



City Council Meeting

August 19, 2019

6:00 p.m.

Cadillac Municipal Complex

Council Chambers

200 N. Lake St.

Cadillac, MI 49601



August 19, 2019 City Council Meeting Agenda
6 p.m. at City Hall – 200 N. Lake St. – Cadillac, MI 49601

We are fully present

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

I. APPROVAL OF AGENDA

II. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

III. CONSENT AGENDA

All items listed on the consent agenda are considered routine and will be enacted by one motion with roll call vote. There will be no separate discussion of these items unless a Council Member so requests it, in which event the items will be removed from the consent agenda and discussed separately.

- A. Minutes from the special meeting held on August 5, 2019.
Support Document III-A

IV. PUBLIC HEARINGS

- A. Public hearing to consider adoption of Joint Planning Commission Ordinance.
Support Document VI-A

- B. Public hearing regarding Notice of Intent to Apply to USDA Rural Development for Water System Infrastructure Improvements.
Support Document VI-B

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V. COMMUNICATIONS

- A. Amvets Corn Hole Tournament
Support Document V-A
- B. Child Safety Expo
Support Document V-B
- C. Fall Color Train
Support Document V-C
- D. Rotary Club White Pine Ride
Support Document V-D
- E. Fall Color Tour
Support Document V-E

VI. APPOINTMENTS

- A. Recommendation regarding reappointment to the Cadillac-Wexford Airport Authority.
Support Document VI-A
- B. Recommendation regarding reappointment to the Downtown Development Authority.
Support Document VI-B

VII. CITY MANAGER'S REPORT

- A. Fire Department Promotions
- B. Bids and recommendation regarding Work Trucks.
Support Document VII-B

VIII. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

- A. Adopt resolution to introduce Ordinance to Add New Section 10-2 to Chapter 10 of the Cadillac City Code to Allow Certain Recreational Marihuana Establishments Operated in Accordance with State Law and set a public hearing for September 3, 2019.
Support Document VIII-A
- B. Adopt resolution to introduce Ordinance to Add New Section 10-3 to Chapter 10 of the Cadillac City Code to Allow Certain Medical Marihuana Facilities Operated in Accordance with State Law and set a public hearing for September 3, 2019.
Support Document VIII-B

IX. PUBLIC COMMENTS

It is requested that comment time be limited to three (3) minutes.

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X. GOOD OF THE ORDER

XI. ADJOURNMENT

Core Values (R.I.T.E.)

Respect

Integrity

Trust

Excellence

Guiding Behaviors

We support each other in serving our community

We communicate openly, honestly, respectfully, and directly

We are fully present

We are all accountable

We trust and assume goodness in intentions

We are continuous learners

CITY COUNCIL SPECIAL MEETING MINUTES

6:00 PM – August 5, 2019

The Market at Cadillac Commons – 117 W. Cass St. - Cadillac, Michigan 49601

CALL TO ORDER

Mayor Filkins called the City Council meeting to order at approximately 6:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present: Schippers, Spoelman, Engels, King, Mayor Filkins
Council Absent: None
Staff Present: Peccia, Dietlin, Ottjepka, Eller, Coy, Homier, Wasson

APPROVAL OF AGENDA

2019-161 Approve agenda as amended.

Motion was made by Engels and supported by King to approve the agenda as amended to move the street closure for the Call to All Family Festival to Communications as Item IV-D.

Motion unanimously approved.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

2019-162 Approve consent agenda as presented.

Motion was made by Schippers and supported by Spoelman to approve the consent agenda as presented.

Motion unanimously approved.

COMMUNICATIONS

A. Cadillac Pride

2019-163 Approve street closure for Cadillac Pride event.

Motion was made by Schippers and supported by Engels to approve the closure of Lake St. between Harris St. and Cass St. from 11:00 am to 8:00 pm on August 24, 2019 for the Cadillac Pride event.

Motion unanimously approved.

B. Northwest Michigan Veterans / Military Expo

2019-164 Approve banner for Northwest Michigan Veterans / Military Expo.

Motion was made by King and supported by Engels to approve the display of a banner from August 19, 2019 to August 26, 2019 for the Northwest Michigan Veterans / Military Expo.

Spoelman stated there will be a lot of vendors and information for veterans at the event.

Motion unanimously approved.

C. Request from CAPS for reservation of Diggins Hill tennis courts.

CAPS requested the reservation of the Diggins Hill tennis courts Monday through Friday from 3:00 pm to 5:00 pm beginning August 19, 2019 for the tennis team.

King stated he is concerned about closing a public facility 5-days a week for 2-hours a day. He noted they want to support the tennis program, but he is concerned about setting a precedent for other requests and he is also concerned for the people who utilize those facilities.

Mayor Filkins asked how long they would need to utilize the tennis courts.

Peccia stated they would be used until the end of the tennis season.

Fred Bryant, CAPS Director of Athletics, explained that once the tennis season starts, they won't be utilizing the courts 5-days per week because they will play various matches at other venues. He noted if they don't have a full JV team then they won't need to utilize the Diggins Hill tennis courts unless they hold a quad. He stated they would like to reserve the courts from August 19, 2019 to August 23, 2019. He added once they know the number of players then they can provide an accurate schedule for when they need to utilize courts.

King asked if it can be posted when the tennis team needs to utilize the courts.

Bryant stated the information can be posted on the CAPS Athletic website.

Peccia suggested Council authorize the usage of the courts by the tennis team with the understanding that the City will work with CAPS on proper signage that reflects the actual times the courts will be utilized.

Peccia recommended a motion to authorize City staff to work with the CAPS Athletic Department to develop appropriate signage for the reservation of the Diggins Hill tennis courts for the CAPS tennis team.

Schippers asked if the information can be posted on the City's website.

Peccia stated it can be posted on the Community Calendar on the City's website.

2019-165 Authorize use of Diggins Hill tennis courts by CAPS.

Motion was made by King and supported by Schippers to approve the request to authorize City staff to work with the CAPS Athletic Department in reserving the Diggins Hill tennis courts as needed by the program and to allow for the posting of the times, the availability of the courts, both through CAPS and the City's website.

Motion unanimously approved.

D. Street closure for Call to All Family Festival.

King thanked Judy Coffey for better defining the requested closures.

Spoelman stated she still believes it is a long period of time for Lake Street to be closed. She noted the requested closure is for Friday night and all day on Saturday and Sunday. She stated it is a public road and it seems like it's too long of a period of time to use the City's resources for this festival.

Mayor Filkins noted Lake Street is normally closed for the Arts Festival from Thursday night and all day on both Friday and Saturday. She stated this event draws a lot of people so she is not opposed to the requested closures.

King stated the crosswalk signs seem to be working well. He noted it makes sense to close the street when there are going to be physical items in the street such as fire equipment, cars, etc. He stated by asking organizations why they need the street closed, Council will be able to use greater discretion and not close the street for every event.

Schippers asked if there will be activities all day on Sunday.

Judy Coffey stated the activities will end at approximately 1:30 to 2:00 pm and then there won't be activities until they begin to setup for the Evening Worship Service around 6:00 pm.

Spoelman noted it appears the pedestrian signs in the walkways are slowing traffic on Lake Street and still allow for vehicles to travel through the area.

Coffey stated the activities planned for Saturday will require the street to be closed due to the number of children that are expected to be in attendance.

Spoelman asked if it would be possible to make changes to the requested closure for Sunday.

Coffey stated it is possible to make changes to the requested closure times for Sunday.

Spoelman asked if 9:00 am to 1:30 pm and 6:00 pm to 9:00 pm on Sunday would work.

Coffey stated she believe those times would be fine.

2019-166 Approve street closure for Call to All Family Festival.

Motion was made Spoelman and supported by King to approve the request from the Call to All Festival as presented for the closure of Lake St. from Harris St. to Cass St. with the exception of changing Sunday from 9:00 am to 1:30 pm and 6:00 pm to 9:00 pm.

Motion unanimously approved.

APPOINTMENTS

- A. Recommendation regarding reappointment to the Downtown Development Authority.

2019-167 Approve reappointment to the Downtown Development Authority.

Motion was made by Schippers and supported by Engels to approve the reappointment of Greg Bosscher to the Downtown Development Authority for a 4-year term to expire on July 18, 2023.

Motion unanimously approved.

CITY MANAGER'S REPORT

- A. Introduction of Police Officer – Oath of Office.

Adam Ottjepka, Director of Public Safety, introduced and provided brief background information on the newest member of the Cadillac Police Department, Cole Vanderpool.

City Clerk administered the Cadillac Police Department Oath of Office to Cole Vanderpool.

Captain Eric Eller pinned a badge on Cole Vanderpool.

- B. Designate primary representative and alternate to attend the Michigan Municipal League Annual Convention.

2019-168 Designate primary representative and alternate to attend MML Annual Meeting.

Motion was made by Schippers and supported by Engels to designate Mayor Filkins as the primary representative and Mayor Pro-Tem Spoelman as the alternate to attend the Michigan Municipal League Annual Convention.

Motion unanimously approved.

- C. Discussion on Michigan Medical and Recreational Marihuana.

Peccia briefly discussed the public forum that was held regarding medical and recreational marihuana.

Peccia noted a City-wide survey was conducted through a link added to utility bills (commercial and residential). He stated the majority of the responses received were in favor of marihuana-type establishments within the City but would also be in favor of there being large distances between those establishments as well as between those establishments and schools, churches, and residential areas. He added the responses also indicated they were in favor of caps being put in place with respect to the number of establishments to be

permitted within the community.

Peccia stated the statewide referendum vote on recreational marihuana was approved in November 2018. He noted that although the ballot initiative failed in Wexford County, it was approved by voters in the City.

