THE CITY OF CHARLOTTE MICHIGAN

PROPOSED AGENDA
REGULAR MEETING OF THE CHARLOTTE CITY COUNCIL
111 E. Lawrence Ave, Charlotte, MI 48813 (517) 543-2750
7:00 P.M. Wednesday, July 05, 2023

Interested persons can participate in-person or via Zoom
Connect to Zoom from your computer, tablet, or smartphone
Website: https://us02web.zoom.us/j/81974921481
One tap mobile: +16465588656,,81974921481#
Telephone: (312) 626-6799 Webinar ID: 819 7492 1481

1. **Call to Order**

2. **Roll Call**

3. **Invocation – Andy Shaver - Real Life Church**

4. **Pledge of Allegiance**

5. **Approval of Minutes**
   a. June 19, 2023 Regular Council Meeting

6. **Absence of Council Members**

7. **Public Comment** - Limit presentation to five (5) minutes

8. **Approval of Agenda**

9. **Consent Agenda**
   a. Approval of Claims and Expenditures totaling $257,595.57
   b. Approval of request to purchase police vehicles
   c. Resolution 2023-23 to approve purchase agreement with Anderson Construction in Combs Industrial Park
   d. Resolution 2023-29 to approve Charlotte Frontier Days 2023 street closures and related activities
   e. Resolution 2023-30 to approve bank signatory changes

10. **Business Agenda**

a. First reading of Ordinance 2023-05 amending Chapter 15, Article IV Marihuana Establishments to establish a commercial cannabis licensing program
b. First reading of Ordinance 2023-06 amending Chapter 82, to add Article XXV Commercial Cannabis Overlay District
c. First reading of Ordinance 2023-07 amending Chapter 68, to add Article V, Groundwater Protection to add regulations for certain parcels in the City
d. Consider requesting the City Attorney and City Manager draft updates to Volunteer Constitution and Bylaws
e. Consider approval of an agreement with Carmel Township for fire services.
f. Consider approval of an amendment to agreement with Rural Fire Association regarding apparatus and equipment obtained with grant or other state/federal funding
g. Consider cancellation of Council workshop meeting scheduled for Wednesday, July 12th

11. Communications and Committee Reports

a. City Attorney Report
b. City Manager Report
c. Councilmember Committee Reports

12. Public Comment

13. Mayor and Council Comments

14. Adjourn

~Mary LaRocque, City Clerk

ADDRESSING THE CITY COUNCIL

Comments shall be made only during times set aside for that purpose.
Each citizen may speak for up to 5 minutes during each public hearing and comments period.
Comments made during public hearings shall be relevant to the subject of the public hearing.
Comments shall be made from the podium unless otherwise directed by the Mayor.
Comments shall be directed to the Mayor and Council members.
Speakers shall begin by stating their name and indicate if they are a resident or non-resident of the City.
Speakers shall refrain from using vulgarity, hate speech or "fighting words."

CITY OF CHARLOTTE COUNCIL PROCEEDINGS
111 E. Lawrence Ave., Charlotte, MI 48813 (517) 543-2750
Regular Council Meeting
June 19, 2023

CALL TO ORDER:

By Mayor Pro-Tem Weissenborn on Monday June 19, 2023, **7**:00 p.m.

ROLL CALL:

Mayor Pro-Tem Weissenborn, Council members Chin, Duweck, Rodriguez, Van Langevelde and Dyer (arrived at 7:08) A quorum was met. City staff in attendance were City Manager LaPere, City Clerk LaRocque, City Attorney Revore, and in the audience, Police Chief Brentar and DPW Director Gilson

INVOCATION:

Daniel Longden – First Lutheran Church – not present

PLEDGE OF ALLEGIANCE:

Led by Mayor Pro-Tem Weissenborn

APPROVAL OF MINUTES:

a. June 05, 2023 Regular Council Meeting Minutes

b. June 14, 2023 Workshop Meeting Minutes

Motion by Duweck supported by Van Langevelde to approve the meeting minutes. Carried; Yea 5; Nay 0; Absent 2

ABSENCE OF COUNCIL MEMBERS:

Motion by Chin supported by Van Langevelde to excuse Mayor Armitage and Dyer. Carried. Yea 5; Nay 0; Absent 2

PUBLIC COMMENT:

No comments

APPROVAL OF AGENDA:

Van Langevelde moved consent agenda item f to after approval of Tertiary Filter Backwash Pump (item e on business agenda)

Chin moved consent agenda items a, d, and e to the business agenda

CONSENT AGENDA:

a. ~~Approval of Claims and Expenditures totaling $497,954.63~~

b. Approval of Mayoral appointments

c. Approval of Change Order for Keyless Entry Project

d. ~~Resolution 2023-26 to recognize Eaton community Health as a non-profit organization operating in the community~~

e. ~~Approval of waiver of bid process for traffic light repairs~~

f. ~~Resolution 2023-28 to approve budget amendments for 22/23 FY~~

Motion by Van Langevelde supported by Duweck to approve the agenda with noted changes and consent agenda items b and c. Carried Yea 5; Nay 0; Absent 2

BUSINESS AGENDA:

a. Discussion of report on Lead Service Line program

Motion by Weissenborn supported by Duweck to direct staff to put out a request for quotes for lead service line excavation services. Carried Yea 5; Nay 1 (Rodriguez); Absent 1

b. Resolution 2023-24 Water and Sewer Rates

Motion by Duweck supported by Rodriguez to approve Resolution 2023-24 Water and Sewer Rates. Carried; Yea 4 (Duweck, Dyer, Rodriguez, Weissenborn; Nay 2 (Chin, Van Langevelde); absent 1

c. Resolution 2023-27 Approval of Fees effective July 1, 2023

Motion by Van Langevelde supported by Dyer to approve Resolution 2023-27 approval of fees. Carried; Yea 6; Nay 0; Absent 1

d. Approval of contract for Parks Master Plan update with Rowe PSC

Motion by Van Langevelde supported by Dyer to approve contract with Rowe PSC for the Parks Master Plan update. Carried; Yea 6; Nay 0; Absent 1

e. Approval of purchase of replacement Tertiary Filter Backwash Pump

Motion by Dyer supported by Van Langevelde to approve the purchase of a replacement Tertiary Filter Backwash Pump. Carried Yea 6; Nay 0; Absent 1

f. Resolution 2023-28 to approve budget amendments for 22/23 FY

Motion by Dyer supported by Van Langevelde to approve Resolution 2023-28 budget amendments for 22/23 FY. Carried Yea 6; Nay 0; Absent 1

g. Approval of final cannabis district maps for proposed licensing program

Motion by Van Langevelde supported by Duweck to modify Dist. 1 map. Carried. Yea 5; Nay 1 (Rodriguez); Absent 1

Motion by Rodrigues supported by Van Langevelde to approve the final cannabis district maps as amended. Carried Yea 5; Nay 1 (Rodriguez); Absent 1

h. Discussion on rescheduling of July 3rd meeting

Motion by Van Langevelde supported by Duweck to approve moving the July 3rd regular Council meeting to Wednesday July 5, 2023. Carried Yea 6; Nay 0; Absent 1

i. Approval of Claims and Expenditures totaling $497,954.63

Motion by Van Langevelde supported by Dyer to approve claims and expenditures. Carried by roll call vote; Yea 6; Nay 0; Absent 1

j. Resolution 2023-26 to recognize Eaton Community Health as a non-profit organization operating in the community

Motion by Dyer supported by Van Langevelde to approve resolution 2023-26 to recognize Eaton Community Health as a non-profit organization operating in the community. Carried Yea 6; Nay 0; Absent 1

k. Approval of waiver of bid process for traffic light repairs

Motion by Dyer supported by Van Langevelde to approve emergency purchase of traffic light repair. Carried. Yea 6; Nay 0; Absent 1

COMMUNICATIONS AND COMMITTEE REPORTS:

a. City Attorney report was received

Revore mentioned that attorney Hitch will seek to use a mediator in the matter with Charlotte Estates.

b. City Manager report was received

c. CPD Summary and June 2023 monthly report was received

Brentar reported that the department performed a two-week traffic analysis of High Street to determine if additional traffic control is warranted. The fastest radar speed recorded was 36 mph out of 215 vehicles traveling High St. Records indicate that since 2014, only 4 accidents were recorded that resulted in injury. The conclusion was the street does not warrant additional traffic control measures at this time. The school has been contacted to restore power to the stop signs that are owned and controlled by the school. Brentar answered other council inquiries.

d. Council member Committee Reports

Dyer – Library Board – budget approved. He recognized Bob Monschein, who had been in attendance in the audience, for his long-time service to the Library Board and for his re-appointment.

Duweck – Planning Commission – preparing for their work on the cannabis district maps and master plan. The master plan consultant attended the last meeting and made a presentation.

PUBLIC COMMENT:

Barbara Fulton – Executive Director to the Eaton Community Health, thanked Council for approving resolution to recognize them as a non-profit organization and that she will plan to ensure the good works of the organization are better known to Council.

MAYOR AND COUNCIL COMMENTS:

Chin – questions about similar language in the two attorney contracts; inquired if meeting packet information could be disbursed earlier than Friday before the meeting; thanked CFD for the fun experience his grandson received upon a recent visit to the station; thanked CPD for work during Charlotte Celebrates. His no vote passing the Water Sewer rates were based on the $300k general fund contribution and costs due to the Lead Service Line program. Would like to see the department reports come before first public comment.

Duweck – no comment

Dyer – attended the Brews and Blues at Beach Market and has received positive feedback regarding the Social District.

Rodriguez – no comment

Van Langevelde – Thank you the Eaton Community Bank for their volunteerism to clean up the landscaping at Camp Frances. Thank you to all who worked and helped at Charlotte Celebrates this weekend

Weissenborn – no comment

ADJOURN:

Motion by Dyer supported by Van Langevelde to adjourn the meeting at 9:54 p.m. Carried; Yea 6; Nay 0; Absent 1

_____
Mayor Michael Armitage

_____
Mary LaRocque, City Clerk

THE CITY OF CHARLOTTE MICHIGAN

Memo

To: Honorable Mayor Armitage, City Council
From: Eric Smith, Finance Director/Treasurer
Date: June 28, 2023
Re: Claims and Expenditures for Council approval on July 05, 2023

Background
Section 7.7(B) of the City Charter requires Council approval for the expenditure of city funds.

Recommendation
A report of claims is provided to council for review on the Wednesday preceding a council meeting at which the claims are approved. Questions about these claims should be directed to the Finance Director and answers resolved by the Friday preceding said council meeting. Claims and expenditures are budgeted items and/or larger purchases pre-approved by Council. While review is recommended, approval should not be hindered.

Answers to Council inquiries, if any, are included in the packet.

Financial Impacts

Insurance claims week of June 19, 2023	$ 5,113.83
Insurance claims week of June 26, 2023	$ 616.23
Payroll paid Friday June 30, 2023	$ 99,169.06
Invoiced claims as of June 28, 2023	$152,696.45
Total	**$257,595.57**

Suggested Motion
Motion to approve Claims and Expenditures in the amount of **$257,595.57**

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF CHARLOTTE
INVOICE ENTRY DATES 06/15/2023 - 06/28/2023
UNJOURNALIZED OPEN AND PAID
BANK CODE: POOL

Vendor Code	Vendor Name / Invoice	Description	Amount
01535	ADAM CARROLL		
	06.20.2023	BOOT REINBURSEMENT	300.00
TOTAL FOR: ADAM CARROLL			300.00
01764	AMAZON CAPITAL SERVICES		
	13PR-KQ36-DRC3	ACCOUNT # A264N6SLCWDWHU (WEST SIDE OFFICE CHAIRS & DESK)	509.96
	13TJ-JCWX-GL1Q	ACCOUNT # A264N6SLCWDWHU	131.31
	14WM-NGQC-1PP6	ACCOUNT # A264N6SLCWDWHU (LABELS FOR BUILDING PLANS)	17.99
	19P7-K9W1-M3KX	ACCOUNT # A264N6SLCWDWHU HAMMERMILL COLORED PAPER	66.99
	1GQD-1DMR-4FWF	ACCOUNT # A264N6SLCWDWHU (REPLACE OFFICE CHAIRS WHEELS)	49.98
	1K4J-LJRX-RGDF	ACCOUNT # A264N6SLCWDWHU PRINTER, COPIER, SCANNER	546.96
	1LRN-H1YL-HC9J	ACCOUNT # A264N6SLCWDWHU	52.60
	1N4T-WCK4-1N7D	ACCOUNT # A264N6SLCWDWHU	173.40
	1PVC-YXJW-4C63	ACCOUNT # A264N6SLCWDWHU (AIR PACK BATTERIES)	69.61
	1VQC-KVTW-444P	ACCOUNT # A264N6SLCWDWHU (26 PORT ETHERNET SMART SWITCH)	259.95
	CREDIT199H-CX4T-	ACCOUNT # A264N6SLCWDWHU (DUPLICATE PAYMENT FOR INVOICE)	(118.17)
TOTAL FOR: AMAZON CAPITAL SERVICES			1,760.58
02036	AMAZON CAPITAL SERVICES		
	13NH-P3PK-1F7D	ACCT # A1K517P63NLQUT(POLICE) 2 PLY C- FOLD PAPER TOWELS	127.02
	1JYX-943X-37NN	ACCT # A1K517P63NLQUT(POLICE) LENS PEN BRUSH DUST CLEANER FOR DSLR CAMERAS, BATTERIES	48.46
	1MMD-J7C1-3JNK	ACCT # A1K517P63NLQUT(POLICE) BROTHER LABEL MAKER	56.99
TOTAL FOR: AMAZON CAPITAL SERVICES			232.47
01635	AT&T LONG DISTANCE		
	517543228806.06	AIRPORT MODEM LINE MAY 14- JUNE 13, 2023	161.97
	517543887406.6	DPW CALLOUT- MAY 14TH - JUNE 13,2023	51.36
TOTAL FOR: AT&T LONG DISTANCE			213.33
01608	BARYAMES CLEANERS		
	BN161506.16.2023	DRYCLEANING FIRE	299.70
	BN161606.16.2023	DRYCLEANING (POLICE)	129.17
TOTAL FOR: BARYAMES CLEANERS			428.87
01581	BLUE CARE NETWORK		
	231570004546	MEDICAL COVERAGE (RETIRED) COVERAGE PERIOD (07.01.2023 THRU 07.31.2023)	3,406.16
	231570023158	MEDICAL COVERAGE (COVERAGE PERIOD 07.01.2023 THRU 07.31.2023)	55,199.65
TOTAL FOR: BLUE CARE NETWORK			58,605.81
00749	BRANDON YOUNGS		
	23944234	REINBURSEMENT FOR BOOT ALLOWANCE	103.87
TOTAL FOR: BRANDON YOUNGS			103.87

Vendor Code	Vendor Name / Invoice	Description	Amount
01555	BYRUM ACE HARDWARE		
	287848	ROOF NAILS	5.59
	288254	BATTERIES, SUPPLY LINE	36.98
	288271	REPLACE GARBAGE DISPOSAL & SUPPLIES	228.94
	288537	REPLACE SAWZALLS	264.03
	288918	RUBBER HOSW WASHER	3.59
	289002	PAINT SUPPLIES	260.36
	289411	PROPANE TANK, CABLE TIES	49.99
	289662	HITCH, COMPACT RECIPRICAL SAW	214.99
	290144	COVER BOX, CABLE MC12-2STR	76.58
	290154	INSULATION R13	41.99
	290232	INSULATION R13	41.99
	290538	GFCI SET 15A	44.99
	290543	PAINTBRUSH, EXTERIOR FLAT 1 GAL	96.56
	290731	HILLMAN FASTENERS	44.32
	290841	SIMPLE GREEN CLEANER, UTILITY KNIFE SET,CASEMENT A/C 10 KBTU	635.95
	291525	DOOR STOP WEDGE	7.99
TOTAL FOR: BYRUM ACE HARDWARE			2,054.84
01882	CALEDONIA FARMERS ELEVATOR		
	435759	2650R17 PIRELLI ATR (TIRE)	316.02
	4757462	TIRE PATCH & LABOR	17.50
TOTAL FOR: CALEDONIA FARMERS ELEVATOR			333.52
01547	CANON FINANCIAL SERVICES, IN		
	30645995	CONTRACT CHARGE 06.01.2023 - 06.30.2023	253.73
TOTAL FOR: CANON FINANCIAL SERVICES, IN			253.73
00849	CAPITAL ASPHALT		
	4995	COLD PATCH	2,427.15
TOTAL FOR: CAPITAL ASPHALT			2,427.15
01511	CHARLOTTE RISING		
	06.21.2023	HISTORIC SIGHNS DOWNTOWN CHARLOTTE FROM 07.01.2021 THRU 06.30.2022	2,559.00
TOTAL FOR: CHARLOTTE RISING			2,559.00
01457	CHROUCH COMMUNICATIONS		
	12252500	75 AMP 12 VOLT SOLENOID, CHARGEGUARD TIMER,	459.41
TOTAL FOR: CHROUCH COMMUNICATIONS			459.41
01429	DELAU FIRE & SAFETY INC		
	66504	WWTP- FIRE ANNUAL FIRE INSPECTION	990.00
TOTAL FOR: DELAU FIRE & SAFETY INC			990.00
01428	DELTA DENTAL PLAN OF MICHIGAN		
	RISOOO4982326	DENTAL PREMIUMS 07.01.2023 THRU 07.31.2023	4,171.37
TOTAL FOR: DELTA DENTAL PLAN OF MICHIGAN			4,171.37
02017	DINGES FIRE COMPANY		
	41496	CUTOFF SAW	1,264.93
	41498	REPLACE HOSE COUPLERS	246.65
	41551	WILDLAND HOSE NOZZLE AND FITTING	157.02
	41693	HYDRANT VALVE	2,494.40
TOTAL FOR: DINGES FIRE COMPANY			4,163.00

