

CITY COUNCIL MINUTES

City of Hillsdale

May 15, 2017

7:00 P.M.

Regular Meeting

Call to Order and Pledge of Allegiance

Mayor Scott Sessions opened the meeting with the Pledge of Allegiance.

Roll Call

Mayor Scott Sessions called the meeting to order.

Council Members present:	Scott M. Sessions, Mayor Adam Stockford, Ward 1 Brian Watkins, Ward 1 Timothy Dixon, Ward 2 William Morrissey, Ward 2 Bruce Sharp, Ward 3 William Zeiser, Ward 3 Matthew Bell, Ward 4 Patrick Flannery, Ward 4
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Council Members absent:	None
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Also present were: City Manager David Mackie, City Clerk Stephen M. French, City Attorney John Lovinger, City Attorney Tom Thompson, Bonnie Tew (Finance), Scott Hephner (HCPD/HCFD), Jake Hammel (DPS), Mike Barber (BPU), Chris McArthur (BPU), Alan Beeker (Zoning), Julie Beeker (Treasurer), John DeBacker (Zoning Board of Appeals), Laura Smith (Planning Commission), Scott Pienta (Hillsdale TV), Rick Caswell (Mastec), Bryan Monegham (Mastec), Andy Fitz (Mastec), Steve Wells (Mastec), Mike Flynn (WCSR), Corey Murray (Hillsdale Daily News), Lincoln Miller, Brian Norman, Ken Joswiak, Kevin Wolcott, Hermalinda Marshall, Paul Marshall, Dennis Wainscott, Ted Jansen, Don Scoville, James Galloway, and Ray Briner.

Approval of Agenda

City Manager Mackie noted a typographical error had been corrected on Attachment A with the Interdepartmental Loan between the Cemetery Perpetual Care Fund Resolution and the corrected version had been distributed to Council Members at the meeting.

Council Member Watkins, seconded by Council Member Bell, moved to approve the May 15, 2017 agenda as presented. By a voice vote, the motion carried unanimously.

Public Comment

Mr. John DeBacker of the Hillsdale Zoning Board of Appeals spoke in opposition to the proposed placement of the wireless communication tower on West Fayette Street. Mr. DeBacker argued the tower could be placed in a more appropriate location or co-located on an existing communication tower within the city. Mr. DeBacker stated the city should demand a higher monthly lease payment for the tower and perhaps require an agreement similar to an oil lease, with additional financial royalties and incentives.

Mr. Kevin Wolcott, 97 Westwood, spoke in favor of the communications tower and stated the tower would provide a vital service to the citizens and public safety officials within the City of Hillsdale. Mr. Wolcott argued the placement of the wireless communication would not negatively

affect the area any more than the railroad yard or fast food restaurants that were in the immediate vicinity.

Mr. Jack McLain, 1445 Bunn Road, requested the City Engineer produce a report on the construction of the communications tower as submitted by Mastec. Mr. McLain argued that if the tower fell, it would fall across the nearby river.

Consent Agenda

- A. Approval of Bills
 - 1. City Claims of May 5, 2017: \$145,679.24
 - 2. BPU Claims of May 5, 2017: \$165,316.13
 - 3. Payroll of May 4, 2017: \$148,249.95
- B. City Council Minutes of May 1, 2017 Regular Meeting
- C. Cemetery Board Meeting Minutes of February 2, 2017
- D. Shade Tree Committee Minutes of May 3, 2017
- E. April 2017 Code Enforcement Report
- F. Hillsdale Policy Group Progress Report

Council Member Flannery, seconded by Council Member Zeiser, moved to approve the Consent Agenda as presented.

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	Aye
	Council Member Morrissey	Aye
	Council Member Sharp	Aye
	Council Member Stockford	Aye
	Council Member Watkins	Aye
	Council Member Zeiser	Aye
	Mayor Sessions	Aye

Motion passed 9-0.

Communications/Petitions

No communications or petitions were on the meeting agenda.

