

Village of Spring Lake

Council Work Session

December 10, 2018

7:00 p.m.

102 West Savidge Street (Upstairs Conference Room)
Spring Lake, MI 49456

www.springlakevillage.org

1	<p>7:00 p.m. – Marihuana Ordinance</p> <p>The proposed ordinance would prohibit marihuana establishments as defined under the Michigan Regulation and Taxation of Marijuana Act. Approximately 36 Michigan municipalities collectively hired the law firm of Dickenson Wright to draft language regarding this topic. Those sample documents are attached for Council review. At this time, Grand Haven & Spring Lake Townships and the Cities of Grand Haven and Ferrysburg have prohibited the sale and consumption of marihuana in public places.</p>
2	<p>7:15 p.m. – Affordable Housing Task Force (Pat McGinnis)</p> <p>Attached please find information regarding affordable housing in NW Ottawa County. Pat McGinnis will have a brief PowerPoint presentation at the meeting.</p>
3	<p>7:25 p.m. – Shared Planner Contract Renewal (Pat McGinnis)</p> <p>The Village has enjoyed numerous collaborations with the City of Grand Haven, one of which is sharing a planner. This arrangement has worked extremely well for the Village, as Jennifer Howland is a very competent individual. Staff wishes to continue this relationship; a contract extension is attached for Council review.</p>
4	<p>7:30 p.m. – Water/Sewer Infrastructure (Marv Hinga)</p> <p>As the Village continues to analyze the needs of the water and sewer infrastructure, it has become readily apparent that rates will need to increase significantly in order to cover the necessary costs of large ticket items such as the new sewage force main, lead line replacements and similar improvements. Marv Hinga will present several scenarios for Council consideration.</p>
5	<p>7:50 p.m. – Board/Committee Appointments</p>

6	<p>7:55 p.m. – Art in the Park Update</p> <p>DDA Director Angela Stanford-Butler has created the logo for the Art in the Park crowd-funding campaign (<i>attached</i>). Staff is awaiting the final approval on the verbiage from the Patronicity Project Manager to launch.</p>
7	<p>7:59 p.m. – Commercial Redevelopment District Update</p> <p>Chamber President Joy Gaasch was in attendance at the November meeting to discuss the benefits of developing a Commercial Redevelopment District. Village Attorney Bob Sullivan is drafting language to establish a CRD for Council consideration at the January meeting.</p>
8	<p>8:09 p.m. – Board & Committee Meeting Dates for 2019</p>
9	<p>8:10 p.m. – Communications</p> <ul style="list-style-type: none"> • Beautification Committee Update • Grand Haven Charter Township – P&R Plan Amendment • Library Calendar
10	<p>8:11 p.m. - Minutes</p> <p>Minutes of the November 12, 2018 Work Session and November 19, 2018 regular meeting are attached for review. Should you wish to make edits, please share that information with Chris Burns or Maryann Fonkert prior to December 14, 2018.</p>
11	<p>8:12 - Public Comment</p> <p>Council Work Sessions are open to the public, and as such, the public is invited to speak at the end of each meeting. Each speaker should limit their comments to 3 minutes.</p>
12	<p>8:15 – Adjourn</p>

M E M O R A N D U M

To: Marihuana Consortium Members
From: Dickinson Wright Municipal Group
Date: November 7, 2018

Thank you for joining the consortium of municipalities seeking general advice regarding marihuana matters, particularly in light of the approved recreational marihuana proposition on the November 6, 2018, ballot in Michigan.

I. Analysis of Municipal Governance Issues

Attached is a detailed discussion of Proposal 2018-1 and the issues it will raise now that it has been approved by the voters.

II. Opt-Out Ordinances

Attached are two sample ordinances. One is a general opt out ordinance, prohibiting marihuana establishments as defined under the Michigan Regulation and Taxation of Marihuana Act (the “Act”). The other is a zoning ordinance that repeats the prohibition of marihuana facilities.

We recommend that a municipality wishing to opt out do so by adopting both ordinances. The general opt out ordinance can be adopted quickly, so that a municipality is on record as having opted out. The zoning ordinance will take longer to adopt, given that it must be the subject of a planning commission public hearing before it can be considered for adoption. The purpose of the zoning ordinance is to protect a municipality from being attacked for adopting only the general opt out ordinance and thus arguably regulating land uses without completing the zoning process.

These two ordinances should be adopted and in place before the state has finished its regulations for marihuana establishments under the Act, or in any event within the next 12 months. The state has a year to prepare those regulations, but it is not obligated to take that long.

These are, of course, initial draft ordinances meant to be broadly accessible and broadly useful. We have added some qualifying language in each, not to detract from the strength of the prohibition, but as support that these ordinances are adopted within the authority and limitations of state law. There is some bracketed language in each ordinance that will be useful for a municipality that allows medical marihuana facilities, to distinguish between those and recreational establishments; this language could be simplified or deleted for a municipality that does not allow medical marihuana facilities.

We added “sale” to “consumption” in the public place prohibition of the general opt-out ordinance. This is certainly optional. The indirect “no authority for...” language in section 4 of the Act provides only that the Act does not authorize the “consumption” of marihuana in public

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Dickinson Wright PLLC

places. On the other hand, section 6 of the Act allows a municipality to adopt other ordinances that are not unreasonably impracticable.

The general opt-out ordinance includes bracketed language in the section prohibiting sale and consumption. There is an exception for certain municipality-approved events, if a municipality wants that exception.

The zoning ordinance is straight-forward. We added some non-nonconforming-use language. The language is somewhat self-serving, but we believe it is worth including. We also provided that marihuana establishments may not be allowed as home occupations.

III. Marihuana and Employment Issues.

Relative to marihuana and employment issues, we have attached the following:

- Marihuana Issues in Employment Law;
- Client ALERT regarding the termination of an employee for using medical marihuana;
- Notice to Employers and Claimants Concerning Medical Marihuana from the Michigan Unemployment Insurance Agency; and
- Sample Drug and Controlled-Substance Free Workplace Policy.

IV. Regulation Rather than Prohibition

Some municipalities may wish to regulate rather than prohibit marihuana establishments under the Act. We ask that any such municipalities contact us. The regulation of marihuana establishments could take many forms, and we believe a preliminary discussion would be helpful.

RAB:psc

Recreational Marihuana Michigan Proposal 2018-1 – Initiated Legislation Analysis of Municipal Governance Issues

I. Recreational Marihuana and Medical Marihuana Governed by Separate Laws. Recreational marihuana and medical marihuana are governed by separate state laws. Recreational marihuana will be governed by the Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1 (“MRTMA”), and medical marihuana facilities are governed by the Medical Marihuana Facilities Licensing Act, 2016 PA 281 (“MMFLA”).

A. Medical Opt In vs. Recreational Opt Out. A municipality must affirmatively opt in to allow for medical marihuana facilities under the MMFLA. In contrast, a municipality that desires to prohibit recreational marihuana establishments must affirmatively opt out under the MRTMA. A municipality that does not completely opt out under the MRTMA may adopt ordinances to limit the number of recreational marihuana establishments. The default under the MRTMA is to allow, in any municipality that does not affirmatively opt out of otherwise regulate, recreational marihuana establishments that are licensed by the state and, if required, by the municipality.¹

B. Municipal Medical Marihuana Regulations Do Not Impact Recreational Marihuana Regulations. (1) A municipality that has opted in to medical marihuana may completely prohibit (opt out of) recreational marihuana; or (2) a municipality that has not opted in to medical marihuana may allow and regulate some recreational marihuana; or (3) a municipality may adopt regulations to allow for both; or (4) a municipality may decline to opt in to medical marihuana and completely opt out of recreational marihuana, thus not allowing either type of business within the municipality. If local ordinances are adopted with respect to either, such ordinances must be separate and in accordance with the applicable state law.

C. One Exception to No Overlap Between Laws. There is no overlap between the MRTMA and MMFLA, with one exception: Section 6(5) of the MRTMA provides that a municipality may not prohibit a recreational marihuana establishment from sharing space with a medical marihuana facility. This is relevant only to those municipalities that allow the existence of some recreational marihuana establishments (i.e., that do not completely opt out); a municipality that adopts an ordinance completely prohibiting recreational marihuana establishments is not required to allow any such establishments solely because the municipality allows medical marihuana facilities.

II. Local Authority and Responsibility as to Recreational Marihuana. A municipality may prohibit or regulate marihuana businesses (defined as “establishments” in the MRTMA, and including, but not limited to, retail businesses, growers and processors), but a municipality cannot prohibit individual use of marihuana by people 21 years of age and older, subject to certain potential restrictions on place as discussed below.

¹ The MRTMA allows municipalities to require recreational marihuana establishments to obtain local licenses, as long as the local licensing requirements do not conflict with the MRTMA or with any rules promulgated by the State with respect to the MRTMA.

A. A Municipality MAY:

1. Completely prohibit. A municipality may completely prohibit, by ordinance, the existence of recreational marihuana establishments.

2. Limit the Number. Instead of completely prohibiting, a municipality may adopt an ordinance allowing the existence of recreational marihuana establishments, and provide limits on the number of establishments within the municipality.

3. Establish Competitive Process for Applicants. If a municipality allows a certain number of establishments, and a greater number of applicants for state licenses wish to locate in that municipality, the MRTMA requires the municipality to decide by a competitive process which applicants are best suited to comply with the MRTMA.

4. Provide Reasonable Restrictions on Establishments. If recreational marihuana establishments are allowed, a municipality may provide reasonable time, place and manner restrictions with respect to such establishments, and provide restrictions on signage. A municipality may also provide for a civil infraction and penalty of not more than \$500 for a violation of an ordinance by a recreational marihuana establishment. Note: the MRTMA is, notably, silent with respect to violations of individual use restrictions (e.g., in public places.)

5. Limit Locations Through Zoning Ordinance. As a follow up to 4, above, a municipality may adopt reasonable zoning regulations to limit the location of recreational marihuana establishments, *except that* a municipality that otherwise allows recreational marihuana establishments cannot prohibit different types of establishments (e.g., a processor and a retailer) from operating at a single location, and cannot prohibit a recreational marihuana establishment from sharing a location with a medical marihuana facility, as long as both types of businesses are allowed to exist in the municipality. Zoning regulations can be adopted to provide additional buffers on school and other properties, e.g., to require marihuana establishments (if not completely prohibited) be located at least 1,000 feet from schools, child care centers, public parks, libraries or other types of properties. These types of regulations have been established in municipalities with respect to medical marihuana facilities, though separate regulations should be written for recreational marihuana establishments.

6. Prohibit Use in Public Places. A municipality may prohibit the use of marihuana in public places. Section 4(1)(e) of the legislation provides that the law does not authorize consuming marihuana in a public place. As that language does not specifically prohibit use in public places and considering the challenge of limiting public places to people 21 years of age or older, it is recommended that a municipality that desires to prohibit the use of marihuana in public places adopt an ordinance specifically prohibiting that behavior.

7. Allow Use in Designated Areas. Notwithstanding the authority in 4 above, a municipality may allow the use of marihuana in designated areas and at designated times, for example at special events – as long as any such area is off limits to people under 21 years of age.

B. A Municipality CANNOT:

1. Prohibit Individual Cultivation or Possession. A municipality cannot prohibit individual cultivation or possession (up to 2.5 ounces) of marihuana by people 21 years of age and older.

