



**BRIDGMAN CITY COUNCIL MEETING  
May 2, 2022 at 6:30 PM**

**This meeting will be held in person at City Hall  
9765 Maple Street  
Bridgman, MI 49106**

(Meeting materials may be accessed on [www.bridgman.org](http://www.bridgman.org))

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approve/Amend Agenda for May 2, 2022**
- 5. Hearing of Citizens**
- 6. Action Items**
  - A. Approval of the minutes from the April 18, 2022 regular meeting.
  - B. Approve bills in the amount of \$110,153.48.
  - C. Consideration of a Special Events Application submitted by the Bridgman American Legion Post 331 for a Memorial Day Parade on Sunday, May 29, 2022
  - D. Consideration of a Special Events Application submitted by the Greater Bridgman Area Chamber of Commerce and Growth Alliance (CGA) for the Makers Trail Festival on June 11, 2022
  - E. Consideration of Second Reading and enactment of General Law Ordinance 2022-211, to allow one medical marijuana secure transporter, but disallow every other type of medical marijuana use within the City limits.
  - F. Consideration of Second Reading and enactment of General Law Ordinance 2022-212, to allow one recreational marijuana secure transporter, but disallow every other type of recreational marijuana use within the City limits.

- G. Consideration of Second Reading and enactment of Ordinance 2022-213, to amend the Bridgman Zoning Ordinance, to include marijuana secure transporter as a permitted use within the Interstate Gateway District and Transitional Industrial District, and add zoning definitions.
- H. Consideration of First Reading and Introduction of Ordinance 2022-214, to amend the Bridgman Zoning Ordinance to incorporate Planned Unit Development (PUD) provisions.
- I. Schedule a public hearing for the Fiscal Year 2023 Budget (July 1, 2022 – June 30, 2023) on June 6, 2022, at 6:30 p.m. at City Hall.
- J. Consideration of approving Horizon Bank and Honor Credit Union as secondary depositories for investment purposes as allowed in the Investment Policy.

**7. Workshop Items and Reports**

- K. Assessor’s monthly report – April 2022
- L. City Attorney’s Report
- M. City Manager’s Report

**8. Hearing of Citizens**

**9. Council Comments**

**10. Adjournment**

**Public Participation Rules and Procedures**

**These Public Participation Rules and Procedures will be posted  
in a visible location within the City Council Chambers**

- **During Hearing of Citizens persons wishing to address the City Council will be asked to state their name and location of residence, but will not be required to furnish that information if they wish to remain anonymous.**
- **Speakers will be expected to address the City Council from a lectern.**
- **Public comments will be limited to three (3) minutes per speaker.**
- **Speakers will receive notification when thirty (30) seconds remain during their allotted public comment time.**
- **Persons may address the City Council for a second time after all others wishing to address the Council have had an opportunity to speak.**
- **The City Council will acknowledge speakers after each public comment.**

**Adopted by City Council on December 19, 2016**

<b>CITY COUNCIL REPORT</b>	<b>ACTION ITEM</b>
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> Approval of the April 18, 2022 regular meeting.</p>	<b>A</b>
<p><b><u>Background:</u></b></p> <p>None</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council approve the April 18, 2022 regular meeting minutes?</p> <p><b><u>Budget Impact:</u></b></p> <p>None</p> <p><b><u>Recommendation:</u></b></p> <p>The City Manager recommends that the City Council approve the April 18, 2022 regular meeting minutes.</p> <p><b><u>Supporting Documents:</u></b></p> <ol style="list-style-type: none"><li>1. April 18, 2022 regular meeting minutes</li></ol> <p>Prepared By: Allyson Holm, City Clerk</p> <p>Submitted By: Juan Ganum, City Manager</p>	

**BRIDGMAN CITY COUNCIL  
REGULAR MEETING  
APRIL 18, 2022  
6:30 PM**

The regular meeting of the Bridgman City Council was held on April 18, 2022, at City Hall, 9765 Maple Street, Bridgman, MI 49106 and was called to order by Mayor Rose at 6:30 p.m.

**COUNCIL PRESENT:** Sam Stine, Jan Trapani, John Bonkoske, Vince Rose, Stacy Stine, Pam Hahaj

**COUNCIL ABSENT:** Georgia Gipson

**STAFF PRESENT:** City Manager Ganum, City Clerk Holm, Building Official Mattner, Parks Director Ball, Police Chief Unruh, Treasurer Lambrix, Attorney Senica

The pledge of allegiance was led by council.

**APPROVE/AMEND THE AGENDA:**

**Motion** by Council Member Stacy Stine, seconded by Council Member Trapani to approve the agenda for April 18, 2022, as presented, **voice vote, motion carried unanimously.**

**HEARING OF CITIZENS:**

- Eugene Herrman, 4346 Willard St – He is here tonight on behalf of the American Legion for an upcoming Memorial Day Parade that has not been able to take place since 2019. It will be held on Sunday, May 29<sup>th</sup> with the line up starting at 12:00 p.m. and the parade kicking off at 1:00 p.m. They will need some help with traffic control during the parade. He has dropped off the special events application tonight for consideration at the next regular council meeting.
- Phyllis Jackson and Betty Korcek – They spoke on behalf of the National Day of Prayer that will be held at 12:15 p.m. on May 5<sup>th</sup> around the flagpole at City Hall. They explained what it was all about and invited everyone to join them.
- Peter Lamberta, 9515 Maplewood – He is now a fulltime resident that works from home and has small children. He is concerned with the traffic and speeding along Maplewood and asked if a traffic study or something could be done to slow traffic down.
- Kevin Whiteford – He lives in South Haven and is running for State Representative in the 38<sup>th</sup> District. He introduced himself and shared some background information on himself and why he is running.
- Hannah Anderson, 9735 Beechnut Rd – Shared two compliments to Parks Director Ball for how nice the Beach House was taken care of and how great she has been to work with.
- Julie Strating, 3774 Stelter Farm Dr – Spoke on behalf of the CGA, CIA, and as a resident. She thanked council for her appointment to both the CGA and CIA and is very excited to see the courtyard area come to fruition. She explained the upcoming programs of music and movies that will be held this summer in the courtyard and at Toth Park. She loves being a part of this community and shared a few stories from an Instagram she created last year called “We love WEKO”. She has also designed a few stickers and passed them out to everyone.

## **ACTION ITEMS:**

**Motion** by Council Member Hahaj, seconded by Council Member Sam Stine to approve the minutes from the April 4, 2022 regular meeting, **voice vote, motion carried unanimously.**

**Motion** by Council Member Stacy Stine, seconded by Council Member Bonkoske to approve the bills in the amount of \$73,333.86, **voice vote, motion carried unanimously.**

**Motion** by Council Member Hahaj, seconded by Council Member Trapani to adopt **Resolution 2022-06 for a Social District Permit requested by On Lake Time, LLC at 4228 Lake Street, voice vote, motion carried unanimously.**

**Motion** by Council Member Sam Stine, seconded by Council Member Stacy Stine to adopt the **First Reading of General Law Ordinances 2022 – 211 and 2022 – 212 to allow one recreational marijuana secure transporter and one medical marijuana secure transporter, but disallow every other type of recreational and medical marijuana use within the City limits, voice vote, motion carried unanimously.**

**Motion** by Council Member Bonkoske, seconded by Council Member Sam Stine to adopt the **First Reading of Ordinance 2022 – 213 to amend the Bridgman Zoning Ordinance, to include marijuana secure transporter as a permitted use within the Interstate Gateway District and Transitional Industrial District, and add zoning definitions, voice vote, motion carried unanimously.**

## **WORKSHOP ITEMS AND REPORTS:**

### **Police Chief's Monthly Report – March 2022**

Chief Unruh explained plans for more traffic enforcement along Maplewood and trying to get the two new radar signs along all the city streets. Both signs are solar driven.

### **Director of Public Services Monthly Report – March 2022**

Kading was not present tonight and the council did not have any questions or comments on his report.

### **City Attorney's Report - verbal**

Attorney Senica did not have anything additional to add from what was included in the council packet.

### **City Manager's Report**

Ganum shared a few additional items along with his written report.

- He shared how fun it is to be involved with Ms. Klunder's second grade Junior achievement class and what a marvelous teacher she is.
- Done Chepe's food truck will be returning on May 3<sup>rd</sup> next to the courtyard from 4 – 7 p.m. Information will be placed on the community sign and the Chamber will also send out information.
- After the last council meeting it was stated that the new daily parking fee for Weko Beach was the highest in the area at \$15. Ball checked with a few other local beaches and found that New Buffalo has now raised their price to \$20 and day while Warren Dunes is \$10 a day.
- He had Kading get a quote from the Verdin Co. on what the cost would be to repair the clock tower at City Hall. The parts estimate came in at \$7,670 which includes a 3-year warranty with another \$1,000+ for a rental lift to do the repairs. He suggested that the residents wanting the clock fixed maybe start a fundraiser to raise money. The council discussed the cost of the repair

and tossed around a few different ideas on what could be done instead of repairing the clock. Ganum will bring a few different options of repurposing the clock during the budget meeting.

Hannah Anderson spoke on behalf of the CIA regarding part of Ganum's manager report on recent updates to the courtyard area. Now that the State is allowing Social Districts to be permanent, the CIA would like to do more enhancements to make the space more intentional and inviting and explained some of the plans they have. They would like to place silver troughs with plants and arborvitaes around the perimeter and install beams directly into the asphalt to put-up lights and shade sails. She wanted the council's approval with their upcoming plans to the courtyard before the CIA spends up to \$10,000 for these improvements. Council all agreed they are good with the CIA continuing to enhance the courtyard area. She also explained that the CIA is going to look at grant opportunities this year and focus on the exit 16 area to beautify that space. She also explained the CIA and CGA are trying to figure out who is responsible for the welcome sign coming off I-94.

#### **Maplewood Street – discuss concerns about speeding**

Member Trapani stated she has lived on Maplewood for the past 22 years and explained how the traffic and speeding has increased because of people wanting to take a short cut to avoid the traffic light. The council discussed concerns about speeding on not only Maplewood, but other streets as well. Chief Unruh will start moving the new speed radar signs throughout the city starting on Maplewood. Ganum also shared some pictures and techniques that other cities use for traffic calming. He is open to ideas and experimenting with suggestions.

#### **HEARING OF CITIZENS:**

- Peter Lamberta – Thanked the council for consideration of the traffic and speeding along Maplewood and having this conversation. He knows the city will work on this issue.
- Eugene Herrman – Explained why Pine Street is a one-way. The intersection of Lake and Pine Street was extremely dangerous and explained a personal experience with a child on a bike. He asked the city not to put in low curbs along any of the streets again as there are issues with people parking up on the sidewalks along Pine Street.

#### **COUNCIL COMMENTS:**

- Mayor Rose – Spoke of the loss of Planning Commission Chair Mark Hurray. He really cared about the city, was very involved and a great man. He will be greatly missed, and thoughts and prayers go out to his wife and family. Ganum shared how passionate Hurray was with the Bridgman community and shared a personal story. He will be greatly missed. Mayor Rose asked for a moment of silence in memory of him.
- Member Bonkoske - Commented on how one life touches another, no matter how close to someone you are. Everyone should count their blessings every day.

#### **ADJOURNMENT:**

**Motion** by Council Member Stacy Stine, seconded by Council Member Bonkoske to adjourn the meeting at 7:23 p.m., **voice vote, motion carried unanimously.**

# CITY COUNCIL REPORT

# ACTION ITEM

**Date:** May 2, 2022  
**Subject:** Approval of the bills in the amount of \$110,153.48.

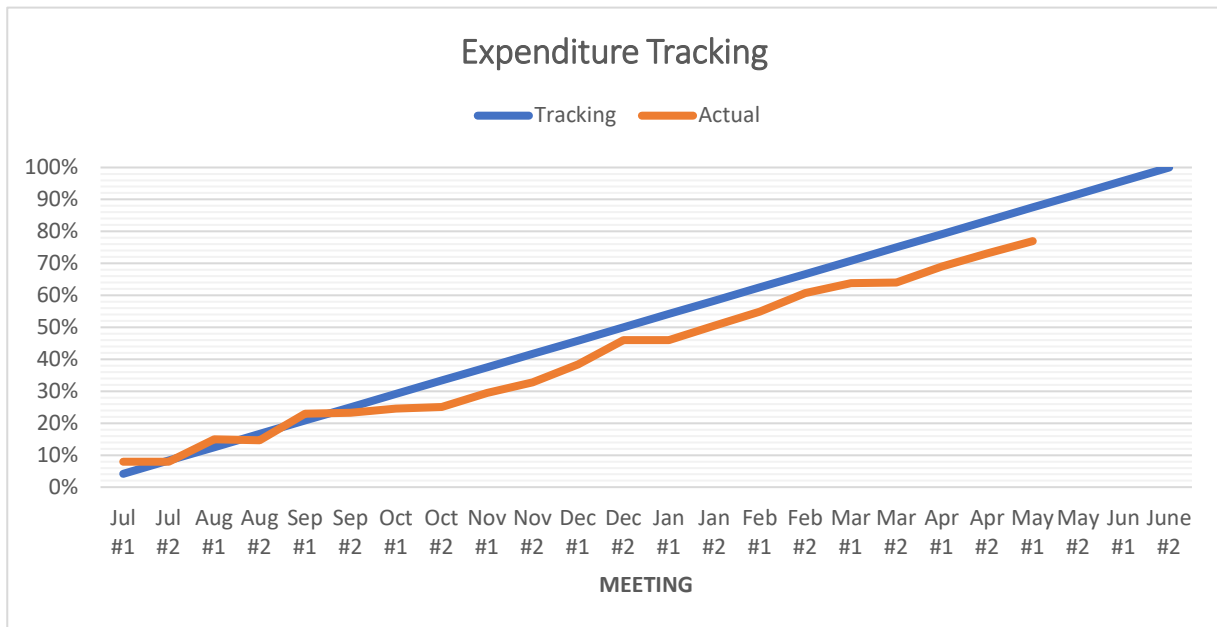
# B

**Background:** None

**Policy Question:** Should the City Council approve the bills in the amount of \$110,153.48?

**Budget Impact:**

As of April 28, 2022 the City's expenses should track at approximately 88% at this point in the fiscal year. Payment of the listed bills will result in expenses being at 77%.



**Recommendation:**

The City Manager recommends that the City Council approve the bills in the amount of \$110,153.48.

**Supporting Documents:**

1. List of current bills.

Prepared By: Allyson Holm, City Clerk

Submitted By: Juan Ganum, City Manager

Vendor Name	Invoice Description	Invoice Amount
BELL EQUIPMENT COMPANY	BROOM FOR STREET SWEEPER	\$440.00
BERRIEN COUNTY TREASURER	TAX ADJUSTMENT FOR 2020	\$4,017.56
BS&A SOFTWARE	ASSESSING SYSTEM - ANNUAL SERVICE/ SUPPORT	\$619.00
BULLDOG'S PRESSURE WASHING	PRESSURE WASH CAMPGROUND BATHROOMS	\$400.00
CLASSIC CATERING	SPONSOR BLOSSOMTIME BREAKFAST AT WEKO BEACH HO	\$844.76
FAR AHEAD ADVERTISING, INC	PUBLISH ORDINANCE 2022-210 - HOTEL/LODGING	\$28.20
FENCE MASTERS	OVERPAYMENT ON BUILDING PERMIT APPLICATION	\$25.00
FISHER AUTO PARTS	BUCKET TRUCK WIPER BLADES	\$17.98
GRSD SEWER AUTHORITY	OPERATING RESERVE - MARCH 2022	\$65,773.82
INDIANA MICHIGAN POWER	ELECTRIC - ALL DEPARTMENTS	\$3,153.22
MEDIC 1	AMBULANCE SERVICE - MAY 2022	\$2,790.17
MENARDS COMMERCIAL	MATERIALS FOR PARKS DEPARTMENT	\$128.34
MICHIANA AGGREGATE, INC	GRAVEL FOR BOAT LAUNCH	\$735.66
MICHIGAN ASSOC. OF PLANNING	GROUP MEMBERSHIP - PLANNING COMMISSION	\$775.00
MICHIGAN MUNICIPAL W.C. FUND	WORKERS' COMPENSATION 7/2022 - 7/2023 - PMT 1 OF 4	\$2,539.00
RANDALL'S WINDOW WASHING LLC	WEKO BEACH HOUSE WINDOW CLEANING	\$400.00

Vendor Name	Invoice Description	Invoice Amount
RIETH-RILEY CONSTRUCTION CO.	3.06 TONS OF HOT PATCH	\$203.49
ROSE PEST CONTROL	WEKO BEACH CAMPGROUND SERVICE	\$150.00
SENICA, SARA A.	ATTORNEY FEES - APRIL 2022	\$3,990.00
ULINE	STORM DRAIN FILTERS/ BUCKET SPILL KIT/ DRUM TRUCK	\$956.05
UNIFIRST CORPORATION	UNIFORMS - WATER/ STREET DEPARTMENTS	\$52.10
	MATS FOR CITY HALL/ UNIFORMS - WATER/ STREET DEPTS	\$175.42
	UNIFORMS - WATER/ STREET DEPARTMENTS	\$55.76
		\$283.28
USA BLUE BOOK	WATER PLANT LAB THERMOMETER	\$78.18
VERIZON WIRELESS	POLICE SQUAD CAR WI-FI	\$120.31
	CELLPHONES - ALL DEPARTMENTS	\$545.15
		\$665.46
WIGHTMAN & ASSOC., INC.	MISCELLANEOUS GENERAL ENGINEERING	\$1,240.00
	LAKE STREET IMPROVEMENT PROJECT	\$13,737.50
		\$14,977.50
	Sub- Total:	\$103,991.67
	VISA - All departments:	\$4,402.73
	Speedway - All departments:	\$1,744.08
	<b>TOTAL:</b>	<b>\$110,138.48</b>

Vendor Name	Invoice Description	Invoice Amount
STATE OF MICHIGAN	APPLICATION FOR TITLE FOR 2008 PT CRUISER	\$15.00
Total:		\$15.00

CITY COUNCIL REPORT	ACTION ITEM
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> Approval of a Special Events Application submitted by the Bridgman American Legion Post 331 for a Memorial Day Parade on Sunday, May 29, 2022</p>	<p><b>C</b></p>
<p><b><u>Background:</u></b></p> <p>Dave Mutz, Commander of the Bridgman American Legion Post 331, has submitted a Special Events Application for the long standing annual Memorial Day Parade for Sunday, May 29, 2022. The parade will start on Legion Street and end at the Greenwood Cemetery. Lake Street will be blocked off for approximately 30 minutes until the end of the parade enters Church Street. Church Street will remain closed from Lake Street to Red Arrow Highway until the end of the ceremony.</p> <p>There will be approximately 100 people in attendance for the parade route, and approximately 75 people at Greenwood Cemetery for the Ceremony. They would like the Police Department to stop traffic during the parade and attend the ceremony at the cemetery. Everyone is invited back to the Post Home after the parade for sandwiches and refreshments.</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council approve the Special Events Application submitted by the Bridgman American Legion Post 331 for a Memorial Day Parade on Sunday, May 29, 2022?</p> <p><b><u>Budget Impact:</u></b></p> <p>None</p> <p><b><u>Recommendation:</u></b></p> <p>The City Manager recommends that the City Council approve the Special Events Application submitted by the Bridgman American Legion Post 331 for a Memorial Day Parade on Sunday, May 29, 2022.</p> <p><b><u>Supporting Documents:</u></b></p> <ol style="list-style-type: none"> <li>Bridgman American Legion Post 331 Special Events Application</li> </ol> <p>Prepared By: Allyson Holm, City Clerk</p> <p>Submitted By: Juan Ganum, City Manager</p>	

Date of Application: 4-19-2022

Name of Event: Bridgman American Legion Memorial Day Parade

Description of Event. Please describe all events and activities that will take place, including location. If a large attendance is expected you will be responsible to provide additional portable toilets, tables and trash containers, and address security concerns. Please be detailed.

