

**CITY OF MT. MORRIS  
CITY COUNCIL AGENDA  
11649 N. Saginaw Street  
Mt. Morris, MI 48458  
August 9th, 2021  
7:15 P.M.**

**1. MEETING CALLED TO ORDER:** Mayor Jeffrey N. Roth

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF AGENDA**

**5. APPROVAL OF MINUTES**

- a. Approval of regular meeting minutes from July 26<sup>th</sup>, 2021.

**6. COMMUNICATIONS:**

- a. None.

**7. APPROVAL OF WARRANT:** Approval of Warrant #21-14 in the amount of \$42,267.70

**8. PUBLIC COMMENT (Agenda Items Only /Five Minute Time Limit).**

**9. UNFINISHED BUSINESS:**

- a. **ORDINANCE 21-02: Water Line (second reading and adoption)**
- b. **ORDINANCE 21-03: Marijuana Establishments (second reading and adoption)**

**10. NEW BUSINESS:**

- a. **RESOLUTION 21-43: License Fee for Marijuana Establishments.**

**11. PUBLIC COMMENT (Five Minute Time Limit).**

**12. COUNCIL MEMBER AND STAFF COMMENTS**

**13. ADJOURNMENT**

**PLEASE SILENCE ALL CELL PHONES AND OTHER ELECTRONIC DEVICES PRIOR TO THE MEETING.**

**CITY OF MT. MORRIS**  
**CITY COUNCIL – REGULAR MEETING**  
**July 26<sup>th</sup>, 2021**

At 7:15 p.m., Mayor Jeff Roth called the Regular Council Meeting to order.

**PRESENT:** Heidenfeldt, Black, Dubey, Irwin, Templeton, Sorensen and Roth.

**ABSENT:** None.

**OTHERS:** City Manager/Treasurer Vicki Corlew, Attorney Amanda Doyle, DPW Superintendent Paul Zumbach, Police Chief Mihailoff, Fire Chief Young, and City Clerk Spencer Lewis.

The Pledge of Allegiance.

**ROLL CALL:**

None.

**APPROVAL OF AGENDA:**

A motion was made by Council member Irwin, seconded by Council member Sorensen to approve the agenda.

All ayes.

Motion carried.

**MINUTES:**

A motion was made by Council member Sorensen, seconded by Council member Heidenfeldt to approve the regular meeting minutes from June 28<sup>th</sup>, 2021.

All ayes.

Motion carried.

**COMMUNICATIONS:**

None.

**APPROVAL OF WARRANT:**

A motion was made by Council member Black, seconded by Council member Dubey to approve **Pre-Warrant #21-12 in the amount of \$119,342.60 and Warrant #21-13 in the amount of \$134,531.03**

Mayor Roth questioned DPW Superintendent Paul Zumbach on Warrant #21-13, page 3, department 539, item: 591-539-801, professional services bill from Masters for asphalt repairs?

DPW Superintendent Paul Zumbach answered that those were all the water utility cuts we had over the Winter. Masters had Mark's Paving doing Spruce Street, and they just did it all at the same time.

Mayor Roth questioned if Masters did anything on the repair?

DPW Superintendent Paul Zumbach stated that Masters dug out stuff to grade as they moved.

Mayor Roth questioned DPW Superintendent Paul Zumbach on Warrant #21-13, page 2, department 441, professional services bill from Masters for storm sewer repair? Seeing that we got an invoice for it, they are all done with that? And are you completely satisfied with the everything that they did?

DPW Superintendent Paul Zumbach he is a little concerned about the asphalt repair on Spruce Street and if it is going to hold up, but as far as his work, he does not see a problem with it.

Mayor Roth asked about all the gravel and dirt in the road that did not get cleaned up?

DPW Superintendent Paul Zumbach stated that he would get in contact with Masters about that.

Roll call:                          7       Ayes                          0       Nays                          0       Absent

Motion Carried.

Council Minutes

July 26<sup>th</sup>, 2021

Page Two.

**PUBLIC COMMENT:**

None.

**UNFINISHED BUSINESS:**

**a. ORDINANCE 21-01: Zoning Map Amendment (second reading and adoption)**

A motion was made by Council member Black, seconded by Council member Irwin to approve Ordinance 21-01: Zoning Map Amendment.

Council member Irwin questioned if they are verbally leaning towards finalizing a purchase?

Mayor Roth stated when he had spoke to City Manager/Treasurer Vicki Corlew last week, they were in contact with her on whether they needed to extend the purchase agreement.

