

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

July 21, 2014
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 Scott Sessions opened the meeting with the pledge of allegiance.

Roll Call

Motion by Councilperson Watkins, supported by Councilperson Davis, to excuse the absence of Councilperson Flannery from the July 21, 2014 meeting.

All ayes.

Motion carried.

Mayor Scott Sessions called the meeting to order with the following Council members present: Council members Brian Watkins and Adam Stockford representing Ward One; Council members Sally Kinney and Timothy Wells representing Ward Two; Council members Emily Stack-Davis and Bruce Sharp representing Ward Three; and Councilmember Mary Beth Bail representing Ward Four.

Also present were City Manager Linda Brown, City Attorney Lewis Loren, Deputy Clerk Michelle Loren, Kay Freese (HR), Rick Rose (BPU), Kim Thomas (Assessor), Alan Beeker (Planning/Zoning), Judy Buzo (Dial-a-Ride), Keith Richard (DPS), Julie Beeker, Jeff King, Scott Hephner (HCPD), Ed Angellotti, Marion Griffiths, David Griffiths, Pat Ransford, Todd Wingate, Eric Macy, (Nonik), Richard Smith, Andy Barrand (Daily News), Shirley VanArsdalen, James Scheibner (Airport Manager), Nate Rusk (BPU), Richard Lambright.

Approval of Agenda

City Manager mentioned the minutes of the July 17, 2014 Operations and Governance meeting had been submitted by Councilperson Stack-Davis and had been passed out for review. Mayor Sessions suggested they be placed under *Old Business, Item C. Assistant to the City Manager*.

Motion by Councilperson Kinney, supported by Councilperson Davis, to approve the agenda of the July 7, 2014 regular meeting with the requested changes.

All ayes.

Motion carried.

Public Comment

Jeff King, Cambria Township, addressed Council encouraging the creation of an Airport Committee.

Mary Wolfram, HPG/Economic Consultant, addressed Council regarding the zoning issues recessed from the July 7, 2014 for discussion at the July 21, 2014. Ms. Wolfram encouraged Council to extend the RM-1 multiple family ordinance amendments to the B2 district.

Consent Agenda

- A. Approval of Bills from claims of July 3, 2014; Claims of \$69,850.38; Payroll of \$95,949.08.
- B. Committee Reports:
 1. Planning Commission Minutes of June 17, 2014
 2. O & G Minutes of July 17, 2014
- C. Council Minutes of July 7, 2014

Motion by Councilperson Davis, supported by Councilperson Watkins, to approve the Consent Agenda as presented.

Roll call: Councilpersons Stack-Davis – yes; Kinney – yes; Sharp – yes; Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Bail – yes.

Approved 8-0.

Motion carried.

Communications and Petitions

None

Introduction and Adoption of Ordinances/Public Hearings

A. Zoning Ordinance Amendments.

The Public Hearing regarding Zoning Amendments had recessed at the July 7, 2014 to reconvene at the July 21, 2014 meeting.

Mayor Sessions reopened the public hearing

Approved 9-0.

Motion carried.

Mayor Sessions opened the public hearing regarding a zoning amendment to Chapter 26, Sections 26-1 through and including 26-20 of Division 4 of Article I Sign Ordinance.

There was no public comment.

There was no Council discussion.

Motion by Councilperson Watkins, supported by Councilperson Stack-Davis, to approve Ordinance #2014-4 to amend Chapter 26, Sections 26-1 through and including 26-20 of Division 4 of Article I Sign Ordinance. Roll call: Councilpersons Kinney – yes; Sharp – yes; Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes.

Approved 8-0.

Motion carried.

Mayor Sessions opened the public hearing regarding a zoning amendment to Chapter 36, Sections 36-211 through and including 36-213, of Article III, Division 4, RM-1 Multiple-Family Residential District.

No public comment.

