



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
OCTOBER 8, 2019, 7:30 P.M.  
MINUTES - APPROVED**

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

**ABSENT:** Jason La Fever

**OTHERS PRESENT:** City Manager – Lynne Ladner, DPW Superintendent – Brad Whitney, Energy Department Superintendent – Mike Schiller Police Chief – Juan Salazar, 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, supported by Mr. Frontiera. The minutes from September 24, 2019, regular meeting, were approved motioned by Mr. Hegedus and supported by Mr. Frontiera. All ayes, both motions were carried.

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

- Mr. George Sadler had to questions for the Council:
  - When would DTE be fixing the street that they tore up?
    - Mr. Whitney advised that he had been in contact with DTE and that they would be looking into why the street hadn't been repaired yet.
  - Mr. Sadler asked if the Council would consider webcasting/broadcasting the City meetings so that more people could be reached.
    - Mayor LaPorte stated that this had been looked into before but never pursued. Ms. Ladner advised that the cost was prohibitive. Mayor LaPorte said that it would be looked into again, Ms. Ladner confirmed.

**DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter: Absent
- Police Chief, Juan Salazar:
  - "On Wednesday, August 28, Sgt. Skipski assisted the Mawson County Sheriff's Office with a countywide ALICE; alter, Lockdown, Inform, Counter, Evacuate; Training at the Mason County Central School District. Law enforcement around Mason and Oceana County, along with school officials, attended the training. The training was a great refresher of active shooter training for school officials and Law enforcement alike."
  - "On Wednesday, September 25, Officer Mantyck completed her two month Field Training. Officer Mantyck was able to handle numerous complaints throughout her field training. I will also have Officer Mantyck work several day shifts with me to familiarize herself with the court process. Officer Mantyck has been progressing very well, and I believe she will be a great addition to the department."
- DPW Superintendent, Brad Whitney:
  - The software was installed for the North Valley Well.

- AMI Meters – installation is going extremely slow.
- Fourteen Miss Digs
- The old Water Building has stabilized.
- The Hart Hills Bike race went well.
- The new loader has arrived
  - Ms. Platt asked when the street would be repaired downtown in front of the Powers, Mr. Whitney advised that it was on the schedule for next week.
  - Mr. Frontiera mentioned a drainage pipe located on Riverside had washed out. Mr. Whitney said that he would look into the situation.
- Energy Superintendent, Mike Schiller:
  - DuBois tree service is working in town again.
  - No new meters have been installed, about halfway done at this time.
  - New poles have been installed on Courtland Street and Lake Road.
  - Four inches of rain has been received, which caused a huge influx of water at the dam.
- Interim Mainstreet Manager, Christine: Absent

**BILLS, CLAIMS, PAYROLL:**

Bills totaled: \$448,377.61 Payroll totaled: \$58,967.22 Grand Total: \$507,344.83

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

Ayes: 6 Nay: 0 Absent: 1

**ACTION ITEMS:**

**CITY MANAGER, LYNNE LADNER PRESENTED THE FOLLOWING:**

Memo  
 To: Mayor and City Council  
 From: Lynne Ladner  
 Date: 10/4/19  
 Re: Waive Delinquent utility bills at 227 E Main

---

As you know, the city is in the process of purchasing 227 E Main Street the former Walker’s Restaurant and Lakeside Restaurant location. This location under the names of Walker’s and Lakeside have combined outstanding delinquent utility bills of \$2,572.97. These bills have been delinquent since 2012 and 2013. In order to get clear title to the property the utility bills need to be resolved. It is my recommendation that due to the age and limited ability to collect from organizations that no longer exist that the Council waive the delinquent utility bills and write the total amount off as uncollectable bad debt.

It is my recommendation that the Council adopts Resolution 19-63, waiving the delinquent utility bills associated with 227 E Main and order them to be written off as uncollectable bad debt.

