

**MANISTEE CITY COUNCIL
SPECIAL MEETING AGENDA**

TUESDAY, JANUARY 22, 2019 – 7:00 P.M. - COUNCIL CHAMBERS

I. Call to Order.

- a.) PLEDGE OF ALLEGIANCE.
- b.) ROLL CALL.

II. Citizen Comments on Agenda Related Items.

III. New Business.

- a.) CONSIDERATION OF ORDINANCE 19-02, CHAPTER 867 RECREATIONAL MARIHUANA.

Initiated Law 1 of 2018 was approved by voters at the November 6, 2018 general election. Unlike the Medical Marihuana Facilities Licensing Act, for a city to prohibit marihuana facilities within its boundaries, it must affirmatively “opt out” of the law. Until Council reviews its options regarding Recreational Marihuana, City Staff is recommending that the City adopt an ordinance opting-out of the provisions of the Michigan Regulation and Taxation of Marihuana Act with the ordinance containing a sunset provision that provides for the ordinance to cease from and after July 1, 2019, unless modified by Council before that date. The City Attorney has prepared Ordinance 19-02, Chapter 867 Recreational Marihuana.

As an ordinance two separate readings are required. If this ordinance is introduced this evening, it could be adopted at the next regular meeting.

At this time Council could take action to introduce Ordinance 19-02, Chapter 867 Recreational Marihuana.

- b.) CONSIDERATION OF PILOT ORDINANCE 19-03 HOLLANDER HILLCREST APARTMENT DEVELOPMENT.

At its January 15, 2019 meeting City Council directed the City Attorney to draft a PILOT Ordinance relating to the proposed Hillcrest Apartment Development being proposed by Hollander Development Corporation. The City Attorney has prepared PILOT Ordinance 19-03. The PILOT Ordinance provides for an Annual Service Fee of 4% of the Annual Sheltered Rents. The term of the PILOT Ordinance is thirty (30) years from enactment of the Ordinance.

As an ordinance two separate readings are required. If this ordinance is introduced this evening, it could be adopted at the next regular meeting.

At this time Council could take action to introduce Ordinance 19-03, a PILOT Ordinance for the Hillcrest Apartment Development.

c.) **CONSIDERATION OF A MUNICIPAL SERVICES AGREEMENT.**

At its January 15, 2019 meeting City Council directed the City Attorney to draft a Municipal Services Agreement relating to the Hillcrest Apartment Development being proposed by Hollander Development Corporation. The Municipal Services Agreement would be a supplement to the PILOT Ordinance also proposed. The City Attorney has prepared the Municipal Services Agreement. The Municipal Services Agreement provides for a payment to the City by the developer of \$200 per year, per apartment. The minimum amount paid under the Municipal Services Agreement is \$14,048.09, less the amount paid to the City under the PILOT (estimated at \$4,048.09 for the first year). The payment increases by 3% each year. The term of the Municipal Services Agreement is 30 years from the adoption of the PILOT Ordinance.

At this time Council could take action to approve the Municipal Services Agreement and authorize and direct the Mayor and City Clerk to execute the same.

IV. Concerns and Comments.

a.) **CITIZEN COMMENT.** This is an opportunity for citizens to comment on municipal services, activities or areas of City involvement. Citizens in attendance shall be recognized by the Mayor for comments (limited to five minutes). Letters submitted to Council will not be publicly read.

b.) **OFFICIALS AND STAFF.**

c.) **COUNCILMEMBERS.**

V. Adjourn.

TNT:cl

COUNCIL AGENDA ATTACHMENTS:

1. Ordinance 19-02 Chapter 867 Recreational Marihuana

ORDINANCE 19-2

AN ORDINANCE TO AMEND THE CITY OF MANISTEE CODE OF ORDINANCES BY ADDING CHAPTER 867 TO DEFINE CERTAIN WORDS AND PHRASES; TO PROHIBIT CERTAIN MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE CITY OF MANISTEE PURSUANT TO INITIATED LAW 1 OF 2018, MCL 333.27951 *ET SEQ.*; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

THE CITY OF MANISTEE ORDAINS:

Section 1. Code Amendment

The City of Manistee Codified Ordinances is hereby amended to add Chapter 867 – Recreational Marihuana, which shall read in its entirety as follows:

**Chapter 867
Recreational Marihuana**

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|---------------|------------------------------------|---------------|---------------------------------|
| 867.01 | Definitions | 867.03 | Violations and Penalties |
| 867.02 | No Marihuana Establishments | | |

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| CROSS REFERENCES |
| Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. |
| Medical Marihuana Facilities - Chapter 866 |
| Penalty, Municipal Civil Infractions – Chapter 203 |

867.01 Definitions

Words and phrases used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, (hereafter, the “Act”) as the same may be amended from time to time, which words and phrases are incorporated herein by reference.

867.02. No Marihuana Establishments

The City hereby prohibits all marihuana establishments within the boundaries of the City, with respect to those facilities that may be authorized pursuant to section 6.1. of the Act. This Section does not prohibit marihuana establishments that may be authorized pursuant to Chapter 866 – Medical Marihuana Facilities.

867.03. Violations and Penalties

- (a). Any person who disobeys, neglects, or refuses to comply with any provision of this chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this chapter. A violation of this chapter is deemed to be a nuisance per se.
2. A violation of this chapter is a municipal civil infraction pursuant to Chapter 203, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the court. The foregoing sanctions shall be in addition to the rights of the City to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the City incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the City may seek injunctive relief against persons alleged to be in violation of this chapter, and such other relief as may be provided by law.
5. This chapter shall be administered and enforced by the City of Manistee Police Department, or by such other person(s) as designated by the City Council from time to time.

Section 2. Severability

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance which shall continue in full force and effect.

Section 3. Sunset

This ordinance shall expire and be of no force or effect as of July 1, 2019.

Section 4. Effective Date, Publication

This Ordinance shall be effective ten (10) days after its enactment as provided in Section 4-3 of the City of Manistee Charter. The City Clerk shall cause a copy of this Ordinance to be published in a newspaper circulated in the city of Manistee, stating the date of the enactment and effective date of the Ordinance, a brief notice as to the subject matter of the Ordinance and such other facts as the City Clerk shall deem pertinent. A copy of the Ordinance shall be made available for public use and inspection at the office of the Manistee City Clerk.

