



**Monday, March 18, 2019  
7:00 P.M., Barber School  
102 West Exchange Street  
Spring Lake, Michigan**

**1. Call to Order**

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

**2. Pledge of Allegiance**

**3. Roll Call**

**Present:** Duer, Hanks, Miller, Petrus, Powers, TePastte, Van Strate.

**Absent:** None

**4. Approval of the Agenda**

Motion by **Hanks**, second from **Miller**, to approve the agenda as presented.

Yes: 7      No: 0

**5. Consent Agenda**

A. Approved the payment of the bills (checks numbered 60397-60452, electronic payments 30-33) in the amount of \$404,058.87.

B. Approved the minutes for the February 11, 2019 work session and the February 18, 2019 regular Council meeting.

C. Approved a contract with West Michigan Dirt Works to replace the water main on S. Cutler for an amount not to exceed \$46,667.80.

D. Approved Resolution 2019 – 07, a resolution waiving late fees for certain federal employees.

E. Approved budget adjustments for the FY 2018/2019 as presented.

F. Approved Resolution 2019 – 05, a resolution to adopt a local pavement warranty program.

G. Approved Resolution 2019 – 06, a resolution to implement a local pavement

warranty program.

- H. Approved Resolution 2019 - 09, a resolution to support Ottawa County Brownfield Redevelopment Authority undertaking a Brownfield Redevelopment project for Epicurean Village at 106, 108, & 110 W. Savidge.
- I. Approved the proposed schedule for 2019 Spring Lake Heritage Festival events.
- J. Approved Resolution 2019 - 04, a resolution updating no-wake areas on Spring Lake using GPS coordinates.
- K. Approved the disbursement of \$162 from the Grand Haven Area Community Foundation Summer Concert Series Endowment Fund to the SLHF for Thursday at the Point concerts.

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

Yes: 7      No: 0

## **6. General Business**

### **A. Public Hearing, Ordinance 355 – Prohibition of Recreational Marijuana Establishment**

**Subject:** This is an ordinance to amend the Village Code of Ordinances by adding a new section which shall be designated as Section 390-35-1 of Article III of Chapter 390 of said Code.

Sheriff Steve Kempker, Fire Chief Brian Sipe and DDA Angela Stanford-Butler were in attendance for a brief presentation.

Sheriff Steve Kempker shared a presentation regarding current State law and the challenges it presented for law enforcement and communities and, because it was still illegal at the Federal level, all marijuana businesses were required to be cash-only which created another set of challenges.

Fire Chief Brian Sipe reported the challenges and issues marijuana created for the Fire Department and first responders.

Angela Stanford-Butler spoke regarding the effects recreational marijuana establishments might have on Village branding, insurance rates, schools, tourism and crime if sales were allowed in the Village.

Motion by **Hanks**, second from **Duer**, to open the Public Hearing at 7:21 p.m.

Yes: 7      No: 0

John Nash, 15643 View Dr., shared his concerns over the sales of recreational marijuana and recommended that Council opt out of the sales of recreational marijuana.

Kori Bissot, 15758 Rannes, shared her support for this Ordinance and hoped Council would vote to approve it.

William Doolittle, 234 S Buchanan St., voiced his concerns over the ill effects of recreational marijuana and asked Council to consider approving this ordinance to prohibit the sales in the Village.

Lee Schuitema, 408 W. Exchange, voiced his concerns over negative effects he had experienced with employees that used recreational marijuana and their job performance and therefore did not want the sale of recreational marijuana in the Village.

Kyle Doolittle, 234 S Buchanan St, shared an experience that her daughter had with their puppy getting extremely ill from ingesting marijuana that he had picked up in a public area where they had taken the dog for a walk. Mrs. Doolittle asked Council to consider the fact that marijuana was very toxic to dogs as one more reason to prohibit the sales recreational marijuana in the Village.

Kelly Conrad, 15857 Leonard, said that she agreed with Sheriff Kempker and added that currently there were no regulations on the percentage of THC which identified the potency of the marijuana and today's marijuana could contain up to 25% THC compared to the marijuana of the 1960's which was 1% THC. Mrs. Conrad said that she, as a mom, did not want to see the sale of recreational marijuana in the Village.

Rev. David Gross, St. Mary's Church, also shared his experiences with substance abuse and the effects on families and encouraged Council to protect our community from increased drug use by passing this ordinance.

Gary Hanks, 116 S Jackson, spoke regarding the fact that 50% of the people voted to legalize recreational marijuana, and those that he had talked to had made the assumption that they would be able to obtain it somewhere. Mr. Hanks also said that he sort of liked the wait-and-see approach but that he thought it deserved to be given some time.

