

City of Hart, Michigan
CITY COUNCIL AGENDA

May 25, 2021, 7:30 PM

407 State St. – Council Chambers

**NOTICE OF HYBRID MEETING PUBLIC MEETING
REGULAR COUNCIL MEETING BEGINNING AT 7:30 PM**

**THIS NOTICE IS GIVEN AND PUBLISHED PURSUANT TO
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
EMERGENCY ORDER UNDER MCL 333.2253 – GATHERING LIMITATIONS AND MASK
ORDER OF MARCH 2, 2021 AND PA 228 OF 2020 AMENDMENT TO SECTION 3 OF PA 267 OF
1976 OPEN MEETINGS ACT**

**A MAXIMUM OF 25 INDIVIDUALS WILL BE PERMITTED TO ATTEND THE
MEETING CONTINGENT UPON ABILITY TO ACCOMMODATE SOCIAL
DISTANCING REQUIREMENTS.**

**Topic: Hart City Regular Council Meeting
Time: May 25, 2021 07:30 PM Eastern Time (US and Canada)**

**Join Zoom Meeting
<https://us02web.zoom.us/j/89024074323>**

**Meeting ID: 890 2407 4323
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+1 669 900 9128 US (San Jose)
Meeting ID: 890 2407 4323**

Find your local number: <https://us02web.zoom.us/j/89024074323>

1. Call to Order
2. Roll Call – Burillo, Evans, Hodges, Powers, Rybarz Jr., Trygstad, Platt
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter that is not included on the agenda for a public hearing by the Council. We ask that you please limit your comments to 3 minutes**
 - a. Correspondence, Events, Presentations
 - b. **Public Hearing – Waste water system improvements – SRF Project Plan**
 - c. **Public Hearing – CDGB Grant Application**
6. Consent Agenda:
 - a. Approval of Minutes from May 11, 2021 Council meeting.
 - b. Bills, Claims, Payroll
 - c. Reports of Boards, Commissions, and Committees

With advance notice of seven calendar days, the City will provide interpreter services at all public meetings, including language translation and signage for the hearing impaired. Call 231-873-2488. La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 231-873-2488.

- d. Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp.
- 7. Action Items
 - a) Resolution 2021 – 37 Adopt final project plan for Waste Water System Improvements and designate an Authorized Project representative
 - b) Resolution 2021 – 38 Authorize application processing for CDGB grant funding
 - c) Resolution 2021 – 39 Designate Interim City Manager as authorized signer for MEDC Pocket Park Grant extension filing
 - d) Resolution 2021 – 40 Authorize creation of Social District in downtown Hart
- 8. Discussion Items
- 9. City Manager Report
- 10. Communications from the Mayor and Council
 - a. **Nominate and appoint replacement Mayor Pro-Tem**
- 11. Adjournment –

Access is provided through the Michigan Relay Service for individuals with speech or hearing impairments. <https://hamiltonrelay.com/michigan/index.html>



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MAY 11th 2021
MINUTES – DRAFT**

PRESENT: Mayor Vicki Platt, Councilors: Catalina Burillo, Jim Evans, Fred Rybarz, and Kris Trygstad.

VIA ZOOM: Dean Hodges

ABSENT: None

OTHERS PRESENT: Interim City Manager Robert Splane, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, Energy Superintendent – Michael Schiller, Police Chief Juan Salazar, Nichole Steel (HEART), Mike Powers, Bob Steen, Theresa Steen, Sharon Hallack, and George Sadler.

Mayor Platt called the meeting to order; following the roll call, the mayor led the Council in the pledge of allegiance.

APPROVAL OF AGENDA: C. Burillo motioned to approve the agenda and was supported by J. Evans.

- Ayes: 5 Nays: 0 Absent: 1

PUBLIC COMMENTS: None

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Rob Splane's resignation from City Council. Rob turned in an official letter of resignation from Hart City Council and thanked the City for allowing him to serve on the Council.
 - C. Burillo motioned to accept Rob Splane's resignation from Hart City Council and supported by J. Evans
 - Ayes: 5 Nays: 0 Absent: 1
- Appoint Mike Powers to City Council
 - J. Evans motioned to appoint Mike Powers to Hart City Council and Supported by F. Rybarz
 - Ayes: 5 Nays: 0 Absent: 1

Mr. Powers accepted the chair for the Hart City Council, City Clerk K. Swihart read him the Oath of Office and swore him in.

PUBLIC HEARING – Consideration of Establishing a Social District in the City of Hart.

- F. Rybarz motioned to open the public hearing and supported by C. Burillo
 - Ayes: 4 Nays: 2 Absent: 1

N. Steel talked about establishing a Social District in the downtown area as proposed by the Hart Economic and Redevelopment Team.