Council member Irwin questioned if their purchase is depending on this decision to be rezoned?

Mayor Roth answered yes.

City Manager/Treasurer Vicki Corlew stated after this, they will have to do site plan approval through Planning Commission.

Council member Irwin questioned if they have to provide a condition use permit for what they plan on doing?

City Manager/Treasurer Vicki Corlew stated that they do not need a conditional use permit, just the site plan. Planning Commission will need to look at where they are putting the sub-station, and approve the site plan.

Roll call:               \_\_\_7\_\_\_Ayes               \_\_\_0\_\_\_Nays               \_\_\_0\_\_\_Absent

Motion Carried.

**NEW BUSINESS:**

**b. ORDINANCE 21-02: Water Line (first reading)**

A motion was made by Council member Black, seconded by Council member Sorensen to approve the first reading of Ordinance 21-02: Water Line.

Council member Black questioned what is the purpose of this?

Mayor Roth stated this is updating our ordinance to allow PVC piping in the water lines/supply lines, as the ordinance now only calls for type k copper.

Council member Irwin questioned if they have to change the couplings or unions at the meter to adapt to PVC?

DPW Superintendent Paul Zumbach no, the only additional fitting you would need to use is a sleeve needed for compression fitting.

Council member Irwin questioned if the Water Department have the appropriate tools for doing PEX?

DPW Superintendent Paul Zumbach stated they have the basic crimpers, and the service lines are all compression fittings.

Roll call:               \_\_\_7\_\_\_Ayes               \_\_\_0\_\_\_Nays               \_\_\_0\_\_\_Absent

Motion Carried.

**c. ORDINANCE 21-03: Marijuana Establishments (first reading)**

A motion was made by Council member Black, seconded by Council member Sorensen to approve the first reading of Ordinance 21-03: Marijuana Establishments.

Council member Templeton questioned is this was just to get the rules and regulations down?

Mayor Roth stated that this is the ordinance of stating what the distance from other places and things of that nature.

**Jeff Harrington from the Herald** – Jeff stated that within the ordinance there are a few places where the word medical appears, and might be misinterpreted with it being a recreational ordinance. Jeff stated that he believes that the word medical might cause some heartaches down the road, potentially.

City Attorney Amanda Doyle stated that the first approval with removal of the word “medical” and “commercial” would be sufficient. The sections within the ordinance that need amending are as follows:  
Section 1: A4, A7, B.1, B.2, B.3, B.4, B.5, B.6, and Section 2.A.

Council member Black amended the motion to include all the revisions necessary listed above.

A motion was made by Council member Black, seconded by Council member Sorensen to approve the first reading of Ordinance 21-03: Marijuana Establishments as amended.

Roll call:                \_\_\_\_ 7 \_\_\_\_ Ayes                \_\_\_\_ 0 \_\_\_\_ Nays                \_\_\_\_ 0 \_\_\_\_ Absent

Motion Carried.

**d. RESOLUTION 21-41: New Meter Reader**

A motion was made by Council member Irwin, seconded by Council member Dubey to approve Resolution 21-41: New Meter Reader.

Roll call:                \_\_\_\_ 7 \_\_\_\_ Ayes                \_\_\_\_ 0 \_\_\_\_ Nays                \_\_\_\_ 0 \_\_\_\_ Absent

Motion Carried.

**e. RESOLUTION 21-42: CDBG Signature Card**

A motion was made by Council member Black, seconded by Council member Irwin to approve Resolution 21-42: CDBG Signature Card.

Roll call:                \_\_\_\_ 7 \_\_\_\_ Ayes                \_\_\_\_ 0 \_\_\_\_ Nays                \_\_\_\_ 0 \_\_\_\_ Absent

Motion Carried.

**f. Official Ballot of MML Liability & Property Pool Board of Directors.**

A motion was made by Council member Sorensen, seconded by Council member Irwin to approve the Official Ballot of MML Liability & Pool Board of Directors.

All Ayes.

Motion carried.

**PUBLIC COMMENT:**

**Steven Kiouis 1985 W. Big Beaver, Suite 300 Troy, MI** – Steven questioned what if a caregiver whom is licensed through the State of Michigan, is operating within 800 ft. of an entity, is that going to block someone in their application for adult use in the area?

City Attorney Amanda Doyle stated caregivers are a home occupation that would require a residence.

**COUNCIL MEMBER AND STAFF COMMENTS:**

Council member Black stated she wanted to congratulate Chief Mihailoff.

Council member Irwin offered congratulations to Chief Mihailoff.