This will be a Memorial Day Parade, the parade will go from Legion St. to Maplewood Ave., turning left on down Lake St. to Church St. turning left and continuing to Greenwood Cemetery. Lake Street will be blocked off for approximately 30 minutes until end of parade enters Church St. Church Street will remain closed from Lake to Red Arrow until end of ceremony.

Expected attendance 100 people along parade route, and approximately 75 people at Greenwood Cemetery for the Ceremony.

No trash containers would be required or portable restrooms.

Event Coordinator's Name: Dave Mutz

Coordinator's Contact Number: [REDACTED] E-mail: \_\_\_\_\_

Organization: Bridgman American Legion Post 331

Mailing/Billing Address: Street P O Box 67  
City Bridgman State Mich Zip 49106

Event Date(s): 5-29-2022 Set-up date: 5-29-22 Set-up time: 2hrs

Take down date: 5-29-22 Take-down time: 2 hrs

On-site event manager/contact person – name and mobile number:

Dave Mutz [REDACTED] Have not mobile

Is the organization recognized as a non-profit by the state? Yes  No

Tax exempt # 38-1417041

Is the event intended as a fundraiser? Yes  No

Beneficiary: \_\_\_\_\_

Is amplification of music planned? Yes  No

Will paid or volunteer staff be provided to assist with safety, security and maintenance? Yes  No

Describe:

Will alcoholic beverages be served or sold? Yes  No

Describe:

Will food/beverages be served or sold? Yes  No  (Berrien County Health Department approval required for food sales)

Will merchandise be sold? Yes  No

If yes, describe:

Will the event require the use of any of the following municipal equipment?

Picnic tables: Yes  No

Barricades: Yes  No

Traffic cones: Yes  No

Portable fencing: Yes  No

Trash receptacles: Yes  No

Safety vests: Yes  No

Other: Yes  No

(describe) Police for traffic control

Will you be requesting City safety personnel to be assigned to this event (Police/Fire)? Yes  No

Describe

Police will be need to control traffice during parade, and at Greenwood Cemetery during ceremony.

Will street or municipal parking lot closures be necessary? Yes  No

If yes, include a detailed map and indicate the date and time for closing and re-opening including set-up and take-down.

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**INDEMNIFICATION AGREEMENT**

I (we) Dave Mutz agree(s) to defend, indemnify, and hold harmless the City of Bridgman,  
(Vendor/Sponsor/Organization)

Michigan, from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered  
against or from the 2022 Memorial Day Parade, by reason of any damage of property,  
(Name of Event)

personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises  
out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand,  
damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Bridgman or by third parties, or by the  
agents, servants, employees or factors of any of them.

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Signature  Date 4-18-22

Sponsor \_\_\_\_\_ Date \_\_\_\_\_



**Bridgman American Legion Memorial Day Parade  
Route May 29, 2022**



Parade route	
Temporary street closure	
On-street parking allowed	



Parking lot south of City Hall

CITY COUNCIL REPORT	ACTION ITEM
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> Approval of a Special Events Application submitted by the Greater Bridgman Area Chamber of Commerce and Growth Alliance for the Makers Trail Festival on June 11, 2022</p>	<h1>D</h1>
<p><b><u>Background:</u></b></p> <p>The CGA, in partnership with the Southwest Michigan Tourist Council, is producing the third annual Makers Trail Festival. The makers are the breweries, wineries, and spirit makers of Berrien County. In keeping with past wine and brew festivals, the Maker’s Trail festival will occupy the parking lot at Weko Beach, however, the beach house will not be utilized for the event.</p> <p>Access to the lakefront will remain available to beach goers who can take a shuttle from the Eagle parking lot to Weko Beach while the parking lot is closed. An emergency lane will also be kept open and a Medic One emergency vehicle will be on site all day. In addition to the makers, there will be four bands and several food vendors.</p> <p>All department heads have reviewed the event application submitted by the CGA.</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council approve the Special Events Application submitted by the Greater Bridgman Area Chamber of Commerce and Growth Alliance for the Makers Trail Festival on June 11, 2022, and waive support service costs except for the provision of law enforcement and labor associated with the installation of fencing?</p> <p><b><u>Budget Impact:</u></b></p> <p>Estimated lost gate revenue from daily passes to Weko Beach of \$2000.</p> <p><b><u>Recommendation:</u></b></p> <p>The City Manager recommends that the City Council approve the Special Events Application submitted by the Greater Bridgman Area Chamber of Commerce and Growth Alliance for the Makers Trail Festival on June 11, 2022 and waive support service costs except for the provision of law enforcement and labor associated with the installation of fencing.</p> <p><b><u>Supporting Documents:</u></b></p> <ol style="list-style-type: none"> <li>1. Makers Trail Festival Special Events Application</li> </ol> <p>Prepared By: Allyson Holm, City Clerk</p> <p>Submitted By: Juan Ganum, City Manager</p>	

Date of Application: April 19, 2022

Name of Event: Makers Trail Festival

**Description of Event.** Please describe all events and activities that will take place, including location. If a large attendance is expected you will be responsible to provide additional portable toilets, tables and trash containers, and address security concerns. Please be detailed.

3rd Annual Makers Trail Festival at Weko Beach - inside the entire parking lot. The CGA is producing the Makers Trail Festival and inviting the Southwestern Michigan Tourist Council's Makers Trail participants to join for a day of fun in the sun at Weko Beach. The Makers are the local breweries, wineries, cideries, and distilleries in Berrien County. Access to the lakefront will remain available to beach goers, who can take a shuttle from the AEP (Eagle and Oronoko still TBD) parking lot on Red Arrow to Weko Beach while the lot is closed. An emergency lane will also be kept open and a Medic 1 EMT will be onsite all day. In addition to the Makers, we will have four bands, and four food vendors, plus the Beach House if they choose to vend.

While we always pay for activities that create additional cost burden for the city, such as police officers onsite, we do hold these events to raise funds for the CGA operations and, therefore, respectfully ask the City to consider absorbing those costs.

Event Coordinator's Name: Brett Boyd / Sarah Spoonholtz / Colleen Neubauer

Coordinator's Contact Number: [REDACTED] - Colleen E-mail: [REDACTED]

Organization: Greater Bridgman CGA

Mailing/Billing Address: Street 9756 Maple St.

City Bridgman State MI Zip 49106

Event Date(s): Saturday, June 11th 1:00 - 9:00 p.m. Set-up date: Friday, June 10th Set-up time: 8am

Take down date: Sunday, June 12 Take-down time: 8am

On-site event manager/contact person - name and mobile number:

Colleen Neubauer, [REDACTED] Brett Boyd [REDACTED] Sarah Spoonholtz [REDACTED]

Is the organization recognized as a non-profit by the state? Yes  No

Tax exempt # 20-4154224

Is the event intended as a fundraiser? Yes  No

Beneficiary: Greater Bridgman CGA

Is amplification of music planned? Yes  No

Will paid or volunteer staff be provided to assist with safety, security and maintenance? Yes  No

Describe:

CGA Board, Southwest Michigan Regional Chamber staff, public volunteers, Bridgman PD, Lange Investigation & Consulting, as well as any additional security/safety personnel.

Will alcoholic beverages be served or sold? Yes  No

Describe:

Yes, tastes of beer, wine, and spirits. Glasses of wine, beer, and mixed drinks.

Will food/beverages be served or sold? Yes  No  (Berrien County Health Department approval required for food sales)

Will merchandise be sold? Yes  No

If yes, describe:

Not by the CGA, but band merch will be available for purchase.

Will the event require the use of any of the following municipal equipment?

Picnic tables: Yes  No

Barricades: Yes  No

Traffic cones: Yes  No

Portable fencing: Yes  No

Trash receptacles: Yes  No

Safety vests: Yes  No

Other: Yes  No  (describe) \_\_\_\_\_

Will you be requesting City safety personnel to be assigned to this event (Police/Fire)? Yes  No

Describe

Colleen and the CGA will work with Chief Unruh, Roger Lange, and the Berrien County Mounted Division to provide safety for the event.

Will street or municipal parking lot closures be necessary? Yes  No

If yes, include a detailed map and indicate the date and time for closing and re-opening including set-up and take-down.

Please see the attached map. Requesting use of the entire Weko Beach parking lot, as well as that the perimeter be enclosed by snow fence.

Set up will be on Friday, June 10th, tear down on Sunday, June 12th first thing in the morning.



PAVEMENT MARKING PLAN  
SCALE: 1" = 30'

50 Feet

**GENERAL LIABILITY INSURANCE REQUIREMENT**

It is required that you obtain and provide evidence for a \$1,000,000 General Liability Insurance Policy for the event. Proof of insurance must be provided no less than three weeks prior to the event. The City of Bridgman must be named as an additional insured along with the description, date and location of the event. If you are serving alcohol, a \$1,000,000 Liquor Liability Certificate of Insurance is required in addition to the State of Michigan issued permit.

An example of an insurance policy is shown below.

ACORD CERTIFICATE OF LIABILITY INSURANCE						DATE (MM/DD/YYYY)
<b>PRODUCER</b> Agency Name Agency Address		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.				
<b>INSURED</b> Named Insured Street Address City, State, Zip		POLICY NUMBER SAMPLE		<b>INSURERS AFFORDING COVERAGE</b> INSURER A: Company Name INSURER B: INSURER C: INSURER D: INSURER E:		NAIC #
<b>COVERAGES</b> THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR ADD'L TR. INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PER POLICY <input type="checkbox"/> LOG	POLICY NUMBER	Term Dates	Term Dates	EACH OCCURRENCE	\$ 1,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> UNOWNED AUTOS				COMBINED SINGLE LIMIT (EA ACCIDENT)	\$
	<input type="checkbox"/> GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	POLICY NUMBER	Term Dates	Term Dates	BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WORKERS COMPENSATION AND EMPLOYERS' LIABILITY WC STATUT. TORTORY LIMITS E L EACH ACCIDENT E L DISEASE - EA EMPLOYEE E L DISEASE - POLICY LIMIT	EA ACC \$ AGG \$ \$ \$ \$
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS The City of Bridgman is named as an additional insured for the following event:						
<b>CERTIFICATE HOLDER</b> City of Bridgman 9765 Maple Street Bridgman, MI 49106			<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE			

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**INDEMNIFICATION AGREEMENT**

I (we) Greater Bridgman CGA agree(s) to defend, indemnify, and hold harmless the City of Bridgman,  
(Vendor/Sponsor/Organization)

Michigan, from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered against or from the \_\_\_\_\_, by reason of any damage of property,  
(Name of Event)

personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Bridgman or by third parties, or by the agents, servants, employees or factors of any of them.

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Signature  \_\_\_\_\_ Date 4/19/2022

Sponsor Sarah Spoonholtz \_\_\_\_\_ Date April 19th, 2022

**EVENT CONDITIONS AND FEES**

**CONTACT INFORMATION**

Name of Event: Makers Trail Festival Date of Event: Saturday, June 11th  
Sponsoring Organization: Greater Bridgman CGA  
Phone: Brett Boyd: [REDACTED] E-mail: [REDACTED]

**CITY COUNCIL ACTION**

DATE: \_\_\_\_\_

Approved

Denied

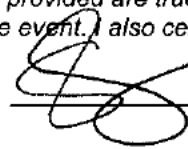
**Conditions or Requirements:**


**FEES: (Estimates)**

		REMARKS
<b>Park Reservation</b>	\$	
<b>Services</b>		
Water	\$	
Electric	\$	
Fire	\$	
Police	\$	
Street	\$	

**CERTIFICATION AND SIGNATURE**

*I (on behalf of the sponsoring organization) do hereby certify that I have read and understand the application and the conditions described; and that all information and attachments provided are true and correct; and that any billing for city services will be paid promptly upon completion of the event. I also certify that I agree to comply with all applicable city codes, ordinances and state laws.*

 \_\_\_\_\_ (Signature)  
4/19/2022 \_\_\_\_\_ (Date)

CITY COUNCIL REPORT	ACTION ITEM
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> General Law Ordinances – Medical Marijuana Secure Transporter – Second Reading</p>	<p><b>E</b></p>
<p><b><u>Background:</u></b></p> <p>Currently the City has opted out of allowing any medical marijuana facilities within the City limits by operation of law, as taking no action on medical marijuana facilities equates to disallowing all such facilities. With recreational marijuana, the City was required to pass an ordinance declaring the City’s intent to disallow all types of recreational marijuana establishments, and as a result, an ordinance disallowing every type of recreational marijuana establishment was adopted by the City on December 4, 2018.</p> <p>In February 2022, two retired Bridgman City Police officers approached the City about locating a Marijuana Secured Transporter (marijuana trucking company) in the City limits, in the industrial area near I-94. The Planning Commission considered two separate zoning districts where a marijuana secure transporter could be located as an allowed use. In order to facilitate the zoning amendment, it is imperative for the City to be clear about which medical and marijuana uses are allowed and disallowed within the City limits, and to set procedures for issuing permits for each use.</p> <p>There are two attached ordinances which allow one medical marijuana secure transporter and one recreational secure transporter within the City limits in the zoning districts nearest I-94. The first ordinance deals with medical marijuana, and it clearly states the types of medical marijuana facilities that are NOT allowed within the City limits. Likewise, the recreational marijuana ordinance allows one recreational secure transporter, but disallows every other type of recreational marijuana use within the City limits. It is important to define each type of use and to clarify under the pertinent statute whether the use is allowed or disallowed, along with stating a procedure to apply for a secure transporter permit from the City. To be clear, under the attached ordinances, which closely mirror one another, <b><u>no marijuana businesses of any nature or type are allowed in the City except for one marijuana secure transporter</u></b> for both recreational and medical marijuana.</p> <p>The City voted to adopt the attached ordinances for 1<sup>st</sup> Reading on April 18, 2022. One minor change was made in both ordinances since the 1<sup>st</sup> Reading: the Fee, Bond, and Insurance Schedule has been renamed to the “Permit Fee and Insurance Schedule”, which is Exhibit A to both Ordinances. This Exhibit describes the application fees and insurance requirements for applicants.</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council consider passing the attached recreational and medical marijuana ordinances to facilitate the zoning amendment for a marijuana secure transporter which was reviewed and considered by the Planning Commission?</p> <p><b><u>Budget Impact:</u></b></p> <p>No immediate impact; however, allowing one medical and one recreational secure transporter could equate to \$10,000 in annual permit fees for the City—this fee is intended to cover the administrative fees for processing the permits.</p> <p><b><u>Recommendation:</u></b></p> <p>The City Attorney recommends that the City Council review and consider the attached general law ordinances which clarify the rules and procedures for each secure transporter permit, and to clearly define the uses that are not allowed within the City limits.</p> <p><b><u>Supporting Documents:</u></b></p> <p>Proposed Ordinance attached w/ Exhibit A.</p> <p>Prepared &amp; Submitted By: Sara Senica, City Attorney</p>	

CITY OF BRIDGMAN  
COUNTY OF BERRIEN  
STATE OF MICHIGAN  
Ordinance No. 2022-211

AN ORDINANCE TO ALLOW A SECURE TRANSPORTER TO LOCATE IN THE CITY OF BRIDGMAN UNDER THE MICHIGAN MEDICAL MARIHUANA FACILITIES LICENSING ACT, TO PROHIBIT OTHER MEDICAL MARIHUANA ESTABLISHMENTS WITHIN THE CITY, TO ESTABLISH RULES AND PROCEDURES FOR APPLYING FOR A CITY PERMIT FOR A MARIHUANA SECURE TRANSPORTER, AND TO SET FINES AND PROCEDURES FOR VIOLATIONS OF THIS ORDINANCE.

**SECTION ONE. FINDINGS AND PURPOSE**

The City of Bridgman is uniquely located near a major interstate highway that easily connects Southwest Michigan to the Central and Eastern parts of the State. It is the City's intent to allow a Secure Marihuana Transporter to locate in the industrial and transitional areas near the I-94 corridor, and to regulate this facility to the extent they are permitted under the Michigan Medical Marihuana Facilities Licensing Act. The City does not intend that permitting and regulation under this ordinance be construed as a finding that such facilities comply with any law. By requiring a City MMF permit and compliance with the requirements of this ordinance, the City intends to protect the public health, safety and welfare by:

- (a) Promoting the safe transportation of medical marihuana to nearby facilities;
- (b) Disallowing the retail sale of marihuana and marihuana products in the City of Bridgman;
- (c) Preserving and protecting the health, safety, and welfare of the residents of the City and the general public by locating transportation facilities near a major interstate;
- (d) Establishing standards and procedures by which the siting, operating, and maintaining of a Medical Marihuana Facility shall be governed.

**SECTION TWO. DEFINITIONS.**

(a) Words and phrases contained in the Medical Marihuana Facilities Licensing Act ("MMFLA"). This Ordinance contains many words and phrases that are defined in the MMFLA. As used in this Ordinance, they have the same meaning as provided in the MMFLA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MMFLA, then the definition in the MMFLA shall apply. The following words and phrases are, and mean, as follows:

- (1) "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- (2) "Licensee" means a person holding a state operating license.
- (3) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, M.C.L.A. 333.7106.
- (4) "Marihuana facility" means a location at which a license holder is licensed to operate under the MMFLA.
- (5) "Marihuana plant" means any plant of the species *Cannabis sativa* L.

(6) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, M.C.L.A. 289.1101 to 289.8111.

(7) "Michigan medical marihuana act" means the Michigan medical marihuana act, M.C.L.A. 333.26421 to 333.26430.

(8) "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

(9) "Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

(10) "Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

(11) "Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this act.

(12) "Rules" means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, M.C.L.A. 24.201 to 24.328, by the department in consultation with the board to implement this act, which shall include but is not limited to Emergency Rules issued under the administrative procedures act.

(13) "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

(14) "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

(15) "State operating license" or, unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as a secure transporter.

(b) Other words and phrases. The words and phrases in this Ordinance, as used in this Ordinance, shall have the following meanings:

(1) "Applicant" means a person as defined by M.C.L.A. 333.27102 (i.e., the Applicant/Licensee under the State License) who applies for a City MMF Permit for a Secure Transporter.

(2) "Authorized person" means:

(A) An owner of a Secure Transporter;

(B) The directors, officers, members, partners, and individuals of a medical marihuana facility that is a corporation, limited liability company, partnership, or sole partnership.

(C) Any person who is in charge of and on the premises of the medical marihuana facility during business hours.

- (3) "Class A grower" means a grower of not more than 500 marihuana plants.
- (4) "Class B grower" means a grower of not more than 1,000 marihuana plants.
- (5) "Class C grower" means a grower of not more than 1,500 marihuana plants.
- (6) "Conditional Approval MMF Permit" means 90-day authorization to the Applicant to apply for and seek site plan review approval, and building/trade permits. A Conditional Approval MMF Permit does not authorize use of a Facility.
- (7) "Facility" means "marihuana facility" as defined in the MMFLA.
- (8) "Licensee" means a person holding a City MMF Permit under this Ordinance.
- (9) "Marihuana" means "marihuana" as defined in the MMFLA.
- (10) "Marihuana facility" means "marihuana facility" as defined in the MMFLA.
- (11) "Medical Marihuana Facilities Licensing Act" and "MMFLA" mean Public Act 281 of 2016, M.C.L.A. 333.27101, et. seq.
- (12) "MMF Permit" or, unless the context requires a different meaning, "permit" means a medical marihuana facilities permit that is issued under this Ordinance that allows the permittee to operate as a Secure Transporter.
- (13) "MMF Permit On-site Operator" means a person who generally oversees, manages, and/or supervises operations of the MMF permit business and is generally on the site during the majority of each business day of the MMF permit business.
- (14) "Person" means the entities included in the definition of "person" in the definition of "person" in the MMFLA.