The Social District legislation requires that a minimum of two liquor license-holding establishments be present in order to have a Social District. At this time, Hart Pizza and Kristi's Pour House have expressed interest in participating.

F. Rybarz asked if other communities that have developed a Social District been contacted? N. Steel said Ludington, Grand Rapids, Traverse City, and Rockford are all in the beginning stages, and the biggest one is Ludington, which has eight blocks and so far doesn't have any issues. A suggestion is to make sure people aware of the boundaries and signage.

Hart Police Chief Salazar, the biggest thing for him, would be talking to other businesses downtown, understand what we are doing, and getting their feedback

C. Burillo asked about a survey. A survey was put out on Facebook and had good feedback 75% in favor 25% against it.

J. Evans has two areas of concern. 1) how much is this going to cost? The City does not anticipate additional police force and talked to the City's insurance agent about liability, which no additional cost to us; however, recommended that we have the establishment name the City as an additional insurer on their liability insurance. 2) who is responsible if someone is served too much alcohol or if a drink is bought and taken out to someone underaged. The establishment would be held liable.

C. Burillo suggested contacting Oceana LEADS which is a current coalition in Oceana County, which just received DFC funding which is federal funding. Oceana LEADS stands for Leading Efforts Against Alcohol and Drugs. They would be

an excellent team to partner with if the City wishes to move forward as they could help with cups with information on them.

S. Hallack asked about the disposal of cups, how often the trash be dumped, and how secure they are if someone wants to reach in there and remove the cups to use for themselves.

P. Cutter asked, what if someone saves their cup from a prior visit and brings their cooler to refill out of? As you see it in other places like golf courses etc.

Lots of good points brought up.

The Plan Proposal presented to the Council has a lot of good information regarding a lot of concerns that may arise, which was in the packet and available at City Hall to whoever would like a copy.

- F. Rybarz motioned to close the Public Hearing and supported by C. Burillo.
 - Ayes: 6 Nays: 0 Absent: 1

CONSENT AGENDA:

- Approval of amended minutes from April 27th, 2021
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - J. Evans motioned to approve Consent Agenda with the correction of minutes and supported by C. Burillo.
 - Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS:

- Resolution 2021-36 Accept bids to authorize emergency repairs on 88th Avenue Substation – SF6 Circuit Switcher. Upon inspection of the switchgear, recognized components that had lost their vacuum seal, introducing moisture into critical components. If left for a significant period of time, the existing condition may hinder proper functionality, potentially leading to more costly repairs and/or failure. The City has solicited bids for the necessary repairs from Utilities Instrumentation Service (UIS) in the amount of \$9341.00 and Shermco Industries in the amount of \$9330.00
M. Schiller recommended we award the bid to USI. Even though it's a little higher of a bid, the company actually came onsite to look at the repairs needed.
 - F. Rybarz motioned to approve Resolution 2021-36 and award the bid to Utilities Instrumentation Service (UIS) in the amount of \$9341.00 and supported by C. Burillo.
 - Ayes: 6 Nays: 0 Absent: 1
- Special Events Permit – Pound Fitness Class – Insurance update.
Lakeside Rehab/Gym added the City of Hart to liability insurance to use the commons area to instruct pound fitness classes through the summer/fall except for when scheduled events are taking place.
 - C. Burillo motioned to approve special events permit for pound fitness class on the commons and supported by F. Rybarz
 - Ayes: 6 Nays: 0 Absent: 1
- Special Events Permit – Hart Historic District Museum Car Show.
The Historic District would like to host a museum car show on June 12th, 2021, line up on the grass by the church. This is a separate event from the downtown car show.
 - J. Evans motioned to approve Hart Historic District Car show and supported by F. Rybarz
 - Ayes: 6 Nays: 0 Absent: 1

DISCUSSION ITEMS:

- Street Sweeper repair/replacement – interim contracting.
B. Whitney stated the DPW street sweeper has been down since the 1st part of April. Staff tore it apart to see what repairs need to be done. The bottom carriage is shot in their findings, and to repair would be \$4000-\$7000 plus other required parts could be looking at up to \$15,000 to repair. Do we look into buying a new/used one and hire an interim company to come in and sweep the streets for now? To have a company come in, we are looking at around \$150 an hour. There are roughly 28 miles within the City of Hart 14 each way, looking at 3-5 days plus one-way transportation. It would be a cost to look at maybe 1-3 times this summer but not for the long term. It is in the City's best interest to purchase their own. Used start at roughly \$160,000 and new around \$230,000.