Council member Dubey congratulated Chief Mihailoff as well on his appointment.

Council member Heidenfeldt stated that the motorcycles on Mt. Morris Road late at night are becoming a nuisance, and he wanted to thank Consumers Energy for the quick response to a blown transformer by his house over the weekend.

DPW Superintendent Paul Zumbach stated that one of his employees, Tanner, had just welcomed a beautiful baby boy into the World last Friday, so if you see him, offer him a congratulations.

Chief Mihailoff stated, about the motorcycles, to call 9-1-1 if you need to report anything, so that there is a record on file. He also made everyone aware that there is a benefit (biker run) this Saturday at the Down the Hatch bar, and that his guys are going to block traffic for a couple minutes to allow the bikers to get through safely. Chief Mihailoff stated that he is having a meeting this Thursday with Tony Bauer about the Back to the Bricks / Tune-Up Party August 14<sup>th</sup>, about shutting down the downtown area and what times, locations, etc.

Mayor Jeff Roth offered congratulations to Spencer Lewis, as he was sworn in as the new City Clerk.

**ADJOURNMENT:**

With no further business, the Council Meeting was adjourned at **7:45 p.m.**

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Spencer Lewis, City Clerk

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 General Dept 000 101-000-066.000	UNDISTRIBUTED FRINGE BENEFITS	MML WORKER'S COMP FUND	POLICY PREMIUM	4,131.00	
		Total For Dept 000		4,131.00	
Dept 215 ADMINISTRATION 101-215-740.000	OPERATING EXPENSE	XTREME SHREDS	PAPER SHREDDING	17.50	
101-215-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	61.95	
101-215-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	151.03	
101-215-850.000	COMMUNICATIONS	VERIZON	PHONE BILL	38.31	
101-215-874.000	RECIEPT TO 731.00.00.9999.28620	GENESEE COUNTY TREASURER	LINA	23.00	
		Total For Dept 215 ADMINISTRATION		291.79	
Dept 253 TREASURER 101-253-959.000	MEMBERSHIP & DUES	ASSOCIATION OF PUBLIC TR	MEMBERSHIP DUES	159.00	
		Total For Dept 253 TREASURER		159.00	
Dept 265 CITY HALL & GROUNDS 101-265-740.000	OPERATING EXPENSE	ACTION MUNICIPAL SUPPLY	SUPPLIES	171.10	
101-265-801.000	PROFESSIONAL SERVICES	TAMMY'S LANDSCAPING	MOWING	81.00	
		Total For Dept 265 CITY HALL & GROUNDS		252.10	
Dept 269 OTHER CITY PROPERTY 101-269-801.000	PROFESSIONAL SERVICES	TAMMY'S LANDSCAPING	MOWING	18.00	
		Total For Dept 269 OTHER CITY PROPERTY		18.00	
Dept 276 CEMETERY 101-276-801.000	PROFESSIONAL SERVICES	TAMMY'S LANDSCAPING	MOWING	578.00	
		Total For Dept 276 CEMETERY		578.00	
Dept 305 POLICE DEPARTMENT 101-305-740.000	OPERATING EXPENSE	DES MOINES STAMP MFG. CO	PURE MARK	42.40	
101-305-740.000	OPERATING EXPENSE	XTREME SHREDS	PAPER SHREDDING	17.50	
101-305-745.000	GAS & FUEL	MICHIGAN PETROLEUM TECH	UNLEADED GAS	784.05	
101-305-759.000	UNIFORMS	CMP DISTRIBUTORS, INC.	DUTY HOLSTER	110.75	
101-305-759.000	UNIFORMS	CMP DISTRIBUTORS, INC.	SABRE RED CROSSFIRE	169.00	
101-305-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	35.40	
101-305-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	86.29	
101-305-850.000	COMMUNICATIONS	VERIZON	PHONE BILL	85.22	
101-305-910.000	INSURANCE & BOND	MML LIABILITY & PROPERTY	RENEWAL PREMIUM	5,000.00	
101-305-990.000	DEBT SERVICE - PRIN	BALBOA CAPITALCORPORATIO	IN CAR CAMERAS	318.94	
		Total For Dept 305 POLICE DEPARTMENT		6,649.55	