### **SECTION THREE. MARIHUANA FACILITY AUTHORIZED IN THE CITY OF BRIDGMAN.**

Pursuant to the MMFLA, the City of Bridgman authorizes the operation in the City of the following marihuana facility, provided they possess a state operating license issued under the MMFLA and they comply with the additional requirements of this Ordinance and the City Zoning Ordinance, and all other applicable laws, administrative rules, and ordinances:

- (a) Secure Transporter – ONE PERMIT AUTHORIZED.

### **SECTION FOUR. MARIHUANA FACILITIES NOT AUTHORIZED IN THE CITY OF BRIDGMAN (NO MMF PERMITS AUTHORIZED).**

The following facilities are NOT authorized or allowed within the City of Bridgman:

- (a) Growers, including Class A grower; Class B grower; and Class C grower.
- (b) Processors.
- (c) Provisioning centers.
- (d) Safety compliance facilities.

## **SECTION FIVE. CITY MMF PERMIT REQUIRED FOR SECURE TRANSPORTER.**

- (a) No person shall operate a Secure Transporter for which an annual MMF Permit as provided for in this Ordinance has not been issued.
- (b) The MMF permit requirement in this Ordinance applies to all Secure Transporters, whether operated for profit or not for profit.
- (c) The MMF permit requirement in this Ordinance shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by a Secure Transporter.
- (d) The issuance of any MMF permit pursuant to this Ordinance does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or city ordinance.
- (e) This section does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.
- (f) The term of the final MMF permit shall not exceed one year (except as provided below for permits issued in the month of December), and fees are not prorated. The permit year shall begin on January 1 in each year, or the date upon which the final MMF permit was approved, whichever occurs later, and shall terminate on December 31 unless earlier terminated as provided in this Ordinance. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the next calendar year following issuance thereof, unless terminated sooner under this Ordinance. All permits issued pursuant to this ordinance must be renewed on an annual basis. To renew an existing permit the licensee shall submit an application in the same manner as is required to apply for a new permit no sooner than 90 days before the expiration date and no later than 60 days before the expiration date. An application for a permit renewal received after November 1 of each year shall be considered late and will be subject to a late fee.

## **SECTION SIX. GENERAL PROVISIONS.**

- (a) An MMF permit issued under this Ordinance is valid only for the location of the facility and type of facility that is listed on the MMF permit application and is valid only for the operation of the facility at that location by the MMF permit Applicant, providing the facility remains in compliance with all other requirements in this ordinance.
- (b) An MMF permit issued under this ordinance is valid only if the permit holder also holds a valid current state operating license, and a copy of the valid current State license has been provided to the City Clerk by the MMF permit holder.
- (c) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to an MMF permit issued by the City.
- (d) The expiration date of the state operating license that corresponds to an MMF Permit issued under this ordinance constitutes the expiration date of the license, however, operation of the facility under the expired license is permitted to the extent that operation under the expired state operating license is permitted under the MMFLA.
- (e) An MMF Permit issued by the City under this ordinance and the State Medical Marihuana Facility License shall be conspicuously posted in the facility where it is easily open to public view, City officials, including the Bridgman Police Department and the Fire Department.

(f) Acceptance of an MMF Permit from the City under this ordinance constitutes consent by the permittee, owners, managers, and employees to permit the City Administrator or designee to conduct inspections of the facility to ensure compliance with this ordinance.

**SECTION SEVEN. APPLICATION REQUIREMENTS FOR AND ISSUANCE OF A NEW CITY MMF PERMIT FOR SECURE TRANSPORTER, CONDITIONAL APPROVAL.**

(a) Application for new annual MMF Permit. An application for a new annual MMF permit for a Secure Transporter shall be submitted in person by the Applicant or their State licensed attorney to the City Clerk on a form provided by the City, which shall fulfill all of the requirements indicated on the form. An Applicant shall truthfully and fully provide all of information requested on the application, including but not limited to, the following:

- (1) The name and address of the proposed facility and any other contact information requested on the application form.
- (2) The Applicant's full name, business address, e-mail address and phone number and presentation of a valid, government-issued photo identification.
- (3) The name and address of all owners of the real property where the facility is located.
- (4) Name and address of all business managers of the facility.
- (5) A statement with respect to each person named on the application whether the person has:
  - (A) Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, M.C.L.A. 333.1101 et seq., the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted.
  - (B) Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.
- (6) Proof of an Applicant's ownership or legal possession of the premises and, if the Applicant is not the owner, the written, notarized consent of the property owner where the facility is proposed to be located to operate a facility at that location.
- (7) A City-issued zoning assurance letter, provided with the MMF Permit application, signed by the Applicant which affirms that the Applicant has reviewed all applicable zoning ordinances relative to the proposed use, including all regulations addressing site development including, but not limited to parking, setbacks, and signage.
- (8) State of Michigan Department of Licensing and Regulatory Affairs document indicating approved prequalification status by the Medical Marijuana Licensing Board for the applicant or applicants' entity.
- (9) Payment of a non-refundable application fee, which shall be established by resolution of the City Council and set out in the Permit Fee, Bond, and Insurance schedule provided in Exhibit A, which may be amended from time to time by the City Council.
- (10) If license holder is not the On-site Operator, indicate name and contract information of the On-site Operator.
  - (A) Upon filing of the application for an MMF Permit, the City Clerk shall review and evaluate the application, along with other necessary City departments. In determining whether an MMF Permit should be issued, the City shall evaluate whether the application is complete.

(B) Conditional Approval Permit. Approval of the new annual MMF Permit application after review as set out in Section 12 will result in the issuance of a 90 day Conditional Approval Permit, which authorizes the Applicant to apply for and seek site plan review approval, and building/trade permits. A Conditional Approval Permit does not authorize use of a Facility. Within 90 days of issuance of the Conditional Approval Permit, the Applicant shall submit proof of an approved City site plan review and building/trade permits to the City Clerk.

(1) If application for site plan approval and local permits as outlined above were made but are not obtained within 90 days, the Conditional Approval Permit shall expire and a new permit application shall be submitted. Extensions may be approved by the City Clerk based on substantial work having been completed as determined by the City and at the request of the Applicant 30 days prior to the expiration of the Conditional Approval Permit.

(2) If no site plan or building plans have been submitted for permits within the 90 days, the Conditional Approval Permit expires, and an Applicant will be required to wait 30 days before submitting a new application.

#### **SECTION EIGHT. ISSUANCE OF FINAL MMF PERMIT AND AUTHORIZATION TO OPERATE SECURE TRANSPORTER UNDER PERMIT.**

(a) If the MMF permit Applicant has successfully demonstrated compliance with all requirements included within the Conditional Approval Permit for issuance of a Permit, including but not limited to, the location conforming to all standards of the zoning district in which it is located, then the City Clerk shall issue a Final MMF permit to the Applicant, or grant renewal of an existing MMF permit.

(b) An issued final MMF permit is active beginning the date of the issued permit and expires December 31 of same year except when a final MMF permit is issued during the month of December, which will expire on December 31 of the following year.

(c) The issuance of a final MMF permit under this ordinance authorizes operation of the facility only after the following additional requirements are met:

(1) The Applicant has provided the City Clerk with copies of the Applicant's state operating license and the Certificate of Occupancy for the premises.

(2) The Applicant has provided the City Clerk a copy of the State approved premises security plan. The said security measures on the premises are subject to inspection and must be approved by the Bridgman Police Department and comply with the following:

(A) Fully operational security cameras shall monitor all areas of the premises as required by State Administrative Rules, including but not limited to Emergency Rule 27.

(B) Recordings from security cameras shall be maintained for a minimum of 14 days, except for in instances of investigation or inspection by the Department, or the City Police Department, through its investigators, agents, auditors, or the State Police, in which case the MMF permittee shall retain the recordings and make them available to BCPD upon request until such time as the department or the City notifies the MMF permittee that the recordings may be destroyed.

(C) The City Manager may adopt regulations implementing security measures, including but not limited to regulations on the design, location, maintenance, and access to the cameras and recordings so long as they do not conflict with state rules and regulations. City regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the City Council.

(D) A monitored alarm system consistent with State Administrative Rules, including but not limited to Emergency Rule 27.

(E) A storage room for overnight storage of any marihuana product and cash on the premises, if marihuana product and cash is not kept in a locked secure transport vehicle. The storage room shall have only one door for entry and no other potential means of entry, lawful or unlawful, such as a window or crawl space. The door shall be equipped with a locking mechanism that is different from other locks on any door within the facility.

(3) The Applicant has provided the City Clerk proof that all City taxes and assessments owed by the applicant have been paid and any assessments, taxes, or liens on the real property to comprise the licensed premises and personal property located on the licensed premises are also paid.

(4) The Applicant has provided the City Clerk proof that the applicant is not in violation of any City ordinances on any other property under the applicant's ownership or control located within the City.

(d) The Applicant shall provide the City with a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies of the following types of insurance, as well as a copy of an endorsement placed on each policy requiring 10 days' notice by mail to the city before the insurer may cancel the policy for any reason:

(1) Worker's compensation insurance in accordance with Michigan statutory limits and Employers Liability Insurance with a minimum limit of \$100,000.00 for each accident for any employee.

(2) Public liability and personal injury insurance with minimum limits of \$500,000.00 for each occurrence with respect to bodily injury liability or property damage liability, or both combined. Documentation must explicitly state the following: (A) policy number; (B) name of insurance company; (C) name and address of the agent or authorized representative; (D) name and address of the insured; (E) location of coverage; (F) policy expiration dates; and (G) specific coverage amounts.

An original certificate of insurance may be provided as an initial indication of the required insurance. Applicant shall be required to continue without interruption during the term of the MMF permit the above-named insurance coverages. If any of the above coverages expire by their terms during the term of a permit, the Applicant shall deliver proof of renewal and/or new policies to the City Clerk at least 10 days prior to the expiration date. Insurance companies, named insured and policy forms shall be subject to the approval of the City Insurance Loss Control Specialist or designee, within 5 business days. Insurance policies shall not contain endorsements or policy conditions which reduce coverage required under the terms of the MMF permit.

## **SECTION NINE. RENEWALS, AMENDMENTS AND RESCISSIONS.**

(a) Renewal of Final MMF Permits.

(1) Only an issued MMF Final Permit may be renewed. Applicants seeking renewals shall file a new application pursuant to Section Seven.

(b) Amendments.

(1) Amendment of MMF Application without Conditional or Final MMF Permit approval.

(A) Prior to a decision of a Conditional Permit, an MMF application may be amended under any of the following circumstances:

(i) Change in property ownership or property lessee/lessor name(s);

(ii) Clerical errors/omissions such as misspelling, wrong numbering, or other similar items in the submitted application; or

(iii) Any City required amendments of clarifications, clerical errors, additional entity background information, additional property information, or other relevant information required for City decision.

(B) Applicants shall submit supporting documentation detailing basis for amendment and subsequent documents which amend the application.

(C) Any amendments submitted as provided above shall be incorporated into the application and the amended terms shall be fully enforceable against the Applicant.

(2) Non-substantive changes to approved conditional or final MMF Permit.

(A) After receiving an approved conditional or final MMF Permit, and MMF application may be amended for any of the following:

(i) Any circumstance listed under subsection (b)(1)(A).

(ii) Prior to receiving an approved Final MMF Permit, any change which will not increase the project intensity, as solely determined by the Zoning Administrator, including but not limited to: building size and hours of operation. The Zoning Administrator's decision as to whether the change shall be permitted as not increasing the project intensity shall be considered a final determination. If the Zoning Administrator determines that such change require the submittal of a new or amended Site Plan Application or Building/Trade Permits, then these items shall be mandatory and enforceable.

(B) Applicants shall submit supporting documentation detailing basis for amendment and subsequent documents which amend the application.

(C) Any amendments submitted as provided above shall be incorporated into the application and the amended terms shall be fully enforceable against the Applicant.

(3) Substantive changes to an approved Conditional or Final MMF Permits.

(A) Substantive changes require the filing of a new application. The following changes shall be considered "substantive," as intended by this subsection:

(i) An increase in the project intensity as determined solely by the Zoning Administrator including, but not limited to: hours of operation, or other aspects of the project which have an effect on the intensity, visual appearance, noise or odor levels, or other possible impacts to surrounding properties, public services/infrastructure.

(ii) Adding a new MMF use on the same property as the approved Conditional or Final MMF permit.

(iii) Lapse in the 90-day Conditional Permit period without having fulfilled requirements of Section 7(a)(10)(B).

(c) Transferring approved Conditional or Final MMF Permit.

(1) The transferring of an approved Conditional MMF Permit which changes the listed applicant to a different entity or person is prohibited.

(2) The transferring of approved Conditional or Final MMF permits to another location is prohibited.

(3) The transferring of an approved Final MMF Permit which only changes the listed applicant to a different entity or person is allowed with the submittal of:

- (i) Document consisting of a notarized and original signatures;
- (ii) State of Michigan Licensing and Regulatory Affairs Department document indicating approval of applicant or applicant's entity of Department's Step 1: Prequalification Document Checklist; and
- (iii) Fee of \$5,000.00 as established in the Permit Fee, Bond, and Insurance schedule, or another amount as established from time to time by Resolution of the Board.

(d) Rescission of approved Conditional or Final MMF Permit.

- (1) An applicant may rescind an approved Conditional or Final MMF Permit at any time to effectively remove such Permit from the associated property.
- (2) The rescission is effective as of the time and date of a City approval of a completed rescission City form.
- (3) Once rescission is effective, an applicant receiving the approved rescission cannot file a new MMF application within 10 business days anywhere within the City of Bridgman.
- (4) No fees paid in conjunction with the rescinded approved Conditional or Final MMF Permits shall be refunded.

## **SECTION TEN. CONDUCT OF BUSINESS AT A SECURE TRANSPORTER.**

- (a) A facility shall be conducted in compliance with the MMFLA, the rules promulgated pursuant to the MMFLA, including but not limited to the Emergency Rules, the MMMA, and all other laws, rules, and regulations of the state of Michigan and the City of Bridgman.
- (b) All marihuana in any form kept at the location of the medical marihuana facility shall be kept within an enclosed, secured vehicle or building and shall not be visible from any location outside of the building except as may specifically be provided under City zoning ordinances.
- (c) An authorized person shall consent to the entry into a marihuana facility by the Building Official and Zoning Inspectors or their designee for the purpose of inspection to determine compliance with this ordinance pursuant to a notice posted in a conspicuous place on the premises two or more days before the date of the inspection or sent by first class mail to the address of the premises four or more calendar days before the date of the inspection.
- (d) All security measures required in this ordinance shall be maintained in good working order. The premises shall be monitored and secured 24 hours per day.
- (e) All marihuana in any form on the premises of a Secure Transporter shall be marihuana cultivated, manufactured, testing, sold, and packaged in the State of Michigan.
- (f) Access to the facility is restricted to the MMF permittee, employees of the permittee, and State investigators, agents, auditors, or the State Police or Bridgman Police Department.
- (i) A person or entity that receives an MMF Permit under this ordinance shall display its Permit and, when issued, its State Medical Marihuana Facility License in plain view clearly visible to City officials and State Medical Marihuana Licensing Board authorized agents.

## **SECTION ELEVEN. PROHIBITED ACTS.**

It shall be unlawful:

- (a) For any person to violate any provision of this ordinance or any condition of any permit granted pursuant to this ordinance.
- (b) For any person to produce, distribute or possess marihuana in violation of this ordinance or any other applicable state or local law, including but not limited to applicable zoning ordinances and state administrative rules, including Emergency Rules.
- (c) For any person to make any changes or allow any changes to be made in the operation of the marihuana facility as represented in the MMF permit application, without first notifying the City by amending its application.
- (d) For any MMF permittee to advertise marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place.
- (e) For an MMF permittee of a facility to allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- (f) For any person to reside or permit any person to reside in or on the premises of a Marihuana Facility.
- (g) For any person to use medical marihuana, in any form, anywhere within a facility or on the property or a facility.

## **SECTION TWELVE. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF MMF PERMIT; MMF PERMIT FORFEITURE; HEARING.**

- (a) Grounds for Denial.

(1) The City Clerk shall reject any application that does not meet the requirements of the MMFLA or this Ordinance. The City Clerk shall reject any application that contains any misrepresentation or omission of any material fact (materiality as determined by the City), or false or misleading information, or the Applicant has provided the city with any other false or misleading information related to the facility.

(2) An Applicant is ineligible to receive a license under this Ordinance if any of the following circumstances exist regarding the Applicant or an Applicant's Affiliate (as defined by the MMFLA):

(A) Conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past ten years or conviction of a controlled substance-related felony within the past ten years.

(B) Within the past five years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.

(C) Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application.

(D) The Applicant has knowingly submitted an application for a license that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information on the application for a license.

(E) Is a member of the Board as defined by M.C.L.A. 333.27102(d).

(F) The Applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed marihuana facility.

(G) Holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.

(H) The Applicant, if an individual, has been a resident of this state for less than a continuous two-year period immediately preceding the date of filing the application. This requirement does not apply after June 30, 2018.

(I) The Applicant fails to meet other criteria established by State-issued rule.

(b) MMF Permit Forfeiture. In the event that a Secure Transport facility does not commence operations within one year of issuance of a City MMF Permit, the MMF Permit shall be deemed forfeited; the business may not commence operations and the license is not eligible for renewal.

(c) MMF Permit as Revocable Privilege. An MMF Secure Transport Permit granted by this Ordinance is a revocable privilege granted by the City and is not a property right. Granting an MMF Permit does not create or vest any right, title, or other property interest. Each MMF Permit is exclusive to the Permittee, and a Permittee or any other person must apply for and receive the City's approval before a Permit is transferred, sold, or purchased. An MMF Permittee or any other person shall not lease, pledge, or borrow or loan money against an MMF Permit. The attempted transfer, sale or other conveyance of an interest in a license without prior Board (as defined in M.C.L.A. 333.27102(d)) approval is grounds for suspension or revocation of the MMF Permit or for other sanction considered appropriate by the City.

(d) Nonrenewal, suspension, or revocation of MMF Permit.

(1) The City Clerk may, after notice and hearing, suspend, revoke or refuse to renew an MMF Permit for any of the following reasons:

(A) The Applicant or Permittee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions or provisions of this Ordinance or with any applicable state or local law, regulation or rule;

(B) The Applicant or Permittee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local permitting authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the Permit;

(C) The City, the County, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with the health and safety provisions of this ordinance or other applicable state or local laws related to public health and safety;

(D) The facility is determined by the City to have become a public nuisance pursuant to City Ordinances;

(E) The facility's state operating license has been suspended or revoked; or

(F) The marihuana commercial entity has been operated in a manner that adversely affects the public health, safety or welfare.

(2) Evidence to support a finding under this Section may include, without limitation, a continuing pattern of conduct, a continuing pattern or drug-related criminal conduct within the premises of the marihuana commercial entity or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana commercial entity, or an ongoing nuisance condition emanating from or caused by the marihuana commercial entity. Criminal conduct considered shall be limited to the violation of a State law or regulation or city ordinance.

(3) In addition to the basis for revocation and/or suspension stated above, the City Council may revoke a permit for cause in accordance with the provisions of this Ordinance.

(e) Any person whose Permit is denied, revoked or suspended shall be entitled to a hearing before the City Council upon written request made to the City Clerk within ten (10) days of the denial, revocation, or suspension.

