

Minutes of the regular meeting of the City Commission held Monday, May 9, 2022, at 7:00 p.m., in the City Commission Room, 320 W. Broadway St., Mt. Pleasant, Michigan with virtual options.

Mayor Perschbacher called the meeting to order.

The Pledge of Allegiance was recited.

Commissioners Present: Mayor Amy Perschbacher and Vice Mayor Olivia Cyman; Commissioners Mary Alsager, Brian Assmann, Liz Busch, Maureen Eke & George Ronan

Commissioners Absent: None

Others Present: City Manager Aaron Desentz, City Clerk Heather Bouck and City Attorney Laura Genovich

### Proclamations and Presentations

City Clerk Bouck administered the Oath of Office to Commissioner Brian Assmann for the term May 4, 2022 to December 31, 2023.

Presentation by Christopher Germain, Senior RRC Planner, Redevelopment Ready Communities on the Winter Strategies Action Plan.

Mayor Perschbacher read a proclamation recognizing National Public Works Week May 15-May 21, 2022.

Moved by Commissioner Alsager and seconded by Commissioner Busch to approve the agenda as presented. Motion unanimously adopted.

### Public Input on Agenda Items

Kelly Fountain, 811 S. Franklin St., questioned why the Commission would be making changes to the Marijuana Ordinance.

Communication from Crystal Popour, 8495 Chippewa Trl., in support of removing cap on marijuana licenses.

Communications received from Mark Homuth, 2424 S. Mission St. and Chris Rowley, 113 W. Broadway St. in support of Broadway Central.

Communication from Lisa Curtiss, 114 S. Oak St., in opposition to Broadway Central.

### Receipt of Petitions and Communications

Received the following petitions and communications:

3. City Manager report on pending items;
  - a. Monthly report on police related citizen complaints received.

4. Minutes of the Economic Development Corporation-Brownfield Redevelopment Authority (November).
5. Zoning Board of Appeals Meeting Minutes (January).
6. Airport Joint Operations and Management Board Meeting Minutes (March).
7. Resignation of Jennifer Jones from the Parks and Recreation Commission.
8. Correspondence received from Beth Macleod, 525 S. Fancher and Amanda VanHoose, 2755 N. Johnson Rd., Weidman in support of Broadway Central.

Lonnie DeRosia, 1005 Park Ave.; Kurt Feight, 119 S. Franklin; Kelly Hudson, 119 S. Franklin; Julie Gronda, 119 S. Franklin St.; Jason Connors, 114 E. Broadway; and Kristyn Pearen, 114 E. Broadway communicated their opposition to Broadway Central.

Moved by Commissioner Eke and seconded by Commissioner Busch to approve the following items on the Consent Calendar:

9. Minutes of the special meeting of the City Commission held April 18, 2022.
10. Minutes of the regular meeting of the City Commission held April 25, 2022.
11. Bid of Peerless Midwest of Ionia, Michigan in the amount of \$46,406 for the Well #6 Rehabilitation Project.
12. Bid of National Restoration, Inc. of Milford, Michigan in the amount of \$114,000.00 for Building Crack Seal and Masonry Repair Project at the Public Safety Building.
13. Resolution extending conditional approval of a Medical Marihuana Class C Grow Operation for Absolute Royale, Inc. at 801 Industrial Dr. as follows:

WHEREAS, Absolute Royale Inc. received a conditional authorization for a Class C Medical Marihuana Grower on November 2, 2020; and

WHEREAS, Section 112.03(E) of the Mount Pleasant City Code of Ordinances requires the City Clerk to grant final authorization for conditionally authorized medical marihuana facilities if the applicant: (1) Submits the paperwork for the facility-specific step of the application for a state operating license (and all related applications for stacked licenses) to LARA within 30 days of receiving conditional authorization; (2) Submits an application for special use authorization pursuant to section 154.410(B)(4)(p) of the zoning ordinance within 30 days of receiving conditional authorization; (3) Obtains special use authorization within six months of receiving conditional authorization; and (4) Obtains a state operating license within 18 months of receiving conditional authorization; and

WHEREAS, Absolute Royale Inc. has satisfied the requirements of Sections 112.03(E) (1), (2) and (3) of the Mount Pleasant City Code of Ordinances and obtained a Special Use Permit from the Planning Commission on January 7, 2021; and