2. Prohibit Sale of Marihuana Accessories.

3. Prohibit Individual Use on Private Property. A municipality cannot prohibit use by a person 21 years of age and older within that person’s property, and cannot prohibit use of marihuana on private property where the owner, occupier or manager has not prohibited its use – and that is not accessible to people under 21 years of age. For example, a business that sells marihuana accessories, as discussed in 2, above, but is not licensed to sell marihuana, would, as long as the business is restricted to people 21 years of age and older, be able to allow people to bring and use personal supplies of marihuana. Under the MRTMA, the municipality in which such a business located would not be able to prohibit such use.²

4. Prohibit Transportation of Marihuana. A municipality cannot prohibit the transport of marihuana through the municipality – regardless of whether the municipality completely prohibits or allows other recreational marihuana establishments from locating in the municipality.

III. Effective Date of Recreational Marihuana Law and Local Timelines.

A. Law Effective 10 Days After Certification of Vote. The MRTMA will become effective 10 days after the vote approving the November 6, 2018, Ballot Proposal 1 is certified.³

B. Recreational Marihuana Establishment Licensing Within 1 Year. The MRTMA is effective 10 days after the vote is certified, which will then allow individuals 21 years and older to grow, possess and use (within certain limits, as discussed below) marihuana. Recreational marihuana establishments, however, will need to be licensed to legally operate. Under the MRTMA, the Michigan Department of Licensing and Regulatory Affairs (“LARA”) has 1 year from the effective date of the law to establish and promulgate rules, including a process to accept license applications, and to begin accepting license applications. There will, therefore, be some time of approximately one year, though perhaps sooner, between the effective date of the legislation and the legal opening of any marihuana establishments.⁴

² The legislation does not specifically prohibit use in public places, nor does it define public (or private) places. A municipality may, as discussed in this memo, prohibit use in governmentally owned or operated places (e.g., public parks), but a municipality’s authority to prohibit use in privately owned but publicly accessible places (e.g., restaurants, theaters) is less clear. The owners and operators of such places can ban marihuana use, but it is not clear under the legislation that local governments can. By way of analogy, Michigan’s smoking ban, 2009 PA 188, bans the smoking of, specifically, “tobacco product” and defines public places broadly, to include, among other places, any place that is a place of employment, unless otherwise exempt under 2009 PA 188 (e.g., a cigar bar, but not a restaurant.)

³ This is in accordance with the Michigan Constitution, Article II, Section 9, which provides for an effective date of any voter-initiated law 10 days after the date of the official declaration of the vote.

⁴ Under Section 16 of the MRTMA, if LARA does not promulgate rules within 1 year of the effective date of the law, a potential establishment may apply directly to a municipality to operate within that municipality. The municipality must then issue the license unless the applicant is not in compliance with an ordinance or rule adopted pursuant to the

C. No Local Deadlines – But Local Voter Initiative Right, Authority to Change Decision, Property Rights Risks. The MRTMA provides no stated timeline or deadline for a municipality to adopt an ordinance to completely prohibit recreational marihuana establishments or to adopt other ordinances regulating recreational marihuana. That said, municipalities will want to be aware of the following options and risks:

1. Local Voter Right to Petition to Opt Out or Limit Number. Section 6(1) of the MRTMA provides that individuals may petition to initiate an ordinance to (a) provide for the number of recreational marihuana establishments within a municipality or (b) completely prohibit recreational marihuana establishments within the municipality.⁵ This authority is separate from the authority for a local governing body to prohibit or regulate recreational marihuana, with no limitations on timing of any such petitions; in other words, voters may, in effect, override the decision of a local governing body. Voters may petition only to prohibit or to limit the number of establishments; voters may not petition to establish other regulations regarding recreational marihuana.

2. Municipality May Change Opt Out Decision. Subject to local ordinance and procedures, a municipality may adopt an ordinance prohibiting recreational marihuana establishments at any time, and may amend or repeal an ordinance prohibiting recreational marihuana establishments to allow for and regulate such establishments at any time. In other words, a municipality may, generally, change its mind with respect to allowing recreational marihuana establishments. Note the risk in 3, below, however.

3. Risk in Waiting to Opt Out. A municipality that does not adopt an ordinance prohibiting establishments on or soon after the effective date of the MRTMA and desires to opt out later, particularly after applications for licenses have begun to be accepted, runs the risk that recreational marihuana establishments will have vested property rights, or at least an argument for vested property rights that will cost the municipality time and money in court. Note also that, while municipalities must “opt in” to medical marihuana facilities, and therefore have an argument against such facilities claiming nonconforming use when operating in violation of a zoning provision adopted after medical marihuana facilities were authorized, recreational marihuana establishments are, by default, allowed in any municipality that does not prohibit them. Recreational marihuana establishments must be licensed to operate legally, but the question of vested property rights may arise, again, claiming a municipality’s time and resources regardless of the eventual outcome.

MRTMA. If, for example, a municipality has adopted an ordinance completely prohibiting recreational marihuana establishments, the applicant would be in violation of such ordinance, and the municipality would not have to issue the license. If a municipality allows establishments, but an applicant has applied to operate an establishment in a location where recreational marihuana establishments are prohibited under an adopted local zoning ordinance, or the applicant would otherwise violate a municipal ordinance or rule adopted in accordance with the MRTMA, the municipality would not be required to issue the license. The municipality also would not be required to issue more licenses than its ordinance allows, if the municipality has limited the number of establishments. In short, an applicant for an establishment license will face the same local restrictions whether rules are or are not promulgated by LARA.

⁵ The petition must be signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor at the last gubernatorial election. The ordinance is then submitted to the voters at the next regular election date.

Complete prohibition for licensing purposes and use in public places: additions to (1) chapter on businesses, licensing or as relevant and (2) chapter on public places

[CITY][VILLAGE][TOWNSHIP] OF _____
_____ COUNTY, MICHIGAN

[Council][M][m]ember[Trustee] _____, supported by
[Council][M][m]ember[Trustee] _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE [CITY][VILLAGE][TOWNSHIP] OF _____ BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION ___ OF CHAPTER ___ OF SAID CODE AND BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION ___ OF CHAPTER ___ OF SAID CODE

THE [CITY][VILLAGE][TOWNSHIP] OF _____ ORDAINS:

Section 1. Addition of Section ___ to Chapter ___. Section ___, "Prohibition of Marihuana Establishments," is added to Chapter __, "[Businesses][Licensing]," of the Code of Ordinances of the [City][Village][Township] of _____ to read as follows:

SECTION ___ PROHIBITION OF MARIHUANA ESTABLISHMENTS

- (A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the [City][Village][Township].
- (B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the [City][Village][Township] shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana through the [City][Village][Township] to the extent provided by the Act, and does not supersede rights and obligations under Michigan law [and Section ___ of Chapter ___ of this Code of Ordinances with

respect to the establishment and licensing of medical marihuana facilities under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan] allowing for or regulating marihuana for medical use.

Section 2. Addition of Section __ to Chapter __. Section __, “Prohibition on Sale and Consumption of Marihuana in Public Places,” is added to Chapter __, “[Streets and Public Places],” of the Code of Ordinance of the [City][Village][Township] of _____ to read as follows:

SECTION __ PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

- (A) In conformance with Sections 4.1(e) and 6.2(b) of the Act, [except as otherwise provided in this section,]the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the [City][Village][Township].
- (B) [Notwithstanding the limitations set forth in subsection (A) hereof, marihuana may be consumed where approval is granted for the consumption of marihuana at a [City][Village][Township]-approved festival or activity in areas designated by the [City][Village][Township] for such festival or activity and that are not accessible to persons under 21 years of age.]
- (C) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- (D) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

[Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.]

Section [4]. Effective Date. The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

Section [5]. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the [City][Village][Township] Clerk in _____, a newspaper of general circulation in the [City][Village][Township].

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2018

_____, [Mayor][President]
[Supervisor]

_____, _____ Clerk

CERTIFICATION

I, the undersigned duly appointed [City][Village][Township] Clerk of the [City][Village][Township] of _____, _____ County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the [City][Village][Township] on _____, 2018, and that such ordinance was entered with the Ordinance Book of the [City][Village][Township] on _____, 2018.

Dated: _____, 2018

_____, _____ Clerk

Zoning complete prohibition: if medical marihuana facilities are allowed, may want to add this section to that part of the zoning ordinance

[CITY][VILLAGE][TOWNSHIP] OF _____
_____ COUNTY, MICHIGAN

[Council][M][m]ember[Trustee] _____, supported by
[Council][M][m]ember[Trustee] _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES OF THE [CITY][VILLAGE][TOWNSHIP] OF
_____ BY ADDING A NEW SECTION WHICH NEW
SECTION SHALL BE DESIGNATED AS SECTION ___ OF
CHAPTER __ OF SAID CODE**

THE [CITY][VILLAGE][TOWNSHIP] OF _____ ORDAINS:

Section 1. Addition of Section ___ to Chapter __. Section __, “Prohibition of [Recreational] Marihuana Establishments,” is added to Chapter __, “Zoning,” of the Code of Ordinances of the [City][Village][Township] of _____ to read as follows:

**SECTION ___ PROHIBITION OF [RECREATIONAL
]MARIHUANA ESTABLISHMENTS**

- (A) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “Act”), are prohibited in all zoning districts[, and shall not be permitted as home occupations under Section __ of this Chapter].
- (B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the [City][Village][Township] Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- (C) Violations of this section are subject to the violations and penalties pursuant to Section __ of this Chapter[and [if provided for separately] may be abated as nuisances pursuant to Section __].
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the [City][Village][Township] to the extent

provided by the Act, and does not supersede rights and the regulations under Section __ of this Chapter __ with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.

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

Section [3]. Effective Date. The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective [immediately upon its adoption].

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

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2018

_____, [Mayor][President]
[Supervisor]

_____, _____ Clerk

CERTIFICATION

I, the undersigned duly appointed [City][Village][Township] Clerk of the [City][Village][Township] of _____, _____ County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the [City][Village][Township] on _____, 2018, and that such ordinance was entered with the Ordinance Book of the [City][Village][Township] on _____, 2018.

Dated: _____, 2018

_____, _____ Clerk

MARIHUANA ISSUES IN EMPLOYMENT LAW

1. Can Employees Use Marihuana?

Introduction of state legislation allowing the use of marihuana for medical or recreational purposes has created mass confusion for employers. The intersection of new marihuana legislation and existing employment laws is an evolving field. New cases are issued frequently interpreting marihuana legislation relative to a myriad of employment issues including the Americans with Disabilities Act, unemployment qualification laws, workers' compensation qualification laws, and general employment hiring, firing, and disciplinary issues. This quick guidance sheet is intended to provide a high-level overview of the current state of the law relative to these intersections. Since this field evolves quickly, you should contact an attorney before taking employment actions or implementing policies relative to employee marihuana use of any kind.

In our own practice, we have observed two prevailing problems from our employer-clients given the current state of the law: (1) that testing employees for marihuana is problematic given that so many employees are testing positive for marihuana use; and (2) drug tests cannot reliably determine whether an employee is under the influence of marihuana.