Introduction and Adoption of Ordinance/Public Hearing

- A. Public Hearing: FY2018 City Budget

Mayor Sessions opened a public hearing at 7:07 p.m. to receive public comments regarding the FY2018 City Budget.

No comments were received.

Mayor Sessions closed the public hearing at 7:08 p.m.

City Manager Mackie stated the various resolutions would be presented to Council at the June 5, 2017 meeting to approve the budget and to levy taxes for the following year.

Responding to a question from Council Member Bell, City Manager Mackie stated city staff did not anticipate making any additional changes to the proposed budget document prior to the June 5, 2017 Council meeting.

B. Public Hearing for the AT&T Communications Tower

Mayor Sessions opened a public hearing at 7:10 p.m. to receive public comments regarding a request from the Mastec Corporation, on behalf of AT&T, to construct a new wireless communications tower on city property located at 60 W. Fayette St.

Mr. Jack McLain questioned if an on-going rezoning process that had been initiated through the Planning Commission would impact the construction application for the tower. Mr. McLain also questioned if the tower would be constructed in a wetlands or flood plain area.

Mr. Dennis Wainscott, 34 Garden Street, questioned the distance of the tower from Fayette Street, who would be responsible for constructing the access road, and the range of the tower compared to alternative sites in the city. Mr. Wainscott voiced support for the project as it would improve wireless phone service in the area, which would be especially vital during an emergency situation.

Mr. Ted Jansen, 104 Hillsdale Street, voiced support for the project and noted there was another tower only three blocks away at the Sheriff's Department. Mr. Jansen stated all of the other locations that had been researched did not meet the requirements of AT&T. Mr. Jansen stated perhaps the city could require the applicant to construct a larger parking lot at the tower site that could be used to accommodate the users of the nearby recreational trail. Mr. Jansen finalized his comments by encouraging the city to allocate the revenues received from the tower lease to the city's recreational programs.

Ms. Laura Smith voiced opposition to the location of the tower and encouraged the Council Members to delay approval of the site plan until alternative locations could be reviewed by city staff and Mastec. Ms. Smith discussed the Planning Commission's approval of the application, which had met all of the criteria outlined in the city's ordinances regarding communications towers. However, Ms. Smith stated the proposed site did not fit with the city's Master Plan and the application should be rejected by the City Council.

Mr. Lincoln Miller, 189 State Street, spoke in favor of the communications tower as the benefits of the tower outweighed the benefits of the passive recreational activities that were near the site. Mr. Miller stated his wife utilized the walking path on a daily basis and argued the new tower would not have a negative effect on those walking in the immediate area. Mr. Miller stated the site was properly zoned and city staff had exhausted any alternative locations for the tower.

Ms. Laura Smith encouraged the Council to delay action on the application until alternative locations could be researched.

Mr. Miller responded that city staff had vetted all of the alternative locations that had been considered for the project.

Mr. DeBacker stated the staff at WCSR had not received a final response from the applicant regarding the possibility of utilizing the radio station's tower for the AT&T equipment. Mr. DeBacker also encouraged AT&T customers with poor service to switch to other providers who had better coverage in the area. Mr. DeBacker stated there could be harm to the wildlife in the area if the tower was constructed in the immediate area.

Mr. Jack McLain questioned if the city had completed thorough site review to determine the area was clear of hazardous materials, as required in the lease agreement.

Mr. Ted Jansen encouraged the Council Members to request higher lease payments than what was proposed by the applicant.

Mayor Sessions closed the public hearing at 7:31 p.m.

Unfinished Business

There was no Unfinished Business on the agenda.

Old Business

There was no Old Business on the meeting agenda.

New Business**A. Site Plan and Lease Approval for the AT&T Communications Tower**

Zoning Administrator Alan Beeker provided a brief review of the request from Mastec to construct a new communications tower, which had been initiated nearly one year ago. Mr. Beeker stated city staff and Mastec had established four criteria for proper placement of the tower including a quarter-mile radius from the center-point location, the correct zoning, appropriate fall radius, and a site not within a flood plain or wetlands. Mr. Beeker stated the applicant had explored a number of potential locations including the former Stock's Mill site, co-locating on the WCSR radio tower, the city's Industrial Park, and on Hillsdale College property.