WHEREAS, Absolute Royale Inc. has not yet satisfied the requirements under Section 112.03(E)(4); and

WHEREAS, the conditional authorization granted to Absolute Royale Inc. will otherwise expire because the applicant has not obtained a state operating license within 18 months of receiving conditional authorization as specified under Section 112.03(E)(4); and

WHEREAS, Absolute Royale Inc. has requested a nine (9) month extension to meet the requirement of Section 112.03(E)(4) for cause as outlined in their April 26, 2022 request for extension; and

WHEREAS, Section 112.03(F) of the Mount Pleasant City Code of Ordinances authorizes the City Commission to extend any of the deadlines required by Section 112.03(E) upon a showing of good cause.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Commission of the City of Mount Pleasant finds that Absolute Royale Inc. has established good cause to extend the deadline to meet the requirements of Section 112.03(E)(4).

2. Absolute Royale Inc.'s request under Section 112.03(F) for a nine-month extension to satisfy the requirements of Section 112.03(E)(4) for their Class C Medical Marihuana Grower located at 801 Industrial is granted and the deadline date to satisfy such requirements shall be February 2, 2023.

3. Except as otherwise modified by this Resolution, all other deadlines established by Chapter 112 of the Mount Pleasant City Code of Ordinances shall remain in full force and effect.

14. Resolution extending conditional approval of an Adult-Use Marihuana Class C Grow Operation for Absolute Royale, Inc. at 801 Industrial Dr. as follows:

WHEREAS, Absolute Royale Inc. received a conditional authorization for a Class C Adult-Use Marihuana Grower on February 23, 2021; and

WHEREAS, Section 115.03(F) of the Mount Pleasant City Code of Ordinances requires the City Clerk to grant final authorization for conditionally authorized recreational marihuana establishments if the applicant: (1) Submits the paperwork for the establishment-specific step of the application for a state operating license (and all related applications for stacked licenses) to LARA within 30 days of receiving conditional authorization; (2) Submits an application for special use authorization pursuant to section 154.410(B)(4)(p) of the zoning ordinance within 30 days of receiving conditional authorization; (3) Obtains special use authorization within six months of receiving conditional authorization; and (4) Obtains a state operating license within 18 months of receiving conditional authorization; and

WHEREAS, Absolute Royale Inc. has satisfied the requirements of Sections 115.03(F) (2) and (3) of the Mount Pleasant City Code of Ordinances and obtained a Special Use Permit from the Planning Commission on April 8, 2021; and

WHEREAS, Absolute Royale Inc. has not yet satisfied the requirements under Sections 115.03(F)(1) and (4); and

WHEREAS, the conditional authorization granted to Absolute Royale Inc. will otherwise expire because the applicant has not submitted the paperwork for the establishment-specific step of the application for a state operating license (and all related applications for stacked licenses) to LARA within 30 days of receiving conditional authorization as specified under Section 115.03(F)(1) and because the applicant has not obtained a state operating license within 18 months of receiving conditional authorization as specified under Section 115.03(F)(4); and

WHEREAS, Absolute Royale Inc. has requested a nine (9) month extension to meet the requirement of Sections 115.03(F)(1) and (4) for cause as outlined in their April 26, 2022 request for extension; and

WHEREAS, Section 115.03(G) of the Mount Pleasant City Code of Ordinances authorizes the City Commission to extend any of the deadlines required by Section 115.03(F) upon a showing of good cause.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Commission of the City of Mount Pleasant finds that Absolute Royale Inc. has established good cause to extend the deadline to meet the requirements of Sections 115.03(F)(1) and (4).

2. Absolute Royale Inc.'s request under Section 115.03(G) for a nine-month extension to satisfy the requirements of Section 115.03(F)(1) for their Class C Adult-Use Marihuana Grower located at 801 Industrial is granted and the deadline date to satisfy such requirements shall be March 25, 2023.

3. Absolute Royale Inc.'s request under Section 115.03(G) for a nine-month extension to satisfy the requirements of Section 115.03(F)(4) for their Class C Adult-Use Marihuana Grower located at 801 Industrial is granted and the deadline date to satisfy such requirements shall be May 23, 2023.