Peccia stated there is no timetable with respect to medical marihuana because the way the law was enacted the automatic default was an opt out position.

Peccia noted with respect to recreational marihuana there is an issue of time. He stated the State of Michigan issued emergency rules on July 3, 2019 and the Governor has shortened the time frame for municipalities to put their own program in place. He stated that by November 1, 2019 every municipality has to be in a position to know what is being allowed, where it will be allowed, and if there will be any limits on the number of the different types of classified facilities. He noted without the program being established by the municipality, anyone could establish a marihuana facility without any rules or guidance.

Peccia stated there are over 600 municipalities that have opted out. He believes many of those municipalities may have taken that position in order to allow more time to develop their program.

Peccia noted as part of the Act 425 Agreement there is a 2.5-year moratorium in place regarding the property included in the Agreement.

City Attorney Homier stated the City has the opportunity to regulate the use by time, place, and manner. He noted the emergency rules established the framework for the State to begin issuing licenses for recreational marihuana on November 1, 2019. He stated this presents an issue for those municipalities that have not yet decided whether, or to what extent, to regulate that use.

Homier stated he has advised his municipal clients that whether or not they ultimately decide to regulate the use by allowing that use they are in a better position to temporarily opt out so they can go through the process to regulate the use, provided they adopt some comprehensive policy for doing so. He noted any policy that is adopted allowing that use would not apply to the transferred area for a period of 2.5-years. He stated all of his clients, even those that intend to regulate the use, have opted out to allow additional time to develop their program.

Homier noted he has drafted a resolution and ordinance to opt out.

King noted he learned through a Michigan Municipal League (MML) online seminar that there is going to be 15% of the revenue throughout the State redistributed among the communities that are opted in. He added that municipalities that are opted out will not share in that revenue.

King stated it was recommended that it is important for communities to understand each of the categories of businesses, understand the best ways to regulate those businesses, and take the time between now and November to do that rather than opting out potentially affecting the tax revenue sharing.

Schippers asked if this would entail some work sessions because two (2) meetings per month does not provide much time.

Peccia stated if Council provides some direction, an ordinance can be prepared to introduce at the August 19, 2019 meeting. He noted the process likely involves the Planning Commission.

King stated the emergency rules already include distance requirements, management requirements, and other information. He noted he believes it is important for Council to understand the different types of businesses so an educated decision can be made regarding how, where, and how many businesses they want to consider, if they choose to go in that direction.

Schippers asked if there is enough time between now and November to do this responsibly. She suggested opting out with a goal to review it at the beginning of next year.

King stated there was concern at MML about the revenue sharing. He stated it could be better to be one of the communities that are in from the beginning.

Schippers asked if this is revenue that is acquired from these businesses.

King answered it is throughout the State.

Engels asked if the communities that are opted in get a share of the revenue whether they have businesses or not.

King stated it is his understanding that it is based on a pro-rated share of the businesses allowed within the community.

Mayor Filkins stated other communities that have opted out are likely also part of the MML but they are giving themselves time to understand the information and have the discussions.

King stated many communities opted out before the emergency rules were issued.

Mayor Filkins asked if any of the communities that opted out are making the decision to opt in since the emergency rules were released.

Homier stated the communities he represents are having discussions, but they were having those discussions before the emergency rules were released.

Engels stated he agrees with Council Member King for the most part. He noted Council has until the second meeting in October to make things happen, otherwise the City will need to opt out prior to November 1, 2019.

Engels asked if this should be passed to the Planning Commission to get it started.

Peccia stated if Council is interested in trying to accelerate a determination on whether the City will be involved in regulating adult recreational marihuana use then we need to take that path before November 1, 2019. Otherwise, we should pass an ordinance to opt out with the

intent to revisit the issue at a later point in time. He stated if the City can put a program in place now then the City won't miss out on the potential pool of revenue sharing fm this use.

Peccia stated it would be helpful to provide the Planning Commission with some guidance from Council on what they are looking to approve.

Spoelman stated she believe some of the details will be determined once Council has a draft ordinance to review.

Peccia asked if a draft ordinance should be brought forward at the next meeting to opt out or should it be to restrict some of the uses. He asked for suggestions on how Council would like to see it regulated.

King stated the ordinance to opt out is pretty standard. He stated if a draft ordinance regulating the use is brought forward it can be molded.

Mayor Filkins stated there has to be a starting point that everyone agrees on.

Spoelman stated that based on the survey and the vote from the community she believes we can move forward with a conservative draft ordinance.

Peccia stated a draft ordinance will be prepared for the next meeting (August 19, 2019). He noted the action then would be to set a public hearing for the September 3, 2019 meeting to approve the ordinance after it has been amended by Council on August 19, 2019.

Homier stated he does not believe the City will need to amend the Zoning Ordinance. He noted a police power ordinance would allow the City to specifically regulate time, manner, and place. He stated a police power ordinance can simply cross reference to those districts in the Zoning Ordinance that already exist without having to go through the Planning Commission to amend the Zoning Ordinance, which would reduce the time period required.

Spoelman stated if that is the case, then it may allow the discussion to continue for a couple of meetings before an ordinance is ready to go to a public hearing.

Peccia recommended that a draft ordinance for medical marihuana be presented at the same time. He stated he prefers that the two items be addressed simultaneously.

King noted licenses will only be valid for one (1) year and the State will regulate the licenses. He explained the State will ensure the entities are complaint both with the state statute and the local statute. He noted if a business wants to be both medical and recreational, they have to be totally separate such as separate management, inventories, regulations, etc.

Mayor Filkins stated draft ordinances for recreational marihuana and medical marihuana will be presented for discussion at the next meeting.

MINUTES AND REPORTS OF BOARDS AND COMMISSIONS

A. Zoning Board of Appeals

B. Downtown Development Authority

PUBLIC COMMENTS

There were no public comments.

Engels asked about the vote on the variance referenced in the minutes from the Zoning Board of Appeals. He asked Mike Coy, Zoning Administrator, for further information on the outcome of the vote.

Coy stated there was a 3 to 2 vote on the variance but there needs to be a majority vote (4 votes) of the full board (seven members) so it did not pass.

King asked if the request needs to go back for another vote.

Coy stated if something changes in the request they can come back to the Zoning Board of Appeals.

TABLED ITEMS

A. Ordinance Vacating a Portion of 10th Street and Reserving a Public Utility Easement in Favor of the City of Cadillac.

Homier stated the item was tabled to allow for additional conversations with Rexair because it appeared there was a public roadway extended to a Rexair entrance gate. He noted it was discovered that there is actually a public driveway easement recorded in Liber 338, Page 27. He stated the resolution and ordinance have been revised to retain that easement for a public driveway but also for any and all public utilities that may be located in the portion that would be vacated. He noted they are confident that we have maintained the City's ability to access that property by retaining the easement as well as consulted with Rexair on the retaining of the public driveway.

Spoelman asked if Rexair will be able to utilize the driveway.

Homier stated he does not believe the driveway is utilized by Rexair but we have reserved the public driveway. He noted all parties involved seem to be satisfied.

2019-169 Adopt Ordinance 2019-09.

Motion was made by Spoelman and supported by Engels to approve the resolution to adopt Ordinance Vacating a Portion of 10th Street and Reserving a Public Utility Easement in Favor of the City of Cadillac.

King reminded Council he was recused from the discussion and vote based on the request he made at a prior meeting (June 17, 2019).

Motion unanimously approved.

GOOD OF THE ORDER

Schippers commented on the After 26 Depot Music Festival. She noted the Mayor's Youth Council will be hosting Movies in the Park at 8:45 pm on August 17, 2019 and August 31, 2019.

Spoelman stated there used be signs placed on Harris St. and Cass St. alerting drivers that Lake St. is closed. She noted she is unsure if those signs are routinely being used.

Peccia stated he will check on the signs.

Spoelman noted traffic on Mitchell St. is travelling fast and is loud. She asked if that could be monitored more closely. She stated she is also concerned about pedestrians in the crosswalks.

Mayor Filkins stated there are a number of people riding bikes on the sidewalks along Mitchell St. She asked if we could hold the bicyclists more accountable to the hours that are posted.

Peccia stated there is signage posted along Mitchell St. regarding the restriction of bikes on the sidewalks.

Mayor Filkins encouraged everyone to attend the 9&10 News Family Field Day event scheduled for August 9, 2019 at Heritage House. She noted it is held in concert with the Mayor's Fit City Challenge.

ADJOURNMENT

Respectfully submitted,

Carla J. Filkins, Mayor

Sandra L. Wasson, City Clerk

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

RESOLUTION NO. 2019-_____

RESOLUTION ADOPTING JOINT PLANNING COMMISSION ORDINANCE

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the 19th day Of August, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____ .

WHEREAS, the City held a public hearing on July 15, 2019 and Clam Lake Township held a public hearing on July 8, 2019 and each approved on those respective dates a conditional transfer of property from Clam Lake to the City pursuant to Public Act 425 of 1984; and

WHEREAS, pursuant to the authority under Sec. 5 of Public Act 425 of 1984, MCL 124.25, the City entered into an agreement on _____ to effectuate the conditional transfer; and

WHEREAS, the establishment of a Joint Planning Commission to govern land use and zoning for the property being conditionally transferred during the term of the conditional transfer

and any renewal is in the best interest of the health, safety and welfare of the inhabitants of the City; and

WHEREAS, on July 15, 2019, pursuant to Section 5.2 of the City Charter, the City by Resolution No. 2019-3329, introduced Ordinance No. 2019-11, Joint Planning Commission Ordinance, attached as Exhibit A (the “Joint Planning Commission Ordinance”); and

WHEREAS, the City wishes to consider the Joint Planning Commission Ordinance; and

WHEREAS, on August 19, 2019, the City conducted a public hearing to consider the Joint Planning Commission Ordinance; and

WHEREAS, following the public hearing, the City has determined it is in the best interests of the health, safety and welfare of City residents to adopt the proposed Joint Planning Commission Ordinance.