Lynne

**RESOLUTION 19-63  
City of Hart, Michigan**

**WAIVE DELINQUENT UTILITY ACCOUNTS AND WRITE OFF BAD DEBT**

WHEREAS, the City of Hart has exercised an option to purchase the property located at 227 E

Main; and

WHEREAS, in order for the City to obtain a clean title to the property outstanding utility accounts have to be brought current. And

WHEREAS, the City of Hart currently has \$2,572.97 in delinquent utility bills across four accounts associated with 227 E Main that have been inactive and uncollected from 2012 and 2013;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Waives the past due delinquent utility balances for accounts associated with 227 E Main under the names: Lakewinds Restaurant and Walker's Fine Dining; and*

*Authorizes the City Manager to write off the delinquent accounts associated with 227 E Main as uncollectable bad debt.*

Moved by Mr. Frontiera, supported by Mr. Hegedus, and thereafter adopted at the regular City of Hart City Council meeting on October 8, 2019.

Ayes: 6      Nays:              Absent: 1

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: 10/4/19  
Re: Waive bidding process and accept the bid for demolition of former DPW building

The Council was informed at their last meeting that approximately 25% of the rear wall of the former DPW building had collapsed. This has created a potential safety hazard as well as an attractive nuisance that needs to be resolved.

DPW Supt. Brad Whitney contacted local contractors and only received bids for the demolition from Hallack Contracting in the amount of \$20,142.

It is my recommendation that the Council waive the bidding process and accept the bid from Hallack Contracting in the amount of \$20,142 for the demolition and removal of the former DPW building.

Lynne

**RESOLUTION 19-64**  
**City of Hart, Michigan**

WAIVE BIDDING PROCESS AND ACCEPT BID FOR DEMOLITION OF FORMER DPW BUILDING

WHEREAS, the City of Hart owns the brick structure located on parcel 020-344-004-00 which was formerly used for the Public Works Departments; and

WHEREAS, the structure has become unsafe due to portions of the back wall collapsing leaving the interior exposed and an attractive nuisance; and

WHEREAS, the City requested bids for the demolition of the structure and only received bids from Hallack Contracting in the amount of \$20,142

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Waives bidding requirement for three quotes and accepts the bid from Hallack Contracting in the amount of \$20,142 for the demolition and removal of the brick structure on parcel 020-344-004-00.*

Moved by Mr. Frontiera, supported by Mr. Splane, and thereafter adopted at the regular City of Hart City Council meeting on October 8, 2019.

Ayes: 3      Nays: 3, (Hegedus, Martin, Platt)      Absent: 1

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

This resolution did not pass.

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 10/4/19  
Re: Interim Zoning Administrator

I will be taking my previously approved vacation beginning October 12<sup>th</sup> and returning November 4<sup>th</sup> but will be out of the office Oct. 9-11<sup>th</sup> at the MMEA conference. In order to ensure the smooth handling of zoning questions and zoning permit applications, it is my recommendation that the City appoint David Jirousek, City Planner, as the Interim Zoning Administrator from Oct 9<sup>th</sup> through Nov 3<sup>rd</sup>.

I recommend that the Council adopt resolution 19-65 Designate Interim Zoning Administrator Lynne

**RESOLUTION 19-65**  
**Hart City Council**  
**City of Hart, Michigan**

**INTERIM ZONING ADMINISTRATOR**

WHEREAS, the City of Hart requires zoning permits for projects within the corporate limits of the city; and

WHEREAS, the City Manager is the designated zoning administrator as appointed by the City Council and the manager will be unavailable from October 9<sup>th</sup> through November 3<sup>rd</sup> on approved absence from the city; and

WHEREAS, to ensure the timely completion of the duties of the zoning administrator during this absence it is recommended that an interim Zoning Administrator be appointed for the designated time;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Appoints Planning Consultant David Jirousek as the interim Zoning Administrator from October 9<sup>th</sup>, 2019 through November 3<sup>rd</sup>, 2019*

Moved by Ms. Martin, supported by Mr. Splane, and thereafter adopted by the Hart City Council at a regular council meeting held on October 8, 2019.

Ayes: 6      Nays: 0      Absent: 1

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: 10/4/19  
Re: 1<sup>st</sup> Quarter Budget Amendments

The City has, in the first quarter of FY 2020, experienced several unplanned expenditures that while in the best interest of the City necessitate amending the adopted FY20 budget.