Highlights

- Employers may still test employees for marihuana, and may terminate an employee's employment, even if the employee uses marihuana on "off duty" time, no evidence of impairment on the job exists, and the employee has a valid prescription to use marihuana.
- Employers must continue to comply fully with any federal laws which require them to perform drug tests, such as those found in the Department of Transportation regulations.
- Employees should not be able to prevail in a lawsuit against the employer if they are terminated for marihuana use, even if the marihuana was used while the employee was off duty and with a valid prescription.
- However, employees who are not actively using drugs (for example, recovering addicts) may be entitled to an accommodation under the ADA or leave under the FMLA for their recovery under certain circumstances.
- In Michigan, an employee terminated for medical marihuana use under a valid prescription is not disqualified from unemployment benefits.
- Employees may be ineligible for workers' compensation benefits if marihuana use is the proximate cause of the injury, regardless of whether there is a valid prescription.
- Employees may be ineligible for workers' compensation benefits if their injury or occupational disease is caused (in part or whole) by the use of prescribed marihuana.

Overview of Existing Legislation as to Employers

The Michigan Medical Marihuana Act (“MMMA,” MCL 333.26421 *et seq.*), contains provisions specific to employment law. The MMMA provides that “[a] qualifying patient who has been issued and possesses a registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau for the medical use of marihuana in accordance with this act,” contingent on certain qualifications enumerated in the act.

However, the law makes clear that employers are not required “to accommodate the ingestion of marihuana in any work place or any employee working while under the influence of marihuana.” MCL 333.26427(e)(2). Under the MMMA people are not allowed to (1) undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice, (2) possess or engage in the medical use of marijuana on any school, school bus, or correctional facility, (3) smoke marijuana in any public place, or (4) operate, navigate, or be in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana. MCL 333.26427(b).

The Sixth Circuit Court of Appeals, which includes Michigan, held in *Casias v Wal-Mart Stores, Inc.*, 764 F Supp 2d 914 (WD Mich 2011), *aff’d*, 695 F3d 428 (6th Cir 2012), that regardless of state law, private employers have no duty to accommodate the use of medical marijuana by employees. Certainly, that would seem to be all the more true for an employee engaged in the recreational use of marihuana.

Despite these employer friendly baseline rules, the lines are blurred when considering the interaction of marihuana under various federal and state employment protective states.

2. Medical Marihuana and the Americans with Disabilities Act (“ADA”)

- Medical marihuana may be legal under state law, but it remains illegal under the federal Controlled Substances Act.
- The ADA does not require employers to accommodate medical marihuana use by employees.
- But, the ADA has a provision that permits illegal drug substances which are covered by ADA protections if “taken under supervision by licensed health care professional, or other uses authorized by the Controlled Substances Act or other provision of Federal law.”
- Some courts outside of Michigan have held that employers may need to permit employees’ off-duty medical marijuana use as a reasonable accommodation under the ADA.
- This area is developing rapidly and the state of the law is somewhat uncertain and subject to change.

- Uncertainty remains at the state level where state disability discrimination laws differ from the ADA.
- Employers must remain up-to-date on with marihuana laws.
- Recreational use of marihuana should not have an impact upon or be impacted by the ADA.

3. Best Method to Test for Marihuana Use

- With respect to testing for marihuana use, labs can take samples from hair, urine, swabs/saliva, or blood. In general, liquid testing of saliva is held out to be the most effective method for testing of the presence of marihuana.
- Unlike alcohol testing, there is no test or level of marihuana in a person's system that can definitely determine whether, and when, a person was or is under the influence of marihuana.
- The lack of definite and reliable testing leads to enforcement issues and points toward a more broad prohibition on the use of marihuana for certain classes of employees, particularly in safety positions.
- The MMMA does not define "under the influence."
 - Fact finding will be necessary to establish circumstantial evidence concerning marihuana use.

4. Unemployment Issues

- A person is not disqualified from receiving unemployment benefits if that person tests positive for marihuana while holding a valid registry identification card issued under the MMMA.
- However, a claimant will be disqualified from receiving unemployment benefits if:
 - The claimant ingested the marihuana at the workplace which also resulted in the positive drug test;
 - Claimant's termination from employment is based on the fact that claimant was under the influence of marihuana while working; or
 - Claimant is unable to demonstrate that he or she is a qualifying patient with an issued registry identification card under the MMMA. This last means of disqualification is certainly subject to change as recreational use of marihuana is allowed by law.

5. Workers' Compensation

- If use of marihuana is determined to be the cause of an accident or injury, according to post-incident testing and circumstantial evidence, the employee will not be eligible for workers' compensation benefits.
- If use was not a factor in the hazard or injury, an employee's possession of a valid prescription card should not per se disqualify the employee from workers' compensation benefits. This will particularly be the likely result as recreational use of marihuana is allowed by law.

SAMPLE DRUG AND CONTROLLED-SUBSTANCE FREE WORKPLACE POLICY

It is the policy of the Employer to create a drug and controlled-substance free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines the Employer's ability to operate effectively and efficiently. In this connection, the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in Employer business off the Employer's premises is strictly prohibited. Such conduct is also prohibited during nonworking time to the extent that, in the opinion of the Employee, it impairs an employee's ability to perform on the job, or threatens the reputation or integrity of the Employer. To help enforce this policy, the Employer may require employees to submit to a drug test upon the observance of behavior which creates a reasonable suspicion, in the Employer's judgment, that the employee is in violation of this policy. Employees may also be asked to submit to a drug/controlled substance test following an on-the-job accident or an incident in which safety precautions may have been violated or, for covered, employees, as required by the Department of Transportation.

Employees convicted of controlled-substance-related violations in the workplace, including pleas of nolo contendere (i.e., no contest), must inform the Employer within five days of such conviction or plea.

Employees who have been issued a prescription for medical marihuana are not excused from complying with this policy. All federal Schedule I drugs are illegal under this policy as are all non-prescription drugs. A positive test result for marihuana will not be excused even if the employee presents a valid medical marihuana card. Neither will the legality of recreational marihuana have any impact upon an employee's obligation to comply with this policy.

Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the Employer may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment. Failure or refusal of an employee to cooperate fully, sign a consent/release form or any other required document for testing, or submit in full to any inspection or drug test as provided will be treated as a positive drug test result and is independent grounds for discharge. Substituting or adulterating any body substance or specimen submitted for testing, or falsely representing that the body substance or specimen is the employee's own sample, likewise will be grounds for discharge.

LABOR & EMPLOYMENT

SIXTH CIRCUIT UPHOLDS WAL-MART'S TERMINATION OF EMPLOYEE FOR USING MEDICAL MARIHUANA

by: Christina K. McDonald
October 3, 2012

In a case of significant importance, on September 19, 2012, the United States Court of Appeals for the Sixth Circuit held that a private employer may fire an employee for testing positive for medical marihuana in violation of the employer's drug use policy under the Michigan Medical Marihuana Act ("MMMA"). The court's holding in *Casias v. Wal-Mart Stores, Inc.*, sets the precedent that users of medical marihuana are not a protected class in the private sector and that the MMMA only protects users of medical marihuana from state action, such as arrest and prosecution, for legal use of the drug.

Joseph Casias worked as a Wal-Mart employee in Battle Creek, Michigan for a little over five years when he was terminated for violating the company's drug use policy. Mr. Casias suffers from sinus cancer and an inoperable brain tumor and endured ongoing pain as a result of his condition. Mr. Casias' oncologist recommended that he try medical marijuana to treat the pain associated with his medical condition, so Mr. Casias obtained a medical marihuana registry card from the Michigan Department of Community Health under the MMMA, which was enacted in 2008.

Mr. Casias complied with the state laws governing the use of medical marihuana and never used marihuana at work nor did he come to work while under the influence of the drug. During his employment, Mr. Casias took a drug test in accordance with Wal-Mart's drug use policy, and he tested positive for the use of marihuana. Wal-Mart did not honor Mr. Casias' medical marihuana registry card and terminated his employment because the use of marihuana violated the company's drug use policy. Mr. Casias sued Wal-Mart for wrongful termination.

The federal District Court for the Western District of Michigan held that Wal-Mart's decision to fire Mr. Casias was lawful because the MMMA only provides medical marihuana users with protection from state action, and not from private action. The court held that "[w]hatever protection the MMMA does provide users of medical marijuana, it does not reach to private employment." *Casias v Wal-Mart Stores, Inc.*, 764 F. Supp. 2d 914, 926 (W.D. Mich. 2011)(internal citation omitted).

In affirming the district court's decision, the Sixth Circuit specifically held that the MMMA "does not impose restrictions on private employers, such as Wal-Mart." The court noted that similar medical marihuana laws in other states do not regulate private employment

actions either. Finally, the court held that Wal-Mart's decision to terminate Mr. Casias' employment was not against public policy.

The full text of the court's opinion is available at <http://www.ca6.uscourts.gov/opinions.pdf/12a0343p-06.pdf> (last accessed September 28, 2012). Clients should consult with an attorney before taking any action against an employee for use or suspected use of medical marihuana.

FOR MORE INFORMATION CONTACT:



Christina K. McDonald, is an associate in Dickinson Wright's Grand Rapids office. She counsels companies in employment matters and practices in the area of commercial litigation, including employment litigation. Ms. McDonald can be reached at 616.336.1039 or cmcdonald@dickinsonwright.com.

Disclaimer: This client alert is published by Dickinson Wright PLLC to inform our clients and friends of important developments in the field of labor and employment law. The content is informational only and does not constitute legal or professional advice. We encourage you to consult a Dickinson Wright attorney if you have specific questions or concerns relating to any of the topics covered in here.



UIA / I AM AN EMPLOYER

Notice to Employers and Claimants Concerning Medical Marijuana

Recently, the Michigan Supreme Court declined to hear cases challenging an earlier Michigan Court of Appeals ruling regarding the Unemployment Insurance Agency (UIA). As a result, the Court of Appeals decision is now final, and will not disqualify a person from receiving unemployment benefits if that person tests positive for marijuana while holding a valid registry identification card issued under the Michigan Medical Marijuana Act. As a result of this legal development, the Agency must take steps to comply with the Court of Appeals decision.

Now, and solely in the context of unemployment benefits, claimants will be disqualified from receiving unemployment benefits if the claimant's: (1) positive drug test for marijuana was caused by the ingestion of marijuana at the workplace; (2) discharge is based on the fact that the claimant was under the influence of marijuana at the workplace; or (3) inability to demonstrate that he or she is a qualifying patient who has been issued and possesses a registry identification card under the Michigan Medical Marijuana Act.

Claimants Should Know: When the use of medical marijuana is asserted to avoid a disqualification, UIA staff will request a copy of your valid registry identification card.

Employers Should Know: The term "under the influence" is not defined in the Michigan Medical Marijuana Act. Accordingly, fact finding will seek material facts which demonstrate that an individual's use of medical marijuana put the safety of persons or property at risk.

Consistent with any other issued (re)determinations, the Agency will continue to provide all parties protest and appeal rights of its (re)determinations where any party disagreeing with the Agency's (re)determination may protest or appeal the decision as warranted.