**SECTION THIRTEEN. REVOCATION NOT EXCLUSIVE PENALTY.**

Nothing in this ordinance shall be deemed to prohibit the City Manager or his or her designee from imposing other penalties authorized by the City of Bridgman ordinances or other ordinance of the city, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

**SECTION FOURTEEN. PENALTY.**

Except as otherwise provided in this ordinance, a person who violates or fails to comply with any of the provisions of this ordinance is responsible for a municipal civil infraction and shall be subject to a civil fine of \$250 for a first offense, and at least \$500 for any second or subsequent offense, along with being responsible for attorney fees and any other relief that may be imposed by the court.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

EXHIBIT A:  
PERMIT FEE & INSURANCE SCHEDULE

Medical and Adult Marihuana Facilities Permit - Non-Refundable

- a. Application Fee \$5,000.00
- b. Annual Renewal Fee \$5,000.00
- c. Late Renewal Fee \$ 200.00

Additional Requirements and Insurance

- a. Worker's Compensation Insurance - MI Statutory limits
- b. \$100,000.00 Employer's Liability Insurance for each accident for any employee
- c. Public Liability & Personal Injury Insurance with minimum limits of \$500,000.00 BI and PD liability insurance or both combined for each occurrence

CITY COUNCIL REPORT	ACTION ITEM
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> General Law Ordinances – Recreational Marijuana Secure Transporter – Second Reading</p>	<p><b>F</b></p>
<p><b><u>Background:</u></b></p> <p>Currently the City has opted out of allowing any medical marijuana facilities within the City limits by operation of law, as taking no action on medical marijuana facilities equates to disallowing all such facilities. With recreational marijuana, the City was required to pass an ordinance declaring the City’s intent to disallow all types of recreational marijuana establishments, and as a result, an ordinance disallowing every type of recreational marijuana establishment was adopted by the City on December 4, 2018.</p> <p>In February 2022, two retired Bridgman City Police officers approached the City about locating a Marijuana Secured Transporter (marijuana trucking company) in the City limits, in the industrial area near I-94. The Planning Commission considered two separate zoning districts where a marijuana secure transporter could be located as an allowed use. In order to facilitate the zoning amendment, it is imperative for the City to be clear about which medical and marijuana uses are allowed and disallowed within the City limits, and to set procedures for issuing permits for each use.</p> <p>There are two attached ordinances which allow one medical marijuana secure transporter and one recreational secure transporter within the City limits in the zoning districts nearest I-94. The first ordinance deals with medical marijuana, and it clearly states the types of medical marijuana facilities that are NOT allowed within the City limits. Likewise, the recreational marijuana ordinance allows one recreational secure transporter, but disallows every other type of recreational marijuana use within the City limits. It is important to define each type of use and to clarify under the pertinent statute whether the use is allowed or disallowed, along with stating a procedure to apply for a secure transporter permit from the City. To be clear, under the attached ordinances, which closely mirror one another, <b><u>no marijuana businesses of any nature or type are allowed in the City except for one marijuana secure transporter</u></b> for both recreational and medical marijuana.</p> <p>The City voted to adopt the attached ordinances for 1<sup>st</sup> Reading on April 18, 2022. One minor change was made in both ordinances since the 1<sup>st</sup> Reading: the Fee, Bond, and Insurance Schedule has been renamed to the “Permit Fee and Insurance Schedule”, which is Exhibit A to both Ordinances. This Exhibit describes the application fees and insurance requirements for applicants.</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council consider passing the attached recreational and medical marijuana ordinances to facilitate the zoning amendment for a marijuana secure transporter which was reviewed and considered by the Planning Commission?</p> <p><b><u>Budget Impact:</u></b></p> <p>No immediate impact; however, allowing one medical and one recreational secure transporter could equate to \$10,000 in annual permit fees for the City—this fee is intended to cover the administrative fees for processing the permits.</p> <p><b><u>Recommendation:</u></b></p> <p>The City Attorney recommends that the City Council review and consider the attached general law ordinances which clarify the rules and procedures for each secure transporter permit, and to clearly define the uses that are not allowed within the City limits.</p> <p><b><u>Supporting Documents:</u></b></p> <p>Proposed Ordinance attached w/ Exhibit A.</p> <p>Prepared &amp; Submitted By: Sara Senica, City Attorney</p>	

CITY OF BRIDGMAN  
COUNTY OF BERRIEN  
STATE OF MICHIGAN  
Ordinance No. 2022-212

AN ORDINANCE TO ALLOW A SECURE TRANSPORTER TO LOCATE IN THE CITY OF BRIDGMAN UNDER THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, TO PROHIBIT ALL OTHER RECREATIONAL MARIHUANA ESTABLISHMENTS WITHIN THE CITY, TO ESTABLISH RULES AND PROCEDURES FOR APPLYING FOR A CITY PERMIT FOR A MARIHUANA SECURE TRANSPORTER, AND TO SET FINES AND PROCEDURES FOR VIOLATIONS OF THIS ORDINANCE.

**SECTION ONE. FINDINGS AND PURPOSE.**

The City of Bridgman is uniquely located near a major interstate highway that easily connects Southwest Michigan to the Central and Eastern parts of the State. It is the City's intent to allow a Marihuana Secure Transporter as an adult use recreational marihuana establishment in the industrial and transitional areas near the I-94 corridor, and to regulate this establishment to the extent they are permitted under the Michigan Regulation and Taxation of Marihuana Act. The City does not intend that permitting and regulation under this ordinance should be construed as a finding that such establishments comply with any law. By requiring a City Adult Use Marihuana Establishment Permit ("AUE Permit") and compliance with the requirements of this ordinance, the City intends to protect the public health, safety and welfare by:

- (a) Promoting the safe transportation of recreational marihuana to nearby establishments;
- (b) Disallowing the retail sale of marihuana and marihuana products in the City of Bridgman;
- (c) Preserving and protecting the health, safety, and welfare of the residents of the City and the general public by locating transportation establishments near a major interstate;
- (d) Establishing standards and procedures by which the siting, operating, and maintaining of a Recreational Marihuana Establishment shall be governed.

**SECTION TWO. DEFINITIONS.**

(a) Words and phrases contained in the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"). This Ordinance contains many words and phrases that are defined in the MRTMA. As used in this Ordinance, they have the same meaning as provided in the MRTMA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MRTMA, then the definition in the MRTMA shall apply. The following words and phrases are, and mean, as follows:

- (1) "Department" means the department of licensing and regulatory affairs.
- (2) "Licensee" means a person holding a state license.
- (3) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana

concentrate and marihuana-infused products. For purposes of this ordinance, marihuana does not include:

- A. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- B. Industrial hemp; or
- C. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

(4) "Marihuana, Adult Use Establishment" or "Marihuana Establishment" generally means a marihuana grower, marihuana safety compliance marihuana establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed to operate by the marihuana regulatory agency as authorized by the Michigan Regulation and Taxation of Marihuana Act (2018).

- A. "Marihuana Grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- B. "Marihuana Microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one years of age or older or to a marihuana safety compliance marihuana establishment, but not to other marihuana establishments.
- C. "Marihuana Processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- D. "Marihuana Retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one years of age or older.
- E. "Marihuana Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- F. "Marihuana Safety Compliance Marihuana establishment means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(5) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(6) "Marijuana Regulatory Agency" or "Agency" means a Type I agency within the Department of Licensing and Regulatory Affairs (the "Department") with the powers as set out in MCL 333.27001, including but not limited to all of the authorities, powers, duties, functions, and responsibilities of the Department, including its Bureau of Marihuana Regulation, under the MRTMA, 2018 IL 1, MCL 333.27951 to 333.27967.

(7) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(8) "Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

(9) "Rules" means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, M.C.L.A. 24.201 to 24.328, by the department in consultation with the Agency to implement this act, which shall include, but is not limited to, the Emergency Rules issued under the administrative procedures act on July 3, 2019.

(10) "Special Licenses" mean additional types or classes of state licenses to operate marihuana-related businesses as described under section 8 of the Act, including but not limited to:

- A. Designated consumption establishment licenses;
- B. Excess marihuana grower licenses;
- C. Marihuana event organizer licenses; and
- D. Temporary marihuana event licenses.

(11) "State license" or, unless the context requires a different meaning, "license" means a license that is issued by the department under this act that allows the licensee to operate a marihuana establishment.

(b) Other words and phrases. The words and phrases in this ordinance, as used in this ordinance, shall have the following meanings:

(1) "Applicant" means a person who applies for a state license: For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:

A. For an individual or sole proprietorship: the proprietor and spouse.

B. For a partnership and limited liability partnership: all partners and their spouse.

C. For a limited partnership and limited liability partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.

D. For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.

E. For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

F. For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

G. For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

H. For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

(2) "City Permit" or "AUE Permit", unless the context requires a different meaning, means a marijuana adult use establishment Marijuana Secure Transporter permit that is issued under this ordinance.

(3) "City Permit On-site Operator" means a person who generally oversees, manages, and/or supervises operations of the City-permitted business and is generally on the site during the majority of each business day of the City-permitted business.

(4) "Authorized person" means:

A. An owner of a marijuana establishment;

B. The directors, officers, members, partners, and individuals of a marijuana establishment that is a corporation, limited liability company, partnership, or sole partnership.

C. Any person who is in charge of and on the premises of the marijuana establishment during business hours.

(5) "Class A grower" means a grower of not more than 100 marijuana plants.

(6) "Class B grower" means a grower of not more than 500 marijuana plants.

(7) "Class C grower" means a grower of not more than 2,000 marijuana plants.

(8) "Conditional Approval - City Permit" means 90-day authorization to the applicant to apply for and seek site plan review approval, and building/trade permits. A conditionally approved City permit does not authorize use of an adult use marijuana establishment.

(9) "Licensee" means a person holding a City permit under this ordinance.

(10) "Michigan Regulation and Taxation of Marijuana Act" and "MRTMA" mean Initiated Act 1 of 2018, M.C.L. 333.27951, et. seq.

(11) "Person" means the entities included in the definition of "person" in the MRTMA.

(12) "Sponsorship" means any marketing or advertising in association with a specific event, project, or program, including but not limited to where a person or entity pays for all or some of the associated costs.

**SECTION THREE. SECURED TRANSPORTER AUTHORIZED; ALL OTHER MARIHUANA ESTABLISHMENTS PROHIBITED.**

Pursuant to the MRTMA, the City of Bridgman authorizes the operation in the City of the following marihuana adult use establishment, provided they possess a state operating license issued under the MRTMA and they comply with the additional requirements of this ordinance, the Bridgman City Zoning Ordinance, and all other applicable laws, administrative rules, and ordinances:

- (a) Marihuana secure transporter – ONE PERMIT AUTHORIZED.

**SECTION FOUR. OTHER RECREATIONAL MARIHUANA LICEENSES PROHIBITED.**

(a) The following marihuana establishments are NOT authorized and shall not locate in the City of Bridgman:

- (1) Marihuana grower, including Class A grower; Class B grower; and Class C grower.
- (2) A marihuana processer.
- (3) A marihuana retailer.
- (4) A marihuana safety compliance marihuana establishment.
- (5) A marihuana microbusiness

(b) Special Licenses Prohibited:. Pursuant to the MRTMA, Section 6(1), the City elects to prohibit the licensing and operation of special licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit:

- (1) Designated consumption establishment license.
- (2) Excess marihuana grower license.
- (3) Marihuana event organizer license.
- (4) Temporary marihuana event license.

**SECTION FIVE. CITY AUE PERMIT REQUIRED.**

(a) No person shall operate a marihuana secure transporter in the City of Bridgman unless an annual City AUE permit as provided for in this ordinance has been issued.

(b) The City AUE permit requirement in this ordinance applies to all marihuana establishments whether operated for profit or not for profit.

(c) The City AUE permit requirement in this ordinance shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by marihuana establishments.

(f) The issuance of any City AUE permit pursuant to this ordinance does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or City ordinance.

(g) This section does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.

(h) The term of the final City AUE permit shall not exceed one year (except as provided below for permits issued in the month of December), and fees are not prorated. The permit year shall begin on January 1 in each year, or the date upon which the final City permit was approved, whichever occurs later, and shall terminate on December 31 unless earlier terminated as provided in this ordinance. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the next calendar year following issuance thereof, unless terminated sooner under this ordinance. Any permit issued pursuant to this ordinance must be renewed on an annual basis. To renew an existing permit, the licensee shall submit an application in the same manner as is required to apply for a new permit no sooner than ninety days before the expiration date and no later than sixty days before the expiration date. An application for a permit renewal received after November 1 of each year shall be considered late and will be subject to a late fee.

#### **SECTION SIX. GENERAL PROVISIONS.**

(a) A City AUE permit issued under this ordinance is valid only for the location of the marihuana establishment and type of marihuana establishment that is listed on the City AUE permit application, providing the marihuana establishment remains in compliance with all other requirements in this ordinance and all other ordinances and regulations.

(b) A City AUE permit issued under this ordinance is valid only if the permit holder also holds a valid current state operating license, and a copy of the valid current state license has been provided to the City Clerk by the City permit holder.

(c) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to a AUE permit issued by the City.

(d) The expiration date of the state operating license that corresponds to a City AUE permit issued under this ordinance constitutes the expiration date of the license, however, operation of the marihuana establishment under the expired license is permitted to the extent that operation under the expired state operating license is permitted under the MRTMA.

(e) A City AUE permit issued by the City under this ordinance and the State MRTMA establishment license shall be conspicuously posted in the marihuana establishment where it is easily open to public view, City officials, including the City Building Inspector and the Fire Department.

(f) Acceptance of an AUE permit from the City under this ordinance constitutes consent by the permittee, owners, managers and employees to permit the City Administrator or designee to conduct inspections of the marihuana establishment to ensure compliance with this ordinance.

#### **SECTION SEVEN. APPLICATION REQUIREMENTS FOR AND ISSUANCE OF A NEW CITY CITY PERMIT; CONDITIONAL APPROVAL.**

(a) Application for New Annual AUE Permit. An application for a new annual City AUE permit for a marihuana establishment shall be submitted in person by the applicant or their state licensed attorney to the City Clerk on a form provided by the City, which shall fulfill all of the requirements indicated on the form. An applicant shall truthfully and fully provide all of the information requested on the application, including but not limited to, the following:

(1) The name and address of the proposed marihuana establishment and any other contact information requested on the application form.

- (2) The applicant's full name, business address, e-mail address and phone number and presentation of a valid, government-issued photo identification.
  - (3) The name and address of all owners of the real property where the proposed marihuana establishment is located.
  - (4) Name and address of all business managers of the marihuana establishment.
  - (5) A statement with respect to each person named on the application whether the person has:
    - A. Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, M.C.L.A. 333.1101 et seq., the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted.
    - B. Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.
  - (6) Proof of an applicant's ownership or legal possession of the premises and, if the applicant is not the owner, the written, notarized consent of the property owner where the marihuana establishment is proposed to be located to operate a marihuana establishment at that location.
  - (7) A City-issued zoning assurance letter, provided with the City AUE permit application, signed by the applicant which affirms that the applicant has reviewed all applicable zoning ordinances relative to the proposed use, including all regulations addressing site development which include but are not limited to parking, setbacks, and signage.
  - (8) State of Michigan Department of Licensing and Regulatory Affairs document indicating approved prequalification status by the Marihuana Regulatory Agency for the applicant or applicant's entity.
  - (9) Payment of a non-refundable application fee, which shall be established by resolution of the City Council and set out in the Permit Fee, bond, and insurance schedule provided for in Exhibit A to this Ordinance.
  - (10) If license holder is not the on-site operator, indicate name and contract information of the on-site operator.
- (b) Upon filing of the application for a City UAE permit, the City Clerk shall review and evaluate the application, along with other necessary City departments. In determining whether a City permit should be issued, the City shall evaluate whether the application is complete.
- (c) Conditional Approval Permit. Initial approval of the new annual City AUE permit application after review as set out in this ordinance will result in the issuance of a ninety-day conditional approval permit, which authorizes the applicant to apply for and seek site plan review approval, and building/trade permits. A conditional approval permit does not authorize use of a marihuana establishment. Within ninety days of issuance of the conditional approval permit, the applicant shall submit proof of an approved City site plan review and building/trade permits to the City Clerk.
- (1) If application for site plan approval and local permits as outlined above were made but are not obtained within ninety days, then the conditional approval permit shall expire and a new permit

application shall be submitted. Extensions may be approved by the City Clerk based on substantial work having been completed as determined by the City and at the request of the applicant thirty days prior to the expiration of the conditional approval permit.

(2) If no site plan or building plans have been submitted for permits within the ninety days, then the conditional approval permit expires, and an applicant will be required to wait thirty days before submitting a new application.

(3) If application for site plan approval and local permits as outlined above were obtained within ninety days, but the local permits expired without the work having been completed, then the conditional approval permit shall expire and a new permit application shall be submitted.

(4) If application for site plan approval and local permits as outlined above were obtained within ninety days, but if the local permits expire without the work having been completed and an extension was not timely applied for, or was denied, then the conditional approval permit shall expire and a new permit application shall be submitted.

#### **SECTION EIGHT. ISSUANCE OF FINAL CITY PERMIT AND AUTHORIZATION TO OPERATE MARIHUANA SECURE TRANSPORTER UNDER PERMIT.**

(a) If the City AUE permit applicant has successfully demonstrated compliance with all requirements included within the conditional approval permit for issuance of a permit, including but not limited to all requirements of below subsection (c) and, the location conforming to all standards of the zoning district in which it is located, then the City Clerk shall issue a final City AUE permit to the applicant, or grant renewal of an existing City permit.

(b) An issued final City AUE permit is active beginning the date of the issued permit and expires December 31 of same year except when a final City permit is issued during the month of December, which will expire on December 31 of the following year.

(c) The issuance of a final City permit under this ordinance authorizes operation of the marihuana establishment only after the following additional requirements are met:

(1) The applicant has provided the City Clerk with copies of the applicant's state operating license and the certificate of occupancy for the premises.

(2) The applicant has provided the City Clerk a copy of the state approved premises security plan. The said security measures on the premises are subject to inspection and must be approved by the Bridgman City Police Department and comply with the following:

A. Fully operational security cameras shall monitor all areas of the premises as required by State Administrative Rules, including but not limited to Emergency Rule 35.

B. Recordings from security cameras shall be maintained for a minimum of thirty days, except for in instances of investigation or inspection by the Agency, or the City Police Department (BPD), in which case the City AUE permittee shall retain the recordings and make them available to BPD upon request until such time as the agency or the BPD notifies the City AUE permittee that the recordings may be destroyed.

C. The City Manager may adopt regulations implementing security measures, including but not limited to regulations on the design, location, maintenance, and access to the cameras and recordings so long as they do not conflict with state rules and regulations. City regulations shall

take effect thirty days after being filed with the City Clerk unless modified or disapproved by the City Council.

D. A monitored alarm system consistent with State Administrative Rules, including but not limited to Emergency Rule 35.

E. A storage room for overnight storage of any marihuana product on the premises consistent with Emergency Rule 38.

(3) The applicant has provided the City Clerk proof that all City taxes and assessments owed by the applicant have been paid and any assessments, taxes, or liens on the real property to comprise the licensed premises and personal property located on the licensed premises are also paid.

(4) The applicant has provided the City Clerk proof that the applicant is not in violation of any City ordinances on any other property under the applicant's ownership or control located within the City.

(d) The applicant shall provide the City with proof of financial responsibility for liability for bodily injury in an amount not less than one hundred thousand dollars (\$100,000), as well as a copy of an endorsement placed on each policy requiring ten days' notice by mail to the City before the insurer may cancel the policy for any reason:

A. Worker's compensation insurance in accordance with Michigan statutory limits.

B. A marihuana secure transporter shall show proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle, as applicable, for any vehicles used to transport marihuana product as required by the Act.

(2) An original certificate of insurance may be provided as an initial indication of the required insurance. Applicant shall be required to continue without interruption during the term of the City permit the above named insurance coverages. If any of the above coverages expire by their terms during the term of a permit, the applicant shall deliver proof of renewal and/or new policies to the City Clerk at least ten days prior to the expiration date. Insurance companies, named insured and policy forms shall be subject to the approval of the City Insurance Loss Control Specialist or designee, within five business days. Insurance policies shall not contain endorsements or policy conditions which reduce coverage required under the terms of the City permit.

## **SECTION NINE. RENEWALS, AMENDMENTS AND RESCISSIONS.**

(a) Renewal of Final City AUE Permits.