4. Except as otherwise modified by this Resolution, all other deadlines established by Chapter 115 of the Mount Pleasant City Code of Ordinances shall remain in full force and effect.

15. Set a special meeting for follow-up discussion on 2023 goals and objectives for Wednesday, June 15, 2022 at 5:30 p.m. at the City's Public Safety Building.

16. Warrants dated May 4, 2022 and Payrolls dated April 26, 2022 all totaling \$794,586.97.

Motion unanimously adopted.

Public hearing on the Community Development Block Grant Water Related Infrastructure Program. There being no public comments or communications, the Mayor closed the public hearing.

Moved by Commissioner Ronan and seconded by Commissioner Busch to adopt the resolution authorizing the grant application and funds for this project as follows:

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its CDBG-Infrastructure and Resiliency (CDBG-IR) Competitive Funding Round; and

WHEREAS, the City of Mt. Pleasant desires to request \$2,000,000 in CDBG funds to make improvements at the Water Resource Recovery Facility; and

WHEREAS, the City of Mt. Pleasant commits local funds from its sewer fund in the amount of \$500,000 and

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed project will benefit all residents of the project area and 63.6 percent of the residents of the City of Mt. Pleasant are low and moderate income persons as determined by an income survey approved by the Michigan Economic Development Corporation; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Mt. Pleasant hereby designates the City Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the

Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

AYES: Commissioners Alsager, Assman, Busch, Cyman, Eke, Perschbacher & Ronan

NAYS: None

ABSENT: None

Motion unanimously adopted.

Public hearing to obtain public input on the Michigan Economic Development Corporation (MEDC) Revitalization and Placemaking Grant proposal.

James McBryde, President and CEO of MMDC communicated his support for the City's request to apply for the MEDC's Revitalization and Placemaking Program. There being no public comments or additional communications, the Mayor closed the public hearing.

Moved by Vice Mayor Cyman and seconded by Commissioner Alsager to adopt the resolution authorizing the grant application and commit the local matching funds for the Michigan Economic Development Corporation (MEDC) Revitalization and Placemaking Grant proposal as follows:

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its Revitalization and Placemaking (RAP) Competitive Funding Round; and

WHEREAS, the City of Mt. Pleasant desires to request \$1,000,000 in federal American Rescue Plan Act (ARPA) funds allocated to the State of Michigan for place-based infrastructure for Town Center Civic Space project; and

WHEREAS, the City of Mt. Pleasant commits local funds from its American Rescue Act Plan (ARPA) in the amount of \$500,000; and

WHEREAS, the proposed project is consistent with the local Master Plan as described in the application; and

WHEREAS, the proposed project will benefit all residents of the project area and 63.57 percent of the residents of the City of Mt. Pleasant are low and moderate income persons as determined by (census data provided by the U.S. Department of Housing and Urban Development OR an income survey approved by the Michigan Economic Development Corporation); and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Mt. Pleasant hereby designates the Aaron Desentz, City Manager, as the person authorized to certify the

Revitalization and Placemaking application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

AYES: Commissioners Alsager, Assman, Busch, Cyman, Eke, Perschbacher & Ronan

NAYS: None

ABSENT: None

Motion unanimously adopted.

Public hearing on proposed ordinance to amend Title XI: BUSINESS REGULATIONS, Chapter 110. GENERAL LICENSING to allow for and regulate the operation of pedicabs within the City.

Melissa Gross, 1403 North Dr., spoke in favor of the ordinance. There being no additional public communications or comments received, the Mayor closed the public hearing.

Moved by Commissioner Eke and seconded by Commissioner Busch that Ordinance 1078, an Ordinance to amend Title XI: BUSINESS REGULATIONS, Chapter 110. GENERAL LICENSING to allow for and regulate the operation of pedicabs within the City having been introduced and read, now be passed, ordained and ordered published.

AYES: Commissioners Alsager, Assman, Busch, Cyman, Eke, Perschbacher & Ronan

NAYS: None

ABSENT: None

Motion unanimously adopted.

Public Hearing on proposed amendment to Title XI: BUSINESS REGULATIONS, Chapter 112. Medical Marihuana Facilities of the Mt. Pleasant Code of Ordinances.