For more information, please call:

Employers: Office of Employer Ombudsman at 1-855-4UIAOEO (1-855-484-2636)

Claimants: UIA Customer Service Hotline at 1-866-500-0017

[Michigan.gov Home](#) | [TED Home](#) | [TIA Home](#) | [UIA Home](#) | [State Websites](#) | [FOIA](#)
[Policies](#) | [Michigan News](#) | [ADA](#)

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Complete prohibition for licensing purposes and use in public places: additions to (1) chapter on businesses, licensing or as relevant and (2) chapter on public places

[CITY][VILLAGE][TOWNSHIP] OF _____
_____ COUNTY, MICHIGAN

[Council][M][m]ember[Trustee] _____, supported by
[Council][M][m]ember[Trustee] _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE [CITY][VILLAGE][TOWNSHIP] OF _____ BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION ___ OF CHAPTER __ OF SAID CODE AND BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION __ OF CHAPTER __ OF SAID CODE

THE [CITY][VILLAGE][TOWNSHIP] OF _____ ORDAINS:

Section 1. Addition of Section ___ to Chapter __. Section __, "Prohibition of Marihuana Establishments," is added to Chapter __, "[Businesses][Licensing]," of the Code of Ordinances of the [City][Village][Township] of _____ to read as follows:

SECTION ___ PROHIBITION OF MARIHUANA ESTABLISHMENTS

- (A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the [City][Village][Township].
- (B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the [City][Village][Township] shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana through the [City][Village][Township] to the extent provided by the Act, and does not supersede rights and obligations under Michigan law [and Section __ of Chapter __ of this Code of Ordinances with

respect to the establishment and licensing of medical marihuana facilities under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan] allowing for or regulating marihuana for medical use.

Section 2. Addition of Section __ to Chapter __. Section __, “Prohibition on Sale and Consumption of Marihuana in Public Places,” is added to Chapter __, “[Streets and Public Places],” of the Code of Ordinance of the [City][Village][Township] of _____ to read as follows:

SECTION __ PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

- (A) In conformance with Sections 4.1(e) and 6.2(b) of the Act, [except as otherwise provided in this section,]the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the [City][Village][Township].
- (B) [Notwithstanding the limitations set forth in subsection (A) hereof, marihuana may be consumed where approval is granted for the consumption of marihuana at a [City][Village][Township]-approved festival or activity in areas designated by the [City][Village][Township] for such festival or activity and that are not accessible to persons under 21 years of age.]
- ((C)) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- ((D)) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

[Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.]

Section [4]. Effective Date. The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

Section [5]. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the [City][Village][Township] Clerk in _____, a newspaper of general circulation in the [City][Village][Township].

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2018

_____, [Mayor][President]
[Supervisor]

_____, _____ Clerk

CERTIFICATION

I, the undersigned duly appointed [City][Village][Township] Clerk of the [City][Village][Township] of _____, _____ County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the [City][Village][Township] on _____, 2018, and that such ordinance was entered with the Ordinance Book of the [City][Village][Township] on _____, 2018.

Dated: _____, 2018

_____, _____ Clerk

Zoning complete prohibition: if medical marihuana facilities are allowed, may want to add this section to that part of the zoning ordinance

[CITY][VILLAGE][TOWNSHIP] OF _____
_____ COUNTY, MICHIGAN

[Council][M][m]ember[Trustee] _____, supported by
[Council][M][m]ember[Trustee] _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES OF THE [CITY][VILLAGE][TOWNSHIP] OF
_____ BY ADDING A NEW SECTION WHICH NEW
SECTION SHALL BE DESIGNATED AS SECTION __ OF
CHAPTER __ OF SAID CODE**

THE [CITY][VILLAGE][TOWNSHIP] OF _____ ORDAINS:

Section 1. Addition of Section __ to Chapter __. Section __, “Prohibition of [Recreational] Marihuana Establishments,” is added to Chapter __, “Zoning,” of the Code of Ordinances of the [City][Village][Township] of _____ to read as follows:

**SECTION __ PROHIBITION OF [RECREATIONAL
]MARIHUANA ESTABLISHMENTS**

- (A) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “Act”), are prohibited in all zoning districts[, and shall not be permitted as home occupations under Section __ of this Chapter].
- (B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the [City][Village][Township] Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- (C) Violations of this section are subject to the violations and penalties pursuant to Section __ of this Chapter[and [if provided for separately] may be abated as nuisances pursuant to Section __].
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the [City][Village][Township] to the extent

provided by the Act, and does not supersede rights and the regulations under Section __ of this Chapter __ with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.

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

Section [3]. Effective Date. The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective [immediately upon its adoption].

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

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2018

_____, [Mayor][President]
[Supervisor]

_____, _____ Clerk

CERTIFICATION

I, the undersigned duly appointed [City][Village][Township] Clerk of the [City][Village][Township] of _____, _____ County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the [City][Village][Township] on _____, 2018, and that such ordinance was entered with the Ordinance Book of the [City][Village][Township] on _____, 2018.

Dated: _____, 2018

_____, _____ Clerk

AFFORDABLE HOUSING 2018 TASK FORCE

PLAN ADOPTED AUGUST 20, 2018

The Grand Haven City Council is committed to ensuring that the housing stock in Grand Haven is safe and well maintained. Over the years efforts have focused on sensible planning, professional building, property maintenance code enforcement, and rental inspections. In 2017, City Council directed that more attention be paid to the cost of housing in Grand Haven and the role local government can or should play in the availability of housing options for all income levels. As a result, the Affordable Housing Task Force was formed in January of 2018.

This report provides recommendations to clearly define steps the City might take to become a catalyst, not an obstacle, to more housing options for all Grand Haven residents.

After initial research was complete, **three basic ideals** were set moving forward:

1

Everyone who works in Grand Haven should be able to **live** in Grand Haven

2

Grand Haven should have a **variety** of housing options

3

Those who live in Grand Haven should be able to **remain** in Grand Haven as they age



Grand Haven
Coast Guard City USA

Affordable Housing Plan



Grand Haven
Coast Guard City USA

Ten-Point Plan of Action:

1. Utilization of financial incentives/tools that can be accessed for City projects
 - a. Act 381 Brownfield Redevelopment
 - b. Community Revitalization Program
 - c. LIHTC (Low Income Housing Tax Credits)
 - d. MSHDA Financing
 - e. PILOTs (Payments in Lieu of Taxes)
2. Identify viable sites for high density and/or mixed use residential development to accommodate a diverse range of price points (public/private). Establish dialogue with owners of those sites, and proven developers, to encourage pursuit of projects and programs
3. Support higher density development in select districts
4. Establish public acquisition fund to assist in land assembly (Potentially at the Grand Haven Area Community Foundation)
5. Work with the Grand Haven Area Community Foundation to establish an Affordable Housing Community Fund to focus private resources
6. Regional Approach
 - a. Pursue regional support for housing staff to continue to work on housing affordability initiatives
 - b. Share plan and action steps with neighboring municipalities to create regional effort
 - c. Pursue Regional Housing Authority
7. Coordinate location of higher density residential development with readily available public and alternative transportation modes
8. Zoning ordinance rewrite with specific attention to affordable housing best practices
9. Provide quarterly progress reports to City Council and active partners
10. Submit annual report to Council and active partners for amendment and affirmation

Implementing measures that promote affordable housing developments will benefit the city as a whole. In considering the recommendations made in this report, City leadership would be making Grand Haven a place not only to work and play, but to stay.

2021



City of Grand Haven

November 9, 2018

Chris Burns
Village of Spring Lake
102 W. Savidge Street
Spring Lake, MI 49456

Dear Chris,

Pursuant to Section 6 of our Independent Contractor Agreement for Planning Services, we confirm by our mutual signatures below that the Agreement is extended for an additional year, from January 1, 2019 until December 31, 2019. Please countersign and return one copy to my attention at 519 Washington Ave, Grand Haven, 49417.

Chris Burns, Village Manager
Village of Spring Lake

Pat McGinnis, City Manager
City of Grand Haven



Board and Commission Application

102 W. Savidge, Spring Lake, MI 49456

P: (616) 842-1393 F: (616) 847-1393

Email: christine@springlakevillage.org

Name: Thomas C. Cousineau Date: 10/18/2018

Address: 616 LEONARD ROAD, S.L., MI Home Phone: (616) 846-2633

Email Address: TCC342@GMAIL.COM Cell Phone: (231) 740-6827

Years as a Village Resident: 39 Occupation: RETIRED - SEE RESUME

Background/Interests: READING, SPORTS, SLDL, HISTORY, NOVA, DAUGHTERS FAMILY, TRAVEL

Please check the board(s) or commission(s) that you would be willing to serve on:

- Village Council
- Planning Commission (2)
- Zoning Board of Appeals (2)
- Parks & Recreation/Tree Board (1)
- Lloyd's Bayou Lake Board
- Historic Commission (2)
- Library Liaison (1)
- Spring Lake Lake Board
- Beautification Volunteer
- DDA (4)
-
-

The above boards typically meet on a monthly basis, with the exception of the ZBA which meets on an "as needed" basis. Quorums are required for any board to act, so attendance is important. Do you feel the other board members can count on your regular attendance so that business can be conducted?

Yes No Seasonally - from _____ to _____

Why would you like to be on the board(s) or commission(s) you have selected: (Please use reverse side if necessary)

HAVING SERVED 28 YEARS ON THE SLDL BOARD, I WOULD LIKE TO CONTINUE TO HAVE INPUT WITH THE SELECTION OF OUR NEW DIRECTOR AND WITH THAT TRANSITION.

Concerns for the Village; if any:

The Village of Spring Lake assures that no person shall, on the grounds of race, color, national origin, or sex be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Village of Spring Lake further assures every effort will be made to ensure nondiscrimination in all of its committees, programs and activities, regardless of the funding source.

¹ Please attach a resume.



SPRING LAKE DISTRICT LIBRARY

Growing with our community for over 150 years

September 19, 2018

Spring Lake Village Council
Village of Spring Lake
102 W. Savidge St.
Spring Lake, MI 49456

Dear Spring Lake Village Council Members:

The four-year term of Tom Cousineau on the Spring Lake District Library Board will expire on December 31, 2018. Tom has been a valuable member of the Library Board and has expressed interest in being reappointed.

Tom is deeply committed to providing excellent library service for the community. Tom has served both as President and Vice President of the Board. His participation has been vital in a number of meetings where his business experience and community connections have benefited the Library.

Please notify Tom of any paperwork or meetings that he should be aware of in the reappointment process.

Thanks for your help with this important matter.

Sincerely,

Mary Eagin, President
Board of Trustees of the Spring Lake District Library

Thomas C. Cousineau

Date of Birth: 03/07/1942

1960: North Muskegon High School

1965: BA Hope College

1967: MA Western Michigan University

1967-1973: Pre Doctoral Work in Eastern European History and Cultural Anthropology,
University of Pittsburgh

1969-1972: Pittsburgh Central Catholic High School: Teacher Senior Social Sciences

1973-2016: Carpenter Brothers Inc., Technical Sales of Consumables/Equipment to the Foundry
Industry

2016-2017: Consultant - Carpenter Brothers Inc.

1990-Present: SLDL Board

2017-Present: NOCH Volunteer

Approved
12/5/16

Copy

10-6-15

INDEPENDENT CONTRACTOR AGREEMENT

THIS AGREEMENT, dated for reference purposes, this 17th day of October, 2016, (the "Agreement") is made by and between **THE VILLAGE OF SPRING LAKE**, a Michigan Municipal Corporation (the "**Village**"), whose address is 102 W. Savidge Street, Spring Lake, Michigan 49456 and **CITY OF GRAND HAVEN** (the "**Contractor**") of 519 Washington Avenue, Grand Haven, Michigan, 49417.

1. General Agreement. Village agrees to hire Contractor and Contractor agrees to be retained by Village as an independent contractor to perform services related to the Village's planning services described in Exhibit A (the "Services") as part of a collaborative planning opportunity. The City of Grand Haven will provide planning services. It is understood that the Village will contract zoning services from Spring Lake Township for the same term.

2. Payment for Services. Village agrees to pay and Contractor agrees to accept payment for the Services at a rate of \$16,500 per year (\$1,375 per month), including travel time.

