



**CITY OF IONIA**  
**CITY COUNCIL**  
**REGULAR MEETING MINUTES**  
**AUGUST 6, 2019**  
**CITY HALL - COUNCIL CHAMBER**

**CALL TO ORDER**

Mayor Balice called the regular meeting of the City Council to order at 7:00 PM and led with the Pledge of Allegiance.

**ROLL CALL**

Roll call revealed that Councilmembers John Milewski, Jeff Winters, Gordon Kelley, Kim Patrick, Tom Millard, Janice Gustafson, Troy Waterman and Mayor Dan Balice present. Councilmember Tim Lee was excused.

**PUBLIC HEARING**

Mayor Balice opened the Public Hearing to receive comments on proposed Ordinance No. 543 which revises the City's regulations pertaining to consumer fireworks. No comments were received.

**APPROVAL OF MINUTES**

It was moved by Councilmember Patrick, seconded by Councilmember Millard to approve the July 2, 2019 regular meeting minutes.

Roll Call Vote:           Ayes: Milewski, Winters, Kelley, Patrick, Millard, Gustafson, Waterman and Mayor Balice  
                                  Nays: None  
                                  MOTION CARRIED

**OLD BUSINESS**

**Approve – Second Reading/Adoption – Ordinance No. 543 - Fireworks**

The City Manager reported that Council first reviewed proposed Ordinance No. 543 at the July meeting at which the Public Hearing on the proposed ordinance was scheduled for earlier in this meeting. Notice of the Public Hearing was published in the July 6, 2019 edition of the *Sentinel-Standard Weekender*. To date no comments have been received.

Michigan Public Act 256 addressing consumer use of fireworks took effect in 2011. Public Act 635 amends Public Act 256 and became effective on December 28, 2018. The 2011 act allowed for 30 specific dates that municipalities could not restrict the use of consumer fireworks. The 2018 act reduced the number of days protected by this restriction.

The City's current ordinance (Chapter 692) regarding fireworks is not consistent with State statute and needs to be updated. Enactment of Ordinance No. 543 updates the language as necessary.

It was moved by Councilmember Milewski, seconded by Councilmember Gustafson to remove from the table the matter of Ordinance No. 543 and permit the record of the August 6, 2019 meeting to reflect the second reading and adoption of Ordinance No. 543, an amendment to the General Offenses Code of the City Code regarding fireworks with said ordinance effective upon publication in the August 10, 2019 edition of the *Sentinel-Standard Weekender*.

**CITY OF IONIA**

**Ordinance No. 543**

**AN ORDINANCE TO AMEND CHAPTER 692 ENTITLED FIREWORKS OF PART SIX – GENERAL OFFENSES CODE – OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA**

**THE CITY OF IONIA HEREBY ORDAINS:**

**PART SIX – GENERAL OFFENSES CODE**

**Chapter 692 - Fireworks**

**Section 692.01 entitled Definitions shall be amended as follows:**

**692.01 DEFINITIONS.**

(a) “Consumer fireworks” shall mean fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507. “Consumer fireworks” does not include low-impact fireworks.

(b) “Firework” or “fireworks” shall mean any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects, as defined by the Michigan Fireworks Safety Act, Act 256 of 2011, as amended by Act 635 of 2018.

(c) “Low-impact fireworks” shall mean ground and handheld sparkling devices.

(d) “Minor” shall mean an individual who is less than 18 years of age.

**Section 692.02 entitled Governance shall be amended as follows:**

**692.02 GOVERNANCE.**

The sale, discharge, storage, transportation and distribution of fireworks in the City of Ionia shall be governed by the Michigan Fireworks Safety Act, Act 256 of 2011, as amended by Act 635 of 2018.

**Section 692.03 entitled Use of Low Impact Fireworks shall be amended as follows:**

**692.03 USE OF LOW IMPACT FIREWORKS.**

The use of low impact fireworks, as defined in the Michigan Fireworks Safety Act of 2011, as amended by Act 635 of 2018 (ground and handheld sparkling devices, shall be permitted year-round.

**Section 692.04 entitled Use of Consumer Fireworks shall be amended as follows:**

**692.04 USE OF CONSUMER FIREWORKS.**

Consumer fireworks use in the City of Ionia is limited to the day before, the day of, and the day after, a federal holiday, subject further to the following:

- (a) Consumer fireworks shall not be sold to a minor.
- (b) A minor shall not use, possess, explode or cause to explode any consumer fireworks, as defined herein, within the city.
- (c) A minor shall not buy, purchase, acquire or obtain any consumer fireworks, as defined herein, within the city.
- (d) A person shall not ignite, discharge, or use consumer fireworks upon another person's property or within 15 feet of another person's property without such property owner's permission. No person shall ignite, discharge, or use consumer fireworks on public property, public street or public right-of-way, school property, or church property without permission. A person shall not ignite, discharge or use consumer fireworks closer than ten feet from any building or structure on his or her property and on adjoining properties.
- (e) The ignition, discharge, or use of consumer fireworks shall be limited to the following days after 11:00 a.m.:

- (1) December 31 until 1:00 a.m. on January 1.
- (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (3) June 29 to July 4 until 11:45 p.m. on each of those days.
- (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.