Revenue changes in the GF include a transfer in from Hydro as a loan for the purchase of the property at 227 E Main.

General Fund expenditures changes include the environmental review and purchase of 227 E Main. Additional training opportunities for City Staff and board members including the Citizen Planner course being offered by MSU extension, which the city has 5 members attending and HR certification training for the City Manager and Deputy Clerk Eisenlohr.

In the Hydro Department, additional unanticipated expenses include the transfer to the GF as a loan and the additional cost for recreation improvements at JGP to accommodate the FERC licensing requirements.

It is my recommendation that the Council adopts Resolution 19-66 FY20 1<sup>st</sup> Quarter Budget Amendments.  
Lynne

<b>Resolution 19-66</b>							
<b>City of Hart - City Council - Hart, Michigan</b>							
<b>BUDGET AMENDMENT</b>							
WHEREAS, the City Council may amend the annual budget to reflect changes in purchasing patterns or revised objectives; and							
WHEREAS, City Council has authorized the bid and award phase for purchase of 227 E Main, utility improvement and road improvements in JGP; and							
WHEREAS, the City Council desires to secure the benefits of efficient self-government and to promote and protect our common interests and welfare;							
NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL amends the FY2018 Annual Budget as follows:							
<b>REVENUE</b>							
<b>UND</b>	<b>F</b>	<b>DEPT</b>	<b>REVENUE</b>	<b>LINE</b>	<b>AD</b>	<b>AM</b>	<b>JUSTIF</b>
					<b>OPTED BUDGET</b>	<b>ENDED BUDGET</b>	<b>ICATION</b>
	General Fund		Revenues	Transfer from Hydro	\$0	\$65,000	Purchase loan 227 E Main
	General Fund		Revenues	Use of Cash Reserves	\$30,000	\$87,500	Addition al Legal and Professional/Cont Svs
					\$30,000	\$15,250	
<b>EXPENDITURE</b>							
<b>UND</b>	<b>F</b>	<b>DEPARTMENT</b>	<b>REVENUE</b>	<b>LINE</b>	<b>AD</b>	<b>AM</b>	<b>JUSTIF</b>
					<b>OPTED BUDGET</b>	<b>ENDED BUDGET</b>	<b>ICATION</b>
	General Fund	City	Council	Community Promotions	\$500	\$1,000	Purchase of additional advertising
	General Fund	Administration	Administration	Office Supplies	\$7,000	\$12,000	Purchase of supplies for new employees and office expansion
	General Fund	Administration	Administration	Professional Svs	\$17,000	\$20,000	Environmental review and closing on 227 E Main
	General Fund	Administration	Administration	Conf/Wksh/Training	\$500	\$2,500	Clerk and City Manager training programs
	General Fund	Assessor	Assessor	Professional Svs	\$37,500	\$5,000	Tax Tribunal separate

								from Assessing services
		General Fund	Assess	Contract	\$0	\$33		
		General Fund	Attorney	City Attorney	\$20,000	\$50,000		Creeks, ACO legislation, Marijuana Regulations
		General Fund	DPW	Capital Outlay	\$65,000	\$81,500		Demolition DPW building
		Hydro	Production - Dam	Recreation Improvements	\$20,400	\$56,667		JGP improvements
	0	Hydro	Administration	Transfer to General Fund - Loan	\$0	\$65,000		227 Main purchase loan
	1	Hydro	Capital Improvements	Recreation Improvements	\$40,000	\$11,333		JGP improvements
					<b>\$2,07,900</b>	<b>\$4,40,000</b>		
<p>Moved by Mr. Splane and supported by Ms. Platt and thereafter approved by Hart City Council at a regular meeting on October 8, 2019.</p>								
<p>Ayes: 6 Nays: 0 Absent: 1</p>								
<p>Clerk: I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart</p>								

To: Mayor and City Council  
 From: Lynne Ladner  
 Date: 10/4/19  
 Re: Amendment No 2 Consulting Agrmt KEMA and MPPA

The MPPA has asked for the Council to give approval on amendment No 2 to the consulting agreement between KEMA INC. and the MPPA for providing energy waste reduction consulting services. This agreement was brought before the Power Board on Oct. 30<sup>th</sup>, and they approved recommending to the Council to approve this agreement.

