

VILLAGE OF SARANAC
REGULAR MEETING MINUTES
October 12, 2020

The Saranac Village Council Regular Meeting was called to order by President Darby at 7:10 p.m. at the Saranac Village Office, 27 N Bridge Street.

The meeting was opened with the Pledge of Allegiance.

Present: President Darby, Straubel, DPW Simmons; Trustees – Doll, Hooper, Klutman, Mulnix, Simmons, Whorley (via Zoom).

Absent: None

Guests: Tina Vroman, Amber Dunbar, Brandon Dunbar, Brenda Bruinekool, Shirley Jackson
David Washburn, Harold Randall II, Laurie Randall, Lance Voorheis, Mark Talcott
Brett Livingston

Motion was made by Klutman, supported by Hooper, to approve the Regular Agenda after moving #13 (Pending Ordinances) to #5 (after agenda approval). All yeas.

Council members received draft #2 of three proposed ordinances drafted by Laura Genovich, Foster/Swift Attorney, pertaining to medical and recreational marijuana. The two regulatory ordinances (one for medical and one for recreational) were updated from the drafts received last month, to incorporate LARA's change in the application process. The ordinance to amend the Zoning Ordinance was updated from the draft received last month, to incorporate changes made by the Planning Commission. The changes made to all three ordinances are shown in blue.

Council members received a proposed ordinance drafted by Village Attorney Jim Doezeema, to regulate the operation of food trucks in the Village of Saranac.

Council members received a proposed ordinance drafted by Village Attorney Jim Doezeema, to authorize and regulate the operation of Off-Road Vehicles (ORV's) on Village streets.

Copies of the proposed ordinances noted above, were provided upon request to members of the public in attendance.

Darby opened the floor (3-minute time limit per person) for those who wished to address council regarding said proposed ordinances.

Public Comments

ORV Ordinance Discussion

Village resident Lance Voorheis, questioned why the Village would allow ORV's on Village streets, when he recently received a zoning violation letter regarding a farm tractor he had in his yard. Darby explained that tractors are allowed on Village streets, provided they adhere to traffic laws, and that the violation likely had to do with storage of the tractor on his property, as this is not allowed in the Village.

Darby explained that one of the main reasons that council is considering allowing ORV's on Village streets, is because ORV owners cannot get from one side of the Grand River to the other, without traveling on a Village street. Ionia County's ORV ordinance allows for an ORV to be operated on designated county roads, such as Morrison Lake Road and Hawley Highway, and it allows an ORV operator to cross state highways, such as M-21, to get from one designated county road to another.

In this scenario, an ORV operator could not travel from Morrison Lake Road, across M-21, to Hawley Highway, without traveling on Bridge Street in the Village. Additionally, the County's ordinance states that an ORV cannot be operated on any Village street, unless allowed by Village ordinance. Several ORV enthusiasts have approached the Village over the years, requesting that an ordinance be considered.

Village resident Dave Washburn, posed a question regarding the scope of the ordinance and whether it included, or could be written to include the operation of golf carts on Village streets. Council members explained that the ORV ordinance does not include golf carts, as they are a different type of vehicle. A separate ordinance would have to be considered to address this.

Village resident Amber Dunbar, is in support of allowing ORV's on Village streets. She indicated that ORV's are quieter than many trucks, motorcycles, etc. that travel Village streets.

Hooper inquired whether there were any provisions for stock exhaust. Darby referred to "m" of the proposed ORV Ordinance, which states that an ORV will be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

Marihuana Ordinance Discussion

Village resident Shirley Jackson, voiced her concern over allowing marihuana facilities and establishments in the Village. She has observed, on more than one occasion, what appeared to be an exchange of money/product in a parking lot adjacent to a marihuana establishment in a neighboring community.

As a side note, Jackson commented that the Center Street project has been very interesting to watch and has been well organized. She has no complaints, other than the street becoming a raceway now that it's been blacktopped.

Village businessowner Tina Vroman, stated that she was under the impression that the Village had already passed an ordinance to not allow marihuana facilities and establishments within the Village.

In response to Vroman's statement, Darby provided a history of the marihuana topic. In July of 2019, the Village Council adopted an ordinance prohibiting marihuana establishments (opted out of allowing adult-use marihuana establishments). The reason for doing so, was due to the fact that the State of Michigan had not yet issued its regulatory rules. The Village Council determined that it was in the best interest of public health, safety and welfare, to prohibit marihuana establishments by ordinance, to ensure that the Marihuana Regulatory Agency (MRA) did not issue licenses for marihuana establishments in the Village in the absence of Village regulations. This action also allowed the council sufficient time to review and evaluate the MRA's rules once they were released.

Doll noted that the marihuana ordinances being considered tonight represent a culmination of over a year of research and work.

Vroman inquired as to how allowing marihuana operations has affected Lowell and Ionia. Hooper, who owns a business in Lowell, stated that his property taxes will be increasing, due to the fact that potential marihuana facility or establishment locations are selling at inflated values.