Councilperson Stockford asked that RD-1 and RD-2 be added to the amendment. City Attorney Loren stated this cannot be done as the public hearing was not being held on that amendment and was not being heard at this time. He advised it could go back to Planning Commission for amendment. Discussion ensued regarding how Council is to go about proposing and amending ordinance without Planning Commission recommendation. Zoning Administrator Alan Beeker stated the only request for revision received by the Planning Commission was with regard to the RM-1 amendments. Mr. Beeker acknowledged Councilpersons Stockford and Stack-Davis' desire to amend RD-1, RD-2 and the extension of B-2, but encouraged them to pass the RM-1 Multiple-Family Residential District as presented and approach Planning Commission with the others. Councilperson Stack-Davis asked that those homes affected by the amended zoning ordinances not be sited at this time. Councilpersons Wells and Stack-Davis expressed concern for the housing situation for returning college students. It was explained that, because it hadn't been enforced for several years, the City would not issue citations.

Mary Wolfram gave explanation of why the extension into B-2 rather than RD-1.

Motion by Councilperson Davis, supported by Councilperson Watkins, to approve Ordinance 2014-5 to amend Chapter 36, Sections 36-211 through and including 36-213, of Article III, Division 4, RM-1 Multiple-Family Residential District. Roll call: Councilpersons Kinney – yes; Sharp – yes; Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes.

Approved 8-0.

Motion carried.

Mayor Sessions opened the public hearing regarding a zoning amendment to Chapter 36,

PUBLIC
HEARING
ZONING
AMENDMENTS

ORDINANCE
2014-4
APPROVED

ORD.
2014-5
APPROVED

Section 36-411 of Part III, Article III, and Division 16 Limitations on Height, bulk, density and area by land use; RM-1 Schedule of Regulations.

No public comment.

No council comment.

Motion by Councilperson Watkins, supported by Councilperson Sharp, to adopt Ordinance #2014-6 RM-1 Schedule of Regulations. Roll call: Councilpersons Sharp – yes; Stockford – yes; Watkins- yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes; Kinney – yes; Sharp – yes.

ORD #
2014-6
APPROVED

Approved 8-0.

Motion carried.

Mayor Sessions opened the public hearing for comment regarding a zoning amendment to Chapter 36, Sections 36-272, 273 of Article III, Division 7 Principal Uses Permitted and Uses Subject to Special Conditions; B-2 Central Business District.

No public comment was made.

Councilperson Wells asked for clarification regarding multiple-family use in regard to the B-2 District.

Motion by Councilperson Watkins, supported by Councilperson Bail, to adopt Ordinance #2014-7 amending Chapter 36, , Sections 36-272, 273 of Article III, Division 7 Principal Uses Permitted and Uses Subject to Special Conditions; B-2 Central Business District. Roll call: Councilpersons Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes; Kinney – yes; Sharp – yes.

ORD #
2014-7
APPROVED

Approved 8-0.

Motion carried.

Mayor Sessions opened the public hearing for comment regarding a zoning amendment to Chapter 36, Section 403, C-1 College District.

PUBLIC
HEAR.
CHPT 36
SEC. 403
C-1
COLLEGE
DISTRICT
MOTION
FAILED

Marion Griffiths 258 Union Street addressed Council on behalf of herself, her husband, David Griffiths and her friend and neighbor, Pat Ransford, 250 Union Street. Ms. Ransford stating support of the amendment; specifically, the requirement "to preserve the unique character and quality of the physical environment of the city... Any alteration to existing or construction of new facilities should harmoniously reflect the overlying character of the surrounding environs." Ms. Griffiths stated the construction of the Bierman Center built in the neighborhood and visible from there homes would not meet this criteria and seems more appropriate in a commercial zone. It does not compliment the neighborhood and has an effect on property values. This statement of intent is essential.

Councilperson Wells agreed with the intent of the language, but felt the language was too vague and should be better defined and a variety of applications. Mr. Wells also had concern about potential problems 5-10 years down the road.

Councilperson Stack-Davis also felt the language was too vague. Ms. Davis also questioned who would enforce and who would have aesthetic judgment over these decisions. Ms. Davis went on to express her discontent with the Planning Commission's response when the matter was sent back to them for review.