It is my recommendation that the council adopt Resolution 19-67 Amendment No 2 to the consulting agreement between KEMA, INC and the MPPA

Lynne

**RESOLUTION 19-67  
 Hart City Council  
 City of Hart, Michigan**

**ADOPT AMENDMENT NO 2 TO THE CONSULTING AGREEMENT BETWEEN KEMA, INC AND MPPA**

WHEREAS, the City of Hart is a charter member of the MPPA and in that capacity is asked to consider agreements that are in front of the MPPA board; and

WHEREAS, the MPPA hopes to amend their current agreement with KEMA, INC for energy waste reduction programs;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Recommends to the MPPA board approval of Amendment No. 2 to the Consulting agreement between KEMA, INC and the MPPA*

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted by the Hart City Council at a regular council meeting held on October 8, 2019.

Ayes: 6      Nays: 0      Absent: 1

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: 10/4/19  
Re: Adopt Economic Development Strategy

The City of Hart is working toward certification as a Redevelopment Ready Community. As a requirement of this program, the City needed to develop and adopt an Economic Development Strategy which includes Marketing and Branding plans for the City. We received a 50% match for the project from the MEDC. The Steering committee met in person and via video conference several times with the consultants and have had the opportunity to review previous drafts and provide input. The Planning Commission has recommended the document for adoption, the Main Street board has been provided copies, and the strategy is one of the last items that the city needs to complete to reach their RRC certification.

It is my recommendation that the Council adopt Resolution 19-068 City of Hart Economic Development Marketing and Branding Strategy  
Lynne

**RESOLUTION 19-68  
Hart City Council  
City of Hart, Michigan**

**Adopt City of Hart Economic Development Strategy, Marketing and Branding**

WHEREAS, the City of Hart is in the process of completing the steps to become a Redevelopment Ready Community; and



WHEREAS, the program requires that the City develop and adopt an Economic Development Strategy for Marketing and Branding the community which has been completed as contracted by CIB Planners in a matching funds grant from the MEDC;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:  
*Adopts the City of Hart Economic Development Marketing and Branding Strategy*

Moved by Mr. Splane, supported by Ms. Platt, and thereafter adopted by the Hart City Council at a regular council meeting held on October 8, 2019.

Ayes: 6      Nays: 0      Absent: 1

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: 10/7/19  
Re: GPR Survey and Phase II ESA

The Council previously agreed to purchase the property located at 227 E Main from Gene Moorman for the purposes of clean-up and redevelopment. Concern was expressed by a member of the Council regarding potential environmental contamination. For this reason and for the protection of the City, a Phase I Environmental Site Assessment was completed prior to the exercise of the option to purchase to protect the City from potential liability for existing contamination.

Dixon Environmental Consultants completed the Phase I ESA and were unable to verify that the underground storage tanks associated with what was previously known as Griener's Garage had been removed and due care taken to identify any potential contamination related to those tanks. The tanks appear to have either been located either on Lot 7, which the City is purchasing a 1/2 interest as part of this transaction or the adjacent parcel, but their actual location is uncertain. Based upon this uncertainty and to provide the City the best protection from liability as well as to potentially increase the opportunities for redevelopment through the City offering a property with a known environmental history, it is in the City's best interest to authorize the GPR Survey and Phase II ESA. I have reached out to EGLE to determine if funding assistance is available but as of yet have not heard back from the person of contact.

It is my recommendation that the Council adopts Resolution 19-69 Authorizing the completion of a GPR Survey and Phase II ESA at a cost of \$9,955 and if necessary the completion of the BEA and DCAP for a cost of \$2,200.

