the Council in their decision, and I realize that the firms that we are discussing are located outside of Hart. However, the expertise, potential for savings, positive impact of consolidating services to a single firm with a set retainer/hourly rate and the fact that as the challenges that face municipalities become greater and more specialized moving to a firm that solely works on municipal issues is in the best interest of the City. Change is hard, and the desire to retain as many services locally is a valid and strong argument, but when local experts do not exist than location should not be the deciding factor.

Lynne

**RESOLUTION 19-25**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**RESOLUTION AUTHORIZING THE APPOINTMENT OF MIKA MEYERS AS CITY  
ATTORNEY PROVIDING LEGAL SERVICES FOR THE CITY OF HART**

WHEREAS, The City of Hart solicited and received requests for proposals for legal services for the City of Hart beginning July 1, 2019, and

WHEREAS, the City of Hart discussed and had the opportunity to hear from four of the legal firms proposing services to the City, and

WHEREAS, the Council has had the opportunity to review the legal services proposals ask questions and consider the options:

*THEREFORE, BE IT RESOLVED, that the City of Hart resolves to contract with Mika Meyers for legal services beginning July 1, 2019, and authorizes the City Manager to sign the necessary documents to complete the contract.*

Moved by Ms. Martin, supported by Mr. Splane, and thereafter adopted at the regular City of Hart City Council meeting on May 14, 2019.

Ayes: 3      Nays: 1      Absent: 3

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 5/14/19  
Re: CDBG Public Facilities Authorizing Resolution

The City of Hart has been allocated a CDBG Grant for the construction of a downtown park at 33 S State St. a City-owned vacant lot. The formal application for the grant remains to be submitted following a public hearing on the project scheduled and advertised for earlier in this meeting. The requests an amount of \$316,857, which equals 90% of the estimated cost of construction of the park. The City is committing to spending an estimated \$35,206 equaling 10% of the estimated construction costs.

Resolution 19-26 Authorizes the formal application submission and designates the City Manager as the person authorized to sign the grant agreement and payment requests for the project.  
Lynne

**RESOLUTION 19-26**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**A RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN SUPPORT OF THE DOWNTOWN POCKET PARK PROJECT**

WHEREAS, the City of Hart has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$316,857; and

WHEREAS, the City of Hart desires to use the CDBG funds for the Downtown Pocket Park Project; and

WHEREAS, the City of Hart commits local funds from its Parking Lot Fund in the amount of \$35,206; and

WHEREAS, the proposed project is consistent with the local community development plan as described in the Application; and

WHEREAS, at least 51% of the beneficiaries for the proposed project will be low- and moderate-income persons; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated and will not be obligated prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hart hereby designates the City Manager as the Certifying Officer, the person authorized to certify the Michigan CDBG Application, and the person authorized to sign the Grant Agreement and payment requests.

Moved by Splane, supported by Hegedus, and thereafter adopted at the regular City of Hart City Council meeting on May 14, 2019.

Ayes: 4 Nays: 0 Absent: 3

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 5/14/19  
Re: Local Pavement warranty program adoption and implementation

As part of the Legislatures Transportation Funding of 2015 communities are required to adopt and implement a local pavement warranty program before September 18, 2019. A copy of information distributed by the MML regarding the program is attached  
Resolutions 19-27 and 19-28 comply with this state mandate.  
Lynne

**RESOLUTION 19-27**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM**

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

*NOW THEREFORE BE IT RESOLVED, the City of Hart hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;*

Moved by Ms. Martin, supported by Mr. Hegedus, and thereafter adopted at the regular City of Hart City Council meeting on May 14, 2019.

Ayes: 4 Nays: 0 Absent: 3

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

**RESOLUTION 19-28  
City Council  
City of Hart, Michigan  
Oceana County**

**RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM**

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Hart adopted the Michigan Local Agency Pavement Warranty Program on May 14, 2019;

WHEREAS, the City of Hart agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Hart agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of Hart's\_ adopted Implementation Policy defines the City of Hart's intent of its pavement warranty program;

*NOW THEREFORE BE IT RESOLVED, the City of Hart hereby agrees to implement the Local Agency Pavement Warranty Program and annual report in accordance with the law.*

Moved by Mr. Hegedus, supported by Ms. Martin, and thereafter adopted at the regular City of Hart City Council meeting on May 14, 2019.

Ayes: 4 Nays: 0 Absent: 3

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Dep. City Clerk



Memo  
To: Mayor and City Council  
From: Lynne Ladner  
Date: 5/14/19  
Re: Contract for Property and Liability Insurance

While reviewing the City’s property and Liability Insurance needs, I discovered areas in which the City had exposure based upon the policy that had been contracted for FY 19. In order to reduce or eliminate these exposures, I publicized and requested bid proposals from the commercial and specialized property, and liability carries to meet the City’s needs. We received two submissions. One from our current carrier Tokyo Marine (through the Michigan Township Par Plan) and a second from the Michigan Municipal Risk Management Authority. Each company provides the insurance that the City needs but offers varying additional services, grant opportunities, and potential for dividend distributions that are attractive to the City.

Representatives from the carriers will be presenting to the Finance and Personnel Committee as well as be available for presentation and questions from the Council during the meeting.

Resolutions 19-29 is drafted to allow the council to hear from the carriers and authorize a contract for property and liability insurance effective July 1, 2019.