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County, Michigan, resolves as follows:

1. Ordinance No. 2019-11, Joint Planning Commission Ordinance, attached as Exhibit A is hereby adopted.
2. The Joint Planning Commission Ordinance shall be filed with the City Clerk.
3. The City Clerk is directed to publish a Notice of Adoption within seven (7) days after its adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-____, duly adopted at a meeting of the City Council held on the 19th day of August, 2019.

Sandra Wasson
Cadillac City Clerk

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

JOINT PLANNING COMMISSION ORDINANCE Ordinance No. 2019-11

Ordinance to Establish the City of Cadillac/Clam Lake Joint Planning Commission

The City of Cadillac HEREBY ORDAINS:

Section 1. Purpose; Recitals.

- A. The City of Cadillac ("City") and the Township of Clam Lake ("Clam Lake") have entered into an Agreement for the Conditional Transfer of Property dated _____, 2019 ("Act 425 Agreement").
- B. Article VIII of the Act 425 Agreement provides in part that the City and Clam Lake shall establish a Joint Planning Commission pursuant to the Joint Municipal Planning Act, Act 226 of 2003, MCL 125.131 *et seq*, as amended ("Act 226 of 2003"), to govern land use and zoning for certain property identified as the "Transferred Area" in the Act 425 Agreement.
- C. The City of Cadillac adopts this Ordinance to carry out and effectuate Article VIII of the Act 425 Agreement.

Section 2. Approval of Agreement to Create Joint Planning Commission.

The City of Cadillac hereby approves the establishment of a Joint Planning Commission subject to all terms and provisions in Article VIII of the Act 425 Agreement, which is hereby incorporated by reference, and subject to the terms and provisions of this Ordinance. In addition to such terms and provisions, the Joint Planning Commission shall have all powers granted to joint planning commissions by Act 226 of 2003.

Section 3. Jurisdiction of Joint Planning Commission.

The Joint Planning Commission shall have jurisdiction over all land use and zoning approvals for the Transferred Area, as defined in the Act 425 Agreement, and subject to all terms and provisions of Article VIII of the Act 425 Agreement.

Section 4. Effective date.

This Ordinance shall be effective on the later of the following:

1. the eighth day following the last date of publication by a participating municipality if no notice of intent to file a petition for a referendum is filed as provided for in MCL 125.139; or
2. the 31st day following the filing of a notice of intent to file a petition for a referendum if no petition for a referendum is filed within 30 days after the filing of the notice; or
3. the day following the day upon which a determination is made by the clerk of each municipality in which a petition for referendum is filed that the petition calling for the referendum is inadequate; or
4. the day the Ordinance is approved by the electors in each municipality in which a referendum is held.

Section 5. Repealer.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Approved this ____ day of ____, 2019.

Sandra Wasson, Clerk

Carla Filkins, Mayor

Notice of Public Hearing

Notice of Intent to Apply to USDA Rural Development

City of Cadillac, Wexford County, Michigan
Water System Infrastructure Improvements

The City of Cadillac intends to apply for loan and/or grant funding through the Rural Development Office of the United States Department of Agriculture to construction water system improvements. A public hearing will be held at 6:00 p.m. on Monday, August 19 at the City Council Chambers for the purpose of receiving comments from interested persons.

The project will include the construction of a new municipal water well field and associated buildings and equipment, water distribution system improvements and new water department office/storage facilities. The estimated project cost is \$9.5 million. The project is needed to provide a new source of municipal water such that the existing 8th Street well field can be abandoned, which is vulnerable to contamination.

The application for funds will be submitted within the next 60 days, with project construction to take place in 2020/2021, dependent upon the funding availability.

Anyone with questions, or to obtain more information, please contact Mr. Jeff Dietlin, Director of Utilities, at 231-775-0181 x124, 200 N. Lake Street, Cadillac, MI 49601. Written comments will be received prior to the public hearing until 2 p.m. on Monday, August 18, 2019.



200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 7-26-19

City Received Date

MUST BE OFFICIALLY CITY DATA STAMP

Request Planning Guide

This form must be completed and return to the City 60 days before an event. Additionally a representative for the event must meet with City Event Team to verify all details for the event before going to City Council for approval.

Failure to comply will result in a denial of your event. Please call (231) 775-0181 x 120 if you have questions.

KAREN PRIEUR

Applicant Name (Print) AMVETS # 110 Cadillac Contact Address 127 W. Cass St.

Contact Phone(s) 231-775-7433 Contact Email [REDACTED]

Sponsoring Organization _____ ☐ Private ☐ Non-Profit ☒

Purpose of Event CORN HOLE TOURNAMENT Approx # of Attendees 50

Beginning Date: 8/25/19 Ending Date: 8/25/19

Reoccurring: YES ☐ NO ☒

1st Day SUN 25TH Set-up 11:00 ☒ AM ☐ PM Start : AM/PM End 8:00 ☒ AM ☐ PM Clean-up : AM/PM

2nd Day _____ Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM

3rd Day _____ Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM

4th Day _____ Set-up : AM/PM Start : AM/PM End : AM/PM Clean-up : AM/PM

Please answer the following questions:

YES ☐ NO ☒ Will you be requesting permission to close any streets or parking lots?

YES ☐ NO ☒ Will you be requesting permission to display any off site signage?

YES ☐ NO ☒ Will you be requesting permission to display a banner over Mitchell Street?

YES ☒ NO ☐ Will you be requesting permission to reserve any of the City of Cadillac facilities

Please Circle

Market at Cadillac Commons

Rotary Pavilion

City Park

Cadillac Commons Plaza

SOUTH SIDE
COMMONS PARKING
LOT

YES ☐ NO ☒ Will you be requesting permission to have a parade?

YES ☐ NO ☒ Will you be requesting permission to hold any races?

YES ☒ NO ☐ Will you be requesting permission to serve alcoholic beverages? ON ONLY OUR PREMISES - OPEN TO

YES ☐ NO ☒ Will your event include use of generators, food trucks, grills, fireworks display, or a tent/membrane structure? PUBLIC

If you answered YES to any of the above questions, additional form(s) must be completed for each one. All forms must be completely filled out and all information provided before requests will be brought to City Council for approval.

Forms can be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net

All events require liability insurance: Required Min. general aggregate amount of \$1,000,000, naming the City of Cadillac as Certificate Holder and as additionally insured



200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 8-8-19

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request Corn Hole Tournament / Amvet Fundraiser

Contact Person Karen Prieur (775-7433 (Amvets))

Contact Phone [REDACTED] Contact Email [REDACTED]

Date: <u> </u> / <u> </u> / <u> </u>		Street Closures	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Street Name <u> </u>	Beginning Location <u> </u>	Ending Location <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	

Date <u>8 / 25 / 19</u>		Parking Lot Closures	
Lot Location <u>South side Farmers Mkt</u>	Street <u> </u>	Nearest Cross Street <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Lot Location <u> </u>	Street <u> </u>	Nearest Cross Street <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	
Lot Location <u> </u>	Street <u> </u>	Nearest Cross Street <u> </u>	
	Beginning Time <u> </u> : <u> </u> AM/PM	Ending Time <u> </u> : <u> </u> AM/PM	

Does not hinder any local activity.

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name KAREN PRIEUR Signature Karen Prieur Date 8 / /

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

For Office Use Only

Streets <u> </u>	Date Approved <u> </u>	Comments <u> </u>
Parks <u> </u>	Date Approved <u> </u>	Comments <u> </u>
Fire <u> </u>	Date Approved <u> </u>	Comments <u> </u>
Police <u> </u>	Date Approved <u> </u>	Comments <u> </u>
City Manager <u> </u>	Date Approved <u> </u>	Comments <u> </u>
City Council <u> </u>	Date Approved <u> </u>	Comments <u> </u>

Amvet Request for 8-25-19

Market

5/2018

128 W Cass St

Legend

- 📍 128 W Cass St
- 🌳 City Park
- 🚗 Mdas Cadillac
- 📷 Photo One Inc
- 🍷 Roaring 20'S Saloon
- 🖨️ Spec Tec Computers, Inc.