Lynne

**RESOLUTION 19-69  
Hart City Council  
City of Hart, Michigan**

**AUTHORIZE COMPLETION OF GPR SURVEY AND PHASE II ESA**

WHEREAS, the City of Hart has entered into a purchase agreement for the property located at 227 E Main and has completed a Phase I ESA to identify potential environmental concerns associated with the property; and

WHEREAS, the Phase I ESA completed by Dixon Environmental has been unable to obtain documentation that fully supports the removal of underground storage tanks that appear to have been located on or adjacent to the subject parcel; and

WHEREAS, the completion of the Ground Penetrating Radar Survey and Phase II Environmental Site Assessment will protect the City from liability for any existing contamination that may exist and increase the desirability of the parcel for redevelopment; and

WHEREAS, the City may be eligible for assistance from the Department of Environment, Great Lakes and Energy through the Brownfields Program for assistance in paying for the GRP Survey, Phase II ESA and if necessary the Baseline Environmental Assessment and Due Care Analysis and Plan;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Authorize Dixon Environmental Consultants Inc. to complete the GPR Survey and Phase II ESA for 227 E Main for the proposed cost of \$9,955 and if necessary the BEA and DCAP for \$2,200.*

Moved by Ms. Splane, supported by Mr. Hegedus, and thereafter adopted by the Hart City Council at a regular council meeting held on October 8, 2019.

Ayes: 5      Nays: 1 (Frontiera) Absent: 1

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: 10/4/19  
Re: Marijuana Prohibitions Ordinance – Second Reading

At the last meeting, the Council reviewed the Marijuana prohibitions ordinance for a first reading. The council unanimously requested that a sunset clause be added to the ordinance to provide

the City with the opportunity to review the data on marihuana establishments in other communities around Michigan after the state begins issuing licenses for recreational businesses. That requested section is found in section 818.08.

It is my recommendation that the Council adopts Ordinance 19-03 Marihuana Prohibitions.  
Lynne

**CITY OF HART  
COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 State Street, within the City, on the 8<sup>th</sup> day of October 2019, at 7:30 p.m.

PRESENT: Members: LaPorte, Frontiera, Hegedus, Martin, Platt, and Splane

ABSENT: Members: La Fever

The following preamble and ordinance were offered by Member Hegedus and supported by Member Ms. Platt:

**ORDINANCE NO. 19-03  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF HART BY DELETING THE PROVISIONS OF  
ORDINANCE NO. 18-06 AND ORDINANCE NO. 18-07 AND REPLACING  
THOSE PROVISIONS WITH THE FOLLOWING PROVISIONS WHICH  
SHALL NOW COMPRISE ALL OF CHAPTER 818 TO PART 8 –  
THE BUSINESS REGULATION AND TAXATION CODE, TITLE II  
THE CITY OF HART ORDAINS:**

**Repeal of Ordinances 18-06 and 18-07.** Ordinances 18-06 and 18-07, intended to create Chapter 818 "Prohibition of Marihuana Establishments" and to add to the City ordinances prohibitions on sale and consumption of marihuana in public places, and to amend Part 10, Title VI, Chapter 1068 "Prohibitions on Sale and Consumption of Marihuana in Public Places" are hereby repealed and replaced in their entirety by the following provisions, which shall be included in Part 8 Business Regulation and Taxation Code. The provisions shall comprise Chapter 818 and shall read in their entirety as follows:

**CHAPTER 818 REGULATION OF MARIHUANA BUSINESSES, SALE, POSSESSION AND CONSUMPTION**

**818.01 Prohibition on Recreational Marihuana Establishments.** Any and all types of a "marihuana establishment," as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the City and may not be established or operated in any zoning district, by any means, including by way of a variance. The City of Hart has determined that the licensing of marihuana facilities or establishments within the City should not be permitted for policy reasons, including public safety, law enforcement concerns and the limited amount of appropriately zoned space for certain of these facilities and establishments. Pursuant to this ordinance, the City specifically prohibits, and does not in any way authorize, the issuance of licenses authorizing State-licensed marihuana facilities or establishments to locate and operate within the City. This prohibition shall also include all marihuana establishment licenses and activities established by rules promulgated under the Initiated Law 1 or associated statutes. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana establishment.