Darby informed those present, that the Saranac Village Planning Commission held a Public Hearing on October 7, 2020, to allow public comment on the proposed ordinance to amend the Zoning Ordinance to allow marihuana facilities and establishments in the Village. Joe Brown, a lobbyist for marihuana, informed those present at the Public Hearing, that owners of marihuana facilities and establishments tend to invest funds in the community by donating to fire departments, downtown renovations, etc.

Village resident Brenda Bruinekool, stated that she believes adopting the marihuana ordinances could bring many positives to our community.

Darby stated that 56% of Village residents voted to pass Proposal 18-1 (Recreational Marihuana Legislation Initiative) in the November 2018 election. This was a factor in the Village Council's decision to relook at the decision that was made in July 2019 to opt-out of allowing Marihuana facilities and establishments in the Village.

Washburn questioned who would be enforcing the sale/use of marihuana. Council explained that enforcement would be much the same as with the sale/use of alcohol.

The meaning of "stacked licenses", which are allowed, was questioned. Darby explained that a stacked license means more than one state operating license is issued to a single licensee.

Hooper inquired about how the Village would control people walking down the street, smoking marihuana. Council stated that it would be a police matter, same as if they were walking down the street drinking alcohol.

It was inquired as to who receives the \$5,000 license fee. Doll stated that the fee goes directly to the Village General Fund and is an annual fee, not a one-time fee.

Jackson inquired whether there will be a maximum number of establishments allowed. Darby stated that there is no limit in the proposed ordinance. Klutman stated, that due to the fact that facilities and establishments are only allowed in the CBD and IND districts of the Village, the number will be self-limiting.

Hooper asked for clarification regarding distancing requirements. Darby referred to the ordinance where it states the following; a facility/establishment other than a provisioning center or retailer may not be located within 1,000 feet of a public or private school; a provisioning center or retailer may be located with 1,000 feet of a school, but not adjacent to a public or private school; a grower, processor, safety compliance facility/establishment or microbusiness may not be located within 500 feet of any existing single-family detached dwelling; a provisioning center or retailer may not be located within 100 feet of any existing single-family detached dwelling; a provisioning center or retailer may be located in the same building as a residential apartment.

Food Truck Ordinance Discussion

Hooper questioned whether the regulation that a food truck cannot be located within sixty feet of a business with a food license should be amended. Council members concurred that it is sufficient as written, as it states in "A-19" of the Food Truck Ordinance, that this regulation can be waived by the owner of the business in writing.

Ordinance discussion came to a close and council members made the following motions:

Motion was made by Doll, supported by Mulnix, to adopt the following ordinances, as presented; Ordinance No. 108, an ordinance to amend the Village Zoning Ordinance to regulate Medical Marihuana Facilities and Recreational Marihuana Establishments, as recommended by the Saranac Village Planning Commission, Ordinance No. 109, a Medical Marihuana Facilities Ordinance and Ordinance No. 110, a Recreational Marihuana Establishments Ordinance. Roll call vote: yeas – Doll, Klutman, Mulnix, Simmons, Whorley, Darby; nays – Hooper; absent – none.

Motion was made by Doll, supported by Mulnix, to adopt Ordinance No. 111, an Ordinance Authorizing and Regulating the Operation of Off-Road Vehicles (ORV's) on Streets in the Village of Saranac, as presented. Roll call vote: yeas – Doll, Hooper, Mulnix, Simmons, Whorley, Darby; nays – Klutman; absent – none.

Dave Washburn requested that council consider amending the ORV Ordinance, or clarifying it to include allowing the operation of golf carts on Village streets. Darby stated that the Streets Committee would discuss the topic and bring their recommendation back to council.

Motion was made by Mulnix, supported by Klutman, to adopt Ordinance No. 112, an Ordinance to Regulate the Operation of Food Trucks, and the Issuance of Permits, Licenses or Approvals for Food Trucks, as presented. Roll call vote: yeas – Doll, Hooper, Klutman, Mulnix, Simmons, Whorley, Darby; nays – none; absent – none.

Council reviewed Ionia County Sheriff Office stats for Village of Saranac patrol for September 2020. Klutman made mention that the number of traffic stops were low in comparison to other months. Darby explained that the Sheriff's Office has been short staffed.

Council members reviewed an updated Premium Conversion Plan prepared by Flex Administrators. Darby explained that the plan required updating, to add new IRS language.

Motion was made by Hooper, supported by Mulnix, to pass a Resolution (see attached) to accept the Premium Conversion Plan prepared by Flex Administrators, effective 12/1/2020. Roll call vote: yeas – Doll, Hooper, Klutman, Mulnix, Simmons, Whorley, Darby; nays – none; absent – none.

Hooper requested that the September 14, 2020 council meeting minutes be amended to include the following; "Hooper brought it to council's attention that the Village does not have an ordinance regulating firearms. Council members indicated their knowledge of this and affirmed that the Village has always relied on state and federal regulations regarding hunting and discharging of firearms."

Motion was made by Hooper, supported by Klutman, to accept the minutes of the September 14, 2020 Regular Meeting, with the addition of "Hooper brought it to council's attention that the Village does not have an ordinance regulating firearms. Council members indicated their knowledge of this and affirmed that the Village has always relied on state and federal regulations regarding hunting and discharging of firearms." 4 yeas; 3 nays; none absent.