Motion by **Van Strate**, second from **Miller**, to close the Public Hearing at 7:39 p.m.

Yes: 7 No: 0

**Council** agreed that there were too many unknowns, not enough information at this time, and it would be irresponsible to not opt out.

President **Powers** said that during Sheriff Kempker's presentation, when he showed armed guards with bullet proof vests and armored cars to move large amounts of cash in and out of stores, the candy-looking products and the fact that it was still a federal crime changed his mind. **Powers** said this ordinance was not written in stone and could be revisited in the future when the State had this sorted out.

Motion by **TePastte** second from **Petrus**, to adopt Ordinance 355, an ordinance to amend the Village Code of Ordinances by adding a new section which shall be designated as Section 390-35-1 of Article III of Chapter 390 of said Code.

Yes: 7 No: 0

**Resolution 2019-10**, a resolution to set a review date for an ordinance amending the Village of Spring Lake Code to create a new section for the prohibition of marijuana establishments and the consumption of marijuana in public places.

**Council** discussed this resolution and **TePastte** said he was opposed and did not think a hard date was necessary. **Petrus** agreed, a hard date was not necessary. **Van Strate** said he didn't have a problem with a date to revisit the ordinance. **Duer** asked to be clear, this could be looked at any time so a date was not necessary? Attorney Sullivan said that was correct. **Powers** said that he was not comfortable telling a future Council what they have to do.

Motion by **Hanks**, second from **Miller**, to approve Resolution 2019 – 10, a resolution to set a review date, no later than December 31, 2020, for an ordinance amending the Village of Spring Lake Code to create a new section for the prohibition of marijuana establishments and the consumption of marijuana in public places.

Yes: 3 No: 4 (TePastte, Petrus, Miller and Powers)

**Motion failed, Resolution 2019-10 was not approved.**

## **B. Public Hearing, Ordinance 356 – Marijuana Establishments**

**Subject:** This is an ordinance to amend the Village Code of Ordinances by adding a new section which shall be designated as Section 390-35-1 of Article III of Chapter 390 of said Code

Motion by **TePastte**, second from **Duer**, to open the Public Hearing at 7:54 p.m.

Yes: 7      No: 0

There was no public comment.

Motion by **Van Strate**, second by **Miller**, to close the Public Hearing at 7:55 p.m.

Yes: 7      No: 0

Attorney Bultje explained that the Regulatory Ordinance was behavior, and the Zoning Ordinance was land use.

Motion by **Miller**, second from **TePastte**, to adopt Ordinance 356 an ordinance to amend the Village Code of Ordinances by adding a new section which shall be designated as Section 390-35-1 of Article III of Chapter 390 of said Code

Yes: 7      No: 0

### **C. Public Hearing, Ordinance 354 - Fireworks**

**Subject:** This is an ordinance to amend the Village Code of Ordinances by restating Chapter 183 regarding fireworks, in its entirety.

Motion by **TePastte**, second from **Duer**, to open the Public Hearing at 8:00 p.m.

Yes: 7      No: 0

John Nash, 15643 View Dr., said he supported this ordinance, but he was disappointed that a few more days were not cut out at the 4<sup>th</sup> of July and added during the week of the Coast Guard Festival.

William Doolittle, 234 S Buchanan, said that he agreed with Mr. Nash concerning Coast Guard week but was in favor of this ordinance amendment.

Rev. David Gross, St. Mary's Church, said he was also in favor of this ordinance amendment.

Motion by **Hanks**, second from **Miller**, to close the Public Hearing at 8:03 p.m.

Yes: 7      No: 0

Attorney Sullivan explained that State law gave municipalities the authority to limit or designate the days and time when Fireworks were allowed.

Motion by **TePastte**, second from **Van Strate**, to adopt Ordinance 354, an ordinance to amend the Village Code of Ordinances by restating Chapter 183 regarding fireworks, in its entirety.

Yes: 7      No: 0

#### **D. Public Hearing, Ordinance 353 - Rental Units**

**Subject:** This is an ordinance to amend the Village Code of Ordinances by restating Chapter 271 regarding rental units, registration of, in its entirety.

Motion by **Duer**, second from **Miller**, to open the Public Hearing at 8:06 p.m.

Yes: 7      No: 0

Motion by **Van Strate**, second from **Duer**, to close the Public Hearing at 8:07 p.m.

Yes: 7      No: 0

**TePastte** commented that a lot of work and discussion had gone into this Ordinance amendment and that he thought all sides were very happy with the outcome. **Hanks** agreed.