Google Earth

© 2018 Google

100 ft

NOT BUILDING
SOUTH SIDE OF COMMONS
SW corner TO 100 ft TO EAST ANYTHING

200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 7/19/2019

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request Child Safety Expo

Contact Person Chris Koontz

Contact Phone [REDACTED] Contact Email CKoontz@cadillac-mi.net

Date: <u>9/11/2019</u>		Street Closures	
Street Name <u>N. Lake</u>	Beginning Location <u>Pine St.</u>	Ending Location <u>City Complex South parking lot</u>	
	Beginning Time <u>2:00 AM/PM</u>	Ending Time <u>8:00 AM/PM</u>	
Street Name _____	Beginning Location _____	Ending Location _____	
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM	
Street Name _____	Beginning Location _____	Ending Location _____	
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM	
Street Name _____	Beginning Location _____	Ending Location _____	
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM	

Date: <u>9/11/2019</u>		Parking Lot Closures	
Lot Location <u>City Complex East Lot (FD)</u>	Street <u>Mason</u>	Nearest Cross Street _____	
	Beginning Time <u>12:00 AM/PM</u>	Ending Time <u>8:00 AM/PM</u>	
Lot Location _____	Street _____	Nearest Cross Street _____	
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM	
Lot Location _____	Street _____	Nearest Cross Street _____	
	Beginning Time ____:____ AM/PM	Ending Time ____:____ AM/PM	

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net **(No Faxes accepted)**

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Chris Koontz Signature [Signature] Date 7/19/2019

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

For Office Use Only

Streets _____	Date Approved _____	Comments _____
Parks _____	Date Approved _____	Comments _____
Fire _____	Date Approved _____	Comments _____
Police _____	Date Approved _____	Comments _____
City Manager _____	Date Approved _____	Comments _____
City Council _____	Date Approved _____	Comments _____



200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 11 June 2019

City Received Date

BE OFFICIALLY CITY OF CADILLAC STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request Fall Color Steam Train Passenger Unloading and Loading Steam Railroad Institute

Contact Person Bob Mathews

Contact Email

Date: 10/05/19

Street Closures

Street Name Lake Beginning Location Cass Ending Location Chestnut/Pine

Beginning Time 11:00 AM/PM Ending Time 4:30 AM/PM

Street Name Harris Beginning Location Block 08 Ending Location

Beginning Time 11:00 AM/PM Ending Time 4:30 AM/PM

Street Name Bank Drive Beginning Location Ending Location

Thru Re-Routing Beginning Time AM/PM Ending Time AM/PM

Street Name Beginning Location Ending Location

Beginning Time AM/PM Ending Time AM/PM

Date ___/___/___

Parking Lot Closures

Lot Location Street Nearest Cross Street
Beginning Time AM/PM Ending Time AM/PM

Lot Location Street Nearest Cross Street
Beginning Time AM/PM Ending Time AM/PM

Lot Location Street Nearest Cross Street
Beginning Time AM/PM Ending Time AM/PM

Water will
be needed
from the hydrant
at the corner
of Lake and
Harris Streets

OK
per
Dave
Stearns

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Bob Mathews Signature Bob Mathews Date 06/11/19

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

For Office Use Only

Streets	Date Approved	Comments
Parks	Date Approved	Comments
Fire	Date Approved	Comments
Police	Date Approved	Comments
City Manager	Date Approved	Comments
City Council	Date Approved	Comments

Route bank drive through traffic out to
Lake St. and into City parking lot.
OK per Ken Payne



200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 11 June 2019

City Received Date

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request Fall Color Train Passenger Loading and Unloading Steam Railroading Institute

Contact Person Bob Mathews

Contact Email

Date: <u>10/19/19</u>		Street Closures	
Street Name <u>Lake</u>	Beginning Location <u>Cass</u>	Ending Location <u>Chestnut/Pine</u>	
	Beginning Time <u>8:30 AM</u>	Ending Time <u>10:30 AM</u>	
Street Name <u>Lake</u>	Beginning Location <u>Cass</u>	Ending Location <u>Chestnut/Pine</u>	
	Beginning Time <u>5:30 AM</u>	Ending Time <u>7:30 AM</u>	
Street Name <u>Harris</u>	Beginning Location _____	Ending Location _____	Block off
	Beginning Time _____ AM/PM	Ending Time _____ AM/PM	
Street Name <u>Bark Drive</u>	Beginning Location _____	Ending Location _____	
<u>Re-Routed</u>	Beginning Time _____ AM/PM	Ending Time _____ AM/PM	

Date ____/____/____		Parking Lot Closures	
Lot Location _____	Street _____	Nearest Cross Street _____	
	Beginning Time _____ AM/PM	Ending Time _____ AM/PM	
Lot Location _____	Street _____	Nearest Cross Street _____	
	Beginning Time _____ AM/PM	Ending Time _____ AM/PM	
Lot Location _____	Street _____	Nearest Cross Street _____	
	Beginning Time _____ AM/PM	Ending Time _____ AM/PM	

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Bob Mathews Signature Bob Mathews Date 06/11/19

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.

For Office Use Only

Streets _____	Date Approved _____	Comments _____
Parks _____	Date Approved _____	Comments _____
Fire _____	Date Approved _____	Comments _____
Police _____	Date Approved _____	Comments _____
City Manager _____	Date Approved _____	Comments _____
City Council _____	Date Approved _____	Comments _____



200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 8-12-19

City Received Date

MUST BE OFFICIALLY CITY DATE STAMP

Street & Parking Lot Closure Request Form

Please fill out a separate form for each date

Reason for Request Rotary White Pine Ridge

Contact Person Mark Lagerwey

Contact Email

Date: __/__/__

Street Closures

Street Name Beginning Location Ending Location

Beginning Time __: __ AM/PM Ending Time __: __ AM/PM

Street Name Beginning Location Ending Location

Beginning Time __: __ AM/PM Ending Time __: __ AM/PM

Street Name Beginning Location Ending Location

Beginning Time __: __ AM/PM Ending Time __: __ AM/PM

Street Name Beginning Location Ending Location

Beginning Time __: __ AM/PM Ending Time __: __ AM/PM

Date 8/10/19

Parking Lot Closures

Lot Location Southern Pavilion Street Lake Nearest Cross Street Cass/Chapin
Beginning Time 7:00 AM/PM Ending Time 5:00 AM/PM

Lot Location Street Nearest Cross Street
Beginning Time __: __ AM/PM Ending Time __: __ AM/PM

Lot Location Street Nearest Cross Street
Beginning Time __: __ AM/PM Ending Time __: __ AM/PM

Form must be mailed or delivered to the above address or emailed to: javila@cadillac-mi.net (No Faxes accepted)

I understand and agree to these requirements & understand if these are not met the request will be denied.

Print Name Mark Lagerwey Signature Mark Lagerwey Date 8/12/19

Request will be reviewed & you will be notified if additional information is needed and/or if request is approved or denied.



200 N. Lake Street
Cadillac MI 49601
Phone (231) 775-0181
www.cadillac-mi.net

Today's Date 8-07-2019

City Received Date

The Market at the Cadillac Commons Reservation Form

Event Rotary Club of Cadillac White Pine Ride ^{Please Submit 60-days Prior to Event Date} Sept 6+7

Special Requests: Please Circle

Electricity/Lights

Heat

Wind Screens

Sept 6 - 6-10 pm registration pickup
Sept 7 - 6am to 5pm ride day

Usage Rules:

1. Profanity and offensive language is strictly prohibited.
2. Noise must be limited to levels that do not disturb the peace, and must be lowered at the City's request.
3. No decorations, props, or appurtenances shall be used or placed in a manner that will cause damage to the Market, grounds (including trees), or surrounding areas. The use of nails, tacks, staples, etc. is strictly prohibited, along with the use of stakes in the ground.
4. Any signage or decorations must be removed immediately following any event.
5. The sale of food and non-alcoholic beverages may require an additional license. (Code of Ordinances-Chapter 28)
6. The consumption or sale of alcoholic beverages requires approval of City Council. (Code of Ordinances-Chapter 26)
7. Quilted floor **MUST BE** protected at all times please make sure tables; chairs and etc. are equipped with rubber or felt protection.

Reservation Fees:

- Daily Rate (4 hours or more) \$100
- Hourly Rate (less than 4 hours) \$55 per hour
- Non-Profit Daily Rate (4 hours or more) \$50
- Non-Profit Hourly Rate (less than 4 hours) \$25 per hour

Reoccurring Events: Events that are a minimum of once a week, for four consecutive weeks or more

- Daily Rate of \$25:
- Non-Profit Daily Rate of \$15

All Fee options require a deposit of \$25 that will be applied to your total cost to hold your date(s), and would only be refunded if event was denied for any reason.

Market Hours 7:00 AM through 11:00 PM

I understand and agree to comply with these rules, and acknowledge that the City reserves the right to change or cancel any event or program that is not in compliance with them.

Signature

Form must be mailed/emailed or delivered to Cadillac City Hall, Attention Events Coordinator at
200 N. Lake Street in Cadillac, MI 49601
javila@cadillac-mi.net

August 19, 2019

Council Communication

Re: Fall Color Tour signage

As noted by the attached request, the Cadillac Area Visitors Bureau has requested permission to place four directional signs identifying routes for the Fall Color Tour starting August 23rd through November 11, 2019.

Visitors Bureau has put up signs in previous years identifying routes for the Fall Color Tour. Staff has reviewed the request and supports the program subject to the following conditions;

1. All four signs shall be maintained throughout the period of display and secured with zip ties to the existing poles.
2. The requested locations are;
 - In front of Willow Mercantile on South Mitchell St.
 - On Sunnyside Drive near the intersection with M-115.
 - Just southeast of the Shell station at the intersection of M-115 and M-55 in Cadillac West.
 - Located on East Cass Street east of the intersection with Mitchell Street.
3. Signs shall be removed no later than November 11, 2018.

Requested Council Action

Council is asked to approve the request of the Cadillac Area Visitors Bureau subject to the above conditions.



City of Cadillac
200 N. Lake Street
Cadillac, MI 49601

August 15, 2019

To Whom It May Concern:

The Cadillac Area Visitors Bureau requests permission to place 4 Fall Color Route directional signs in 4 different locations – in front of Willow Mercantile, on Sunnyside Drive at intersection M-115, just before the Shell Gas Station in Cadillac West, and about 200 ft from the traffic light on Cass Street heading towards Lake City. The signs will be in those locations August 23 until November 11, 2019. The signs will be attached using zip ties to current sign poles.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Morehouse". The signature is written in a cursive, flowing style.

Stephanie Morehouse
Cadillac Area Visitors Bureau

August 19, 2019

COUNCIL COMMUNICATION

Re: Reappointment to Cadillac-Wexford Airport Authority – Karl Holder

Karl Holder has expressed interest in continuing his service on the Cadillac-Wexford Airport Authority for another 2-year term. Karl was originally appointed in 2017.