Lynne

**RESOLUTION 19-29**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF PROPOSAL FROM MMRMA PROVIDING PROPERTY AND LIABILITY INSURANCE FOR THE CITY OF HART**

WHEREAS, The City of Hart solicited and received requests for proposals for property and liability insurance for the City of Hart beginning July 1, 2019, and

WHEREAS, the City of Hart Personnel and Finance Committee has heard from the proposing organizations and

WHEREAS, the Council has heard from the proposing organizations and

WHEREAS, the Council has had the opportunity to review the proposals ask questions and consider the options:

*THEREFORE, BE IT RESOLVED, that the City of Hart resolves to contract with MMRMA for property and liability insurance beginning July 1, 2019, and authorizes the City Manager to sign the necessary documents to complete the contract.*

Moved by Mr. Splane, supported by Ms. Martin, and thereafter adopted at the regular City of Hart City Council meeting on May 14, 2019.

Ayes: 4 Nays: 0 Absent: 3

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

Memo  
To: Mayor and City Council  
From: Lynne Ladner  
Date: 5/14/19  
Re: Temporary Traffic Control Order #324

The City has the authority under the Michigan Uniform Traffic Code to adopt Traffic Control Orders regulating traffic issues on local streets. Due to the commercial traffic and increase in the use of the County Services building creating overflow parking on to the street issues have arisen with the flow of traffic and ability of commercial vehicles to access businesses along Griswold Street. Resolution 19-30 adopts a temporary traffic control order to prohibit parking on Griswold from Polk Rd. to Wood St. This will need to be formalized with a review from a traffic engineer and adopted by ordinance by the Council within 180 days if they are interested in making the order permanent.  
Lynne

**RESOLUTION 19-30**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**RESOLUTION ADOPTING TEMPORARY TRAFFIC CONTROL ORDER #324**  
**PROHIBITING PARKING ON GRISWOLD STREET BETWEEN POLK ROAD AND WOOD STREET**

WHEREAS, The City of Hart Police Department has reviewed the road width, and traffic patterns on Griswold Street, and

WHEREAS, the paved surface area of the street is approximately thirty feet in width and

WHEREAS, the standard vehicle traffic lane is ten feet with Griswold Street is a two-directional traffic street and

WHEREAS, commercial traffic serving the businesses and County Services building need adequate unencumbered travel and turning radius.

*THEREFORE, BE IT RESOLVED, that the City of Hart adopts Temporary Traffic Control Order #324 Prohibiting Parking on Griswold Street between Polk Road and Wood Street.*

Moved by Mr. Splane, supported by Ms. Martin, and thereafter adopted at the regular City of Hart City Council meeting on May 14, 2019.

Ayes: 4      Nays: 0      Absent: 3

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council

From: Lynne Ladner

Date: 5/14/19

Re: First reading of Ordinance 19-02 related to Recreational Marihuana establishments and facilities zoning

---

This is the first reading of Ordinance 19-02 amending Part Twelve Title Four by adding a new chapter designated as chapter 1263 Prohibition of Recreational Marihuana Establishments. This language is what has been reviewed and recommended by the Planning Commission for adoption. As a first reading, no formal action needs to be taken, but a review by the council of the language and any changes would be addressed at this time.

Lynne

### **ORDINANCE NO. 19-02**

#### **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HART PART TWELVE TITLE FOUR BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 1263 OF TITLE FOUR OF SAID CODE**

#### **THE CITY OF ORDAINS:**

**Section 1. Addition of Chapter 1263 to Part Twelve Title Four. Chapter 1263,** "Prohibition of Recreational Marihuana Establishments," is added to Title Four, "Zoning," of the Code of Ordinances of the City of Hart to read as follows:

#### **CHAPTER 1263**

#### **PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS AND MARIHUANA FACILITIES**

Marihuana establishments and facilities, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act and the Medical Marihuana Facilities Licensing Act, are prohibited in all zoning districts, and shall not be permitted as home occupations as defined in Chapter 1241.

No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer and provisioning center, 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 Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.

Violations of this section are subject to the violations and penalties pursuant to Section 1249.99 of Chapter 1242 and may be abated as nuisances

This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the Michigan Regulation and Taxation of Marihuana Act.

Nothing in this Chapter shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, and this Chapter does not supersede the rights and regulations under Section 1243.27 of Part Twelve, Title Four

**Section {2} Conflict and Repeal.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.]

**Section [3]. Effective Date.** This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

**Section [4]. Publication.** After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in The Oceana Herald, a newspaper of general circulation in the City.

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_, 2019  
\_\_\_\_\_, [Mayor][President] [Supervisor]  
\_\_\_\_\_, Clerk

**CERTIFICATION**

I, the undersigned duly appointed City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in \_\_\_\_\_, a newspaper of general circulation in the City on \_\_\_\_\_, 2019, and that such ordinance was entered with the Ordinance Book of the City on \_\_\_\_\_, 2019.

Dated \_\_\_\_\_, 2019  
\_\_\_\_\_, Clerk

**First Reading**

Cheri Eisenlohr, Deputy City Clerk

**SPECIAL EVENTS PERMIT:**

- None

**DISCUSSION ITEMS:**

- None

**CITY MANAGER REPORT:**

- 10 Month Budget Report
  - The city is doing well.
- The budget will be finished in one week to ten days.
- Walk/Bike to School event went well.

- Next Thursday is MPPA's Stakeholders meeting. Steve Bruch and Vicki Platt will also be attending.
- Next Tuesday is the TIFA Financial meeting, Steve Bruch and Gold Goldberg will also be attending.
- The grant funding for Lincoln/Hanson Street repairs was denied.
- The Creeks Divison was discussed at a legal meeting held this morning.

**CITY ATTORNEY'S REPORT:**

- None

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- None

There being no further business to come before the Council, the meeting adjourned at 9:28 p.m., upon motion by Ms. Martin and supported by Mr. Hegedus. The next regular meeting is May 28, 2019, at 7:30 p.m.

Respectfully Submitted



Deputy City Clerk