Dept 336 FIRE DEPARTMENT 101-336-740.000	OPERATING EXPENSE	MENARDS - CLIO	SUPPLIES	103.77	
101-336-745.000	GAS & FUEL	MICHIGAN PETROLEUM TECH	UNLEADED GAS	7.41	
101-336-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	17.70	
101-336-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	43.15	
101-336-910.000	INSURANCE & BOND	MML LIABILITY & PROPERTY	RENEWAL PREMIUM	5,000.00	
101-336-930.000	REPAIR & MAINTENANCE - VEHICL	COOK'S PERFORMANCE DIESE	UNIT INSPECTION	590.39	
101-336-930.000	REPAIR & MAINTENANCE - VEHICL	COOK'S PERFORMANCE DIESE	DOT INSPECTION	99.00	
101-336-930.000	REPAIR & MAINTENANCE - VEHICL	COOK'S PERFORMANCE DIESE	INSPECTION	99.00	
101-336-930.000	REPAIR & MAINTENANCE - VEHICL	COOK'S PERFORMANCE DIESE	UNIT INSPECTION	388.00	
101-336-930.000	REPAIR & MAINTENANCE - VEHICL	ULTRA BRIGHT LIGHTZ	REPLACEMENT LIGHTER PLUG	8.99	
101-336-957.000	CONFERENCES AND WORKSHOPS	MICHIGAN FIRE INSPECTORS	EDUCATIONAL CONFERENCE	395.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 General					
Dept 336 FIRE DEPARTMENT					
101-336-959.000	MEMBERSHIP & DUES	GENESEE COUNTY ASSO.OF F	ACADEMY GRADUATION TICKET	75.00	
101-336-959.000	MEMBERSHIP & DUES	MICHIGAN STATE FIREMEN'S	MEMBERSHIP	455.00	
		Total For Dept 336 FIRE DEPARTMENT		7,282.41	
Dept 441 PUBLIC WORKS					
101-441-740.000	OPERATING EXPENSE	ACTION MUNICIPAL SUPPLY	SUPPLIES	164.50	
101-441-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	98.49	
101-441-850.000		VERIZON	PHONE BILL	28.97	
101-441-910.000	INSURANCE & BOND	MML LIABILITY & PROPERTY	RENEWAL PREMIUM	6,126.00	
101-441-922.000	STREET LIGHTING	CONSUMERS ENERGY	STREET LIGHTS	2,967.87	
		Total For Dept 441 PUBLIC WORKS		9,385.83	
Dept 528 TRASH COLLECTION					
101-528-740.000	OPERATING EXPENSE	ACTION MUNICIPAL SUPPLY	SUPPLIES	156.40	
		Total For Dept 528 TRASH COLLECTION		156.40	
Dept 529 WEED & BRUSH CONTROL					
101-529-801.000	PROFESSIONAL SERVICES	TAMMY'S LANDSCAPING	MOWING	3,024.00	
		Total For Dept 529 WEED & BRUSH CONTROL		3,024.00	
Dept 738 LIBRARY					
101-738-740.000	OPERATING EXPENSE	ACTION MUNICIPAL SUPPLY	SUPPLIES	63.40	
101-738-740.000	OPERATING EXPENSE	MENARDS - CLIO	GRANT SUPPLIES	222.42	
101-738-801.000	PROFESSIONAL SERVICES	SHERWOOD PROFESSIONAL CL	PROFESSIONAL CLEANING	210.00	
101-738-801.000	PROFESSIONAL SERVICES	TAMMY'S LANDSCAPING	MOWING	81.00	
		Total For Dept 738 LIBRARY		576.82	
Dept 904 CAPITAL OUTLAY					
101-904-970.000	CAPITAL OUTLAY	HUNTER'S DEN LLC	RIFLE	911.00	
		Total For Dept 904 CAPITAL OUTLAY		911.00	
		Total For Fund 101 General		33,415.90	
Fund 202 Major Street					
Dept 463 STREET ROUTINE MAINTENANCE					
202-463-740.000	OPERATING EXPENSE	MICHIGAN PIPE & VALVE-IN	MT. MORRIS RD STORM SEWER	267.48	
202-463-740.000	OPERATING EXPENSE	VERIZON	PHONE BILL	57.94	
		Total For Dept 463 STREET ROUTINE MAINTENANCE		325.42	
Dept 474 TRAFFIC SERVICES					
202-474-740.000	OPERATING EXPENSE	ACTION MUNICIPAL SUPPLY	SUPPLIES	180.00	
202-474-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	TRAFFIC LIGHTS	187.65	
		Total For Dept 474 TRAFFIC SERVICES		367.65	
		Total For Fund 202 Major Street		693.07	
Fund 203 Local Street					
Dept 442 SIDEWALKS					
203-442-740.000	OPERATING EXPENSE	GREAT LAKES CONCRETE SUP	COURT HOUSE SIDEWALK/RAMP	18.60	
		Total For Dept 442 SIDEWALKS		18.60	
		Total For Fund 203 Local Street		18.60	
Fund 276 Downtown Development Authority					

