

Council Chambers
Hillsdale City Hall
97 N. Broad St.
Hillsdale, MI 49242

July 15, 2013
7:00 p.m.
(517)437-6441
www.cityofhillsdale.org

CITY COUNCIL MINUTES

City of Hillsdale
Regular Meeting

Call to Order and Pledge of Allegiance

Mayor Douglas Moon opened the meeting with the pledge of allegiance.

Roll Call

Mayor Douglas Moon called the meeting to order with the following Council members present: Council members Casey Sullivan and Brian Watkins representing Ward One; Council members Ruth Brown and Sally Kinney representing Ward Two; Councilmember Scott Sessions representing Ward Three; and Councilmember Mary Beth Bail representing Ward Four.

Also present were City Manager Linda Brown, Deputy City Clerk Michelle Loren, City Attorney Lew Loren, Bonnie Tew, Keith Richard, Rick Rose, Matt Durr (Hillsdale Daily News), Eric Rowley, CTI, David & Renee Rudnick, Charles Bullard, Joe Poston, Douglas Fosbender, Charles Rader, Tom & Teresa Donihue, Josh Mercer, Laura Smith, Eleanor Leutheuser, Eric Macy, Richard Alvarez, Kimberly Thomas, Grant Baker, Dan Clark, Dave McConnell, Adam Stockford, Brad Benzing.

Approval of Agenda

City Manager Linda Brown requested Consent Agenda Item F. Air Show Agreement be added to the July 15, 2013 Council Meeting Agenda.

Motion by Councilperson Watkins, supported by Councilperson Sessions, to approve the July 15, 2013 Agenda as amended.

All ayes.

Motion carried.

Public Comment

Ward Three Councilmember Mary Wolfram arrived at 7:04 p.m.

Laura Smith, 136 Hillcrest Drive, expressed her displeasure over Council's adoption of the 2013 City of Hillsdale Street and Storm Sewer Plan without prior review or public comment. Ms. Smith commented on the state of Hillcrest Drive and went on to question how it came to be that Hillcrest Drive was included in the 2003 Plan, but not in the 2013. Ms. Smith stated she is happy a plan has been compiled and commented it was a very good plan, but needed to be "tweaked" to include Hillcrest Dr. and the surrounding streets.

Eleanor Leutheuser, 135 Hillcrest Dr., addressed Council regarding the condition of Hillcrest Dr. as well.

Charles Bullard, not a City resident, made comment on the proposed parks ordinances up for adoption. Mr. Bullard asked if these ordinance changes would affect dock slip renters as well.

Consent Agenda

The items listed in the Consent Agenda are considered to be routine by the City Council and the City Manager and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Councilmember. In this event, the item will be removed from the Consent Agenda and Council action will be taken separately on said item.

- A. Approval of Bills of June 30, 2013: Claims of \$154,674.67 & Payroll of \$0; and July 4, 2013 Claims of \$14,676.15 & Payroll of \$99,053.53.
- B. Committee Reports (Pending Approval):
 - 1. Finance Minutes of June 24, 2013
- C. Council Minutes of July 1, 2013

- D. Overnight Parking
- E. HBA Use Agreement
- F. Air Show Agreement

Motion by Councilperson Brown, supported by Councilperson Watkins, to approve the Consent agenda as presented. Roll call: Councilpersons Bail – yes; Brown – yes; Kinney – yes; Sessions – yes; Sullivan – yes; Watkins – yes; Wolfram – yes; Mayor Moon – yes.

Approved 8-0.

Motion carried.

Ward Four Councilmember William Arnold arrived at 7:15 p.m.

Communications

Introduction and Adoption of Ordinances/Public Hearings

- A. An Ordinance to Amend Article II of Chapter 24 of the Code of the City of Hillsdale by Adding New Sections. At the July 1, 2013 meeting, Council set July 15, 2013 as the date to conduct a public hearing regarding the adoption of the above ordinance. The ordinance modifications were prompted by the revitalization of the Sandy Beach area following the Rotary Club's renovation of the beach house/concession stand. The proposed ordinance includes language regarding the use of grills, barbeques and campfire, animals, bicycling, skateboarding, roller skating, etc., smoking and the use of tobacco products, and parking restrictions.

Discussion amongst council members ensued mainly regarding smoking and grilling and designated/restricted areas that would apply.

Mayor Moon opened the public hearing for public comment.

Patrick Flannery, 160 Budlong Street, encouraged Council not to pass the no smoking in public parks. Mr. Flannery also suggested that, in regard to Section 24-40, sub section c, service "dogs" should be changed to service "animals".