A poll of those in attendance both in person and virtual was taken. 13 were in support of the ordinance amendment and 12 opposed the ordinance amendment.

There being no additional comments or communications, the Mayor closed the public hearing.

Moved by Commissioner Busch and seconded by Commissioner Eke that Ordinance 1079, an Ordinance to amend Title XI: BUSINESS REGULATIONS, Chapter 112. Medical Marihuana Facilities of the Mt. Pleasant Code of Ordinances having been introduced and read, now be passed, ordained and ordered published.

AYES: Commissioners Alsager, Busch, Cyman, Eke, Perschbacher & Ronan

NAYS: Commissioner Assmann

ABSENT: None

Motion carried.

Public hearing on proposed amendment to Title XI: BUSINESS REGULATIONS, Chapter 115. Recreational Marihuana Establishments of the Mt. Pleasant Code of Ordinances.

Phil Glasky, 414 N. University; Tolby Busch, 422 S. Washington; Caleb Cary, 910 E. Chippewa St.; James Moreno, 316 S. Arnold and Matthew Roman of Stash Ventures, spoke in favor of removing the license caps.

Linda Richardson, Stephen Timmerman, 1012 N. Lansing St. and Dennis Egan, 1603 E. Bellows, expressed opposition to removing the license caps.

Deb Cary, Consano owner, would like to know what happened to reciprocity and why the threat of a lawsuit scared the Commission.

There being no additional comments or communications, the Mayor closed the public hearing.

Moved by Commissioner Alsager and seconded by Commissioner Busch that §115.08 POLICY REVIEW IN 2023 be added to the proposed ordinance language and that Ordinance 1080, amending Title XI: BUSINESS REGULATIONS, Chapter 115. Recreational Marihuana Facilities of the Mt. Pleasant Code of Ordinances which has been introduced and read, now be passed, ordained and ordered published.

AYES: Commissioners Alsager, Busch, Cyman, Eke, Perschbacher & Ronan

NAYS: Commissioner Assmann

ABSENT: None

Motion carried.

Moved by Commissioner Eke and seconded by Commissioner Alsager to approve a modified plan for Broadway Central for the 2022 season and budget amendment for same.

AYES: Commissioners Alsager, Assman, Busch, Cyman, Eke, Perschbacher & Ronan

NAYS: None

ABSENT: None

Motion unanimously adopted.

Moved by Commissioner Eke and seconded by Commissioner Ronan to approve a budget amendment to allocate \$1,200,000 contribution to the MERS program and assign \$1,000,000 to the Fire Truck Replacement program. Motion unanimously adopted.

Moved by Commissioner Ronan and seconded by Commissioner Eke to approve the resolution to authorize the issuance of \$8.5m of General Obligation Bonds for the Water Resource Recovery Facility (WRRF) upgrades. Funding for this project is available through the concurrent issuance of bonds. Motion unanimously adopted. (CC Exh. 3-2022)

Moved by Commissioner Ronan and seconded by Commissioner Eke to award contract for WRRF Phase I Upgrades to RCL Construction Co. of Sanford, Michigan in the amount of \$7,748,000.00. Motion unanimously adopted.

#### Announcements on City-Related Issues and New Business

Commissioner Busch is looking forward to visiting Sleepy Dog Books and indicated her daughter had a fantastic impression.

Mayor Perschbacher reminded residents that fall leaves are not be raked into the road and must be bagged and taken to the recycling center.

#### Public Comment on Agenda and Non-Agenda Items

Bree Moeggenberg, (address withheld by request) addressed the Commission raising concerns for demand for childcare and expressed her concern regarding a City employee.

Kelly Fountain, 811 S. Franklin St., raised concern about expanding the current buffer zones for marijuana and would like to see churches and childcare facilities taken into consideration. She feels the Commission was too quick to make a decision.

Alexander Swick, 1703 W. Pickard, would like to see the City be proactive with engine breaking and provided examples of public nuisance language in this regard.

Moved by Commissioner Alsager and seconded by Commissioner Busch to adjourn the meeting at 9:07 p.m. Motion unanimously adopted.

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Amy Perschbacher, Mayor

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Heather Bouck, City Clerk