**818.02 Medical Marihuana Facilities Prohibited.** Public Act 281 of 2016 provided for State licensing of certain defined marihuana facilities, including growers, processors, provisioning

centers, safety compliance facilities and secure transporters ("marihuana facilities"). Section 205 of Act 281 provides that a marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility. Pursuant to this ordinance, the City specifically prohibits, and does not in any way authorize, the issuance of licenses authorizing State-licensed marihuana facilities or establishments to locate and operate within the City. This prohibition shall also include all marihuana establishment licenses and activities established by rules promulgated under the Initiated Law 1 or associated statutes. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana facility, and unless this ordinance is amended, nothing in the ordinances of the City of Hart shall be construed as satisfying the requirement in Section MCL 333.27205(1)(a), which requires that prior to issuance of a license, a copy of the local ordinance authorizing a marihuana facility be submitted to the State of Michigan.

**818.03 Medical Marihuana Rights not Affected.** Nothing in this Chapter shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*

**818.04 Transportation and Other Rights not Affected.** This section shall not limit or supersede any privileges, rights, immunities or defenses of a person to transport marihuana into or through the City to the extent such right is protected by the Michigan Regulation and Taxation of Marihuana Act or other state laws, nor does it supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act. This ordinance 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.

**818.05 Use or Possession of Marihuana on City Property is Prohibited.** No person shall possess, use, be impaired by or distribute marihuana on City property.

**818.06 Prohibition on Sale and Consumption of Marihuana in Public Places.** In conformance with Sections 4.1(e) and 6.2(b) of the Michigan Regulation and Taxation of Marihuana Act, the sale, possession or consumption of marihuana in any form, the smoking of marihuana, and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public place within the boundaries of the City.

**818.07 Municipal Civil Infraction.** Any person who violates any of the provisions of this Chapter 818 shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.

**818.08 Automatic Expiration of Ordinance.** Unless confirmed, extended or revised within three (3) years of the effective date of this ordinance, the provisions contained in Sections 818.01 through 818.07 shall expire and be of no further force and effect within the City, as if they had never been adopted. No action shall be required for this expiration to be effective.

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

**Publication; Effective Date.** This ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

ORDINANCE DECLARED ADOPTED.

---

Ron LaPorte, Mayor

Dated: \_\_\_\_\_, 2019.

---

Cheryl Rabe, City Clerk  
City of Hart

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 the *Oceana's Herald-Journal*, a newspaper of general circulation in the City, on September 19, 2019, and that such ordinance was entered with the Ordinance Book of the City on October 8, 2019.

Dated: \_\_\_\_\_, 2019.

---

Cheryl Rabe, City Clerk  
City of Hart

CITY OF HART, OCEANA COUNTY, MICHIGAN

Councilmember Hegedus, supported by Councilmember Platt, moved the adoption of the ordinance.

Ayes: 6      Nays: 0      Absent:1  
First reading:      September 24, 2019  
Second reading:      October 8, 2019  
Ordinance becomes effective: October 19, 2019

Memo

To:            Mayor and City Council  
From:        Lynne Ladner  
Date:        10/4/19  
Re:            Repeal Registered Caregiver language

---

At the PC meeting on Oct. 3, the planning commission held a public hearing regarding changes to the Zoning Ordinance which includes the repeal of section 1243.27 Registered Primary Caregivers. After hearing no comments from the public and closing the hearing the PC discussed the ordinance and voted to recommend to the Council adoption of Ordinance 19-04 Registered Primary Caregiver Repeal

This ordinance cleans up the zoning ordinances in that the language currently on the books is no longer enforceable under decisions and changes that have been made to the Medical Marihuana Regulations through court cases.

It is my recommendation that the council accept the first reading of Ordinance 19-04 Registered Primary Caretaker Repeal.

Lynne

**CITY OF HART  
COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 State Street, within the City, on the \_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_ p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following preamble and ordinance were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

**ORDINANCE NO. \_19-04  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF HART PART 12 – TITLE IV  
THE ZONING ORDINANCE, TO DELETE SECTION 1243.27  
REGISTERED PRIMARY CAREGIVER PURSUANT TO THE  
MICHIGAN MEDICAL MARIHUANA ACT  
THE CITY OF HART ORDAINS:**

**Repeal of Section 1243.27 Registered Primary Caregiver Pursuant to the Michigan Medical Marihuana Act.** Section 1243.27, governing registered primary caregivers pursuant to the Michigan Medical Marihuana Act, is hereby repealed in its entirety.