Vendor Code	Vendor Name / Invoice	Description	Amount
01904	DOMINIC CURTIS		
	3726487	REINBURSEMENT FOR PRIMER & PAINT FOR TRAILER	249.86
TOTAL FOR: DOMINIC CURTIS			249.86
01384	EATON TOWNSHIP TREASURER		
	2023 APRIL	APRIL REVENUE SHARING	2,186.00
TOTAL FOR: EATON TOWNSHIP TREASURER			2,186.00
01375	ELHORN ENGINEERING COMPANY		
	297546	HYPOCHLORITE -WWTP	565.00
TOTAL FOR: ELHORN ENGINEERING COMPANY			565.00
00932	ERIC ROGERS LLC		
	31238	WEEKLY LAWN MOWING	1,800.00
	31257	WEEKLY LAWN MOWING	733.00
TOTAL FOR: ERIC ROGERS LLC			2,533.00
01365	ETNA SUPPLY		
	S105139901.001	WATER CINTRACT SUPPORT SERVICE	3,000.00
	S105146206.001	WATER LID DROP INS	276.00
	S105146206.002	TYLER VALVE BOX 10" TOP SECTION	1,368.00
	S105146206.003	SEWER LIDS	294.00
TOTAL FOR: ETNA SUPPLY			4,938.00
01358	FAMILY FARM & HOME		
	001608/C	ROUND UP IVY BRUSH KILLER	32.99
	001609/C	ARMOR ALL MULTI PURP, STARTER FLUID,HEADLINER ADHEASIVE	41.96
	001610/C	GRASS SEED	119.99
TOTAL FOR: FAMILY FARM & HOME			194.94
01330	FISHBECK, THOMPSON, CARR		
	424536	PROFESSIONAL SERVICES RENDERED THROUGH 06.09.2023	2,262.50
TOTAL FOR: FISHBECK, THOMPSON, CARR			2,262.50
01322	GALE BRIGGS, INC.		
	83150	BIRDS EYE	320.00
	83194	BIRDSEYE	160.00
TOTAL FOR: GALE BRIGGS, INC.			480.00
01321	GALLOUP		
	S113115629.001	PLUMBING REPAIRS	70.08
TOTAL FOR: GALLOUP			70.08
01320	GARAGE DOORS UNLIMITED INC		
	23-03382	WEST SIDE ANNUAL OVERHEAD DOOR MAINTENANCE	600.00
	23-04072	REPLACE WINDOWS OVERHEAD DOOR WEST SIDE	1,180.00
TOTAL FOR: GARAGE DOORS UNLIMITED INC			1,780.00
01438	HASSEL FREE FUELS		
	CFSI-9174	FUEL FIRE	841.45
TOTAL FOR: HASSEL FREE FUELS			841.45

Vendor Code	Vendor Name / Invoice	Description	Amount
02037	HASSEL FREE FUELS		
	CFSI-9121	ACCNT #010107 (DPW/WWTP) FUEL	2,157.34
TOTAL FOR: HASSEL FREE FUELS			2,157.34
01250	INSTY PRINTS		
	94401	MCHINE FOLD, BUISNESS CARDS	392.50
TOTAL FOR: INSTY PRINTS			392.50
00838	IRON HORSE EXCAVATION LLC.		
	23-785	600 N SEMINARY	3,827.75
TOTAL FOR: IRON HORSE EXCAVATION LLC.			3,827.75
01242	JACK DOHNEY COMPANIES, INC		
	198228	SPRINGS,POLYMER OUTER BUSHINGS, INNER TUBE WELDMENT	1,753.87
	198774	8" QUICK CLAMP, 8" HOSE END	590.48
	199343	VALVE BALL,	90.30
TOTAL FOR: JACK DOHNEY COMPANIES, INC			2,434.65
01215	KANE'S HEATING INC.		
	87557	HVAC FILTERS	69.97
TOTAL FOR: KANE'S HEATING INC.			69.97
01207	KENNEDY INDUSTRIES INC.		
	636937	TRICKLING FILTER -PUMP #3	1,107.50
TOTAL FOR: KENNEDY INDUSTRIES INC.			1,107.50
01976	KENT COMMUNICATIONS INC		
	322403.1	JOB NUMBER 169925 (PUBLIC HEARING NOTICE MAILER)	1,782.38
TOTAL FOR: KENT COMMUNICATIONS INC			1,782.38
01195	KONICA MINOLTA BUSINESS		
	287628035	COLOR METER CHARGE MONTHLY AGREEMENT 05.17.2023 - 06.16.2023	26.52
	287634177	MAINTENANCE AGREEMENT BILLING PERIOD 06.17.2023 - 07.16.2023	50.40
TOTAL FOR: KONICA MINOLTA BUSINESS			76.92
01182	LANSING UNIFORM CO.		
	98017-A	UNIFORM COATS, ALTERATION RANK STRIPES	1,159.80
	98032-A	WHISTLE CHAIN BUTTON HOOK, COLLAR BRASS, TIE BARS POLICE DEP	40.00
TOTAL FOR: LANSING UNIFORM CO.			1,199.80
01173	LEA'S AUTO BODY		
	7078	REMOVE & REPLACE ALTERNATOR ON 2021 TAHOE	800.65
	7088	2020 CHEVROLET TAHOE OIL CHANGE	80.80
	7122	2021 CHEVROLET TAHOE OIL CHANGE	80.80
TOTAL FOR: LEA'S AUTO BODY			962.25

Vendor Code	Vendor Name / Invoice	Description	Amount
02016	MACQUEEN EMERGENCY		
	P13728	SHIPPING FOR GEAR	11.77
	P16498	HOSE COUPLER HOLDER	56.17
	P16635	RESCUE ROPE	355.93
	P16867	TYGER TURNOUT GEAR PANTS	1,424.62
TOTAL FOR: MACQUEEN EMERGENCY			1,848.49
01071	MMLLPP		
	03.01.23 - 06.30	RESTITUTION PAYMENTS MARCH 2023 THRU JUNE 2023	1,000.00
TOTAL FOR: MMLLPP			1,000.00
01536	NAPA MPEC		
	251410	AIR DUCT ACTUATOR	17.75
	251421	CREDIT MEMO FOR INVOICE 250335	(25.56)
	251655	WINDSHIELD WASHER FLUID	29.94
TOTAL FOR: NAPA MPEC			22.13
01004	OTIS ELEVATOR, INC.		
	100401201129	CITY HALL ELEVATOR ANNUAL MAINTENANCE	8,328.48
TOTAL FOR: OTIS ELEVATOR, INC.			8,328.48
00973	PREIN & NEWHOF, P.C.		
	75332	EASEMENT ACUISITION	1,665.40
TOTAL FOR: PREIN & NEWHOF, P.C.			1,665.40
01030	QUADIENT FINANCE USA, INC.		
	7900044417194903	POSTAGE	547.67
TOTAL FOR: QUADIENT FINANCE USA, INC.			547.67
01234	RANDY JEWELL		
	2023-06	BILING FOR ASSESSING SERVICES	3,262.00
TOTAL FOR: RANDY JEWELL			3,262.00
00904	SERVPRO OF EATON COUNTY		
	10938	WATER RESTORATION	1,221.59
TOTAL FOR: SERVPRO OF EATON COUNTY			1,221.59
00865	SPENCER MANUFACTURING INC		
	16951	BACK UP CAMERA	335.00
	16953	SCENE LIGHTS	3,994.00
TOTAL FOR: SPENCER MANUFACTURING INC			4,329.00
00861	STANDARD LIFE INSURANCE CO		
	00646882001-6.14	JULY 2023	1,521.69
TOTAL FOR: STANDARD LIFE INSURANCE CO			1,521.69
02021	STAPLES		
	3539993789	MULTIFOLD TOWELS, KLEENEX FACIAL TISSUE, FEBREEZE LIGHT AIR SPRAY	264.09
TOTAL FOR: STAPLES			264.09
01091	STATE OF MICHIGAN		
	06.21.2023	NATURE CENTER PUBLIC RENTAL	20.00
TOTAL FOR: STATE OF MICHIGAN			20.00

Vendor Code	Vendor Name / Invoice	Description	Amount
00847	SWANSON ELECTRIC		
	1548.45	CP.4 ELECTRIC	2,135.00
TOTAL FOR: SWANSON ELECTRIC			2,135.00
01848	TEACHOUT BUILDER INC.		
	06.27.2023	FIRST PAYMENT	4,800.00
TOTAL FOR: TEACHOUT BUILDER INC.			4,800.00
01892	TERESA MOSS		
	2	CLEANING FOR CAMP FRANCES	100.00
TOTAL FOR: TERESA MOSS			100.00
01465	THE COUNTY JOURNAL		
	264384	EMPLOYMENT ADD	116.20
TOTAL FOR: THE COUNTY JOURNAL			116.20
01750	TOTAL ENERGY SYSTEMS, LLC		
	INV95865	GENERATOR TROUBLESHOOT	998.90
TOTAL FOR: TOTAL ENERGY SYSTEMS, LLC			998.90
00820	TRACE ANALYTICAL LABORATORIES		
	3060746	WQP-TESTING	98.25
TOTAL FOR: TRACE ANALYTICAL LABORATORIES			98.25
00809	TRUGREEN #2801		
	177410773	VEGETATION CONTROL @ CITY HALL	44.67
	178115095	LAWN SERVICE	38.29
TOTAL FOR: TRUGREEN #2801			82.96
02015	VEHICLE ALLIANCE GROUP		
	1010	REPLACE DAMAGED HOSE FROM TEST	5,934.20
TOTAL FOR: VEHICLE ALLIANCE GROUP			5,934.20
02015	VEHICLE MAINTENANCE GROUP		
	1008	FIRE HOSE	207.00
TOTAL FOR: VEHICLE MAINTENANCE GROUP			207.00
00786	VEOLIA WATER TECHNOLOGIES, INC		
	23003952 RI05400	LAB WATER -TANKS	743.56
TOTAL FOR: VEOLIA WATER TECHNOLOGIES, INC			743.56
00785	VERIZON WIRELESS		
	9936259570	MAY 02 - JUNE 01	974.03
TOTAL FOR: VERIZON WIRELESS			974.03
00778	VISION SERVICE PLAN		
	818159951	JULY 2023 SAFETY	437.24
	818159965	2023 JULY	726.75
TOTAL FOR: VISION SERVICE PLAN			1,163.99
00777	WALDRON FUELS		
	5277	FUEL FOR GARAGE	494.21
TOTAL FOR: WALDRON FUELS			494.21

Vendor Code	Vendor Name / Invoice	Description	Amount
00758	WINDEMULLER		
	228042	SCADA- COMP	1,588.78
TOTAL FOR: WINDEMULLER			1,588.78
02013	WOW! BUSINESS		
	020130258 JUNE 1	GARAGE INTERNET 06/11 - 07/10	59.99
TOTAL FOR: WOW! BUSINESS			59.99
TOTAL - ALL VENDORS			152,696.45

PAYMENT TYPE TOTAL

Paper Check	87,020.26
EFT Transfer	65,676.19

THE CITY OF CHARLOTTE MICHIGAN

Memo

To: Honorable Mayor Armitage; City Council
From: Paul Brentar, Chief of Police
Date: 06-20-2023
Re: Staff report on Police Vehicle Purchases

Background
As you will recall during the budget discussions for FY 23-24, I requested that 2 of our vehicles be replaced. I have found that ordering vehicles (model year 2023) through our local dealer that meets our specifications is not feasible as they aren't accepting orders. I have found that the dealership with the State of Michigan bid does have 2 of these vehicles (model year 2023) already coming and not spoken for, that meets our specifications and is willing to hold them for us. The bid is from Berger Chevrolet in the amount of $40,545 for each vehicle (model year 2023) with a total amount of $81,090. These vehicles are built for police use and have added features (better suspensions, brakes, etc.) as compared to civilian models.

Recommendation
I am recommending that the City Council approve this purchase immediately as I have concerns about finding vehicles elsewhere to purchase. If this purchase is approved, it will still take months for the rest of the emergency equipment to be purchased, received, and installed, to be able to put these vehicles in to service.

Financial Impacts
These vehicles are budgeted in FY 23-24 in the police department's budget. Emergency equipment (lights, siren, cages, in-car camera, etc.) will still need to be purchased and installed and are budgeted for as well.

Suggested Motion
City Council approves the purchase of two (2) Chevrolet Police Tahoe's (model year 2023) in the amount of $81,090 from Berger Chevrolet with funds available in Capital Outlay- Motor Vehicles, 101-301.000-973.000.

RESOLUTION NO. 2023-23

A RESOLUTION TO APPROVE A PURCHASE AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND ANDERSON CONSTRUCTION & CONCRETE FOR APPROXIMATELY 6.81 ACRES IN THE COMBS INDUSTRIAL PARK

WHEREAS, the City of Charlotte owns a parcel of property located in the Combs Industrial Park (No. 200-006-300-200-20), which it desires to subdivide and sell portions thereof; and

WHEREAS, the City has received an offer to purchase approximately 6.81 acres of that parcel described in, and attached to this resolution as, Exhibit A; and

WHEREAS, the offer received from Anderson Construction & Concrete, LLC, attached to this resolution as 'Purchase Agreement," is to purchase the described property through the provision of professional services as described therein and also in the Buyer's Proposal valued at approximately $53,100; and

WHEREAS, the value of property was established by subtracting the unusable area of an Eaton County Drainage Easement known as the "Munson Drain" that runs through the parcel from the total 6.81 acres of the parcel, otherwise valued at $10,000 per acre; and

WHEREAS, the value of the professional services rendered will be verified by a qualified, neutral third-party professional and the work will be documented and photographed, as well as inspected by the City of Charlotte's designated professional; and

WHEREAS, at minimum, the professional services will include clearing the eastern half of the Exhibit A property, totaling approximately 6.81 acres, of trees and brush, disposing of the tree and brush waste, and preparing the site for farming; and

WHEREAS, the professional services are to be completed prior to closing on this purchase; and

WHEREAS, the City finds that this property is not needed for corporate or public purposes; and

WHEREAS, the City Attorney has reviewed the proposed purchase agreement and has approved it as to form.

THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte does hereby authorize the execution of the proposed purchase agreement and such other actions as are necessary to complete the sale of the approximately 6.81 acres of Combs Industrial Park property described in Exhibit A in accordance with its provisions and authorizes Mayor Michael Armitage and City Clerk Mary LaRocque to execute the purchase agreement and any other necessary documents on behalf of the City.

The foregoing resolution was presented by and supported by for final approval. Carried. Yea ; Nay ; Absent .

CERTIFICATION

I, Mary LaRocque, City Clerk for the City of Charlotte, County of Eaton, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Charlotte during its regular meeting held on July 05, 2023

_____

Mary LaRocque, City Clerk

RESOLUTION NO. 2023-23

RESOLUTION 2023-29
CHARLOTTE FRONTIER DAYS
CITY OF CHARLOTTE

WHEREAS, the Frontier Days Festival is a community based, organized event that is to be held September 6 through the 10, 2023; and

WHEREAS, the Charlotte Frontier Days Festival Committee is responsible for organizing events that contribute to community wide fellowship, benevolence, and welfare; and

WHEREAS, the Committee in conjunction with the Chief of Police and DPW Director, have planned the Charlotte Frontier Days Parade and other events that require use and closure of certain public streets and right of ways; and

WHEREAS, the Committee has requested that the Charlotte City Council approve the following requests and conditions:

CLOSURE OF STREETS

1. Closure to through traffic from 6:00 a.m. to 1:00 p.m. on Saturday, September 9, 2023:

   West Lovett at Cochran
   East Lovett at Cochran
   Seminary from Cochran to Pleasant
   Krebs Ct. from Cochran to Horatio
   Henry from Cochran to Pleasant
   Warren from Cochran to Pleasant
   Shaw from Cochran to Pleasant
   Oliver from Lawrence to Horatio
   Horatio from Oliver to Shepherd
   Washington from Lawrence to Seminary

   With one side of the above-mentioned street remaining open for emergency vehicle access.

2. The Committee will provide for street closure signing as per the Michigan Manual of Uniform Traffic Devices for the above streets, except for Horatio. The city will supply closing signs for Horatio at Shepherd and Lawrence.

3. The Committee requests E. Lovett from Cochran to Washington closed on Friday, September 8, after 6:00 p.m. to Saturday, September 9, at 6:00 p.m. for placement of a “Reviewing Stand” east of the Cochran intersection and for special events.

4. The Committee requests Cochran from Lawrence south to Fourth Street be closed from 9:00 a.m. Saturday, September 9, until 1 p.m. Saturday, September 9 for a parade and as approved by the Michigan Department of Transportation Permit.

PARADE – SEPTEMBER 10, 2022

1. The Department of Public Works shall be responsible for placement of the required "NO PARKING" signs at 5:00 a.m., Saturday, September 9, 2023 along the parade assembly area as well as Third Street, Fourth Street and the 100 Block of W. Stoddard Street or as designated by the Charlotte Police Department.

2. The Committee will provide parade marshals near the street closure locations to assist with traffic.

3. The Committee requests that the Charlotte Police Department provide assistance for the parade on September 9, and further assistance will be provided by parade marshals, with the route and detour of the parade and time being provided to the Charlotte Police at the earliest opportunity.

4. The Committee will rope the parade route and display "No Parking" signs on the morning of the parade between 5:00 a.m. and 6:00 a.m. and remove them immediately after the parade.

5. Due to the parade route no parking will be allowed on Third Street, both on the East and West side of the fairgrounds.

OTHER REQUESTS

1. Council gives special approval for the use of Eatran Trolley pickup signs placed in the right-of-way where necessary.

2. The Committee will provide "No Parking" signs for the above streets except for Horatio, which the city will provide the "No Parking" signs.

3. The Committee will provide, for approval, to the Chief of Police, a completed liquor license application for the saloon.

4. Sparrow Eaton Hospital in cooperation with the Committee will organize and hold a "5k Race" on Saturday morning, September 9, 2023. The race will begin in the 200 Block of N. Oliver Street, follow the parade route, circle through Bennett Park and return to finish on Lawrence Avenue near Pleasant Street.

5. That the City Department of Public Works install event signs to be placed in the right of way on S. Cochran South bound, North of Third Street (60" x 18"), North bound South of Third Street (48" x 6"), and North bound, South of tennis court/fairgrounds entrance (60" x 18").

6. The Committee will provide several kids' activities and a petting zoo, at the Eaton County Fairgrounds from September 8 through September 10, 2023.

7. Grant the use of the back entrance into the fairgrounds camping area located adjacent to the wastewater treatment plant, for the entrance and exit of campers and their vehicles and for access on and off the grounds Saturday, September 10, during the 5k race and the parade (9:00 a.m. to 1:00 p.m.)

8. That the following area be designated as "No Parking": All four sides of the 1885 Courthouse block which includes Eastbound Harris, South bound Cochran, Westbound Lawrence, and Northbound Bostwick and the Northside of 100 and 200 blocks of West Harris, with a portion of N. Bostwick Avenue reserved for handicapped parking. The "No Parking" signs will be placed around the square as coordinated by the Charlotte Police Department and the Arts and Craft Chairman with signing to be provided by the Arts and Crafts Committee.

9. Permission to place arts and crafts in the parkway around Courthouse square boarded by Cochran, Lawrence, Bostwick, and Harris streets under the direction of the Charlotte Police Department in accordance with a layout map provided.

10. A license will be granted to Charlotte Frontier Days, Inc. to be the designated agent for all solicitor licenses in the City of Charlotte during the Frontier Days Celebration from September 7 through September 10, 2023, per City Code, Chapter 46, and Section 2.

11. Eaton Area Senior Center will organize and conduct a Helicopter drop on Sunday, Sept 10th at 4pm. This will take place in the practice football field to the North of Kardell Hall. In addition the helicopter will provide rides to the public during the day on Sunday.

12. The City of Charlotte shall place the Frontier Day Flags along Cochran between Lawrence and Seminary on August 21, 2023 and remove them after September 10, 2023.