Councilperson Brown asked City Manager to address some of the ordinance changes; particularly smoking. City Manager Brown stated that she had researched the no smoking in outdoor public facilities and found that it was becoming a common practice and also noted the hazards of cigarette filters to children as well as the environment. City Manager Brown made comment regarding the other ordinance issue as well.

Further Council discussion took place regarding designated areas for grilling and smoking as well as enforcement of the ordinances.

Motion by Councilperson Wolfram, supported by Councilperson Sullivan, to amend language in Section 24-40(c) to state "... *service dogs or other service animals...*". Roll call: Councilpersons Brown – yes; Kinney – yes; Sessions – yes; Sullivan – yes; Watkins – yes; Wolfram – yes; Mayor Moon – yes; Councilpersons Arnold – yes; Bail – yes.

Approved 9-0.

Motion carried.

Motion by Councilperson Watkins, supported by Councilperson Brown, to adopt Ordinance #3143 2013-4 to Amend Article II of Chapter 24 pending review of designated smoking areas in the parks and dock spaces by the City Manager. Roll call: Councilpersons Kinney – yes; Sessions – no; Sullivan – yes; Watkins – yes; Wolfram – yes; Mayor Moon – yes; Councilpersons Arnold – no; Bail – yes; Brown – yes.

Approved 7-2.

Motion carried.

ORDINANCE
2013-4
AMEND
ART. II
CHAPT 24

- B. Introduction and Adoption Obsolete Property Rehabilitation Act District – Public Hearing. City Manager Brown stated that, as explained at the last meeting, the Obsolete Property Rehabilitation Act was passed in 2000 and provides a tax incentive to encourage the redevelopment of obsolete buildings into vibrant commercial and mixed-use projects in that it allows the existing taxable value on a designated facility to be frozen for up to 12 years. This in turn provides incentive when making application for grants under the rental rehab program offered through MSHDA. At the July 1, 2013 meeting, Council set a public hearing date of July 15, 2013 for a public hearing to receive public comment prior to adoption of the District.

Motion by Councilperson Brown, supported by Councilperson Watkins, to redesignate the ordinance number assigned the Ordinance to Amend Chapter II as Ordinance 2013-4.

All ayes.

Motion carried.

Mayor Moon opened the public hearing.

Olivia Suwais, owner of the 8 S. Manning commercial building, stated that without the opportunity afforded by OPRA would be the difference between her family being able to reopen or letting the business go to the wayside.

Eric Rowley, part owner of the Allied Building, addressed Council stating the passing of the OPRA District will not solve the problems the City hopes it might. Mr. Rowley stated the reason companies do not relocate to Hillsdale is due to commercial/industrial electric and utility rates.

Mayor Moon opined the condition of the Allied building as well as other buildings in the City has more to do with the lack of turnover than anything. Mayor Moon further stated he had personally looked into utility rates and found local utility rates to be highly competitive.

Mayor Moon closed the public hearing and opened for Council discussion.

Councilperson Watkins stated he would like to see a similar program for residential property.

Councilperson Wolfram she would look into such programs. Ms. Wolfram went on to say she had been in the Allied building and would be willing to meet with Mr. Rowley.

Motion by Councilperson Arnold, supported by Councilperson Sessions, to approve Resolution #3143, to adopt the Obsolete Property Rehabilitation Act District and authorize the Mayor and Clerk's signatures on behalf of the City. Roll call: Councilpersons Sessions – yes; Watkins – yes; Wolfram – yes; Mayor Moon – yes; Councilpersons Arnold – yes; Bail – yes; Brown – yes; Kinney – yes.

RES. #
3143
OPRA

Approved 9-0.

Motion carried.

- C. Sidewalk Special Assessment Districts 2013-01, 2013-02, 2013 -03 – Public Hearing/Resolution. On July 1, 2013, Council established Special Assessment Districts 2013-01, 2013-02, and 2013-03 for sidewalk improvements. At that meeting Council set a date for a public hearing and adopt a resolution causing the special assessments to be made and directing the Board of Special assessors to meet, set a public hearing date for August 5, 2013 interested persons to be heard and set an additional public hearing for August 19, 2013 to confirm the assessment roll.

Mayor Moon opened the public hearing to receive public comment.

Charles Rader, 106 E. Sharp St., asked which would come first; the repair of Charles Street, or the repair of the sidewalks on Charles Street? Mayor Moon responded they would be done simultaneously. Mr. Rader then asked who pays for the repair of the sidewalks to which Mayor Moon responded 75% is charged to the homeowner and 25% to the City. The homeowner expense is deferred on their property tax at 6% over a period of 10 years. Mr. Rader asked if the homeowner can do the sidewalk repair on

their own. Mayor Moon responded as long as it is done to City specs with City approval. Mr. Rader asked when the project would start. City Manager Brown stated the project is scheduled to start the first part of September. City Manager Brown stated sidewalks would be bid out with the street construction.

