



**CITY COUNCIL WORKSHOP AGENDA
THURSDAY, APRIL 18, 2019 – 4:00 PM**

1. **CALL TO ORDER**
2. **ATTENDANCE**
3. **PUBLIC COMMENT (Agenda Items Limit 3 minutes)**
4. **DISCUSSION ITEMS**
 - A. Interpretive Sign Project/LGBT Recognition
 - B. Street End Policy Review
 - C. Planning Commission Marihuana Survey
5. **OTHER ITEMS OF DISCUSSION**
 - A. City Council 04-22-2019 Meeting Agenda Item Review
6. **PUBLIC COMMENT (Limit 3 minutes)**
7. **COUNCIL COMMENT**
8. **ADJOURN**



City Council Workshop Discussion Item

To: Kirk Harrier
From: Kirk Harrier—City Manager
Date: April 17, 2019
Re: Interpretive Sign Project/LGBT recognition

At the March 21, workshop meeting, the Council received a request from a group of Saugatuck citizens and local residents proposing a rainbow painted crosswalk to recognize and honor the accomplishments of the LGBT community in Saugatuck. Jon Moxey from the city's engineering firm (F&V) was contacted and he stated they are seeing these types of decorative crosswalks in some communities, but they don't conform to current traffic and safety standards. Some local communities have elected to deviate from FHWA standards, but that does open up some increased liability risk.

City's liability insurance rep (Jim Newman) from Meadowbrook Insurance was contacted. Mr. Newman stated if there was an accident involving a crosswalk the City knowingly changed outside of standards; the City would still have liability coverage. The issue of concern would be the potential cost of the claim. In most cases municipalities have governmental immunity if there is an accident. The attorney representing a municipality would file for summary disposition and the case would be over quickly at little cost (\$2,000). However that changes when negligence or gross negligence pierces the "governmental immunity" protection. The liability carrier would still cover the municipality and pay a claim up to the municipalities coverage limit. However a million dollar claim verses a \$2,000 claim impacts a municipality's loss ratio and impacts rates for the municipality for many years.

The City Council discussed painting a section of sidewalk instead and also implementing learning kiosk in the downtown district of Saugatuck. The Council instructed staff to identify possible other topics for interpretative signs and report back. Below are possible ideas/locations Council may consider:

- LGBT Recognition (location near or around Culver St. Parking lot or Coghlin Park)
- Chain Ferry History (location Wicks Park area)
- Mt. Baldhead History (location Mt. Baldhead Park area)
- Big Pavilion History (location Cook Park area)



City Council Workshop Discussion Item

To: Kirk Harrier
From: Kirk Harrier—City Manager
Date: April 17, 2019
Re: Lucy/Water Street End (Willow Park)

Purpose of discussion item:

- Review existing city policy of licensing the street-end in at the Lucy/Water Street area to non-public service operations. (Policy attached).

Policy/Procedure: Street End License Policy

Date Adopted or Implemented: 10-22-2007

Revision Date: N/A

Resolution Number (if applicable): N/A

CITY OF SAUGATUCK

Purpose: To provide a procedure and process for licensing certain City of Saugatuck public street ends at the water for dockage purposes and to ensure consistency in administering the licensing process. The City recognizes that maintaining the integrity of the City's waterfront, in terms of its physical and historical continuity, is of the utmost importance to the City's overall economic health. To this end, the City seeks to develop a policy for street ends and other public waterfronts that integrates and complements existing economic and pedestrian patterns and which also seeks to coordinate the public's property rights with private riparian interests.

Policy: On an annual basis, the City Council will consider licensing certain street ends at the water to interested individuals or businesses. The rates for such licenses shall be set by the City Council from time to time based on current conditions, market rates, and other relevant factors as determined by the Council. The Council shall grant licenses based on its determination of the best interest of the City which determination may include factors such as, without limitation, the availability of public facilities and the proximity of the same to the street ends, the benefits accruing to and from adjoining parcels, safety issues, and a prospective licensee's ordinance compliance history.