WHEREAS, the City Council of the City of Charlotte determine these temporary street closings and other requests are in the best interest of the City.

WHEREAS, the City of Charlotte may require payment for in kind services to cover the costs of overtime labor and equipment charges used in conjunction with this special event.

NOW, THEREFORE BE IT RESOLVED, that these street closures at the specified times and the other requests be granted.

BE IT ALSO RESOLVED, that the Department of Public Works will provide the requested barricades and signs for street closings and parking.

The foregoing resolution was presented by and supported by for approval.

Carried; Yea ___; Nay ____ ; Absent ____.

CERTIFICATION

I, Mary LaRocque, City Clerk for the City of Charlotte, County of Eaton, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Charlotte during its regular meeting held on July 05, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being 1976 P.A. 267, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____

Mary LaRocque, City Clerk

RESOLUTION NO. 2023-30

A RESOLUTION TO APPROVE CHANGES TO SIGNATORIES FOR INDEPENDENT BANK ACCOUNTS

WHEREAS, the City maintains its various bank accounts with Independent Bank whose branch is located at 129 Lansing Street in Charlotte; and

WHEREAS, certain City officers and employees are authorized to act on behalf of the City to make various transactions with regard to those accounts and, in this capacity, are designated as signatories on these accounts; and

WHEREAS, a change in personnel has prompted the necessity to update signatories on the bank accounts, and

WHEREAS, it is a requirement of Independent Bank to submit a Resolution by Council approving designated City personnel who are assigned as signatories on the bank accounts; now therefore

BE IT RESOLVED that Finance Director/Treasurer Eric Smith is *to be removed* as a signatory.

The foregoing resolution was presented by and supported by for approval. Carried; Yea ___; Nay ____ ; Absent ____.

CERTIFICATION

I, Mary LaRocque, City Clerk for the City of Charlotte, County of Eaton, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Charlotte during its regular meeting held on July 05, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being 1976 P.A. 267, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____

Mary LaRocque, City Clerk

THE CITY OF CHARLOTTE MICHIGAN

Memo

To: Honorable Mayor Armitage; City Council
From: City Manager LaPere, MPAP
Date: June 30, 2023
Re: Ordinances amending Chapter 15 and Chapter 82 to permit certain commercial cannabis uses

Background

On the agenda are two ordinance amendments for first reading that, if adopted, would permit commercial marihuana uses in certain areas of the city and provide the administrative procedures for the application and approval process. First is the general law ordinance that would amend Chapter 15 to permit and regulate these uses. Second is the zoning ordinance that would amend Chapter 82 to create the overlay districts.

Procedurally, the zoning ordinance is required to have a public hearing and recommendation by the Planning Commission prior to adoption per the Michigan Zoning Enabling Act (MZEA). The MZEA requires a minimum of 14-days' notice of the public hearing.

There is no statutory requirement for a public hearing for general law ordinance; however, Council policy states that a public hearing with 7-days' notice should be held for general law ordinances.

Recommendation

Administration is recommending Council conduct the first reading on July 5th and request Planning Commission hold a public hearing and provide recommendation at their regular meeting of August 1st. And the second reading and public hearing to be held by Council at the regular meeting of Monday, August 21st at which time Council can consider adoption.

attachments

eel

ARTICLE XXV. Commercial Cannabis Overlay District

DRAFT

The City of Charlotte hereby Ordains this Ordinance that shall be known as the "*City of Charlotte Commercial Cannabis Zoning Overlay District Ordinance*".

§ 82-517 Title; Commercial Cannabis Overlay Districts Established.

This section shall be known as the "*City of Charlotte Commercial Cannabis Overlay Districts*". The overlay districts, designated as Commercial Cannabis Overlay District # 1, Commercial Cannabis Overlay District # 2, Commercial Cannabis Overlay District # 3 (North) and Commercial Cannabis Overlay District # 3 (South) are hereby established.

§ 82-518 Purpose and Objectives.

The purposes of the Commercial Cannabis Overlay Districts are to:

A) Accommodate the processing, retail sale, testing, and secure transportation of cannabis / marijuana products within certain districts within the city limits of the City of Charlotte under the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 ("MMFLA") as amended, and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 ("MRTMA"), as amended.

B) Require concentration of processing, retail sale, testing, and secure transportation of cannabis / marijuana products within a smaller geographic area that may reduce noise, odor, vehicle traffic congestion, excessive parking needs, security, fire, and police response.

C) To promote that neighborhood character is preserved, commercial activities developed and increased, employment opportunities expanded, and positive planned land use developed.

§ 82-519 Definitions.

See *Definitions* contained in the Charlotte Commercial Cannabis / Marijuana ordinance used where applicable and are hereby incorporated.

§ 82-520 Limits on marihuana operations licenses and locations; other requirements.

A) The concentration of any specific use within a smaller geographic area can be burdensome for reasons of noise, odor, vehicle traffic congestion, excessive parking needs, security, fire, and police response. It the intent of this ordinance to ensure that quality of life is not impaired, neighborhood character is preserved, commercial activities developed and increased, employment opportunities expanded, and positive planned land use developed.

B) The City Council and Planning Commission are prohibited from waiving any portion of this ordinance, except where amended by City ordinance.

C) The maximum number of each type of marihuana operation and establishment type under the MMFLA and MRTMA permitted in the City is governed by the applicable zoning district and zoning regulations or as set forth in the table below and the zoning ordinance. Marihuana operations, facilities and establishments not specifically authorized in the table are prohibited.

Provisions of this section do not apply to the medical use of marihuana in compliance with the Michigan Medical Marihuana Act (MMMA).

D) Table of marihuana establishments:

Type of Marihuana/Cannabis Operations and Establishments	Unlimited number of Permitted Licenses within Cannabis Overlay Districts as designated below.
Marihuana Retailer / Provisioning Center	Restricted to Cannabis Overlay Districts 2-3 (North and South)
Marihuana Safety Compliance Facility	Restricted to Cannabis Overlay District 1
Marihuana Secure Transporter	Restricted to Cannabis Overlay Districts 1-3
Marihuana Processor	Restricted to Cannabis Overlay Districts 1-3 (North and South)
Marihuana Grower	Not Permitted
Excess Marihuana Grower License	Not Permitted
Marihuana Microbusinesses	Not Permitted
Designated Consumption Establishment	Not Permitted
Marihuana Related Temporary Event	Not Permitted
No other marihuana/cannabis licenses permitted	0

E) Cannabis operations and establishment license designations permitted under this ordinance are governed by type, under section D), and additional requirements as established under the *City of Charlotte Commercial Cannabis Ordinance*".

1) The operations at a licensed cannabis facility shall be conducted in compliance with the MMFLA and the MRTMA, and any rules promulgated pursuant to other laws, rules, and regulations of the state of Michigan and the City of Charlotte.
2) Cannabis facilities and establishments shall be subject to City ordinance and the City Zoning Ordinance, where applicable.
3) *Marihuana [cannabis] retail establishment license and Provisioning Center (collectively, "retail").* Cannabis retail establishments shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and City ordinance, as amended.
4) *Marihuana [cannabis] processor license.* Cannabis processor shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and City ordinance. The city will restrict locations and only one cannabis processor licensee under the MMFLA and MRTMA shall be permitted on one continuous property.
    a. All processor operations must be within an enclosed, secured structure.
    b. The location of this establishment shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the City of Charlotte Zoning Ordinance.
    c. An approved security plan.
    d. Enter all transactions, current inventory, and other information as required by the MRTMA, LARA rules, the Marihuana Tracking Act, and all other applicable laws and regulations.

e. Transfer cannabis and cannabis-infused products only by means of a secure transporter, or in compliance with LARA rules.

f. Processor shall not produce any products other than useable cannabis products intended for human consumption.

g. Odor control. Cannabis operations shall be subject to the provisions of this ordinance and city resolution.

5) *Marihuana secure transporter license.* Marihuana secure transporter shall comply with all of the provisions of the MMFLA, MRTMA, and applicable LARA rules and regulations and City ordinance.

6) *Marihuana safety compliance facility license.* Marihuana safety compliance facility shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and City ordinance.

F) *Zoning districts permitted for cannabis operations and geographic boundaries.* Special regulations of cannabis operations have been deemed necessary to limit the intensity and density of this use. Processor, retail establishments, safety compliance facility, and secure transporter licensees, shall be a special land use and restricted to and only permitted within the following city cannabis zoning districts within the permitted geographic boundaries, identified by legal descriptions and zoning maps, that may be amended as necessary by city resolution.

1) Cannabis Overlay District #1,

[insert map, legal description, sketch]

2) Cannabis Overlay District #2,

[insert map, legal description, sketch]

3) Cannabis Overlay District # 3 (North)

[insert map, legal description, sketch]

Cannabis Overlay District # 3 (South)

[insert map, legal description, sketch]

(*See, Attachment A: Cannabis Overly District Maps, sketches, and legal descriptions.)

G) *Separation distance measurements.* The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this subsection to the nearest property line of the parcel used as a cannabis operations facility.

H) *Applicability.* The location and co-location of authorized cannabis operations shall be determined as follows:

1) The following minimum-distancing regulations shall apply to cannabis operations. Processor and Retail licensees shall not be located within:

a. Five Hundred feet of a childcare center or a school,

2) Minimum-distancing regulations do not include secure transporters or safety compliance facilities.
3) A cannabis operations licensee shall not operate at any place in the city other than the address provided in the application on file with the City Clerk.
4) *Co-location and stacked licenses.* There may be only one state operating license per parcel, except co-location of one retail license and one processor license are permitted per parcel.
5) *Zoning application requirements.* Each zoning application shall be accompanied by a detailed site plan and any information necessary to describe the proposed use or change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require planning department review or special land use approval. If more than one use is being requested for a parcel at the same time (e.g., co-location) only one application shall be processed. Only one application shall be processed per parcel at a time; once a zoning application is submitted, any other zoning applications for the same parcel will be rejected until the first zoning application is decided. All items must be satisfactorily completed for a zoning application to be considered eligible for review.
    a. *Verification.* A signed statement by the applicant indicating the proposed cannabis operations type, including if the proposed type involves co-location and the number of licenses.
    b. *Consent.* A notarized statement by the property owner that acknowledges use of the property for a cannabis operations facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a cannabis operations facility. Written consent shall also include approval of the owner and operator for the city to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
    c. *LARA.* A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.
    d. *Required LARA Cannabis facility plans, and security plans shall be submitted.* Copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA shall be made available upon request when such information is necessary and reasonably related to the application review.
6) A comprehensive operation plan for the cannabis establishment which shall comply with the requirement set forth under the *City of Charlotte Commercial Cannabis Ordinance*".
7) *Site plan.* Existing and proposed site changes must be submitted that demonstrate compliance with this ordinance and city ordinances and codes.
8) *Sign and lighting plan.* A sign and lighting plan for the exterior of the building and any interior signs that will be visible to the public from the public right-of-way shall be submitted with sizes, lighting, and locations. All lighting fixtures visible to the public shall be identified by location, type, and intensity.
9) *Radius.* A map, drawn to scale, containing all childcare centers, schools.

§ 82-521 Odor control.

A) No person, tenant, occupant, or property owner, who cultivates, grows, processes, or uses cannabis for any purpose shall propagate or permit the emission of objectionable odors that may cause or result in a nuisance to the public or that endanger the health, safety and welfare of the public, to emanate from any source on the property to result in such detectable odors that leave the premises upon which they originated.
B) An odor is per se objectionable if odor is detectable in the ambient air that is greater than a 7/1 dilution threshold (D/T) for two samples not less than 15 minutes apart during a one-hour period measured by a field olfactometer device at the boundaries of the property as determined at the street right-of-way, or property line.
C) A processor shall install and maintain in operable condition a system which precludes the emission of objectionable cannabis odor emanating from the premises.
D) Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility shall not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
E) Air contaminants must be controlled and eliminated by the following methods:
    1) The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building.
    2) Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.
    3) The filter(s) shall be rated for the applicable CFM.
    4) An air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
    5) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
    6) A variance may be granted for an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
F) For purposes of this section, "air contaminants" means stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.
G) A cannabis operation shall not be granted a state operating license until the findings and approvals of this section are completed.
H) Prosecution for violation; civil penalty.
    1) Any person or entity failing to comply with this ordinance shall be responsible for a municipal civil infraction or district court citation and shall be subject to a civil fine as follows: $100.00 initial violation, $250.00 second violation, and $500.00 third (or any subsequent) violation. Municipal civil infraction violations are made payable at the city municipal ordinance violation bureau. Repeat violations are determined based on the date of the commission of the violation. Each day that a violation continues shall be deemed to be a separate offense.
    2) In addition to the remedies described above, the city may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, including injunctive relief.
    3) Jurisdiction for district court citations and legal action to enforce this ordinance, the City Code, and state law, vest in the state courts of Eaton County.

§ 82-522 Prohibited acts.

It shall be unlawful for any cannabis business, entity, or person, to operate within the city's jurisdiction in violation of this ordinance, MMMA, MMFLA MRTMA, LARA rules and regulations.

§ 82-523 Compliance with law, environmental; other laws remain applicable.

The cannabis facility shall be compliant and subject to all relevant state law and federal environmental laws and regulations, and city ordinances and codes that may be adopted and enforced.

To the extent the State of Michigan adopts in the future recodification of the MMFLA and MRTMA, any additional or stricter law or regulation governing the sale or distribution of marihuana, cannabis, the recodification, additional or stricter regulation shall control the cannabis operation of any cannabis commercial entity in the city. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this ordinance, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder

§ 82-524 Violations and penalties.

A) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this ordinance, any person or cannabis operation, including, but not limited to, any licensee, manager or employee of a cannabis commercial entity, who violates any of the provisions of this ordinance, shall be responsible for a municipal civil infraction and a fine of $500.00, or as permitted by law, as established by resolution.
B) In addition, any person, including any person, customer or member of the public, who violates the provisions of section 4 of the MRTMA, MCL 333.27954, and who acts in a manner contrary to the acts prohibited therein, except as may be otherwise provided in MCL 333.27965, shall be guilty of a misdemeanor.
C) Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any state law, or inconsistent with any rule or penalty which is promulgated by the department, now or hereafter, including but not limited to those promulgated pursuant to MCL 333.27958, then the state law or department rule or penalty shall govern over the provisions of this ordinance, as determined by state preemption.
D) A violation of this ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this ordinance and such other relief as may be provided by law.
E) Each day on which any violation of this ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this ordinance shall not exempt the offender from meeting the requirements of this ordinance.
F) This ordinance shall be administered and enforced by the city or by such other person(s) as designated by the city.

§ 82-525 Severability.

It is the legislative intent of the City by adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the residents of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof. If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

§ 82-526 Code Edits.

The editors of the Charlotte City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this ordinance.

§ 82-527 Section Headings.

The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

§ 82-528 Publication.

This ordinance shall be published in the _____, a newspaper of general circulation in the City of Charlotte qualified under state law to publish legal notices, within thirty (30) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

§ 82-529 Effective.

This Ordinance be effective publication upon the expiration of 30 days after publication.

Introduced by the Charlotte City Council this ___ day of _____, 2023.

Adopted by the Charlotte City Council this _____ day of _____, _____.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

_____

Michael Armitage, Mayor

I, Mary LaRocque, Clerk of the City of Charlotte, hereby certify that the foregoing Ordinance was adopted on the ____ day of _____, 2023 and published on the ____ day of _____, 2023 as provided by law.

_____

Mary LaRocque, Clerk

ARTICLE IV. MARIHUANA ESTABLISHMENTS
§ 15-77, et al, COMMERCIAL CANNABIS

The City of Charlotte hereby Ordains this Ordinance that shall be known as the "*City of Charlotte Commercial Cannabis Ordinance*".

§ 15-77 Title.

This section that shall be known as the "*City of Charlotte Commercial Cannabis Ordinance*".

§ 15-78 Commercial cannabis / marihuana.

The processing, retail sale, testing, and secure transportation of cannabis / marihuana products are permitted within certain districts within the City limits of the City of Charlotte under The Medical Marihuana Facilities Licensing Act, PA 281 of 2016 ("MMFLA") as amended, and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 ("MRTMA"), as amended. The term "cannabis" shall have the same meaning as "marihuana" as defined in the MRTMA, MCL 333.27953(e), MMFLA, and the MMMA. The term "marihuana" and "cannabis" used herein are interchangeable, and the term "cannabis" shall be used.

§ 15-79 Legislative findings.

Whereas, the City of Charlotte (hereinafter referred to as the "city"), through its elected City Council, recognizes that on November 6, 2018, Michigan voters, including the residents of the city, approved Proposal 18-1, creating the Michigan Regulation and Taxation of Marihuana Act (hereinafter referred to as the "MRTMA" being MCL 333.27951 *et seq*.) and provided for the licensing and regulation of recreational marihuana establishments under the MRTMA.

Whereas, the MRTMA provides that a municipal ordinance may completely prohibit or limit the number of marihuana establishments within its boundaries.

Whereas, the City of Charlotte desires to protect the public health, safety, and welfare of the residents of the city by permitting specific MMFLA and MRTMA state-licensed marihuana establishments as: processor, retail, safety compliance facility and secure transporter licenses within the boundaries and jurisdiction of the city subject to this Ordinance.

Whereas, the City of Charlotte desires to prohibit all other cannabis operations, licenses, establishments, and business not expressly permitted under this ordinance, including those licenses under the MRTMA and the MMFLA, except those activities expressly permitted under the Michigan Marihuana Act ("MMMA), as amended.

§ 15-80 Purposes and intent.

The purpose of this ordinance is to exercise the police, regulatory, and land use powers of the city by licensing and regulating cannabis operations to the extent permissible under state law and regulations and to protect the public health, safety, and welfare of the residents of the city and those within the city boundaries.

The city finds that the activities described in this ordinance are significantly connected to the public health, safety, security, and welfare of its residents and therefore necessary to regulate and enforce safety, security, fire, police, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

The city further finds and declares that economic development, including job creation and training, increase and productive land use, and the protection of the public health, safety, and welfare of city neighborhoods and residents are public purposes.

It is not the intent of this ordinance, except as may be required or permitted by law or regulation, to diminish, abrogate, or restrict the protections for medical use of cannabis found in the Michigan Medical Marihuana Act ("MMMA").

The City of Charlotte adopts this ordinance:

A) To implement certain provisions of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, and certain provisions of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, to protect the public health, safety, and welfare of the residents of the city by setting forth the manner in which specific cannabis operations may be operated within the jurisdiction of the city.

B) To establish the City of Charlotte Commercial Cannabis Ordinance pertaining to the regulation of cannabis operations consistent with state law and regulations. Nothing in this ordinance purports to permit activities that are otherwise illegal under state or local law or expressly prohibited by this ordinance.

C) Further, this Ordinance:

1) Prohibits within the jurisdiction of the city all cannabis activities, operations, licenses, facilities, establishments, and business not expressly permitted under this ordinance, including those licenses under the MRTMA and the MMFLA, except those activities expressly permitted under the Michigan Marihuana Act ("MMMA), as amended.