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 276 Downtown Development Authority					
Dept 103 AUTHORITY BOARD					
276-103-880.000	COMMUNITY PROMOTIONS	MT. MORRIS YOUTH BASEBAL	DANCING IN THE ST. DONATION	1,500.00	
276-103-970.000	CAPITAL OUTLAY	TRASHCANS UNLIMITED, LLC	OUTDOOR TRASH CANS	5,622.84	
		Total For Dept 103 AUTHORITY BOARD		7,122.84	
		Total For Fund 276 Downtown Development Authority		7,122.84	
Fund 591 Water Fund					
Dept 215 ADMINISTRATION					
591-215-740.000	OPERATING EXPENSE	MAPLE TOWNE PRINTING	DO NOT OCCUPY STICKERS	50.00	
591-215-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	98.49	
591-215-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	35.40	
591-215-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	86.29	
591-215-850.000	COMMUNICATIONS	VERIZON	PHONE BILL	28.97	
591-215-874.000	ATTN: KRISTIE PRIMEAU	GENESEE COUNTY TREASURER	LINA	11.50	
		Total For Dept 215 ADMINISTRATION		310.65	
Dept 537 WATER DISTRIBUTION					
591-537-714.800	FRINGE BENEFIT-NON PAYROLL	CINTAS CORP	UNIFORMS	43.68	
591-537-714.800	FRINGE BENEFIT-NON PAYROLL	CINTAS CORP	UNIFORMS	43.68	
591-537-740.000	OPERATING EXPENSE	MICHIGAN PIPE & VALVE-IN	BUFFALO BOX	125.65	
591-537-740.000	OPERATING EXPENSE	MICHIGAN PIPE & VALVE-IN	CURB KEYS	100.00	
591-537-745.000	GAS & FUEL	MICHIGAN PETROLEUM TECH	UNLEADED GAS	163.42	
		Total For Dept 537 WATER DISTRIBUTION		476.43	
		Total For Fund 591 Water Fund		787.08	
Fund 592 Sewer Fund					
Dept 215 ADMINISTRATION					
592-215-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	98.48	
592-215-850.000	COMMUNICATIONS	COMCAST	INTERNET/FAX	26.54	
592-215-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	64.73	
592-215-850.000	COMMUNICATIONS	VERIZON	PHONE BILL	28.96	
592-215-874.000	810-257-3857	GENESEE COUNTY TREASURER	LINA	11.50	
		Total For Dept 215 ADMINISTRATION		230.21	
		Total For Fund 592 Sewer Fund		230.21	



Fund Totals:			
	Fund 101 General	33,415.90	
	Fund 202 Major Street	693.07	
	Fund 203 Local Street	18.60	
	Fund 276 Downtown Deve	7,122.84	
	Fund 591 Water Fund	787.08	
	Fund 592 Sewer Fund	230.21	
Total For All Funds:		42,267.70	

This Warrant is hereby approved and directed for payment.

Jeffrey N. Roth, Mayor

Spencer Lewis, City Clerk

**CITY OF MT. MORRIS  
COUNTY OF GENESEE, MICHIGAN  
ORDINANCE 2021 – 02**

AN ORDINANCE AMENDING THE MT. MORRIS CITY CODE OF ORDINANCES, §§ 66-41 AND 66-42, REGULATIONS FOR CONNECTIONS, TO UPDATE PERMISSIBLE WATER SERVICE LINE TYPES.

**THE CITY OF MT. MORRIS HEREBY ORDAINS:**

**SECTION I**

Chapter 66, Utilities, Article II, Water Supply, Division 2, Construction, Section 66-41(b) is hereby amended as follows:

(b) All materials and construction practices shall conform to the standards of the American Water Works Association (AWWA). An approved water meter shall be provided for each privately owned water main at the point where such main leaves public property or easement unless otherwise approved by council.

Chapter 66, Utilities, Article II, Water Supply, Division 2, Construction, Section 66-42(e) is hereby amended as follows:

(e) All materials used for construction of service lines, up to and including the water meter fittings, shall be approved by the city. As a condition of receiving water service, the city may require repair or replacement of service lines as necessary to prevent loss of unmetered water. A water service line standard shall be any AWWA approved material for potable water.