~~For purposes of this chapter, federal holidays are: New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas.~~

~~(f) On the day before, the day of, and the day after a federal holiday, no person shall ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.~~

Roll Call Vote:           Ayes: Winters, Kelley, Patrick, Millard, Gustafson, Waterman, Milewski and  
                                  Mayor Balice  
                                  Nays: None  
                                  MOTION CARRIED

## **NEW BUSINESS**

### **Approve – Introduction/First Reading – Ordinance No. 544 – Water Well Restrictions (Dexter Street Zone)**

The City Manager reported that the City has received a request from Lakeshore Environmental, Inc., on behalf of Walters-Dimmick Petroleum which operates the Shell Spee-d-mart at 342 North Dexter Street to create a Dexter Street Water Well Restriction Zone. Lakeshore Environmental serves as Walters-Dimmick's environmental consultant in regards to the leaking underground storage tank at this location. Lakeshore Environmental is currently assisting its client in implementing certain institutional controls pertaining to the former leaking tank that comply with MDEQ requirements.

In working with MDEQ, Lakeshore was advised that the City currently has a water well restriction ordinance in place (Section 1040.21 of the City Code which was added by Council to address the landfill) which may be amended and new restricted zones established. Lakeshore has requested, pursuant to Section 1040.21(k) – Amendment; Repeal, that the City establish a new restricted zone (Dexter Street Restricted Zone) which, in this case, prohibits groundwater use below 4 parcels located on North Dexter Street.

The City's environmental attorney has reviewed the request and proposed amendment and has no objections.

It was moved by Councilmember Millard, seconded by Councilmember Kelley to permit the record of the August 6, 2019 meeting to reflect the introduction and first reading of Ordinance No. 544, an amendment to Section 1040.21 of the City Code establishing a Dexter Street Water Well Restriction Zone, and to schedule a Public Hearing regarding the proposed ordinance for 7:00 PM, Tuesday, September 3, 2019 at City Hall.

Roll Call Vote:           Ayes: Kelley, Patrick, Millard, Gustafson, Waterman, Milewski, Winters and Mayor Balice  
                              Nays: None  
                              MOTION CARRIED

### **Approve – Introduction and First Reading – Ordinance No. 545 – Rezoning of 420 South Steele Street from B-3 General Business District to L-1 Light Industrial District**

The City Manager reported that the City has received a request from Wayne Tollon (with approval from property owner CDH Properties) to rezone the property located at 420 South Steele Street (former Ionia Auto Glass) from B-3 General Commercial District to L-1 Light Industrial District. Mr. Tollon desires to have the property rezoned so that he can make application for the appropriate approvals to use the building/property as a medical marijuana grow facility. Grow operations in the City are only permitted in the L-1 district.

The Planning Commission conducted a Public Hearing on the request as part of its July 10<sup>th</sup> regular meeting. After discussing the request and reviewing the review memorandum prepared by the City's

planning consultant (Jan Johnson), the Commission voted (4-1) to recommend to Council that Mr. Tollon's request regarding the rezoning be approved. In order to rezone a property the City's official zoning map needs to be amended.

It was moved by Councilmember Winters, seconded by Councilmember Millard to accept the recommendation of the Planning Commission and permit the record of the August 6, 2019 meeting to reflect the introduction and first reading of Ordinance No. 545, an amendment to Appendix II of Title Six of Part Twelve of the City Code which, if approved, rezones the property located at 420 South Steele Street from B-3 General Commercial to L-1 Light Industrial, and to schedule a Public Hearing regarding the proposed ordinance for 7:00 PM, Tuesday, September 3, 2019 at City Hall.

Roll Call Vote:           Ayes: Patrick, Millard, Gustafson, Waterman, Milewski, Winters and Mayor Balice  
                              Nays: Kelley  
                              MOTION CARRIED

#### **Approve – General Engineering Services Agreement – FTC&H**

The City Manager reported that Fishbeck, Thompson, Carr and Huber (FTCH) currently serves as the City's engineer of record. FTCH's performance in this role is governed by the General Engineering Services Agreement dated December 13, 2002, as amended. The City Manager further stated that it is necessary to amend the General Engineering Services Agreement with FTCH to incorporate their new rate schedule.

It was moved by Councilmember Waterman, seconded by Councilmember Gustafson to approve the amendment to the General Engineering Services Agreement between the City and Fishbeck, Thompson, Carr and Huber which incorporates the rate schedule dated June 15, 2019 and authorize the City Manager to sign the amendment on behalf of the City.