3. Relationship Created. Under all circumstances, the Contractor is not an employee of Village for any purpose whatsoever but is an independent contractor. Village is interested only in the proper performance of the Services by the Contractor, who shall have sole control of the manner and means of performance under this Agreement; yet, the Village will make all pertinent electronic, paper and technology available to contractor at no extra expense as it would for a full-time staff member.

4. Expenses and Taxes. Contractor shall provide and be responsible for all reasonable and necessary expenses in fulfilling the obligations under this Agreement. Village will not reimburse Contractor for any expenses, excepting mileage incurred at the current IRS rate. Contractor agrees that Village shall neither withhold any income taxes or FICA contributions from any fees which might be owed to Contractor, nor make any FICA contributions on behalf of Contractor, nor make any contributions for FUTA, applicable state employment taxes relating to unemployment compensation or applicable state worker's disability compensation.

5. Contractor at Will. Contractor understands that the services provided to Village shall be at the will of Village and that the services may be terminated at any time by either party with or without cause.

6. Term. The term is from January 1, 2016 to December 31 2016. Agreement may be extended for up to three consecutive one year periods upon written confirmation by City and Village Manager.

7. Insurance Matters. Contractor represents and warrants to Village that they are adequately insured for liability, casualty, and property loss under applicable law, as well as in accordance with reasonable customs and practices, for the performance of the Services. Village shall not provide coverage under any worker's disability compensation insurance plan for any accident or injury arising in or out of the course of this Agreement and Village shall not provide coverage under any unemployment compensation insurance plan, or for unemployment benefits either during or after the term of this Agreement.

8. Indemnification by Contractor. Contractor shall indemnify and hold Village harmless against all claims made by Contractor or otherwise by reason of any misrepresentations, promises, or false statements made by Contractor. In addition, Contractor shall reimburse the Village on demand for any payment made by

the Village with respect to any claim for damages by reason of any such misrepresentations, promises or false statements, including reasonable attorney's fees, or other defense costs and all out-of-pocket expenses of Village.

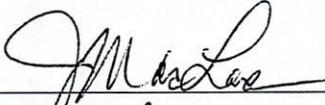
9. Indemnification by Village. Provided the Contractor has acted in good faith and has not made any misrepresentation, false statements or promises that are inconsistent with Village policies or procedures, the Village shall hold the Contractor (defined for purposes of this paragraph to include its officers and employees) harmless from, indemnify the Contractor for and defend the Contractor against any claims, causes of action, or lawsuits arising from the services performed by the Contractor pursuant to this Agreement.

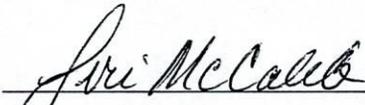
10. Miscellaneous. This is the entire agreement of the parties and supersedes any prior agreement. This Agreement can only be modified in writing signed by both parties. The Agreement replaces and supersedes any prior agreements which may have existed between the parties, whether oral or written. Captions appearing at the beginning of each section hereof or within sections are provided for convenience only, shall not be deemed a part of this Agreement, and shall have no independent significance. In this Agreement, words used in the singular shall include the plural, and the words used in the plural shall include the singular. The use of pronouns or other terms referring to the male gender shall include the female and/or neuter gender, and use of pronouns or other terms referring to the female gender shall include the male gender. Reference to any person or entity herein is presumed by any designation of such person or equity. The word "person" includes a firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of them as well as a natural person. No terms or provisions of this Agreement shall be deemed waived by the Village and no breach excused by the same, unless the waiver or consent is in writing, signed by the Village. If any provision of this Agreement shall be held to be invalid, the remaining provisions of this Agreement shall not be affected thereby and may be modified by a court of competent jurisdiction; regardless, the Agreement shall remain in force and effect, and shall continue to govern the relationship between and among the parties. The terms of this Agreement shall be binding upon and inure to the benefit of the parties, their heirs, personal representatives, successors and assigns. This Agreement shall be construed in accordance with the internal laws of the State of Michigan, excluding any applicable conflict of law provisions.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the day and year first above provided.

VILLAGE OF SPRING LAKE
A Michigan Municipal Corporation

CITY OF GRAND HAVEN
A Michigan Municipal Corporation

By: 
Its: President

By: 
Its: Mayor

By: 
Its: CLERK

By: 
Its: City Clerk



ART
in the

PARK

2019 VILLAGE OF SPRING LAKE BOARDS/COMMISSIONS MEETING DATES

Village Council	Village Council Regular Meetings	Downtown Development Authority	Parks & Recreation	Planning Commission	Zoning Board of Appeals*	Historic Commission	Harbor Transit	Sewer Authority	NOWS
Work Session 7:00 p.m. Village Hall	7:00 p.m. Barber School	7:30 a.m. Village Hall	7:00 p.m. Village Hall	7:00 p.m. Barber School	7:00 p.m. Barber School	6:00 p.m. Village Hall	5:30 p.m. Varies	8:30 a.m. GHCH	9:30 a.m. GHCH
01/14/19	01/21/19	01/10/19	No Meeting	01/22/19	01/08/19	01/28/19	01/23/19	02/20/19	02/20/19
02/11/19	02/18/19	02/14/19	02/04/19	02/26/19	02/12/19	02/25/19	GHCT		
03/11/19	‡2/9/19 8:a.m.	03/14/19	03/04/19	03/26/19	03/12/19	03/25/19	03/27/19	05/15/19	05/15/19
04/08/19	03/18/19	04/11/19	04/01/19	04/23/19	04/09/19	04/22/19	SLT		
05/13/19	04/15/19	05/09/19	05/06/19	05/28/19	05/14/19	~5/20/2019	05/22/19	08/21/19	08/21/19
6/10/19 6:00 p.m.	05/20/19	06/13/19	06/03/19	06/25/19	06/11/19	06/24/19	FB		
07/08/19	»6/10/19	07/11/19	07/01/19	07/23/19	07/09/19	07/22/19		11/13/19	11/13/19
08/12/19	06/17/19	08/08/19	08/05/19	08/27/19	08/13/19	n/a			
09/09/19	07/15/19	09/12/19	09/03/19	09/24/19	03/10/19	09/23/19			
10/14/19	08/19/19	10/10/19	10/07/19	10/22/19	10/08/19	10/28/19			
11/11/19	09/16/19	11/14/19	11/04/19	11/26/19	11/12/19	11/25/19			
12/09/19	10/21/19	12/12/19	12/02/19	~12/17/2019	12/10/19	TBD			
	11/18/19								
	12/16/19								
*Meets on an "as needed" basis. Check website and Facebook for cancellations.									
~Planning & Historic Commissions meet one week early									
♦Parks & Rec. meets one day later									
»Special Village Council Meeting to Approve the Budget									
‡Special Village Council Goal Setting Meeting. 8:00 a.m. - at Spring Lake Fire Station #1									



Board and Commission Application

102 W. Savidge, Spring Lake, MI 49456

P: (616) 842-1393 F: (616) 847-1393

Email: christine@springlakevillage.org

Name: Thomas C. Cousineau Date: 10/18/2018

Address: 616 LEONARD ROAD, S.L., MI Home Phone: (616) 846-2633

Email Address: TCC342@GMAIL.COM Cell Phone: (231) 740-6827

Years as a Village Resident: 39 Occupation: RETIRED - SEE RESUME

Background/Interests: READING, SPORTS, SLJL, HISTORY, NOCH, DAUGHTERS FAMILY, TRAVEL

Please check the board(s) or commission(s) that you would be willing to serve on:

- | | | |
|--|---|---|
| <input type="checkbox"/> Village Council | <input type="checkbox"/> Lloyd's Bayou Lake Board | <input type="checkbox"/> Beautification Volunteer |
| <input type="checkbox"/> Planning Commission (2) | <input type="checkbox"/> Historic Commission (2) | <input type="checkbox"/> DDA (4) |
| <input type="checkbox"/> Zoning Board of Appeals (2) | <input checked="" type="checkbox"/> Library Liaison (1) | <input type="checkbox"/> |
| <input type="checkbox"/> Parks & Recreation/Tree Board (1) | <input type="checkbox"/> Spring Lake Lake Board | <input type="checkbox"/> |

The above boards typically meet on a monthly basis, with the exception of the ZBA which meets on an "as needed" basis. Quorums are required for any board to act, so attendance is important. Do you feel the other board members can count on your regular attendance so that business can be conducted?

Yes No Seasonally - from _____ to _____

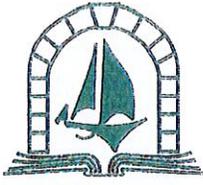
Why would you like to be on the board(s) or commission(s) you have selected: (Please use reverse side if necessary)

HAVING SERVED 28 YEARS ON THE SLJL BOARD, I WOULD LIKE TO CONTINUE TO HAVE INPUT WITH THE SELECTION OF OUR NEW DIRECTOR AND WITH THAT TRANSITION.

Concerns for the Village; if any:

The Village of Spring Lake assures that no person shall, on the grounds of race, color, national origin, or sex be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Village of Spring Lake further assures every effort will be made to ensure nondiscrimination in all of its committees, programs and activities, regardless of the funding source.

¹ Please attach a resume.



SPRING LAKE DISTRICT LIBRARY

Growing with our community for over 150 years

September 19, 2018

Spring Lake Village Council
Village of Spring Lake
102 W. Savidge St.
Spring Lake, MI 49456

Dear Spring Lake Village Council Members:

The four-year term of Tom Cousineau on the Spring Lake District Library Board will expire on December 31, 2018. Tom has been a valuable member of the Library Board and has expressed interest in being reappointed.

Tom is deeply committed to providing excellent library service for the community. Tom has served both as President and Vice President of the Board. His participation has been vital in a number of meetings where his business experience and community connections have benefited the Library.

Please notify Tom of any paperwork or meetings that he should be aware of in the reappointment process.

Thanks for your help with this important matter.

Sincerely,

Mary Eagin, President
Board of Trustees of the Spring Lake District Library

Thomas C. Cousineau

Date of Birth: 03/07/1942

1960: North Muskegon High School

1965: BA Hope College

1967: MA Western Michigan University

1967-1973: Pre Doctoral Work in Eastern European History and Cultural Anthropology,
University of Pittsburgh

1969-1972: Pittsburgh Central Catholic High School: Teacher Senior Social Sciences

1973-2016: Carpenter Brothers Inc., Technical Sales of Consumables/Equipment to the Foundry
Industry

2016-2017: Consultant - Carpenter Brothers Inc.

1990-Present: SLDL Board

2017-Present: NOCH Volunteer



SPRING LAKE DISTRICT LIBRARY

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September 19, 2018

Spring Lake Village Council
Village of Spring Lake
102 W. Savidge St.
Spring Lake, MI 49456

Dear Spring Lake Village Council Members:

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Please notify Tom of any paperwork or meetings that he should be aware of in the reappointment process.

Thanks for your help with this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Mary Eagin".