Procedure: The street end licenses will be awarded each year consistent with this policy and the individual license agreements.

1. Licenses for each of the designated street ends shall be in writing and shall be signed by the appropriate City official (or officials) and the property owner, individual, or business involved.
2. All risks associated with the license, use of the street end, use of any dock, etc., shall be borne by the licensee (*i.e.*, the person, business, or property owner who enters into a particular license). The license will expressly provide that the City makes no representations with respect to the legal rights of the licensee to exclusive use of the street end or of any public facilities.
3. Each license shall be valid for only one year.
4. The street end area involved includes the water frontage and 15 feet landward of the shoreline or bulkhead line.
5. The license is not exclusive with regard to who can use a street end, and a right shall be reserved to members of the public to use of the street ends but not any dock.

6. The licensee may use a street end and the waters of the Kalamazoo River abutting the street end area for the purpose of boat docking, but for no other purpose or purposes unless specifically approved in writing by the City.
7. The licensee agrees that full ownership of any structures in or over the waters of the Kalamazoo River which abut the street end or which are located on the street end shall fully vest in the City upon installation and acceptance by the City. Furthermore, no such structure, dock, pier, or other item shall be installed without the prior written consent of the City. Finally, the licensee may not remove any dock, pier, or other structure upon the termination of the license, or claim any future interest or rights in the property.
8. The licensee shall not alter the street end area or undertake any new construction, or major repair work, or the installation of any structure or item of any kind or description on the licensed premises or in the waters of the Kalamazoo River abutting the licensed premises without the express prior written permission from the City.
9. The licensee agrees that they will, prior to commencement of construction, repair, or installation of any structure, obtain any and all applicable permits/approvals from the City of Saugatuck, as well as from the Michigan Department of Environmental Quality and/or the U.S. Army Corps of Engineers.
10. The licensee agrees to obtain (and maintain while the license is in effect) public liability insurance with limits of not less than \$1,000,000.00 for each person and \$1,000,000.00 for each occurrence of bodily injury, and \$1,000,000.00 for each property damage occurrence. The City shall be added as a co-insured or named insured on the policy. The licensee shall provide the City with a certificate of insurance or other written proof of insurance coverage satisfactory to the City prior to the time that the license commences. Furthermore, proof of such insurance shall also be provided to the City at any time that the City asks for proof of such insurance.
11. All licensees shall keep the licensed premises free of debris and in a neat, safe, and orderly condition, all structures and items in good repair and in a safe condition, and the licensed premises and any structures thereon in compliance with all federal, state and local laws.
12. Each licensee agrees and acknowledges that the public fire department, emergency service provider, police department and/or sheriff's department may, in the event of an emergency, training exercise, or other public usage, utilize the street end to temporarily place trucks or suction equipment in order to pump water from the Kalamazoo River and for other training or emergency rescue purposes. Each licensee also agrees that he/she will cooperate fully and promptly with the fire department, police department, sheriff's department, or other emergency service provider if and when an emergency arises regarding the use of the street end involved.
13. No licensee shall interfere with the orderly passage of members of the public, along with their personal effects, on any boardwalk which parallels the water, or in

passage over the street end involved, to and from the Kalamazoo River or Kalamazoo Lake. Nevertheless, the docking privileges specified in a particular license shall be exclusively for the benefit of that licensee.

14. Each license shall provide that the licensee releases any and all claims against the City (as well as its officials, officers, employees and agents) and will indemnify, hold harmless and reimburse the City (and its officials, officers, employees and agents) for, from and against any and all matters arising out of the license and the use of the street end area.
15. The City reserves the right, in its absolute discretion, to reject any or all proposals, to waive irregularities, informalities, or non-conformities in any submission, and to select the person or business deemed to have the relevant qualifications and ability to serve the best interests of the City.
16. The license may provide that any licensee that owns property adjoining a street end shall make some or all public facilities available to members of the public using that street end.