Recommended Council Action:

Reappoint Karl Holder to a 2-year term on the Cadillac-Wexford Airport Authority, which will end on 8/21/21.

August 19, 2019

COUNCIL COMMUNICATION

Re: Reappointment to Downtown Development Authority – Bill Cinco

Bill Cinco has expressed interest in continuing his service on the Downtown Development Authority for a 4-year term. Bill has been a member of this board since 1996.

Recommended Council Action:

Reappoint Bill Cinco to a 4-year term on the Downtown Development Authority, which will end on 8/16/2023.

August 19, 2019

Council Communication

Re: Purchase of two (2) service trucks

The FY2020 budget for the Water and Sewer Fund includes appropriations of \$55,000 for the replacement of two (2) service trucks. The City recently sought competitive bids for these trucks and the following bids were received:

Dealer	Truck #1	Truck #2	Total
Signature Ford-Lincoln Owosso, Michigan	\$28,312	\$28,051	\$56,363
Jorgensen Ford Detroit, Michigan	\$29,000	\$28,669	\$57,669

Recommended Action

It is recommended that the purchase of two (2) work trucks be awarded to Signature Ford-Lincoln in the amount of \$56,363. Funds are available in the FY2020 budget of the Water and Sewer Fund.

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

RESOLUTION NO. 2019-_____

**RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR
AN ORDINANCE TO ADD NEW SECTION 10-2 TO CHAPTER 10 OF THE CADILLAC CITY
CODE TO ALLOW CERTAIN RECREATIONAL MARIHUANA ESTABLISHMENTS
OPERATED IN ACCORDANCE WITH STATE LAW**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the 19th day of August, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and
seconded by _____ .

WHEREAS, the City wishes to consider an ordinance to add a section 10-2 to the City Code to allow for certain recreational marihuana establishments in the City in accordance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.; and

WHEREAS, Section 5.2 of the City Charter requires the City to hold a public hearing prior to final adoption of said ordinance and publish notice once at least five (5) days prior to the public hearing.

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County, Michigan, resolves as follows:

1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2019-____, Ordinance to Add New Section 10-2 to Chapter 10 of the Cadillac City Code to Allow Certain Recreational Marihuana Establishments Operated in Accordance with State Law (the "Ordinance," attached as Exhibit A).

2. A public hearing regarding the Ordinance shall be held on the 3rd day of September, 2019, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.

3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.

4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.

5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-____, duly adopted at a meeting of the City Council held on the 19th day of August, 2019.

Sandra Wasson
Cadillac City Clerk

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

ORDINANCE NO. ____

**AN ORDINANCE TO ADD NEW SECTION 10-2 TO CHAPTER 10 OF THE
CADILLAC CITY CODE TO ALLOW CERTAIN RECREATIONAL MARIHUANA
ESTABLISHMENTS OPERATED IN ACCORDANCE WITH STATE LAW**

Section 1. Amendment. Chapter 10 of the Cadillac City Code is hereby amended to add new Section 10-2, which shall read in its entirety as follows:

RECREATIONAL MARIHUANA ESTABLISHMENTS

10.2-01 Definitions.

The following words and phrases have the meanings ascribed to them when used in this chapter:

- (a) *Co-location or co-located* means the siting and operation of a combination of multiple establishments or establishment types at a single location.
- (b) *Designated consumption establishment* means a commercial space that is licensed by LARA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.
- (c) *Emergency Rules* means the emergency rules for adult-use marihuana establishments issued by LARA on or about July 3, 2019.
- (d) *Excess marihuana grower* means a license issued by LARA to a person holding five class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (e) *LARA* means the Department of Licensing and Regulatory Affairs and any successor department or agency within the department, including the Marihuana Regulatory Agency.
- (f) *Licensee* means a person holding a state operating license for a marihuana establishment.
- (g) *Marihuana* means all parts of the plant genus cannabis, growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or

preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp.

- (h) *Marihuana establishment* means a marihuana grower, marihuana safety compliance establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by LARA under the MRTMA.
- (i) *Marihuana event organizer* means a person licensed to apply for a temporary marihuana event license under the Emergency Rules.
- (j) *Marihuana grower* means a person licensed by LARA to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (k) *Marihuana microbusiness* means a person licensed by LARA to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments.
- (l) *Marihuana processor* means a person licensed by LARA to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (m) *Marihuana retailer* means a person licensed by LARA to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (n) *Marihuana secure transporter* means a person licensed by LARA to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (o) *Marihuana safety compliance establishment* means a person licensed by LARA to test marihuana, including certification for potency and the presence of contaminants.
- (p) *MMMA* means the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, MCL 333.26424 *et seq.*
- (q) *MMMFLA* means the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (r) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.*
- (s) *MRTMA rules* means rules, including emergency rules, promulgated by LARA to implement the MRTMA.

- (t) *Prequalification step* or *prequalified* means the portion of the application for a state operating license pertaining to the applicant's financial background and the criminal history of the applicant and other associated persons, as provided by Emergency Rule 6.
- (u) *Stacked grower license* means more than 1 state operating license issued to a single licensee to operate as a grower of class C-1,500 marihuana plants as specified in each license at an establishment.
- (v) *State operating license* or, unless the context requires a different meaning, "*license*" means a license that is issued by LARA under the MRTMA that allows the licensee to operate a marihuana establishment.

10.2-02 Authorized Establishments.

- (a) *Authorization and special use permit required.* No person shall operate a marihuana establishment in the City without an authorization issued by the City pursuant to the provisions of this Ordinance and a special use permit pursuant to this Ordinance and the City Zoning Ordinance.
- (b) *Number of establishments eligible for authorization.* The following numbers of marihuana establishments may be authorized to operate in the City, subject to this Ordinance:
 - (1) Not more than _____ growers operating under Class A licenses;
 - (2) Not more than _____ growers operating under Class B licenses;
 - (3) Not more than _____ growers operating under Class C licenses;
 - (4) Not more than _____ retailers;
 - (5) Not more than _____ processors;
 - (6) Not more than _____ secure transporters;
 - (7) Not more than _____ safety compliance establishments;
 - (8) Not more than _____ microbusinesses;
 - (9) Zero designated consumption establishments (prohibited in the City);
 - (10) Zero excess marihuana growers (prohibited in the City); and
 - (11) Zero temporary marihuana events (prohibited in the City).

- (c) *Co-location and stacked licenses.* Co-location and stacked grower licenses are prohibited in the City.
- (d) *Final authorization from City required.* The authorization process described Section 10-2.03 determines the locations in the City at which establishments may operate. A proposed establishment is not eligible to operate until the Clerk grants final authorization pursuant to Section 10-2.03(d) and until the applicant receives a special use permit under the City Zoning Ordinance and all required approvals and licenses from LARA.

10.2-03 Application for Authorization.

- (a) *Timing of Submission.* Beginning on _____, 20__, a person may apply for authorization to operate an establishment within the City by complying with the requirements of this section.
- (b) *Required Application Materials.* An application is not considered complete until all of the following are received by the City Clerk:
 - (1) A nonrefundable application fee in an amount established by resolution of the City Council.
 - (2) An advance of the annual administrative fee established in Section 10-2.05(d).
 - (3) A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, and officers of the proposed establishment.
 - (4) A signed application (available in the Clerk's office), which must include all of the following information and documents:
 - (A) If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;
 - (B) If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;

- (C) The name, address, tax identification number, and current zoning designations of the proposed marihuana establishment;
 - (D) The name and address of the current property owner of record;
 - (E) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's.
 - a. An applicant may submit applications for multiple properties.
 - b. However, only one application shall be submitted per property, unless the applications are for proposed co-located establishments.
 - (F) The proposed establishment type;
 - (G) A complete list of all marihuana permits and licenses held by the applicant;
 - (H) Written consent for the City to inspect the establishment at any time during normal business hours to ensure compliance with applicable laws and regulations;
 - (I) A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (closest property line to the subject marihuana establishment's building) to the closest real property comprising a public or private elementary, vocational or secondary school;
 - (J) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MRTMA (including documents submitted for prequalification);
 - (K) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MMFLA, if applicable;
 - (L) A copy of all documents issued by LARA indicating that the applicant has been prequalified for a state operating license under the MRTMA;
 - (M) Any other information reasonably requested by the City relevant to the processing or consideration of the application.
- (c) *Initial receipt period set by resolution.* For any establishment type subject to numerical limitations under Section 10-2.02, the City shall establish an initial receipt period that will commence on _____, 20__, and will end on _____, 20__.