**SECTION II**

All other provisions of this Chapter shall be and are hereby ratified.

**SECTION III**

This Ordinance shall be published in a newspaper of general circulation within the City of Mt. Morris, Genesee County, Michigan, and shall become effective upon publication.

**SECTION IV**

A copy of this Ordinance may be inspected at the City Hall, 11649 N. Saginaw St., Mt. Morris, Michigan, during regular business hours.

We the undersigned Mayor and Clerk of the City of Mt. Morris, do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the 9th day of August, 2021.

CITY OF MT. MORRIS

\_\_\_\_\_  
By: JEFFREY N. ROTH, MAYOR

\_\_\_\_\_  
By: SPENCER LEWIS, CITY CLERK

Ordinance introduced on: 07/26/2021  
Second Reading: 08/09/2021  
Publication date:  
Effective date:

CITY OF MT. MORRIS  
GENESEE COUNTY, MICHIGAN  
**ORDINANCE NO. 2021-03**

An ordinance to amend the Appendix D of the Code of Ordinances, City of Mt. Morris, Michigan, the Zoning Ordinance, (a) by adding Section 9.20 entitled, "Marijuana Establishments (Recreational Marijuana)", which section contains standards for marijuana establishments, (b) by adding Section 2.46A to the Definitions section which section is entitled, "Marijuana Establishment Definitions", and (c) by amending the district regulations with respect to Section 6.12 Commercial "C" (general business) district as set forth in Section 6.04 of the Zoning Ordinance by adding to under the district regulation section under the heading "Conditional Uses Permitted" a paragraph stating that marijuana establishments subject to Section 9.20 of the Zoning Ordinance are permitted.

**THE CITY OF MT. MORRIS ORDAINS:**

**SECTION I**                Section 9.20 is hereby added to Article 9 of the Zoning Ordinance as follows:

**Section 9.20 MARIJUANA ESTABLISHMENTS**

It is the intent of this section to regulate any marijuana establishments by the following requirements:

**A. Operational Limitations.**

1. A marijuana establishment shall only operate between 8:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday.
2. A marijuana establishment shall comply at all times with each and every provision of the State of Michigan, Michigan Regulation and Taxation of Marihuana Act (MRTMA)
3. Any permitted activities conducted by a marijuana establishment must be done inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.
4. Persons under the age of twenty-one (21) years of age are not permitted to be on the property of any marijuana establishments.
5. Advertising and/or marketing for a marijuana establishment, viewed from the exterior, shall not appeal to or have the effect of appealing to minors, this shall include but is not limited to signage, flyers, banners, etc. as permitted in Chapter 48 of the City Code of Ordinances.
6. Any owners and/or operators of any marijuana establishments who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.
7. Unless otherwise permitted through co-location with another marijuana transaction facility and/or marijuana establishment, no license will be approved on a property that has any other approved uses.

## B. Locational Limitations

1. Marijuana Retailer - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana retailer shall not be permitted within the locational limitations as follows:

- a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
- b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
- d. Within five hundred (500) feet of any public or municipal park.

While subject to all other requirements of this Ordinance, it is not the intention of the City of Mt. Morris to require an additional special use approval for the marijuana establishment if the Planning Commission has already approved a special use for a medical marijuana provisioning center and said provisioning center has been operating under that approval with a State of Michigan approved license.

2. Marijuana Microbusiness - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana microbusiness shall not be permitted within the locational limitations as follows:

- a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
- b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
- d. Within five hundred (500) feet of any public or municipal park.

3. Marijuana Grower - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana grower shall not be permitted within the locational limitations as follows:

- a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
- b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
- d. Within five hundred (500) feet of any public or municipal park.

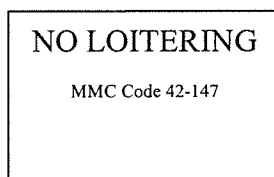
4. Marijuana Processor - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the marijuana processor shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.
5. Marijuana Safety Compliance Facility - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the safety compliance facility shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.
6. Marijuana Secure Transporter - Shall be subject to all requirements as set forth in this section of this Code for site plan review provided that the secure transporter facility shall not be permitted within the locational limitations as follows:
  - a. Within eight hundred (800) feet of any other marijuana transaction facility and/or marijuana establishment;
  - b. Within one thousand (1000) feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
  - c. Within two hundred fifty (250) feet of any church, house of worship or other religious facility or institution; and
  - d. Within five hundred (500) feet of any public or municipal park.