Council direction is to hire an interim company to come in and sweep the streets while DPW gets quotes on a new/used sweeper. Also will look into a lease option.

- Direction from Council on how to proceed with Social Zone Discussion.
Upon discussion, the Council would like N. Steel to talk to the business owners and see where they are and if they are still interested in proceeding. And also, look at possibly doing a survey to go out with the Monthly Utility bills.

CITY MANAGER'S REPORT:

- Interim City Manager R. Splane hit the ground running last week and got up to speed on some hot button items. Next week will dive into the budget and would like to have most assembled by the end of this month for review at the first council meeting in June and adopted by the second council meeting in June to stay in compliance with the state.
- Also, have some big-ticket items to go over, and current priorities will have them for the next council meeting.
- The American rescue plan, there will be some recovery funds coming to the City. That will also be a focus to make sure the city gets its full benefit from the state.
- Also, I would like to say my first week being around City Hall, and the staff has been tremendous and very informative. Grateful to have such a great team.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor V. Platt touched on the big fire that broke out Saturday, May 1st east of hart. Big thank you to our fire department, first responders, and surrounding area departments for acting so quickly and ensuring the fire got under control despite the high winds. We are fortunate to have such a great response team in our area and other areas.
- C. Burillo would like an update on where The City is at with the Pocket Park and if there is a completion date. Interim manager R. Splane stated he reached out to the company last week asking for an update and if the completion date still stands for the end of May but has not yet heard back.
C. Burillo also asked if there is a Memorial Day parade this year and who typically organizes that? The VFW handles that parade, and so far, no word on whether or not that will be held.
Asked at the last City Council meeting, C. Burillo asked about a state of emergency as a City so that those City Council members who would like to continue hybrid meeting and continue meeting online would also be able to vote. City Attorney Mark Nettleton said that it is possible all the Mayor would have to do is declare a state of emergency for the City. Within seven days, the Council would have to ratify that and specify the duration, and that duration could go through December 31st, 2021, and that would be sufficient under the open meetings act provisions. C. Burillo is still in favor of that idea and will continue to support meetings via zoom.

CLOSED SESSION: Per Section 8 (f) of the Open Meeting Act: To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

- K. Trygstad motioned to meet in a closed session pursuant to section 8 (f) of the Open Meetings Act to review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential and supported by V. Platt.
 - Ayes: 6 Nays: 0 Absent: 1
- City Attorney Mark Nettleton is hereby appointed as Secretary for the purpose of taking minutes of the closed session in accordance with the Open Meetings Act.
- City Council returned back to the open session at 9:07 pm.
- City Attorney Mark Nettleton, a subgroup was formed to review the City Manager position applications under the council's direction. The City received 31 applications for City Manager of those, 31 the subgrouped reviewed them, four candidates were selected for an interview, two candidates requested confidentiality until the Council decides on candidates they will interview at the City Council level. Those candidates will be referred to as Candidate A and Candidate B. With the sub-quorum group that interviewed four candidates, that group decided to call back two candidates to interview. Council has the ability to select any of the 31 applicants for an interview, so the decision for the Council is to determine two things. Candidates they would like to bring back an interview and the date set to do those interviews. The council should consider a couple of dates depending on candidates.

J. Evans will come up with a date and time and will contact the candidates. The interviews will then be set up with the full City Council. The two selected candidates one wished to remain confidentially referred to Candidate B, and the other candidate is Joe Erickson.

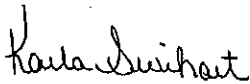
F. Rybarz said he is comfortable with the two candidates that the subcommittee agreed on and would like to make a recommendation to Council and K. Trygstad agreed.

- o J. Evans motioned to interview candidate B and Mr. Erickson in front of the Council and supported by M. Powers
 - Ayes: 6 Nays: 0 Absent: 1

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 9:18 pm upon a motion by C. Burillo and supported by F. Rybarz. The next regularly scheduled meeting will be on May 25th, at 7:30 pm.

Respectfully Submitted



Karla Swihart
City Clerk



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MAY 18th 2021 SPECIAL MEETING
MINUTES – DRAFT**

PRESENT: Mayor Vicki Platt, Councilors: Catalina Burillo, Jim Evans, Fred Rybarz, Mike Powers, and Kris Trygstad.

VIA ZOOM: Dean Hodges

ABSENT: None

OTHERS PRESENT: City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, Energy Superintendent – Michael Schiller, Police Chief Juan Salazar, Nichole Steel (HEART), Cheri Eisenlohr, Laci Mcauliffe, and Sharon Hallack.

Mayor Platt called the meeting to order; following the roll call, the mayor led the Council in the pledge of allegiance.