Motion was made by Klutman, supported by Simmons, to accept the Treasurer's Report of September 30, 2020. All yeas.

Various Accounts Payable items were reviewed and questions answered.

Motion was made by Doll, supported by Mulnix, to approve the Accounts Payable of October 12, 2020, in the amount of \$331,819.25.

Roll call vote: yeas – Doll, Hooper, Klutman, Mulnix, Simmons, Whorley, Darby; nays – none; absent – none.

Zoning Administrator Report

The Zoning Administrator's Report of Services for September 2020 was reviewed. Hooper mentioned that Vandersloot recently approved his sign permit application for 31 Main Street.

Planning Commission Report

Klutman reported that the Planning Commission held a public hearing on October 7th, regarding proposed amendments to the Zoning Ordinance to permit and regulate medical marihuana facilities and recreational (adult-use) marihuana establishments in the CBD and IND districts. There was public present, but none who opposed the ordinance. Discussion took place amongst those present.

Klutman further reported, that with the assistance of Laura Genovich, Foster Swift Attorney who drafted the ordinance, Planning Commission members made revisions. The Planning Commission recommends that council approve the ordinance with their revisions. Genovich incorporated those revisions into the draft that council received and adopted tonight.

Committee Reports

Budget

Straubel requested that committee chairs submit budget numbers for the 2021/2022 fiscal year, on or before December 14, 2020.

Public Safety

Darby informed council that 21 firefighters received \$1,000 in hazard pay through the First Responder Hazard Pay Premiums Program. Darby inquired of Chief Simmons, how the hazard pay was received by fire department personnel. Simmons reported that they were pleased.

Parks & Recreation

DPW Simmons reported that topsoil has been placed at the Trailhead, but still needs to be dispersed. Restrooms at the Nature Park and Scheid Park will be closed on or around November 15th. Trailhead restrooms will remain open year-round.

Streets

DPW Simmons reported that the Center Street project is on schedule to be substantially complete by October 23, which is the last day per contract.

Buildings & Grounds – No report.

Water & Sewer

DPW Simmons reported that PFAS testing is complete, but results have not been received yet.

DPW Simmons and Straubel explained a situation regarding a watermain at 350 Parsonage Street, which feeds Shawnee Street homes. When the owners of the property at 350 Parsonage Street began building a pole barn, Simmons questioned whether the pole barn was being built over the watermain. Simmons hired CL Trucking to determine the exact location of the watermain. As a result, the property owners shifted the location of the pole barn to allow for more distance between the watermain and pole barn. Straubel inquired with the Ionia County Register of Deeds whether the property description includes a Village utility easement, who confirmed that it does not. Straubel will contact Doezeema to draft an easement document.

Personnel

Darby reported that the Personnel Committee met and discussed insurance renewals. Dental renewal rates have not been received yet, vision renewal rates are not changing, and health insurance rates will be increasing by approximately 7.5%, or \$2,300 annually. The Personnel Committee recommends that all insurances remain the same for the upcoming year, despite the health insurance premium increase.

Darby further reported that the Personnel Committee is recommending no change in the in-lieu of health insurance benefit, holiday bonuses and 6% contribution to employee's retirement.

Darby also explained that the Personnel Committee recommends a 0% wage increase for the 2021/2022 fiscal year. Per Darby, due to Covid-19, inflation is only at 1%, which was a driving factor in the committee's recommendation regarding wages.

Discussion was held regarding the preceding recommendations.

Motion was made by Hooper, supported by Klutman, to accept the Personnel Committee's recommendations as stated above; dental, vision and health insurance, in-lieu of insurance, bonuses, retirement contributions and wages to remain as is.

Roll call vote: yeas – Hooper, Klutman, Whorley; nays – Doll, Mulnix, Simmons, Darby; absent – none. Motion does not pass.

Motion was made by Mulnix, supported by Simmons, to accept the Personnel Committee's recommendations as stated above; dental, vision and health insurance, in-lieu of insurance, bonuses, retirement contributions to remain as is, with a 2% wage increase for all employees.

Roll call vote: yeas – Doll, Mulnix, Simmons; nays – Hooper, Klutman, Whorley, Darby; absent – none. Motion does not pass.

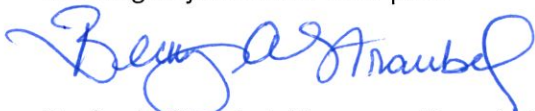
Motion was made by Darby, supported by Mulnix, to accept the Personnel Committee's recommendations as stated above; dental, vision and health insurance, in-lieu of insurance, bonuses, retirement contributions to remain as is, with a 1.5% wage increase for all employees.

Roll call vote: yeas – Doll, Mulnix, Simmons, Darby; nays – Hooper, Klutman, Whorley; absent – none.

Public Comments – None.

Additional Business – None.

Meeting adjourned at 8:45 p.m.



Becky A. Straubel, Treasurer/Deputy Clerk