2) Provides for and limits the location and type of cannabis operations, facilities, and establishments licensed under the MMFLA and MRTMA and department licensees within the jurisdiction of the city.

3) Provides for and regulates and controls cannabis operations, department licensees, for the commercial retail sale, processing, secure transportation, and safety compliance testing of cannabis, as set forth herein, and for purposes of implementing specific licensure provided under the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of Marihuana Act, where such activities will have minimal detrimental impact.

4) To protect public health and safety through reasonable limitations on cannabis operations, department licensees, and commercial operations, and limitations upon other cannabis related activities provided under the MMFLA and MRTMA, as they relate to noise, odor, and water quality, neighborhood safety, security for the cannabis operation and its personnel, and other health and safety concerns.

5) To provide fees to defray and recover the costs to the city of the administrative, fire, and police costs associated with cannabis operations, and permitted cannabis activities as provided under the MMFLA and MRTMA, as permitted under this ordinance.

D) This Ordinance authorizes the establishment of specific cannabis operations, facilities and establishments within the City of Charlotte, Michigan, consistent with the provisions of the MMFLA and MRTMA, and with regulations enacted by the department, and subject to the following:

1) Nothing in this ordinance is intended to promote or condone the commercial cannabis cultivation and grow, processing, transportation, testing, production, distribution, sale, or possession of cannabis in violation of any applicable law.

2) This ordinance is to be construed to protect the public over cannabis operations and licensee interests. The operation of cannabis operations is a revocable privilege and not a right in the city. There is no property right for a person or establishment to engage in or obtain a license to engage in cannabis as a cannabis facility, establishment, or cannabis operation or enterprise within the jurisdiction of the city.

3) All licensees and their employees and agents are assumed to be fully aware of the law; the city shall not therefore be required to issue warnings before issuing citations or other enforcement measures for violations of this ordinance or any applicable city ordinance, regulation, or state law or regulation.

§ 15-81 Definitions.

The words, terms, and phrases as related to marihuana and cannabis, and marihuana and cannabis establishments, as used and identified in this ordinance shall be defined and have the meanings ascribed to them, as defined under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, Medical Marihuana Facilities Licensing Act, PA 281 of 2016, and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, unless the term is otherwise defined in this ordinance or the context requires a different meaning.

The term “cannabis” shall have the same meaning as “marihuana” as defined in the MRTMA, MCL 333.27953(e), MMFLA, and the MMMA. The term “marihuana” and “cannabis” used herein are interchangeable, and the term “cannabis” shall be used.

Applicant is a person who applies for a municipal cannabis operator's license under this ordinance.

Cannabis Regulatory Agency (CRA) means the Cannabis Licensing Agency created within LARA to regulate and administer state licenses.

Church or religious institution means an entire space set apart primarily for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held, and the entire building structure of which is kept for that use and not put to any other use inconsistent with that use.

Clerk means the City Clerk of the City of Charlotte, Michigan.

Co-location means the aggregation of multiple types of licenses, additional licenses, or equivalent licenses permitted under the MRTMA and state rules and located on one, or more, lot of record owned by an existing MRTMA and/or MMFLA licensee, approved for operation in the City of Charlotte.

Commercial greenhouse means a permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

Common ownership means two or more state licenses or two or more equivalent licenses held by one person.

Cultivate or *cultivation* means to propagate, breed, grow, harvest, dry, cure, or separate parts of the cannabis plant by manual or mechanical means.

Department means the Michigan Department of Licensing and Regulatory Affairs (LARA), including the Cannabis Regulatory Agency.

Designated consumption establishment means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume cannabis products at the location indicated on the state license.

Employee means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, or other person in charge of a place, employee does not mean individuals providing trade services who are not normally engaged in the operation of a cannabis establishment.

Establishments. "Establishments" and "Facilities" are used interchangeably and refer to any cannabis related locations at which a licensee is licensed to operate under either MMFLA, MRTMA, or both.

Industrial hemp, as defined under MRTMA.

Licensee means a person holding a state operating license.

Marihuana, as defined under MRTMA.

Cannabis accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body.

Marihuana concentrate means the resin extracted from any part of the plant of the genus cannabis.

Marihuana [cannabis] establishment, as defined under MRTMA.

Marihuana Facilities Licensing Act (MMFLA) means Public Act 281 of 2016, MCL 333.27101 *et seq*., as may be amended.

Marihuana [cannabis] processor, as defined under MRTMA.

Marihuana [cannabis] retail establishment, as defined under MRTMA.

Marihuana [cannabis]-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

Michigan Medical Marihuana Act (MMMA) means initiated Law 1 of 2008, MCL 333.26421 *et seq*., as may be amended.

Michigan Regulation and Taxation of Marihuana Act (MRTMA) means Initiated Law 1 of 2018, MCL 333.27951 *et seq*., as may be amended.

"Municipal [cannabis] Marihuana license" or "license" means a required Cannabis Related Municipal License issued pursuant to this ordinance that allows the licensee to operate within the city as one of the following, as specified in the license:

a. Processor.

b. Provisioning Center.

c. Retailer.

d. Secure Transporter.

e. Safety Compliance Facility.

Municipality means the City of Charlotte, Michigan.

Person means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Plant means that term as defined in § 102 of the MMFLA, MCL 333.27102.

Proposed marihuana [cannabis] establishment means a location at which an applicant plans to operate a marihuana establishment under the MRTMA and department rules if the applicant is issued a state license.

Rules means rules promulgated by the department in consultation with the CRA to implement the MRTMA.

Security plan means a plan for preventing unauthorized access to, or theft and pilferage from, a marihuana [cannabis] licensee establishment, approved for operation in the City of Charlotte. A security plan must be approved by the city manager with the advice of the chief of police and city attorney. The plan shall be subject to review and reasonable approval by city staff, but shall include, at a minimum, the following components:

a. Perimeter fence as necessary.

b. An exterior lighting system.

c. A building security system.

d. An on-site security guard program.

e. An off-site official contact list.

f. Established hours of operation.

g. Appropriate signage.

h. A plan for facility inspection by the City of Charlotte, which shall include no less than an annual comprehensive fire and security inspection.

i. Such other conditions required by this ordinance, the MMFLA, MRTMA, LARA rules and regulations, city ordinance and resolution, city administration, police and fire departments.

Safety compliance establishment means a person licensed to test cannabis, including certification for potency and the presence of contaminants.

School means any building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, including an intermediate school district, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

Secure transporter means a person licensed to obtain cannabis from cannabis establishments in order to transport cannabis to cannabis establishments.

Special license means a state license for special events described under § 8 of the MRTMA and issued pursuant to § 9 of the MRTMA.

Stacked license means more than one state license issued to a single licensee to operate as a class C marihuana grower as specified in each state license at a marihuana establishment. (Commercial grow licenses are not permitted under this ordinance.)

State operating license means a license issued by the department that allows a person to operate a cannabis establishment.

Temporary marihuana [cannabis] event license means a state license held by a cannabis event organizer for an event where the onsite sale or consumption of cannabis products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license. (Not permitted under this ordinance.)

Unreasonably impracticable means that the measures necessary to comply with the rules or ordinances adopted pursuant to the Act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the cannabis establishment.

Zoning ordinance means the City of Charlotte Zoning Ordinance, as amended.

§ 15-82 Federal and state law.

A) Nothing in this ordinance, city ordinance or codes, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of cannabis not in strict compliance with federal law and applicable rules.

B) Relationship to state law.

1) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana, cannabis, or hemp in any form, that is not in strict compliance with the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding cannabis. Strict compliance with any applicable State law or regulation and this ordinance shall be a requirement for the issuance or renewal of any license issued under this ordinance. Noncompliance with any applicable state law or regulation or this ordinance shall be grounds for revocation or nonrenewal of any license issued under the terms of this ordinance.

2) Except as otherwise provided by the MMFLA, MRTMA and this ordinance, a person who owns or leases real property upon which a cannabis facility or establishment is located and who has no knowledge that the licensee is violating or violated the MMFLA, MRTMA or a provision of this ordinance, is not subject to criminal or civil prosecution under any applicable city ordinance regulating cannabis.

3) This ordinance does not apply to, or regulate, any patient or caregiver conduct protected by the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq. (MMMA), as amended.

§ 15-83 Municipal cannabis license required.

A) No person shall establish or operate a cannabis operation in the city without a valid municipal license issued by the city and a state license for each such facility to be operated. License certificates shall be kept current and publicly displayed within the cannabis operations facility.

B) City licenses are required as follows:

1) *Annual fee.* A licensee must pay a nonrefundable registration fee of $5,000.00, for each license used within the city to help defray administrative, compliance monitoring, enforcement costs, and professional services, as necessary. The holder of stacked or co-located licenses must pay a separate fee in the amount of $5,000.00 for each license. The initial annual registration fee(s) must be paid when the application for city approval is submitted. In each subsequent year, license fees are due on the date of the city license approval. Fees assessed for cannabis land use approvals or licensing in addition to, not in lieu of, any licensing, land use or other permitting requirements of any law, state regulatory agency, or by city ordinance.

2) The application fee requirement set forth in this section shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or city law or ordinance, including, by way of example, any applicable zoning or building permits.

3) The issuance of any license pursuant to this section does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of cannabis under federal law.

4) Licenses may be allowed to be stacked for multiple uses per premise, subject to the city's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MRTMA, the MMFLA, and applicable department rules, and each use is consistent with provisions of city ordinances. If those conditions are met, more than one different cannabis operations licensee may be located on one parcel, as permitted under this ordinance.

§ 15-84 General license application requirements.

A) *Cannabis operations license application.* A person seeking a municipal license pursuant to the MRTMA or the MMFLA, and the provisions of this ordinance, shall submit a license application (in addition to the *zoning application*), to the city on city-approved forms. At the time of license application, each applicant shall pay a nonrefundable license application fee as provided in this ordinance to defray the costs incurred by the city for background investigations, inspection of the proposed premises, as well as any other costs associated with the processing and review of the application. In addition, the applicant shall present a suitable form of government-issued identification.

B) The license application shall also provide the following information in this subsection, under the penalty of perjury, on the city-approved forms. Such information is required for the applicant, the proposed manager of the cannabis operations, and all persons involved in the cannabis operations that is the subject of the application:
   1) 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; and, if applicable, federal tax identification number of the applicant.
   2) If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable.
   3) The identity of every applicant and person having any ownership interest in the cannabis operation with respect to which the municipal license is sought.

4) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a cannabis operation.
5) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises.
6) In addition to the site plan, three stamped or sealed 24 inch by 36 inch drawings of the proposed licensed premises showing, without limitation, building layout, all entryways and exits, ingress and egress to the proposed licensed premises, loading zones and all areas in which cannabis will be, manufactured, processed, stored, or dispensed. All plans and drawings shall be submitted in an electronic format as well.
7) A comprehensive operation plan incorporating the requirements of the zoning application to include the security plan.
8) Prior criminal history will be addressed/considered consistent with the provisions of the MRTMA, including but not limited to MCL 333.27958(1)(c) and/or the MMFLA, including but not limited to MCL 333.27401(1)(d), department rules and regulations.
9) Whether an applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
10) Whether an applicant has filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law, including the amount, type of tax, taxing agency, and time periods involved.
11) A description of the type of cannabis operations; and the anticipated or actual number of employees.
12) An acknowledgment and consent that the city may conduct a background investigation, including a criminal history check, and that the city will be entitled to full and complete disclosure of all financial records of the cannabis commercial entity, including records of deposit, withdrawals, balances and loans; and
13) Any additional information that the city reasonably determines to be necessary in connection with the investigation and review of the application.

C) Consistent with the MRTMA, including but not limited to MCL 333.27959(7), the MMFLA, including but not limited to MCL 333.27205(4), and the Freedom of Information Act, PA 442 of 1976, MCL 15.231 *et seq*., the information provided to the city and city clerk pursuant to this section relative to licensure is exempt from disclosure.
D) All cannabis operations shall obtain all other required permits or licenses related to the operation of the cannabis commercial entity, including, without limitation, any development approvals or building permits required by any applicable code or ordinance.
E) If a deficiency is identified in an application, the applicant shall have ten (10) business days to correct the deficiency after notification, or as determined by the city manager.
F) Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the city clerk shall accept the application and assign it an application number by cannabis operations type.
G) Upon receipt of a completed application, the city clerk shall circulate the application to the city manager, city attorney, community development, fire, and police departments, assessing, and public works (as well as any other city department that the city may

determine is pertinent to review of such applications) to determine whether the application is in full compliance with all applicable laws, rules and regulations.

H) License evaluation criteria. Section 9 of the MRTMA requires that the city establish a competitive process to select applicants who are best suited to operate in compliance with the MRTMA and this ordinance when a municipality limits the number of cannabis establishments that may be licensed in the municipality.

Under this ordinance, the City is restricting cannabis licensees to the Cannabis Overlay Districts as identified in this ordinance and the City Zoning Ordinance. In the event that the City allows more licenses categories and limits the number of those cannabis licensees, and the City will establish requirements for granting cannabis licenses under a City Council approved Resolution.

§ 15-85 Denial of application.

A) The City Clerk's office, following recommendations from the above-referenced departments, shall reject any application that does not meet the requirements of the MRTMA, the MMFLA, the rules promulgated by LARA, this ordinance, applicable city ordinances, or other applicable law or regulations. The City Clerk shall reject any application that contains any false, misleading or incomplete information.

B) Subject to the provisions of the MRTMA, and/or the MMFLA, an applicant is ineligible to receive a license under this ordinance if any of the following circumstances exist regarding the applicant:

1) Conviction that involved distribution of a controlled substance to a minor.
2) The applicant knowingly submitted an application for a license that contains false, misleading or fraudulent information, or has intentionally omitted pertinent information on the application for a license.
3) The applicant is an employee, advisor, or consultant of the agency involved in the implementation, administration, or enforcement of the act or these rules pursuant to section 7 of the MRTMA, MCL 333.27957, and MCL 333.27402(2)(g) of the MMFLA.
4) The applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Native American tribe or to an elected precinct delegate.
5) Conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years, except that, consistent with MCL 333.27958(1)(c), a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of marihuana to a minor.
6) Other than as set forth in MCL 333.27958(1)(c), within the past 5 years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state. This section does not apply to a misdemeanor or ordinance violation for the possession or use of marijuana.
7) The applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed cannabis operations.

8) The applicant is an owner of, or has an interest in, such business or entity which, pursuant to the provisions of MCL 333.27959(3)(d), would make the applicant ineligible for the license for which the applicant has applied, or the applicant otherwise fails to meet other criteria established by state law.

§ 15-86 Issuance of municipal cannabis operating license.

A) *Inspection.* An inspection of the proposed cannabis operations facility by the city shall be required prior to issuance of the city operating license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any cannabis, and prior to the opening of the business to the public. The inspection is to verify that the facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of this ordinance and any other applicable law, rule, or regulation.

B) After verification that the cannabis operations facility is constructed and can be operated in accordance with the application submitted and the applicable requirements of this ordinance and any other applicable law, rule, or regulation, the city clerk shall issue a city operating license whose term shall run concurrent with the state operating license for the facility or establishment.

C) Maintaining a valid cannabis facility or establishment license issued by the state is a condition for the issuance and maintenance of the city operating license issued under this ordinance and the continued operation of any cannabis facility and establishment.

§ 15-87 License forfeiture.

In the event that a cannabis operations facility does not commence operations within one year of issuance of a city cannabis operation license, the license shall be deemed forfeited; the business may not commence operations; notwithstanding, the license may be reviewed by the city council for renewal.

§ 15-88 License renewal.

A) A cannabis operation license shall run concurrently with the state operating cannabis license issued for the cannabis operation, unless revoked as provided by law.

B) An annual nonrefundable cannabis operating license fee must be paid to defray the administrative and enforcement costs associated with the operating license for a cannabis operation located in the city. A nonrefundable operating license fee will be in an amount as permitted by the MRTMA, the MMFLA, and subsequent regulations, as established by city resolution. An application to renew a cannabis operations facility or establishment operating license shall be filed at least 30 days prior to the date of its expiration.

C) Prior to the issuance of a renewed cannabis facility or establishment license by the city, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this ordinance and any other city ordinances.

§ 15-89 Transfer, sale or purchase of license.

A) A cannabis operation license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a cannabis operation license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this ordinance.

B) A cannabis operating license is exclusive to the licensee. Licensees shall report material changes to the department and the city clerk before making material changes that may require prior authorization by the department. Material changes include, but are not limited to, the following:
   1) Change in owners, officers, members, or managers.
   2) Change of location. Upon notification of a change in location the department may determine that a new license and new inspection are required for the change of location.
   3) The addition or removal of persons disclosed in the application.
   4) Change in entity name.
   5) Any attempted transfer, sale, or other conveyance of an interest in a license.

§ 15-90 License as revocable privilege.

An operation license granted by this ordinance is a revocable privilege granted by the city and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the city's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior agency approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the city.

§ 15-91 Nonrenewal, suspension or revocation of license.

A) The City Council shall, after 30 days' Notice and Hearing, suspend, revoke or refuse to renew a license or special land use permit for any of the following reasons:
   1) The applicant or licensee, or his or her agent, manager, or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this ordinance or with any applicable state or local law or regulation.
   2) The applicant or licensee, or his or her agent, manager, or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or
   3) The cannabis operations facility has been operated in a manner that adversely affects the public health, safety or welfare.

B) Evidence to support a finding under this section is based upon the preponderance of the evidence and may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the cannabis operations or in the immediate area surrounding such business, a continuing pattern of criminal conduct

directly related to or arising from the operation of the cannabis facility, establishment or cannabis commercial entity, or an ongoing nuisance condition emanating from or caused by the cannabis facility. Criminal conduct shall be limited to the violation of a state law or regulation or city ordinance.

C) Questions that arise in the administration of this ordinance, including appeals of suspension and revocations of city operating licenses, shall be determined by the city council or appointed person.

§ 15-92 Compliance with rules; inspections.

A) A licensee shall strictly comply with the rules and emergency rules related to cannabis that may from time to time be promulgated by the department.

B) If it is determined that the Marihuana Tracking Act applies, or the department promulgates rules or regulations which require such, a licensee shall adopt and use the statewide monitoring system of inventory control and tracking authorized by the Marihuana Tracking Act so as to provide the capability for the licensee to comply with the state requirements applicable to the type of license held by the licensee.

C) Cannabis operations facilities and all articles of property within the licensed premises are subject to inspection, search and examination at any time by a member of the Charlotte Police Department, the Michigan State Police, or other law enforcement agency having jurisdiction.

D) Any failure by a licensee to comply with department rules or the provisions of this ordinance and any infraction or violation, however slight, is sufficient grounds for suspension and revocation of licensure under this ordinance.

§ 15-93 Signage and advertising.