APPROVAL OF AGENDA: C. Burillo motioned to approve the agenda and was supported by M. Powers.

- Ayes: 6 Nays: 0 Absent: 0

ACTION ITEMS: City Manager Interviews

- Candidate: Joe Erickson from Escanaba Mi
Candidate: Robert Splane from Hart Mi
- In the interviews conducted, both candidates were asked the same questions.
How did you handle Covid 19, and what protocols did you follow?
What is your philosophy of working with current staff or hiring new staff?
If we contact your last supervisor and ask about you, what area would he/she say needs the most improvement?
Define a project you have started and completed successfully?
Do you consider yourself a people person? Approachable by the public, city employees, mayor, council, and business community?
What was the toughest problem or negotiation you have ever been in?
Please explain your experience with fund accounting, budgeting, or grant writing?
If hired, what would you do in your first 90 days?

PUBLIC COMMENTS:

- B. Whitney commented on how both candidates are very well qualified, coming from different work histories. Both candidates I feel would do good as City Manager although I have a preference. I think the council will have a difficult decision to make.
- C. Eisenlohr asked when the council will make their final decision? Mr. Evans said a background check would have to be done, and the Council will have to deliberate.
- Mayor V. Platt wanted to thank everyone for their hours spent and everyone having a hand in this process.

DISCUSSION ITEMS: None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor V. Platt stated they would have to move on their decision for a new City Manager.
- A reminder that the next council meeting would be held in the council chambers.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 9:27 pm upon a motion by C. Burillo and supported by F. Rybarz. The next regularly scheduled meeting will be held on May 25th, 2021, at 7:30 pm.

Respectfully Submitted

Karla Swihart
City Clerk

RESOLUTION 21-37
City Council
City of Hart, Michigan
Oceana County

**ADOPT FINAL PROJECT PLAN
FOR WASTEWATER SYSTEM IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

WHEREAS, the City of Hart recognizes the need to make improvements to its existing wastewater collection and treatment system; and

WHEREAS, the City of Hart authorized Prein&Newhof to prepare a Project Plan, which recommends the rehabilitation and replacement of sanitary sewers, improvements to the Biopure Wastewater Treatment Facility and improvements to the City of Hart's lift stations and associated appurtenances to provide a more reliable, efficient and resilient wastewater collection and treatment system, replace aging and structurally deficient wastewater infrastructure, provide accessibility for operation and maintenance, improve system capacity; and improve overall treatment efficiency.

WHEREAS, said Project Plan was presented at a Public Hearing held on May 25, 2021 and all public comments at the hearing or written comments submitted during the public comment period have been considered and addressed.

NOW THEREFORE BE IT RESOLVED, that the City of Hart formally adopts said Project Plan and agrees to implement the selected FY 2022 projects based on the selected alternatives for those projects.

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by Robert Splane, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a State Revolving Fund Loan to assist in the implementation of the selected alternative.

Yeas:

Nays:

I certify that the above Resolution was adopted by the City Commission of the City of Hart on May 25, 2021.

BY: Karla Swihart, City Clerk

Signature

Date

RESOLUTION 21-38
City Council
City of Hart, Michigan
Oceana County

A RESOLUTION AUTHORIZING THE REPRESENTATIVE TO REPRESENT THE CITY OF HART, MICHIGAN TO CERTIFY DOCUMENTS RELATED TO THE CDBG-WRI GRANT

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its Water-Related Infrastructure (WRI) Competitive Funding Round; and

WHEREAS, the City of Hart desires to request \$810,000.00 in CDBG funds to replace the Griswold Lift Station Sanitary Force main pipe from the lift station to the Biopure Treatment Plant; and

WHEREAS, the City of Hart commits local funds from its Sewer Fund in the amount of \$270,000.00; and

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed project will benefit all residents of the project area and 65.8 percent of the residents of the City of Hart are low and moderate income persons as determined by census data provided by the U.S. Department of Housing and Urban; and

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

NOW THEREFORE BE IT RESOLVED, that the City of Hart hereby designates the City Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

Yeas:

Nays:

I certify that the above Resolution was adopted by the City Commission of the City of Hart on May 25, 2021.

BY: Karla Swihart, City Clerk

Signature

Date

RESOLUTION 21-39
Hart City Council
City of Hart, Michigan

**DESIGNATE INTERIM CITY MANAGER AS AUTHORIZED SIGNER FOR MEDC
GRANT EXTENSION**

WHEREAS, the City of Hart has experienced delays in the completion of the Downtown Pocket Park and

WHEREAS, the City has understood that Greenstone General Contracting is currently waiting on MEDC approved stone necessary for the completion of the project, delayed due to supply chain issues and

WHEREAS, MEDC, the City's engineers, Grant administrator and City staff been may need to extend the Grant period to accommodate current delays;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Designates the Interim City Manager, Robert Splane as an authorized signer for current and future project documents.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on May 25, 2021.