Mr. Beeker noted the Planning Commission had approved the site plan as presented by the applicant, but had requested the parties explore alternate locations for the tower prior to final approval from the Council. Mr. Beeker stated the Planning Commission's request had been reviewed and no alternate locations had been found to be appropriate.

Council Member Zeiser discussed the thorough process that had been undertaken by the applicant and city staff to find a suitable location for the communications tower.

Responding to a question from Council Member Stockford, Mr. Beeker stated all due diligence had been considered and completed in regards to this application.

Council Member Watkins questioned if potential locations were automatically eliminated from consideration if the property was not properly zoned. Mr. Beeker stated all locations were considered regardless of zoning, as special use permits or rezoning applications could have been proposed.

Mr. Andy Fitz, representing the Mastec Corporation, discussed the process utilized by the company to select communication tower sites. Mr. Fitz addressed Mr. Wainscott's earlier questions by reporting the company did review possibility of co-locating on the WCSR tower; however, the existing tower was located in a floodplain and could not support for the weight of the new AT&T equipment that would need to be placed on the tower. Mr. Fitz also indicated the Mastec Corporation would be responsible for the landscaping, access road, and fencing in regards to the proposed site plan. Mr. Fitz stated there was no specific range of coverage for the communications tower and no other alternative location had been found to the proposed site on West Fayette Street.

Mr. Rick Cogswell, Project Manager for the Mastec Corporation, discussed the alternate sites that were reviewed, including the WSCR and Hillsdale County Sheriff's Department towers and a location on the Hillsdale College campus. Mr. Cogswell noted that due to the downtown topography, the site location was very limited to an approximate radius of one-quarter mile. Council Member Bell questioned if the maximum search area could be shifted to a different location in the city. Mr. Cogswell stated the new communications tower must be a certain distance from an existing tower, while maximizing the number of customers served by the new tower. Mr. Cogswell noted the tower location was very limited based on the engineering requirements from AT&T.

Council Member Sharp discussed the poor wireless phone service in many parts of the city, which caused many residents to rely on land-line phones. Council Member Sharp stated cell phone service was very important in emergency situations and during a utility outage.

Responding to a question from Council Member Sharp, Mr. Cogswell stated the communications tower was engineered to withstand winds of 90 miles per hour.

Mayor Sessions voiced support for the proposed site plan and stated reliable wireless phone service was vital in emergency situations.

Council Member Stockford also discussed the importance of reliable cell phone service during emergency situations and noted many 911 calls had been dropped due to poor service reception.

Council Member Zeiser noted the nearby Sprint tower was 50 feet taller than the proposed AT&T tower, while the WCSR tower was almost twice as tall. Council Member Zeiser discussed the thorough review that had been completed by city staff for this site plan and commended their diligence during the process.

Council Member Sharp, seconded by Council Member Morrissey, moved to approve the Site Plan and Lease Approval for the AT&T Communications Tower as presented.

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	Aye
	Council Member Morrissey	Aye
	Council Member Sharp	Aye
	Council Member Stockford	Aye
	Council Member Watkins	Aye
	Council Member Zeiser	Aye
	Mayor Sessions	Aye

Motion passed 9-0.

B. **Resolution 3309:** A Resolution Authorizing an Interdepartmental Loan Between the Cemetery Perpetual Care Fund and the City of Hillsdale General Fund - Fire Department and Repayment Thereof.

City Manager Mackie reviewed the staff recommendation, which would allow an interdepartmental loan between the two funds to facilitate the purchase of a new fire engine. City Manager Mackie stated the Cemetery Fund would receive a very competitive return, while the city would have a lower interest rate than what had been submitted by outside lenders. City Manager Mackie stated the city anticipated the delivery of the new fire engine in early July 2017.

Finance Director Tew stated the recommendation was similar to an interdepartmental loan that had been completed between the Cemetery Perpetual Care Fund and the library in 2010. Ms. Tew noted the 2.8% return for loan was higher than any investment options currently available to the cemetery fund.