### **C. Site Plan Requirements**

1. Any person who wished to operate any marijuana establishment shall submit an application for Conditional Use review to the City of Mt. Morris as set forth in Section 9.20, consistent with the zoning of the property, showing required locational limitations as set forth in Section 6.12 Section 2 r as they apply, shall pay a nonrefundable fee as shall be

established, and from time to time be amended by resolution of the Mt. Morris City Council, and which shall include the following:

- a. Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.
  - b. Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.
  - c. Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.
  - d. Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard, off the site.
  - e. A description of the operation of the commercial marijuana establishments in sufficient detail to permit the City to determine if the operation, as described would be lawful and fully compliant with The Michigan Regulation and Taxation of Marihuana Act (MRTMA)
2. Once the application is approved and within 30 days, the applicant must then submit any further documentation necessary to receive a certificate of occupancy which shall include but is not limited to building permits, inspections, and audits as deemed necessary by the Building and Zoning Departments. At this time the applicant must also pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Mt. Morris City Council.
3. Annual renewal of the application is required for any marijuana establishments and must comply with 9.20 (D).
4. All applicants must provide a copy of the State of Michigan approved operating license before certificate of occupancy can be issued.
5. Any change of ownership of the property and/or facility or change of use will be considered a new application for all purposes of this ordinance, with the exception of 9.20 (E). In the case in which the existing facility has not vacated the new application will be secured from any new locational limitation.
6. A licensed Marijuana establishment shall maintain a clearly legible sign, not less than 18" x 24" in size, and white background with black lettering in color, reading "No Loitering" at or near each public entrance. The sign shall also display the Ordinance number as the following design:



**C. Periodic Inspections** Prior to the start of operations all marijuana establishments shall submit and allow authorized City zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections for purposes of verifying compliance with all requirements of this Ordinance and Section, and any reasonable conditions placed upon any special land use approval. Once

operations begin, all marijuana establishments shall submit and allow authorized City zoning and building inspection and/or law enforcement personnel to make inspections in accordance with applicable codes.

**D. Annual Renewal** A marijuana establishment approval shall be issued for a 1-year period and is renewable annually.

1. Except as set forth in this Ordinance, the City through the appropriate department shall renew a license if all of the following requirements are met:
  - a. The applicant submits a renewal application provided by the City of Mt. Morris and pay the annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Mt. Morris City Council; and
  - b. The application is received by the City on or before the expiration date of the current approval.
2. It is the sole responsibility of the applicant to apply for renewal prior to the expiration. Upon or after the date of expiration the City of Mt. Morris shall notify the applicant at the last known address on file advising them, they have 30 days to apply for renewal and pay any applicable late fees and the annual non-refundable fee. Failure to renew 30 days from date noticed mailed will revoke the establishment's certificate of occupancy and require any future application to be considered new.
3. Renewal shall be considered 1-year from the date in which the annual fee is paid.
4. In its decision on an application for renewal, the City of Mt. Morris shall consider any input from the building official, code enforcement officer, fire department and/or police department.

**E. Securing locational limitations** Applications are considered on a first come basis for purpose of required locational limitations as set forth in Section 6.12 Section 2 r. Consideration is only taken when the complete application is submitted to the City of Mt. Morris and any required fees are paid in full. Consideration may be taken when there is a pending application to the Zoning Board of Appeals or Planning Commission, as appropriate. Application for a State operating license does not secure any position for locational limitations.

**F. Penalty** Any person who violates any of the provisions of this chapter shall be deemed guilty of a municipal civil infraction, as established by the Code of Ordinances of the City of Mt. Morris, municipal civil infractions section 1-14. Any violation of the provisions of this ordinance shall be deemed a new and separate offense for each day that the violation continues to exist.

**SECTION II** Section 2.64A of the Zoning Ordinance is hereby added to Article 2, as follows:

**Section 2.64A MARIJUANA ESTABLISHMENT DEFINITIONS.**

- A. **LOCATIONAL LIMITATIONS** when determining the distance requirements of any marijuana transaction facility and/or marijuana establishment the term "within" shall mean as measured from property line to property line.
- B. **MARIJUANA ESTABLISHMENT** means a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the State of Michigan.

- C. **MARIJUANA GROWER** means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments. Shall include a State licensed Excess Marijuana Grower.
- D. **MARIJUANA MICROBUSINESS** means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.
- E. **MARIJUANA PROCESSOR** means a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.
- F. **MARIJUANA RETAILER** means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.
- G. **MARIJUANA SECURE TRANSPORTER** means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.
- H. **MARIJUANA SAFETY COMPLIANCE FACILITY** means a person licensed to test marijuana, including certification for potency and the presence of contaminants.