A) It shall be unlawful for any licensee to:
   1) Use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors; and
   2) Advertise in a manner that is inconsistent with the provisions of this ordinance, the MRTMA, the MMFLA, LARA rules and regulation, or is profane.
   3) All signage must be in compliance with City ordinance and City Zoning Ordinance, as amended.

§ 15-94 Cannabis operations security requirements.

A) Security measures at all licensed premises shall comply with the requirements of this ordinance, its definitions, and the MMFLA and MRTMA, and including but not limited to MRTMA Marihuana establishments, requirements, and limitations. MCL 333.27961, and all applicable rules and regulations promulgated by the department.
B) A description of the security plan shall be submitted with the license application. The security system shall be maintained in good working order and provide 24-hour per day coverage. A separate security system is required for each operation location.

C) The security plan must include, in addition to the security plan definition, at a minimum, the following security measures:
   1) *Cameras.* The cannabis operations facility shall install and use security cameras to monitor and record all areas of the premises (except in restrooms and locker rooms) where persons may gain or attempt to gain access to cannabis or cash maintained by the cannabis operations. Cameras shall record the operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of 30 days in a secure off-site location in the city or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The off-site location shall be included in the security plan submitted to the city and video provided to the police department upon request and updated within 72 hours of any change of such location.
   2) *Use of a safe or secure room for storage.* The cannabis operations facility shall install and use a safe or secure room for safe storage of any processed cannabis and cash on the premises when the business is closed to the public. The safe or secure room shall be incorporated into the building structure or securely attached thereto. For cannabis-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of the use of a safe or secure room so long as the container is affixed to the building structure.
   3) *Alarm system.* The cannabis operations facility shall install and use an alarm system that is monitored by a company that is staffed 24 hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and updated within 72 hours of any change of monitoring company.
   4) *Security fencing.* Processing operations' facility shall install and maintain 8ft. metal security fences around the perimeter of the property.

§ 15-95 Limits on cannabis operations licenses and locations; other requirements. (See also Zoning Ordinance Amendment No. _____).

A) The concentration of any specific use within a smaller geographic area can be burdensome for reasons of noise, odor, vehicle traffic congestion, excessive parking needs, security, fire, and police response. It the intent of these provisions to ensure that quality of life is not impaired, neighborhood character is preserved, commercial activities developed and increased, employment opportunities expanded, and positive planned land use developed.
B) The City Council and Planning Commission are prohibited from waiving any portion of this section, except where amended by City ordinance.
C) Cannabis facilities are subject to city ordinances and the Charlotte Zoning Ordinance, except where in conflict with the Cannabis Overlay Districts.
D) The maximum number of each type of cannabis operation under the MMFLA and MRTMA permitted in the city is governed by the applicable zoning district and zoning regulations or as set forth in the table below and the zoning ordinance. Cannabis operations not specifically authorized in the table are prohibited. Provisions of this section do not apply to the medical use of cannabis in compliance with the Michigan Medical Marihuana Act (MMMA).

Table of marihuana / cannabis establishments:

Type of Marihuana/Cannabis Operation and Establishments	Unlimited number of Permitted Licenses within Cannabis Overlay Districts as designated below.
Marihuana Retailer / Provisioning Center	Restricted to Cannabis Overlay Districts 2-3 (North and South)
Marihuana Safety Compliance Facility	Restricted to Cannabis Overlay District 1
Marihuana Secure Transporter	Restricted to Cannabis Overlay Districts 1-3
Marihuana Processor	Restricted to Cannabis Overlay Districts 1-3 (North and South)
Marihuana Grower	Not Permitted
Excess Marihuana Grower License	Not Permitted
Marihuana Microbusinesses	Not Permitted
Designated Consumption Establishment	Not Permitted
Marihuana Related Temporary Event	Not Permitted
No other marihuana/cannabis licenses permitted	0

E) Cannabis operations and establishment license designations permitted under this ordinance are governed by type, under section D), and additional requirements, as follows:
   1) The operations at a licensed cannabis facility shall be conducted in compliance with the MMFLA and the MRTMA, and any rules promulgated pursuant to other laws, rules, and regulations of the state of Michigan and the City of Charlotte.
   2) All security measures required by the State and this ordinance shall be maintained.
      a. Security devices and all components of those devices required by the State, and this ordinance including but not limited to, video surveillance systems, alarm systems, and locks, shall be in good working order.
      b. Licensees shall register their video surveillance systems with the Charlotte Police Department.
   3) All cannabis in any form on the premises of a licensed cannabis facility shall be cultivated, manufactured, tested, sold, and packaged in the State of Michigan.
   4) Access to the licensed cannabis establishment is restricted to the licensee, employees of the licensee, and adult patrons aged 21 or older in establishments licensed for recreational cannabis, and the department, through its investigators, agents, auditors, or the State Police or authorized city employees acting within the scope of their employment.
   5) Recreational cannabis products must be separated from medical cannabis products in accordance with State law.
   6) A licensee shall display all cannabis facility licenses issued under this ordinance and state operating licenses in plain view clearly visible to patrons, clients, city officials, and state authorized agents.
   7) A licensee shall not permit or allow the sale, consumption, or use of alcohol or tobacco products on licensed premises unless it is licensed to do so by the state and the city, and/or as otherwise permitted by law.
   8) A licensee shall not permit or otherwise allow the use, smoke, inhalation, or consumption of cannabis, in any form, anywhere within a licensed cannabis establishment or on the property of a licensed establishment unless it is licensed to do so by the state and the city.

9) A licensee shall comply with the Michigan Construction Code and Americans with Disabilities Act Amendment Act of 2008 (ADAA) meeting ANSI A117.1.
10) Cannabis facilities shall be subject to city ordinance and the City Zoning Ordinance where applicable.
11) *Marihuana [cannabis] retail establishment license and Provisioning Center (collectively, "retail").* Cannabis retail establishments shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations. The city will restrict locations and only one cannabis retail establishment licensee under the MMFLA and MRTMA shall be permitted on one continuous property.
    a. All retail and sale operations must be within an enclosed, secure structure.
    b. A retail licensee may occupy the same premises if holding a processor license for the premises, and otherwise consistent with the MMFLA and MRTMA, and any LARA rules.
    c. A retail license authorizes the purchase of cannabis only from processors of cannabis-infused products or cannabis only to a marihuana [cannabis] retailer/provisioning center, unless otherwise provided for under LARA rules.
    d. An applicant and each investor in a retail license shall not have an interest in a secure transporter, safety compliance establishment or microbusiness.
12) *Marihuana [cannabis] processor license.* Cannabis processor shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations. The city will restrict locations and only one cannabis processor licensee under the MMFLA and MRTMA shall be permitted on one continuous property.
    a. All processor operations must be within an enclosed, secured structure.
    b. The location of this establishment shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the City of Charlotte Zoning Ordinance.
    c. An approved security plan.
    d. Enter all transactions, current inventory, and other information as required by the MRTMA, LARA rules, the Marihuana Tracking Act, and all other applicable laws and regulations.
    e. Transfer cannabis and cannabis-infused products only by means of a secure transporter, or in compliance with LARA rules.
    f. Processor shall not produce any products other than useable cannabis products intended for human consumption.
    g. Odor control. Cannabis operations shall be subject to the provisions of this ordinance and city resolution.
13) *Marihuana secure transporter license.* Marihuana secure transporter shall comply with all of the provisions of the MMFLA, MRTMA, and applicable LARA rules and regulations. Secure transporter must meet the following requirements:
    a. Secure transporter license is limited to the storage and transport of cannabis, cannabis-infused products and money associated with the purchase or sale of cannabis and cannabis-infused products between cannabis establishments at the request of a person with legal custody of the cannabis, cannabis-infused products, or money.

b. An applicant and each investor with an interest in a secure transporter license cannot have an interest in a grower, processor, marihuana [cannabis] retailer, or safety compliance facility.

14) *Marihuana safety compliance facility license.* Marihuana safety compliance facility shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and must meet the following requirements:
   a. All testing must be conducted within an enclosed, secured structure.
   b. A safety compliance facility must be accredited by an entity approved by the Cannabis Regulatory Agency by one year after the date the license is issued or have previously provided drug testing services to this state or this state's court system and be a vendor in good standing in regard to those services. The agency may grant a variance from this requirement upon a finding that the variance is necessary to protect and preserve the public health, safety, or welfare.
   c. An applicant and each investor with any interest in a safety compliance facility cannot have an interest in a grower, secure transporter, processor, or marihuana [cannabis] retailer.

15) *Social Equity Plan*.

   a. All cannabis license applicants shall provide a copy of its social equity plan ("Plan") submitted to the State. The Plan must detail any practices, initiatives, or policies the applicant will implement to promote and encourage participation in the cannabis industry by people from communities that have been disproportionately impacted by cannabis prohibition and enforcement and to positively impact those communities.

   b. All licensees shall make a good faith effort to meet the objectives of the social equity plan submitted with the application or license renewal. "Good faith effort" means efforts designed to implement the established objectives of the licensee's Social Equity Plan which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Plan objective. License renewals shall require reporting on the licensee's good faith efforts under this section.

F) *Zoning districts permitted for cannabis operations and geographic boundaries.* Special regulations of cannabis operations have been deemed necessary to limit the intensity and density of this use. Processor, retail establishments, safety compliance facility, and secure transporter licensees, shall be a special land use and restricted to and only permitted within the following city cannabis zoning districts within the permitted geographic boundaries, identified by legal descriptions and zoning maps, that may be amended as necessary by city resolution.

1) Cannabis Overlay District #1,

   [insert map, legal description, sketch]

2) Cannabis Overlay District #2,

   [insert map, legal description, sketch]

3) Cannabis Overlay District #3 (North)

[insert map, sketch, legal description]

Cannabis Overlay District #3 (South)

[insert map, sketch, legal description]

(*See, Attachment A: Cannabis Overly District Maps, sketches, and legal descriptions.)

G) *Separation distance measurements.* The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this subsection to the nearest property line of the parcel used as a cannabis operations facility.

H) *Applicability.* The location and co-location of authorized cannabis operations shall be determined as follows:

1) The following minimum-distancing regulations shall apply to cannabis operations. Processor and Retail licensees shall not be located within:
   a. Five Hundred feet of a childcare center, or a school,
2) Minimum-distancing regulations do not include secure transporters or safety compliance facilities.
3) A cannabis operations licensee shall not operate at any place in the city other than the address provided in the application on file with the city clerk.
4) *Co-location and stacked licenses.* There may be only one state operating license per parcel, except co-location of one retail license and one processor license are permitted per parcel.
5) *Zoning application requirements.* Each zoning application shall be accompanied by a detailed site plan and any information necessary to describe the proposed use or change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require planning department review or special land use approval. If more than one use is being requested for a parcel at the same time (e.g., co-location) only one application shall be processed. Only one application shall be processed per parcel at a time; once a zoning application is submitted, any other zoning applications for the same parcel will be rejected until the first zoning application is decided. All items must be satisfactorily completed for a zoning application to be considered eligible for review.
   a. *Verification.* A signed statement by the applicant indicating the proposed cannabis operations type, including if the proposed type involves co-location and the number of licenses.
   b. *Consent.* A notarized statement by the property owner that acknowledges use of the property for a cannabis operations facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a cannabis operations facility. Written consent shall also include approval of the owner and operator for the city to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
   c. *LARA.* A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for the state

operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.

d. *Required LARA Cannabis facility plans, and security plans shall be submitted.* Copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA shall be made available upon request when such information is necessary and reasonably related to the application review.

6) A comprehensive operation plan for the cannabis establishment which shall contain, at a minimum, the following:

   a. A security plan, consistent with the definition of security plan within this ordinance, indicating how the applicant will comply with the requirements of this ordinance and any other applicable law, rule, or regulation.

   b. For processing establishments, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city.

   c. A lighting plan showing the lighting outside of the cannabis establishment for security purposes and compliance with applicable city requirements.

   d. A plan for disposal of any cannabis or cannabis-infused product that is not sold to a customer, in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

   e. A plan for ventilation of the cannabis establishment that describes the ventilation systems that will be used to prevent any objectionable odor of cannabis off the premises of the business. For cannabis establishments that process cannabis plants and/or cannabis-infused products, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any objectionable odors from leaving the premises. For cannabis businesses that produce cannabis-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

   f. A description of all toxic, flammable, or other materials regulated by a federal, state, or local authority that will be used or kept at the cannabis business, the location of such materials, and how such materials will be stored.

   g. For processing establishments, an applicant must submit water main plans including projected peak daily and seasonal 24-hour water usage requirements to the City of Charlotte Water Department for a review of the city's water model. Applicants may be required to construct the needed water system to city standards at their cost. Design will be required by the developer's engineers with reviews by city staff. Should this new water main be required to become part of the city's water system all required permits shall be submitted with the required plans and profiles to city staff for submittal to the State of Michigan. No installation of water mains shall be completed prior to receipt of the proper permits from the state. The associated costs may include, but are not limited to:

      i. Connection fees per city ordinances.

      ii. Costs for analysis and review of the city's water model.

iii. Costs for any required flow testing.

h. The City of Charlotte Water Department reserves the right to deny or curtail water service to any applicant based on the applicant's failure to meet the requirements of the City of Charlotte's water system or any other use that causes a negative impact to the City of Charlotte's water system. Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the licensee shall submit to the city detailed construction drawings showing at minimum, a full site plan, interior and exterior lighting requirements, the full mechanical heating and ventilation plan, a detailed security plan, before and after floor plans and specifications, non-rated and rated separation details and locations, accessible route from the public way to the accessible entrance, accessible route to the primary function and within the facility and accessible bathrooms. The licensee shall make an application for a plan review and a building permit for the modifications to the premises, on forms provided by the city. Additional specifications may be required. A building or structure hereafter constructed or renovated for use as a cannabis establishment shall not be used or occupied in whole or in part until a certificate of use and occupancy has been issued by the city. Wastewater compliance will be required and subject to the City, federal, and state laws and applicable regulations.

7) *Proof of Insurance.* Evidence of a valid and effective policy for general liability insurance within minimum limits of $1,000,000.00 per occurrence and a $5,000,000.00 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least B++ shall be produced that includes the name(s) of the insured, effective and expiration dates, and policy number. The City Council, and its City officials, and employees shall be named as additional insureds. The city shall be notified of any cancellation, expiration, reduction in coverage, or other policy changes within five business days of the event.
8) *Site plan.* Existing and proposed site changes must be submitted that demonstrate compliance with this ordinance and city ordinances and codes.
9) *Sign and lighting plan.* A sign and lighting plan for the exterior of the building and any interior signs that will be visible to the public from the public right-of-way shall be submitted with sizes, lighting, and locations. All lighting fixtures visible to the public shall be identified by location, type, and intensity.
10) *Radius.* A map, drawn to scale, containing all childcare centers, schools.

l) *Marihuana [cannabis] operations.* Cannabis operation facilities must be operated in compliance with all applicable state laws, LARA rules, all conditions of the cannabis operations state operating licenses, and all applicable city ordinances.
1) *Security plan.* A cannabis operator must have a city police department approved security plan prior to operation.
2) *Facility exterior.* The exterior appearance of a facility must be compatible with surrounding businesses and any descriptions of desired future character, as described in the master plan.
3) No cannabis or equipment used in the retail, growing, production, processing, or transport of cannabis can be placed or stored outside of an enclosed code complaint building. This section does not prohibit the placement or storage of motor vehicles outside of an enclosed building so long as money or cannabis is not left in an unattended vehicle.

4) Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention.
5) Neither cannabis nor cannabis-infused products may be directly visible from the exterior of the cannabis operations facility/building(s).
6) Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.

§ 15-96 Odor control.

A) No person, tenant, occupant, or property owner, who cultivates, grows, processes, or uses cannabis for any purpose shall propagate or permit the emission of objectionable odors that may cause or result in a nuisance to the public or that endanger the health, safety and welfare of the public, to emanate from any source on the property to result in such detectable odors that leave the premises upon which they originated.
B) An odor is per se objectionable if odor is detectable in the ambient air that is greater than a 7/1 dilution threshold (D/T) for two samples not less than 15 minutes apart during a one-hour period measured by a field olfactometer device at the boundaries of the property as determined at the street right-of-way, or property line.
C) A processor shall install and maintain in operable condition a system which precludes the emission of objectionable cannabis odor emanating from the premises.
D) Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility shall not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
E) Air contaminants must be controlled and eliminated by the following methods:
    1) The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building.
    2) Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.
    3) The filter(s) shall be rated for the applicable CFM.
    4) An air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
    5) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
    6) A variance may be granted for an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
F) For purposes of this section, "air contaminants" means stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.
G) A cannabis operation shall not be granted a state operating license until the findings and approvals of this section are completed.
H) Prosecution for violation; civil penalty.
    1) Any person or entity failing to comply with this ordinance shall be responsible for a municipal civil infraction or district court citation and shall be subject to a civil fine as follows: $100.00 initial violation, $250.00 second violation, and $500.00 third (or any subsequent) violation. Municipal civil infraction violations are made payable at the

city municipal ordinance violation bureau. Repeat violations are determined based on the date of the commission of the violation. Each day that a violation continues shall be deemed to be a separate offense.

2) In addition to the remedies described above, the city may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, including injunctive relief.
3) Jurisdiction for district court citations and legal action to enforce this ordinance, the City Code, and state law, vest in the state courts of Eaton County.

§ 15-97 Prohibited acts.

It shall be unlawful for any cannabis business, entity, or person, to operate within the city's jurisdiction in violation of this ordinance, MMMA, MMFLA MRTMA, LARA rules and regulations.

§ 15-98 Reports of crime.

Reports of all criminal activities or attempts of violation of any law at the cannabis establishment or related thereto shall be reported to the Charlotte Police Department upon discovery.

§ 15-99 Compliance with law, environmental; other laws remain applicable.

The cannabis facility shall be compliant and subject to all relevant state law and federal environmental laws and regulations, and city ordinances and codes that may be adopted and enforced.

To the extent the State of Michigan adopts in the future recodification of the MMFLA and MRTMA, any additional or stricter law or regulation governing the sale or distribution of marihuana, cannabis, the recodification, additional or stricter regulation shall control the cannabis operation of any cannabis commercial entity in the city. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this ordinance, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

§ 15-100 Grant of administrative authority.

The city is granted the power and duty to fully and effectively implement and administer the license application process and issuance of licenses issued by the city under this ordinance.

§ 15-101. Violations and penalties.

A) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this ordinance, any person or cannabis operation, including, but not limited to, any licensee, manager or employee of a cannabis commercial entity, who violates any of the provisions of this ordinance, shall be responsible for a municipal civil infraction and a fine of $500.00, or as permitted by law, as established by resolution.
B) In addition, any person, including any person, customer or member of the public, who violates the provisions of section 4 of the MRTMA, MCL 333.27954, and who acts in a manner contrary to the acts prohibited therein, except as may be otherwise provided in MCL 333.27965, shall be guilty of a misdemeanor.

C) Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any state law, or inconsistent with any rule or penalty which is promulgated by the department, now or hereafter, including but not limited to those promulgated pursuant to MCL 333.27958, then the state law or department rule or penalty shall govern over the provisions of this ordinance, as determined by state preemption.
D) A violation of this ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this ordinance and such other relief as may be provided by law.
E) Each day on which any violation of this ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this ordinance shall not exempt the offender from meeting the requirements of this ordinance.
F) This ordinance shall be administered and enforced by the city or by such other person(s) as designated by the city.

§ 15-102 Additional provisions.

A) Notwithstanding any provision herein, to the extent it may be determined that any provision in this ordinance is in conflict with either the MRTMA, the MMFLA, the MMMA, or the rules and regulations of LARA, or other provisions of law, then such provision of this ordinance as is in conflict shall be subject to and preempted by the rule or provision of law of this state.
B) Consistent with the provisions of the MRTMA, the MMFLA, and the MMMA, nothing herein shall prevent any employer from disciplining any employee for violation of a workplace drug policy or for working while under the influence of cannabis, nor does anything in this ordinance prevent an employer from developing workplace policies, or from refusing to hire a person because of that person's violation of a workplace drug policy.
C) Consistent with the MRTMA and the MMMA, nothing in this ordinance prevents a landlord from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale or display of cannabis and cannabis accessories on leased property except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking as set forth in the MRTMA, the MMMA, and the LARA rules.

§ 15-103 Severability.

It is the legislative intent of the City by adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the residents of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof. If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

§ 15-104 Code Edits.

The editors of the Charlotte City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this ordinance.

§ 15-105 Section Headings.

The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

§ 15-106 Publication.

This ordinance shall be published in the _____, a newspaper of general circulation in the City of Charlotte qualified under state law to publish legal notices, within thirty (30) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

§ 15-107 Effective.

This Ordinance be effective publication upon the expiration of 30 days after publication.

Introduced by the Charlotte City Council this ___ day of _____, 2023.

Adopted by the Charlotte City Council this _____ day of _____, _____.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

_____

Michael Armitage, Mayor

I, Mary LaRocque, Clerk of the City of Charlotte, hereby certify that the foregoing Ordinance was adopted on the ____ day of _____, 2023 and published on the ____ day of _____, 2023 as provided by law.

_____

Mary LaRocque, Clerk

THE CITY OF CHARLOTTE MICHIGAN

Memo

To: Honorable Mayor Armitage; City Council
From: Amy E. Gilson, PE - Director of Public Works
Date: June 30, 2023
Re: Staff report on Proposed Consumers Ordinance

Background
Consumers Energy is the owner of property on Railroad Street. There had been prior contamination on the site with the most recent soil excavation taking place in 2018. While remediation has been completed, it is necessary to establish a groundwater restriction zone so that Consumers can attain "No Further Action" status with the Michigan Department of Environment, Great Lakes, and Energy (EGLE). This zone will prohibit the listed parcels in the ordinance from installing any sort of well on their property. We have been working with Consumers staff since 2018 to prepare this ordinance in accordance with the regulations set forth by EGLE. All the property owner affected have previously been sent notices as well as survey questionnaires regarding any wells currently on their property, so they are aware of this project.

Recommendation
Staff is recommending the approval of the proposed ordinance as reviewed and approved by EGLE, Consumers Energy and the Department of Public Works.

A representative from Consumers Energy will be at the meeting to answer any questions.

CITY OF CHARLOTTE

ORDINANCE NO. 2023-07
AN ORDINANCE AMENDING CHAPTER 68, TO ADD ARTICLE V TO PROVIDE FOR THE REGULATION AND RESTRICTION OF GROUNDWATER WELLS IN CERTAIN AREAS IN THE CITY OF CHARLOTTE

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. FINDINGS

The purpose of this ordinance is to provide for the protection of the public health, safety and welfare in connection with the use of groundwater within certain portions of the City. The City Council, through consultation with other authorities, including the Michigan Department of Environment, Great Lakes and Energy (EGLE) and the Barry Eaton Health Department (BEHD), has determined that contaminated groundwater within a Restricted Zone, as defined in Section 2 hereof, may be unsafe for consumption or certain other uses. The City Council further recognizes that the protection of the residents of the City from contaminated groundwater, which may be injurious to human health, may in certain cases be fostered by the adoption of prohibitions or restrictions in certain areas with regard to the installation and/or use of wells.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the words and phrases listed below shall have the following meanings:

A. "Affected Parcel" means a parcel of land or any part of which is located within a Restricted Zone.

B. "Applicant" means a person who applies or applied for the establishment of a Restricted Zone pursuant to this Article and any successors.

C. "Contaminated Groundwater" means groundwater in which there is present concentrations of hazardous or regulated substances that exceed criteria protective of groundwater, established by the EGLE in rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 et seq. as amended from time to time), or Part 213, Leaking Underground Storage Tanks (MCL 324.21301a et seq.) of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 et seq., as amended, from time to time.

D. "BEHD" means the Barry Eaton Health Department or its successor agency.

E. "EGLE" means the Michigan Department of Environment, Great Lakes and Energy or its successor agency.

F. "Groundwater" means underground water within the zone of saturation.

G. "NREPA" means the Natural Resources & Environmental Protection Act (MCL 324.101 et seq., as amended from time to time).

H. "Owner" means the holder of record title for a parcel of land

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and also the occupant of a parcel of land in possession under a land contract or lease.

I. "Part 127" means Part 127, Water Supply and Sewer Systems, of the Public Health Code, 1978 PA 368, (MCL 333.12701 et seq.), as amended, and rules.

J. "Part 201 of NREPA" means Part 201, Environmental Remediation, of the Natural Resources & Environmental Protection Act (MCL 324.20101 et. seq.), as amended, and rules.

K. "Part 213 of NREPA" means Part 213, Leaking Underground Storage Tanks, of the Natural Resources & Environmental Protection Act (MCL 324.21301a et seq.), as amended.

L. "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

M. "Planning Department" means the City's Building, Planning & Zoning Department or its consultant.

N. "Restricted Zone" means an area legally described and incorporated within this ordinance in which groundwater wells and the use of groundwater are restricted in a manner and to a degree that protects against unacceptable exposures.

O. "City" means the City of Charlotte.

P. “Well” means an opening in the surface of the earth for the purpose of removing water through non-mechanical or mechanical means for any purpose.

Q. “Well Abandonment” means the proper plugging and abandonment of wells pursuant to the requirements of Part 127 and any other applicable authority consistent with Section 9 below.

SECTION 3. WATER WELL RESTRICTED ZONE

The following described area in the City shall be a Restricted Zone as defined under this ordinance. The Restricted Zone may be referred to by reference to the name provided in the following descriptions:

A. Railroad Street Restricted Zone - this area consists of the following parcels or portion of parcel:

200-077-600-180-02
200-077-600-200-00
200-077-600-056-01
200-077-600-150-00
200-077-600-155-00
200-077-600-152-00
200-077-600-081-03

A map illustrating the Restricted Zone is attached as Exhibit A. The legal descriptions for the above parcel and portion of parcel are contained in Exhibit B.

B. (Reserved)

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C. (Reserved)

Additional Restricted Zones along with a map illustrating such zones may be added by amending the ordinance in accordance with Section 4 and all other applicable laws.

SECTION 4. ADDING NEW RESTRICTED ZONES

The City may amend this ordinance to add new Restricted Zones in accordance with the following procedure.

A. An Applicant shall first file a request with the Planning Department advising the City of the Applicant's interest in establishing a Restricted Zone pursuant to this Ordinance. The notice of intent shall describe the proposed boundaries of the proposed Restricted Zone, the reason for the proposed restricted zone, a preliminary map of the proposed Restricted Zone, the proposed time schedule for implementing the proposed Restricted Zone, and the proposed groundwater use restrictions to be applicable within the Restricted Zone. The Planning Department will, after receiving notice of intent, respond to the Applicant with a preliminary and non-binding indication of the City's willingness to consider the proposed Restricted Zone. The Planning Department or its designee may also be an Applicant for purposes of initiating this procedure.

B. The Applicant shall seek and obtain EGLE's approval of the proposed Restricted Zone and proposed groundwater use restrictions to be applicable prior to filing an application with the Planning Department.

C. If any parcel which will be subject to the new Restricted Zone is not already served by municipal or other water supply system, the Applicant shall assure such service is, if it is possible from any engineering perspective to do so, served with water service at no cost to the property owners or occupant. The Applicant shall have to assure such service is provided. If it is not possible from an engineering perspective to provide service from a municipal system, the Applicant must show that any existing Well, if not exempted under Section 6 will not be impacted by the Contaminated Groundwater or provide a suitable replacement, with EGLE approval, that will not be impacted. The Applicant also shall provide for the proper plugging of nonconforming wells on any affected parcels without cost to the owners or occupants of the parcels and in compliance with Section 9.

Proof of the provision of such service and plugging of such wells shall be required or an escrow account shall be established therefore in an amount and form acceptable to the City.

D. After EGLE finds the use of this ordinance for the proposed Restricted Zone acceptable as an alternative to restrictive covenants, an Applicant shall file, with the Director of the Planning Department, a formal application to the City including, at a minimum, the following information, together with an escrow deposit as required under this section. The information can be in the form of a proposed remedial action plan, response activity plan, or corrective action plan or other similar document if appropriate cross-references are made for ease of reference.

(1) The name, address, and phone number of the Applicant; as well as each person having an interest as owner, tenant, easement holder or mortgagee in the real property, which is the source or site of the Contaminated Groundwater, if known.

(2) The street address and legal description of the real property which is the source or site of the Contaminated Groundwater, if known, and the nature of the Applicant's relationship to that property and involvement concerning the Contaminated Groundwater.

(3) The nature and extent of the Contaminated Groundwater and the contamination causing it, both in summary form in plain English, and in detailed technical terms, stating the types and concentrations of contaminants which exceed regulatory thresholds; a map or survey showing their current location; a statement of their likely or

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anticipated impact on groundwater and the nature of the risks presented by the use of the groundwater, as well as the likely or anticipated path of migration if not remediated or corrected and a detailed statement of any plan to remediate, correct, and/or contain the contamination.

(4) A detailed map and legal description of the proposed Restricted Zone. The detailed map shall be an "Exhibit" for a proposed Restricted Zone identified in or added to Section 3.

(5) The Property Tax Identification Number, street addresses and legal description of all Affected Parcels. The listing of Affected Parcels and their legal description shall be an "Exhibit" to a proposed Restricted Zone identified in or added to Section 3.

(6) The names, addresses (mailing and street), and phone numbers (if readily available) of all persons with an interest as owner, tenant, easement holder or mortgagee of all affected parcels.

(7) The location, current status, and usage characteristics of all existing groundwater wells within the proposed Restricted Zone.

(8) A detailed statement or description of the proposed regulation or prohibition of the use of existing and future wells, within the Restricted Zone, needed to adequately protect the public from the potential health hazards associated with the Contaminated Groundwater including a description of permissible uses of such wells, together with the written consent of EGLE to such uses of groundwater.

(9) A description and time schedule for any actions the Applicant will take to implement any remediation plan, mitigate the adverse impact of the Restricted Zone (e.g., providing substitute water service), and to properly close and abandon any existing wells subject to the use prohibition within the proposed Restricted Zone.

(10) A written statement from an EGLE representative with the appropriate authority stating that the proposed Restricted Zone and use regulations are acceptable as part of the response actions for the Contaminated Groundwater. EGLE acceptance may be contingent upon the City's establishment of the proposed Restricted Zone.

(11) Copies of the notice provided to the BEHD concerning the Restricted Zone and accompanying regulations, the BEHD's written acknowledgment that it has received that notice and, if possible, any comments concerning the proposed Restrictive Zone provided by the BEHD.

(12) Copies of the notices provided to the owners of potentially Affected Parcels together with a sworn statement that such notices were provided to all such owners with the details of the manner in which such notices were provided. At minimum, the notice must:

(i) Identify the sender of the notice including the sender's name, address, contact person and telephone number.

(ii) Identify the owner of the property which is the source of the contamination or who is seeking the Restricted Zone including the owner's name and the property address.

(iii) Inquire as to the status of any Wells on their parcel and provide guidance on how they can be identified and plugged.

(iv) State what the effects of the Restricted Zone will be (i.e. how use of the groundwater will be restricted).

(v) Who can be contacted at the City, EGLE and the Applicant for more

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information.

(vi) A map which identifies the buffer zone and Restricted Zone.

(vii) A description of the groundwater plume and a brief description of the nature of the contamination, and

(viii) Any other information reasonably requested by the Planning Department.

(13) A statement that the Applicant agrees to pay all costs incurred by the City in the establishment of the proposed Restricted Zone, including without limitation, reimbursement for staff time, the fees of environmental consultants and legal counsel, the cost of publication, any per diem or other amounts paid to public officials for attending any special meetings, etc. This statement also shall indicate the Applicant's consent to the placement of a lien on the Applicant's parcel if the amounts due under this section are not timely paid (i.e. paid within 30 days of the issuance by the City of an invoice therefor). That statement shall be in a form acceptable to the City legal counsel and shall be in a form so as to be recordable in the records of the Eaton County Register of Deeds.

E. Along with the application, the Applicant shall pay a deposit for escrow of the amount estimated by the Planning Department to be the costs incurred by the City for the establishment of the proposed Restricted Zone, including without limitation reimbursement for staff time, the fees of environmental consultants and legal counsel, the cost of publication, any per diem or other amounts paid to public officials for attending any special meetings, etc. The deposit shall not bear interest and the City may use funds from it to pay the costs as they are incurred, requiring the Applicant to maintain a minimum balance of $500 in that escrow account. Any failure by the Applicant to maintain the escrow as required by this provision may result in the City's discontinuance of its processing of the request to establish a restricted zone and can result in the filing of a lien against the premises of the Applicant.

F. Once the Planning Department or his or her designee is satisfied that the application is complete, the Planning Department shall place the matter on the City Planning Commission agenda to set a time, date, and place for a public hearing on the application.

G. After the public hearing is set, the Applicant shall cause a written notice of the hearing to be sent by first class mail to all persons having an interest as owner, tenant, easement holder, or mortgagee in any of the Affected Parcels. The notice shall include a brief statement regarding the application designed to inform the recipients of its main features and potential impact on the recipients in general. The notice shall be mailed at least ten (10) days prior to the hearing. The notice of hearing shall also be published in a newspaper of general circulation in the City at least seven (7) days before the hearing. The notice shall be mailed also to the EGLE representative who gave the approval of the proposed Restricted Zone, the EGLE District Supervisor for the EGLE regulatory program with jurisdiction over the contaminated site, and the BEHD. A copy of the notice, an affidavit of publication, and an affidavit of mailing shall be filed with the Planning Department before the hearing. Following the hearing, the Planning Commission shall file its recommendation with the City Council which shall proceed to decide whether to establish the proposed Restricted Zone.

H. Upon the establishment of a new Restricted Zone, the Planning Department shall publish notice of the amendment to the chapter in the manner required by law and provide a copy of the notice and amendment to EGLE and BEHD. The Applicant or the City shall give notice to the owners and occupants of all property on which wells are located of the need to close and abandon wells under this Ordinance.

SECTION 5. RESTRICTION ON WELLS

Except as provided in Section 6 of this ordinance, no person shall install or allow or permit or provide for the installation or utilization of a Well on any Affected Parcel on which they have an ownership interest, or lessee or tenant interest, or control within the Restricted

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Zone. Any existing Well at the time of enactment of a Restricted Zone shall be plugged/abandoned at the expense of the Applicant for that particular Restricted Zone and as provided for in Section 9 and in accordance with applicable laws, regulations, ordinances, unless such Well falls within one of the exceptions listed in Section 6. Except as provided in Section 6, no person shall use any groundwater from an Affected Parcel.

SECTION 6. EXCEPTIONS

A. Water Service Unavailable: If the City or other water service is unavailable to a premises in a Restricted Zone, the Applicant, shall secure access to property on which the well is located to perform annual testing that is acceptable to and for chemical parameters specified by EGLE. The results of that test shall be submitted to the BEHD and EGLE. If EGLE or the BEHD determines that the well is safe and usable for use that Well may continue to be used. If EGLE or the BEHD determines that the Well is not safe and suitable for use due to conditions attributable to past activities of the Applicant, then EGLE or the BEHD at the Applicant's expense shall secure access to the well to properly abandon the Well and provide for a new Well that is acceptable to the BEHD at the Applicant's expense.

B. Construction Dewatering: Wells in the Restricted Zone used for construction dewatering are not prohibited by this ordinance, provided that notice of their installation and use are provided to the City's Planning Department and EGLE and the water generated by that activity is properly handled and disposed in compliance with all applicable laws and regulations. Any exacerbation of existing contamination caused by the installation, use and abandonment of Wells under this exception shall be the responsibility of the person operating the dewatering Well, as provided in Part 201 or Part 213 of NREPA.

C. Groundwater Monitoring and Remediation Wells: Wells used for groundwater monitoring and/or remediation as part of response activity or corrective action approved by EGLE or required by applicable state law, including Parts 201 and 213 of NREPA, are not prohibited by this ordinance.

D Processing Activities: If EGLE determines that the use of a Well for non-contact heating, cooling, closed loop geothermal heating or cooling, production, or processing involved in industrial or commercial activities will not cause migration or exacerbation of Contaminated Groundwater, and proof of that determination is delivered to the City, such use of the Well under terms and conditions specified by EGLE will be allowed. All information necessary for the EGLE determination described in this subsection shall be provided by the person seeking this exception. Any exacerbation caused by the use of the Well under this exception shall be the responsibility of the person operating the processing Well, as provided in Part 201 or Part 213 of the NREPA.

E. Public Emergencies: A Well may be used in the event of a public emergency. Notice of such use shall be provided to EGLE within a reasonable time thereafter.

F Surface Irrigation: Upon review and approval by EGLE, existing Wells may be used for irrigation in the following Restricted Zones: None are approved at this time.

SECTION 7. WELLS AFFECTING CONTAMINATED GROUNDWATER

No Well may be used or installed at any place in the City if the use of the Well will have the effect of causing the migration of contaminated groundwater from any Restricted Zone to previously unimpacted groundwater, or adversely impacting any groundwater treatment system, if installed, unless the Well is part of an EGLE approved groundwater monitoring or remediation system.

SECTION 8. WATER SOURCES FOR DOMESTIC AND IRRIGATION USE

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A. Except as provided in Section 6, water supply for domestic use in any Restricted Zone shall be delivered only from a municipal or other acceptable water system or by the use of bottled water delivered or purchased in containers under conditions approved by the Michigan Department of Agriculture and Rural Development or other appropriate agencies. For the purposes of this subsection, the term domestic use means use in food or drink intended for human ingestion, use in food preparation or food service, use in the interior of a dwelling or dwelling unit for household purposes.