Council Member Watkins questioned the allowable expenses from the perpetual care fund to the cemeteries. Finance Director Tew stated the fund provided approximately \$12,000 to \$20,000 of annual interest that was used to offset the routine maintenance of the cemeteries. Ms. Tew noted the expense budget for the cemeteries averaged \$120,000 per year.

City Attorney Thompson provided information on the legal review that had been conducted in regards to the staff recommendation. Attorney Thompson stated a Security Agreement and Promissory Note would be drafted to protect the assets of the Perpetual Care Fund.

Council Member Flannery, seconded by Council Member Watkins, moved to adoption Resolution 3309: A Resolution Authorizing an Interdepartmental Loan between the Cemetery Perpetual Care Fund and the City of Hillsdale General Fund - Fire Department and Repayment Thereof.

Roll call:	Council Member Bell	Aye
	Council Member Dixon	Aye
	Council Member Flannery	Aye
	Council Member Morrissey	Aye
	Council Member Sharp	Aye
	Council Member Stockford	Aye
	Council Member Watkins	Aye
	Council Member Zeiser	Aye
	Mayor Sessions	Aye

Motion passed 9-0.

Miscellaneous

Council Member Watkins, seconded by Council Member Flannery, moved to appoint Mr. Eric Hoffman to the Hillsdale Board of Public Utilities (BPU). By a voice vote, the motion passed unanimously.

City Manager's Report

City Manager Mackie:

1. Thanked everyone for attending the meeting and offering comments regarding the communication tower.
2. The announcement of the Infrastructure Capacity Enhancement (ICE) Grant was scheduled for the week of May 22, 2017 and the city remained cautiously optimistic on receiving funding assistance for the Garden-Mead-Vine-Rippon Streets Project.
3. Noted Council Member Watkins had distributed a draft update to the city's Communications Tower Ordinance, which had been shared with the City Attorney and would be placed on the June 5, 2017 agenda for discussion.
4. Both the Library and the Housing Commission continued to solicit applications for their respective director vacancies.
5. A training session for Council Members would be scheduled in June or July 2017 in regards to the new state regulations involving the medical marijuana issue.
6. Invited everyone to attend the next "Coffee with Council" on May 17, 2017 at Rough Draft, 42 Union Street.

General Public Comment

Mr. Ted Jansen stated the lease revenue from the communications tower should be allocated to the parks, due to the many improvements that were necessary.

Mr. James Galloway, 9 Rippon Street, voiced support for the communications tower and questioned how the city drafted the ordinances. Mr. Galloway finalized his comments by thanking Council Members for their service to the community.

Mr. Corey Murray noted the poor appearance of Lakeview Cemetery and encouraged staff to mow and trim the grass before the Memorial Day holiday.

Mr. Kevin Wolcatt, 97 Westwood Street, questioned if it was permissible for residents to voluntarily clean the city creeks and for children to play in those areas.

DPS Director Hammel reported city staff had concentrated their attention on opening the city parks and would begin the spring clean-up of the cemeteries during the week of May 22nd. Mr. Hammel also recognized the efforts of city staff and volunteers who spread mulch and planted grass seed throughout areas of Sandy Beach during the past weekend.

Council Comments

Council Member Sharp thanked everyone who attended the meeting and commented on the installation of the new communications tower.

Council Member Stockford encouraged the public to attend the "Coffee with Council" event on May 17th at Rough Draft.

Mayor Sessions also thanked everyone who had attended the meeting and participated with the evening's discussion.

May 15, 2017

City Council Minutes

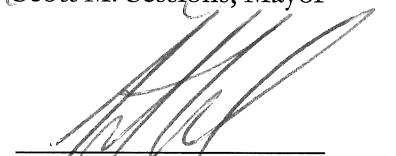
Adjournment

Council Member Watkins, seconded by Council Member Stockford, moved to adjourn the meeting. By a voice vote, the motion passed unanimously.

The meeting adjourned at 8:50 p.m.



Scott M. Sessions, Mayor



Stephen M. French, City Clerk