- (d) *Clerk action upon receipt.* The Clerk will accept and receive any complete application that includes the information and documents required by Section 10-2.03(b), unless the City has already received an application for the same property from another applicant. Upon receiving a complete application, the Clerk will time- and date-stamp the application and inform the applicant of the following:
- (1) The number of existing establishments of the proposed establishment type currently operating within the City;
 - (2) The number of pending applications for the desired establishment type; and
 - (3) The process by which an applicant will be selected pursuant to subparagraph (e).
- (e) *Conditional authorization and competitive process.* The Clerk will conditionally authorize establishments as follows:
- (1) If, after close of business on the end date of the initial receipt period, the City has received more applications for a given establishment type than would be permitted under Section 10-2.02, the City will decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with the MRTMA in the City. The City will provide applicants with twenty-one (21) calendar days' notice that the applicants must provide supplemental written information and documentation to the City indicating whether the applicant satisfies each of the following criteria:

Scoring category	Available points
Background of the applicant, including past ownership interest in a business or businesses operating in the State of Michigan; past compliance with business licensing requirements, including marihuana business licenses issued by LARA; current medical marihuana facility license status in the City; history of compliance with City and state regulations associated with existing medical marihuana facility licenses held in the City; and residency in the City, county, or region.	Twenty (20) points
Human resources, including the number of full-time equivalent employees; the percent of such employees that are residents of the City; and the proposed minimum rate of pay for all employees.	Twenty (20) points
Physical investment, including the applicant's proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the establishment.	Twenty (20) points
Area impact, including the proximity of the establishment to properties zoned or used residentially; and plans for litter control, loitering, neighborhood outreach, noise mitigation, odor mitigation, resident safety, and traffic mitigation.	Ten (10) points

Business operations, including a business plan; charitable giving plan; financing plan; marketing and promotion plan, with an emphasis on reducing exposure to minors; and strategic plan.	Ten (10) points
Establishment design, including the provision of glazing, landscaping, and screening above City minimum requirements; the use of durable building materials; compliance with the Americans with Disabilities Act; and implementation of Crime Prevention Through Environmental Design (CPTED) principles.	Ten (10) points
Energy efficiency, including Energy Star certification; Michigan Energy Code compliance; use of energy from carbon-free sources; and use of WaterSense fixtures.	Five (5) points
Infrastructure impact, including the utilization of green infrastructure or low-impact development design principles to manage stormwater; and the provision of non-motorized transportation infrastructure in excess of City requirements.	Five (5) points

- (2) Upon timely receipt of the supplemental information described in subparagraph (1), the City Council or its designees shall assign points for the criteria that are satisfied pursuant to the chart in subparagraph (1) and shall, based on the resulting scores, select applicants who are best suited to operate in compliance with the MRTMA in the City. The City shall notify the selected applicants that they have been granted conditional authorization. In the event of a tie score, the City Council or its designee shall select the applicant who, based on the totality of the circumstances, the City finds is best suited to operate in compliance with the MRTMA.
 - (3) If an applicant does not timely submit the supplemental information described in subparagraph (1), then the application shall be discarded and shall not be considered under subparagraph (2).
 - (4) For any establishment type not subject to numerical limits under Section 10-2.02, or otherwise not subject to the competitive process described in subsection (e)(1), the Clerk will conditionally authorize establishments in the order in which applications are received.
 - (5) Once the Clerk has issued conditional authorizations for all of the establishments of a given establishment type that would be permitted under Section 10-2.02, the Clerk will place subsequent applications at the end of the waiting list for that establishment type. Applications shall be included on the waiting list in the order designated by the City Council or its designees under subparagraph (2).
- (f) *Final authorization.* The Clerk will grant final authorization for the establishment if the applicant:

- (1) Submits the paperwork for the establishment-specific step of the application for a state operating license to LARA within 30 days of receiving conditional authorization;
 - (2) Submits an application for special use authorization pursuant to the City Zoning Ordinance within 30 days of receiving conditional authorization;
 - (3) Obtains special use authorization within 6 months of receiving conditional authorization; and
 - (4) Receives all required operating licenses and approvals from LARA within 18 months after conditional authorization is granted.
- (g) *Expiration of conditional authorization.* If the applicant for a conditionally authorized establishment fails to satisfy any of the deadlines established above, the conditional authorization will expire. The City Council may extend any of the deadlines upon a showing of good cause.
- (h) *Waiting list and refund of administrative fee.* The Clerk will keep and maintain the waiting lists established pursuant to subsection (e) until the maximum number of establishments of the type to which the list pertains are operating in the City (at which time the Clerk will discard the waiting list). If a conditional authorization for a proposed establishment of that establishment type expires, the Clerk will conditionally authorize the next application on the waiting list. Upon discarding the waiting list, the Clerk will refund the advance of the annual administrative fee established in section 10-2.05(e) to all applicants remaining on the waiting list.
- (i) *Newly available authorizations.*
- (1) For establishment types for which the maximum number of establishments specified in Section 10-2.02 are operating in the City, an authorization will become available when:
 - (A) The state operating license for an establishment with final authorization expires or is revoked by LARA; or
 - (B) This chapter is amended to authorize additional establishments of that establishment type.
 - (2) When an authorization becomes available as described in subsection (h)(1), the City Clerk will select a date within the next 60 days on which the City will begin accepting applications from interested persons, and will publish notice of the selected date in a newspaper of general circulation.
 - (3) On the selected date, the Clerk will begin accepting applications using the same process described in subsections (c) and (d) above. If multiple applications are

received on that date, the City Council or designee will request supplemental information and conduct a competitive selection process as outlined in section 10-2.03(e) above.

10.2-04 Relocation of Establishments, Transfers of Licenses, and Expansion of Grow Operations.

- (a) An existing establishment may be moved to a new location in the City, subject to applicable zoning regulations, prior City Council approval, and approval by LARA. In deciding whether to approve a new location for an existing establishment, the City Council shall consider the following nonexclusive factors:
 - a. The impact of the establishment's new location on traffic, parking, public safety, noise, and aesthetics;
 - b. The impact of the establishment's new location on the community as a whole; and
 - c. The existing establishment's compliance with City ordinances and with state law and administrative rules.
- (b) A license for an existing establishment may be transferred to a new licensee that intends to continue operating at the same location, subject to approval by City Council and LARA.
- (c) A licensee may expand growing operations by upgrading the class of the license (e.g., from class A to class B, or from class B to class C), subject to all the limitations (including limitations on the number of establishment types) set forth in Section 10-2.02. To do so, the licensee must submit a new application to the City satisfying the requirements in 10-2.03(a), which shall include payment of the application fee and an advance of any additional annual administrative fee. The application shall be conditionally approved upon receipt of all required materials and compliance with this Ordinance, the MRTMA, and all requirements imposed by LARA.

10.2-05 General Regulations.

- (a) *Submission of supplementary information to the City.* Applicants for City authorization and persons operating existing establishments in the City must provide the City Clerk with copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA. The documents must be provided to the Clerk within 7 days of submission to LARA, and may be submitted electronically to the City unless otherwise requested by the Clerk.
- (b) *Compliance with applicable laws and regulations.* Adult-use marihuana establishments must be operated in compliance with the MRTMA, MRTMA rules, all conditions of the establishment's state operating licenses, and all applicable City ordinances. Compliance with the foregoing does not create immunity from prosecution by federal authorities or other authorities of competent jurisdiction.

- (c) *No consumption on premises.* No smoking, inhalation, or other consumption of marihuana shall take place on or within the premises of any establishment. It shall be a violation of this chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marihuana on or within a premises in violation of this section:
- (1) The person had control over the premises or the portion of the premises where the marihuana was consumed;
 - (2) The person knew or reasonably should have known that the marihuana was consumed; and
 - (3) The person failed to take corrective action.
- (d) *Annual fee.* A licensee must pay a fee of \$5,000, for each license used within the City in order to help defray administrative and enforcement costs. The initial annual fee(s) must be paid to the City Clerk when the application for City approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license.

10.2-06 Violations.

- (a) *Request for revocation of state operating license.* If at any time an authorized establishment violates this chapter or any other applicable City ordinance, the City Council may request that LARA revoke or refrain from renewing the establishment's state operating license.
- (b) *Civil infraction.* It is unlawful to disobey, neglect, or refuse to comply with any provision of this chapter. A violation of this chapter is a municipal civil infraction. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to the following fines:
- (1) First violation = \$500
 - (2) Second offense = \$2,500
 - (3) Each subsequent offense = \$5,000
- (c) *Other remedies.* The foregoing sanctions are in addition to the City's right to seek other appropriate and proper remedies, including actions in law or equity.

10.2-07 Policy Review in 2020.

On or before December 31, 2020, City staff shall submit a report to the City Council regarding the administration of this ordinance and the provisions of the zoning ordinance pertaining to adult-use

marihuana, and regarding any other pertinent information relating to the operation of adult-use marihuana establishments in the City. The report may include proposed ordinance amendments or other proposed policy changes.

Section 2. Publication and Effective Date. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

YEAS: Council Member(s) _____

NAYS: Council Member(s) _____

ABSTAIN: Council Member(s) _____

ABSENT: Council Member(s) _____

CERTIFICATION

As the City Clerk of the City of Cadillac, Wexford County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Cadillac City Council at a regular meeting held on _____, 2019.

Date: _____, 2019

Carla J. Filkins, Mayor

Date: _____, 2019

Sandra Wasson, City Clerk

Introduced: _____, 2019

Adopted: _____, 2019

Published: _____, 2019

Effective: _____, 2019

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on September 3, 2019, at 6:00 p.m., at a Meeting of the City Council, to consider the adoption of Ordinance No. 2019-__, Ordinance to Add New Section 10-2 to Chapter 10 of the Cadillac City Code to Allow Certain Recreational Marihuana Establishments Operated in Accordance with State Law. The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

**AN ORDINANCE TO ADD NEW SECTION 10-2 TO CHAPTER 10 OF THE
CADILLAC CITY CODE TO ALLOW CERTAIN RECREATIONAL MARIHUANA
ESTABLISHMENTS OPERATED IN ACCORDANCE WITH STATE LAW**

Section 1 of the proposed ordinance amends Chapter 10 of the City Code to add a Section 10-2 which will regulate recreational marihuana establishments including, among other things the number and type of establishments eligible for authorization, an application and scoring process for authorization, relocation of establishments, transfers of licenses, expansion of growing operations, and enforcement provisions.