(1) Only a City-issued final AUE permit may be renewed. Applicants seeking renewals shall file a new application pursuant to this ordinance.

(b) Amendments.

(1) Amendment of City AUE application without conditional or final City permit approval.

A. Prior to a decision of a conditional permit, an AUE application may be amended under any of the following circumstances:

1. Change in property ownership or property lessee/lessor name(s);

2. Clerical errors/omissions such as misspelling, wrong numbering, or other similar items in the submitted application; or

3. Any City required amendments of clarifications, clerical errors, additional entity background information, additional property information, or other relevant information required for City decision.

B. Applicants shall submit supporting documentation detailing basis for amendment and subsequent documents which amend the application.

C. Any amendments submitted as provided above shall be incorporated into the application and the amended terms shall be fully enforceable against the applicant.

(2) Non-substantive changes to approved conditional or final City AUE permit:

A. After receiving an approved conditional or final City permit, and City application may be amended for any circumstance listed under subsection (b)(1)A.2.

B. Prior to receiving an approved final City permit, any change which will not increase the project intensity, as solely determined by the Zoning Administrator, including but not limited to: building size and hours of operation. The Zoning Administrator's decision as to whether the change shall be permitted as not increasing the project intensity shall be considered a final determination. If the Zoning Administrator determines that such change requires the submittal of a new or amended site plan application or building/trade permits, then these items shall be mandatory and enforceable.

C. Applicants shall submit supporting documentation detailing the basis for amendment and subsequent documents which amend the application.

D. Any amendments submitted as provided above shall be incorporated into the application and the amended terms shall be fully enforceable against the applicant.

(3) Substantive changes to an approved conditional or final City AUE permit. Substantive changes require the filing of a new application under this ordinance. The following changes shall be considered "substantive," as intended by this subsection:

A. An increase in the project intensity as determined solely by the Zoning Administrator including, but not limited to: hours of operation, or other aspects of the project which have an effect on the intensity, visual appearance, noise levels, or other possible impacts to surrounding properties, public services/infrastructure.

B. Lapse in the 90-day conditional permit period without having fulfilled requirements of that section.

(c) Transferring Approved Conditional or Final City AUE Permit.

(1) The transferring of an approved conditional City AUE permit which changes the listed applicant to a different entity or person is prohibited.

(2) The transferring of approved conditional or final City AUE permits to another location is prohibited.

(3) The transferring of an approved final City permit which only changes the listed applicant to a different entity or person may be allowed with the submittal of:

A. Document consisting of a notarized and original signatures;

B. State of Michigan Licensing and Regulatory Affairs Department document indicating approval of applicant or applicant's entity of Department's Step 1: Prequalification Document Checklist; and

C. Fee as established in the Permit Fee, ~~bond~~, and insurance schedule provided for in Exhibit A to this ordinance.

(d) Rescission of Approved Conditional or Final City AUE Permit.

(1) An applicant may rescind an approved conditional or final CITY permit at any time to effectively remove such permit from the associated property.

(2) The rescission is effective as of the time and date of a City approval of a completed rescission City form.

(3) Once rescission is effective, an applicant receiving the approved rescission cannot file a new City AUE application within ten business days.

(4) No fees paid in conjunction with the rescinded approved conditional or final City AUE permits shall be refunded.

#### **SECTION TEN. CONDUCT OF BUSINESS AT A SECURE TRANSPORTER.**

(a) A marihuana secure transporter shall be conducted in compliance with the MRTMA, the rules promulgated pursuant to the MRTMA, including but not limited to the State Administrative Rules, and all other laws, rules, and regulations of the state of Michigan and the City of Bridgman.

(b) A marihuana secure transporter shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after opening hours to deter and prevent theft of marihuana and marihuana accessories.

(c) Marihuana secure transporters shall be closed for business between the hours of 9:00 p.m. and 7:00 a.m.

(d) An authorized person shall consent to the entry into a marihuana establishment by the Building Official and Zoning Inspectors or their designee for the purpose of inspection to determine compliance with this ordinance, pursuant to a notice posted in a conspicuous place on the premises two or more days before the date of the inspection or sent by first class mail to the address of the premises four or more calendar days before the date of the inspection.

(e) All security measures required in this ordinance and the Rules shall be maintained in good working order. The premises shall be monitored and secured twenty-four hours per day.

(f) All marihuana in any form on the premises of a marihuana establishment shall be cultivated, manufactured, testing, sold, and packaged in the State of Michigan.

(g) Access to the marihuana establishment's restricted and limited access areas is restricted to the permittee; employees of the permittee, escorted visitors, City employees and police officers acting within the scope of their duty, and the Agency.

(h) A person or entity that receives a City permit under this ordinance shall display its permit and, when issued, its state marihuana establishment license in plain view clearly visible to City officials and State Agency authorized agents.

(i) Applicants and permittees shall notify the agency and local law enforcement authorities within twenty-four hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana establishment.

(j) Marihuana establishments shall not allow onsite or as part of the marihuana establishment the sale, consumption, or serving of food or alcohol. However, the establishment may allow the consumption of food by employees or visitors provided the marihuana establishment has a designated area for the consumption of food that includes, but is not limited to, a room with floor to ceiling walls and a door that

#### **SECTION ELEVEN. PROHIBITED ACTS.**

It shall be unlawful:

(a) For any person to violate any provision of this ordinance or any condition of any permit granted pursuant to this ordinance.

(b) For any person to produce, sell, distribute or possess more marihuana than allowed by any applicable state or local law.

(c) For any person to produce, distribute or possess marihuana in violation of this ordinance or any other applicable state or local law, including but not limited to applicable zoning ordinance sections, this ordinance, and state administrative rules.

(d) For any person to make any changes or allow any changes to be made in the operation of the marihuana establishment as represented in the City AUE permit application, without first notifying the City by amending its application.

(e) For any City AUE permittee to advertise or market marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place.

(f) For any person to market or advertise marihuana products to individuals under twenty-one years of age. Sponsorships targeted to members aged twenty-one years or younger are prohibited.

(g) For a City AUE permittee of a marihuana establishment to allow a physician to conduct a medical examination or issue a medical certification document at a marihuana establishment for the purpose of obtaining a registry identification card, regardless of whether the permittee was present at the time the prohibited conduct took place.

(h) For a City AUE permittee of a marihuana establishment to allow the sale, consumption, transfer, or use of alcohol or tobacco products on the premises.

(i) For any person to reside or permit any person to reside in or on the premises of a marihuana establishment.

(j) For any person to consume, use, or inhale a marihuana product in any form, anywhere within a marihuana establishment or on the property of a marihuana establishment.

(k) No marihuana establishment may allow a person under twenty-one years of age to volunteer or work for the marihuana establishment.

**SECTION TWELVE. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF CITY PERMIT; CITY PERMIT FORFEITURE; HEARING.**

(a) Grounds for Denial.

(1) The City Clerk shall reject any application that does not meet the requirements of the MRTMA or this ordinance. The City Clerk shall reject any application that contains any misrepresentation or omission of any material fact (materiality as determined by the City), or false or misleading information, or the applicant has provided the City with any other false or misleading information related to the marihuana establishment.

(2) An applicant is ineligible to receive a permit under this ordinance if any of the following circumstances exist regarding the applicant or an applicant's affiliate (as defined by the MRTMA):

A. Prior conviction under the laws of this state, any other state, or the United States that involved distribution of a controlled substance to a minor.

B. Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application.

C. The applicant has knowingly submitted an application for a permit that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information on the application for a license.

D. Is an employee, advisor, or consultant of the agency involved in the implementation, administration, or enforcement of the Act or the Rules, including emergency rules, pursuant to section 7 of the Act, MCL 333.27957.

E. The applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed marihuana establishment.

F. Holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.

G. The applicant fails to meet other criteria established by state-issued rule.

(3) In determining whether to grant a City AUE permit to an applicant, the City may also consider all of the following:

A. Whether the applicant or anyone who will have ownership in the marihuana establishment has a pattern of convictions involving dishonesty, theft, or fraud that indicate the proposed marihuana establishment is unlikely to be operated with honesty and integrity.

B. Whether the applicant has a history of noncompliance with any regulatory requirements, all legal judgments, lawsuits, legal proceedings, charges, or government investigations, whether initiated, pending, or concluded, against the applicant, that are related to business operations, including, but not limited to fraud, environmental, food safety, labor, employment, worker's compensation, discrimination, and tax laws and regulations, in this state or any other jurisdiction.

C. Whether the applicant meets the other standards and rules applicable to the state license category and standards, requirements in this ordinance, as well as compliance with other applicable City ordinances.

(b) City Permit Forfeiture. In the event that a marijuana establishment does not commence operations within one year of issuance of a City permit, the City permit shall be deemed forfeited; the business may not commence operations and the permit is not eligible for renewal.

(c) City Permit as Revocable Privilege. A City AUE permit granted by this ordinance is a revocable privilege granted by the City and is not a property right. Granting a City AUE permit does not create or vest any right, title, or other property interest. Each City permit is exclusive to the permittee, and a permittee or any other person must apply for and receive the City's approval before a permit is transferred, sold, or purchased. A City permittee or any other person shall not lease, pledge, or borrow or loan money against a City permit. The attempted transfer, sale or other conveyance of an interest in a license without prior agency approval is grounds for suspension or revocation of the City permit or for other sanction considered appropriate by the City.

(d) Nonrenewal, Suspension, or Revocation of City Permit.

(1) The City Clerk may, after notice and hearing, suspend, revoke or refuse to renew a City AUE permit for any of the following reasons:

A. The applicant or permittee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions or provisions of this ordinance or with any applicable state or local law, regulation or rule;

B. The applicant or permittee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its permit and/or license pursuant to an order of the state or local permitting authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the permit;

C. The City, the County, or any other governmental entity with jurisdiction, has closed the marijuana establishment temporarily or permanently or has issued any sanction for failure to comply with the health and safety provisions of this ordinance or other applicable state or local laws related to public health and safety;

D. The marijuana establishment is determined by the City to have become a public nuisance pursuant to City Ordinances or other applicable state nuisance law;

E. The marijuana establishment's state operating license has been suspended or revoked; or

F. The marijuana commercial entity has been operated in a manner that adversely affects the public health, safety or welfare.

(1) Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern or drug-related criminal conduct within the premises of the marihuana commercial entity or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana commercial entity, or an ongoing nuisance condition emanating from or caused by the marihuana commercial entity. Criminal conduct considered shall be limited to the violation of a state law or regulation or City ordinance.

(2) In addition to the basis for revocation and/or suspension in subsection (d)(1) above, the City Council may revoke a permit for cause in accordance with Section 802.17.

(e) Any person whose permit is denied, revoked or suspended shall be entitled to a hearing in with the City Council upon written request delivered to the City Clerk within ten (10) days of the decision to deny, revoke, or suspend the permit.

**SECTION THIRTEEN. REVOCATION NOT EXCLUSIVE PENALTY.**

Nothing in this ordinance shall be deemed to prohibit the City Manager or his or her designee from imposing other penalties authorized by the City of Bridgman ordinances or other ordinance of the City, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

**SECTION FOURTEEN. PENALTY.**

Except as otherwise provided in this ordinance, a person who violates or fails to comply with any of the provisions of this ordinance is responsible for a municipal civil infraction and shall be subject to a civil fine of \$250 for a first offense, and at least \$500 for any second or subsequent offense, along with being responsible for attorney fees and any other relief that may be imposed by the court.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

EXHIBIT A:  
PERMIT FEE & INSURANCE SCHEDULE

Recreational and Adult Marihuana Facilities Permit - Non-Refundable

- a. Application Fee \$5,000.00
- b. Annual Renewal Fee \$5,000.00
- c. Late Renewal Fee \$ 200.00

Additional Requirements and Insurance

- a. Worker's Compensation Insurance - MI Statutory limits
- b. \$100,000.00 Employer's Liability Insurance for each accident for any employee
- c. Public Liability & Personal Injury Insurance with minimum limits of \$500,000.00 BI and PD liability insurance or both combined for each occurrence

CITY COUNCIL REPORT	ACTION ITEM
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> Zoning Ordinance Amendment to Include Secure Transporter</p>	<h1>G</h1>
<p><b><u>Background:</u></b></p> <p>At the March 17, 2022, Planning Commission meeting, the Planning Commission discussed amending the City Zoning Ordinance to allow a medical and recreational marijuana secure transporter to locate in the Interstate Gateway District and the Transitional Industrial District, the two zoning districts nearest I-94. A plurality of Planning Commission members were in agreement with recommending the amendment—2 voted in favor of approving the amendment and including an additional requirement for a safe on the premises, 1 member was in favor of the amendment with no requirement for a safe, and 2 members voted against the amendment. 2 other members were absent. The amendment to the Zoning Ordinance is contingent on the City Council also passing two general law ordinances that allowing one medical and recreational secure transporter, while making it clear that all other medical and recreational uses are not allowed in the City.</p> <p>The proposed Zoning amendment allows “Marihuana Secured Transporter” as a permitted use in both the Interstate Gateway District and the Transitional Industrial District. In discussing whether the make the use a permitted or special use, the consensus was that this type of use is highly regulated by the State, and that a typical trucking company would not be required to request a special use in these districts.</p> <p>The Council adopted the attached amendments to the Zoning Ordinance for 1<sup>st</sup> Reading on April 18, 2022, and the Ordinance is set for a 2<sup>nd</sup> Reading on May 2, 2022.</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council consider amending the Zoning Ordinance to allow a medical and recreational secure transporter in the Interstate Gateway District and the Transitional Industrial District, which are the two zoning districts closest to I-94?</p> <p><b><u>Budget Impact:</u></b></p> <p>None.</p> <p><b><u>Recommendation:</u></b></p> <p>The City Attorney recommends that the City Council review and consider the attached Zoning amendment for 2<sup>nd</sup> Reading.</p> <p><b><u>Supporting Documents:</u></b></p> <p>Proposed Zoning Amendment attached.</p> <p>Prepared &amp; Submitted By: Sara Senica, City Attorney</p>	

CITY OF BRIDGMAN

COUNTY OF BERRIEN

STATE OF MICHIGAN

Ordinance No. 2022-213

AN ORDINANCE TO AMEND THE CITY OF BRIDGMAN ZONING ORDINANCE TO INCLUDE SECURED TRANSPORTER AND ADDITIONAL ZONING DEFINITIONS.

The City of Bridgman ordains:

**SECTION ONE.** Article II.10, “Transitional Industrial District”, under Permitted and Special Uses, COMMERCIAL, “Marihuana Secure Transporter” shall be included as a Permitted Use.

**SECTION TWO.** Article II.15, “Interstate Gateway District”, under Permitted and Special Uses, COMMERCIAL, “Marihuana Secure Transporter” shall be included as a Permitted Use.

**SECTION THREE.** Section IX, Definitions, shall be amended to include the following four definitions:

“Marihuana transporter” means a secure transporter under the Medical Marihuana Facilities Licensing Act or a marihuana secure transporter under the Michigan Regulation and Taxation of Marihuana Act, or both.

“Medical Marihuana Facilities Licensing Act” or “MMFLA” means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 to 333.27801.

“Michigan Medical Marihuana Act” means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

“Michigan Regulation and Taxation of Marihuana act” or “MRTMA” means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967.

**SECTION FOUR.** Severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION FIVE.** Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION SIX.** Effective Date. A summary of this ordinance shall be published in a newspaper of record as provided by law, and this ordinance shall become effective seven (7) days after publication.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Allyson Holm, City Clerk

**INTENT**

The intent of the Transitional Industrial district is to accommodate the changing nature of employment area by mixing both light industrial uses with office and retail. Red Arrow Highway includes a mix of uses, and serves a gateway to downtown Bridgman. Access management is paramount. Shared access and shared parking is encouraged.

**SITE DEVELOPMENT STANDARDS**

Min. Area	Max. Height	Min. Setback	Min. Width
20,000 sq.ft.	60 ft.	FY 30 ft. SY 15 ft. RY 25 ft.	150 ft.

**MATERIAL STANDARDS**

New construction within the TI district shall adhere to the Building Materials and Construction standards of Section 3.08

**SITE DESIGN STANDARDS SNAPSHOT**

OFF-STREET PARKING	Quantity, location, and landscaping of off-street parking shall be provided as per Article V.  Parking lots located adjacent to primary and secondary streets shall have one (1) of the following landscape screens at the parking lot edge: Garden Wall, Decorative Metal Fence, or Continuous Landscape Hedge. Parking lot screens adjacent to single-family detached may include any of the above screens, or a minimum four (4) foot wide landscape buffer.
SIGNAGE	Signs are permitted for non-residential uses only, except as permitted for temporary yard signs.  All signage shall be ground type, with landscaping surrounding the base, and within the front yard area.  Refer to Article VI for sign standards.
LANDSCAPING	For Landscaping Standards refer to Article VII.  There shall be a 20' landscape buffer zone along all parcels fronting Red Arrow Highway. The following shall be provided within the buffer zone for every 40' linear feet: <ol style="list-style-type: none"> <li>One (1) deciduous tree</li> <li>Two (2) ornamental trees</li> <li>Three (3) shrubs</li> <li>Four (4) flowering perennial plants</li> </ol>



**PERMITTED AND SPECIAL USES**

RESIDENTIAL	Accessory Building and Structure*	Permitted
	Single Family Detached	Not permitted
	Single Family Residential, All Floors	Not permitted
	Multi-family Residential, All Floors	Not permitted
	Residential, Upper Floor Only	Not permitted
	Bed and Breakfast	Not permitted
	Foster Care, Adult	Not permitted
INSTITUTIONAL & OPEN SPACE	Day Care, Family	Not permitted
	Dwelling, Two-family	Not permitted
	Place of Public Assembly	Permitted
	School	Permitted
COMMERCIAL	Park	Permitted
	Plaza	Permitted
	Retail	Permitted
	Office	Permitted
	Eating and Drinking Establishment	Permitted
	Hotel/Lodging	Permitted
	Professional Services	Permitted
	Brewery/Distillery	Permitted
	Veterinary Clinic	Permitted
	Automobile Sales	Special use
	Gas/Service Station	Special use
Drive-through Establishment	Special use	
Sexually-Oriented Business	Special use	
INDUSTRIAL & UTILITY	<b>Marijuana Secure Transporter</b>	<b>Permitted</b>
	Communication Tower	Special use
	Craft Industry	Permitted
	Storage/Warehouse/Assembly	Permitted
	Textile Processing	Permitted

\*For accessory building & structure standards refer to Article VII.

**INTENT**

The intent of the Interstate Gateway district is to provide for commercial uses to serve the larger community and the traveling public in the vicinity of Interstate 94 and to promote the economic development of the City, while establishing standards for curb cut locations, parking, loading and unloading areas, landscaping and building material, to enhance the connectivity, safety and appearance of the City's primary southern entrance.

**SITE DEVELOPMENT STANDARDS**

Min. Area	Max. Height	Min. Setback	Min. Width
8,000 sq.ft.	60 ft.	FY 20 ft. SY 5 ft. RY 10 ft.	75 ft.