B. For Affected Parcels that are not already connected to the municipal water system on the day of enactment of a Restricted Zone, the Applicant of the Restricted Zone shall be responsible for the costs to connect those Affected Parcels within that Restricted Zone to the municipal water system. Furthermore, for Affected Parcels that have a Well on the day of enactment of a Restricted Zone which is used primarily for residential single parcel irrigation uses, the Applicant of the Restricted Zone shall be responsible for the costs to connect the irrigation system on the Affected Parcel within that Restricted Zone to the municipal water system. This provision is only applicable if a municipal water system is available.

SECTION 9. NONCONFORMING WELLS

Any existing Well, the use of which is prohibited by Sections 3, 4, 5 or 7 (except as allowed by Section 6) shall be plugged and abandoned in conformity with Part 127 and any other applicable laws, rules, regulations, permit and license requirements, orders and directives of EGLE, or, in the absence of an applicable law, rule, regulation, permit or license, order or directions, in conformance with the protocol developed consistent with the American Standards for Testing and Materials Standard #D5299-92 or any successor standard. Any exacerbation of existing contamination, caused by the abandonment of an existing Well shall be the responsibility of the person abandoning the Well.

SECTION 10. ENFORCEMENT

The Planning Department or its designee, shall have the authority to enforce this Ordinance. Where, upon information available to the enforcement official, it is suspected that a Well is being used on an Affected Parcel in violation of this Ordinance, the enforcement official may inspect such Affected Parcel and serve an appropriate notice and order of such violation requiring that action be taken promptly by the Owner to bring the Affected Parcel into compliance. If the Owner fails to act in accordance with such order, the enforcement official may seek remedies and penalties as provided in Section 11.

SECTION 11. PENALTY AND ENFORCEMENT

A. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor offense punishable by imprisonment for not more than 90 days or by fine of not more than $500 or both such fine and imprisonment in the discretion of a Court of appropriate jurisdiction.

B. In addition, the City may seek an order from a court of appropriate jurisdiction to restrain any person from violating this ordinance, including the collection of costs and attorney fees associated with such enforcement action. Any Well in violation of this ordinance shall also be declared and deemed a nuisance, subject to abatement, and shall be immediately taken out of service and lawfully abandoned consistent with all applicable state regulations. Any person found to be in violation is subject to being ordered by a court of appropriate jurisdiction to properly and lawfully remove or abandon the Well.

SECTION 12. NOTIFICATION OF LAPSE, OR INTENT TO AMEND OR REPEAL

At least thirty (30) days prior to any amendment or repeal in whole or in part of this ordinance, the City shall notify the EGLE, or its successor agency, of its intent to so act.

SECTION 13. BUILDING AND ZONING PERMITS

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No permit for the construction or alteration of a building or structure nor any permit for any zoning approval shall be issued for any improvement on an Affected Parcel which has, or proposes, a water supply from a Well in violation of this Ordinance.

SECTION 14. AMENDMENT; REPEAL

The EGLE, an Applicant, an Owner, an entity involved in performing remedial actions in order to seek approval of a Remedial Action Plan, Response Activity Plan, or a No Further Action Report under Part 201 of NREPA, or in performing corrective actions in order to seek approval of a Closure Report under Part 213, of NREPA, or other interested party may request in writing to add affected parcels to or delete affected parcels from a Restricted Zone or to establish an additional Restricted Zone or to otherwise amend or repeal this Ordinance, and shall provide at least a 30 day advance notice to the EGLE and any Applicant for such Restricted Zone of any proposed change hereunder, including the reasons supporting such request, the procedure for which is outlined in Section 4. The amendment or repeal of this Ordinance shall be by an appropriate ordinance adopted in the same manner as this Ordinance, and any such action shall be in the sole legislative discretion of the City Council.

SECTION 15. PUBLISHING AND RECORDING

This ordinance or an amendment to this ordinance shall be published or recorded as follows:

A. If the release is regulated pursuant to Part 201 of NREPA, then this ordinance or an amendment to this ordinance adding a Restricted Zone shall be published and maintained in the same manner as zoning ordinances.

B. If the release is regulated pursuant to Part 213 of NREPA, then this ordinance or an amendment to this ordinance adding a restricted zone shall be filed with the Eaton County Register of Deeds as an ordinance affecting multiple properties.

SECTION 16. SEVERABILITY

If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the City that this Ordinance shall be fully severable. The City shall promptly notify EGLE upon the occurrence of any event described in this section.

SECTION 17. STAYING CLAUSE

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is stayed within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 18. CONFLICT WITH OTHER ORDINANCES

If any other ordinances or parts of ordinances are in conflict with any of the provisions of this Ordinance, the provisions of this ordinance shall control but only to the extent necessary to give this ordinance full force and effect.

SECTION 19. EFFECTIVE DATE

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Ayes:
Nays:
Absent:

This Clerk declared the Ordinance adopted and ordered to take effect seven (7) days following publication in a newspaper of general circulation within the City.

FIRST READING:
SECOND READING /PUBLIC HEARING:
ADOPTED: PUBLISHED: EFFECTIVE:

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CERTIFICATION:

I, _____ Clerk of the City of Charlotte, County of Eaton, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the City of Charlotte Council of Trustees on the ____ day of ____, 20__.

In witness hereof, I have hereunto affixed my official seal this day of , 20 .

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EXHIBIT A

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EXHIBIT B

(Legal Descriptions)

Groundwater Restrictive Zone A, Railroad Street, Restrictive Zone, Parcel ID Nos.
200-077-600-180-02
200-077-600-200-00
200-077-600-056-01
200-077-600-150-00
200-077-600-155-00
200-077-600-152-00
200-077-600-081-03

Legal Description of Property

The legal description for the Property, located in Eaton County, Michigan, is as follows:

LOTS 18 & 19. S 60 FT OF LOT 20, ROBINSON'S ADD; ALSO COM NE COR LOT 19; S0°19'37"E 203.43 FT; S0°15'51"W 40.51 FT; S89°02'39"E 25 FT; N TO N LINE OF LOT 19 EXTENDED TO CENTER OF RAILROAD ST; N89°52'59"W 25 FT TO POB, BEING PART OF VACATED RAILROAD ST, ROBINSON'S ADD. ALSO 60 FT N&S BY 20 FT WIDE ON S END & 23 FT WIDE ON N END LYING W OF & ADJOINING ABOVE LAND ON LOT 20, BEING PART OF BLOCK 7, O.P. CITY OF CHARLOTTE. D 4-30-19 (COMBINATION) COMBINED FROM 200-077-600-180-01 & 200-077-600-190-00 FOR 2020.

The Property Number (Property's Tax ID Number) is 200-077-600-180-02

The legal description for the Property, located in Eaton County, Michigan, is as follows:
LOTS 20 & 21 EXCEPT S 60 FEET & EXCEPT N 30 FEET FOR STREET. ROBINSON'S ADDITION CITY OF CHARLOTTE

The Property Number (Property's Tax ID Number) is 200-077-600-200-00.

The legal description for the Property, located in Eaton County, Michigan, is as follows:
W 240 FT OF LOT 14. E 80 FT OF W 240 FT OF LOT 15 EXCEPT N 85.5 FT. LOTS 6,12 13 & 17. LOT 5 EXCEPT SE 120 FT. ALL OF THAT PART OF RAILROAD ST LYING S OF N LINE OF LOT 17 EXTENDED EAST. COM SW COR LOT 14; EAST 250 FT; S 60 FT M/L; W 250 FT TO NW CORNER OF LOT 13; S0°15'51"W 69.06 FT; N89°02' 39"W 25 FT; N TO N LINE OF LOT 14 EXTENDED WEST TO CEN OF RAILROAD ST; S89°52'59"E 25 FT; S0°19'37"E 115.61 FT TO POB BEING PART OF VACATED RAILROAD ST & VACATED ROBINSON AVE. ALSO 20 FT R/W ALONG NE SIDE OF R.R. BETWEEN LANSING ST & W LINE OF LOT 17. ROBINSON'S ADDITION, CITY OF CHARLOTTE. 8-26-03

The Property Number (Property's Tax ID Number) is 200-077-600-056-01
.
The legal description for the Property, located in Eaton County, Michigan, is as follows:
COM 51 FT S OF NW CORNER OF LOT 15, E 240 FT, S 34 1/2 FT, W 80 FT, S TO S LINE OF LOT 15, W 160 FT, N TO BEG. ROBINSON'S ADDITION CITY OF CHARLOTTE

The Property Number (Property's Tax ID Number) is 200-077-600-150-00.

The legal description for the Property, located in Eaton County, Michigan, is as

follows:
N 51 FEET OF W 160 FEET OF LOT 15. ROBINSON'S ADDITION CITY OF CHARLOTTE

The Property Number (Property's Tax ID Number) is 200-077-600-155-00.

The legal description for the Property, located in Eaton County, Michigan, is as follows:
E 79 FT OF W 239 FT OF N 50 FT OF LOT 15. ROBINSONS ADDITION, CITY OF CHARLOTTE 1985

The Property Number (Property's Tax ID Number) is. 200-077-600-152-00

The legal description for the Property, located in Eaton County, Michigan, is as follows:
COM AT SELY COR LOT 8, N56°06'21"W ON LOT LINE 186.41 FT, N89°14'W 85.4 FT, N45'35"W 251.86 FT, S89°36'45"E 35.07 FT, S54°33'08"E 376.83 FT, S35° 26'52"W 170 FT TO BEG, EXCEPT BEG AT S MOST COR LOT 8; SWLY LINE LOT 8, N55°32'38"W 15 FT; N80°09' 05"E 12.88 FT TO PT 6 FT NWLY OF SELY LINE LOT 8; PARALLEL WITH SELY LINES OF LOT 8 & 9, N35°50'49"E 161.15 FT TO NELY LINE OF PARCEL DESC IN DEED LIBER 488 PG 341, S54°09'11"E 6 FT TO SELY LINE OF LOTS 9 & 8, S35°50'49"W 170 FT TO POB. ROBINSON'S ADDITION, CITY OF CHARLOTTE. D 6-18-13 R 9-11-13 (ADJUSTMENT) ADJUSTED FROM 200-077-600-081-02 FOR 2014.

The Property Number (Property's Tax ID Number) is. 200-077-600-081-03

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THE CITY OF CHARLOTTE MICHIGAN

Memo

To: Honorable Mayor Armitage; City Council
From: City Manager LaPere, MPAP
Date: June 30, 2023
Re: Volunteer Constitution and Bylaws

Background
At the meeting held June 5th Council denied proposed changes to the Volunteer Constitution and Bylaws and established a subcommittee to meet with the Volunteer representatives to discuss the proposed changes. We have met and had a productive discussion. Attorney Revore has suggested that he and the City Manager prepare draft revisions to the Constitution and Bylaws, per Section 2-81 in collaboration with the representatives for the Volunteers.

Suggested Motion
City Council requests Attorney Revore and City Manager LaPere prepare draft revisions to the Volunteer Constitution and Bylaws.

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INTERGOVERNMENTAL AGREEMENT
EMERGENCY SERVICES

This Charlotte Area Fire and Emergency Services Agreement (the "Agreement") is made as of _____, 2023, between the City of Charlotte, a Michigan home-rule city, the general business address of which is 111 E. Lawrence Ave., Charlotte, MI 48813 (the "City"); and the Township of Carmel, a Michigan general law township, the general mailing address of which is 661 Beech Hwy., Charlotte, Michigan 48813 (the "Township"); hereinafter, collectively, the "Parties."

RECITALS

A. Pursuant to the Urban Cooperation Act, Public Act No. 7 of the Extra Session of 1967, as amended, MCL 125.501 *et seq*. ("Act 7"), the Parties may make intergovernmental agreements to provide for municipal services, including firefighting and other emergency services.

NOW, THEREFORE, in exchange for the consideration in and referred to by this Agreement, the Parties agree as follows:

TERMS AND CONDITIONS

1. Services.

The City shall provide the following fire and emergency services (the "Services") to property located within Carmel Township and to property located within the service areas depicted in the attached Appendices A and B (collectively referred to as the "Service Areas" and individually referred to by reference to the party in whose jurisdiction the area lies, *e.g.*, the "Carmel Township Service Area"):

A. Fire Suppression. The City shall provide fire suppression services for the following locations and situations:

1. Buildings and structures
2. Electrical
3. Appliances
4. Chimneys/silos
5. Woods/brush
6. Fields/grass/hay
7. Smoke investigations
8. Vehicles (personal, commercial, farm)
9. Controlled burns
10. Illegal burns
11. Building materials
12. Trash/dumpsters
13. Accidents & Rescues:
14. Personal injury accidents
15. Vehicles (with no smoke or fire danger)
16. Search and rescue operations
17. (As requested by Township/City/County/State Police)
18. Boats and other water rescues
19. Ice Rescues
20. Industrial & Agricultural accidents & rescue from equipment
21. Confined space rescues
22. Aircraft crashes & related situations

B. Miscellaneous Other Services. The City shall provide these additional services to the Township:

1. Carbon monoxide checks
2. Response to alarms/false alarms
3. Down wires, power poles, arcing wires, and transformer fires
4. Gas leaks (both natural and propane)
5. Fuel/oil spills and other hazardous materials situations

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6. Establish landing zones for Lifeflight
7. Helicopter at remote locations (accidents/rescues)
8. Response or station fill-in on mutual aid with neighboring departments
9. Drowning (assist with recovery of bodies)
10. Severe weather observation and standby
11. Conduct tours and provide educational opportunities for students, businesses and residents
12. Explosives/explosions

C. Services Not Provided. The City is not required to provide the following services:

1. Ambulance or patient transport services
2. Ambulance Advanced Life Support (ALS)
3. Ambulance Basic Life Support (BLS)
4. Fire Code Enforcement or Building Inspections

D. Modification of Services Prohibited. No new services may be added, no Services may be curtailed and no alteration to any Service Area may occur except by an amendment to this Agreement executed by both Parties pursuant to a resolution adopted by the governing body of each party. In case of any discrepancy between the depiction of any Service Area in Appendix A or B, the description shall control.

2. **Service Cost.** On or about June 1 of each year, the Township shall prepare a warrant and create a payment delivering to the City of Charlotte Treasurer's office in an amount equivalent to 1.3 mills of the taxable value of the Township's real property as determined by the Township Treasurer's office. Payment shall be due by July 30 of the year for services coinciding with the City's fiscal year.

3. **Assessing Other Persons for Services.** The City shall present to the clerk's office of Township a written itemization of the services rendered within thirty (30) days after the end of each quarter of the calendar year free of charge. The Township reserves the right to bill within the township boundaries for services rendered by the City for fire serves or other emergency services pursuant to any ordinances that that are now or in the future adopted by the Carmel Township Board of Trustees.

4. **Ownership.** Except as otherwise specifically agreed in writing by the City before its acquisition, the City shall be the sole owner of all property and equipment used to provide the Services, regardless of the source of funds used to acquire that property and equipment.

5. Insurance and Indemnification.

A. Insurance. The City shall obtain and maintain a policy or policies of general liability insurance in a minimum coverage amount of $5,000,000 per occurrence, with a $5,000,000 aggregate limit and on which the Township shall be named as an additional insured and certificate holder. The City shall also obtain and maintain no-fault vehicle insurance in such minimum amounts. Such insurance shall provide that it may not be terminated or coverage limits changed without at least 30-days prior written notice to all both Parties. Upon request, the City shall provide the Township copies of such policies and certificates showing premiums have been paid and that the coverage complies with this requirement. Finally, the City shall obtain and maintain workers' disability compensation insurance as required by law.

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B. Indemnification. To the extent not otherwise prohibited by law, the City shall hold the Township, its officers and its employees harmless, indemnify them for, and defend them (with legal counsel reasonably acceptable to them) against, any cause of action, claim, damage, accident, injury or liability that may arise as a result of the ownership, construction, maintenance or operation of the property, facilities, programs or services of the Department or the provision of the Services. In those circumstances where the City has acted at the direction of the Township and such action results in liability being incurred by the City, then the Township shall also be liable and not be indemnified by the City. This indemnification shall be in addition to any insurance coverage required by the subparagraph (A) of this paragraph.

6. Term and Termination.

A. Term. The Term of this Agreement shall be for a period of twenty-five (25) years, coinciding with the City's fiscal year (July 1 - June 30), beginning on July 5, 2024, and thereafter continuing for successive terms, unless and until terminated sooner as provided below.

B. Termination. Either Party may terminate this Agreement by providing written notice to the other Party. The termination will not be effective until the June 30 that is two years following the date of the notice. By way of example and not limitation, if a Party provides written notice of termination on March 31, 2025, then the effective date of the termination of the Agreement will be June 30, 2027.

C. Suspension of Service for Nonpayment. If the Township fails to pay its annual payment on or before July 30 of any year of the term, then the City may discontinue rendering Services to the Township until the payment is made.

7. Miscellaneous Provisions.

A. Entire Agreement/Amendments Interpretation. This is the entire Agreement among the Parties regarding its subject matter and it supersedes and replaces all prior and contemporaneous agreements. It may not be amended except in writing signed by both Parties. It shall not be affected by any course of dealing. The headings in this Agreement are for convenience only and shall not be considered as a part of this Agreement. However, the Recitals are an integral part of this Agreement.

B. Notices. Any written notice required or permitted in this Agreement shall be given by first class mail addressed to the clerk of the respective Party at the address of that Party first written above.

C. Governmental Immunity. Nothing in this Agreement shall be construed as a waiver of governmental immunity or other defenses to liability of either Party or any officer or employee of either Party.

D. Legal Authority upon Approval by Governing Bodies. This Agreement shall not be in force and effect unless approved by a resolution of the governing bodies of all Parties, which shall follow any required public notices and hearings.

E. No Creation of Legal Entity. This Agreement does not create a separate legal entity or a public body corporate.

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F. No Creation of Department. This Agreement does not constitute nor represent a departmental agreement within the City, and represents only a relationship for services by the Charlotte City Council.

10. List of Appendices. The following Appendices are attached hereto and considered a part of this Agreement:

A. Appendix A. General Map of Service Area for Fire & Emergency Services.
B. Appendix B. Descriptions of Service Area Boundaries for each Contracting Party.

IN WITNESS WHEREOF, both Parties have caused this Agreement to be executed as of the date first written above, pursuant to a resolution of its governing body.