Motion **Petrus**, second from **Hanks** to adopt Ordinance 353, an ordinance to amend the Village Code of Ordinances by restating Chapter 271 regarding rental units, registration of, in its entirety.

Yes: 7      No: 0

#### **E. Public Hearing, Commercial Redevelopment District**

**Subject:** Council and the DDA have been discussing the need to establish a Commercial Redevelopment District to encourage reinvestment in the downtown area. Staff has completed the necessary certified mailings in order to hold the public hearing on the matter. One parcel has been added to the district since the Council work session, per the property owner's request; that parcel is 108 S. Division.

Motion by **Duer**, second from **Hanks**, to open the Public hearing at 8:12 p.m.

Yes: 7      No: 0

Darcy Dye, 114 N. Fruitport Rd, asked for clarification on the latest parcel added to the map.

Motions by **Duer**, Second from Hanks, to close the Public Hearing at 8:14 p.m.

Yes: 7      No: 0

**Hanks** said that with all the new developments coming, this was an important tool for the Village to have.

Motion by **Miller**, second from **TePastte**, to adopt Resolution 2019 – 08, a resolution establishing a Commercial Redevelopment District.

Yes: 7      No: 0

## **F. Commercial Redevelopment Application**

**Subject:** It is necessary to develop policy guidelines for applicants. The application was discussed at the DDA meeting on Thursday, March 14, 2019 and they recommend adoption of the district as well as the application. Minor changes to the policy were being incorporated at the time the agenda was created.

**Hanks** shared that these guidelines gave points to applicants to develop or improve their property with support of funding and incentivized job creation, investment, sustainability, environmental management, stormwater management, and solar use. Attorney Sullivan said that it was important to have a plan in place to give standardization to projects and future Councils can see what the basis was for approving projects.

Motion **Hanks**, second from **Duer**, to adopt the Commercial Redevelopment Application policy guidelines in conformance with Public Act No. 255 of 1978.

Yes: 7      No: 0

## **G. Letter of Support – 606 E. Savidge**

**Subject:** Liquor America, Inc. is proposing a store in the Village and is looking for favorable consideration from the LCC for an SDD Resort License. Both the Chamber of Commerce and the DDA have offered letters of support for the application. The applicant would like Council to consider a Resolution of Support as well.

**Hanks** shared that this was discussed at the DDA as well, and at this time, there were no Liquor Licenses available, so they were seeking an SDD Resort License, which had the same benefits as a typical Liquor License, but was more difficult to obtain and that was the reason they were asking for a Resolution of support.

Motion by **TePastte**, second from **Hanks**, to approve Resolution 2019 – 11, a resolution of support for a Resort Liquor License application for 606 E. Savidge.

Yes: 7      No: 0

#### **H. Freedom of Information Act Appeal**

**Subject:** The Village’s special legal counsel submitted his legal opinion regarding a FOIA appeal.

Motion by **Duer**, second from **TePastte**, to open the floor to public comment at 8:27 p.m.

Yes: 7      No: 0

Lee Schuitema complimented Council on the way they handled this issue at the work session.

Motion by **Van Strate**, second from **Miller**, to close the floor to public comment at 8:28 p.m.

Yes: 7      No: 0

President **Powers** and Council member **Petrus** said that after reading over the emails, they were in favor to deny the FOIA appeal.

Motion by **Hanks**, second from **TePastte**, to deny the Freedom of Information Act appeal filed on behalf of Ms. Gainey, dated March 2, 2019, based on the Village Council’s review of the appeal filed by Ms. Gainey’s attorney and a review of information presented at this evening’s meeting (including any review of the emails and texts at issue) and to adopt the findings submitted at tonight’s meeting which shall be included in the minutes and to further authorize the Village President and Village’s special counsel to execute and transmit all forms and records necessary to effectuate this motion.

Yes: 7      No: 0

#### **7. Department Reports**

**A. Village Manager – Hinga** shared that he had met with Kevin Kieft, the engineer for drilling under the river for the Sewer Authority, and they had run into some issues and would need to expand their hours and need additional time to complete the project. **Hinga** said they had already expanded their hours this past weekend with Manager Burns’ permission, with no complaints from the neighbors.

**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 (02/04/19)
  - 2. DDA (02/21/19)

- 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 – No additions.
- 11. Statement of Citizens – There were no statements of citizens
- 12. Adjournment

Motion by **Van Strate**, second from **Hanks**, Village Council adjourned the meeting at 8:35 p.m.

Yes: 7                      No: 0

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Mark Powers, Village President

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Maryann Fonkert, Deputy Clerk