Ayes: _ Nays: _ Absent: _

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.

Karla Swihart, City Clerk

RESOLUTION 21 - 40
City Council
City of Hart, Michigan
Oceana County

**Authorizing the creation and operation of a Social District in the
downtown as authorized by PA 124 of 2020**

WHEREAS: the State of Michigan through PA 124 of 2020 has authorized the creation of Social Districts in communities throughout the state; and

WHEREAS: the ongoing limitations placed on businesses as a result of the COVID-19 pandemic has led communities to be creative in supporting businesses which includes passage of regulations permitting the creation of a local Social District; and

WHEREAS; the Hart Economic and Redevelopment Team has held a public hearing on May 11, 2021, discussed creating a Social District with the businesses in the downtown and have found support for a local district

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL

*Authorizes the creation and operation of a Social District in the downtown area as
authorized by PA 124 of 2020 to be overseen by the Community and Economic
Development Director*

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on May 25, 2021.

Ayes: _____ Nays: _____ Absent: _____

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.

Karla Swihart, City Clerk



April 13, 2021

Hart Economic and Redevelopment Team

**CITY OF HART
REQUEST FOR COUNCIL ACTION**

FROM: Nichole Steel, Economic and Community Development Director

SUBJECT: Discussion of Plan Establishing Social Districts in the City of Hart, as Proposed by the Hart Economic and Redevelopment Team

SUMMARY & BACKGROUND

In response to COVID-19, the Michigan Legislature enabled the creation of Social Districts in municipalities throughout the state, allowing outdoor activities as well as the sale and consumption of alcohol in ways that allow activity to continue while complying with best practices and social distancing protocols that mitigate the spread of COVID-19.

The Hart Economic and Redevelopment Team's Board of Directors voted unanimously at its March 17, 2021 meeting to request that city council consider establishing a Social District in Downtown Hart. City Staff from the Hart Economic and Redevelopment (HEART) and Hart Police Department (HPD) coordinated a proposal in response to Social Districts legislation to provide for the practical deployment of this opportunity in our community. Staff intends to begin with two common areas within the established district, allowing for performance assessment and adaptation as necessary, as well as responding to business and consumer demand for these amenities. The establishment of the district boundaries, as proposed, will allow staff to make these adaptations administratively, rather than having to return to Council each time - though staff would return for anything that is outside the scope of this proposal, such as the total closure of a street.

Social District legislation requires that a minimum two liquor license-holding establishments be present in order to have a Social District. At this time Hart Pizza and Kristi's Pour House have expressed and interest in participating.

STRATEGIC PLANNING/PURPOSE

Economic Prosperity

RECOMMENDED ACTION

Review and discuss the plan for establishing a Social District in Hart, as proposed by the Hart Economic and Redevelopment Team

ATTACHMENTS

Hart_Social_District_Local_Management_Plan_DRAFT.pdf
Social District Permit Application_CITY.pdf
Social District Permit Application_BUSINESS.pdf



SOCIAL DISTRICT & COMMON AREAS LOCAL MANAGEMENT PLAN PROPOSAL

Introduction:

The City of Hart seeks to take advantage of Michigan Public Act 124 of 2020 signed in to law on July 1, 2020. This is enabling legislation that would allow Michigan municipalities to establish Social Districts that would allow for "common areas" where two or more contiguous licensed establishments (bars, distilleries, breweries, restaurants and tasting rooms) could sell alcoholic beverages in serving cup no larger than 16 ounces with the licensee's (City of Hart or HEART) trade name or logo mark.

The Economic Community and Community Development Director, with support of the HEART Board of Directors and in collaboration with Hart Police Department has designed a Hart Social District and the policies, parameters, and management of this new community development tool. The Hart Social District Plan will be shared with potential license holder users for refinement of the plan, a final draft presented to the Hart City Council for approval and sent on to the Michigan Liquor Control Commission for state concurrence. (See attached Schedule A)

Management:

The Hart Social District would be created and managed by the city through the Hart Economic and Redevelopment Team's Director. The social district management and operations will be assisted by the city's police department, public works, clerk and finance departments.

District boundaries:

The Hart Social District boundaries will run along State Street, from Washington Street to Main Street and along Main Street from Courtland Street to the west pedestrian alleyway (between E Main & Washington). (See attached Schedule A)

The social district would remain open to traffic and parking.