**Publication; Effective Date.** This ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Ron LaPorte, Mayor  
Dated: \_\_\_\_\_, 2019.

\_\_\_\_\_  
Cheryl Rabe, City Clerk  
City of Hart

**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 the *Oceana's Herald-Journal*, a newspaper of general circulation in the City, on September 19, 2019, and that such ordinance was entered with the Ordinance Book of the City on \_\_\_\_\_, 2019.

Dated: \_\_\_\_\_, 2019.

\_\_\_\_\_  
Cheryl Rabe, City Clerk  
City of Hart

CITY OF HART, OCEANA COUNTY, MICHIGAN

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved the adoption of the ordinance.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_

First reading: October 8, 2019 (Passed)  
 Second reading: \_\_\_\_\_, 2019  
 Ordinance becomes effective: \_\_\_\_\_, 2019

**SPECIAL EVENTS PERMIT:**

- None

**DISCUSSION ITEMS:** Combined with the City Manager’s Report

**CITY MANAGER REPORT:**

- Water Meter AMI Installation
  - Installation is running extremely slow. Ms. Ladner is looking into receiving installation bids from outside companies or authorizing the DPW employees to receive overtime compensation.
- 1<sup>st</sup> Quarter Budget Report
  - Revenue is on target at this time.

**CITY ATTORNEY’S REPORT:**

- None

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Appointments to Hart Main Street Board

Memo

To: Mayor and City Council  
 From: Lynne Ladner  
 Date: 10/4/19  
 Re: Main Street Board Member appointments

Due to recent resignations, the Hart Main Street board currently has four vacancies that need to be filled. Members of the board are working to identify and recruit potential members. That this time, the MS board during their Oct board meeting reviewed applications from two interested parties. Brandi Bruch is a local downtown business owner and has assisted the MS program over the last year on many projects and events. Brandon Bruce is the principal at Hart Public Schools and will be able to provide the opportunities for the MS program to partner with the school district. With these two appointments, the Board still needs to fill at least one vacancy to be at the minimum number of members on the board or five to be at maximum capacity. If only one additional vacancy is filled, either that person or one of the other appointed Main Street, only board members will also need appointment to the TIFA board.

Board Member	Membership	Interest in District
Al Martin	Main Street	No
Bill Hegg	Main Street/TIFA	Yes
Tracy Lipps	Main Street/TIFA	Yes
Scott Beal	Main Street	No
Steve Bruch	Main Street/TIFA	Yes

Lynne Ladner	Main Street/TIFA	No
<b>Brandi Bruch</b>	<b>Main Street</b>	<b>Yes</b>
<b>Brandon Bruce</b>	<b>Main Street</b>	<b>No</b>
	Main Street/TIFA	

Appointments are at the discretion of the Mayor and ratified by the Council, but it is my belief and that of the current members of the MS board that these two individuals would be a positive addition to the MS Board.

Lynne

- Brandi Bruch
- Brandon Bruce
  - Mr. Hegedus made a motion to accept applicants to the Main Street Board, supported by Mr. Frontiera.
    - Ayes: 4 Nays: 2 Martin, Platt Absent: 1
- Resignation from TIFA Board
  - Garth Larson
    - Mr. Larson's resignation was accepted. Ms. Ladner pointed out that Tom Drenth had also resigned from the board.
- Ms. Ladner advised the Council that a meeting needed to be scheduled between the executive board of the Hart Main Street and a few council members to discuss the direction of the Main Street Program.
  - Ms. Martin stated that she would like Ms. Ladner to attend; Ms. Ladner is unable to as she will be on vacation.

There being no further business to come before the Council, the meeting adjourned at 9:00 p.m., upon motion by Mr. Hegedus and supported by Ms. Platt. The next regular meeting is October 22, 2019, at 7:30 p.m.

Respectfully Submitted

*Cheri Eisenhardt*

Deputy City Clerk