Councilperson Watkins stated the C-1 District has the most potential to change and encroach on existing neighborhoods. Mr. Watkins felt it is important for residents to have some voice in what happens within their neighborhoods.

Councilperson Davis questioned the intention of the amendment felt the College was being singled out and possibly constricted as to what will or won't be allowed by the City in the future. Ms. Davis didn't feel the College should have to get City approval for how the college should build. Councilperson Watkins explained that all commercial building plans must go through Planning Commission.

A lot of discussion followed.

Motion by Councilperson Watkins, supported by Councilperson Kinney, to adopt a zoning amendment to Chapter 36, Section 403, C-1 College District. Roll call: Councilperson Wells

– no; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – no; Kinney – yes; Sharp – no; Stockford – no; Watkins – yes.

Motion Failed 4-4.

Motion by Councilperson Stack-Davis, supported by Councilperson Wells, to strike the language "...to preserve the unique character and quality of the physical environment of the city... Any alteration to existing or construction of new facilities should harmoniously reflect the overlying character of the surrounding environs." Roll call: Mayor Sessions – no; Councilpersons Bail – no; Stack-Davis – yes; Kinney – no; Sharp – yes; Stockford – yes; Watkins – no; Wells – yes.

Motion Failed 4-4

Motion by Councilperson Stack-Davis, supported by Councilperson Stockford, to refer Chapter 36, Section 403, C-1 College District back to Planning Commission for further review. Roll call: Councilpersons Bail – yes; Stack-Davis – yes; Kinney –no; Sharp – yes; Stockford – yes; Watkins – no; Wells – yes; Mayor Sessions – yes.

Approved 6-2.

Motion carries.

Mayor Sessions opened a public hearing to hear comment regarding the rezoning of property at 195 N. Manning and amending Chapter 36, Section 36-143 of Division 1, of Article III.

No public comment.

After brief discussion, Councilperson Watkins, supported by Councilperson Stockford, moved to approve the rezoning and adopt Ordinance #2014-8 amending Chapter 36, Section 36-143 of Division 1, of Article III. Roll call: Councilperson Stack-Davis – yes; Kinney – yes; Sharp – yes; Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilperson Bail – yes.

Approved 8-0.

Motion carried.

PUBLIC HEAR. CHPT 36 SEC 36-143 DIV 1 ART III ORD. # 2014-8 APPROVED

Unfinished Business

- A. Local Streets Maintenance: None
- B. Code Enforcement. 55 S. Broad Street – City Manager Brown stated that, since Council lifted the order to demolish at the last council meeting, there has been no progress or compliance other than the mowing of the lawn. Alan Beeker stated the tax payment deadline had come and gone, funding had not been put in place and only two estimates for home improvements have been received. The contractor shared with Code Enforcement that he had not received any payment from the home owner for his services at this time.

55 S BROAD ST.

Motion by Councilperson Watkins to reinstate the demolition order.

Councilperson Wells reminded Council of the July 30 deadline it had granted in order to give the contractor/property manager to get things in place and suggested they stand by that date.

Councilperson Watkins withdrew his motion.

City Manager Brown stated she would put the matter on the August 4, 2014 agenda for further consideration after the July 30 deadline.

- C. Clerk/Treasurer Duties and Hours.

Old Business

- A. Charter Amendments. City Manager Brown stated that, after sending ballot language regarding the appointment of the clerk and treasurer positions during a vacancy, City Attorney Loren had received word back from the Attorney General's office requesting a couple minor changes to the language. City Manager Brown presented asked that Council approve the Amended Resolutions to submit back to the Attorney General's office for approval for the November, 2014 ballot.

CHARTER AMENDMENTS CLERK/TREASURER BALLOT LANG. RES. 3180 APPROVED

Motion by Councilperson Watkins, supported by Councilperson Wells, to approve Amended Resolution No. 3180 regarding the appointment of the Clerk's position during a vacancy and submit it to the Attorney General's office for ballot language approval. Roll call: Councilperson Kinney – yes; Sharp – yes; Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes.