Participating license holders:

Participating license holders will be asked to apply and submit a Social District Application for review and consideration, which must then be approved and issued by the Michigan Liquor Control Commission (MLCC). This allows a license holder to sell alcoholic beverages in special social district cups in its service area to be taken into the common area for consumption.

Non-alcohol businesses within the district:

These businesses could be included in the common area and allow for Social District beverages to be brought into those places of business.

Operations:

The Hart Social District would operate from 11:00 am to 11:00 pm daily. Operations would be seven (7) days a week. The common areas would be open from the time participating license holders open for business until 11:00 pm. After 11:00 pm, Social District beverages cannot be sold in participating establishments nor possessed and consumed in the common areas. After 11:00 pm, consumption of alcoholic beverages must be contained within the license holders' service areas. It is the intent of city administration to begin implementing the Hart Social District on June 1, 2021.



SOCIAL DISTRICT & COMMON AREAS LOCAL MANAGEMENT PLAN PROPOSAL

District designation and marking:

The boundaries of the Hart Social District would be clearly designated and marked with signs and graphics on streets and sidewalks. The signs would be accompanied by a trash receptacle for customers to dispose of used district cups as they exit the district.

Social District logo and beverage containers:

The Hart Social District will have a name for branding and marketing purposes but must have a special logo for use on the non-glass district beverage cups of no more than 16 ounces. The cups of various colors to differentiate among license holders will also have a logo or name identifying the establishment. Hart Social District cups may not be reused, must remain in the establishment where they were purchased or in the common area, and may not be taken into a licensed establishment that did not sell the beverage. Stickers will follow the same guidelines in that the Hart Social District logo will be placed on each cup and it will be the license holder's responsibility to place their own logo or name on the cup in compliance with State law.

Hart Social District will require that all license holder cups and lids be eco-friendly PLA compostable cups.

Security-enforcement:

Security and enforcement in the Hart Social District will be provided by the Hart Police Department.

Insurance:

The city will insure its management and operation of the Hart Social District through its municipal umbrella insurance policy. Participating license-holders are responsible to secure their own liability insurance.

Sanitation:

The Hart Public Works Department will provide sanitation within the district including trash removal and litter pickup. Each participating license holder will be required to have a trash receptacle outside of its entrances for the disposal of district cups and empty those receptacles when needed.

Marketing and promotion:

The Hart Social District will have a branded name for marketing purposes and a distinctive logo. Marketing will be done through traditional free media, some paid advertising along with extensive social media using the City of Hart and HEART social media accounts.

Entertainment/food trucks:

The Hart Social District has the opportunity to provide food trucks.

Special events:


The state's Social District law does not allow special event liquor licenses to participate in a Social District. Any common area of the Hart Social District that is within the area approved for a special event/temporary liquor license shall be temporarily closed throughout the duration of the dates and times of the approved special event or that the special event could be denied a temporary liquor license in lieu of Hart Social District license holders.



SOCIAL DISTRICT & COMMON AREAS LOCAL MANAGEMENT PLAN PROPOSAL

Schedule A: Hart Social District



 SOCIAL DISTRICT

 COMMON AREAS

 ELIGIBLE LICENSEES



Michigan Liquor Control Commission (MLCC)
Constitution Hall, 2nd Floor, 525 W. Allegan St, Lansing, MI 48933
P.O. Box 30005, Lansing, MI 48909
866-813-0011 – www.michigan.gov/lcc

Social District Permit Information For Local Governmental Units

Pursuant to MCL 436.1551, the governing body of a local governmental unit may designate a Social District within its jurisdiction. Qualified licensees whose licensed premises are contiguous to the commons area within the Social District, and that have been approved for and issued a Social District Permit, may sell alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District. The commons area is not considered part of the licensed premises for any of the licensees that hold a Social District Permit.

The term commons area is defined by MCL 436.1551(8)(a):

"Commons area" means an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.

The term qualified licensee is defined by MCL 436.1551(8)(c):

"Qualified licensee" means any of the following:

- *A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (This includes the following license types: Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, G-2, Brewpub.)*
- *A manufacturer with an on-premises tasting room permit issued under section 536.*
- *A manufacturer that holds an off-premises tasting room license issued under section 536.*
- *A manufacturer that holds a joint off-premises tasting room license issued under section 536.*

A list of all licensees, sorted by county and local governmental unit, may be found on the MLCC website:

https://www.michigan.gov/documents/lara/liclist_639292_7.xlsx

The governing body of a local governmental unit may designate a Social District pursuant to MCL 436.1551 under the following conditions:

- Designate a Social District that contains a commons area, as defined in MCL 436.1551(8)(a).
- Establish local management and maintenance plans, including hours of operation, for a commons area.
- Define and clearly mark with signs the designated commons area.
- A governing body of a local governmental unit shall not designate a Social District that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road.
- The governing body shall maintain the commons area in a manner that protects the health and safety of the community.
- The governing body may revoke the designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the governing body must hold at least 1 public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act of the time and place of the public hearing before the public hearing.
- The governing body shall file the designation or revocation of the Social District with the MLCC.