**SECTION III**           Section 6.12 entitled “Commercial “C” (General Business) District” is hereby amended by adding subparagraph r to paragraph 2 entitled “Conditional Uses Permitted” as follows:

Section 6.12       COMMERCIAL “C” (GENERAL BUSINESS) DISTRICT

2. CONDITIONAL USES PERMITTED:

r. Marijuana Establishments subject to the provisions of section 9.20.

We the undersigned Mayor and Clerk of the City of Mt. Morris, do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the 9th day of August, 2021.

**CITY OF MT. MORRIS**

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**BY: Jeffrey N. Roth, Mayor**

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**BY: Spencer Lewis, City Clerk**

Ordinance introduced on: 07/26/2021

Second Reading: 08/09/2021

Publication date:

Effective date:



**\*DRAFT\***  
**CITY OF MT MORRIS**  
**PLANNING COMMISSION**  
**July 19<sup>th</sup>, 2021**

At **6:30 p.m.**, Chairperson Sara Black called the Planning Commission Meeting to order.

**PRESENT:** Marc Gauze, Chris Vogt, Sara Black, Yusef Harrold, Andrew Sorensen, City Manager/Treasure Vicki Corlew and Mayor Jeffrey Roth.

**ABSENT:** Sarah Young, Kenneth Andrews

**OTHERS:** City Clerk Spencer Lewis.

**ROLL CALL:** A motion was made by Mayor Jeffrey Roth, seconded by Chris Vogt, to approve the absence of Sarah Young.

Mayor Jeffrey Roth stated that Sarah Young did email him to let him know that they are out of town.

All Ayes.

Motion Carried.

**APPROVAL OF AGENDA:**

A motion was made by Mayor Jeffrey Roth, seconded by Marc Gauze to approve the agenda.

All Ayes

Motion carried.

**APPROVAL OF MINUTES:**

A motion was made by Marc Gauze, seconded by Chris Vogt to approve the regular meeting minutes from June 21<sup>st</sup>, 2021.

All Ayes

Motion carried.

**COMMUNICATIONS:**

None.

**PUBLIC COMMENT:**

**OLD BUSINESS:**

- a. None.

**NEW BUSINESS:**

**a. Public Hearing: Master Plan**

A motion was made by Mayor Jeffrey Roth, seconded by Chris Vogt to open the Public Hearing for the Master Plan at 6:32 p.m.

All Ayes.

Motion Carried.

City Manager/Treasurer Vicki Corlew stated that she did get notice from Genesee County that

Motion Carried.

Planning Minutes  
July 19<sup>th</sup>, 2021  
Page Three.

**PUBLIC COMMENT**

**11866 Walter St. Duane Dunkel** – Duane thanked the Planning Commission for reworking the ordinance, so that it fits our community as it should. He is excited to see the improvements.

**UPDATES:**

None.

**PLANNING COMMISSION COMMENTS:**

Yousef Harrold stated that he is happy to see everyone keeping an open mind and new opportunities within the City. He thanked everyone on the Planning Commission for allowing him to have a say so in this community. Growth begets change, and change requires to keep an open mind.

Marc Gauze stated we have worked hard on this Master Plan for many years. Marc declared he is excited that we accomplished two objectives here today.

**ADJOURNMENT:**

With no further business, the meeting was adjourned at **6:42 p.m.**

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City Clerk, Spencer Lewis

CITY OF MT. MORRIS

RESOLUTION NO. 21-43

**WHEREAS**, pursuant to Ordinance 21-03 which provides for a license fee as set forth in Appendix D of the Code of Ordinances, the Zoning Ordinance, Section 9.20, it is necessary to establish pursuant thereto said license fee amounts, and,

**NOW, THEREFORE, BE IT RESOLVED** that this council does approve and authorize an annual fee of \$5,000 for the issuance of a marijuana facilities license upon approval of the Conditional Use Permit by the Planning Commission; a license otherwise meeting all requirements will not be approved until receipt of certified funds in that amount from applicant/licensee.

Moved by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and thereafter adopted by the City Council of the City of Mt. Morris at a meeting held Monday, August 9, 2021 at 7:15 p.m.

\_\_\_\_\_ Yea

\_\_\_\_\_ Nay

\_\_\_\_\_ Absent

\_\_\_\_\_  
Jeffery N. Roth, Mayor

\_\_\_\_\_  
Spencer Lewis, City Clerk