Mary Eagin, President
Board of Trustees of the Spring Lake District Library

Adopt a Garden Program 2019 Proposed Work Plan

1. Restructure Adopt a Garden Program
 - a. With a few exceptions, follow a team approach with each Butterfly Garden so that pocket gardens have multiple gardeners.
 - b. Train key volunteers to be garden cluster leaders.
 - c. Schedule workdays for cluster gardens; i.e., Lake, Alden, Whistle Stop, where all assigned gardeners work in the same area on a given day.
2. Pull all volunteers from the Jackson/Exchange area for 2019 – 9 gardens will be affected. I will work with Wally to find two days when I can work with volunteers to dead head winter plants and remove debris.
3. Focus on upgrading and enhancing gardens at:
 - a. Lake St.
 - b. Alden
 - c. Burger King
 - d. Whistle Stop

Research and Development

- 1 Consult with Bill Schneider of Wildtype Nursery in Mason, MI on how to install a prairie habitat under the bridge. Put together a proposal for late 2019 fall planting.
- 2 Complete search for labels/signage for Trees and Butterfly Garden plants. Note: Some loss of both plants and signs in 2018. 3 signs at \$25 a pop.
- 3 Invasive removal along the Tanglefoot river bank – hand pull invasives and immediately replant with plugs: Native grasses, milkweed, goldenrod, asters, Joe Pye Weed, namely plants with deep roots that stabilize the bank.

Cement Planters



November 19, 2018

RE: Amendment to Explore the Grand Region, a Community Parks & Recreation Plan in Northwest Ottawa County, 2015 – 2019

To Whom It May Concern:

Pursuant to the Michigan Department of Natural Resources Guidelines for the Development of Community Park, Recreation, Open Space, and Greenway Plans this letter, and the enclosed documents are being provided to each municipality that is part of this multi-jurisdictional parks and recreation plan.

Grand Haven Township intends to amend the Plan to incorporate additional land that was acquired and new potential projects that were derived based on the planning and public input processes. This included over ten Parks & Recreation Committee meetings at the request of the Township Board, which accepted public input in addition to the outreach described below.

In late 2015, the Township acquired more land to expand Hofma Park and Preserve by 155-acres bringing the total land area to 566-acres. Of this land, 115-acres is on Sleeper Street and is encumbered by donation restrictions to maintain the area in a natural state with passive recreation amenities such as trails. However, the overgrown Christmas tree farm must be removed, and the area replanted with native species. The remaining 40-acres on Ferris Street is free of encumbrances and is well-suited for active recreation.

The addition of this new land lead to a community engagement charrette known as the Hofma Vision. This three-fold outreach campaign consisted of:

1. **Social Media** – solicit responses from community members, encouraged to post comments or email the Township staff to provide input.
2. **Student Input** – a partnership was formed with the GHAPS STEM program (*science, technology, engineering, and math*) and enabled elementary school students to help design a park.
3. **Community Engagement Charrette**
 - Walk-About – two walking tours were held to explore the new land and generate ideas and gain an understanding of opportunities and challenges of the sites.

- Interactive Mosaic Design Workshop – game-like activities were created to for individuals and groups to design the parks utilizing different recreational amenities that were scaled to provide a realistic expectation of what could be included. Children were provided Lego’s to build their park in addition to the mosaics.

In 2018, Township staff verified the shoreline at Pottawattomie Park is suffering from severe erosion. A map was created to show time elapsed erosion from 1994 – 2017. The loss of shoreline ranges from 32- to 45-feet. This regional park experiences a wide array of user activities including using the shoreline as a launching point and/or wading within the bayou. For this reason, the Township is working towards installing a natural shoreline that supports the Resilient Master Plan and will stabilize the erosion.

This amendment is being completed to enable the Township to apply for Grant Funding Opportunities in 2019.

Draft copies of the plan are enclosed, and can also be viewed at www.ghd.org and/or during normal business hours at the Township Hall located at 13300 168th Avenue.

Please contact me if this raises further questions.

Best regards,



Stacey Fedewa, AICP
Community Development Director
Grand Haven Charter Township
(616) 604-6326 Direct
(616) 260-4982 Cell
sfedewa@ghd.org

[Enclosure(s)]

Cc:	City of Grand Haven	[519 Washington, Grand Haven, MI 49417]
	Spring Lake Township	[106 S Buchanan, Spring Lake, MI 49456]
	Village of Spring Lake	[102 W Savidge, Spring Lake, MI 49456]
	City of Ferrysburg	[17290 Roosevelt, Ferrysburg, MI 49409]

Potential Projects List

The Amended Potential Project List is intended to replace page 164

The Potential Project List provides a list of each of the projects identified within the planning process in a priority order, with the projects of highest priority listed first. This list will assist the Township in the identification of needed funds for the development of park facilities and recreational opportunities and is meant as a guideline that may be adjusted to meet changing recreational goals and objectives.

**Action Program
Grand Haven Charter Township**

Park Location	Project	Comments
Hofma Preserve	Plant Native Flora	Remove non-native evergreen nursery stock (Hofma Vision)
Hofma Park	Active Recreation	Expand active recreation amenities (Hofma Vision)
Pottawattomie Park	Stabilize Shoreline & Universal Design	Create natural shoreline to stabilize erosion
Hofma Park	Stabilize Retaining Wall On Park Drive	
Bignell Park	Tree Replacement Plantings (Phased)	
Pottawattomie Park	Tree Replacement Plantings (Phased)	
Mercury Park	Tree Replacement Plantings (Phased)	
Hofma Preserve	Update Grills	
Launch	Power Off/On Enforcement Signs	
Hofma Park	Additional Parking at Soccer Field	
Hofma Park	Accessible Parking at Soccer Field	
Hofma Preserve	Larger Sign at Sleeper St. Entrance	
Hofma Park	Accessible Picnic Tables	
Pottawattomie Park	Accessible Picnic Tables	
Pottawattomie Park	Accessible Walk to Play Equipment	
Hofma Preserve	Accessible Trail Loop	
Hofma Park	Accessible Trail Loop	
Pottawattomie Park	Baby Changing Stations in Restroom	
Hofma Park	Baby Changing Stations in Restroom	
Mercury Park	Baby Changing Stations in Restroom	
All	Park Brochures	
Hofma Park	Winter Informal Parking at Ferris St.	
Hofma Park	Restripe Lot for Angled Parking	
Hofma Park	Drinking Fountain & Table at Ferris St.	
All	Park Signage Identifying Amenities	
Pottawattomie Park	Additional Parking	
Hayes Street	Kayak and Canoe Launch	
Hofma Preserve	Nature/Interpretive Center & Signage	
Brucker Street End	Street End Improvements	
Buchanan Street End	Street End Improvements	
Undetermined	Multi-Use Fields and Park	
Undetermined	Disc Golf	
Undetermined	Dog Park	
Mercury Park	Light Softball Field	
Mercury Park	Higher Fences at Player Areas	
All	Update On-Line Reservation System	
Hofma Park	Light Softball Field	
Pottawattomie Park	Historical Interpretation Signage	
Pottawattomie Park	Kayak and Canoe Launch	
Bayou Bridges	Memorial Viewing & Fishing Platform	Millhouse & Pottawattomie Bayou Bridges on Mercury Drive
Non-Motorized Pathways	Stabilize Retaining Wall on Lakeshore Dr	
Non-Motorized Pathways	Pathway on 144th Avenue	Mercury Drive south to Lincoln Street
Non-Motorized Pathways	Pathway on Buchanan Street	US-31 west to Lakeshore Drive
Non-Motorized Pathways	Pathway Connector on 152nd Avenue	Between Ferris Street and Lincoln Street
Non-Motorized Pathways	Pathway Connector on 168th Avenue	Between Buchanan Street & Ferris Street
Non-Motorized Pathways	Pathway on Groesbeck Ave	152nd Avenue west to end
Non-Motorized Pathways	Pathway on Sleeper St	168th Avenue to Hofma Preserve
Non-Motorized Pathways	Pathway on Lincoln St	Lakeshore Drive west to US-31
Non-Motorized Pathways	Pathway on Lincoln St	US-31 east to 144th Ave
Non-Motorized Pathways	Pathway Connector on US-31	Between Ferris Street and Lincoln Street
Non-Motorized Pathways	Paved Shoulder on M-45	Lakeshore Drive east to US-31
Other	Outdoor Rock Wall	
Other	Property Acquisition in South End	
Other	Large Playground Experience	
Other	Splash Pad	
Other	Zip Line	
Other	Ropes Courses	
Other	Shuffleboard	

Potential Project Summaries

The Amended Potential Project Summaries is intended to replace page 165

Hofma Park & Preserve Planting Plan

Remove existing non-native flora species and plants from an abandoned evergreen tree farm that are in poor health and have created an ecological depressed zone and replace with a variety of native species to promote a diverse ecosystem of flora and fauna. The planting plan will convert about 70 acres. In addition, the 2017 Hofma Vision included the need to install a parking lot, restrooms, and pavilion near 168th Avenue. Along with more nature trails throughout the newly replanted land.

Hofma Park & Preserve Active Recreation

On Ferris Street, west of the existing active recreation, the Hofma Vision calls for numerous amenities to support local athletics. Including, multi-sports fields, pickleball courts, baseball fields, and unique playground equipment such as a rock wall and ropes course. To promote these community-oriented amenities pavilions, restrooms, bleachers, benches, and parking will be installed. More trails will be constructed to provide more connections to the existing trail system. Interpretive and wayfinding signage will be added to guide users throughout the site. Lastly, more native plantings will be added to give cohesion throughout the expansive Hofma Park & Preserve including a wildflower field to support declining species such as the monarch butterfly.

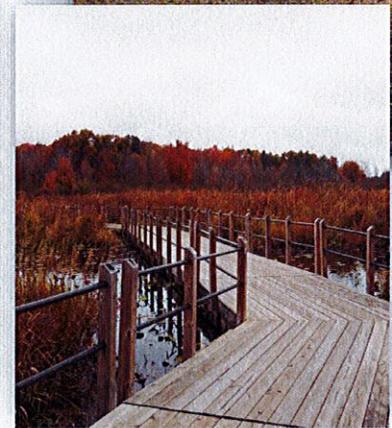
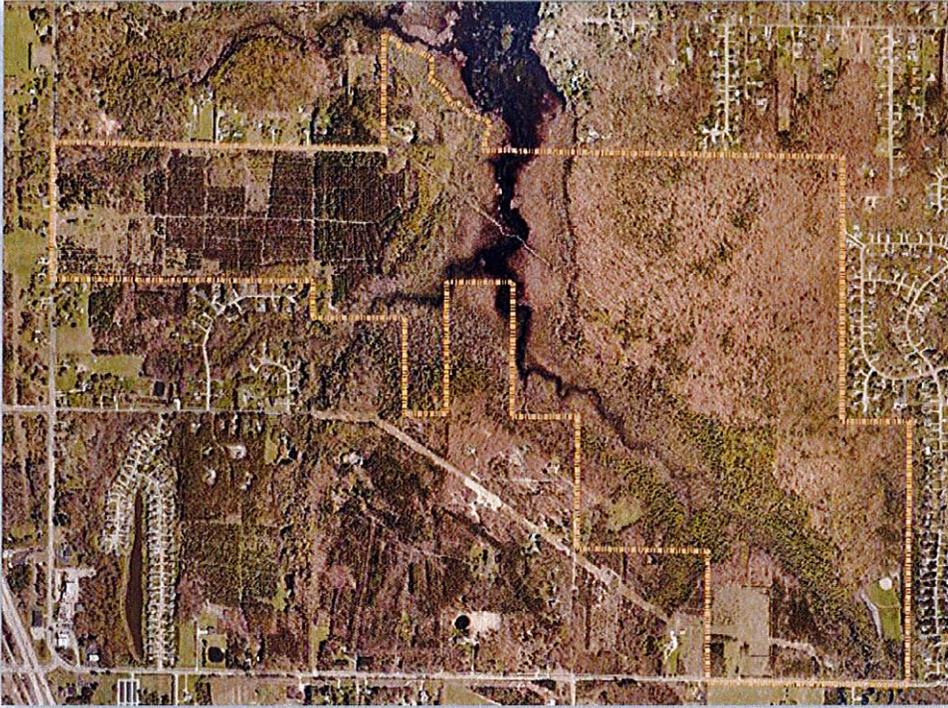
Pottawattomie Park Shoreline Stabilization & Universal Design

The shoreline along Pottawattomie Bayou has experienced extreme soil erosion. Utilizing nature-based solutions the shoreline will be stabilized by planting native to encourage soil retention, ensuring water quality, and preserving the remaining shoreline. Interpretive signs will also be installed to educate users on protecting, managing, and restoring healthy coastal habitats. To ensure all members of the community can enjoy this park, the water-based amenities will be replaced with those promoting universal design.