Approved 8-0.

Motion carried.

Motion by Councilperson Watkins, supported by Councilperson Bail, to approve Amended Resolution No. 3181 regarding the appointment of the Treasurer's position during a vacancy and submit it to the Attorney General's office for ballot language approval. Roll call: Councilperson Sharp – yes; Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes; Kinney – yes.

RES.
NO.
3181
BALLOT
LANGUAGE

Approved 8-0.

Motion carried.

- B. Budget Reductions. City Manager Brown presented a list of ideas for budget reductions or revenue generation within the various departments. After some light discussion, it was decided to take an overall look at the Fee Schedule and have Council review it as a whole. Councilperson Stack-Davis did, however move to implement a \$10 notary fee for the applying for a Peddlers/Solicitors Permit. Motion seconded by Councilperson Watkins. Roll call: Stockford – yes; Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes; Kinney – yes; Sharp – yes.

BUDGET
REDUCTIONS
NOTARY
FEE
INCREASE
\$10.00
APPROVED

Approved 8-0.

Motion carried.

- C. O & G.

Motion by Councilperson Stockford, supported by Councilperson Watkins, to approve the O&G Committee minutes of July 1, 2014. Roll call: Councilperson Watkins – yes; Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes; Kinney – yes; Sharp – yes; Stockford – yes.

O&G
AUTHORIZE
TO NEGOTIATE
CONTRACT
DOUG
TERRY

Approved 8-0.

Motion carried.

O & G Chair, Councilperson Stack Davis, gave an overview of the July 17, 2014 meeting of the Operations and Governance Committee in regards to an assistant to the City Manager. Overall, it was determined that Doug Terry has the qualifications to step in while City Manager Brown takes leave.

Discussion ensued regarding a succession plan. Motion by Councilperson Watkins, supported by Councilperson Stockford, to refer the matter of creating a plan of successions to Operations and Governance for further review and recommendation.

All ayes.

Motion carried.

Motion by Councilperson Watkins, supported by Councilperson Stack-Davis, to authorize the negotiation of a contract for services with Doug Terry. Roll call: Councilperson Wells – yes; Mayor Sessions – yes; Councilpersons Bail – yes; Stack-Davis – yes; Kinney – yes; Sharp – yes; Stockford – yes; Watkins – yes.

Approved 8-0.

Motion carried.

New Business

- A. Sewer Fund Deficit Elimination Plan – BPU

Motion by Councilperson Kinney, supported by Councilperson Stockford, to approve Resolution #3182, City of Hillsdale Board of Public Utilities Deficit Elimination Plan. Roll

RES #.
3182
APPROVED
BPU

call: Mayor Sessions – yes; Councilpersons Bail -- yes; Stack-Davis – yes; Kinney – yes; Sharp – yes; Stockford – yes; Watkins – yes; Wells – yes.

Approved 8-0.

Motion carried

B. Airport Committee.

Motion by Councilperson Stack-Davis, supported by Councilperson Watkins, to refer the matter of creating an Airport Committee to the Community Development Committee for research and recommendation.

All ayes.

Motion carried.

General Public Comment

None

Council Comment

Councilperson Stack – Davis mentioned that, at the last Public Services meeting with Dial-a-Ride staff, it was decided Dial – a – Ride would attend some of the school orientations so those attending the schools can see how nice of an operation it is.

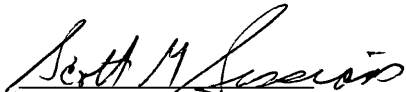
Councilperson Sharp requested a Public Safety Committee meeting date be set in the near future.

Motion to adjourn by Councilperson Kinney, supported by Councilperson Watkins.

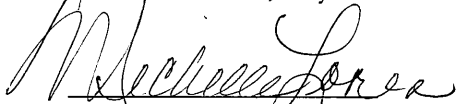
All ayes.

Motion carried

9:15 p.m.



Scott M. Sessions, Mayor



Michelle Loren, Deputy City Clerk