Roll Call Vote:           Ayes: Millard, Gustafson, Waterman, Milewski, Winters, Kelley, Patrick and Mayor Balice  
                              Nays: None  
                              MOTION CARRIED

#### **Accept – Dial-A-Ride/FTA Procurement Policy**

The City Manager reported that Federal Transit Administration (FTA) policy now requires local transit agencies to have procurement (purchasing) policies that are consistent with FTA purchasing standards. This policy is to apply when a transit agency is making a purchase utilizing FTA funding and therefore does not conflict with local agency (City) purchasing policy since "local dollar" purchases are not impacted. FTA is requiring all transit agencies in Michigan to have comparable policies following the FTA template. In addition to addressing the actual bid solicitation process, the FTA template also establishes an appeals process that unsuccessful bidders can pursue which, ultimately, rests with a final decision by Council.

It was moved by Milewski, seconded by Councilmember Winters to approve the Ionia Dial-A-Ride “Transit Agency Procurement Policy” as recommended by the Federal Transit Administration.

Roll Call Vote:           Ayes: Gustafson, Waterman, Milewski, Winters, Kelley, Patrick, Millard and Mayor Balice  
                              Nays: None  
                              MOTION CARRIED

**Accept – Bid for Rooftop Heater Replacement - WWTP**

The City Manager reported that the FY19-20 IRUA Fund budget contains \$35,000 for replacing the roof top heater on the grit building at the wastewater treatment plant.

Bids specifications were prepared and distributed to five area firms. Three bids were received with the two lowest bids (Home Experts and Wilson’s) the local bids. FTC&H has recommended that the bid submitted by Wilson’s for \$24,100 be accepted. Although Home Experts bid was slightly lower at \$23,140, FTC&H has advised that Wilson’s has more experience with installations in an industrial setting. The Wilson’s bid also included a better warranty.

It was moved by Councilmember Patrick, seconded by Councilmember Winters to accept the bid submitted by Wilson’s Heating, Cooling & Plumbing for \$24,100 for replacing the rooftop heater on the grit building at the wastewater treatment plant and authorize the City Manager to sign the necessary contract documents.

Roll Call Vote           Ayes: Milewski, Winters, Kelley, Patrick, Millard, Gustafson, Waterman and Mayor Balice  
                              Nays: None  
                              MOTION CARRIED

**Accept – Bid for Garage Door Replacement – WWTP**

The City Manager reported that the FY19-20 IRUA Fund budget contains \$20,000 for replacing two overhead doors at the wastewater treatment plant. Bid specifications were recently prepared and distributed to area garage door firms. Two bids were received as follows:

Overhead Door, Grand Rapids	\$15,958.00
Quality Door, of Grand Rapids, Holland	\$18,143.00

Both bidders complied with the bid specifications. Acceptance of the low bid is recommended.

It was moved by Councilmember Millard, seconded by Councilmember Winters to accept the bid dated July 8, 2019 submitted by Overhead Door, Grand Rapids, for \$15,958.00 for replacing two

garage doors at the wastewater treatment plant and to authorize the City Manager to sign the necessary contract documents.

Roll Call Vote           Ayes: Winters, Kelley, Patrick, Millard, Gustafson, Waterman, Milewski and Mayor Balice  
                              Nays: None  
                              MOTION CARRIED

**Discussion – Recreational Marihuana**

Last fall, Michigan voters approved Proposal 18-1 which legalized recreational marihuana in Michigan. Municipalities in Michigan are now faced with deciding whether to permit recreational marihuana establishments in their communities.

If the decision is to permit recreational marihuana businesses per the MRTMA (Michigan Regulation and Taxation of Marihuana Act) then no action is required. In other words there is no need to “opt in” as was required with medical marihuana. If the decision is to “opt out” then an opt out ordinance is required.

The State Marihuana Regulatory Agency (MRA) issued emergency rules for adult use/recreational marihuana in early July and will begin accepting applications on November 1<sup>st</sup>.

Council discussed the pros and cons of opting out until the permanent rules are enacted by the State. It was the consensus of Council to have the City Manager propose an opt out ordinance to be review at the September meeting.

**MAYOR AND COUNCILMEMBER COMMENTS**

- Balice:           Excited to see all the new activity in downtown, particularly on the 400-block. Commented on the newly completed street projects and mentioned that he’s heard a lot of positive feedback about the double snorkel on Washington.
  
- Waterman:       Commented on the impressive new firetruck and the good job done by Public Safety with the house fire on Main.
  
- Gustafson:      Excited to see all the new activity on Main Street.
  
- Millard:         Apologized for the IFF parade mishap concerning the float for the Ionia Community Band. Excited for the growing downtown district.
  
- Patrick:         Thanked Heidi for planning the Dial-A-Ride bus in the IFF parade.
  
- Kelley:          Mentioned that he’s looking forward to a growing business district in downtown.
  
- Milewski:        Commented that he’s always thankful for our *free* Ionia Free Fair.

**ADJOURNMENT**

It was moved by Councilmember Kelley, seconded by Councilmember Millard to adjourn the regular meeting at 7:53 pm.

Voice Vote: MOTION CARRIED

Respectfully submitted:

Ally H. Cook, Clerk