09805 (001) 326197.05



City Council Workshop Discussion Item

To: Saugatuck City Council
From: Cindy Osman—Planning/Zoning
Date: April 17, 2019
Re: Marihuana Survey Presentation

On December 26, 2018, City Council adopted an ordinance that charged the Planning Commission with the following.

“(c) Prepare and submit a report to the City Council by December 30, 2019, with a recommendation as to whether the City should authorize one or more types of marihuana establishments. If the Planning Commission recommends authorization, the report shall outline, in general terms, recommended regulations.”

At the March PC meeting the Commission appointed an ad hoc committee to prepare a citizen/business/property owner survey to help in fact finding to assist in coming to conclusions about this important issue.

The Committee spent many long hours coming up with this draft and will iron out any details at the April 18, 2019 Planning Commission meeting. The final survey will be available on Monday, April 22, 2019. It is anticipated that the survey will be mailed on or before April 30, 2019 and will have a return deadline of May 10, 2019.

No Council action is required.



Talk to us! We are listening!

**Share your thoughts on retail sales of medical and recreational
marihuana in the City of Saugatuck**

YOUR CITY. YOUR VOICE. BE HEARD!

The Saugatuck City Planning Commission and City Council are in the process of determining what, if any, retail sales of marihuana, both medical and recreational, should be allowed in our City. The first public hearing will be held on **May 16, 2019 at City Hall, 102 Butler Street at 7:00 PM.**

Listed below are some of facts about retail sales of marihuana. Please read them carefully as you prepare your comments for the public hearings. Written comments (paper or email) should be sent to Saugatuck City Hall, PO Box 86, Saugatuck MI 49453 or to Cindy@saugatuckcity.com

FACTS:

1. Cities may choose to permit, limit, or prohibit all retail sales of recreational or medical marihuana within their boundaries.
2. Smoking any type of marihuana is NOT permitted in any public place. Consumption on private property is allowed with the permission of the property owner.
3. Retail sales of any type of marihuana are not permitted within 1,000 feet of a school.
4. Recreational marihuana shall not be sold to persons less than 21 years of age.
5. Medical marihuana can only be sold to persons holding a registered patient or caregivers card.
6. Cities cannot prohibit the growing of 12 plants or less, possession, or consumption of medical or recreational marihuana on private property for personal consumption.
7. Smoking marihuana is only one form of consumption. There are edibles, tinctures, creams, etc.
8. Any business selling marihuana will need a State License, and a City License (if permitted).
9. Cities can establish reasonable restrictions on signs related to marihuana establishments; the time, place, and manner of operation of marihuana establishments and display of marihuana accessories.
10. Cities can authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age or at special events in limited areas and for a limited time.
11. Cities can designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.
12. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election.

TO: Saugatuck City Residents, Business Owners and Property Owners
FROM: Saugatuck City Council and Planning Commission
DATE:
RE: Retail Sales of Medical and Recreational Marihuana

The State of Michigan has legalized the sale of medical and recreational marijuana by legislation and referendum.

Cities may choose to permit, limit, or prohibit all retail sales of recreational and/or medical marihuana within their boundaries.

However, the State has imposed limitations. A retail outlet, whether Medical or Recreational, cannot be located within a thousand feet of a school, and cannot be in a residential zone district.

Consumption, that is by smoking, using edibles or tinctures, is not allowed in Medical facilities however, the State is still working on rules governing Recreational establishments, but it is likely that on-premise consumption will be allowed. There are other important limitations that you can review on our webpage at _____.

Currently, the City Council has acted to opt out of allowing any type of retail sales until the Planning Commission studies the issue. We need information to help us decide. Information gathered via this survey will be one of the many important tools that will help us decide to prohibit, limit, or permit sales of either Medical Marihuana, Recreational Marihuana, or both.

We invite you to take this survey. It should take only a couple of minutes of your time and is completely confidential. Your opinions about marihuana establishments in the City of Saugatuck are very important to us. Please return your completed questionnaire to City Hall in the provided envelope by (Month/Day/Year).

Thank you for helping us to make informed decisions.

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