Section 2 provides the effective date of the ordinance.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk
Cadillac Municipal Complex
200 N. Lake Street
Cadillac, Michigan 49601
Telephone No: (231) 775-0181

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Robert J. Engels
Stephen King

RESOLUTION NO. 2019-_____

**RESOLUTION INTRODUCING AND SETTING PUBLIC HEARING FOR
AN ORDINANCE TO ADD NEW SECTION 10-3 TO CHAPTER 10 OF THE CADILLAC CITY
CODE TO ALLOW CERTAIN MEDICAL MARIHUANA FACILITIES OPERATED IN
ACCORDANCE WITH STATE LAW**

At a meeting of the City Council of the City of Cadillac, Wexford County, Michigan, held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on the 19th day of August, 2019, at 6:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and
seconded by _____ .

WHEREAS, the City wishes to consider an ordinance to add a section 10-3 to the City Code to allow for certain medical marihuana facilities in the City in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, MCL 333.26424 *et seq.* and the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*; and

WHEREAS, Section 5.2 of the City Charter requires the City to hold a public hearing prior to final adoption of said ordinance and publish notice once at least five (5) days prior to the public hearing.

NOW, THEREFORE, the City Council of the City of Cadillac, Wexford County, Michigan, resolves as follows:

1. Pursuant to Section 5.2 of the City Charter, the City introduces Ordinance No. 2019-____, Ordinance to Add New Section 10-3 to Chapter 10 of the Cadillac City Code to Allow Certain Medical Marihuana Facilities Operated in Accordance with State Law (the "Ordinance," attached as Exhibit A).

2. A public hearing regarding the Ordinance shall be held on the 3rd day of September, 2019, at 6:00 p.m. in the Council Chambers, Cadillac Municipal Complex, 200 Lake Street, Cadillac, Michigan.

3. The City Clerk is directed to publish a summary of the Ordinance in a newspaper of general circulation in the City of Cadillac, together with a notice setting the time and place for a public hearing on the Ordinance, within seven (7) days. The summary and notice of the hearing shall be substantially in the form of Exhibit B.

4. A copy of the Ordinance shall be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.

5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF WEXFORD)

I, Sandra Wasson, City Clerk of the City of Cadillac, hereby certify this to be a true and complete copy of Resolution No. 2019-____, duly adopted at a meeting of the City Council held on the 19th day of August, 2019.

Sandra Wasson

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

ORDINANCE NO. ____

**AN ORDINANCE TO ADD NEW SECTION 10-3 TO CHAPTER 10 OF THE
CADILLAC CITY CODE TO ALLOW CERTAIN MEDICAL MARIHUANA
FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW**

Section 1. Amendment. Chapter 10 of the Cadillac City Code is hereby amended to add new Section 10-3, which shall read in its entirety as follows:

MEDICAL MARIHUANA FACILITIES

10.2-01 Definitions.

The following words and phrases have the meanings ascribed to them when used in this chapter:

- (a) *Administrative Rules* means the administrative rules for medical marihuana facilities issued by LARA on or about November 27, 2018.
- (b) *Co-location or co-located* means the siting and operation of a combination of multiple facilities or facility types at a single location.
- (c) *LARA* means the Department of Licensing and Regulatory Affairs and any successor department or agency within the department, including the Bureau of Medical Marihuana Regulation, Medical Marihuana Licensing Board, and/or the Marihuana Regulatory Agency.
- (d) *Licensee* means a person holding a state operating license for a medical marihuana facility.
- (e) *Marihuana* means all parts of the plant genus cannabis, growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp.

- (f) *Medical marihuana facility* means a medical marihuana grower, medical marihuana safety compliance facility, medical marihuana processor, medical marihuana secure transporter, medical marihuana provisioning center, or any other type of medical marihuana-related business licensed by LARA under the MMFLA.
- (g) *Medical marihuana grower* means a commercial entity located in this state and licensed by LARA that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- (h) *Marihuana processor* means a commercial entity located in this state and licensed by LARA that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
- (i) *Medical marihuana provisioning center* means a commercial entity located in this state and licensed by LARA that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. *Provisioning center* includes any commercial property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through LARA's medical marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this Ordinance.
- (j) *Medical marihuana secure transporter* means a commercial entity located in this state and licensed by LARA that stores marihuana and transports marihuana between marihuana facilities for a fee.
- (k) *Medical marihuana safety compliance facility* means a commercial entity licensed by LARA that takes marihuana from a medical marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.
- (l) *MMMA* means the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, MCL 333.26424 *et seq.*
- (m) *MMFLA* means the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (n) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.*

- (o) *Prequalification step* or *prequalified* means the portion of the application for a state operating license pertaining to the applicant's financial background and the criminal history of the applicant and other associated persons.
- (p) *Stacked grower license* means more than 1 state operating license issued to a single licensee to operate as a grower of class C-1,500 marihuana plants as specified in each license at an facility.
- (q) *State operating license* or, unless the context requires a different meaning, "*license*" means a license that is issued by LARA under the MMFLA that allows the licensee to operate a medical marihuana facility.

10.2-02 Authorized Facilities.

- (a) *Authorization and special use permit required.* No person shall operate a medical marihuana facility in the City without an authorization issued by the City pursuant to the provisions of this Ordinance and a special use permit pursuant to this Ordinance and the City Zoning Ordinance.
- (b) *Number of facilities eligible for authorization.* The following numbers of medical marihuana facilities may be authorized to operate in the City, subject to this Ordinance:
 - (1) Not more than _____ growers operating under Class A licenses;
 - (2) Not more than _____ growers operating under Class B licenses;
 - (3) Not more than _____ growers operating under Class C licenses;
 - (4) Not more than _____ provisioning centers;
 - (5) Not more than _____ processors;
 - (6) Not more than _____ secure transporters;
 - (7) Not more than _____ safety compliance facilities;
- (c) *Co-location and stacked licenses.* Co-location and stacked grower licenses are prohibited in the City.
- (d) *Final authorization from City required.* The authorization process described Section 10-3.03 determines the locations in the City at which facilities may operate. A proposed facility is not eligible to operate until the Clerk grants final authorization pursuant to Section 10-3.03(d) and until the applicant receives a special use permit under the City Zoning Ordinance and all required approvals and licenses from LARA.

10.2-03 Application for Authorization.

- (a) *Timing of Submission.* Beginning on _____, 20__, a person may apply for authorization to operate a medical marihuana facility within the City by complying with the requirements of this section.
- (b) *Required Application Materials.* An application is not considered complete until all of the following are received by the City Clerk:
 - (1) A nonrefundable application fee in an amount established by resolution of the City Council.
 - (2) An advance of the annual administrative fee established in Section 10-3.05(d).
 - (3) A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, and officers of the proposed facility.
 - (4) A signed application (available in the Clerk's office), which must include all of the following information and documents:
 - (A) If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including administrative contact information;
 - (B) If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking representative as an administrative contact person; contact information for the administrative contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;
 - (C) The name, address, tax identification number, and current zoning designations of the proposed medical marihuana facility;
 - (D) The name and address of the current property owner of record;
 - (E) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner's signature is required in addition to the applicant's.

- a. An applicant may submit applications for multiple properties.
 - b. However, only one application shall be submitted per property.
 - (F) The proposed facility type;
 - (G) A complete list of all marihuana permits and licenses held by the applicant;
 - (H) Written consent for the City to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations;
 - (I) A location area map of the marihuana facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject marihuana facility's building) to the closest real property comprising a public or private elementary, vocational, or secondary school;
 - (J) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MMFLA (including documents submitted for prequalification);
 - (K) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MRTMA, if applicable;
 - (L) A copy of all documents issued by LARA indicating that the applicant has been prequalified for a state operating license under the MMFLA;
 - (M) Any other information reasonably requested by the City relevant to the processing or consideration of the application.
- (c) *Initial receipt period set by resolution.* For any facility type subject to numerical limitations under Section 10-3.02, the City shall establish an initial receipt period that will commence on _____, 20__, and will end on _____, 20__.
- (d) *Clerk action upon receipt.* The Clerk will accept and receive any complete application that includes the information and documents required by Section 10-3.03(b), unless the City has already received an application for the same property from another applicant. Upon receiving a complete application, the Clerk will time- and date-stamp the application and inform the applicant of the following:
- (1) The number of existing facilities of the proposed facility type currently operating within the City;

- (2) The number of pending applications for the desired facility type; and
 - (3) The process by which an applicant will be selected pursuant to subparagraph (e).
- (e) *Conditional authorization and random selection process.* The Clerk will conditionally authorize facilities as follows:
- (1) If, after close of business on the end date of the initial receipt period, the City has received more applications for a given facility type than would be permitted under Section 10-3.02, the City will decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with the MMFLA in the City. The City will provide applicants with twenty-one (21) calendar days' notice that the applicants must provide supplemental written information and documentation to the City indicating whether the applicant satisfies each of the following criteria:

Scoring category	Available points
Background of the applicant, including past ownership interest in a business or businesses operating in the State of Michigan; past compliance with business licensing requirements, including marihuana business licenses issued by LARA; current medical marihuana facility and/or adult-use marihuana establishment license status in the City; history of compliance with City and state regulations associated with existing marihuana facility or establishment licenses held in the City; and residency in the City, county, or region.	Twenty (20) points
Human resources, including the number of full-time equivalent employees; the percent of such employees that are residents of the City; and the proposed minimum rate of pay for all employees.	Twenty (20) points
Physical investment, including the applicant's proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the facility.	Twenty (20) points
Area impact, including the proximity of the facility to properties zoned or used residentially; and plans for litter control, loitering, neighborhood outreach, noise mitigation, odor mitigation, resident safety, and traffic mitigation.	Ten (10) points
Business operations, including a business plan; charitable giving plan; financing plan; marketing and promotion plan, with an emphasis on reducing exposure to minors; and strategic plan.	Ten (10) points
Facility design, including the provision of glazing, landscaping, and screening above City minimum requirements; the use of durable building materials; compliance with the Americans with Disabilities Act; and implementation of Crime Prevention Through Environmental Design (CPTED) principles.	Ten (10) points