Before applying to the MLCC for a Social District Permit, a qualified licensee must first obtain approval from the governing body of the local governmental unit. A fillable resolution for this approval is part of the Social District Permit Application (LCC-208).

Filing the Designation of a Social District with the MLCC

A local governmental unit must file the following items with the MLCC when designating a Social District:

- A copy of the resolution passed by the governing body designating the Social District and commons area.
- A copy of the management and maintenance plans, including the hours of operation, established by the local governmental unit for the Social District and commons area.
- A diagram or map that clearly shows the boundaries of the Social District and commons area. Please indicate the name, address, and location of the qualified licensees that are contiguous to the commons area on the diagram or map.

Submit the items above to:

By Mail: Michigan Liquor Control Commission - P.O. Box 30005 - Lansing, MI 48933
By Fax: (517) 763-0069 By Email: mlccrecords@michigan.gov

Additional sections of the Liquor Control Code for a local governmental unit to consider when establishing a Social District or commons area within a Social District:

MCL 436.1915 - Possessing or consuming alcoholic liquor on public highway or in park, place of amusement, or publicly owned area; authority of local governmental unit or state department or agency to prohibit possession or consumption of alcoholic liquor; definitions.

- (1) Alcoholic liquor shall not be consumed on the public highways.
- (2) Except as provided in subsections (3) and (4), alcoholic liquor may be possessed or consumed in public parks, public places of amusement, or a publicly owned area not licensed to sell for consumption on the premises.
- (3) The governing body of a local governmental unit may prohibit by ordinance, order, or resolution the possession or consumption of alcoholic liquor in any public park, public place of amusement, or publicly owned area that is owned or administered, or both, by that local governmental unit. When land is leased from a department or agency of this state, an ordinance, order, or resolution adopted pursuant to this subsection shall be subject to the approval of the department or agency.
- (4) A department or agency of this state that administers public lands may prohibit by rule, order, or resolution the possession or consumption of alcoholic liquor on the public land under its jurisdiction.
- (5) As used in this section:
 - (a) "Local governmental unit" means a county, city, township, village, or charter authority.
 - (b) "Publicly owned area" means an area under the jurisdiction of a local governmental unit.

MCL 436.1913(1), (2), & (5) - Prohibited conduct; unlicensed premises or place; unlawful consumption of alcoholic liquor; exceptions; construction of section; "consideration" defined.

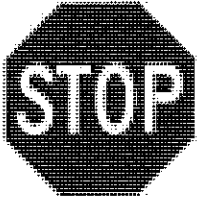
- (1) A person shall not do either of the following:
 - (a) Maintain, operate, or lease, or otherwise furnish to any person, any premises or place that is not licensed under this act within which the other person may engage in the drinking of alcoholic liquor for consideration.
 - (b) Obtain by way of lease or rental agreement, and furnish or provide to any other person, any premises or place that is not licensed under this act within which any other person may engage in the drinking of alcoholic liquor for consideration.
- (2) A person shall not consume alcoholic liquor in a commercial establishment selling food if the commercial establishment is not licensed under this act. A person owning, operating, or leasing a commercial establishment selling food which is not licensed under this act shall not allow the consumption of alcoholic liquor on its premises.
- (5) As used in this section, "consideration" includes any fee, cover charge, ticket purchase, the storage of alcoholic liquor, the sale of food, ice, mixers, or other liquids used with alcoholic liquor drinks, or the purchasing of any service or item, or combination of service and item; or includes the furnishing of glassware or other containers for use in the consumption of alcoholic liquor in conjunction with the sale of food.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Social District Permit Information

Local Governmental Approval Required Before You Apply



The city, township, or village where your business is located must have first designated a Social District before you may apply. Your licensed business must be contiguous to the commons area inside the Social District to qualify. Check with your local governmental unit to see if you qualify.

Your licensed business must also be approved individually by the city, township, or village before you apply for a Social District Permit. A local governmental unit approval form is attached to this application.

The governing body of a local governmental unit may designate a Social District within its jurisdiction that contains a commons area in which the patrons of qualified licensees may consume alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks/cocktails) in the commons area.

At least two (2) qualified licensees must have their licensed premises contiguous to a commons area for the area to qualify to be part of a social district.