**SITE DESIGN STANDARDS SNAPSHOT**

OFF-STREET PARKING	Quantity, location, and landscaping of off-street parking shall be provided as per Article V.  Overnight parking is not allowed unless in conjunction with Hotel/Lodging and Automotive Service.  Parking lots located adjacent to primary and secondary streets shall have one (1) of the following landscape screens at the parking lot edge: Garden Wall, Decorative Metal Fence, or Continuous Landscape Hedge. Parking lot screens adjacent to single-family detached may include any of the above screens, or a minimum four (4) foot wide landscape buffer.
SIGNAGE	Signs are permitted for non-residential uses only, except as permitted for temporary yard signs.  All signage in this district shall follow Article VI.  Refer to Table 6.01.
LANDSCAPING	For Landscaping Standards refer to Article VII.  There shall be a 10' buffer zone along all parcels fronting Red Arrow Highway and along any parcel line abutting the OS, RL, RC or RS districts. One of the following shall be provided within the buffer zone for every 40' linear feet: <ol style="list-style-type: none"> <li>One (1) deciduous tree</li> <li>Two (2) ornamental trees</li> <li>Three (3) shrubs</li> <li>Four (4) flowering perennial plants</li> </ol>

**PERMITTED AND SPECIAL USES**

RESIDENTIAL	Accessory Building and Structure*	Permitted
	Single Family Detached	Not permitted
	Single Family Residential, All Floors	Not permitted
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	Residential, Upper Floor Only	Not permitted
	Bed and Breakfast	Not permitted
	Foster Care, Adult	Permitted
INSTITUTIONAL & OPEN SPACE	Day Care, Family	Permitted
	Dwelling, Two-family	Not permitted
	Place of Public Assembly	Permitted
	School	Permitted
	Park	Permitted
COMMERCIAL	Plaza	Permitted
	Retail	Permitted
	Office	Permitted
	Eating and Drinking Establishment	Permitted
	Hotel/Lodging	Permitted
	Professional Services	Permitted
	Brewery/Distillery	Permitted
	Veterinary Clinic	Permitted
	Automobile Sales	Permitted
	Gas/Service Station	Permitted
INDUSTRIAL & UTILITY	Drive-through Establishment	Permitted
	Sexually-Oriented Business	Not permitted
	Marijuana Secure Transporter	Permitted
	Communication Tower	Special use**
	Craft Industry	Permitted
	Storage/Warehouse/Assembly	Not permitted
	Textile Processing	Not permitted

\*For accessory building & structure standards refer to Article VII.  
\*\*Collocation & increasing height/area by 20% is permitted by right.

<b>CITY COUNCIL REPORT</b>	<b>ACTION ITEM</b>
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> Amendment to Zoning Ordinance – Addition of PUD provisions</p>	<h1>H</h1>
<p><b><u>Background:</u></b></p> <p>The City adopted major updates and revisions to the Zoning Ordinance in 2017, and in so doing, many of the historical definitions and Zoning Districts were kept in place with only minor updates and alterations. One item that was removed from the Zoning Ordinance was the ability to present the City with a PUD, or Planned Unit Development. A PUD is a way to allow flexible development through minor deviations from certain zoning requirements for a specific project. For example, the Harbor Habitat project will bring desperately needed housing to the City; however, from a technical standpoint, the density and setbacks for the project need a slight variance from the zoning ordinance’s strict provisions. The PUD provisions give developers for parcels over 1 acre some flexibility to come to the City with projects that benefit the City and bring needed housing, but which projects might not meet every technical requirement for the Zoning District. Approval of a PUD allows some variances from the strict requirements of that zoning district for projects that bring value to the City.</p> <p>PUD approval requires several levels of consideration. First, an applicant would discuss the overall project idea with the City Manager and Building Inspector. Then the project would be presented in a formal manner to the Planning Commission, with a recommendation to the City Council. Final review and approval is required by the City Council. In addition to these steps, there would be consideration by the City’s utility department, drainage concerns would be addressed, and any legal considerations would be discussed prior to approval. I believe this process thoroughly vets any potential project and allows maximum public participation prior to any PUD approval being granted.</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council consider adopting an amendment to the Zoning Ordinance which allows for PUDs to be presented to the City for parcels over 1 acre, with the intent of having more flexible regulations to encourage development within Bridgman?</p> <p><b><u>Budget Impact:</u></b></p> <p>None at this time, but future development would bring additional property taxes and much-needed housing to the City.</p> <p><b><u>Recommendation:</u></b></p> <p>The City Attorney recommends that the City Council review and adopt the PUD Ordinance for 1st Reading.</p> <p><b><u>Supporting Documents:</u></b></p> <p>Ordinance 2022-214 attached.</p> <p>Prepared &amp; Submitted By: Sara Senica, City Attorney</p>	

CITY OF BRIDGMAN

COUNTY OF BERRIEN

STATE OF MICHIGAN

Ordinance No. 2022-214

AN ORDINANCE TO AMEND THE CITY OF BRIDGMAN ZONING ORDINANCE TO INCLUDE PROVISIONS FOR PLANNED UNIT DEVELOPMENTS.

The City of Bridgman ordains:

**SECTION ONE.** The following Article 2.16 is adopted and added to the City Zoning Ordinance:

A. Purpose and Intent

The regulations of this section contained are intended to offer an alternative to conventional development and traditional zoning standards and to permit flexibility in the development or redevelopment of areas through the authorization of Planned Unit Development (PUD) districts. The standards in this section are intended to promote and encourage development on parcels of land that are suitable in size, location, and character for the uses proposed, and are further intended to ensure compatibility with adjacent land uses, the City's Master Plan, and where applicable, existing natural features.

The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot of certain minimum dimensions. However, in certain developments, these requirements may sometimes result in situations less in the interest of public health, safety, and welfare than if greater flexibility were permitted. The purpose of a PUD is to permit the development of planned areas for various compatible uses allowed by the zoning ordinance and for other uses not so provided. This district is also intended to enhance flexibility in building placement standards in order to achieve a recognizable benefit for the public interest and to further implement the policies and recommendations of the City of Bridgman Master Plan. It is intended that this district shall afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to this district.

B. Objectives and Qualifying Conditions

1. The degree to which the following objectives are satisfied shall be considered by the Planning Commission and City Council in its review of a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning of planned developments. The objectives of PUDs are:
  - a. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where necessary, other support facilities within reasonable distance of all dwelling units;
  - b. To encourage developers to use a more creative and imaginative approach in the development of property in the City;

- c. To allow for market-driven development or redevelopment in places most conducive to accommodating additional activity;
  - d. To facilitate economic development through the creation of a mix of uses and/or building types and forms;
  - e. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods;
  - f. To provide for the adaptive re-use of significant or historic buildings;
  - g. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the City.
  - h. To promote flexibility in design and to permit planned diversification in the location of structures;
  - i. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
  - j. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;
  - k. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;
  - l. To combine and coordinate architectural styles, building forms, and building relationships; and
  - m. To ensure a quality of construction commensurate with other developments within the City and consistent with the building type and façade standards in the City's form generating zoning districts.
2. Qualifying Conditions.
- a. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties and have a minimum area of at least 1 acre.
  - b. Conditions. To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:
    - 1) The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
    - 2) The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan;
    - 3) The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space;
    - 4) The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.
  - c. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted City of Bridgman Master Plan.

C. Permitted Uses and Residential Density

1. The following uses may be permitted in a PUD:
  - a. Uses permitted by right or by special land use in the underlying zoning district;
  - b. Any use that is determined to be consistent with the City Master Plan;
  - c. A combination of residential, commercial, and public uses which are compatible with existing and adjacent land uses and the City Master Plan;
2. Only those uses approved for the PUD shall thereafter be permitted within the PUD.
3. For PUDs containing residential uses located in non-residential districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the Master Plan, existing and future surrounding land uses, capacity of public utilities and services, and other applicable factors.
4. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.
5. Land not proposed for development and not used or dedicated existing public or private street rights-of-way or other infrastructure, but used for the calculation of overall density, shall be considered open space and subject to the requirements of subsection F below.

D. Non-Residential or Mixed Use PUDs

1. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
2. A mix of residential and non-residential uses may be permitted only if they will not materially alter the character of the neighborhood and/or the PUD.
3. When a PUD contains a mix of residential and non-residential uses, buildings designed for non-residential uses shall be constructed according to the following requirements:
  - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
  - b. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.

E. Design Standards

1. Deviations from Minimum Requirements. In approving a PUD, the City may permit deviations from the lot area and width requirements, parking requirements, required buffers, building setback requirements, height limitations, and other requirements of the zoning ordinance. However, PUDs located in form generating districts shall comply with building type, façade requirements, and building site placement standards of the underlying district and in no case shall a PUD be permitted to deviate from these requirements.

2. Deviations from the underlying district shall be consistent with all other requirements of this Ordinance, the Master Plan, and the following standards:
    - a. The applicant shall identify, in writing, all proposed deviations from the underlying zoning district. Deviations may be approved by the City Council after the Planning Commission recommendation. These adjustments may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) within the vicinity.
    - b. Deviations from the minimum requirements or permitted density shall also satisfy at least one (1) of the following criteria:
      - 1) The proposed deviations shall preserve the best natural features of the site;
      - 2) The proposed deviations shall create, maintain, or improve habitat for wildlife;
      - 3) The proposed deviations shall create, maintain, or improve open space for the residents;
      - 4) The proposed deviations shall enhance the views into the site as well as the view from dwellings to be built on site;
      - 5) The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property; and/or
      - 6) The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.
  3. Other Requirements.
    - a. All electric, cable, internet, and telephone transmission wires within the PUD shall be placed underground.
    - b. Signs are permitted in accordance with the zone district in which the proposed uses are permitted.
  4. Conditions. The City Council may impose conditions with the approval of a PUD that are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the PUD approval and shall be enforceable by the Zoning Administrator.
- F. Open Space. If open space is provided in the PUD, it shall meet the following considerations and requirements:
1. Open space may be established to separate uses within the PUD.
  2. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may reasonably utilize the available open space.
  3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of open space to relieve the City of the future maintenance thereof.
  4. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.

5. All land set aside as open space shall be deed restricted to ensure that the open space remains undeveloped in perpetuity.
6. All open space shall be in joint ownership of the property owners within the PUD or some other entity approved by the City. Such joint ownership or entity shall take responsibility for the maintenance of the open space.
7. The maintenance requirements of dedicated open space may include regular clearing and mowing or other active maintenance. Maintenance shall also include the removal of any accumulation of trash or waste material within the dedicated open space, cleanup of storm damage, removal of diseased plant materials, and similar improvements.
8. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
9. In form generating districts, open space shall also be designed and arranged to accomplish the following:
  - a. to maximize compatibility between uses;
  - b. to further the intended physical form of the development pattern of the vicinity;
  - c. to be consistent with the intent of the underlying form generating district; and
  - d. to create a series of important elements that contribute to a high-quality urban place.

G. General Application Procedures. The following steps, which are outlined in subsections H-K below, shall govern all applications for PUD approval, whether residential, non-residential, or mixed use:

1. Preliminary Planning Commission Review (Optional). A preliminary plan may be submitted to the Planning Commission for initial review. The applicant may attend a pre-application review of the proposed PUD Plan with the Planning Commission.
2. PUD Plan and PUD Rezoning.
  - a. The Planning Commission shall review the PUD plan and PUD rezoning application, hold a public hearing (if desired), and make a written recommendation to the City Council.
  - b. The City Council shall review the PUD plan and PUD rezoning application, and the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
3. PUD Final Site Plan Review. The Planning Commission and other applicable City personnel shall review the PUD final site plan in accordance with subsection K of this article.
4. An application for PUD shall be accompanied by a statement with regard to compliance with the standards required for approval in subsection J, and other standards imposed by this Ordinance affecting the PUD under consideration.
5. Either concurrently with the PUD plan application, or upon approval by the City Council (with or without conditions), the applicant may apply for preliminary plat approval, condominium approval, and private road approval, as applicable.

6. Approval of a PUD pursuant to this article shall constitute an amendment to the Bridgman Zoning Ordinance and Zoning Map.

H. Preliminary Planning Commission Review (Optional)

1. Preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission, and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs which will be necessary for PUD review.
2. As part of the pre-application review, the applicant shall submit a copy of a conceptual plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
3. The Planning Commission shall advise the applicant regarding whether the proposed conceptual plan complies with the purpose and intent of this article and if it qualifies for PUD rezoning pursuant to the objectives and qualifying conditions of subsection B.
4. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval of the PUD plan.

I. Procedures for PUD Plan and PUD Rezoning

1. Required Information. Following the preliminary review (if conducted), the applicant shall submit a completed application form for PUD rezoning, the required application fee, and ten (10) copies and a PDF of the PUD plan to the Planning Commission at least thirty (30) days prior the next Planning Commission meeting.
2. The PUD plan shall be professionally prepared by a licensed engineer, surveyor, architect, and/or landscape architect and shall be drawn to a scale of not less than one (1) inch = 100 feet. The PUD plan shall, at a minimum, contain the following information, unless specific items are determined to be not pertinent to the application by the Planning Commission or Zoning Administrator:
  - a. General Information.
  - b. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.
  - c. Name and address of the property owner or petitioner.
  - d. Scale, north arrow, and date.
  - e. Acreage (gross and net).
  - f. Zoning of adjacent properties.
  - g. Legal property description.
  - h. Existing site conditions:

- 1) Boundary survey lines and setbacks.
  - 2) Location sketch showing site, adjacent streets, and properties within 300 feet or as directed by the City.
  - 3) Location, width, and purpose of all existing easements and lease areas, including cross-access.
  - 4) Abutting street right(s)-of-way and width.
  - 5) Topography with contour intervals of no more than two (2) feet.
  - 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15%, lakes, rivers, creeks, county drains, and other significant site features, including the area of such features.
  - 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
  - 8) Size and location of existing utilities and status, where applicable.
- i. Proposed Development:
- 1) Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.
  - 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
  - 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
  - 4) Layout and typical dimensions of building envelopes, proposed parcels, and lots.
  - 5) Parking, stacking, and loading calculations, if applicable.
  - 6) Phasing plan, if applicable.
  - 7) Conceptual plan for provision of public water and public sanitary sewer services.
  - 8) Conceptual grading plan.
  - 9) Conceptual stormwater plan.
  - 10) Conceptual building types, including building elevations and footprints.
- j. Additional Information:
- 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project, and documentation indicating how the objectives and qualifying conditions in subsection B and the standards of subsection J are met.
  - 2) A table detailing all requested deviations identified in the PUD Plan compared to the requirements of the zoning district in which the proposed PUD is located. This table shall clearly identify the requirement in comparison to the requested deviation.

- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.
3. Planning Commission Review and Optional Public Hearing.
    - a. The Planning Commission shall review the PUD Plan at a regular or special meeting and may hold a public hearing, though it is not required. Notice of the public hearing (if held) shall be provided in accordance with Section 8.06 of this Ordinance.
    - b. The Planning Commission shall review the PUD plan in consideration of public comments, technical reviews from city staff and consultants (if requested), and other applicable standards and requirements. Within a reasonable timeframe, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD plan and PUD rezoning to the City Council. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
    - c. In order to recommend approval of the PUD plan and PUD rezoning, the Planning Commission shall find that the standards of subsection J are satisfied.
  4. City Council Review and Required Public Hearing.
    - a. Following receipt of a recommendation from the Planning Commission on the PUD plan and PUD rezoning, a public hearing of the City Council shall be scheduled in accordance with Section 8.06 of this Ordinance.
    - b. After the public hearing, the City Council shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from city staff and consultants, and other applicable standards and requirements. Within a reasonable time, the City Council shall approve, approve with conditions, or deny the PUD plan and PUD rezoning. The City Council's decision shall be documented with written findings to justify its decision.
    - c. In accordance with the Michigan Zoning Enabling Act, as amended, the City Council may place reasonable conditions on the approval of a PUD plan, including a performance guarantee pursuant to Section 7.25 of this Ordinance. Conditions attached to the approval shall be incorporated into the ordinance adopting the PUD plan and PUD rezoning.
    - d. Approval of the PUD plan and PUD rezoning by the City Council shall be incorporated into an ordinance amending the zoning ordinance and map. Such rezoning and PUD plan approval shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.
- J. PUD Plan and Rezoning Standards for Approval. In order to approve a PUD plan and PUD rezoning, the Planning Commission and City Council shall find that all of the following standards are met:
1. The proposed PUD complies with the purpose, objectives, and qualifying conditions of subsections A and B.

2. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.
3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.
6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations.

K. PUD Final Site Plan

1. Within one year after PUD plan and PUD rezoning approval by the City Council, a minimum of four (4) copies and a PDF the PUD final site plan for the entire PUD (or at least one phase of the PUD) shall be submitted by the applicant in accordance with Section 8.09 of this Ordinance.
2. All PUD final site plans subsequently submitted shall conform to the approved PUD Plan subject to minor revisions and all conditions attached to its approval, the ordinance adopting the PUD plan and PUD rezoning, and the requirements of this article.
3. If the PUD final site plan substantially conforms to the approved PUD Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this article, then the Planning Commission shall approve the PUD final site plan.
4. Unless otherwise permitted by subsection L(2) below, PUD final site plans shall be reviewed by the Planning Commission and any other applicable city personnel.
5. For land uses within the PUD subject to additional special land use requirements, such uses shall comply with all such required conditions, unless deviations were approved pursuant to this article.
6. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, and/or condominium units, such uses shall be reviewed and approved in accordance with all other applicable sections of the zoning ordinance and other provisions of the city code. These review processes may occur concurrently with the process for PUD plan review and PUD rezoning.

L. Approved PUDs

1. Phased Projects. Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and residents of the community. Each phase of a PUD shall require the submittal of a site plan as outlined in subsection K.

2. Amendments to an Approved PUD. An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and City Council pursuant to subsection I (3-4), except that the Zoning Administrator may review and approve minor amendments to the PUD, or refer minor amendments to the Planning Commission for a determination with or without a public hearing. Minor amendments include, but are not limited to, the following:
  - a. Reduction of the size of any building, building envelope, or sign.
  - b. Movement of buildings or signs by no more than 10 feet.
  - c. Changes requested by the City for safety reasons.
  - d. Changes which will preserve natural features of the land without changing the basic site layout.
  - e. Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent, or which do not change the average lot or unit width throughout the development.
  - f. Additions or modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan.
  - g. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change.
  - h. Other non-substantive changes proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the City to be not material or significant in relation to the entire site and which the City determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.
3. Expiration
  - a. A PUD (or at least the first phase of a PUD) shall be under meaningful construction of proposed improvements consistent with the approved PUD final site plan within one year after the date of approval of the PUD final site plan, which shall proceed diligently to completion. For the purposes of this subsection, “meaningful construction” means substantial completion of improvements such as utilities, roads, buildings, and similar improvements.
  - b. Upon expiration of the time period for submission of either (a) the PUD Plan and rezoning, or (b) the PUD final site plan, such approvals shall automatically become null and void and all rights of development based on the plan shall terminate.
  - c. The City Council may approve extensions of up to one year at a time, if requested in writing by the applicant prior to the expiration date of the original PUD plan approval or PUD final site plan approval. In requesting an extension, the applicant shall provide the reason(s) it is requesting the proposed extension.
  - d. Upon expiration of a PUD plan or PUD final site plan, the Planning Commission may conduct a public hearing and make a recommendation to rezone the property to its original designation or other district as deemed appropriate.

4. Appeals and Variances. The Zoning Board of Appeals shall not have jurisdiction to consider variances from the requirements of this article, nor may decisions related to a PUD be appealed to Zoning Board of Appeals.
5. Performance Guarantees. The Planning Commission and/or City Council may require the applicant for PUD rezoning to furnish a performance guarantee pursuant to Section 7.25 of this Ordinance.

**SECTION TWO.** Severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION THREE.** Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.