Hofma Park (Hofma Preserve)

Grand Haven Township
15581 Ferris Street (16295 Sleeper St)
566 Acres

The Amended Recreation Inventory is intended to replace pages 74 – 75



Overview

Hofma Park and Hofma Preserve are located adjacent to each other on the Pottawattomie Bayou encompassing approximately 566 acres.

The Ferris Street Park entrance provides access and parking areas for the active sports area. A trailhead is located at the north end of the parking lot providing access to the preserve. The second parking area and trailhead at Hofma Preserve are accessed via Sleeper Street. Both the Park entrance on Ferris Street, and the Preserve entrance on Sleeper Street have direct access to the Non-Motorized Pathway System.

With its extensive size and quality of natural areas, the park serves a regional population, and is not limited to Township residents. The Park and Preserve contain several miles of trails, including a boardwalk which traverses Pottawattomie Bayou and surrounding wetlands. The trail system allows visitors to enjoy a variety of wetland and upland wooded ecosystems.

In 2015, the Township acquired two additional swaths of property—115 acres on Sleeper Street and 40 acres on Ferris Street. The 115 acre property was home to an evergreen tree farm for decades prior to obtaining ownership. Consequently, existing plants were spaced in a close grid pattern resulting in overgrowth, poor health, and almost a complete lack of wildlife. The Township intends to remove the non-native species of evergreens, thin the remaining trees, and begin replanting new native species

Hofma Park (Hofma Preserve)

Grand Haven Township
15581 Ferris Street (16295 Sleeper St)
566 Acres

based on the recommendations of an accredited forester and senior wildlife biologist, to promote a healthy and diverse ecosystem of both flora and fauna. The majority of this donated property must be left in a natural state based on the stipulations included with the land donation agreement. The 40 acres on Ferris Street was acquired through the Michigan Natural Resource Trust Fund.

The additional land enabled the Township to conduct a community-wide design charrette known as the Hofma Vision, which will be utilized as a guiding document for all future development decisions, which will be a blend of passive, and active, recreation. This method will continue to preserve, and showcase, the floodplain, wetland, and upland wooded areas this community has come to enjoy.

Amenities and Facilities

Hofma Park

- Soccer Field (used for league play)
- Adult Softball Field (used for league play)
- Picnic Tables
- Play Equipment
- Basketball court
- Restrooms

Hofma Preserve

- Picnic Tables
- Play Equipment
- Restroom
- Foot trails
- Boardwalk

ADA Accessibility

The public parking, restrooms, picnic, and play areas are all accessible. The trails are natural materials and are not fully accessible for all persons. The ball diamonds and soccer field were constructed prior to ADA accessibility considerations and are not accessible for play, but are accessible for most viewing options.

Pottawattomie Park

Grand Haven Township
15600 Comstock Street
20.83 Acres

The Amended Recreation Inventory is intended to replace page 79



Overview

Pottawattomie Park is a 21 acre park located on the Pottawattomie Bayou of the Grand River. The park, a former 4-H camp, was donated to the Township in 1989 and serves as a neighborhood, and regional, park. The park provides pavilion facilities for large gatherings, fishing, wading, kayak launching, and active recreation such as volleyball and soccer. The non-motorized path was extended into the park from Comstock Street to link the park with the pathway network.

The Township plans to address the significant erosion of the shoreline around the public access area through the planting of native species and implementation of natural shoreline techniques. Interpretive signage will aid users in understanding how to preserve the natural features of the area. This project will also focus on the installation of universal access features to enable individuals of all abilities to enjoy the park.

Amenities and Facilities

- Three Picnic Pavilions
- Boardwalk Fishing Pier
- Small Wading Beach
- All Purpose Field
- Drop-in Canoe & Kayak Area
- Restrooms
- Play Equipment
- Parking
- Sand Volleyball
- Horseshoes

ADA Review

The park facilities are ADA accessible except for the canoe and kayak facilities and into water wading.

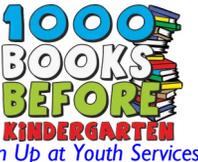


Spring Lake District Library

Calendar of Events

December 2018



Sun	Mon	Tue	Wed	Thu	Fri	Sat
<p>Call 616.846.5770 or visit sllib.org for info on hours, services or programs</p>		 <p>for the holidays! Digital movies, music, eBooks & more!</p>		 <p>https://greyhouse.weissratings.com <i>customized Medigap info</i></p>		 <p>available at sllib.org</p>
<p>2 Sunday hours 2-5 pm</p>	<p>3 10:30 am Baby Sign Language Workshop: pre-registration required</p>	<p>4 9:45 am Little Movers Storytime 11 am Baby Bounce Storytime 7 pm Croquebouches with Chef Hillary: pre- registration required</p>	<p>5 10 am-3 pm Stop in for ACA Health Insurance Open Enrollment help 4 pm LEGO Block Party</p>	<p>6 10:30 am Preschool Storytime: <i>Bundle Up</i> 4 pm Teen Gingerbread Challenge; ages 10-18 6:30 pm Adult Craft: Seasonal Wreaths; pre- registration required</p>	<p>7 10:30 am Preschool Storytime: <i>Bundle Up</i></p>	<p>8</p>
<p>9 Sunday hours 2-5 pm</p>	 <p>Sign Up at Youth Services</p>	<p>11</p>	<p>12 9:30 or 10:45 am OAISD Play 'n Learn ages 0-5</p>	<p>13 10:30 am Preschool Storytime: <i>The Perfect Gift</i> 2:30 pm Android Apps; pre-registration required 4 pm Full STEAM Ahead ages 7-12</p>	<p>14 10:30 am Preschool Storytime: <i>The Perfect Gift</i></p>	 <p>Twitter.com/sldlibrary</p>
<p>16 Sunday hours 2-5 pm 3-4 pm Music by the Fireplace featuring harpist Carol Juhl </p>	<p>17</p>	<p>18</p>	<p>19 9:30 am OAISD Play 'n Learn; ages 0-2 7 pm Community Conversations: Election Reflections</p>	<p>20 Noon-3 pm Closed for library staff potluck 4 pm SLDL Friends Book Club</p>	<p>21</p>	 <p>Facebook.com/ SpringLakeDistrictLibrary</p>
<p>23 Sunday hours 2-5 pm</p>	<p>24 Library Closed Happy Holidays</p>	<p>25 Library Closed Happy Holidays</p>	<p>26</p>	<p>27</p>	<p>28 2 pm Family Movie: <i>Smallfoot</i> PG, 96 minutes</p>	<p>29</p>
<p>30 Sunday hours 2-5 pm</p>	<p>31 Library Closed Happy Holidays</p>			 <p>available at sllib.org</p>		 <p>Investment Research Center at sllib.org</p>

Library programs and events are photographed or recorded for publicity or promotional purposes of the Library. Persons attending these programs or events consent to the use of their photograph or recording unless they specifically notify Library staff of an objection to such use. No names will be used in conjunction with photographs or recordings without express written consent.

DRAFT MINUTES

**Monday, November 19, 2018
7:00 P.M., Barber School
102 West Exchange Street
Spring Lake, Michigan**

1. Call to Order

2. Pledge of Allegiance

3. 2 p.m. Roll Call

Present: Duer, Hanks (arrived at 7:02), Miller, Petrus, Powers, TePastte, Van Strate.

Motion by **Miller**, second from **Duer**, to excuse the absence of Council Member Hanks.

Yes: 6 No: 0

4. Approval of the Agenda

Motion by **Petrus**, second from **Duer**, to approve the agenda as presented.

Yes: 6 No: 0

5. Consent Agenda

A. Approved the payment of the bills (checks numbered 60164-60235) in the amount of \$297,739.06.

B. Approved the minutes for the October 8, 2018 work session and the October 15, 2018 regular Council meeting.

C. Approved the following Board & Committee appointments, with terms expiring 11/2021:

Board/Committee	Name
DDA	Lesley VanLeeuwen-Vega
DDA	Bruce Callen
DDA	Jim Willison
DDA	Gary Hanks
Historic Conservation	Sherron Collins
Parks & Recreation	Erik Poel
Planning Commission	Richard Martinus

Planning Commission	Chip Bonhoff
Planning Commission	Scott VanStrate
ZBA	Ernie Petrus
ZBA	Scott VanStrate
ZBA	Luke DeSmet

- D. Approved a Letter of Limited Engagement with Dickinson Wright to draft uniform language on recreational marijuana.
- E. Approved an extension to the NOCH Ambulance Agreement.
- F. Approved a street light contract with Consumers Energy for the placement of a street light at Buchanan & Exchange.
- G. Approved an Ottawa County IT Service Agreement.
- H. Approved waste hauler licensing for 2019.
- I. Approved to suspend the use of Tanglefoot Park and seasonal docks for the 2019 season due to construction related to the installation of the sewer force main.
- J. Approved budget amendments for the 2018/2019 fiscal year.

Motion by **Van Strate**, second from **Miller**, to approve the Consent Agenda as presented.

Yes: 7 No: 0

6. General Business

A. Library Presentation – Mr. Tom Cousineau

Mr. Cousineau introduced Library Board President, Mary Eagan, who updated Council on the Library’s new resources, programs, and accomplishment over the last year.

B. Approval of GHACF Fund – Art in the Park

Burns explained **TePastte** had suggested that the Community Service Fund for Art in the Park be set up now so that they could take advantage of year end donations.

Motion by **Hanks**, second from **TePastte**, to approve the establishment of a Fund with the Grand Haven Area Community Foundations for the Art in the Park Project Fund.

Yes: 7 No: 0

7. Department Reports

A. Village Manager – Burns reminded Council of the Community Engagement regarding The Exchange Street Reconstruction Projects at the Library on November 20th from 6:30 to 8:00 p.m.

B. Clerk/Treasurer/Finance Director

C. OCSO

D. Fire

E. 911

F. DPW

G. Water

H. Sewer

I. Minutes from Various Board & Committees

1. Parks & Recreation

8. Old Business and Reports by the Village Council – No old business.

9. New Business and Reports by Village Council – No new business.

10. Status Report: Village Attorney – Attorney **Sullivan** reported that he had researched and found that there was no clear authority in the State of Michigan to regulate engine or jake breaking. **Burns** said that both MDOT and Sgt. Kik have said that this was not enforceable. **Sullivan** asked for direction from Council on how much time they wanted him to spend on research or was this answer sufficient. **Burns** offered to reach out to the local trucking companies and ask them to be more compliant with engine breaking.

Council discussed this issue and agreed that reaching out to the local trucking companies couldn't hurt and suggested posting signs as a deterrent.

11. Statement of Citizens

Lee Schuitema, having been a truck driver, said that truck drivers did not want to use their jake brakes but sometimes, for safety reasons, needed to use them.