Dave Rudnick, 37 Charles Street, asked questions regarding the bid process for the street and sidewalk projects and how pricing is set.

Richard Alvarez, 38 E. Lynwood, stated that the homeowner prior to him had paved their driveway over the sidewalk and that when he repaved, he had been allowed by the City to do the same. Mr. Alvarez questioned that now that the Lynwood was receiving sidewalk repair, and his driveway will be torn up, will the sidewalk be brought back up to grade in order to sit flush with his driveway? Mayor Moon stated yes and referred to DPS Director for approval.

Mayor Moon closed the public discussion and opened the floor for council discussion.

Councilperson Brown asked if, because of the heavy traffic on Charles Street during fair week is this the best time to begin the Charles Street project.

Motion by Councilperson Watkins, supported by Councilperson Sullivan, to approve Special Assessment District 2013-01 (Resolution #3144). Roll call: Councilpersons Sullivan – yes; Watkins – yes; Wolfram – yes; Mayor Moon – yes; Councilpersons Arnold – yes; Bail – yes; Brown – yes; Kinney – yes; Sessions – yes. Approved 9-0. Motion carried.

Motion by Councilperson Sessions, supported by Councilperson Arnold, to approve Special Assessment District 2013-02 (Resolution #3144). Roll call: Councilpersons Watkins, - yes; Wolfram – yes; Mayor Moon – yes; Councilpersons Arnold – yes; Bail – yes; Brown – yes; Kinney – yes; Sessions – yes; Sullivan – yes. Approved 9-0. Motion carried.

Motion by Councilperson Watkins, supported by Councilperson Sessions, to approve Special Assessment District 2013-03 (Resolution #3144). Roll call: Councilpersons Wolfram – yes; Mayor Moon – yes; Councilpersons Arnold – yes; Bail – yes; Brown – yes; Kinney – yes; Sessions – yes; Sullivan – yes; Watkins – yes. Approved 9-0. Motion carried.

Unfinished Business

None

Old Business

None

New Business

- A. Award of Bid – Purchase of Police Vehicle. City Manager Brown stated that bids had recently been solicited for the purchase of a new police vehicle with one bid having been received by local dealer Ken Stillwell Ford-Mercury, Inc. in the amount of \$26,347.00 which was approximately 2.5% higher than the State bid, however; the Local Vendor Bid Preference Policy allows Council to award the bid to Stillwell if so desired.

Motion by Councilperson Brown, supported by Councilperson Arnold, to approve the bid submitted by Ken Stillwell Ford-Mercury, Inc. Roll call: Mayor Moon – yes; Councilpersons Arnold – yes; Bail – yes; Brown – yes; Kinney – yes; Sessions – yes; Sullivan – yes; Watkins – yes; Wolfram – yes.

Approved 9-0.

Motion carried.

Miscellaneous

Information Only - A letter was received from County National Bank thanking the City for working with them on resolving the July 4th parade issues and asking that a later parade time be considered for next year.

RES # 3144
SPEC. ASSESS
DISTR.

Purchase
POLICE
VEHICLE
BID

General Public Comment

None

Council Comment

Councilperson Wolfram referred to a note received by a resident of Stony Ridge questioning the amount of taxes paid by residents in that community in alignment with services received by the City. Discussion ensued, in regarding street maintenance/plowing in particular. It was explained that when the private street was constructed by the developer of Stony Ridge, it was not built to City specifications and was therefore was declined City maintenance. Councilperson Brown stated the street had been signed off of by a City engineer. Mayor Moon stated it was approved as a private street which falls under different specifications.

Councilperson Wolfram announced several dates of local events.

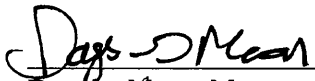
Mayor Moon addressed resident Laura Smith regarding an email he received from her to acknowledge her sentiment on the streets issue.

Adjournment

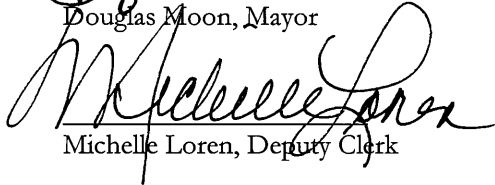
Motion by Councilmember Arnold, seconded by Councilmember Sessions, to adjourn.

Motion carried.

8:39 p.m.



Douglas Moon, Mayor



Michelle Loren, Deputy Clerk