Energy efficiency, including Energy Star certification; Michigan Energy Code compliance; use of energy from carbon-free sources; and use of WaterSense fixtures.	Five (5) points
Infrastructure impact, including the utilization of green infrastructure or low-impact development design principles to manage stormwater; and the provision of non-motorized transportation infrastructure in excess of City requirements.	Five (5) points

- (2) Upon timely receipt of the supplemental information described in subparagraph (1), the City Council or its designees shall assign points for the criteria that are satisfied pursuant to the chart in subparagraph (1) and shall, based on the resulting scores, select applicants who are best suited to operate in compliance with the MMFLA in the City. The City shall notify the selected applicants that they have been granted conditional authorization. In the event of a tie score, the City Council or its designee shall select the applicant who, based on the totality of the circumstances, the City finds is best suited to operate in compliance with the MMFLA the City.
 - (3) If an applicant does not timely submit the supplemental information described in subparagraph (1), then the application shall be discarded and shall not be considered under subparagraph (2).
 - (4) For any facility type not subject to numerical limits under Section 10-3.02, or otherwise not subject to the competitive process described in subsection (e)(1), the Clerk will conditionally authorize facilities in the order in which applications are received.
 - (5) Once the Clerk has issued conditional authorizations for all of the facilities of a given facility type that would be permitted under Section 10-3.02, the Clerk will place subsequent applications at the end of the waiting list for that facility type. Applications shall be included on the waiting list in the order designated by the City Council or its designees under subparagraph (2).
- (f) *Final authorization.* The Clerk will grant final authorization for the facility if the applicant:
- (1) Submits the paperwork for the facility-specific step of the application for a state operating license to LARA within 30 days of receiving conditional authorization;
 - (2) Submits an application for special use authorization pursuant to the City Zoning Ordinance within 30 days of receiving conditional authorization; and
 - (3) Obtains special use authorization within 6 months of receiving conditional authorization.

- (4) Receives all required operating licenses and approvals from LARA within 18 months after conditional authorization is granted;
- (g) *Expiration of conditional authorization.* If the applicant for a conditionally authorized facility fails to satisfy any of the deadlines established above, the conditional authorization will expire. The City Council may extend any of the deadlines upon a showing of good cause.
- (h) *Waiting list and refund of administrative fee.* The Clerk will keep and maintain the waiting lists established pursuant to subsection (e) until the maximum number of facilities of the type to which the list pertains are operating in the City (at which time the Clerk will discard the waiting list). If a conditional authorization for a proposed facility of that facility type expires, the Clerk will conditionally authorize the next application on the waiting list. Upon discarding the waiting list, the Clerk will refund the advance of the annual administrative fee established in section 10-3.05(e) to all applicants remaining on the waiting list.
- (i) *Newly available authorizations.*
 - (1) For facility types for which the maximum number of facilities specified in Section 10-3.02 are operating in the City, an authorization will become available when:
 - (A) The state operating license for an facility with final authorization expires or is revoked by LARA; or
 - (B) This chapter is amended to authorize additional facilities of that facility type.
 - (2) When an authorization becomes available as described in subsection (h)(1), the City Clerk will select a date within the next 60 days on which the City will begin accepting applications from interested persons, and will publish notice of the selected date in a newspaper of general circulation.
 - (3) On the selected date, the Clerk will begin accepting applications using the same process described in subsections (c) and (d) above. If multiple applications are received on that date, the City Council or designee will request supplemental information and conduct a competitive selection process as outlined in section 10-3.03(e) above.

10.2-04 Relocation of Facilities, Transfers of Licenses, and Expansion of Grow Operations.

- (a) An existing facility may be moved to a new location in the City, subject to applicable zoning regulations, prior City Council approval, and approval by LARA. In deciding whether to approve a new location for an existing facility, the City Council shall consider the following nonexclusive factors:

- a. The impact of the facility's new location on traffic, parking, public safety, noise, and aesthetics;
 - b. The impact of the facility's new location on the community as a whole; and
 - c. The existing facility's compliance with City ordinances and with state law and administrative rules.
- (b) A license for an existing facility may be transferred to a new licensee that intends to continue operating at the same location, subject to approval by City Council and LARA.
- (c) A licensee may expand growing operations by upgrading the class of the license (e.g., from class A to class B, or from class B to class C), subject to all the limitations (including limitations on the number of facility types) set forth in Section 10-3.02. To do so, the licensee must submit a new application to the City satisfying the requirements in 10-3.03(a), which shall include payment of the application fee and an advance of any additional annual administrative fee. The application shall be conditionally approved upon receipt of all required materials and compliance with this Ordinance, the MMFLA, and all requirements imposed by LARA.

10.2-05 General Regulations.

- (a) *Submission of supplementary information to the City.* Applicants for City authorization and persons operating existing facilities in the City must provide the City Clerk with copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA. The documents must be provided to the Clerk within 7 days of submission to LARA, and may be submitted electronically to the City unless otherwise requested by the Clerk.
- (b) *Compliance with applicable laws and regulations.* Medical marihuana facilities must be operated in compliance with the MMFLA, MMFLA administrative rules, all conditions of the facility's state operating licenses, and all applicable City ordinances. Compliance with the foregoing does not create immunity from prosecution by federal authorities or other authorities of competent jurisdiction.
- (c) *No consumption on premises.* No smoking, inhalation, or other consumption of marihuana shall take place on or within the premises of any facility. It shall be a violation of this chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marihuana on or within a premises in violation of this section:
 - (1) The person had control over the premises or the portion of the premises where the marihuana was consumed;

- (2) The person knew or reasonably should have known that the marihuana was consumed; and
- (3) The person failed to take corrective action.
- (d) *Annual fee.* A licensee must pay a fee of \$5,000, for each license used within the City in order to help defray administrative and enforcement costs. The initial annual fee(s) must be paid to the City Clerk when the application for City approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license.

10.2-06 Violations.

- (a) *Request for revocation of state operating license.* If at any time an authorized facility violates this chapter or any other applicable City ordinance, the City Council may request that LARA revoke or refrain from renewing the facility's state operating license.
- (b) *Civil infraction.* It is unlawful to disobey, neglect, or refuse to comply with any provision of this chapter. A violation of this chapter is a municipal civil infraction. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to the following fines:
 - (1) First violation = \$500
 - (2) Second offense = \$2,500
 - (3) Each subsequent offense = \$5,000
- (c) *Other remedies.* The foregoing sanctions are in addition to the City's right to seek other appropriate and proper remedies, including actions in law or equity.

10.2-07 Policy Review in 2020.

On or before December 31, 2020, City staff shall submit a report to the City Council regarding the administration of this ordinance and the provisions of the zoning ordinance pertaining to medical marihuana, and regarding any other pertinent information relating to the operation of medical marihuana facilities in the City. The report may include proposed ordinance amendments or other proposed policy changes.

Section 2. Publication and Effective Date. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will take effect 30 days after its adoption.

YEAS: Council Member(s) _____
NAYS: Council Member(s) _____
ABSTAIN: Council Member(s) _____
ABSENT: Council Member(s) _____

CERTIFICATION

As the City Clerk of the City of Cadillac, Wexford County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Cadillac City Council at a regular meeting held on _____, 2019.

Date: _____, 2019

Carla J. Filkins, Mayor

Date: _____, 2019

Sandra Wasson, City Clerk

Introduced: _____, 2019

Adopted: _____, 2019

Published: _____, 2019

Effective: _____, 2019

City Council

200 North Lake Street
Cadillac, Michigan 49601
Phone (231) 775-0181
Fax (231) 775-8755



Mayor
Carla J. Filkins

Mayor Pro-Tem
Shari Spoelman

Councilmembers
Tiyi Schippers
Stephen King
Robert J. Engels

NOTICE OF PROPOSED ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the Council Chambers, Cadillac Municipal Complex, 200 North Lake Street, Cadillac, Michigan, on September 3, 2019, at 6:00 p.m., at a Meeting of the City Council, to consider the adoption of Ordinance No. 2019-__, Ordinance to Add New Section 10-3 to Chapter 10 of the Cadillac City Code to Allow Certain Medical Marihuana Facilities Operated in Accordance with State Law. The City of Cadillac complies with the "Americans with Disabilities Act." If auxiliary aids or services are required at a public meeting for individuals with disabilities, please contact Sandra Wasson, City Clerk, at least three (3) business days prior to any such meeting. Copies of the proposed ordinance are available for examination at the office of the City Clerk and copies may be provided at a reasonable charge. The following is a summary of the proposed ordinance.

**AN ORDINANCE TO ADD NEW SECTION 10-3 TO CHAPTER 10 OF THE
CADILLAC CITY CODE TO ALLOW CERTAIN MEDICAL MARIHUANA
FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW**

Section 1 of the proposed ordinance amends Chapter 10 of the City Code to add a Section 10-3 which will regulate medical marihuana facilities including, among other things, the number and type of facilities eligible for authorization, an application and scoring process for authorization, relocation of facilities, transfers of licenses, expansion of growing operations, and enforcement.

Section 2 provides the effective date of the ordinance.

CITY COUNCIL OF THE
CITY OF CADILLAC, MICHIGAN

By: Sandra Wasson, City Clerk
Cadillac Municipal Complex
200 N. Lake Street
Cadillac, Michigan 49601
Telephone No: (231) 775-0181