12. Adjournment

Motion by **Van Strate**, second from **Hanks**, Village Council adjourned the meeting at 7:28 p.m.

Yes: 7

No: 0

Mark Powers, Village President

Maryann Fonkert, Deputy Clerk



Village of Spring Lake

Council Work Session Minutes

November 12, 2018

7:00 p.m.

102 West Savidge Street (Upstairs Conference Room)
Spring Lake, MI 49456

President **Powers** called the meeting to order at 7:00 p.m.

1. **Commercial Facilities Tax (CFT) Exemption Discussion (Joy Gaasch, Chamber President)**

As part of our ongoing Economic Development discussions related (but not limited) to the Epicurean Village, the prospect of offering CFT tax incentives was discussed at a staff level. There are pros and cons to incentivizing developers to locate with any local governmental unit (LGU). **Burns** explained what had been discussed with local developers. Ms. Gaasch said that one of the keys was communities having a streamlined review process, so with RRC, the Village had already been working on it. **Burns** said that Zoning Administrator, Lukas Hill, had found some great charts and tables from other communities explaining how to grant tax exemptions on what was equitable, based on investment and job creation. **Burns** said the Village wanted to plant a seed with Council regarding this request from local developers. Ms. Gaasch said that the State Education Tax could only be exempt for 6 years. **Powers** asked if this incentive process could be handled by Burns and Hinga. **Burns** said that it would probably be a team, which might include Howland, Hill, Ms. Gaasch and maybe Elizabeth, who might be coming on board at the Chamber. **Council** discussed the process along with the pros and cons of what this might mean for the Village and agreed they would like to pursue this process.

2. **N. Lake Street Sewer Repair (Wally Delamater)**

There is a portion of sanitary sewer along N. Lake that has collapsed. Wally has obtained estimates from Clarence to perform the repair. **Delamater** reported that, as part of the SAW grant, sanitary sewer lines were televised, and N. Lake was in particularly bad shape and needed to be repaired sooner rather than later. **Delamater** shared photos and video of the sewer main and how it did not flow as it should and explained that repairs would have to wait until after the first of the year because of it being such a large area and cold temperatures it would not be able to be repaved until spring,

but it would monitor weekly until repaired. **TePastte** asked if both Village and Township used this sewer main. **Delamater** said that 98% of the use came from Village residents.

3. S. Lake Street Pump Repair (Wally Delamater)

Of the two pumps in the S. Lake Street lift station, one is not performing, thereby eliminating any redundancy in the pumping capabilities. Wally has obtained a quote from Kennedy Pumps to replace the pumps with today's technology. **Delamater** said they needed more information regarding the lift station and were going to hold off until later in this fiscal year for the repairs. **Delamater** said this was routine maintenance and had been budgeted for.

4. Tanglefoot Analysis

Due to construction along Exchange Street in 2019, staff contemplated the financial ramifications of closing Tanglefoot Park for the 2019 season. At this time, only five seasonal campers have indicated that they would consider "toughing it out" while the force main is being installed. When considering noise (24-hour dewatering), vibration, access, dirt and other rather unpleasant variables, Council would need to render a policy decision on whether or not to close Tanglefoot Park for the 2019 season. The Parks & Recreation committee did not have a quorum on November 5th in order to offer their recommendation. However, Council liaison Susan Petrus was in attendance heard the viewpoints of those who did attend.

Delamater reported that five (5) homes, plus Tanglefoot Park, would be directly impacted by the construction activity and that Cutler Street's south end would be where the boring rig would be set up to bore across the river to Grand Haven. **Delamater** said this project would have a high impact on the area with continual de-watering of the construction site, Exchange Street would be completely shut down, Division totally disappearing and Park Street having limited access, and, in a perfect world, the project would be finished by the beginning of July. **Delamater** said that a couple blocks away, another project was being planned, so there was a possibility that 2 projects might be going on at one time, so they would be working with MDOT for detour routes and the impact of that traffic. **Delamater** said that he and Burns had discussed putting out a daily progress/information report through Constant Contact, sharing information such as where residents can put their trash for pickups, mail deliveries, and any other information that

would be helpful to residents. **Burns** said that at the Community Engagement on November 20th, they would be asking residents if they would like to sign up for this daily report.

Hinga went over the Tanglefoot Analysis spread sheet he had created that included different scenarios, such as no transients, and/or a lesser number of seasonal residents and closing completely. **Hanks** said that the Finance Committee recommended closing the park completely for the 2019 season. **Council** agreed that it did not make good fiscal sense to keep the park open for the 2019 season and asked that this to be added to the Consent Agenda. **Burns** said she would put a motion together. **Miller** asked if the boat docks would be open. **Burns** said that the docks would not be open due to the potential for damage to boats and no available parking.

5. Board & Committee Appointments

The following is a list of those board/committee appointments expiring in November. Each member received an application and invitation to reapply for their seat. Lou Draeger, Vince Blake & Jane Ladley have asked not to be reappointed.

<u>Board/Committee</u>	<u>Name</u>
DDA	Lou Draeger
DDA	Vince Blake
DDA	Jim Willison
DDA	Gary Hanks
Historic Conservation Commission	Sherron Collins
Historic Conservation Commission	Jane Ladley
Historic Conservation Commission	vacancy
Parks & Recreation Commission	Erik Poel
Planning Commission	Richard Martinus
Planning Commission	Chip Bohnhoff
Planning Commission	Scott VanStrate
ZBA	Ernie Petrus
ZBA	Scott VanStrate
ZBA	Vince Blake

The following new applications have been received for boards/committees:

DDA
DDA
ZBA

Lesley VanLeeuwen-Vega
Bruce Callen
Luke DeSmet

Burns shared the names of those board members that were stepping down, made recommendations for those that were asking to be reappointed and residents that had applied for the open seats. **Burns** also said she would like to present Lou Draeger with a "You Make the Difference" award at the December meeting for his involvement in the Village over the last four decades. **Council** agreed and asked for this to be added to the Consent Agenda.

6. Letter of Limited Engagement

With the results of the recent election indicating that RMJ is here to stay, it is time to contemplate how to regulate such facilities. Communities from throughout the state have engaged the services of Dickinson Wright to draft uniform language to address this issue. Please find enclosed a memo written by Grand Haven Charter Township Manager Bill Cargo to his Board of Trustees that essentially summarizes what will be happening in NW Ottawa County. The City of Grand Haven will be contemplating this at their November meeting, as will Ferrysburg and Spring Lake Township.

Burns explained that surrounding communities were contemplating how to regulate facilities and had engaged the services of Dickinson Wright to draft language to address this issue and asked Council if they would like to be included in this Letter of Limited Engagement. **Council** agreed to add this to the Consent Agenda and would discuss what this looked like for the Village at the December meeting.

7. NOCH Ambulance Agreement

The agreement with NOCH for ambulance service expires on 12/31/18; this is a housekeeping item to extend the agreement to 2021.

Burns explained that the ambulance service agreement would expire at the end of December. **TePastte**, who served on this committee, recommended extending the agreement through 2021. **Council** agreed and asked that this be placed on the Consent Agenda.

8. Street Light Contract

The corner of Exchange & Buchanan currently has no street light. Six months out of the year, it is very dark at that intersection during SLV & SLT public meetings. For safety reasons, staff is recommending installing a street light at that intersection.

Burns explained that there had been requests for a street light at Exchange & Buchanan and that for safety reasons, staff recommended installing a light at that intersection. **Council** agreed with staff's recommendation and asked for this to be added to the Consent Agenda.

9. Ottawa County IT Service Agreement

Ottawa County has provided a new agreement for Local Unit Services. Our agreement is out-of-date. With the addition of new organizations, OC wants to standardize the agreement and provide a separate exhibit to detail the services if they are different. The differences are in the annual fixed costs hosted vs non-hosted.

Burns explained that this agreement had been standardized and that the Village's agreement needed to be updated. **Council** agreed to add this item to the Consent Agenda.

10. Waste Haulers Licensing

Approval of waste hauling licenses is typically a housekeeping item.

Licensed Waste Haulers in the Village			
	Republic/Allied Waste 231-375-2070	Kuerth Disposal 231-744-4967	Waste Management 616-724-2148
Trash Collection 90-96 Gallon Container	\$19.55/month	\$19.00/month	\$16.00/month
Curbside Recycling With Container Service	Included	Included	\$6.50/month per bin
Bag Service	\$1.50/bag + \$8.80/month admin	\$4.00/bag (100 bags/box)	\$2.50/bag + \$5.92/month admin
Curbside Recycling With Bag Service		\$3.00/month	
Yard Waste	\$10.50/month (bag)	\$90.00/season	\$12.50/month + \$25 activation fee

	\$12.50/month (cart)		
Christmas Trees	Included	Included	Included
Spring/Fall Clean-up	No Charge	No Charge	No Charge

Burns explained that some of the pricing had gone up due to China’s tariffs on recycling. **Council** had no objections and asked that this be added to the Consent Agenda.

11. Budget Amendments (Marv Hinga)

Hinga explained the Budget Amendments that were mostly moving money between expense line items in major streets, DPW, Mill Point Park, etc. and that the net change for each department was zero. **Hinga** explained that there would be budget adjustments, later, for Tanglefoot that would have no offsets. **Hanks** said that the Finance Committee had no comments on the budget adjustments. **Council** agreed and asked to add this to the Consent Agenda.

12. Communications

- Calendar - SLDL
- Complaint – SLDL
- Correspondence – SLDL - **Burns** reported that a letter had been received from the Library opting out of the TIF districts and that this letter had been written because the Township was looking at creating a Corridor Improvement District. **Burns** shared that she and Gallagher had met with two members of the Library Board and the meeting had not gone well, but they would continue conversations.
- Exchange Street Project Update
- MML – Top 13 Legal Cases Consequential to Michigan Municipalities – **Burns** shared that she had a couple copies of these legal cases if anyone was interested in reading them.
- Pavement Warranty Information

Burns reported that 2019 would be the Village’s Sequential but she had not heard anything in quite a while. **Miller** said that due to the road construction, they were planning to have a special event later in the year.

Burns shared that she had met with Kim VanKampen on October 31st and Ms. VanKampen was moving forward with winter demolition and spring

construction for the property next to Village Hall and she had a different vendor for the Citco building and was looking into a Brownfield loan for that project. **Burns** reported that the blue victorian home would be moved to the south end of Division instead of the Savidge Street corner, and that Ms. VanKampen was planning to keep the Bilz Pool & Spa building. **Burns** also reported that Peel Brothers were in the process of purchasing the house on the corner of Park and Exchange and that fundraising for Art in the Village, specifically the mural on the back of the travel agency, was getting started.

13. Minutes

Minutes of the October 8, 2018 Work Session and October 15, 2018 regular meeting were attached for review. Council asked that they be placed on the Consent Agenda.

14. Public Comment

Council Work Sessions are open to the public, and as such, the public is invited to speak at the end of each meeting. Each speaker should limit their comments to 3 minutes.

Darcy Dye thanked Council for all their hard work.

Lee Schuitema said that if Tanglefoot Park was going to be closed for the season, he felt that some major improvements should be made during that time. **Powers** said he had also thought about that. **Burns** said that the perfect time to discuss Tanglefoot Parks future would be during a joint meeting between Council, the Parks & Rec. Board and the DDA.

15. Adjournment: There being no further business, the meeting adjourned at 8:15 p.m.

Mark Powers, Village President

Maryann Fonkert, Deputy Clerk