**SECTION FOUR.** Effective Date. A summary of this ordinance shall be published in a newspaper of record as provided by law, and this ordinance shall become effective seven (7) days after publication.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Allyson Holm, City Clerk

CITY COUNCIL REPORT	ACTION ITEM
<p><b>Date:</b> May 2, 2022</p> <p><b>Subject:</b> Schedule a Public Hearing for the Fiscal Year 2023 Budget (July 1, 2022 – June 30, 2023) on June 6, 2022, at 6:30 p.m. at City Hall</p>	
<p><b><u>Background:</u></b></p> <p>MCL Section 141.412 and the City Charter require that a public hearing be held prior to the adoption of a city budget by the City Council. The Council is asked to schedule a public hearing for the FY 2023 (July 1, 2022 – June 30, 2023) City of Bridgman Budget, on June 6, 2022.</p> <p><b><u>Policy Question:</u></b></p> <p>Should the City Council schedule a public hearing for the Fiscal Year 2023 Budget on June 6, 2022 at 6:30 p.m.?</p> <p><b><u>Budget Impact:</u></b></p> <p>No impact</p> <p><b><u>Recommendation:</u></b></p> <p>The City Manager and City Treasurer recommend that the City Council schedule a public hearing for the Fiscal Year 2023 Budget on June 6, 2022 at 6:30 p.m. at City Hall.</p> <p><b><u>Supporting Documents:</u></b></p> <p>None</p> <p>Prepared By: Debbie Lambrix, Treasurer</p> <p>Submitted By: Juan Ganum, City Manager</p>	



CITY OF BRIDGMAN  
COUNTY OF BERRIEN - STATE OF MICHIGAN

RESOLUTION NO. 98-7

At a Regular Meeting of the City Commission of the City of Bridgman, County of Berrien, State of Michigan, held in the City Hall, Bridgman, Michigan on the 16th day of November, A. D., 1998, at 7:00 o'clock p.m., Eastern Standard Time.

PRESENT: Commissioners Crocker, Gedeon-Kuhn, Liskey, Skiba,

Birmingham and Catania.

ABSENT: Commissioners Boyd.

The following preamble and resolution were offered by Commissioner, Liskey supported by Commissioner Gedeon-Kuhn.

RESOLUTION

WHEREAS, Act 20 of PA 1943, Investment of Surplus Funds of Political Subdivisions has been amended by Act 196 of PA 1997, to require Cities to adopt a policy regarding investment of funds,

WHEREAS, The City Commission has reviewed the investment objectives of the City and believes it to be in the best interest of the City to adopt a policy to set forth investment objectives, assure safety of principal, diversification, liquidity and return on investment,

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Bridgman adopts, effective this date, the following INVESTMENT POLICY

223-225 E. Front St.  
P.O. Box 72  
Buchanan, Michigan 49107

*Desenberg & Colip*  
*A Professional Corporation*

Telephone  
(616) 695-1500  
Facsimile Number  
(616) 695-2004

pursuant to the provisions of Act 20 of PA 1943, as amended.

## INVESTMENT POLICY

**Section 1. *Statement of Purpose.*** It is the policy of the City of Bridgman to invest its funds, as defined under Act 20 of PA 1943, as amended [MCL 129.91(5)(b)], in a manner which will provide the highest investment return with the greatest safety while recognizing the daily cash needs of the City. The Investment Officer, as defined in Act 20 of PA 1943, as amended [MCL 129.91 (5)(c)] shall comply with all statutes, laws, charters and ordinances governing the investment of funds.

**Section 2. *Scope.*** This policy shall apply to all surplus funds of the City of Bridgman. These funds include, but are not limited to, the general fund, special revenue funds, debt service funds, capital project funds, or any other fund created or maintained by the City and which are accounted for in the various funds of the City.

**Section 3. *Investment Objectives.*** The City Commission directs that the Investment Officer apply the following objectives in the investment of funds:

A. Investment of funds, unless otherwise restricted by public acts or bond authorizing resolution shall be invested only in the following:

(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

(b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution complies with subsection (2).

(c) Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.

(d) Repurchase agreements consisting of instruments listed in subdivision (a).

(e) Bankers' acceptance of United States banks.

(f) Obligations of this state or any of its political subdivisions that at the time of

purchase are rated as investment grade by not less than 1 standard rating service.

(g) Mutual funds registered under the Investment Company Act of 1940, title I of Chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:

(i) The purchase of securities on a when-issued or delayed delivery basis.

(ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.

(iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.

(h) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(i) Investment pools organized under the surplus funds Investment Pool Act, 1982 PA 367, MCL 129.111 to 129.118.

(j) The investment pools organized under the local government Investment Pool Act, 1985 PA 121, MCL 129.141 to 129.150.

The investment in such securities shall be undertaken in a manner to insure preservation of capital or principal.

B. The Investment Officer shall seek to diversify investments by security type and institutions in order to minimize losses on individual securities. When utilizing investment pools, the Investment Officer shall assure that the pool meets the diversification criteria of this policy.

C. The Investment Officer shall develop a budget to plan for the operating requirements that may be reasonably anticipated and shall invest surplus funds in such securities and over such periods that shall maximize return on allowable investments and provide operating funds as forecast.

D. Return on Investment - The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

**Section 4. Authority to Manage Investments.** Management responsibility for the investment program is hereby delegated to the Home Rule City - pursuant to charter provisions, who shall invest the surplus funds of the City of Bridgman pursuant to and in compliance with this policy. The Investment Officer, so designated shall maintain books and records adequate to monitor and manage the funds.

**Section 5. Safekeeping and Custody.** All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Investment Officer shall be on a cash (or delivery versus payment) basis. Securities may be held by a third party custodian designated by the treasurer and evidenced by safekeeping receipts as determined by the treasurer.

AYES: Crocker, Gedeon-Kuhn, Liskey, Skiba, Birmingham and Catania.

NAYS: None.

ABSTAIN: None.

**RESOLUTION DECLARED ADOPTED.**

Elaine E. Thomas  
ELAINE THOMAS, City Clerk

**CERTIFICATION**

I, ELAINE THOMAS, duly appointed City Clerk in and for the City of Bridgman, County of Berrien, State of Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the City Commission

**CITY OF BRIDGMAN**

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**TO:** Juan Ganum**DATE:** May 2, 2022**SUBJECT:** April 2022 Department Report

The following information summarizes the operations of the Assessor's Office during April 2022:

- **Public Act 115 – Principal Residence Exemption (PRE)** – The deadline for filing a new 2022 Principal Residence Exemptions in City of Bridgman is June 1 of the current year. Since March we have received several new PRE exemptions and will be submitting these changes to Berrien County at the end of May so that the 2022 summer tax bills are sent out correct. If taxpayers have questions on the PRE percentage shown on their summer tax bill, please have them contact my office immediately so that a correction can be addressed at the July Board of Review.
- **Residential Property Valuation for 2022** – The Assessor's Office has started the analysis of the residential sales occurring from April 1, 2020 to March 31, 2022 to determine what the anticipated sales/assessment ratio will be for the 2023 assessment roll. The Berrien County Equalization Department will finalize their residential sales study around June 1, 2022 and send out the finalized residential ratio. **The preliminary analysis has shown an increase in residential values of 7.5% for this upcoming 2023 assessment roll.**
- **Annual Reappraisal**- The Assessor's Office is currently preparing for the 20% annual reappraisal that is required by the State Tax Commission. The process starts with printing record cards for the 215 residential, 36 commercial and 3 industrial properties that have been chosen to be reappraised this year. The second step is to perform a desktop review of these records to verify the current information and note any potential errors that need to be addressed at the physical inspections later this spring and summer. If taxpayers have questions about the reappraisal process, they are always welcome to contact the assessor's office for an explanation of the process and how these inspections help determine their assessed and taxable values.

Respectfully submitted,



John Baumann  
City Assessor



**TO: Bridgman City Council**  
**FROM: Juan Ganum, City Manager**  
**DATE: May 2, 2022**  
**RE: Manager's Report**

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This report provides the Council with an overview of items that are relevant to the City of Bridgman and its operations.

### **Computer System Upgrade**

I recently informed the Council that the City had completed a migration from Google to Microsoft for email, Office programs and other “back end” functionality. Councilmember and staff emails remain the same, however, we will be utilizing **Microsoft One Drive** in place of Google Drive as an online repository of information. It is important for councilmembers to access to One Drive, so I will conduct a brief overview of the program during our meeting.

### **Boards and Committees**

- The **Planning Commission** held a meeting on April 21, 2022. Draft meeting minutes are attached.
- The **Greater Bridgman Area Chamber and Growth Alliance (CGA)** will hold its annual meeting on Thursday, May 12 at 5:00 PM at Lake Township Park. If you would like to attend, please RSVP to Sarah Spoonholtz at [sspoonholtz@smrchamber.com](mailto:sspoonholtz@smrchamber.com).
- NEW: Henceforth, the meeting minutes of the **Galien River Sanitary District Authority** will be included in my report. Please find the meeting minutes of March 23, 2022 attached.

### **Berrien County**

- The Berrien County Administrator’s weekly updates for April 15 and April 29, 2022 are attached.

### **Bridgman Public Schools**



I have been invited by Bridgman Public Schools Assistant Superintendent (and Bridgman Councilmember) Sam Stine, to participate on an Implicit Bias Committee for the school district. We recently made introductions during a kick-off meeting.

### **Events**

The City Council will consider a special event application submitted by the Bridgman American Legion to hold the Bridgman Memorial Day Parade on Sunday, May 29 at 1:00 PM. The Legion’s Commander, Dave Mutz, has invited the City Council to participate in the parade ceremonies. If the City wishes to be included, please let me know so I can respond to Mr. Mutz.

On Wednesday, May 11 at 8:00 AM at Lake Township Hall, our City Assessor, John Baumann and I will present a session on the impacts of the Headlee Amendment and Proposal A to the **Best**

**Practices Committee** of the Strategic Leadership Council. John and I look forward to sharing this information with our counterparts from other communities within Berrien County and hope it leads to regulatory changes that reduce the negative impact on local government property tax revenue.



**The Strategic Leadership Council Presents**  
The Best Practices Committee's  
**ASK THE EXPERTS**

**Expert Speakers Include:**  
*Juan Ganum, Bridgman City Manager*  
*John Baumann, Bridgman City Assessor*

**Learn the History and Impact of Proposal A and the Headlee Amendment**

How does this impact my community here in Berrien County?  
Will it Affect Future Development and Municipal Services?  
What is the impact on my residents?

Wednesday, May 11 \* Lake Charter Township Hall \* 8 - 10 am  
RSVP by Monday, May 9th to [Susan@drivegreatness.org](mailto:Susan@drivegreatness.org)

### **Communication**

The Spring 2022 edition of the Community Buzz is undergoing final review. Once edits have been submitted to Bridgman Public Schools the newsletter will be printed and mailed.

**CITY OF BRIDGMAN  
PLANNING COMMISSION  
REGULAR MEETING  
APRIL 21, 2022  
6:30 PM**

The regular meeting of the Bridgman City Planning Commission was held on April 21, 2022 at City Hall, 9765 Maple Street, Bridgman, MI and called to order by Vice-Chair Truesdell at 6:30 p.m.

**MEMBERS PRESENT:** John Truesdell, Gene Herrman, Steve Parsons, Tom Woerdehoff, Dorothea Crocker, Richard Kading

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Clerk Holm, City Manager Ganum, Building Official Mattner

Pledge of Allegiance was led by the board.

**APPROVE/AMEND AGENDA:**

**Motion** by Member Crocker, seconded by Member Woerdehoff to approve the agenda for April 21, 2022 as presented, **voice vote, motion carried unanimously.**

**APPROVE MINUTES:**

**Motion** by Member Herrman, seconded by Member Parsons to approve the March 17, 2022 minutes as presented, **voice vote, motion carried.**

**HEARING OF CITIZENS:**

- No one wished to be heard

**OLD BUSINESS:**

Vice-Chair Truesdell spoke on the recent passing of Chair Mark Hurray. The best way to honor him is to continue on with his work going forward with the five goals and objectives in the Master Plan that the board identified. The board will need to talk about where they want to go with those goals and what they would like to prioritize first. He stated that the council began to take action on the marijuana transporter topic and the need to get clarification from the council with how they would like the board to proceed.

Ganum explained that the council did an introduction and first reading of three separate ordinances under two actions. The first two are general ordinances to allow a medical and recreational marijuana secure transporter license that specifically prohibits all other types of

categories and licenses. The third ordinance is to amend the Zoning Ordinance to allow a marijuana secure transporter license in the Transitional Industrial and Interstate Gateway districts only and add new definitions. With that being said, Vice-Chair Truesdell stated it is pretty clear from council that the board does not need to continue researching marijuana licenses unless directed to do so down the road.

**Review Coastal Leadership Academy:** <https://youtu.be/wPPQs-IgtYo>

Video 4 of 6 was viewed: *Data and Tools for Making Informed Decisions*.

The board discussed the video and talked about incorporating some of the data into the coastal resiliency here within the city. Bridgman has put together a coastal resiliency committee to track and continue to grow the coastline, to ensure its resiliency for many years to come. A report from the committee will be prepared and shared with the board at the next meeting.

Vice-Chair Truesdell lightly reviewed the five areas that were identified in the Master Plan that Hurray helped prioritize. Member Herrman also suggested talking about Japanese Knotweed as a noxious weed spreading. The board decided to tackle one or two of the five areas beginning next month.

#### **PUBLIC HEARING:**

**Vice-Chair Truesdell opened the public hearing at 7:00 p.m.**

**PURPOSE OF THE PUBLIC HEARING** To consider an amendment to the Bridgman Zoning Ordinance to incorporate Planned Unit Development (PUD) ordinance (Section 2.16), brought forth by the Bridgman Planning Commission.

#### **PRESENTATION BY THE PETITIONER**

Mattner read his report that was included in the packet to the board. The PUD's will not circumvent any of the formed based districts that are in the Zoning Ordinance. This will be a very nice tool to use which should not have been removed from the Ordinances when it was revised in 2017.

#### **PUBLIC COMMENTS**

- Barbara Hall, Baldwin Rd. – She heard that the HUD agreement will run out in 2023 at the Baldwin Estates across the street from her, and the new owner is going to outsource the current residents and make them more expensive. She also heard that more houses are going to be developed behind what is currently there. She said the condition of Baldwin Road is getting bad and wondered when the City plans on fixing it. She also inquired about golf carts in the city.

## **CORRESPONDENCE**

- No correspondence was received.

## **CLOSE THE PUBLIC COMMENTS SESSION**

Vice-Chair Truesdell closed the public comment session at 7:18 p.m.

## **SESSION FOR COMMISSION TO ASK QUESTIONS AND CLARIFICATION STATEMENTS**

Vice-Chair Truesdell asked Ganum to get back to the community member with answers so the board can continue with the PUD discussion.

Ganum stated that the goal is always to provide flexibility and the need to blend housing types in the same area. The board discussed the information and had the following questions and comments:

- Member Herrman has concerns with putting an apartment building next to residential properties because it will affect the property value and in 20 or more years down the road, the apartments could degrade from lack of maintenance and repairs and becomes a blight. Residential property owners need to be protected.
- Mattner explained that apartments and condos are still a residential dwelling. There may be density issues that would not be fitting in certain areas and that is why a proposed PUD would come before the Planning Commission first.
- Vice-Chair Truesdell explained that there are condominium units in the hills amongst single family housing. There needs to be trust and faith in the system starting with city staff, then going before the Planning Commission, allowing public input, and then go to the City Council for approval.
- Ganum explained that the Sunset Village expansion and the Habitat for Humanity project are real world examples of proposed projects being developed, that would be good for the community. Every project would have to be weighed by the Planning Commission first and then go to City Council for approval.
- The board then discussed a few areas in the PUD ordinance pertaining to density and what if any changes need to be made.

**Vice-Chair Truesdell closed the public hearing at 7:49 p.m.**

## **NEW BUSINESS:**

**Consideration of amending the Bridgman Zoning Ordinance to incorporate Planned Unit Development (PUD) ordinance (Section 2.16) and recommend approval to the Bridgman City Council**

**Motion** by Member Crocker, seconded by Member Woerdehoff to recommend to the City Council to amend the Bridgman Zoning Ordinance to incorporate Planned Unit Development (PUD) ordinance (Section 2.16) as presented with the following changes:

- Eliminate section **C. Permitted Uses and Residential Density (4)** *For PUDs located in residential zoning districts, the permitted density shall not be greater than that permitted by the zone district in which the proposed uses are permitted. If the PUD lies in more than one (1) zone district, then the number of dwelling units shall be calculated on a proportionate basis.*
- Strike the following under section **C. Permitted Uses and Residential Density (5)** *The total amount of land to be used for the calculation of the permitted density in a PUD **in subsection 4 above** shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing public or private street rights-of-way.*
- Change **E. Design Standards 2(b)** to read as follows: *Deviations from the minimum requirements **or permitted density** shall also satisfy at least one (1) of the following criteria:*

**Voice vote, motion carried unanimously.**

#### **Lake Charter Township – notice of Master Plan update**

Ganum explained that townships are required by the Planning Enabling Act to notify the County and neighboring jurisdictions when they are updating their Master Plan. There will probably be a public meeting at some point and the City’s Planning Commission can give their input or recommendation as a body and weigh in by resolution. There should be harmony between Lake Township and the City’s Master Plan.

#### **STAFF UPDATE:**

Ganum and Mattner gave the following update:

- Member Herrman stated Stan Markovich is the new Interim Lake Township Supervisor.
- Mattner updated the board on the status of Casey’s. He said that the project went out for a rebid and they are supposed to start breaking ground at the end of May. He also said that he left Mr. Dominion a message last week but still hasn’t heard back from him.
- Member Herrman inquired about appointing a new Vice-Chair. Ganum explained that could be done at the next meeting.
- Mattner told the board that maybe they should consider doing a joint meeting with Lake Township’s Planning Commission like the Township Board and City Council does from time to time.

#### **ADJOURNMENT:**

**Motion** by Member Herrman, seconded by Member Woerdehoff to adjourn the meeting at 8:00 p.m., **voice vote, motion carried.**

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Tom Woerdehoff, Secretary

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Allyson Holm, City Clerk/Recording Secretary

GRSD SEWER AUTHORITY MEETING MINUTES  
March 23<sup>rd</sup>, 2022

Meeting called to order at 10:00 a.m. at the Chikaming Township Hall by Chairman David Bunte. Roll call was taken with the following members present: Tim Kading, Michelle Heit, John Wilk, and John Humphrey.

Also Present:

Josh Teeter, Superintendent, Amanda Brunke, Recording Secretary, Mark Prein from Prein and Newhof, and Andy Campbell from Baker Tilly.

AGENDA

Motion by John Wilk supported by Michell Heit to approve the March 23<sup>rd</sup>, 2022 agenda as presented. All ayes. Motion carried.

MINUTES

Motion by Michelle Heit supported by John Humphrey to approve the minutes from the February 23<sup>rd</sup>, 2022 regular Board Meeting as presented. All ayes. Motion carried.

PAYABLES

Motion by John Humphrey supported by Michelle Heit to approve the February 2022 Payables of the General Fund in the amount of \$87,397.67, as presented. All ayes. Motion carried.

MONTHLY REPORTS

Manager's Report

Josh Teeter informed the Board of the following:

- A.) Semco replaced the plant's main natural gas meter.
- B.) Continuing securing a wider easement for Lift Station #10.
- C.) Currently updating member unit billing methodologies.
- D.) In the process of updating Industrial Pretreatment Program and Sewer Service Agreement legal documentation.
- E.) Started compiling documentation for the Union Contract negotiations.

Engineer's Report

Mark Prein from Prein and Newhof informed the Board of the following:

- A.) Updates on Metering Review, Rates Structure, Merchant Easement Encroachment Review, BCRD Projects, Lift Station #79 Generator, Lift Station #10 Force Main design and easement.

FINANCIAL

The Treasury Report for the General Fund, Capital Improvement Fund, Operations and Maintenance Reports, Manager's Report, Engineer's Report and Monthly Meter Readings were presented.

Motion by John Wilk supported by John Humphrey to accept the Treasury Report and the Monthly Reports to be placed on file. All ayes. Motion carried.

OLD BUSINESS

A.) Discussed and approve payment application No. 4 (Final) to Oselka Construction Company.

Motion by John Humphrey supported by Michelle Heit to approve the Payment Application No. 4 to Oselka Construction Company, for the cost of work completed to date for the Wastewater System Improvement's Project at Lift Station #79, in the amount of \$9,400.00. The full release of retainage held during construction is included in this payment application. All ayes. Motion carried.

B.) Discussed rate structure. No decisions have been made at this time.