CITY OF CHARLOTTE

By:_____
Michael Paul Armitage, Mayor

By:_____
Mary LaRocque, City Clerk

Dated:_____, 2023

CARMEL TOWNSHIP

By:_____
Steven Willard, Township Supervisor

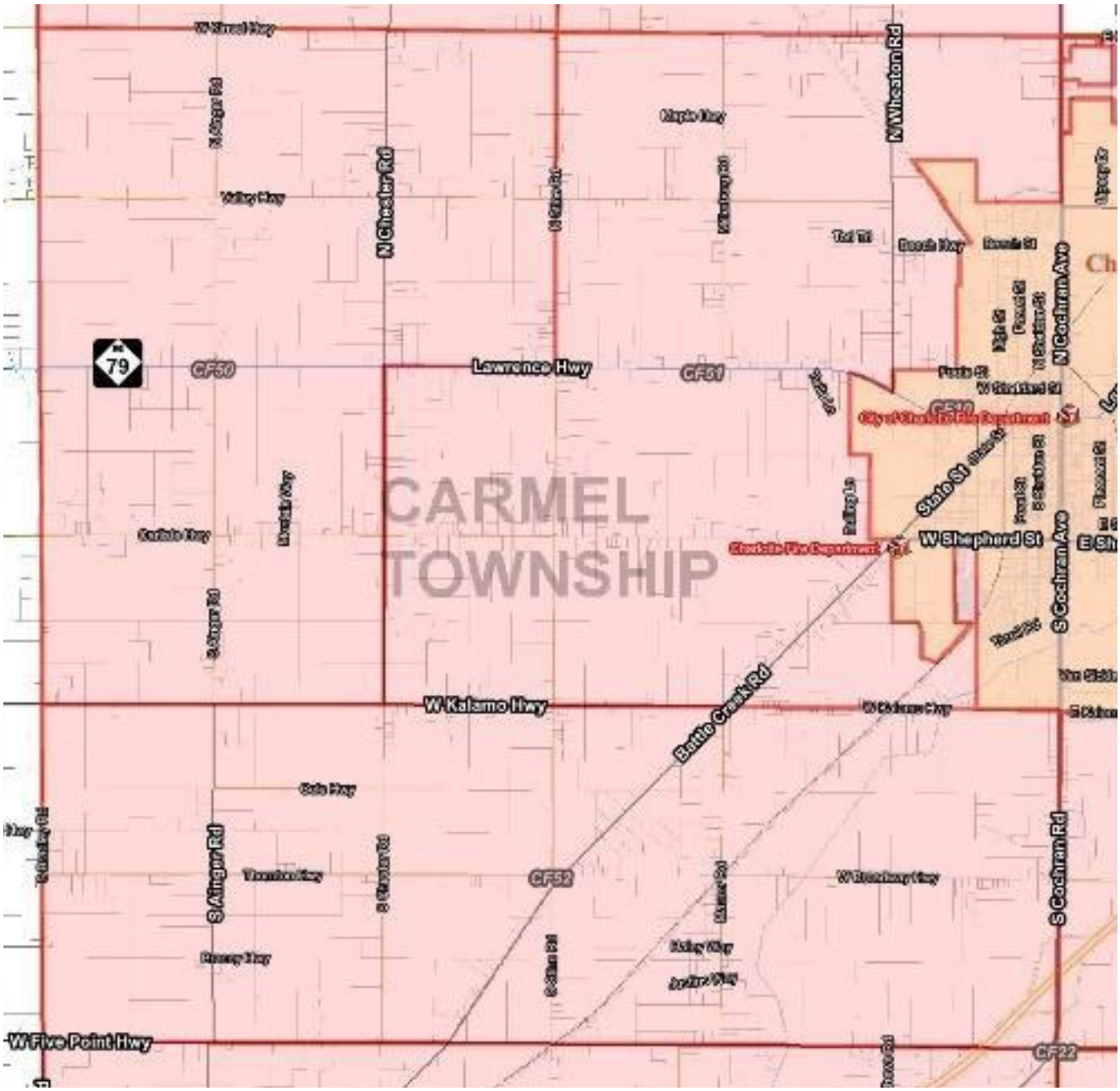
By:_____
Laura Goostrey, Township Clerk

Dated:_____, 2023

CONFIDENTIAL

APPENDIX A

Detailed Maps of Service Area Boundaries



APPENDIX B

Descriptions of Service Area Boundaries

City of Charlotte: The entire corporate limits of the City of Charlotte as those limits now exist or as they are legally adjusted from time to time.

Carmel Township: All of each of the following Sections: 1 thru 36. West side of Cochran Road, south side of West Kinsel Hwy., east side of Bradley Road, and the north side of West Five Point Hwy.

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THE CITY OF CHARLOTTE MICHIGAN

Memo

To: Honorable Mayor Armitage; City Council
From: City Manager LaPere, MPAP
Date: June 30, 2023
Re: Amendment to agreement with RFA regarding grant funded equipment

Background
The City was awarded a $1mill in community enhancement grant from the state in 2022 that it has utilized to obtain two mini-pumper trucks, command pick-up truck, and various pieces of equipment including an extrication tool. Additionally, the city has utilized grant funding to acquire other pieces of firefighting and emergency response equipment. A detailed list is attached.

The City provides certain emergency response services to the communities represented by the Rural Fire Association via an agreement signed in December 2006. The Agreement provides that the cost of equipment and supplies purchased and utilized, pursuant to the terms of the Agreement, are to be divided equally between the parties and as it pertains to equipment and supplies, the title for such equipment and supplies shall be held in both the names of the RFA and the City. The agreement does not contemplate ownership interest of items obtained from third-party funding sources, such as grants. Therefore, the Administration has prepared an addendum to the agreement to clarify how that equipment will be jointly shared.

A copy of the agreement has been provided to the RFA for consideration by their respective township boards.

Recommendation
Administration recommends Council approve the agreement.

Financial Impacts
The agreement protects the city from financial liability for assets acquired by grant funding should one or more parties subject to the original interlocal agreement withdraw. If the equipment is sold, the proceeds will remain with the City Fire Fund for future equipment purchases.

Suggested Motion
City Council approves the City of Charlotte & Rural Fire Association Grant Equipment Acquisition Agreement as submitted and authorizes the City Manager, City Clerk, and Fire Chief to sign the agreement.

attachment

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City of Charlotte & Rural Fire Association Grant Equipment Acquisition Agreement

This Agreement is made this __ day of _____ 2023, by and between the City of Charlotte, a Michigan municipal corporation, whose address is 111 E. Lawrence Ave., Charlotte, MI 48813, ("City") and the Rural Fire Association, whose address is 2508 E. Five Point Hwy, Charlotte, MI 48813, ("RFA").

WITNESSETH

WHEREAS, the City and the RFA, comprised of Brookfield Township, Carmel Township, Chester Township, Eaton Township and Walton Township, have entered into an Agreement in which the RFA seeks and obtains emergency medical and fire suppression services from the City, pursuant to an Agreement, as amended, signed December 2006 ("Agreement"); and

WHEREAS, the Agreement provides that the cost of equipment and supplies purchased and utilized, pursuant to the terms of the Agreement, are to be divided equally between the parties and as it pertains to equipment and supplies, the title for such equipment and supplies shall be held in both the names of the RFA and the City; and

WHEREAS, the City has received local, state, and federal funding to obtain, in full or in part, myriad firefighting apparatus and equipment; and

WHEREAS, the City has requested, and the RFA has agreed, that notwithstanding Section D(I) of the Agreement, should the trucks, gear, equipment, or other apparatus or assets or be sold or otherwise disposed of, or if the City, the RFA as a whole, or an individual Township withdraws, the RFA or individual Townships shall receive no remuneration or credit of any ownership of the apparatus and equipment listed in Attachment A, as may be amended with future purchases; and

WHEREAS, if any of the equipment is sold, the proceeds shall be accounted for in the City Fire Fund to be used to acquire apparatus, gear, equipment, or similar for the City of Charlotte Fire Department ("the Department"); and

WHEREAS, it is the intention of the parties to memorialize that understanding with this agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows. The City of Charlotte and the Rural Fire Association hereby agree that all vehicles, equipment, fire gear, and any other fire department-related acquisitions made with federal, state, or local grant dollars shall be owned jointly between both parties, effective January 1st, 2022. In the event one or more party elects to withdraw from the City of Charlotte and Rural Fire Association agreement, these parties shall not be entitled to their share of the assets purchased with a grant or credit of any sort for their ownership. The Fire Chief shall maintain a list of all assets acquired in whole or in part from a grant. This list shall include the cost of the asset, the VIN or serial number or other identifying marker, and the grant used to purchase the asset. This shall be reviewed annually or upon request by either party.

Additionally, vehicles purchased with grant money shall be jointly owned by the City and the RFA. Vehicles shall be titled through the Secretary of State in the names of both the City and the RFA. When the Department deems the vehicle is beyond its useful life, the Department may sell the vehicle upon the approval of both the City and the RFA. Proceeds from the sale shall remain in the City Fire Fund for the purchase of future equipment.

Other equipment and assets acquired in whole or part using grant funding shall be jointly owned between the City and the RFA. When the Department deems that equipment or fire gear is no longer usable due to NFPA requirements, MIOSHA requirements, or beyond its useful life, the equipment shall be sold or disposed of in accordance with City Purchasing Policy and Ordinance. Agreement of the disposal or sale by both the City and the Rural Fire Association is required if the value of the asset is over $10,000. Any proceeds from sales shall remain in the City Fire Fund for future equipment, apparatus, or similar firefighting related capital purchases.

The parties have executed this Agreement on the day first above written.

_____

Brookfield Township

_____

Walton Township

_____

Chester Township

_____

Carmel Township

_____

Eaton Township

_____

Mayor, City of Charlotte

_____

Fire Chief, City of Charlotte

_____

Clerk, City of Charlotte

_____

City Manager, City of Charlotte

CHARLOTTE FIRE DEPARTMENT
GRANT EQUIPMENT

Equipment	Grant Name	Acquisition Cost
Hurst Ram Tool	Fire House Subs	$11,000.00
Hurst Spreader	Fire House Subs	$12,000.00
Hurst Cutter	Fire House Subs	$12,000.00
Hurst Combi Tool	Million dollar grant	$13,122.11
Mini Pumper F-550	Million dollar grant	$292,890.35
Mini Pumper F-550	Million dollar grant	$292,890.35
Pick Up F-350	Million dollar grant	$35,430.00
Snow Plow 319	Million dollar grant	$8,000.00
Thermal Camera	Million dollar grant	$4,221.60
Quickee Fan 311	Million dollar grant	$4,061.93
Quickee Fan 312	Million dollar grant	$4,061.93
Gas Monitor	Million dollar grant	$1,965.45
Scene Lights 311 & 312	Million dollar grant	$7,117.90
Stokes Basket	Million dollar grant	$1,230.88
Hurst Lifting Plates	Million dollar grant	$161.99
Light bar 311 & 312	Million dollar grant	$2,340.00
Emergency Lights F-350	Million dollar grant	$9,343.00
Fire Gear 3 Sets of Turnout gear	Safety Grant State of Michigan	$5,000.00
2 Ipads	FM Global	$1,700.00
Bedliner, tint, undercoat F-350	Million dollar grant	$1,457.40
Turtle Plastics Cribbing	Million dollar grant	$920.28
Running Boards F-350	Million dollar grant	$1,045.99
Lift Kit & Tires 2001 Dodge	Million dollar grant	$5,732.95
4 Fire Helmets	Million dollar grant	$2,000.00
Rescue Ropes & Bags	Million dollar grant	$818.30
(4) 1 1/2" & (2) Booster Nozzles	Million dollar grant	$4,653.23
Total		#ERROR!

THE CITY OF CHARLOTTE MICHIGAN

Memo

To: Honorable Mayor Armitage; City Council
From: City Manager LaPere, MPAP
Date: June 30, 2023
Re: July 12th Workshop Meeting

Background
City Council approved a monthly workshop meeting for the Wednesday between its regular Council meeting each month for 2023. At this time, administration does not have any discussion topics for the workshop meeting of July. Therefore, we are asking Council to consider canceling the meeting.

Suggested Motion
City Council cancels the workshop meeting scheduled for Wednesday, July 12, 2023.

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McGinty, Hitch, Person, Anderson & Revore, P.C.
ATTORNEYS AT LAW
3410 BELLE CHASE WAY, SUITE 600
LANSING, MICHIGAN 48911
TELEPHONE (517) 351-0280
FAX (517) 351-3583
www.mcgintylaw.com

THOMAS M. HITCH
TERRY McKENNEY PERSON
MARK A. ANDERSON
DAVID M. REVORE
CAITLIN K. GILLIES

OF COUNSEL:
DENNIS E. McGINTY
THOMAS M. YEADON

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, David M. Revore, City Attorneys

RE: CITY ATTORNEY REPORT

DATE: June 30, 2023

The following serves as our report to the City Council on issues in which our office has been engaged since the last Council meeting:

1. Charlotte Estates. Mr. Hitch has been in contact with the property's attorneys regarding mediating this matter. Legal Counsel for each party is in the process of researching potential mediator candidates who have some experience in condemnation law, aviation law, and otherwise a good reputation regarding fairness and effectiveness in mediations.

2. Fire Department Matters. This office has been engaged in assisting the City Manager with issues relating to the Fire Department, including but not limited to, contracts and a meeting with the Volunteer Fire Department regarding their Constitution and Bylaws. The City's VFD subcommittee and representatives from the Volunteer Fire Department have met and anticipate doing so again in July.

3. Ground Water Ordinance. Mr. Hitch has reviewed the Ground Water Ordinance as proposed by Consumers Energy, and after discussions with both the City Manager and Director of the Department of Public Works, it is in suitable form for presentation for first reading with the City Council.

4. Marijuana Ordinances. Mr. Revore, and the City Manager, and the City's Marijuana Ordinance subcommittee have met, and the City of Charlotte Commercial Cannabis Ordinance (General Law ordinance) is available for first reading. In addition, the City of Charlotte Commercial Cannabis Overlay Districts (ZO Amendment) is also available for first reading.

5. Conversations with the City Manager, Chief of Police, and Directors. This office maintains frequent conversations with the City Manager, the Chief of Police, and City officials regarding a variety of City matters.

TMH/DMR:cf

THE CITY OF CHARLOTTE MICHIGAN

Manager's Report
July 5th 2023 Council Meeting

July Communications 2023
The July editions of the Charlotte Chronicles and City Beat have been posted online. Inside you'll find information about the Eaton County Fair, 2023 election information, recent Council actions, and much more!

Check it out today online at: https://charlottemi.gov/wp-content/uploads/2023/06/July-2023.pdf. You can find the archived editions online here: https://charlottemi.gov/charlotte-chronicles/.

You can find additional city updates on the backside of your quarterly water bill or see all the city beat notices online here: https://charlottemi.gov/about/city-beat/.

Volunteer Opportunities
The City has open opportunities for citizens to participate in their local government. We are seeking volunteers to serve on the Airport Advisory Board, Downtown Development Authority, and the Board of Review. Interested persons can fill out an application to serve here: https://www.charlottemi.org/councilboards/boards-commissions/board-and-commission-application/

2023 Construction Updates
The City has three major projects happening this construction season. Safe Routes to Schools program will install sidewalks utilizing $1.8mill grant funding in partnership with Charlotte Public Schools; Hall/Washington/McClure streets will be completely reconstructed, including underground utilities utilizing ARPA funds; and Island Hwy will be reconstructed in partnership with the Eaton County Drain Commissioner's Office. Want to keep up-to-date on the latest construction news? Check out the city's website here: www.charlottemi.org/construction-updates-2023/

Safe Routes to School –The project began the week of June 5th and they are finishing the first section in the W Lawrence area. After that area is complete crews will begin work on High Street, starting at Lawrence and working north. We will continue to post updates throughout the project to the city's website/social media. Interested persons can sign up for email alerts by sending a request to webmaster@charlottemi.org with "SRTS" as subject line.

Hall/Washington/McClure – The construction is in full swing and progressing on schedule.

While thru traffic is not permitted, the local businesses will be open for customers throughout construction. Please use caution when patronizing the businesses, and follow posted signage for detours, closures, and alternate access points. We will continue to post updates throughout the project to the city's website/social media. Interested persons can also sign up for email alerts by sending a request to webmaster@charlottemi.org with "Hall Street Project" as subject line.

Island Hwy – This project is being managed by Eaton County Drain Commissioner's Office. They have bid the work and are in progress for finalizing details, including construction dates. They have tentatively planned for work to begin in mid-July. We will continue to provide updates as we get information from their Office on the project.

Lead Service Line Replacements

The City of Charlotte Department of Public Works (DPW) is verifying the material of water service lines throughout the City as a requirement of the 2018 Michigan Lead and Copper Rule. EGLE is requiring a complete inventory of the water service lines by January 1, 2025. The inventory must include material verification at 3 locations along the service line, including inside the home where the water service comes into the house. The City received a Grant from EGLE to help with the material verification.

You may contact DPW at 517-543-8858 to set up an appointment for the material identification. The inspections require DPW staff to enter your home for a brief period to identify water service material where your water service enters your home. All personnel associated with the verification will have identification verifying they are a DPW employee.

In place of an in-home inspection, a survey is available to residents to complete which includes taking a picture of the water service line at the in-home water meter. Contact DPW for more information on completing the survey at 517-543-8858 or email edean@charlottemi.org.

City Projects Update

Keyless Entry Project – The vendor is completing work on the project. A portion of the doors are in-use and the remainder will be complete by mid-July.

City Staffing – The Police Department has two vacancies for police officers following the promotion of two officers into Sergeant positions that had been vacant. We are hiring for seasonal Park Ranger position for the DPW Department. We have also begun recruitment for Finance Director/Treasurer, newly created Police Captain role, and additional DPW Laborer position. We began the interview process for the role of Fire Chief.

Master Plan and Zoning Ordinance Update – The steering committee will have its project kickoff meeting on July 11th ahead of the regular Planning Commission meeting. We have tentatively

planned to launch the community survey in mid to late July and will post details as they are finalized.

Social Districts – Administration has met with representatives from CharlotteRising to further discuss the details for launching this program and we anticipate having additional materials for City Council at the July 17th meeting.

Reminder: Email Utility Billing Feature Available
Interested persons can now sign up for emailed billing of their quarterly utility bill. Please complete the form on the backside of your utility bill and return it to City Hall, in-person or drop-box, or you can sign up online at www.charlottemi.org/email-utility-bill-form/ Any person with questions or who needs to update their utility billing account, please contact UB Clerk by phone at 517-543-8841 or email mdensmore@charlottemi.org.

General information about utility billing can be found on the city's website here: http://www.charlottemi.org/serviceadministration/finance/utility-information/ and you can check your utility billing information anytime online here: www.bsaonline.com

RAVE Alerts
The City participates in RAVE Alerts which provides alert notifications to participants via voice, email, text, and posts to social media. We have expanded the service options to include targeted text and email messaging for quarterly utility billing. We will send out a notice to registered users when we send out the bills for their cycle area. This alert will notify them the bill has been mailed and provide other billing related information. If you're already registered for alerts, make sure your address information is up-to-date. There are several ways to register: Text CHARLOTTE to 67283; Download the Smart911 app; or Register for a free and secure safety profile online at Smart911.com.

Assistance Programs
For persons who may be facing financial difficulties with utilities, mortgage/rent, or other hardships, there are a number of assistance programs available. More information can be found on the city's website: https://www.charlottemi.org/assistance-programs-available/

Persons who are struggling can also dial 9-8-8 for crises and mental health support counseling services.