The local governmental unit must define and clearly mark the commons area with signs. The local governmental unit must establish a management plan, including the hours of operation, for the commons area. These plans must be submitted to the Commission.

A qualified licensee may apply to the Commission for a Social District Permit using the attached application. The licensee must first obtain approval from the governing body of the local governmental unit before applying for the permit.

A licensee that has been issued a Social District Permit may sell alcoholic liquor for on-premises consumption on its licensed premises only, but then customers may remove the alcoholic liquor from the premises to be consumed in the commons area. A licensee must not sell alcoholic liquor in the commons area.

The commons area is not considered part of any licensee's licensed premises. Nevertheless, a licensee that has been issued a Social District Permit must make every effort to ensure that it does not sell alcoholic liquor to a minor or intoxicated person.

Any alcoholic liquor sold to customers for consumption in the commons area by a licensee with a Social District Permit must comply with all of the following:

- The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
- The serving container must prominently display a logo or some other mark that is unique to the commons area.
- The serving container is not made of glass.
- The serving container does not have a liquid capacity over 16 ounces.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor onto the licensed premises of another licensee contiguous to the commons area from which the customer did not purchase the alcoholic liquor. A licensee shall not allow alcoholic liquor purchased from another licensee to be brought onto its licensed premises.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor outside of the commons area.

Qualified licensees for Social District Permits are:

- A retailer licensee that is licensed to sell alcoholic liquor for consumption on the premises, such as a Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, or G-2. A Special License issued to a nonprofit organization is not a qualified licensee.
- A manufacturer with an On-Premises Tasting Room Permit.
- A manufacturer with an Off-Premises Tasting Room License or a Joint Off-Premises Tasting Room License. For Joint Off-Premises Tasting Room Licenses, all licensees that have licenses at that same location must be approved for and issued a Social District Permit.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC Use Only)

Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name:		
Address:		
City:	State:	Zip Code:
Contact Name:	Phone:	Email:

Part 2 - Required Documents & Fees

<input type="checkbox"/> Local Governmental Unit Approval <input type="checkbox"/> Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
<input type="checkbox"/> \$70.00 Inspection Fee (MLCC Fee Code 4036) <input type="checkbox"/> \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	<p style="text-align: center;">TOTAL DUE:</p> <div style="border: 1px solid black; width: 80px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;">Make checks payable to State of Michigan</p>

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing false or fraudulent information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Print Name of Licensee & Title
Signature of Licensee
Date

Please return this completed form and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Fax with Credit Card Authorization to: 517-284-8557



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____
 Request ID: _____
(For MLCC use only)

Local Governmental Unit Approval For Social District Permit

Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (name of city, township, or village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of licensee - if a corporation or limited liability company, please state the company name)

for a Social District Permit is _____ by this body for consideration for approval by the
(recommended/not recommended)
 Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the
 council/board at a _____ meeting held on _____
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

_____ Signature of Clerk
 _____ Print Name of Clerk
 _____ Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



Michigan Department of Licensing and Regulatory Affairs
Finance and Administrative Services
Revenue Services

LARA Revenue Services is not a part of
the Michigan Liquor Control
Commission (see note below).

Credit Card Authorization Form

**** FAX COMPLETED FORM TO SECURE FAX LINE: 517-284-8557 ****

**** DO NOT EMAIL OR MAIL THIS FORM ****

Requests with credit card payments that are not faxed to the above secure fax line will be destroyed along with the credit card authorization in order to ensure the security of applicants' personal credit card numbers.

****IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED****

Name on Card: _____

Payment Amount: _____

Billing Address: _____

Card Number: _____

City: _____ State: _____ Zip Code: _____

Check One:

MasterCard Visa Discover

Phone: _____

Security Code/CVV Code: _____

Email: _____

Applicant/Licensee Name: _____ Request or Business ID #: _____

Expiration Date: _____

Payment is for: _____

Signature _____

IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED.

Credit Card Payment Itemization:

Fee Type	Fee Amount	MLCC Fee Code
<input type="checkbox"/> Inspection Fee(s):	_____	4036
<input type="checkbox"/> Social District Permit Fee:	_____	4081

LARA Revenue Services is not a part of the Michigan Liquor Control Commission (MLCC). Receipt of payment and application forms by LARA Revenue Services does not constitute receipt of an application by the MLCC. Applications submitted through LARA Revenue Services may take up to two (2) additional business days to be received by the MLCC after receipt by LARA Revenue Services.

For requests that require a timely receipt of an application by the MLCC to be processed, such as Special Licenses and temporary requests, please ensure that your application will be received in adequate time to be processed by the MLCC after the payment is received and processed by LARA Revenue Services.