C.) Andy Campbell from Baker Tilly presented the refinancing bid from Huron Community Bank.

Motion by Michell Heit supported by John Humphrey to accept the bid from Huron Community Bank for the bond refinancing, and to have Josh Teeter the appointed signee of the approved sale. All ayes. Motion carried.

NEW BUSINESS

A.) Discussed updated Industrial Pretreatment Program Rates.

Motion by Tim Kading supported by Michelle Heit to approve the Industrial Pretreatment Program Rates as presented. All Ayes. Motion carried.

PUBLIC COMMENT

None.

ADJOURNMENT

Motion by Michelle Heit supported by John Humphrey to adjourn the regular meeting at 11:10 a.m. All ayes. Motion carried.

Attested To:

\_\_\_\_\_  
Chairman – David Bunte

\_\_\_\_\_  
Secretary – Juan Ganum

\_\_\_\_\_  
Recording Secretary – Amanda Brunke

## COUNTY ADMINISTRATION

- County Administrator
- Personnel
- Corporate Counsel



701 Main Street  
St. Joseph, Michigan 49085  
Telephone: (269) 983-7111, Ext 8095  
Fax: (269) 983-5788

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## M E M O R A N D U M

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**TO:** Board of Commissioners

**FROM:** Brian Dissette, County Administrator

**RE:** Weekly Update

**DATE:** April 15, 2022

Below is a brief description of some of the items that the team at Berrien County have worked on during this past week:

- At this week's meeting of the Board of the Commissioners, the Board received an update from Caitlin Sampsell, 911 Dispatch Director, on her organization's operations and celebration of the National 911 Public Safety Telecommunicator Week. Sampsell also provided the Board with an announcement on the 911 Telecommunicator of the Year award. More information on the awards and announcements, along with an image of presentation, can be found at the following links:
  - <https://www.berriencounty.org/DocumentCenter/View/15675/04-14-2022-Press-Release--911-Telecommunicator-of-the-Year--Burks>

- <https://www.berriencounty.org/DocumentCenter/View/15683/04-14-2022-911-Dispatcher-of-the-Year-Award?bidId=>
- The Berrien County Animal Control celebrated National Animal Care & Control Appreciation Week. Staff at Animal Control also reported that the partnership with Honor Credit Union continues to present featured animals for adoption. More information on these items can be found at the following links:
  - <https://www.berriencounty.org/DocumentCenter/View/15676/4-14-2022-Animal-Control-Week>
  - <https://www.berriencounty.org/DocumentCenter/View/15653/4-6-2022-2022-social-featuredDog-Steven>
  - <https://www.berriencounty.org/DocumentCenter/View/15654/4-6-22-2022-social-featuredCat-Jeffers>
- Another item that occurred at today's meeting of the Board of Commissioners was a presentation from West Michigan Guardianship. Staff from the organization presented on the organization's service delivery and financial needs. A copy of the presentation file can be found at the following link:
  - <https://www.berriencounty.org/DocumentCenter/View/15677/04-14-2022-COW-WM-Guardianship-Presentation>
- The team at Kinexus has released their latest data on the local labor market. This analysis covers the local area for the months of March & April. That presentation file can be found at the following link:
  - <https://www.berriencounty.org/DocumentCenter/View/15678/04-14-2022-March-April-2022-Roundtable-Primer>
- As a reminder, the Board recently received a presentation related to public defense for Berrien County juveniles. Paul Janča, Jr., Berrien County Public Defender's Office, presented information to the Board on a proposed expansion of the public defense program. Janča described his plan to request funding from the State of Michigan to add staff and take on additional work providing defense to local juveniles. Janča is working to secure funding from the State of Michigan to provide the added level of

service. More information on the program and funding request can be found at the following link:

- <https://www.berriencounty.org/DocumentCenter/View/15650/04-07-2022-BOC-Presentation-Materials-Emerging-Adults-Task-Force>
- As a reminder, the Berrien County Public Defender's Office has announced a partnership with the Boys & Girls Club of St. Joseph/Benton Harbor, and local law enforcement agencies to host a youth basketball tournament this summer. The event is scheduled to occur on June 11<sup>th</sup> and 12<sup>th</sup> in the Twin Cities area. More information can be found at the following link:
  - <https://www.berriencounty.org/DocumentCenter/View/15615/3-24-22-Twin-Cities-3-on-3-Tourney-Save-the-Date-31622>
- A final update on the Public Defender's Office relates to the announcement of Kaitlin Locke as the new Chief Assistant. The announcement about Locke's promotion was reported on by the Herald Palladium. That article can be found at the following link:
  - [https://www.heraldpalladium.com/communities/st\\_joseph/kaitlin-locke-finds-her-calling-as-berriens-chief-assistant-public-defender/article\\_8d3cbb38-959e-59fd-b49a-eedcdc199102.html](https://www.heraldpalladium.com/communities/st_joseph/kaitlin-locke-finds-her-calling-as-berriens-chief-assistant-public-defender/article_8d3cbb38-959e-59fd-b49a-eedcdc199102.html)
- The Berrien County Health Department (BCHD) continues to keep residents informed on health news in the community. Some BCHD information can be found below:
  - The Health Department rolled out its campaign to promote the availability of lead filters to residents of Benton Harbor. Our [press release](#) resulted in number of media opportunities, including interviews with radio stations [WSJM](#) and [WVPE](#). Additionally, [WNDU](#) picked up the release and did a story, which was picked up by [Food and Beverage Reporter](#). [ABC57](#) has a brief mention of filters being available. The media outreach is being supported by a social media campaign. Also, our friends at Spectrum Health Lakeland will be running graphics we have created for this campaign on their closed-circuit televisions and as screensavers on PCs throughout the system. This is a new

opportunity for BCHD, which we are quite excited about as it will broaden reach and awareness.

- This morning, we shared a [news release](#) on the availability of second COVID-19 boosters for those over the age of 50. Our vaccine clinics had a noticeable increase last week, which we anticipate will continue for some time.
- As a reminder, Guy Miller recently talked with Bridge Magazine about the recent MDHHS announcement of a state-sponsored lead abatement program in Benton Harbor to remove lead sources from the homes of residents. That article can be found at the following link:
  - <https://www.bridgemi.com/michigan-environment-watch/state-praised-vow-remove-sources-lead-benton-harbor-homes>
- We have relaunched our [COVID-19](#) dashboard, which is refreshed every Friday.
- As a reminder, at last week's meeting of the Board of Commissioners, the Board received an update related to lead filters for Benton Harbor drinking water customers. Guy Miller & Chioma Ejiofor, Berrien County Health Department, presented information to the Board on the lead filter program that is set to resume in Benton Harbor. Health Department staff are working now to notify the public of the program and availability of filters. More details on today's presentation can be found at the following link:
  - <https://www.berriencounty.org/DocumentCenter/View/15655/P2204226-SIGNED>
  - <https://www.berriencounty.org/DocumentCenter/View/15651/04-07-2022-COW-Presentation-Lead-Filter-Response-BH>
  - <https://www.berriencounty.org/DocumentCenter/View/15679/04-14-2022-BCHD-website-updated-FAQ>
  - <https://www.berriencounty.org/DocumentCenter/View/15681/04-14-2022-Lead-filters-design-options>
  - <https://www.berriencounty.org/DocumentCenter/View/15682/04-14-2022-BCHD-Water-Filter-Billboards>

- The Berrien County Road Department has provided an update on the status of local projects and activities. That update is listed below:

Here is the Road Report update for week of **04/11/2022**.

**News:**

Spring Adopt-a-Road Reminders

- Groups are requested to complete any remaining Spring roadside cleanups this week
  - Additional Adopt-a-Road reminders and information available:
    - <http://bcroad.org/CivicAlerts.aspx?AID=1910>

Road Department Closure Friday

- The Berrien County Road Department Offices and the other Berrien County Offices will be closed for Spring Holiday and Good Friday on Friday, April 15th, 2022.
- Remember that you can leave the Road Department a voice recording with service request information 24 hours a day.
  - Information will be heard and documented the request system during next regularly scheduled office hours.
- If you have any road related emergencies remember to contact 911 dispatch directly.

Downed Tree/Blocked Road Reporting Tips

- Reminder on tips for reporting down trees or limbs in the roadway
  - Tree down over road? Report location and size.
- If you see limbs or trees blocking traffic please contact our offices to report. If during regular office hours please leave a detailed message and include a call back number if additional information is requested or needed.
- If you come across a road hazard after hours, please report those directly to central dispatch at 269-983-3060 or 911 for emergencies.
  - Please always report trees by including a detailed location, the approximate size (diameter, length) of limb or tree, and indicate to the call taker if any utility lines are involved. Those limbs with utility lines must first be addressed by the utility company prior to the tree being cut up and road reopened to traffic.
  - Do not report time sensitive hazards after hours or over the weekend to Road Department offices, as that message will not be received until the office reopens.
  - Social media is also not closely monitored over the weekends or after hours.

National Public Safety Telecommunicators Week (April 10 – April 16, 2022)

- This week is National Public Safety Telecommunicators week. We at the Road Department wish to thank our amazing and valued 911 dispatchers and emergency professionals. We so greatly appreciate their ability to communicate safety issues to our staff on the road during or after regular hours. Thank you for working to keep all citizens safe. Be sure to thank these valued members of the community if you see them.

**Construction Updates/Notices/Closures:**

Construction Notice: Fairplain Drive Road Improvements and Temporary Road Closure/Detour Information

- Fairplain Drive between M-139 and Mall Drive (Benton Township)
  - <http://bcroad.org/CivicAlerts.aspx?AID=1908>

#### Construction Reminder: Napier Avenue Bridge over the St Joseph River

- Work and temporary lane reconfiguration began Monday, March 28, 2022.
  - <http://bcroad.org/CivicAlerts.aspx?AID=1902>
- One lane of traffic in each direction will be maintained during construction.
  - This lane configuration will change, over the course of the project, to facilitate bridge rehabilitation work.
- We want to remind drivers to...
  - expect possible travel delays
  - reduce speeds when traveling through work zones
  - watch out and be alert to construction workers and equipment

#### Paw Paw Lake Road Closure

- Paw Paw Lake Road (Coloma Township/Watervliet Township) between Hagar Shore Road and Blatchford Road has been closed to thru traffic
  - <http://bcroad.org/CivicAlerts.aspx?AID=1909>

#### Elm Valley Road Closure

- Elm Valley Road (Chikaming Township/Three Oaks Township) between Basswood Road and Schwark Road has been closed to thru traffic
  - <http://bcroad.org/CivicAlerts.aspx?AID=1896>

#### Holden Road Closure

- Holden Road at the Sober & Becker Drain has been closed to thru traffic
  - Holden Road (Lake Township/Baroda Township) between Snow Road and Browntown Road
    - <http://bcroad.org/CivicAlerts.aspx?AID=1867>

#### **Bid Information:**

##### Requests for Bids/Requests for Proposals

<http://bcroad.org/1435/Proposals-Bids>

#### **Job Opportunities:**

For more information and to apply visit <http://www.berriencounty.org/581/Employment>

- Heavy Equipment Operator (Year-Round)
- Medium Equipment Operator (Year-Round)
- Seasonal Summer Construction Temp (Full-time, Seasonal/Temporary)
- Seasonal Engineering Temp/Intern (Full-time, Seasonal/Temporary)
- Project Engineer
- Senior Project Engineer
- Staff Engineer I

**Michigan Department of Transportation News:** Information regarding MDOT construction projects can be found on MDOT's website: <https://mdotjboss.state.mi.us/MiDrive/map#>

- US-12 resurfacing starts Monday in New Buffalo
  - Released: 4/6/2022
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- Final year of US-31 and I-94 rebuilding in Benton Township starts next week
  - Released: 3/28/2022
    - <https://content.govdelivery.com/accounts/MIDOT/bulletins/30fd8f4>
      - US-31 – I-94 Connector Design Build Website
        - <https://storymaps.arcgis.com/stories/4dd9b036f10744bfabf061cf2c51eccb>

Thank you for the time and attention. Please feel free to contact me if there are any questions and/or concerns.

## COUNTY ADMINISTRATION

- County Administrator
- Personnel
- Corporate Counsel



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St. Joseph, Michigan 49085  
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## M E M O R A N D U M

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**TO:** Board of Commissioners

**FROM:** Brian Disette, County Administrator

**RE:** Weekly Update

**DATE:** April 29, 2022

Below is a brief description of some of the items that the team at Berrien County have worked on during this past week:

- Commissioner Don Meeks, District 3, announced at this week's Board meeting that he's resigning his seat and stepping down from his role. Commissioner Meeks noted a desire to spend more time with family and personal projects. The Board of Commissioners will be working in the coming weeks on appointing a citizen to fill the District 3 seat. Images of Commissioner Meeks, taken during his final meeting, along with a description of the process to fill his seat, can be found at the following links:
  - <https://www.berriencounty.org/DocumentCenter/View/15746/04-28-22-BOC-Meeting>
  - <https://www.berriencounty.org/DocumentCenter/View/15747/04-28-22-Meeks-announces-Resignation>

- <https://www.berriencounty.org/DocumentCenter/View/15741/04-28-2022-BOC-fill-Vacancy-Press-Release>
- At this week's meeting of the Board of Commissioners, the Board received an update from Kevin Stack, Berrien County Road Department, related to the repair work occurring at the Napier Bridge. Stack provided an update on the planned maintenance and the need for a full bridge closure for the repairs. Stack provided the Board with a short presentation on the bridge status. That presentation file, along with media coverage, can be found at the following links:
  - <https://www.berriencounty.org/DocumentCenter/View/15745/4-28-22-Napier-Bridge-Closure-Update>
  - <https://www.berriencounty.org/DocumentCenter/View/15735/4-27-2022-Memo-to-BOC-Napier-Project-Shutdown>
  - <https://www.wsjm.com/2022/04/27/road-department-explains-napier-avenue-bridge-closure/>
  - [https://www.heraldpalladium.com/communities/st\\_joseph/napier-avenue-bridge-closes-after-steel-rocker-fails/article\\_50a1719e-6951-541f-bbb9-5907330b3a94.html](https://www.heraldpalladium.com/communities/st_joseph/napier-avenue-bridge-closes-after-steel-rocker-fails/article_50a1719e-6951-541f-bbb9-5907330b3a94.html)
- Another item covered at this week's meeting of the Board was an update from Dan Fette, Community Development, related to a commercial redevelopment project that's planned in Sodus Township. Fette described the planned construction of a Speedway gas station and store at the former Howard Johnson motel site. Fette described the planned use of Brownfield Tax Authority incentives to assist in the project and site cleanup. To view the presentation file, please click the following link:
  - <https://www.berriencounty.org/DocumentCenter/View/15738/04-28-2022-COW-Speedway-Brownfield-Plan-Presentation>
- This week the Board took action to finalize changes at the County's Animal Control Department. Specifically, the Board finalized a plan to move the Animal Control Officers (ACO)'s from under the direction of the Animal Control Department to the Sheriff's Office. The ACO's will move in early May to Sheriff's Office oversight. More information

on the changes will be coming soon. The Board also placed Ashley Herr into the Acting Shelter Manager role and authorized a separation agreement with Tiffany Peterson.

- A final action that occurred at this week's meeting of the Board was the Board's action to honor Mr. Robert Warren for his service to the community. Warren recently passed away at the age of 88. Warren was the longtime president of LECO Corporation. However, his more immediate tie to Berrien County relates to his sale of lakefront property to the County's Parks Department. The property sale allowed for the creation of what is now Silver Beach. More information on the Board's resolution and Warren's contributions to the community can be found at the following links:
  - <https://www.berriencounty.org/DocumentCenter/View/15740/B12141990-Honorary-Resolution>
  - <https://www.wsjm.com/2022/04/27/former-parks-director-recalls-county-purchase-of-silver-beach/>
  - [https://www.heraldpalladium.com/communities/st\\_joseph/bob-warren-former-leco-president-and-silver-beach-savior-dies-at-88/article\\_c92a84ca-0f71-5508-8c08-62174ba53b52.html](https://www.heraldpalladium.com/communities/st_joseph/bob-warren-former-leco-president-and-silver-beach-savior-dies-at-88/article_c92a84ca-0f71-5508-8c08-62174ba53b52.html)
  - <https://www.moodyonthemarket.com/robert-warren-remembered-for-contributions-to-berrien-county/>
- The Berrien County Broadband Internet Taskforce (BCBIT) has announced additional projects related to the rollout of broadband services across the county. BCBIT announced award of broadband construction grants to Bainbridge Township and Oronoko Township. BCBIT also announced the contract award to DCS Technologies for inventory and mapping services tied to future broadband construction projects. Finally, BCBIT announced a slowing of further grant awards, as BCBIT collects additional data and seeks to secure grant funds. The BCBIT update can be found at the following link:
  - <https://www.berriencounty.org/DocumentCenter/View/15742/BCBIT-Letter-4-28-2022>

- Related to broadband construction news, Michigan Radio/National Public Radio reported on the State of Michigan being on the cusp of major broadband expansion for rural areas. That article can be found at the following link:
  - <https://www.michiganradio.org/2022-04-17/michigan-on-cusp-of-major-broadband-expansion-to-areas-of-state-with-little-access>
- As a reminder, the County's Personnel Committee recently received an update from Jill Adams, Parks Department Director, on her department's efforts to track users of Silver Beach. Adams noted that her department engaged Cobalt Community Research to assist with the review process. The Cobalt report found that in 2021, Silver Beach had roughly 728,000 visitors to the park. The report then provided a large amount of details on the visitor demographics and other data. That report can be found at the following link:
  - <https://www.berriencounty.org/DocumentCenter/View/15716/4-21-22-Silver-Beach-Co-Park-2021-Visitor-360-Report>
- The Berrien County Health Department (BCHD) continues to keep residents informed on health news in the community. Some BCHD information can be found below:
  - We continue to gain exposure for our public awareness campaign of the dangers of underage drinking. We are finalizing posters to be shared in area schools and are looking for additional media opportunities.
  - We are expanding our tactics for outreach on water filters in Benton Harbor, including a door-to-door component with a leave-behind in English and Spanish. The media continue to mention the availability of both filters and bottled water.
  - We are also working to raise awareness and encourage applications for open positions within the Health Department, including a nurse position that has been open for some time, through social media.
  - As a reminder, Guy Miller recently talked with Bridge Magazine about the recent MDHHS announcement of a state-sponsored lead abatement program in Benton Harbor to remove lead sources from the homes of residents. That article can be found at the following link:



### Holden Road Closure

- Holden Road at the Sober & Becker Drain has been closed to thru traffic
  - Holden Road (Lake Township/Baroda Township) between Snow Road and Browntown Road
    - <http://bcroad.org/CivicAlerts.aspx?AID=1867>

### **Bid Information:**

#### Requests for Bids/Requests for Proposals

<http://bcroad.org/1435/Proposals-Bids>

- Due by 4pm April 23, 2022
  - Bid #2022-045 St Joseph Township HMA
  - Bid #2022-046 Coloma Township HMA
  - Bid #2022-047 Royalton Township HMA
  - Bid #2022-048 Chikaming Township HMA Overlay
  - Bid #2022-049 Watervliet Township HMA
- Due by 4pm May 4, 2022
  - Hagar Township HMA
  - Benton Township HMA
  - New Buffalo Township HMA
- Due by 4pm May 11, 2022
  - Union Avenue HMA
  - John Beers HMA

### Job Opportunities:

For more information and to apply visit <http://www.berriencounty.org/581/Employment>

- [Heavy Equipment Operator \(Year-Round\)](#)
- [Medium Equipment Operator \(Year-Round\)](#)
- [Seasonal Summer Construction Temp \(Full-time, Seasonal/Temporary\)](#)
- [Seasonal Engineering Temp/Intern \(Full-time, Seasonal/Temporary\)](#)
- [Shop Foreman](#)
- [Project Engineer](#)
- [Senior Project Engineer](#)
- [Staff Engineer I](#)

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